



Islands Trust

MAYNE ISLAND LOCAL TRUST COMMITTEE

OFFICIAL COMMUNITY PLAN

Draft #1 – Sept 14th, 2006

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Textual Notes:

1. The existing policies that are proposed to be removed or rewritten are indicated by the use of ~~strikethrough~~.
2. Proposed new or revised wording and policies are indicated by the use of **bold**.

MAYNE ISLAND TRUST COMMITTEE
MAYNE ISLAND OFFICIAL COMMUNITY PLAN

SCHEDULE "A" POLICY DOCUMENT

SECTION 1 BACKGROUND AND BROAD COMMUNITY OBJECTIVES

1.1 BACKGROUND

1.1.1 Historical Perspective

Mayne Island shares with the other islands in the Islands Trust a rich settlement and natural history. Its geographical location, on Active Pass, a busy waterway midway between the mainland and Vancouver Island, ensured accessibility for transient food gathering by native tribes, and later for settlement and development. Its location is currently important to marine transportation, as a transfer point for the B.C. Ferry system.

Beginning in 1858, gold miners used Miners Bay as a half way stop between Victoria and the Fraser River. When the gold rush declined, a number of the miners returned to settle on Mayne Island, carving out large farms that are still maintained today. Soon men and women of all nationalities arrived to farm and fish. Because of its central location, Mayne Island gained a wharf, postal service and community facilities, such as a church, jail, school, hotels and stores, all before the turn of the century.

In the early 1900's agriculture was an important activity with farms providing such products as tomatoes and strawberries to the Vancouver market. Logging and fishing rounded out the economic base.

Mayne Island began to develop as a summer place for residents of Vancouver and the lower mainland. Hotels at Georgina Point and Miners Bay, and farm homes around the Island provided low-key accommodation that has continued into present time. Efficient ferry and passenger services to the island made it increasingly attractive for summer cabins with many of those users electing to retire when possible to the Island.

The history of Mayne has lead to a diverse community with well developed services.

1.1.2 Islands Trust Context

The context of this Plan is based on the object of the *Islands Trust Act*, "to preserve and protect the trust area and its unique amenities and environment for the benefit

of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the Province."

Based on the Islands Trust mandate, the objectives of the Mayne Island Community Plan are complex and focus on two main priorities. A first priority is to provide a balance between preservation of the natural environment and development associated with human settlement and economic activity. A second priority is to preserve the unique personality of the community while providing for its needs and those of its visitors in a manner and at scale that does not overburden the limited resources of the Island or its residents.

The Mayne Island Trust Area consists of the land, foreshore and coastal waters surrounding Mayne, Georgeson and Curlew Islands and the adjacent rocks and islets as indicated on the Official Community Plan maps.

It is through community concern and understanding along with a sense of stewardship and responsibility that the Mayne Island Trust Area will be effectively protected and preserved. This Plan presents a community consensus about what is valued and should be protected and it is hoped that the Plan will influence governing agencies to respect the policies of the Plan.

There is a parcel of land on Mayne Island under the authority of First Nations and it is recognized that local regulations do not apply. It is hoped the Community Plan will provide some guidance to the Tsartlip Band in its consideration of potential development of this land on Mayne Island.

1.1.3 Population Projections

While the Mayne Island Trust Area has many features common to all the Gulf Islands there are important characteristics that make it different from the others. It is a central point of exchange on the ferry system and is therefore more conveniently accessible in terms of travel time from all the other Gulf Islands, Vancouver Island and the Lower Mainland. This location creates additional land use pressures from visitors and from summer residents or non-permanent population.

The island has an area of approximately 2,300 hectares (5,750 acres). The permanent population on Mayne Island ~~was listed as 167 in the 1966 census and rose to 743 in the 1991 census for a current density of 1 person per 8 acres.~~ **according to the 2001 census was 880 resulting in a population density of one person per 2.6 hectares (6.5 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. Based on these 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, an increase of approximately 270 permanent residents from 2001.

~~The total number of parcels in 1994 was 1557. Assuming each parcel could be occupied by a residence and given an average family size of 2.7 people, if every~~

~~parcel was occupied, the population could rise to 4204. Further subdivision to the maximum number of parcels permitted by current zoning in 1994 can only be calculated in an approximate fashion. It is not possible to accurately determine the amount of land in every case that would be possible for subdivision exclusive of land needed for roads and parks and the results of amenity zoning for special housing such as seniors accommodations. However, a crude estimate allowing for some loss to roads and parks dedications and not considering amenity zoning provisions results in a number of 1695 parcels in total.~~

There are currently about 1550 lots that would permit a residence. Of this number, about 1160 have been built on with the majority of vacant lots (~300) zoned Settlement Residential. A rough estimate of future subdivision of residential zoned lots (this includes Rural, Agriculture and Upland) suggests there is further potential of an additional 170 lots for a total of about 1720 lots. Based on the current average household size of 1.9 persons this would result in a population of roughly 3268.

1.2 BROAD COMMUNITY OBJECTIVES

The following statements of general objectives express the values that are significant to the people of the Mayne Island Trust Area and together with the specific objectives listed in each topic area set the direction to be followed when interpreting and implementing the policy statements.

The Broad Community Objectives of this Plan are:

- 1) To preserve and protect the natural environment of the Mayne Island Trust Area, the **quantity and** quality of its surface and groundwater, and the diversity of its flora and fauna.
- 2) To maintain a rural island community in which residents can enjoy privacy and a living environment free from visual, noise and other sensory pollution.
- 3) To preserve for resident and visitor enjoyment, the aesthetic, historic, scenic and natural resource values from the forests, farmlands, gardens, waterways, and coastline **and marine environment** of the Mayne Island Trust Area.
- 4) To protect the coastal systems and preserve land areas which are of natural or scenic interest, critical to wildlife, or sensitive to development and contamination.
- 5) To support incentives that will assist in the retention of large parcels of land for reasons of preserving open green space and encouraging sustainable agriculture and silviculture.
- 6) To support a diverse and vital community structure through effective housing policies for affordability, rental opportunities and special needs.
- 7) To maintain appropriate overall density of development while retaining flexibility for a range of dwelling types.

SECTION 2 OBJECTIVES AND POLICIES FOR LAND USE AND DEVELOPMENT

Background

One of the main functions of the Mayne Island Official Community Plan is to establish agreed upon patterns for future land uses. The designations are based on historical development patterns, physical features or constraints, initiatives of senior government and specific objectives defined by the community. Policies for each land use are contained in this Section.

Schedule B, the land use map, specifies areas of present and future land uses.

Objectives

The objectives of this section are:

- 1) to ensure that all land uses are based on the sustainability of the natural systems of the island,
- 2) to maintain the characteristic rural island lifestyle,
- 3) to protect the environmental qualities of the area, and
- 4) to maintain the stability of ground and water catchment potential.

2.1 RESIDENTIAL

2.1.1 Settlement Residential

Background

The settlement residential areas, approved prior to the inception of the Islands Trust in 1975, include the existing small lot residential lots of approximately 1/4 acre. It is not intended to perpetuate small lot development in the Mayne Island Trust Area but rather to enhance the rural nature of the community with particular regard for the protection of the vegetation, soils, groundwater sources and ecology of the life of the area.

Objectives

The objectives of this section are:

- 1) to ensure compatibility of the residential use with adjoining land uses, and
- 2) to protect the health and safety of the residential neighbourhoods.

Policies

- 2.1.1.1 The principal use shall be residential with accessory uses consistent with the residential character.
- 2.1.1.2 One dwelling unit shall be permitted on a parcel, and one guest cottage limited by size shall be permitted on parcels 0.6 hectares (1.48 acres) or larger.
- 2.1.1.3 On parcels greater than 0.6 hectares (1.48 acres) the residential density shall be one dwelling unit for each additional 0.6 hectares (1.48 acres) of lot area.
- 2.1.1.4 The minimum parcel size for subdivision shall be 0.4 hectares (0.99 acres) and amalgamation of existing lots is encouraged.
- 2.1.1.5 Location, number and size of buildings and structures shall be regulated to protect the quiet enjoyment of property.
- 2.1.1.6 Joined or multiple housing units may be considered by site specific rezoning of a parcel subject to compliance with Section 2.8 (Amenity Zoning Guidelines) of this Plan.
- 2.1.1.7 The number and size of accessory buildings permitted on a parcel shall be regulated.
- 2.1.1.8 The commercial keeping of animals shall be regulated by bylaw.

~~2.1.2 Comprehensive Settlement~~

Comment: Georgeson Island which is designated CS is now part of the Gulf Islands National Park Reserve and therefore this designation is no longer needed.

Background

~~This is a special designation for Georgeson Island only and acknowledges historical development rights under the old Capital Regional District subdivision bylaw in place from 1972 to 1994. The bylaw permitted the construction of 4 houses on parcels from 10 to 40 acres with densities varying from 1 house per 2.5 acres to 1 house per 10 acres. Georgeson Island is 16 acres and the resulting density is 1 house per 4 acres. This density is not consistent with the designations that apply to any other land in the Mayne Island Trust Area.~~

Objectives

~~The objective of this section is to acknowledge the long standing development rights to Georgeson Island while limiting the application of this designation in the Mayne Island Trust Area.~~

Policies

- ~~2.1.2.1 The principal use shall be residential with accessory uses consistent with the residential character.~~

~~2.1.2.2 Residential density shall be regulated in the Land Use Bylaw to permit one dwelling per 1.62 hectares (4 acres).~~

~~2.1.2.3 For subdivision purposes, the minimum parcel size shall be 6.5 hectares (16 acres).~~

2.1.3 Rural Residential

Background

This is a special transitional designation of limited application used for acknowledging historical situations of multiple land owners. In the two areas identified on the Official Community Plan map, individuals bought land cooperatively as a company expecting that each share holder could build a dwelling and guest cottage. This designation permits zoning to accommodate this expectation.

Objectives

The objectives of this section are:

- 1) to maintain a rural residential density, and
- 2) to rationalize historical situations of cooperative ownership.

Policies

- 2.1.3.1 The principal use shall be residential with accessory uses consistent with a rural character.
- 2.1.3.2 One dwelling unit shall be permitted per parcel.
- 2.1.3.3 On parcels greater than 2.8 hectares (7 acres) residential density shall be one dwelling unit for each additional 2.8 hectares (7 acres) and one guest cottage for each dwelling unit permitted.
- 2.1.3.3 The minimum parcel size for subdivision shall be 2.8 hectares (7 acres).
- 2.1.3.4 This designation is to be applied only to historical situations to accommodate the needs of long term corporate or strata ownerships.
- 2.1.3.5 Regulations at this density shall not be applied to land not already developed.

2.1.4 Rural

Background

The rural land use designation as indicated on the Official Community Plan Map includes areas in which residential use on large parcel sizes predominate. Large residential parcels provide relief from the higher density areas and contribute to the rural landscape. This area is appropriate for consideration of new provisions in the ~~Municipal Act~~ **Local Government Act** for granting higher density in exchange for securing a community amenity.

Objectives

The objectives of this section are:

- 1) to provide for low density rural settlement options which are sensitive to the Island's carrying capacity and rural environment, and
- 2) to ensure compatibility of the rural use with adjoining land uses.

Policies

- 2.1.4.1 The principal use shall be residential with accessory uses consistent with the rural character.
- 2.1.4.2 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.
- 2.1.4.3 One guest cottage, limited by size, is permitted on each parcel having an area of 1 hectare (2.47 acres) or more, in respect of each permitted dwelling unit, provided that provision be made to allow guest cottages on parcels of less than 1 hectare (2.47 acres) but not less than 0.6 hectare (1.48 acres) where at the time of adoption of Mayne Island Official Community Plan No.86, 1994, Amendment Bylaw No.2, 1996, they were permitted on such parcels.
- 2.1.4.4 Joined or multiple housing units may be considered by site specific rezoning of a parcel subject to compliance with Section 2.8 (Amenity Zoning Guidelines) of this Plan.
- 2.1.4.5 A number of different parcel sizes for subdivision shall be allowed provided the average lot size is not less than 4 hectares (9.88 acres) and the minimum lot size is not less than 1 hectare (2.47 acres).
- 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.

- 2.1.4.7 The keeping of animals, storage of materials and the number and size of buildings and structures in the rural area shall be regulated to maintain the rural character.
- 2.1.4.8 Agricultural uses shall be permitted in Rural areas.
- 2.1.4.9 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 2.8 (Amenity Zoning Guidelines) and 2.9 (Density Transfer Provisions).
- 2.1.4.10 The density of land designated Upland may be transferred to contiguous land in the Rural designation. The affected lands may be within the same parcel or an adjoining parcel and the proposed density transfer shall be required to comply with Section 2.9 (Density Transfer Provisions) of this Plan.
- 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.

2.1.5 Upland

Background

The upland slopes on Mayne Island have special features, including forested slopes, habitat areas, ground water recharge areas, steep terrain conditions and aesthetic and recreational attributes. Due to these characteristics, residential development should be limited in these areas and instead the uplands should be considered as appropriate sites for density transfer, including the granting of a higher density in another designation in exchange for securing land in the Upland designation as a community amenity.

Objective

The objectives of this section are:

- 1) to preserve scenic and aesthetic value of high rocky bluffs, and
- 2) to retain large parcels of land in balance with developed settlement residential areas.

Policies

- 2.1.5.1 The principal use shall be residential with accessory uses consistent with the rural character.

- 2.1.5.2 One dwelling unit shall be permitted per parcel provided that on parcels greater than 10 hectares (24.47 acres) residential density will be one dwelling unit for each additional 10 hectares (24.47 acres) of parcel area.
- 2.1.5.3 One guest cottage, limited by size, is permitted on each parcel having an area of 1 hectare (2.47 acres) or more, in respect of each permitted dwelling unit.
- 2.1.5.4 The minimum parcel size for subdivision in the Upland Areas shall be 1 hectares (2.47 acres).
- 2.1.5.5 Development shall be designed to protect water recharge areas.
- 2.1.5.6 The density of land designated Upland may be transferred to contiguous land in the Rural designation. The affected lands may be within the same parcel or an adjoining parcel and the proposed density transfer shall be required to comply with Subsection 2.9.1 (Density Transfer Provisions) of this Plan.
- 2.1.5.7 Joined or multiple housing units shall be permitted by site specific rezoning only.
- 2.1.5.8 Recognizing the importance of land in the Upland designation to the environmental, recreational and aesthetic integrity of Mayne Island, subject to the policies of this Plan, consideration shall be given to:
 - i) permitting the transfer of density from a parcel in the Upland designation to contiguous Rural-designated land, or
 - ii) the receipt of a portion of the Upland as part of an amenity zoning exchange.
- 2.1.5.9 Site specific rezoning to permit small-scale campgrounds as an accessory use may be considered, subject to policy 2.3.2.2, upon application.

2.2 AGRICULTURE

2.2.1 Agriculture

Background

~~Agricultural land in the Mayne Island Trust Area is regulated by local bylaws. The majority of this land is within the Provincial designation of the Agricultural Land Reserve (ALR) which is governed by the **Agricultural Land Commission Act**. In addition to satisfying local bylaw regulations, any subdivision or non farm use other than one dwelling, proposed in the ~~Land Reserve~~ **ALR** is subject to the regulations of the **Agricultural Land Commission Act**, and the express approval of the Provincial Agricultural Land Commission.~~

Historically, agriculture has been important in the development of Mayne Island with products marketed in the lower mainland. The costs of land and extra burden

of transporting goods to market made such activity less feasible. Farmland is important to the rural lifestyle.

Objectives

The objectives of this section are:

- 1) to recognize and protect the right to farm except as it may be limited by the need to preserve environmentally sensitive areas or as may be limited in residential areas,
- 2) to identify and protect land suitable for agricultural uses,
- 3) to retain farmland as part of the rural landscape, and
- 4) to give a high priority toward encouragement of food production and horticulture in the Mayne Island Trust Area.

Policies

- 2.2.1.1 The principal uses shall be agricultural and residential.
- 2.2.1.2 Accessory uses which support existing agricultural operations may be permitted where such uses do not impinge on the principal farm use.
- 2.2.1.3 The minimum parcel size for subdivision in the Agriculture Areas shall be 8 hectares (19.76 acres).
- 2.2.1.4 In order to preserve viable farm units, density rights may be transferred to another parcel or portion of the same parcel.
- 2.2.1.5 Despite the parcel size provision of Policy 2.2.1.4, in a case where, through density transfer within a parcel or between adjacent Agricultural parcels, it may be demonstrated that such a transfer would result in the retention of viable farm units, the minimum parcel size may be reduced through rezoning, subject to Land Reserve Commission approval where required.
- 2.2.1.6 The density of land designated Agricultural may be transferred to contiguous land in the Rural designation. The affected lands may be within the same parcel or an adjoining parcel and the proposed density transfer shall be required to comply with Subsection 2.9.2 (Density Transfer Provisions) of this Plan.
- 2.2.1.7 Zoning regulations shall ensure setbacks on properties adjacent to agricultural uses shall be sufficient to protect continuation of the agricultural operation.
- 2.2.1.8 Site specific rezoning to permit small-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.

Advocacy Policies

- 2.2.1.9 Agricultural use of agricultural land shall be encouraged
- 2.2.1.10 The fragmentation of agricultural land by roads or other service corridors shall be avoided wherever possible.
- 2.2.1.11 The retention of the Agricultural Land Reserve to protect land with a potential for agricultural use shall be supported.
- 2.2.1.12 The removal of gravel and soil from Agricultural Land Reserve lands shall not be permitted except with the approval of the Provincial Agricultural Land Commission.
- 2.2.1.13 The use of catchment systems for irrigation and livestock watering is supported and encouraged.
- 2.2.1.14 The Ministry of Agriculture and Lands is encouraged to maintain and promote the development of agricultural activity on the Island.
- 2.2.1.15 Where there is potential for conflict between agriculture and the environment, the Provincial Agricultural Land Commission shall be consulted.

2.3. Home Occupation

Comment: Moved Home Occupation policies out of the Commercial section of the OCP

Background

Home occupations are permitted in most zones and are a significant part of the economic base of the Mayne Island Trust Area. Home occupations are small scale enterprises that are clearly secondary uses of residential property. The character of the property must remain residential in appearance and when business is at such a scale that the impact on the property would be to change the residential character, it becomes defined as a commercial use, requiring appropriate commercial zoning. The use is not mapped separately on the Plan map because it is not the principal use.

Objectives

The objectives of this section are:

- 1) to provide opportunities for residents to support themselves in the Mayne Island Trust Area, and
- 2) to retain a rural or residential character in all neighbourhoods.

Policies

- 2.3.1.1 Home occupations shall be permitted only as a ~~secondary~~ **an accessory** use to a permitted residential use.
- 2.3.1.2 **Only goods that are produced on the site may be sold as part of the home occupation.**

- 2.3.1.3 The size of bed and breakfast operations shall be limited by the number of bedrooms and the sewage disposal system shall be sufficient to accommodate the number of guests.
- 2.3.1.4 Home occupations shall be confined to the interior of a dwelling or a permitted accessory building and employ a maximum of three persons, one of whom must reside permanently on the property on which the home occupation is conducted.
- 2.3.1.5 Signage, parking and screening of materials associated with a home occupation shall be regulated to protect the residential or rural character of neighbourhoods.

2.4 COMMERCIAL

There are ~~three~~ **two** classifications of commercial use policies in this section: ~~general retail commercial and visitor accommodation and home occupation~~. The policies that determine the criteria for locating these uses differ.

2.4.1 ~~General Retail Commercial~~

Background

Historically, the major focus of centralized commercial activity was concentrated at Miners Bay with a secondary commercial centre at the junction of Fernhill and Montrose Roads.

Objectives

The objectives of this section are:

- 1) to supply services necessary to residents and visitors of the Mayne Island Trust Area,
- 2) to protect the integrity of quiet residential and rural neighbourhoods,
- 3) to provide employment opportunities within the community,
- 4) to protect the rural and marine character of the Mayne Island Trust Area, and
- 5) to ensure the scale, form and character of all new commercial developments harmonize with the natural surroundings.

Policies

- 2.4.1.1 The principal land use shall be small scale commercial businesses.
- 2.4.1.2 Retail and personal service businesses shall be clustered at Miners Bay and the Montrose/Fernhill area.

- 2.4.1.3 ~~Ribbon~~ **Strip** development of businesses outside the commercial centres shall not be permitted.
- 2.4.1.4 The scale of use, the degree of servicing, including roads and parking, the provision of open space, signage and form and character of commercial development shall be regulated through development permit.
- 2.4.1.5 Recreation commercial businesses shall be subject to rezoning on a site specific application only.
- 2.4.1.6 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.

2.4.2 Visitor Accommodation

Background

Visitor accommodations are dispersed throughout the island and vary from inns and motels to bed and breakfast operations. Bed and breakfasts are ~~limited~~ home occupations and policies for them are located in the home occupation section.

Objectives

The objectives of this section are:

- 1) to ensure a supply of accommodations that are safe and offer a healthy environment,
- 2) to disperse accommodations in quiet natural settings having the least impact on the quiet rural character of the Mayne Island Trust Area,
- 3) to ensure all accommodations can be adequately serviced, and
- 4) to ensure all restaurants are at an appropriate scale to service residents and visitors.

Policies

- 2.4.2.1 Accommodation for visitors shall be at a low density and shall be dispersed around the Mayne Island Trust Area.
- 2.4.2.2 Commercial campgrounds may be permitted by rezoning application only. The Local Trust Committee should consider the following guidelines in assessing any application for rezoning to permit a commercial campground:
 - i) Large scale campgrounds and facilities oriented to recreational vehicles are discouraged.

- ii) Applications to permit small scale, low impact campgrounds, primarily oriented to tent camping, without individual power and water hook-up, shall be considered. Such campgrounds should not include retail commercial uses and structures should be limited to tables, picnic and cooking areas and necessary water and septic facilities.
 - iii) Small scale campgrounds may be considered as a site specific accessory use on larger properties in the Rural, Agricultural and Upland designations.
 - iv) Applications may also be considered for small scale campgrounds which would be the principal use on a smaller property in any designation; such applications should rezone and re-designate the property to an appropriate commercial accommodation zone and land use designation and may include designating the property as a development permit area for commercial visitor accommodation.
 - v) Applications for accessory campgrounds on land in the Agricultural Land Reserve may be considered as a form of agri-tourist accommodation; such applications must comply with Land Reserve Commission policies for agri-tourist accommodation.
 - vi) In assessing an application to rezone to permit a campground, the Local Trust Committee should ensure that the application includes demonstration of an adequate supply of potable water, appropriate sewage disposal facilities, approved fire suppression measures, adequate access and egress, parking and a site layout in which the individual sites are well screened and adequately separated. The Local Trust Committee should also consider any potential impacts on neighbouring land uses, traffic impacts, environmental impacts and the cumulative impact of campgrounds on the community in assessing the application.
 - vii) Approval of a rezoning for a campground should include measures to ensure that accommodation is temporary and short term only.
 - viii) The Local Trust Committee should consider an appropriate combination of site-specific zoning regulations, rezoning to a commercial accommodation zone, designation as a development permit area and Section 219 covenants in the implementation of these guidelines.
- 2.4.2.3 Bed and breakfasts at a small scale, shall be permitted as a home occupation but accommodations of a larger scale may be permitted by rezoning on site specific application only.
- 2.4.2.4 The scale of use, the degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new visitor accommodation development shall be regulated through development permit.
- 2.4.2.5 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.

2.5 INDUSTRIAL USE

2.5.1 Industry

Background

There is an existing industrial area on Fernhill Road. Permitted industrial uses may include processing, fabricating, assembly, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking or salvaging of goods and materials including the operation of truck terminals and docks. These uses may also be subject to other regulatory agencies.

Objective

The objectives of this section are:

- 1) to allow for small scale, non-polluting industrial activities, and
- 2) to protect the environment and minimize the impact on neighbours.

Policies

- 2.5.1.1 Industrial use shall be subject to rezoning on a site specific application only.
- 2.5.1.2 The form and character of any new industrial development shall be subject to a Development Permit to help minimize the impact on adjacent land uses, and the community generally.
- 2.5.1.3 Industrial uses shall be regulated to establish adequate setbacks and screening from roads and neighbours.
- 2.5.1.4 Industrial **rezoning** proposals shall include an assessment of impact on local water flow patterns, groundwater, pollution and waste disposal.
- 2.5.1.5 All goods, materials and equipment associated with or produced by an industrial operation must be stored in a manner that does not cause environmental damage.
- 2.5.1.6 The map does not identify sand and gravel deposits because they are small and dispersed around the island, removal shall be under a temporary use permit.

2.6 PUBLIC USE AND PUBLIC SERVICES

2.6.1 Public Use, Services and Utilities

Background

These objectives and policies address the community's current and future needs for public services, public use facilities and utilities.

Objectives

The objectives of this section are:

- 1) to provide public services on a scale appropriate for the island,
- 2) to protect the health and safety of residents and visitors, and
- 3) to ensure that services and utilities are of a scale and cost appropriate for the island.

Policies

- 2.6.1.1 Multiple use of public facilities and services shall be encouraged.
- 2.6.1.2 Off street parking, signage and lighting shall be regulated in keeping with the rural character of the island.
- 2.6.1.3 Locations for service depots such as ~~B.C. Telephone~~ **Telus** or B.C. Hydro shall be considered upon application for rezoning.
- 2.6.1.4 All goods, materials and equipment associated with a public use, service or utility must be stored in a manner that does not cause any environmental damage and be adequately screened from roads and neighbours.

Advocacy Policies

- 2.6.1.5 The recycling depot shall be encouraged to maintain the highest environmental health standards and shall ensure that the storage of recyclable material be designed with special regard for the protection of groundwater.
- 2.6.1.6 All public use facilities and services must meet the strictest interpretation of all health and environment standards.

2.7 PARKS AND RECREATION

There are a number of parks of **varying uses on Mayne Island most** under the jurisdiction of the Capital Regional District through a local Parks Commission. **There are areas of the Mayne Island Trust area that have recently become part of the Gulf Island National Park Reserve.** There are no Provincial Parks or Provincial Park Reserves in the Mayne Island Trust Area.

2.7.1 Regional Parks

Background

Mount Parke, a Regional Park Reserve established in 1991, is situated inland on the south western portion of the Island and includes approximately 40 hectares (100 acres) of land. Currently, the CRD Parks does not have any funds assigned to maintenance of Mount Parke trails and look outs; however, a management plan for this park ~~is being developed~~ **has been completed by the Mayne Island Parks and Recreation Commission.**

Objectives

The objectives of this section are:

- 1) to support education, aesthetics, recreation and spiritual values of the park system, and
- 2) to protect the natural system from degradation by public use of land.

Policies

2.7.1.1 ~~Owners of land located adjacent to the park shall be encouraged at the time of subdivision to dedicate land for purposes of park expansion or to provide trail easements.~~ **An owner of land being subdivided adjacent to the park should provide park land dedication pursuant to Section 941 of the *Local Government Act* for purposes of park expansion including trails.**

Advocacy Policies

2.7.1.2 The Capital Regional District shall be encouraged to present their parks plans to the Mayne Island Trust Area community and to invite public consultation in the plan process.

2.7.1.3 The Capital Regional District shall be requested to preserve the natural features and provide maximum protection of the environment in all park uses.

2.7.1.4 The Capital Regional District shall be requested to maintain the natural features of the Regional Park.

2.7.1.5 The development of outdoor education or interpretive facilities is supported.

2.7.1.6 ~~Owners of land located adjacent to the park shall be encouraged at the time of subdivision to dedicate land or grant covenants, easements or right-of-ways for purposes of park expansion or to provide trails.~~ **Owners of land located adjacent to the park shall be encouraged at the time of subdivision to dedicate land or grant covenants, easements or right-of-ways for purposes of park expansion or to provide trails.**

2.7.2 Community Parks

Background

The Mayne Island Parks **and Recreation** Commission is active in assisting **with** the creation and maintenance of community parks in the Mayne Island Trust Area. **The Mayne Island Parks and Recreation Commission has completed a Parks**

and Recreation Master Plan and a portion of their plan is attached to the OCP for information.

Objectives

The objectives of this section are:

- 1) to develop a community park plan,
- 2) to expand the Mayne Island Trust Area community park system and public trails under the ~~control~~ **authority** of the local **Mayne Island Parks and Recreation** Commission,
- 3) to encourage a system of neighbourhood parks in residential areas.

Policies

~~2.6.2.2 Dedication of land for Park and trail purposes or cash in lieu as permitted by the *Municipal Act* shall be required at the time of subdivision.~~

2.7.2.1 **An owner of land being subdivided shall provide park land dedication pursuant to Section 941 of the *Local Government Act* for purposes of park expansion including trails subject to review by the Mayne Island Parks and Recreation Commission.**

2.7.2.1 No overnight use or camping shall be permitted in Community parks.

2.7.2.2 Only those accessory buildings or structures specified in the zone shall be permitted.

Advocacy Policies

~~2.6.2.1 A Community park plan shall be developed and be an addendum to the Official Community Plan.~~

Comment: This has been completed.

2.7.2.3 The purchase of rights to walking trails or private right of ways shall be encouraged.

2.7.2.4 Open fire pits shall not be permitted in community parks.

Comment: New section

2.7.3 National Parks

Background

Recently Parks Canada has acquired land in the Mayne Island Trust Area. These land holdings which are on Georgeson Island, Campbell Point and Georgina Point form part of the Gulf Islands National Park Reserve.

Objectives

The objectives of this section are:

- 1) **to work cooperatively with Parks Canada to advance the goals of this plan,**

Policies

- 2.7.3.1 **Lands located within the Gulf Islands National Park Reserve should have a separate designation on Schedule 'B' of this plan and should be zoned appropriately, recognizing that the Local Trust Committee has no jurisdiction over federal land.**
- 2.7.3.2 **The Local Trust Committee will work with Parks Canada to address community impacts arising from the establishment of the Gulf Islands National Park Reserve.**

2.7.4 Outdoor Recreation

Background

The Mayne Island Trust Area has extensive outdoor recreational opportunities.

Objectives

The objectives of this section are:

- 1) to retain the public accesses to shoreline and beach areas,
- 2) to encourage a system of walking trails, with minimal development., and
- 3) to manage the development of golf course/driving range development to meet the island population's recreational needs while minimizing the environmental and agricultural impacts of such development.

Policies

- 2.7.4.1 Where possible, at time of subdivision or rezoning, dedication or donation of trails, easements, parkland, or cash in lieu shall be received.
- 2.7.4.2 Public access to the foreshore and parks, as shown on the Plan maps, shall be preserved and additional accesses shall be obtained, where possible, at time of subdivision or rezoning.
- 2.7.4.3 Rezoning applications to permit golf courses and driving ranges may be permitted considered on all lands on Mayne Island in all of the Land Use Designations with the exception of land in the Resource Conservation designation (as identified on Schedule B).

- 2.7.4.4 Golf courses and/or driving ranges should only be considered on sites where the proposed development is designed to that minimize impacts to the agricultural land base and to surrounding agricultural uses.
- 2.7.4.5 Non-agricultural land is the preferred location for golf courses and/or driving ranges. Any proposals to rezone land in the Agriculture designation (as identified on Schedule B) to a golf course and/or driving range should comply with the following:
- a) No portion of the land should contain soils with land capability rating for Agriculture of Class 1, 2 or 3, under improved conditions (drained and irrigated) using, the Canada Land Inventory Mapping System (CLIMS)
 - b) Agricultural areas should remain contiguous and not be fractured by golf course and/or driving range development.
- 2.7.4.6 Golf courses and/or driving ranges shall only use water sources that will not impact surrounding water sources.
- 2.7.4.7 In order to encourage responsible stewardship of the proposed golf course lands, the Local Trust Committee in reviewing a rezoning application for a golf course should assess the potential environmental impact of on values such as wildlife, vegetation, ground and surface waters, adjacent land uses and viewscapes.

An environmental review should also include the requirements, where applicable, of the Provincial Agricultural Land Reserve, Capital Regional District and any other provincial or federal government agencies involved in the approval process. An environmental review should provide proposed mitigation measures for any values negatively impacted.

Advocacy Policies

- 2.7.4.8 The Mayne Island Parks **and Recreation** Commission shall be requested to develop a network of walking trails on the Island.
- 2.7.4.9 The Ministry of Transportation ~~and Highways~~ 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.
- 2.7.4.10 Dedicated public access to beaches, and access across the foreshore shall not be restricted or obstructed.
- 2.7.4.11 The Ministry of Transportation ~~and Highways~~ shall be requested to provide cycling paths along all major roads at the time of road construction or major upgrading.
- 2.7.4.12 Private landowners are encouraged to dedicate walking trails for public use.

2.8 DEVELOPMENT PERMIT AREAS

Background

Development Permits can be used under specific circumstances to vary land use regulations other than use, density and flood plain requirements, without changing the regulations as they apply elsewhere. Development Permits cannot vary the use or density of the land except where they are for the purpose of protection of development from hazardous conditions and then the use and density of the land may be varied as they relate to health, safety or protection of property from damage only. If Development Permits are designated within the Agricultural Land Reserve, the B.C. Land Commission must be consulted.

Section 976 of the *Municipal Act* provides that in areas designated as development permit areas, no construction of, alternation to, or addition to a building or structure, nor subdivision of land in the area may take place until and unless the owner first obtains a permit.

Development Permits are based on the concept that, where special conditions exist, the regulatory bylaws can be altered on a site specific basis. All permits are issued by resolution of the Mayne Trust Committee and must be filed against the title in the Land Title Office. Unless the permit says otherwise, if substantial construction does not begin within two years of the issuance of the permit, it lapses and a new one would have to be applied for before subsequent construction or subdivision could begin. More than one type of permit may be required and issued for one piece of land.

The Trust Committee designates areas in the Official Community Plan where permits shall be required. A development permit can address only certain aspects of a development depending on the category of permit designation and only as explained in the guidelines in the Plan. Each permit designation in the Plan must describe the special conditions or objectives that justify the designation and must specify guidelines on how development may be regulated in a permit to meet those defined objectives. As part of the Official Community Plan, these designations are subject to Public Hearing and Ministerial approval. Once the designations are in place, the permits may be issued by resolution of the Committee after giving notice to adjacent property owners and no further public hearings are required.

The Local Government Act authorizes that a Local Trust Committee may designate Development Permit Areas (DPA) within an OCP for one or more of six purposes. In this plan, the Local Trust Committee has designated DPA for the establishment of objectives for the form and character of commercial and industrial development. The Mayne Island Local Trust Committee will undertake to amend the OCP to include DPA for environmental protection and steep slopes when detailed information is available.

2.8.1 Development Permits to Define the Form and Character of Commercial, Visitor Accommodation and Industrial Development

Development permits for this purpose may vary or supplement bylaw regulations to specify the general character of the development and the siting and form of buildings and structures.

Designation

~~This development permit area includes all land in the Commercial Centres designation as shown on Schedule ???.~~

This development permit area includes all land that is designated Retail Commercial, Visitor Accommodation and Industry.

Authority

This development permit area is established, pursuant to Section 919.1(1)(f) of the *Local Government Act*, for the purpose of establishing objectives for the form and character of commercial and industrial development.

Objectives

The objective of this development permit area is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties.

General Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below.

- (a) Construction of, addition to or alteration of a building or other structure.

Work Not Requiring a Permit (Exemptions)

The following activities are exempt from any requirement for a development permit, upon determination by Islands Trust staff:

- a) subdivision of land;
- b) the maintenance of existing landscaping;
- c) the repair or maintenance of existing buildings or structures, including lighting and signage, provided there is no addition to lot coverage or area, no exterior alterations requiring a building permit or no change in the use of external materials that results in the alteration to the form or character of the building or structure;
- d) internal renovations or alterations;
- e) new construction not requiring a building permit, new landscaping, new roads and paved driveways, and new parking areas;
- f) repair and maintenance of existing roads, parking areas, paths and trails; and
- g) construction of unpaved driveways and walkways.

~~Area: — Commercial Development Permit Areas Number 1, 2 and 3 are designated as shown on Schedule C.~~

~~Justification: —~~

~~To ensure that the form and character of development are compatible with the rural atmosphere of the community. The use of wood or natural finishes, because of the repetition of natural colours and~~

~~textures, tend to be compatible with the Island landscape in character and scale.~~

~~Guidelines: Development permits issued in these areas shall be in accordance with the following guidelines:~~

- ~~1. The character of each development shall be in keeping with the rural environment and be capable of blending in with the aesthetic qualities of the natural surroundings.~~
- ~~2. The form of the development shall incorporate low, small scale building designs with such amenities as public walk ways and outdoor open spaces for use by the public, and include sufficient services to ensure public health is maintained.~~
- ~~3. Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.~~
- ~~4. Signage should be grouped and reflect the character of the neighbourhood.~~
- ~~5. Off-street automobile parking must be provided as required by bylaw and the permit should ensure that it is adequately screened and unobtrusive and, if possible, is located to the rear of the parcel and away from public open spaces and eating places.~~
- ~~6. Adequate convenient toilet and washroom facilities must be provided for the number of customers anticipated.~~

2.7.1.2 Commercial Visitor Accommodation

~~Area: Commercial Visitor Accommodation Development Permit Areas No. 1, 2 and 3 are designated as shown on Schedule C.~~

~~Justification:~~

~~To ensure the quiet rural lifestyle of the Island is maintained, the form and character of development should comply with the following guidelines:~~

~~Guidelines: Development permits issued in these areas shall be in accordance with the following guidelines:~~

- ~~1. The character of the development shall be in keeping with the rural environment and be capable of blending in with the aesthetic qualities of the natural surroundings.~~
- ~~2. Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of the development.~~

- ~~3. Signage should be grouped and made of materials and be of a character which matches the natural materials of any structures. Neon or internally lit signs should not be permitted.~~

~~2.7.2 Development Permits to Define the Form and Character of Industrial Development~~

~~Development permits for this purpose may vary or supplement bylaw regulations to specify the general character of the development and the siting and form of buildings and structures.~~

~~2.7.2.1 Industry~~

~~Area: Industrial Development Permit Area Number 1 is designated as shown on Schedule C.~~

~~Justification:~~

~~The Industrial area identified on the Plan map is to be developed in a way compatible with the rural atmosphere of the Island.~~

~~Guidelines: Development permits issued in these areas shall be in accordance with the following guidelines:~~

- ~~1. The character of each development shall be in keeping with the rural environment and be capable of blending in with the aesthetic qualities of the natural surroundings.~~
- ~~2. Wide buffers of natural vegetation should be retained along roadways and adjacent property lines.~~
- ~~3. Natural vegetation and trees should be maintained for screening of parking and storage areas.~~
- ~~4. In order to minimize light pollution, lighting should be directed away from neighbouring properties.~~

2.8.2 Guidelines

The intent of this development permit area is to ensure that development in the form of new buildings or structures, or major additions to buildings or structures, meets the objectives described above. In considering the issuance of a development permit, the LTC should be satisfied that the following guidelines have been met where applicable and impose conditions where appropriate:

- Guideline 1** Where an application involves retail commercial buildings or structures, which are buildings and structures designed and intended for commercial uses other than for visitor accommodation, the building form and character should adhere to the following guidelines:

- 1) **Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.**
- 2) **Buildings should be designed and sited with the main entrance oriented to the front lot line or to the main point of entry from the road.**
- 3) **Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties, without being imitative or derivative of adjacent dwellings.**
- 4) **Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.**
- 5) **Building mass should be softened by the use of small-scale elements such as windows, panels, entrances and other detail features in order to avoid monotony in design.**
- 6) **Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas; features such as garage doors and windowless facades should be minimized.**
- 7) **Buildings should be detached; attached or connected units giving the impression of strip development should not be considered.**
- 8) **Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.**
- 9) **Architectural variety should be provided through the use of pitched roofs, dormers and similar features.**
- 10) **New buildings should be sited in a manner that results in minimal disturbance to existing vegetation.**
- 11) **Elements such as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing and building design.**
- 12) **Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible.**

Guideline 2 Where an application involves visitor accommodation buildings or structures, which are buildings designed and intended for use as commercial visitor accommodation units, building form and character should adhere to the following guidelines:

- 1) **Buildings and structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.**

- 2) Where there are significant numbers of visitor accommodation units proposed or permitted on a site, development should incorporate a variety of building types, including attached or multi-unit buildings, in order to minimize the development footprint on the site and to minimize impacts on adjacent properties.
- 3) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties without being imitative or derivative of adjacent dwellings.
- 4) Building mass should be limited to two storeys above grade.
- 5) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.
- 6) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.
- 7) Architectural variety should be provided through the use of pitched roofs, peaked roof lines, dormers and similar features.
- 8) New buildings should result in minimal disturbance to existing vegetation.
- 9) Such elements as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design.
- 10) Development along the shoreline should be visually unobtrusive and conform to the existing contours of the shoreline.
- 11) Development should be designed and sited in such a manner as to preserve existing significant views and view corridors from adjacent properties and public lands. Consideration should be given to siting a first storey below grade where it results in a lower profile building and protection of views.
- 12) Structures intended to access the foreshore, docks and marinas should be small-scale and low-profile. Stairs and ramps should follow the existing contours of the site, incorporate landings, utilize small concrete pilings and have gaps between boards.

Guideline 3 Where an application involves industrial buildings or structures, building form and character should adhere to the following guidelines:

- 1) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.

- 2) Industrial buildings and structures should be functional and not include unnecessary design features or elements.
- 3) Buildings should be designed and sited to avoid creating visual and noise impacts from industrial operations.
- 4) Elements such as roof top mechanical equipment, shipping and loading areas, external storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design.

Guideline 4 All applications should include landscaping adhering to the following guidelines:

- 1) A landscape plan should be professionally prepared and should:
 - i. provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work;
 - ii. identify existing vegetation by type and identify areas which are to be cleared;
 - iii. provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads;
 - iv. provide for vegetative buffers along lot lines;
 - v. identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides.
- 2) Existing site topography and landscape features should not be altered in order to create new landscaping.
- 3) Existing indigenous vegetation should be retained wherever possible. Significant existing indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetation within the buildable area of the site should be preserved wherever possible through careful and innovative site design.
- 4) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening.
- 5) Landscaped strips should be provided adjacent to the boundary of the Agricultural Land Reserve, along abutting residential properties and adjacent to watercourses.
- 6) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and with the other guidelines in this section.

- 7) Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged.
- 8) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole site and screen all buildings from view; planting should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners.
- 9) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation.
- 10) All landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.
- 11) The application should include a security, in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost.

Guideline 5 All applications should provide a parking layout plan, adhering to the following guidelines:

- 1) Large impervious and surfaced parking areas should be avoided. Parking should be provided through smaller parking areas evenly dispersed throughout the development and separated with planted landscaped areas. Porous or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems.
- 2) Visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas.
- 3) Parking should be located at the sides or rear of buildings wherever feasible.
- 4) Development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment.
- 5) All significant paved parking areas should be included within the context of any stormwater water plan and incorporate oil/water separators.
- 6) The shared use of a common access between businesses is encouraged. The number of accesses should be limited to the number required for traffic safety.

- 7) All new development should include provision for bicycle parking or storage.

Guideline 6 Lighting proposed as part of an application for a new building or overall site development should adhere to the following guidelines:

- 1) Lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths.
- 2) High intensity lighting in parking lots and along roadsides is discouraged.
- 3) Security and other lighting should not be placed so as to shine directly onto residential or agricultural properties or to reduce the effectiveness of any landscaped buffer.

Guideline 7 Signs should adhere to the following guidelines:

- 1) Each site should have no more than one freestanding sign, located on the same lot as the development.
- 2) One sign should be installed for each business premise. All signs should be integrated into the overall design of the building and should not extend above the top wall of a building.
- 3) Billboards and roof signs should not be permitted.
- 4) Signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons.

Guideline 8 The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section.

2.9 TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS

Comment: New Section

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

Objectives for Issuing Temporary Commercial or Industrial Use Permits

- 2.9.1 Permits for temporary commercial and industrial 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.

Permit Guidelines

- 2.9.1.1 Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.

- 2.9.1.2 Permitted uses should be consistent with the policies of the designation and the provisions of 2.8.1.**
- 2.9.1.3 Permitted uses should not preclude or compromise future permitted uses on the affected lot.**
- 2.9.1.4 Uses should not be allowed if they conflict with any ongoing planning policies or programs.**
- 2.9.1.5 Sand and gravel removal and processing, and asphalt plants shall be subject to a permit if they exceed 50 truck loads in any given year.**
- 2.9.1.6 Permit conditions must make reference to measures dealing with the following points:**
 - a) general activity levels that will not create any disturbance apparent beyond the property's boundaries;**
 - b) adequate landscape buffering or distance separation to adjacent lots;**
 - c) provision of off-street parking spaces consistent with regulatory bylaws;**
 - d) reclamation measures that will restore the permit area to suitability for its designated primary use; and**
 - e) adequate supervision of the site.**
- 2.9.1.7 In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighbourhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions.**

2.10 AMENITY ZONING GUIDELINES

- 2.10.1 In the case where a property owner offers to provide a community amenity as a condition of subdivision or rezoning, consideration may be given to increasing the permitted density on a parcel.
- 2.10.2 The following community amenities represents a list of potential community amenities which may be acceptable for consideration under this section:
 - i) the provision of land for preservation of unique natural environments and sensitive areas,
 - ii) the provision of land to preserve forests, watersheds and wetlands,
 - iii) the provision of land for community park or public open space,
 - iv) the provision of land for sewage treatment facilities or community water systems,
 - v) the provision of community wells for domestic water supply,
 - vi) the provision of fire fighting storage reservoirs,
 - vii) the provision of easements or rights of way for utilities or trails,
 - viii) the provision of community buildings,
 - ix) the provision of land for community buildings or structures,
 - x) the provision of community space in a commercial building,
 - xi) the provision of affordable and special needs housing, and

- xii) the provision of any other amenity which is similar in nature to the foregoing and/or is consistent with the objectives and policies of the OCP.
- 2.10.3 In evaluating a proposal to increase density through amenity zoning consideration shall be given to the appropriateness of the proposed amenity that would be granted and the implications for the parcel and adjoining parcels of permitting the increased density.
- 2.10.4 Where, as a condition of providing a community amenity, a parcel is to be granted greater density than would otherwise be the case in the zone in which it is located, the zoning shall be amended on the property to reflect the new maximum density permitted on the parcel.
- 2.10.5 Where a community amenity has been provided, consideration may be given to protection of the amenity through the mechanisms of a covenant or a zoning amendment or a combination of both.
- 2.10.6 Where an amenity rezoning is proposed on land that is not identified elsewhere in this plan, consideration may be given to amending this plan.

2.11 DENSITY TRANSFER PROVISIONS

- 2.11.1 The transfer of density from an Upland area to a Rural area shall be conditional on compliance with the following requirements:
- i) Approval of a density transfer shall be subject to compliance with the policies of this Plan.
 - ii) In the case where a density transfer is approved, the following should be considered where appropriate:
 - amending the zoning on all or part of the Upland portion to reflect the reduced density; or,
 - re-designating and rezoning the Upland portion to Resource Conservation;
 - placing a restrictive covenant on the property, limiting further subdivision and development; and
 - placing a conservation covenant on all or part of the Upland portion, stipulating that the subject land may not be subdivided and may only be used for public purposes, environmental protection, heritage site protection, community forest, park or heritage area.
 - iii) In calculating the density entitlement that may be transferred from land in the Upland designation, any fractional amount of a lot which is equal to or greater than half the area of a Upland density unit shall be counted as a full density unit entitlement for purposes of transfer.
 - iv) The affected properties shall be rezoned to reflect the new maximum density permitted on the Rural portion and to denote that the density has been removed from the Upland portion, which may be designated in the OCP and zoned as Resource Conservation.
- 2.11.2 The transfer of density from an Agricultural area to a Rural area shall be conditional on compliance with the following requirements:
- i) Approval of a density transfer shall be subject to compliance with the policies of this Plan.

- ii) In the case where a density transfer is approved, placing a restrictive covenant on the property limiting further subdivision and development may be considered where appropriate.
- iii) In calculating the density entitlement that may be transferred from land in the Agricultural designation, any fractional amount of a lot which is equal to or greater than half the area of an Agricultural density unit shall be counted as a full density unit entitlement for purposes of transfer.
- iv) The affected properties shall be rezoned to reflect the new maximum density permitted on the Rural portion and to denote that the density has been removed from the Agricultural portion.

2.11.3 Where the transfer of density is proposed involving land that is not identified elsewhere in this plan, consideration may be given to amending this plan.

SECTION 3 OBJECTIVES AND POLICIES FOR COMMUNITY SERVICES

3.1 TRANSPORTATION

3.1.1 Roads

Background

The Ministry of Transportation and Highways 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 Highways was signed in November 1992.

The agreement set out modified road standards and classifications for new roads in the Islands Trust Area that have been adjusted downward in size from those normally used by the Ministry. It is also recognized that some roads possess scenic and heritage values that should be preserved and protected.

Schedule D identifies the road network and the following objectives and policies reflect the special classification and standards.

Objectives

The objectives of this section are:

- 1) to encourage maintenance of a road system in keeping with the Mayne Island Trust Area's natural environment and rural character,
- 2) to establish a functional classification of rural roadways for Mayne Island,
- 3) to establish scenic and heritage road designations for unique and valued roadways, and

- 4) to provide for the safety of pedestrians and cyclists.

Advocacy Polices

- 3.1.1.1 The Ministry of Transportation and Highways shall be requested to maintain the major road pattern as shown on Schedule D, the land status map.
- 3.1.1.2 The Ministry of Transportation and Highways shall be requested to provide, wherever possible, designated cycle lanes and pedestrian paths along roadways.
- 3.1.1.3 The Ministry of Transportation and Highways shall be requested to retain low speed limits on all roads.
- 3.1.1.4 The Ministry of Transportation and Highways shall be requested to ensure the road system follows natural contours of the land wherever possible.
- 3.1.1.5 The Ministry of Transportation and Highways shall be requested to retain unused road dedications as greenbelts.
- 3.1.1.6 Programs to inform and educate visiting cyclists on the special safety issues of a rural road system shall be supported.
- 3.1.1.7 Public transport systems and any programs that encourage shared ridership are to be encouraged.
- 3.1.1.8 The Ministry of Transportation and Highways shall be requested to ensure signage along the roads is minimal and in keeping with a rural atmosphere.

3.1.2 Water Transport

Background

There are two Federal government wharfs on Mayne Island, one at Miners Bay and one at Horton Bay. In addition, there is a foreshore lease in Miners Bay for a commercial marina. A privately owned water taxi provides inter-island water access, local school bus and ambulance services for the Area. B.C. Ferry **Services Inc.** provides the majority of water access to the Island via the Village Bay terminal.

Objectives

The objectives of this section are:

- 1) to ensure the needs of the local residents are considered in the delivery of service from B.C. Ferry **Services Inc.** ,
- 2) to identify, maintain and protect public access to the foreshore, and
- 3) to ensure provision of water access by boat to the island.

Policies

- 3.1.2.1 Any log dumpsite shall be subject to a Temporary Use Permit.
- 3.1.2.2 Commercial marinas shall be primarily for local use, subject to rezoning, and environmental regulations.

Advocacy Policies

- 3.1.2.3 The B.C. Ferry Corporation **Services Inc.** shall be requested to maintain a regular schedule of consultation with the community on all initiatives or changes to its services that impact on Mayne Island.
- 3.1.2.4 The B.C. Ferry Corporation **Services Inc.** shall be requested to ensure that the expansion of the ferry service follows, rather than anticipates, demands.
- 3.1.2.5 The B.C. Ferry Corporation **Services Inc.** shall be requested to ensure terminal access and parking facilities are safe and of adequate capacity.
- 3.1.2.6 The ~~Federal Department of Fisheries and Oceans~~ **Canada** and the **provincial agency responsible to Crown Leases B.C. Lands** shall be requested to assist the community in designating appropriate sites and establishing conditions for barge loading and unloading in the Mayne Island Trust area.
- 3.1.2.7 The sharing of community docks and private wharfs for residential use shall be encouraged.
- 3.1.2.8 The Ministry of Transportation and Highways shall be requested to identify and maintain all public accesses to water including boat ramps.

3.1.3 Aircraft

Background

There are designated areas at the public docks at Horton Bay and Miners Bay for float planes to tie up. In addition there is limited privately owned land based facilities, and a helipad for emergency evacuation at the fire hall.

Objective

The objectives of this section are:

- 1) to minimize noise disturbance,
- 2) to ensure that land is not used for commercial airstrips, and
- 3) to provide for quick emergency evacuation and fire protection.

Policies

- 3.1.3.1 Horton Bay and Miners Bay docks are appropriate locations for the landing of sea planes.
- 3.1.3.2 Emergency helipad sites may be designated anywhere in the Trust area where appropriate for 24 hour use.
- 3.1.3.3 Land based commercial airstrips shall not be permitted.

3.2 WATER SUPPLY

3.2.1 Watersheds and Groundwater

Background

Water availability at a reasonable cost is a limiting factor to future development in the Mayne Island Trust Area. All groundwater originates from rainfall and is stored in aquifers at various depths throughout the Trust Area. There are no lakes or other extensive surface waters storage areas. The amount of water that is available in the aquifers appears to vary and some areas suffer from summer water shortages. Conservation and protection of the groundwater resources is essential if water is to be available at a reasonable cost in the future and is a major element in land use decisions.

Objectives

The objectives of this section are:

- 1) to conserve rainwater, surface, and groundwater supplies,
- 2) to protect watersheds and to encourage the development of catchment areas for existing and future use, and
- 3) to ensure that the development and use of the land base does not lead to degradation of the current supply of fresh water.

Policies

- 3.2.1.1 As a condition of subdivision approval, applicants shall be required to prove the availability of sufficient potable water to support the proposed use.
- 3.2.1.2 Development ~~will be restricted~~ **should not be permitted** in areas where groundwater limitations have been identified.
- 3.2.1.3 **The extraction and sale of water should be permitted by rezoning only and should only be considered if it is determined that the**

proposed use would not produce significant drawdown of wells on adjacent properties.

Advocacy Policies

- 3.2.1.4 The Ministry of Environment ~~Lands and Parks~~ shall be requested to undertake a full investigation of water sources and quantity to lead to a Strategy Report that could be incorporated into this Plan.
- 3.2.1.5 The Ministry of Environment, ~~Lands and Parks~~ shall be requested to identify watersheds, groundwater recharge areas and wetlands that require protection.
- 3.2.1.6 Enclosed cisterns and ponds for storage of rainwater to supplement water supply for individual or group household use, fire protection and irrigation shall be encouraged
- 3.2.1.7 The broadcasting of pesticides and herbicides on the land by any agency or individual shall be discouraged.
- 3.2.1.8 The ~~Environmental Health Department of the Capital Regional District~~ **Vancouver Island Health Authority** shall be requested to ensure any flow of effluent be controlled so it does not contaminate surface or groundwater.
- 3.2.1.9 Any education program directed toward the conservation of the Mayne Island Trust Area water supplies shall be supported.
- 3.2.1.10 The Ministry of Environment, ~~Lands and Parks~~ shall be requested to ensure that drilled wells with high salt content be capped or grouted to protect against the intrusion of salt into the fresh water table.
- 3.2.1.11 **The Ministry of Environment ~~Lands and Parks~~ shall be requested to undertake a full investigation of the practice of hydro-fracturing wells and if it is determined that this practice negatively impacts the water supply then it should be prohibited.**
- 3.2.1.12 Owners of land being logged are encouraged to maintain sufficient cover to permit groundwater recharge throughout the harvest cycle.
- 3.2.1.13 **The collection and transport of water (bulk water sales) from one part of Mayne Island to another should be discouraged.**

3.2.2 Water Systems

Background

There are ~~eleven~~ **several major** community water systems, **a number of private water systems and mostly individual wells** on Mayne Island serving the various developed areas. Water costs, system quality and water availability vary considerably from system to system. Some of the water systems experience

seasonal water shortages and any further development in these area will require the development of additional water sources and storage facilities.

Water conservation during the summer period is necessary in all areas, including those served by private wells. Over use, misuse or contamination of groundwater by individuals or agencies could jeopardize water availability for other residents.

Objectives

The objectives of this section are:

- 1) to ensure the maintenance of safe potable water resources for residents of the Mayne Island Trust Area,
- 2) to encourage community water systems
- 3) to encourage the integration of community water systems, and

Policies

- 3.2.2.1 An adequate source of safe ~~freshwater~~ **potable water** must be proven prior to subdivision approval or construction of buildings.

Advocacy Policies

- 3.2.2.2 Water conservation, the building of cisterns, and ponds for water storage areas and the efforts to recycle water shall be encouraged.
- 3.2.2.3 The development of community water systems and the use of shared wells, shall be encouraged.
- 3.2.2.4 The development of new technologies which demonstrate water conservation and efficient use of water resources shall be encouraged.
- 3.2.2.5 ~~The Capital Regional District Health Protection and Environmental Health Department~~ **Vancouver Island Health Authority and provincial government** shall be requested to monitor water quality of community water systems.
- 3.2.2.6 ~~The Ministry of Environment, Lands and Parks~~ shall be requested to implement regulations that will permit local government to protect and regulate water use for the community.

3.3 WASTE DISPOSAL

3.3.1 Disposal of Sewage

Background

There is serious concern over the disposal of waste into the ground because the nature of the topography and soil limits its ability to absorb effluent. The environmental health of the small lot development neighbourhoods are of particular concern. The Mayne Island Trust Area utilizes sewage disposal systems which conventionally include a septic tank and sewage disposal fields. There are two community sewage disposal systems; the Village Bay Improvement District (Lundy Lane Sewage Disposal System), and Georgina Point Improvement District (Edith Point Sewage Disposal System).

Objectives

The objectives of this section are:

- 1) to protect the health and safety of residents, **visitors and the natural environment** from contamination of the ground and groundwater by sewage disposal systems, and
- 2) to protect the marine environment of the Mayne Island Trust Area from contamination **by sewage disposal**.

Advocacy Policies

- 3.3.1.1 When a sewage system is required, a sewage disposal system **plan** must be approved prior to construction of buildings.
- 3.3.1.2 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**.
- 3.3.1.3 The ~~Environmental Health Officer of the Capital Regional District~~ **Vancouver Island Health Authority** shall be requested to consider the cumulative effects of individual disposal systems in an area.
- 3.3.1.4 Community sewer systems to remedy a developed area where septic systems are failing ~~may be permitted~~ **are encouraged**.
- 3.3.1.5 The Ministry of Environment, ~~Lands and Parks~~ and the ~~Environmental Health Officer~~ **Vancouver Island Health Authority** shall be requested not to permit any ocean dumping of untreated sewage.
- 3.3.1.6 The Federal Government shall be requested to require that **all** vessels ~~equipped with sanitation facilities~~, while docked, moored or travelling within the waters of the Mayne Island Trust Area, use sewage holding tanks and not dump sewage into the sea.
- 3.3.1.7 **All** marinas, commercial **and public**, shall be required to have adequate pumpout stations for discharge of holding tanks.
- 3.3.1.8 **The respective agencies responsible for policies 3.3.1.5 – 3.3.1.7 are requested to provide adequate enforcement to ensure these policies are being complied with.**

3.3.2 Disposal of Solid Waste

Background

The Capital Regional District is responsible for the management and disposal of solid waste and has delegated to the Mayne Island Improvement District responsibility for the removal of garbage from the Island. Mayne Island has made an increasing commitment to recycling its waste since 1985. In 1994 ~~2005~~, according to records from Hartland Landfill and Mayne Island Recycling Society, ~~39~~ **41%** of Mayne Island garbage was recycled. As most ~~permanent~~ residents have compost piles, it is assumed that **significantly more than approximately** 50 % of the waste is diverted from the land fill during the winter months. It is recognized that in the future, residents of the Mayne Island Trust Area may need to dispose of locally generated solid waste on island.

Objectives

The objectives of this section are:

- 1) to encourage the on-island handling of **reusable**, recyclable and compostable materials, ~~and~~
- 2) to protect the environmental quality of the Mayne Island Trust Area, **and**,
- 3) **to extend the life of the Hartland Landfill.**

Advocacy Policies

- 3.3.2.1 The ~~reuse, community encourages the~~ recycling **and composting** of solid wastes **is encouraged**.
- 3.3.2.2 The Recycling Depot and any other site used for the storage of solid wastes shall be managed in compliance with the regulations of the Capital Regional District and the Ministry of Environment, ~~Lands and Parks~~.
- 3.3.2.3 The Ministry of Environment, ~~Lands and Parks~~ shall be requested to provide safe storage and to regulate **and to coordinate dangerous cargo sailings with BC Ferries in the** removal of hazardous wastes from the Mayne Island Trust Area.
- 3.3.2.4 The ~~Federal Department of Fisheries and Oceans~~ **Canada** and the Provincial Ministry of Environment, ~~Lands and Parks~~ shall be requested to prohibit the dumping of any waste materials in the waters of the Mayne Island Trust Area.
- 3.3.2.5 The development of innovative techniques **and appropriate training will be supported** for the disposal of waste material generated by both existing and future development in the Mayne Island Trust Area will be supported.

SECTION 4 - OBJECTIVES AND POLICIES FOR NATURAL AND HERITAGE RESOURCES

Comment: Added "and Heritage"

4.1 HERITAGE RESOURCES

4.1.1 Heritage Resources

Background

According to the ~~Ministry of Tourism and the Ministry Responsible for Culture~~ **Ministry of Tourism, Sport and the Arts** there are approximately 30 recorded archaeological/heritage sites located in the Mayne Island Trust Area. The ~~Mayne Island Community Tourism Action Plan (Ministry of Tourism, 1992)~~ cites the museum, lighthouse, church, Agricultural Hall and the Indian Reserve as heritage/cultural sites.

Comment: Is this plan still relevant?

Objective

The objective of this section is to **preserve places of historical and/or cultural significance including landscape features from wanton destruction. These Places are to be identified and means for their protection sought.** ~~protect all natural and cultural heritage resources in the Mayne Island Trust Area.~~

Policies

- 4.1.1.1 **The Mayne Island Local Trust Committee may create a Heritage Commission to study and recommend sites, areas, landmarks, buildings, roads, trails, and other features of historical or cultural significance for inclusion together with sites that are on a registry in a Heritage designation under the *Local Government Act* and archeological sites protected under section 13 of the *Heritage Conservation Act*.**
- 4.1.1.2 **The Mayne island Local Trust Committee, in consultation with the Heritage Commission, may:**
- a) **develop a Community Heritage Registry to identify island heritage buildings or other heritage and archaeological sites and features;**
 - b) **develop heritage conservation areas for inclusion in the Plan;**
 - c) **require heritage alteration permits for heritage features identified in the Community Heritage Registry and heritage conservation areas;**
 - d) **require heritage impact assessments for designated heritage features and archaeological sites protected under section 13 of the *Heritage Conservation Act*;**
 - e) **encourage heritage conservation covenants to protect heritage features; and**
 - f) **encourage dedication or donation of heritage features for long-term protection.**

Advocacy Policies

- 4.1.1.1 Archaeological resources ~~sites~~ in the Mayne Island Trust Area ~~shall~~ **should** be protected under the *Heritage Conservation Act*.
- 4.1.1.2 The ~~Ministry Responsible for Culture~~ **Ministry of Tourism, Sport and the Arts** shall be requested to ensure that these sites are protected from disturbance under the *Heritage Conservation Act*.
- 4.1.1.3 The ~~Ministry Responsible for Culture~~ **Ministry of Tourism, Sport and the Arts** shall be requested to have management options made available to the Building Inspector.
- 4.1.1.4 All cultural heritage sites ~~shall~~ **should** be designated a Development Permit Area for the protection of the sites under the *Heritage Conservation Act*, when the Islands Trust has the legislative authority to designate these sites.
- 4.1.1.5 The Building Inspector ~~shall be required~~ **is requested** to ensure Archaeological sites are protected from construction activities.

4.2 MARINE RESOURCES

4.2.1 Coastal Waters and Foreshore

Background

The coastal waters within the Mayne Island Trust Area include the surface of the water extending from the shoreline of Mayne Island out to the middle of the Georgia Strait, except where the jurisdictional boundary overlaps with another Local Trust Area when the boundary becomes a line mid-channel. Many actions further off-Island, will impact on the Local Trust Area's water resources and the policies below reflect the need for consideration of the impacts of these actions in this area.

The foreshore, the land between the highest tide and the lowest tide, is public land managed by ~~B.C. Crown Lands~~ **the Provincial Government**. While the Crown is not bound by local bylaws, any occupiers of this land must comply with the bylaws. A foreshore concern in the Mayne Island Trust Area is the erosion effects due to the passage of B.C. Ferry ~~Services Inc Corporation~~ ships in Active Pass.

Objectives

The objectives of this section are:

- 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, and

- 3) to limit the impact of ~~commercial~~ 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.
- 4.2.1.2 Ensure that there are adequate setbacks from the natural boundary of the sea for all development.**
- 4.2.1.3 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.
- 4.2.1.5 Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.
- 4.2.1.6 Any zoning for commercial use of the foreshore and coastal areas shall:
- a) include public access to the foreshore, and
 - b) protect coastal areas by balancing waterfront development (or redevelopment) with natural areas.
- 4.2.1.7 No offshore reef nor islet shall be developed or used for commercial activities.
- 4.2.1.8 Marinas shall be subject to site specific zoning and environmental impact assessment.
- 4.2.1.9 Barging of materials shall be at the Miners Bay dock or regulated by Temporary Use permit.

Advocacy Policies

- 4.2.1.10 Erosion and pollution causing the loss of habitat, marshlands, coastal bluffs and other natural features shall be prevented by:
- a) requesting the Canadian Coast Guard and the B.C. Ferry **Services Inc. Corporation** to regulate traffic to minimize bank erosion or to construct a breakwater to protect Miners Bay from ferry wash,
 - b) ~~ensuring waterfront development is adequately set back from the high water mark, and~~
 - c) requesting the Ministry of Environment, ~~Lands and Parks~~ to monitor the state of the environment.
- 4.2.1.11 The Canadian Coast Guard shall be requested to enforce safety requirements for tanker traffic and a prohibition against the pumping of bilges while in the Mayne Island Trust Area.

- 4.2.1.12 ~~The Federal Department of Environment~~ **Canada**, the Ministry of Environment, ~~Lands and Parks~~ and the Canadian Coast Guard respectively shall be requested to prohibit the following in waters, near or surrounding the Mayne Island Local Trust Area:
- a) ocean dumping of all substances (prohibited, restricted and other),
 - b) release of any substance or contaminant (organic or inorganic), such as gravel and pulp mill effluent, and
 - c) pumping of marine heads inside specific areas (sensitive bays and foreshore areas).
- 4.2.1.13 The Canadian Coast Guard and ~~the Federal Department of Fisheries and Oceans~~ **Canada** shall be requested to require every marina and government wharf to provide a public toilet.
- 4.2.1.14 The Canadian Coast Guard and Environment Canada shall be requested to ensure there is no transshipment of nuclear material around or near the Mayne Island Local Trust Area.

4.2.2 Public Access to the Foreshore

Background

Public access to foreshore is important in the Mayne Island Local Trust Area for local recreational purposes. There are ~~numerous~~ **some** beach accesses and boat launching facilities in the Local Trust Area **with more being added**. B.C. Ferry **Services Inc.** provides access to and from the Island. There are 2 government wharfs on the Island and numerous private wharfs and mooring buoys located in sheltered bays and used primarily by residents.

Objectives

The objectives of this section are:

- 1) to protect foreshore accesses for public use,
- 2) to ensure an adequate number of beach accesses; and,
- 3) **to ensure access to all boaters at all tides and all weather with the construction of a dock, ramp and pumpout station constructed at the Anson Road beach access.**

Policies

- 4.2.2.1 In **areas covered by water areas**, ~~any~~ commercial use shall be permitted only if it will not disrupt traditional swimming beaches, or navigation, and will not create pollution.

Advocacy Policies

- 4.2.2.2 The Ministry of Transportation ~~and Highways~~ shall be requested to maintain launching facilities at Village Bay, David Cove, **Horton Bay**, Bennett Bay and Aitken Point (Potato Point).

- 4.2.2.3 The Ministry of Transportation and Highways shall be requested to ensure that public accesses are not blocked by private docks.
- 4.2.2.4 The Ministry of Environment, Lands and Parks shall be requested when granting leases, to ensure that public right-of-way along the foreshore is preserved.
- 4.2.2.5 The Ministry of Transportation and Highways shall be requested to ensure that dedicated public accesses are retained and additional accesses obtained wherever possible.
- 4.2.2.6 The Ministry of Transportation and Highways shall be requested to identify and clear any dedicated public access to the foreshore established as a result of subdivision for pedestrian use.

4.2.3 Fisheries and Aquaculture

Comment: Fin fish farming is prohibited in the islands trust policy statement.

The Coastal Resource Interests Study (CRIS, 1987) identifies the majority of inland coastal waters surrounding the Mayne Island Trust Area as not suitable for fin fish aquaculture operations; however, there are two areas that are designated as conditional and limited fin fish aquaculture opportunities.

The Indian Reserve coastal waters and foreshore areas extending from Reserve Point to Helen Point, including the portion of Village Bay surrounding Enterprise Reef and Naylor Bay, are designated as limited fin fish aquaculture opportunities where enhanced referral procedures apply. The coastal waters and foreshore areas along the north east side of Samuel Island are designated as conditional fin fish opportunities where normal application procedures apply.

There are two nori farm leases in the Local Trust Area near David Cove that are inactive. There is recreational shellfish harvesting and crab fishing.

Objectives

The objective of this section is to preserve the shellfish and fishery resources.

Policies

- 4.2.3.1 Any application for commercial fin fish or shellfish aquaculture operations shall be subject to the public process of rezoning.

Comment: Fin fish farming is not permitted in the Trust Are in the I.T. Policy Statement

Advocacy Policies

- 4.2.3.2 The ~~Federal Department of Fisheries and Oceans~~ **Canada** and the **B.C. Provincial government**
 - a) preserve marine habitat by ensuring that any marine harvesting does not adversely affect the marine ecosystem,
 - b) to support all preservation and enhancement measures for marine species, and
 - c) to restrict harvesting of mollusca to recreational use only and to regulate and monitor the harvesting of mollusca to ensure that wild stocks are sustainable.

- 4.2.3.3 The Canadian Coast Guard and ~~Crown Lands~~ **Provincial agency responsible for Crown Lands** shall be requested to protect the populations of all marine species by minimizing impacts of foreshore uses.

4.3 ENVIRONMENTAL RESOURCES

4.3.1 Environmental Management

Background

Sustainable forest management practises are environmental management concerns in the Local Trust Area. The only substantial area of Crown Land is committed to public use. The private ownership pattern is in relatively small holdings.

Objectives

The objectives of this section are:

- 1) to minimize the impact of human activities on environmental systems,
- 2) to protect the natural environment in all considerations of land use, and
- 3) to encourage ~~sustainable forest management practises~~ **landowners to foster sustainable forest practices suitable to small island ecosystems.**

Advocacy Policies

- 4.3.1.1 Environmental standards shall be established in support of the policies and jurisdictions of the Capital Regional District, Ministry of Environment, ~~Lands and Parks~~, and the Ministry of Transportation and ~~Highways~~ **and Ministry of Forests.**
- 4.3.1.2 The Ministry of Environment, ~~Lands and Parks~~ shall be requested to prohibit the release of ozone depleting chemicals into the atmosphere from debris such as old refrigerators, **dumping of batteries, electronic equipment, paint/solvents/fuels and buildings materials** and shall be requested to monitor and enforce the prohibition.
- 4.3.1.3 The Mayne Island Local Trust Committee encourages the residents in the Area to retain forests for habitat, water recharge, soil retention and environmental values, and selectively log as an alternative to clear cutting.
- 4.3.1.4 The Ministry of Forests **or other forestry associations** shall be requested to provide increased guidance on sustainable forest practices to all forest landowners in the Mayne Island Local Trust Area.

- 4.3.1.5 **The Mayne Island Local Trust Committee encourages the use of sustainable agricultural practices within the area.**
- 4.3.1.6 The Ministry of Transportation and Highways shall be requested to maintain tree cover along road right-of-ways except where required for safety.
- 4.3.1.7 The Mayne Island Local Trust Committee shall encourage any efforts to educate residents and visitors about ways to minimize environmental degradation of the Islands sensitive systems.

4.3.2 Environmentally Sensitive Areas

Background

There are several areas in the Mayne Island Local Trust Area that may be considered environmentally sensitive. ~~Specific habitat areas are indicated on the Environmental Resources Map.~~ **The Islands Trust is in the process of mapping and collecting further information on these Environmentally Sensitive Areas (ESA's). The Mayne Island Local Trust Committee will undertake to amend the OCP to include this information which may include designating these ESA's as Development Permit Areas.**

Objectives

The objective of this section is to identify and encourage maximum protection **including use of zoning and development permit tools to protect** of unique habitat areas with sensitive ecological or aesthetic value.

Policies

- 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.

Advocacy Policies

- 4.3.2.2 Land owners who feel that areas of their land are environmentally valuable are encouraged to enter into voluntary covenants with an appropriate third party such as the Islands Trust Fund, the Nature Conservancy of Canada or B.C. Nature Trust.
- 4.3.2.3 Naturalist groups and government agencies are encouraged to provide information to residents and visitors of actions necessary to protect the Mayne Island Local Trust Area's environmentally sensitive areas as well as endangered plant and animal species.
- 4.3.2.4 ~~The Federal Departments of Fisheries and Oceans Canada, and Environment Canada and Parks Canada~~ shall be requested to establish ongoing monitoring program on the health of shoreline and marine natural areas.

- 4.3.2.5 ~~The Federal Department of Environment~~ **Canada** and **the Provincial agency responsible for** Crown Lands shall be requested to discourage foreshore uses which would disturb migratory waterfowl feeding areas.
- 4.3.2.6 ~~The Federal Department of Fisheries and Oceans~~ **Canada** and ~~B.C.~~ **the Provincial agency responsible for** Crown Lands shall be requested to protect the naturally occurring shellfish communities and fish nursery areas from depletion or habitat disturbance.
- 4.3.2.7 Development Permit Areas ~~shall not~~ **should** be applied to environmentally sensitive areas. ~~identified on Schedule F except upon application of the property owner.~~

4.4 RESOURCE CONSERVATION

Background

As a means of providing for the protection of lands considered to be of special importance to Mayne Island for reasons of ecosystem protection, wildlife protection, watershed protection, enjoyment of scenery, historic preservation, environmental management and/or protection against development, certain lands may be placed in the resource conservation designation. The primary intent of this designation is to retain these lands in an unaltered state. The Mayne Island land use regulations will specify a limited range of permitted uses in this designation.

Objectives

The objective of this section is to provide a land use designation that may be used to protect special areas in the Mayne Island Local Trust Area, which are considered important for environmental, heritage, recreational or aesthetic reasons.

Policies

- 4.4.1 Lands in the Mayne Island Local Trust Area deemed to be of special importance for environmental, heritage, or aesthetic reasons may be designated Resource Conservation.
- 4.4.2 The primary intent of the Resource Conservation designation is to retain certain lands in their natural state and to prohibit residential and commercial use. The Mayne Island land use regulations shall specify a minimum range of principal use for lands in the Resource Conservation designation.
- 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.
- 4.4.4 As provided for in Subsection 2.9.1, as a condition of density transfer lands in an Upland designation may be re-designated and rezoned as Resource Conservation.

4.5 MINERAL AND PETROLEUM RESOURCES

4.5.1 Mineral and Petroleum Resources

Background

There are currently no permits for mineral, petroleum or natural gas in the Mayne Island Trust Area.

Objectives

The objectives of this section are:

- 1) to ensure maximum protection for the sensitive environment of the Mayne Island Local Trust Area, and
- 2) to encourage the conservation of energy and the use of renewable energy sources.

Advocacy Policies

- 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.
- 4.5.1.2 The conservation of energy and the use of renewable resources shall be encouraged.
- 4.5.1.3 Community initiatives to provide educational and informational programs on energy conservation in the Mayne Island Local Trust Area shall be encouraged.
- 4.5.1.4 Sand and gravel deposits shall be reserved for local use only.

4.6 TOURISM

4.6.1 Tourism

Background

The Mayne Island Trust Committee has a dual mandate to preserve and protect the Islands for the benefit of the local community and the Province generally.

Objectives

The objectives of this section are:

- 1) to maintain the rural ambience of the Mayne Island Trust Area,
- 2) to provide adequate infrastructure for tourist activities, and

- 3) to ensure that tourism use is environmentally and economically sustainable.

Policies

- 4.6.1.4 High impact destination recreational facilities that are not part of, or sensitive to, the natural and rural values of the Mayne Island Trust Area and that are designed to attract visitors to the Area shall not be permitted.

Advocacy Policies

- 4.6.1.1 The Ministry of Tourism shall be requested to ensure the rural ambience is maintained by integrating community values into tourism planning for the Mayne Island Trust Area.
- 4.6.1.2 The Ministry of Tourism shall be requested to ensure that the appropriate authorities provide sanitary services, including fresh water, toilets and garbage cans for the visiting public.
- 4.6.1.3 The ~~Community~~ **Mayne Island** Chamber of Commerce shall be encouraged to develop and implement a tourist strategy that supports the values outlined in this Plan.

SECTION 5 ADMINISTRATION

5.1 ~~PERSON RESPONSIBLE~~ PURPOSE

~~This Bylaw shall be administered by the Secretary of the Islands Trust or other employee of the Islands Trust appointed by resolution of the Mayne Island Trust Committee.~~

The purpose of this official community plan bylaw is to further the object of the *Islands Trust Act* through long-range land use policy for the Mayne Island Local Trust Area. This bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the Mayne Island Local Trust Committee and the public regarding the existing and proposed land use and development in the Local Trust Area.

5.2 ~~IMPLEMENTATION~~ ISLANDS TRUST AUTHORITY

~~There are five instruments available to the Trust Committee to implement this Plan; Land Use Regulations, Subdivision Regulations, Development Permits, Temporary Use Permits and covenants.~~

The Islands Trust Act gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*. Bylaws must be approved by the Islands Trust Executive Committee and, in the case of Official Community Plans, also by the Minister of Community Services before adoption by the Local Trust Committee.

The Mayne Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the Mayne Island Local

Trust Area. This committee has three members; two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.

The purpose of the Trust Council, Executive Committee, and Local Trust Committees, is to carry out the object of the Islands Trust which is:

To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. Local trust committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

5.1 ~~AMENDMENT PROCEDURE~~-Area of Jurisdiction

~~This Bylaw may be amended by the Mayne Island Trust Committee at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Trust Committee.~~

~~Where an application for amendment of this bylaw has been refused, no application for the same amendment shall be considered within twelve months of the date of refusal, unless the Mayne Island Trust Committee waives this requirement.~~

The provisions of this Bylaw apply to that portion of the Mayne Island Local Trust Area shown on Schedule "H", which forms part of this Bylaw.

5.4 ~~UPDATE AND REVISION~~-ADVOCACY POLICIES

~~The local trustees, in consultation with the Advisory Planning Commission and the community may initiate review of the Community Plan at any time. The Bylaw should be reviewed in its entirety at least every five years from the adoption date.~~

~~All amendments of the Community Plan shall comply with the mandate and policies of the Islands Trust, as well as with procedures specified in the *Municipal Act* and shall be accompanied by public review and discussion.~~

Community goals and objectives included in this Bylaw that address matters that are outside the jurisdiction of the Mayne Island Local Trust Committee are considered "advocacy policies". These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the plan. This Bylaw cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

5.5 PUBLIC FACILITIES

Any designation or policy for proposed public facilities on private lands including but not restricted to roads, parks, trails, parking facilities, and public and community facilities that are not available for acquisition through dedication, grants, or as an amenity through a zoning regulation and that are not subject to committed funds either through a capital expenditure plan or other budgeting process of the public agency responsible for the proposed facility, shall be deemed to be a community goal of this Bylaw.

5.6 IMPLEMENTATION

Section 884 of the *Local Government Act* specifies that:

"An official community plan does not commit or authorize a municipality, regional district (includes a local trust committee pursuant to Section 27 of the *Islands Trust Act*) or improvement district to proceed with any project that is specified in the plan."

and

"All bylaws enacted or works undertaken by a council, board or greater board (includes a local trust committee pursuant to Section 27 of the *Islands Trust Act*), or by the trustees of an improvement district, after the adoption of an official community plan must be consistent with the relevant plan."

5.7 INTERPRETATION

- 1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the three digit numbers policies and the lower case letters articles:
Part: 1
Section: 1.1
Policies: 1.1.1 and 1.1.1.1
Article: a)
- 2) The final interpretation as to the precise location of boundaries on any map schedule shall be defined by:
 - a) Where boundaries coincide with lot lines, the boundaries are the lot lines.
 - b) Where a boundary is shown as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the boundary.
 - c) Where land based and water based boundaries coincide, the common boundary shall be the surveyed lot line as shown on a plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the common boundary.

- d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.
- 3) In interpreting the objectives and policies of the Plan, the term "shall" or "will" denotes that the indicated measure must be taken or applied. The term "should" or "may" indicates that the suggestion is intended as a guideline.
- 4) Throughout this Plan, the words listed below shall be defined as follows:

Island - Mayne Island and any additional area that this Plan applies to as defined by this Bylaw.

Official Community Plan - A community plan adopted pursuant to Part 26, Division (2), Section 876 of the *Local Government Act*.

Plan - An Official Community Plan adopted for Mayne Island.

Local Trust Committee - The Mayne Island Local Trust Committee.

5.8 AMENDMENT PROCEDURE

This Bylaw may be amended by the Mayne Island Local Trust Committee, at its initiative, or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Local Trust Committee that address fees and procedures.

5.9 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.

SCHEDULE "G"

DESIGNING OPEN SPACES SUBDIVISIONS

(a hard copy of Schedule "G" can be obtained through the Islands Trust Office)