

**File No.:** MA-RZ-2015.1  
Capital Regional  
District

**To:** Mayne Island Local Trust Committee  
For the meeting of September 30, 2015

**From:** Gary Richardson, Island Planner

**CC:** Robert Kojima, RPM

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**Re: Proposed Zoning Amendment - Water Lease No. 112548 (DL 2070)  
Horton Bay, Mayne Island**

**Owner:** Capital Regional District  
**Applicant:** Capital Regional District  
**Description:** Water Lease No. 112548 (DL 2070) Horton Bay, Mayne Island

## PRELIMINARY REPORT

### THE PROPOSAL:

The application is requesting that the zoning on water lease No. 112548 be changed from Water Moorage (W2) to a zone that will allow for the construction and operation of a public dock facility and boat ramp. The proposed plan of the dock facility and boat launch are shown on attachment 1.

The applicant is also proposing improvements to the upland access (Anson Road) to service the proposed dock facility and boat ramp.

### BACKGROUND:

The Capital Regional District (CRD) operates a number of public dock facilities across the Southern Gulf Islands under the Southern Gulf Islands Harbours Commission service. Under this service the CRD acquired a water lot lease fronting Anson Road in 2007. There has been interest in developing a dock facility at Anson Road for several years.

The application states that there is a shortage of public dock facilities on Mayne Island and that if this facility is constructed it will serve as a key facility for Mayne Island residents, emergency access and evacuation, and act as a portal allowing transportation between Mayne and the surrounding islands. There is an existing public dock in Horton Bay owned by the Small Craft Harbours Branch of Fisheries and Oceans, which from casual observation appears to be at capacity all year.

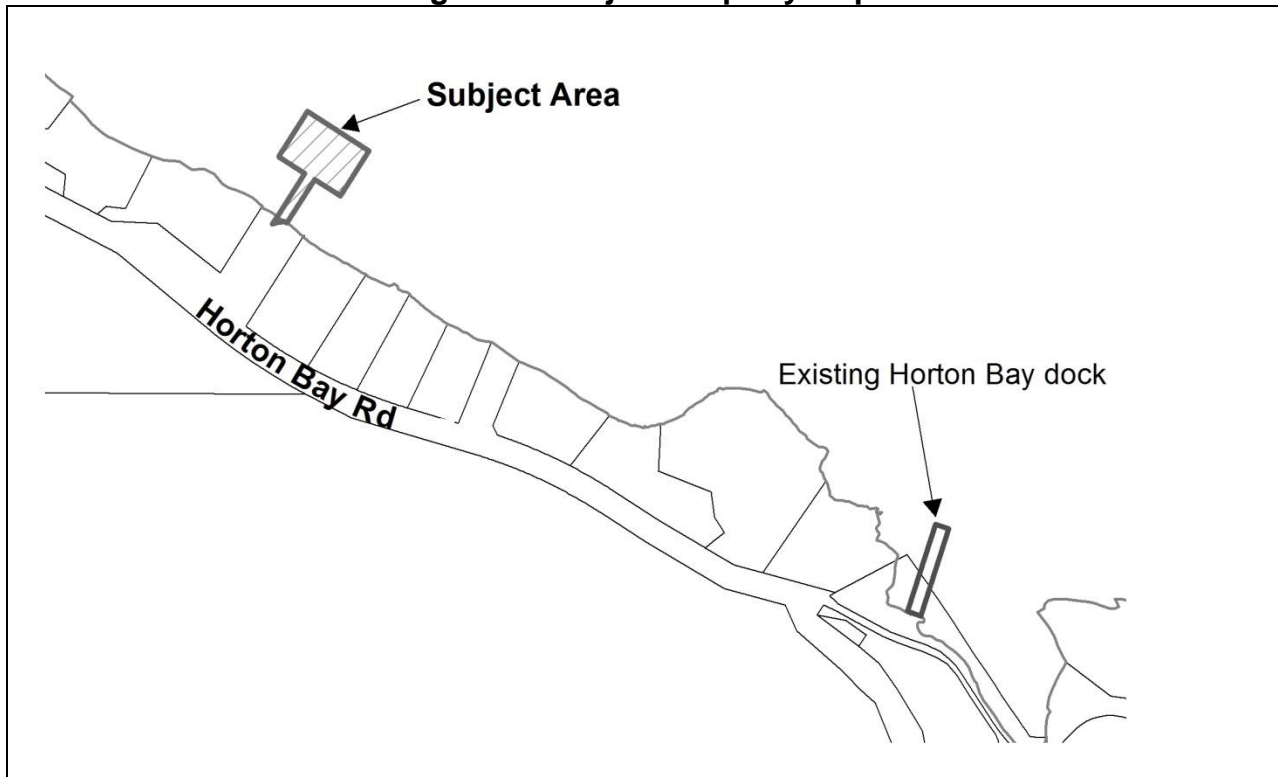
**SITE CONTEXT:**

The lease area is 0.2830 hectares in size and is located in Horton Bay. Horton Bay, protected by Curlew and Samuel Islands, is a popular location for boaters to moor their boats to mooring buoys (as can be seen on the photos contained in this report).

There is a dedicated highway (Anson Road) that provides unpaved access to the lease area from Horton Bay Road. The upland area that is to be used to access the lease slopes down from Horton Bay Road to the foreshore. The portion of Anson road closest to the lease area is saturated with water in the winter months preventing motor vehicle access. To allow all-weather access to the foreshore and sufficient off-street parking, Anson Road would need to be constructed to a higher standard.

The surrounding area consists of residential waterfront lots ranging in size from 0.3 ha to 0.5 ha.

**Figure 1: Subject Property Map**



**Figure 2: Orthophoto of Subject Area**



**Figure 3: Orthophoto of Subject Area**



**Figure 4: Photo from Existing Access Stairs at end of Anson Road**



## **CURRENT PLANNING STATUS OF SUBJECT LANDS:**

### Islands Trust Policy Statement:

Excerpts relevant to this application:

#### *3.4 Coastal and Marine Ecosystems*

##### *Directive Policies*

*3.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.*

*3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.*

#### *4.5 Coastal Areas and Marine Shorelines*

##### *Directive Policies*

- 4.5.8 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.*
- 4.5.9 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.*
- 4.5.10 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.*
- 4.5.11 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.*

## 5.5 Recreation

### *Directive Policies*

5.5.4 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:*

- *the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and*
- *the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.*

5.5.5 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:*

- *the identification of sites providing safe public access to beaches,*
- *the identification and designation of areas of recreational significance, and*
- *the designation of locations for community and public boat launches, docks and anchorages.*

## Official Community Plan

Excerpts relevant to this application:

### 3.1.2 Water Transport

*Objectives - 3) to ensure provision of water access by boat to the island.*

*Policies - 3.1.2.2) Commercial marinas shall be primarily for local use, subject to rezoning, and environmental regulations.*

*Advocacy Policies – 3.1.2.8) The sharing of community docks and private wharfs for residential use shall be encouraged.*

### 4.2.1 Coastal Waters and Foreshore

*Objectives 1) to protect coastal areas from pollution  
2) to ensure that any use of coastal waters and foreshore does not result in permanent damage to the natural systems  
3) to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline.*

*Policies 4.2.1.1 Marshes, bluffs and beaches along the coast shall be protected from the impacts of development by ensuring foreshore zoning protects against disruption of the natural systems and pollution.*

*4.2.1.4 Public recreational use of the foreshore shall be given priority over other foreshore uses.*

*4.2.1.9 Marinas shall be subject to site specific zoning and environmental impact assessment and in assessing a rezoning for a marina the provision of toilet facilities should be considered.*

### 4.2.2 Public Access to the Foreshore

*Objectives – 3) to ensure access to all boaters at all tides and all weather with the construction of a dock, ramp and pump out station constructed at the Anson Road beach access.*

### 4.3.2 Environmentally Sensitive Areas

*Policies*

*4.3.2.1.1 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.*

- 4.3.2.2 *Development Permit Areas should be applied to environmentally sensitive areas.*

## Land Use Bylaw

The lease area is currently zoned Water Moorage (W2) in Mayne Island Land Use Bylaw No. 146, 2008.

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### **5.21 Water Moorage (W2) Zone**

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*The purpose of the Water Moorage Zone is to provide for and regulate accessory private moorage on the foreshore and marine waters adjacent to Mayne Island.*

#### **Permitted Uses**

- (1) *The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:*
- (a) *Marine navigational aids;*
  - (b) *Docks, accessory to the residential use of an upland lot or lots abutting the natural boundary of the sea.*

*For certainty, no building may be constructed or erected on any dock and no commercial or industrial use may be conducted on any structure in the W2 zone.*

#### **Siting and Size**

- (2) *The maximum height of any structure is 5 metres (16.4 feet), as measured from the ordinary high water mark.*

The upland area (Anson Road) is currently zoned Settlement Residential (SR) in Mayne Island Land Use Bylaw No. 146, 2008. The following lists the permitted uses in the SR zone:

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### **5.1 Settlement Residential (SR) Zone**

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*The purpose of the Settlement Residential Zone is to provide regulations for the development of residential neighbourhoods.*

## ***Permitted Uses***

- (1) *The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:*
  - (a) *Residential;*
  - (b) *Cottage;*
  - (c) *Accessory uses buildings and structures, including but not limited to home occupations.*

## **Sensitive Ecosystems and Hazard Areas**

The Local Planning Services Sensitive Ecosystem Mapping (SEM) does not show any sensitive terrestrial ecosystems on the upland area (Anson Road).

## **Archaeological Sites**

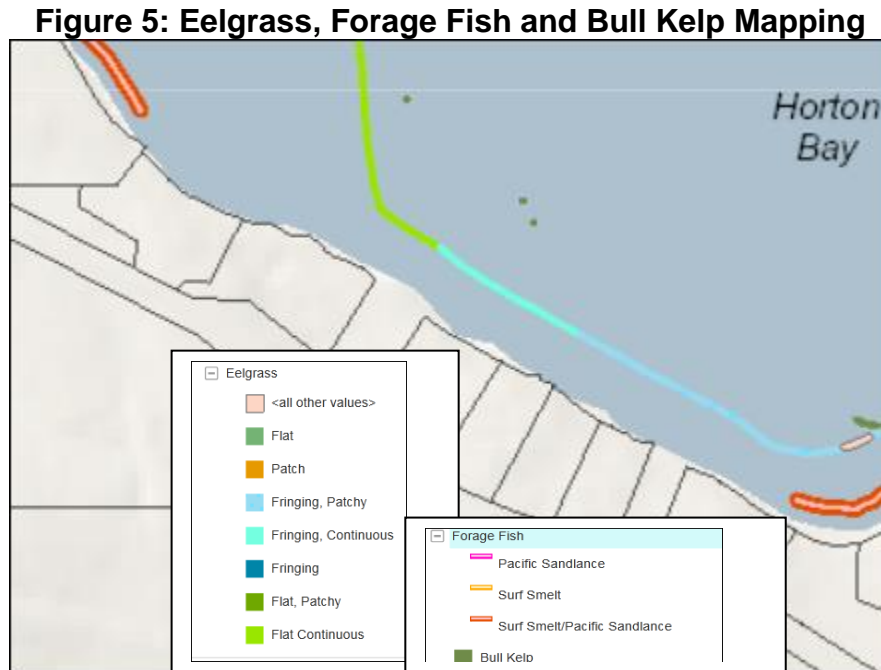
There are no archaeological sites on the subject area or in close proximity; however, the site is identified as having archeological potential.

Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.



## Shoreline

Mapping of the marine area shows Bull Kelp and Eelgrass in the vicinity of the proposed dock facility.



Mapping of the shoreline identifies the beach fronting Anson Road as a pebble/sand beach which is consistent with recent site visit. Pebble/sand shorelines are a common sediment shore types in the Gulf Islands and have a significant supply of easily erodible materials that can be transported by wave and current action. Pebble/sand shorelines can have large sediment transport rates along the shore. Interruption of the sediments feeding longshore transport can starve downstream beaches, spits and coastal lagoons of material leading to increased erosion.

**Figure 6: Shoreline Mapping**



**COMMUNITY INFORMATION MEETING(S):**

A community information meeting will be held as part of the application review later in the process by the Local Trust Committee if this application proceeds; however, it is recommended that the applicant hold a community information meeting early in the process to obtain broad community comment.

**RESULTS OF CIRCULATION:**

Staff will adhere to statutory requirements for notification and circulation of this application. First Nations and the Ministry of Transportation and Infrastructure will be provided with early notification of this proposal.

**STAFF COMMENTS:**

1. OCP - The OCP has several policies that apply to use of the foreshore and marine areas surrounding Mayne Island, which have been outlined above. Many of the policies relate to the need for careful development of the marine area to ensure that a proposed development will not: interfere with coastal processes, impede public access, degrade the coastal environment, or impact the visual appearance of the shoreline.

The OCP also has policies that encourage shared docks and community docks, and specifically identifies the Anson Road beach access as a possible site for a

dock, ramp and pump out station. One of the objectives stated in the OCP is to ensure provision of water access to the island.

## 2. Appropriateness of Site:

Marine Area – initial review of this proposal suggests that there is need and demand for moorage facility in the area. Horton Bay is a popular moorage area for private boats as is evidenced by the number of mooring buoys located the bay and the fact that the existing dock in Horton Bay, based on casual observation, appears to be well used all year.

Details that would allow staff and the LTC to determine if this is a technically suitable location for a dock facility and one that will comply with the policies of the OCP have not been provided with the application. Staff are recommending that prior to proceeding with a rezoning, the LTC request that the applicant provide a report prepared by a qualified professional assessing the feasibility of locating the proposed mooring facility in this location. Specifically, the report should assess tides, exposure from winds, and water depth prior to the LTC advancing this proposal. This would also assist in assessing compatibility with nearby land uses.

Upland (Anson Road) – A preliminary plan showing the proposed development of the upland has been provided with the application. In order to determine compliance with OCP policies and LUB regulations, and assess potential impacts on surrounding land uses, a more detailed plan showing the proposed upland facilities should be provided before the LTC considers the application further. Off street parking will be required to accommodate the proposed new use. Pump out facilities may be required as referenced in the OCP. Other facilities necessary to complement the proposed use such as washroom, phone etc. may be determined during the review process. The LTC should request that the applicant provide a more detailed plan which should include: road location and standards, drainage plan, parking areas and number of parking spaces, turn around area, lighting, signage, washrooms, pump out facility and septic, and emergency phone. This will also assist Ministry of Transportation staff assess any impacts on the public highway infrastructure and the proposed use of the undeveloped Anson Road access.

The upland portion of this proposal is zoned Settlement Residential which is intended to allow for residential use, as the proposal would be a change in use the zoning on the upland will require amending to allow the upland facilities associated with the community dock to be constructed and used.

## 3. Environmental Impacts

The Islands Trust Policy Statement and Mayne Island OCP both contain policies regarding the protection of coastal areas and policies stating that natural coastal systems shall not be disrupted. The Mayne OCP specifically states that marinas

shall be subject to an environmental impact assessment. Mapping shows that there is here is eelgrass and bull kelp in the vicinity.

Before proceeding, the LTC should request that the applicant provide a report from a suitably qualified professional identifying environmental features and values in the marine area, examining current coastal processes, assessing impacts of the proposed work and the on-going impacts of the facility, and recommending mitigation measures for any values negatively impacted.

Based on the recommendations of the environmental report, the LTC may want to consider designating a Development Permit Area on the marine portion of this proposal to ensure environmental values are maintained and that the recommendations of the professional report are implemented.

#### 4. Community Input

Broad community input should be obtained prior to the LTC considering this proposal any further. The applicant, with the assistance of Islands Trust staff, should arrange community information meeting to be held on a Saturday or Sunday. The meeting should be well advertised in order to provide opportunity for anyone that may want to comment on the proposal.

First Nations and the Ministry of Transportation and Infrastructure will be consulted by Islands Trust staff early in the review process.

#### 5. Public Access

The Mayne OCP contains a policy stating that access across the foreshore shall not be restricted or obstructed. The applicant should demonstrate how the boat ramp, dock facility and stairs will be constructed in a way that will not impede public access across the foreshore.

#### 6. Need

The application states that there is a need for dock space for private boats and the popularity of the bay and the existing dock would seem to support this; however, there has not been a formal needs study prepared. At this point Islands Trust staff is not recommending that a formal needs assessment be carried out as part of the bylaw amendment process as this would be a public facility, although the Southern Gulf Islands Harbours Commission will want to pursue that prior to committing funds for the construction of this proposed public dock facility. The community consultation that will be undertaken regarding this proposal will provide the LTC with community comment regarding the perceived need for the facility.

Staff is recommending the following:

- 1) That the applicant be requested to provide an environmental review of the marine area to determine environmental values, assess impacts, and recommend mitigation measures, to be prepared by a qualified professional.
- 2) That a report be prepared by a qualified professional regarding the appropriateness of the site for the construction of a public dock facility.
- 3) That a detailed site plan be submitted showing proposed development on the upland. The plan should be to scale and show road location, parking and all other proposed upland facilities.
- 4) That the applicant arranges a community information meeting, with the assistance of Islands Trust, staff to be held on a weekend.

Options:

- 1) Proceed with review as recommended. This will ensure the proposal proceeds as staff has recommended.
- 2) Proceed no further. If this option is chosen the file will be closed and a partial refund will be forwarded to the applicant.
- 3) Proceed as amended. The LTC may direct staff to proceed in a different way than is recommended.

Next Steps:

- 1) Staff to meet with applicant to arrange community information meeting.
- 2) Staff meet with applicant to discuss information required to proceed.
- 3) Following the community information meeting and submission of requested reports and plans, the LTC wish to direct staff to prepare draft bylaws for consideration of First Reading and referral to agencies.

**RECOMMENDATIONS:**

1. **THAT** the Mayne Island Local Trust Committee directs staff to work with the applicant of MA-RZ-2015.1 (CRD) to arrange a community information meeting.
2. **THAT** the Mayne Island Local Trust Committee directs staff to request the applicant of MA-RZ-2015.1 (CRD) to obtain a report prepared by a qualified professional to provide an environmental review of the marine area of the proposed Anson Road community dock to determine environmental values, assess impacts, and recommend mitigation measures.
3. **THAT** the Mayne Island Local Trust Committee direct staff to request the applicant of MA-RZ-2015.1 (CRD) to obtain a report prepared by a qualified professional prepared regarding the appropriateness of the Anson Road community dock site for the construction of a public dock facility and determine if it will provide safe year round moorage.

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Prepared and Submitted by:

*Gary Richardson*

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September 18, 2015

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Date

Concurred in by:



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Robert Kojima  
Regional Planning Manager

September 22, 2015

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Date

Attachments: Moorage Facility Plan

