MAYNE ISLAND LOCAL TRUST COMMITTEE

OFFICIAL COMMUNITY PLAN

Bylaw No. 144, 2007

AS AMENDED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAWS: 147, 149, 150, 151, 152, 155, 159, 161,165,168, 171, 174, 177, 181, 186, 189, 194 and 196

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plans are available from the Islands Trust Office, 200 - 1627 Fort St., Victoria, B.C. V8R 1H8

Consolidated: September, 2026

This copy is consolidated for convenience only and includes the following **amendments:**

Bylaw Number	Amendment Number	Adoption Date
Bylaw No. 147	Amendment No. 1, 2009	April 16, 2009
Bylaw No. 151	Amendment No. 1, 2010	September 20, 2010
Bylaw No. 149	Amendment No. 1, 2009	April 4, 2011
Bylaw No. 150	Amendment No. 2, 2009	April 4, 2011
Bylaw No. 152	Amendment No. 2, 2010	April 4, 2011
Bylaw No. 155	Amendment No. 1, 2010	July 4, 2011
Bylaw No. 159	Amendment No. 1, 2013	January 26, 2015
Bylaw No. 161	Amendment No. 1, 2014	November 30, 2015 – includes Map amend.
Bylaw No. 165	Amendment No. 1, 2015	November 28, 2016
Bylaw No. 168	Amendment No. 1, 2016	November 28, 2016 – includes Map amend.
Bylaw No. 171	Amendment No. 1, 2017	November 26, 2018 - includes Map amend.
Bylaw No. 174	Amendment No. 1, 2018	September 30, 2019 – includes Map amend.
Bylaw No. 177	Amendment No. 1, 2019	June 21, 2021 – includes Map amend.
Bylaw No. 181	Amendment No. 1, 2021	June 26, 2023 – includes Map amend.
Bylaw No. 186	Amendment No. 2, 2021	October 24, 2022 – includes Map amend.
Bylaw No. 189	Amendment No. 1, 2022	November 14, 2022
Bylaw No. 194	Amendment No. 1, 2024	February 23, 2026 – includes Map amend.
Bylaw No. 196	Amendment No. 1, 2025	August 31, 2026

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 144

****

A BYLAW TO ADOPT THE OFFICIAL COMMUNITY PLAN FOR
MAYNE ISLAND LOCAL TRUST AREA

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WHEREAS the Mayne Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area, pursuant to the Islands Trust Act;

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

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

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

TITLE

1. This Bylaw shall be cited as the "Mayne Island Official Community Plan Bylaw No. 144, 2007".

APPLICATION

2. This Bylaw applies to:

   Mayne Island and the islets, islands or other land areas and the surface of water within the Mayne Island Trust Area as shown on Schedule "AA" which is attached to and forms part of this bylaw.

ORGANIZATION

BL 174 3. Schedules AA, A, B, C, D, E F, G, H, I and J, attached to and forming part of this Bylaw, are hereby designated as the "Mayne Island Official Community Plan Bylaw No. 144, 2007".

4. The Schedules comprising this Bylaw are as follows:

	Schedule AA -	Map of Mayne Island Local Trust Area
	Schedule A -	Policy Document
BL 177	Schedule B -	Map of Land Use
	Schedule C -	Map of Development Permit Areas
	Schedule D -	Map of Land Status
	Schedule E -	Map of Water Resources
BL 152	Schedule F -	Mayne Island Sensitive Ecosystem Mapping – Airphoto 2005
	Schedule G -	Design Open Spaces Subdivisions
	Schedule H -	Excerpt from Parks and Recreation Master Plan
BL 174	Schedule I -	Riparian Area Development Permit Areas
	Schedule J -	Miners Bay Commercial Core

BYLAW REPEAL

5. The "Mayne Island Official Community Plan Bylaw No. 86, 1994" is repealed upon adoption of the Bylaw.

READINGS

READ A FIRST TIME this	14th	day of	February	, 2007.
PUBLIC HEARING HELD this	10th	day of	March	, 2007.
READ A SECOND TIME this	2nd	day of	April	, 2007.
READ A THIRD TIME this	2nd	day of	April	, 2007.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this	24th	day of	April	, 2007.
APPROVED BY THE MINISTER OF COMMUNITY SERVICES this	11th	day of	June	, 2007.
ADOPTED this	23rd	day of	July	, 2007.

Kathy Jones
DEPUTY SECRETARY

Kim Benson
CHAIRPERSON

SCHEDULE "AA"

MAYNE ISLAND LOCAL TRUST AREA MAP

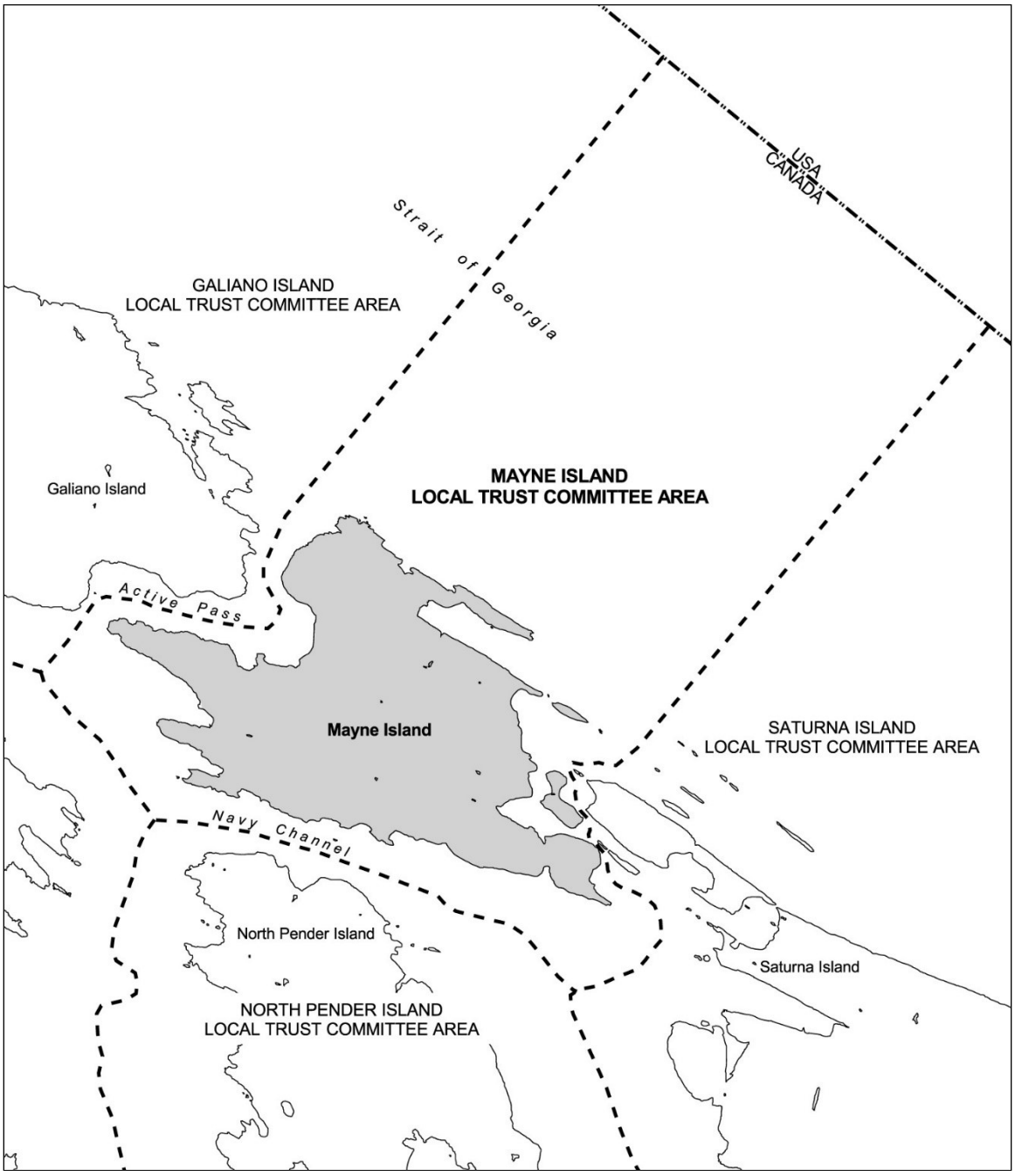

TABLE OF CONTENTS

PAGE

SCHEDULE "A" POLICY DOCUMENT 1
SECTION 1 BACKGROUND AND BROAD COMMUNITY OBJECTIVES 1
1.1 BACKGROUND 1
1.1.1 Historical Perspective 1
1.1.2 Islands Trust Context 2
1.1.3 Population Projections, Build Out and Housing Needs 3
1.2 BROAD COMMUNITY OBJECTIVES 5
SECTION 2 OBJECTIVES AND POLICIES FOR LAND USE AND DEVELOPMENT 6
2.1 RESIDENTIAL 6
2.1.1 Settlement Residential 6
2.1.3 Rural Residential 8
2.1.4 Rural 9
2.1.5 Upland 12
2.1.6 Affordable, Seniors and Special Needs Housing 13
2.2 AGRICULTURE 16
2.2.1 Agriculture 16
2.3. HOME OCCUPATION 18
2.4. COMMERCIAL 19
2.4.1 General Commercial 19
2.4.2 Visitor Accommodation 22
2.5 INDUSTRIAL USE 24
2.5.1 Industry 24
2.6 PUBLIC USE AND PUBLIC SERVICES 25
2.6.1 Public Use, Services and Utilities 25
2.7 PARKS AND RECREATION 26
2.7.1 Regional Parks 27
2.7.2 Community Parks 28
2.7.3 National Parks 29
2.7.4 Outdoor Recreation 30
2.8 DEVELOPMENT PERMIT AREAS 32
2.8.1 Development Permits to Define the Form and Character of Commercial, Visitor Accommodation and Industrial Development 32
2.8.2 Guidelines 33
2.8.3 Development Permits to Define the Form and Character of Intensive Residential Development 39
2.8.4 Guidelines 40
2.8.5 Development Permits for the Protection of the Natural Environment 44
2.8.6 Guidelines 45
2.8.7 Riparian Area Development Permit Area 46
2.8.8 Guidelines 49
2.9 TEMPORARY USE PERMITS 51
2.10 AMENITY ZONING GUIDELINES 52
2.11 DENSITY TRANSFER PROVISIONS 54
SECTION 3 OBJECTIVES AND POLICIES FOR COMMUNITY SERVICES 56

3.1 TRANSPORTATION 56
3.1.1 Roads 56
3.1.2 Water Transport 58
3.1.3 Aircraft 59
3.2 WATER SUPPLY 60
3.2.1 Watersheds and Groundwater 60
3.2.2 Water Systems 62
3.3 WASTE DISPOSAL 63
3.3.1 Disposal of Sewage 63
3.3.2 Disposal of Solid Waste 65
SECTION 4 - OBJECTIVES AND POLICIES FOR NATURAL AND HERITAGE RESOURCES 67
4.1 HERITAGE RESOURCES 67
4.1.1 Heritage Resources 67
4.2 MARINE RESOURCES 68
4.2.1 Coastal Waters and Foreshore 68
4.2.2 Public Access to the Foreshore 71
4.2.3 Fisheries and Aquaculture 72
4.3 ENVIRONMENTAL RESOURCES 73
4.3.1 Environmental Management 73
4.3.2 Environmentally Sensitive Areas 74
4.4 RESOURCE CONSERVATION 76
4.5 MINERAL AND PETROLEUM RESOURCES 76
4.5.1 Mineral and Petroleum Resources 76
4.6 TOURISM 77
4.6.1 Tourism 77
4.7 CLIMATE CHANGE MITIGATION AND ADAPTATION 78
SECTION 5 ADMINISTRATION 81
5.1 PURPOSE 81
5.2 ISLANDS TRUST AUTHORITY 81
5.3 AREA OF JURISDICTION 81
5.4 UPDATE AND REVISION 82
5.5 ADVOCACY POLICIES 82
5.6 PUBLIC FACILITIES 82
5.7 IMPLEMENTATION 82
5.8 INTERPRETATION 83
5.9 AMENDMENT PROCEDURE 84
5.10 SEVERABILITY 84

MAYNE ISLAND LOCAL 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. 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 last century.

In the early 1900's agriculture was an important activity with farms providing such products as tomatoes, fruit, dairy products and strawberries to the Vancouver, Salt Spring Island and Victoria markets. Logging and fishing rounded out the economic base.

Soon men and women of all nationalities arrived to farm and fish most notably the families of Japanese origin. Some 22 families of Japanese descent settled on the Island forming one third of the population, Some families relied on fishing and there was a fish saltery at Dinner Bay. Other families farmed, raising chickens and growing tomatoes under some eight acres of glass greenhouses in various locations. Much economic activity occurred at this time but was significantly reduced with the evacuation of the Japanese from Mayne Island, Tuesday, April 21, 1942.

Mayne Island had also begun 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. This pattern of part-time and summer residents continues today with a small but active group of permanent residents. Currently the demographic changes found throughout B.C. have led to a smaller school population and fewer young people.

The history of Mayne has lead to a diverse community with well developed services. Our active community members continue to offer many volunteer based services with the recent addition of a full service library, second Community Centre, the Japanese Garden project, the Emma and Felix Jack Garden and an increasing network of Park and trail options.

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, Build Out and Housing Needs

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.

Population Projections

Mayne Island has an area of approximately 2,300 hectares (5,750 acres). The permanent population in 2021 was 1,304, resulting in a population density of approximately one person per 1.76 hectares (4.4 acres).

Population change over the past two decades has been uneven. The population increased by 27% between 2001 and 2006, declined by 4% between 2006 and 2011, and declined further by 11% between 2011 and 2016. This was followed by a significant 37% increase between 2016 and 2021, likely influenced by COVID-19–related migration.

Population projections for 2030 and 2045 were developed using four methods: linear regression, logarithmic regression, regional step-down, and constant growth rate, all based on census data from 2001 onward. The linear and logarithmic regression methods project a population of approximately 1,320 in 2030 (about 1% growth from 2021) and approximately 1,525 in 2045 (about 17% growth), representing an annual growth rate of roughly 0.65%.

The regional step-down method, which applies Mayne Island's share (21%) of Southern Gulf Islands electoral area growth, projects a population of approximately 1,315 in 2030 and 1,500 in 2045, equating to a 15% increase from 2021 and an annual growth rate of approximately 0.58%.

The constant growth rate method, based on the average annual growth rate from 2001 to 2021 (approximately 1.98%), projects a population of approximately 1,550 in 2030 and 2,075 in 2045. However, this method is considered an outlier, as it is heavily influenced by the unusually large population increase between 2016 and 2021, which is unlikely to be sustained. The linear and logarithmic projections are therefore considered more realistic for long-term planning.

Build Out

As of January 2026, there were approximately 1,529 lots that permit residential use, of which about 1,285 were developed. Most vacant lots (approximately 200) are located within Settlement Residential zones. Estimated future subdivision potential across residentially zoned lands (including Rural, Agricultural, and Upland zones) could add approximately 164 additional lots to support market housing, for a total potential of about 1,693 residential lots. Based on the current average household size of 1.8 persons, full-time occupation of all residential lots would result in a population of approximately 3,050 people.

Housing Needs

The BC Provincial Government requires all local governments in BC to consider its' most recent Housing Needs Report and housing information when amending OCPs. Based on the Islands Trust Housing Needs Assessment prepared by Urbanics Consultants Ltd in 2025, the projected housing need in the next 5 years is 110 units and in the next 20 years is 330. This calculation is based on portion of growth projections for the Capital Regional District. Given challenges with this data as well as groundwater limitations and focus on preserving and protecting the environment on the Island, the provision of housing should focus on the type of housing that is needed most.

A limited rental supply, rising property costs, and a growing proportion of residents on fixed or lower incomes has contributed to housing insecurity. The portion of households experiencing core housing need (70 as indicated in 2021 Census), and projected population growth, combined with demographic aging, points to increasing demand for more diverse, accessible, and affordable non market housing options. Market conditions and affordability challenges limit the ability of existing housing supply to meet community needs.

Essential services further shape land use planning decisions. Mayne relies primarily on groundwater for water supply, which is sensitive to seasonal variation and drought conditions.

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 support a rural island community by preserving for resident and visitor enjoyment, the aesthetic, historic, scenic and natural resource values from the forests, farmlands, gardens, waterways, coastline and marine environment of the Mayne Island Trust Area.

3) 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.

BL 151

4) To support incentives that will assist in the retention of large parcels of land for reasons of preserving open green space, storing carbon and encouraging sustainable agriculture and silviculture.

BL 189

5) To support a diverse and vital community structure through effective and flexible housing policies for affordability, long term rental opportunities and special needs while maintaining flexibility for a range of dwelling types.

6) To recognize the important role that varied livelihoods and a vibrant economy play in our community's unique character through the encouragement of economic diversity and a vital local economy.

BL 151

7) To support actions and initiatives that result in sustainable development through the implementation of smart growth principles.

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 maintain natural topography of the landscape and minimizing impacts on adjoining properties,

4) to maintain the stability of ground and water catchment potential, and,

BL 151 5) to encourage a land use pattern that results in a more compact, complete and connected community, with new residential development occurring in areas accessible to existing transportation and services.

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,

2) to protect the health and safety of the residential neighbourhoods, and

3) to ensure that ecologically sensitive areas are not disturbed by future development.

BL 189

4) to support flexible options for housing while preserving and protecting rural character and freshwater sustainability.

Policies

2.1.1.1 The principal use shall be residential with accessory uses consistent with the residential character.

2.1.1.2 In general, residential density shall be:

BL 189
BL 196

a) one dwelling per lot, and on parcels greater than 0.6 hectares one additional dwelling for each additional 0.6 hectares; or
b) in designated flexible housing areas, up to three dwellings per lot provided total floor area does not exceed a maximum prescribed in zoning; and
    i. one accessory cottage, limited by floor area, on parcels over an area prescribed in zoning; or
    ii. one secondary suite per lot outside of designated flexible housing areas, or
    iii. on larger lots: one accessory cottage and one secondary suite per lot.

2.1.1.3 Flexible Housing is intended to provide housing options by permitting two or more small dwellings on a parcel as an alternative to a single large dwelling. Regulations shall designate areas within which flexible housing may be permitted and establish overall floor area limits and the number of additional dwellings based on lot area. Areas designated for Flexible Housing should exclude:

BL 189
BL 196

a) waterfront lots
b) archaeological and cultural heritage sites
c) sensitive ecosystems
d) steep slope or other hazardous areas

e) areas of critical aquifer recharge
f) exclude water services areas

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.

BL 151

2.1.1.5 Location, number and size of buildings and structures shall be regulated to protect the quiet enjoyment of property and to implement smart growth principles.

BL 161
BL 196

2.1.1.6 Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with Sections 2.1.6 and 2.10 (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.

BL 149

2.1.1.9 Consideration may be given to applications where the transfer of density would result in land containing sensitive ecosystems being protected. Consideration of any such application shall comply with the policies in Section 2.11 (Density Transfer Provisions) of this Plan.

2.1.3 Rural Residential

BL 147

Background

This is a special transitional designation of limited application used for acknowledging historical situations of multiple land owners. In the three 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, in some instances, a 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.

BL 147 2.1.3.2 The number of dwelling units permitted in each location shall not exceed the density permitted by long-standing zoning.

BL 147 2.1.3.3 On parcels greater than 2.8 hectares (7 acres) residential density shall be one dwelling unit per parcel and one additional dwelling unit for each additional 2.8 hectares (7 acres) and one guest cottage for each dwelling unit permitted.

BL 147 2.1.3.4 The minimum parcel size for subdivision shall be limited to no more than one parcel for each permitted dwelling unit.

2.1.3.5 This designation only applies to existing historical situations to accommodate the needs of long term corporate or strata ownerships and is not intended for future development proposals.

2.1.3.6 Regulations at this density shall not be applied to land not already developed.

BL 149 2.1.3.7 Consideration may be given to applications where the transfer of density would result in land containing sensitive ecosystems being protected. Consideration of any such application shall comply with the policies in Section 2.11 (Density Transfer Provisions) of this Plan.

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 *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.

BL 189

3) to support flexible approaches housing while preserving and protecting rural character and freshwater sustainability.

Policies

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

BL 161
BL 189
BL 196

2.1.4.2 In general residential density shall be:

a) one dwelling per lot, and on parcels greater than 10 hectares one additional dwelling for each additional 10 hectares; or
b) in designated flexible housing areas, up to three dwellings per lot provided total floor area does not exceed a maximum prescribed in zoning; and
    i. one accessory cottage, limited by floor area, in respect of each dwelling on parcels over an area prescribed in zoning; or
    ii. one secondary suite per lot outside of designated flexible housing areas on smaller lots, or
    iii. on larger lots outside of designated flexible housing areas: one accessory cottage in respect of each principle dwelling and one secondary suite per lot.

BL 189
BL 196

2.1.4.3 Flexible Housing is intended to provide housing options by permitting two or more small dwellings on a parcel as an alternative to a single large dwelling. Regulations shall designate areas within which flexible housing may be permitted and establish overall floor area limits and the number of additional dwellings based on lot area. Areas designated for Flexible Housing should exclude:

a) waterfront lots
b) archaeological and cultural heritage sites
c) sensitive ecosystems
d) steep slope or other hazardous areas
e) areas of critical aquifer recharge
f) exclude water services areas

BL 161
BL 196

2.1.4.4 Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with Sections 2.1.6 and 2.10 (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).

BL 161 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 2.10) and the Density Transfer Provisions (Section 2.11) 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.

BL 161 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 2.10 (Amenity Zoning Guidelines) and 2.11 (Density Transfer Provisions).

BL 149 2.1.4.10 Consideration may be given to applications where the transfer of density would result in land containing sensitive ecosystems being protected or where development potential on lands designated Upland would be transferred to contiguous land in the Rural designation. Consideration of any such application shall comply with the policies in Section 2.11 (Density Transfer Provisions) of this Plan.

BL 161 2.1.4.11 Site specific rezoning to permit small-scale campgrounds as an accessory use may be considered, subject to policy 2.4.2.3, 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,

2) to retain large parcels of land in balance with developed settlement residential areas, and

3) to ensure that development in this designation does not affect ecologically sensitive areas including water recharge 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 designation shall be 1 hectare (2.47 acres) provided that the average lot size is not less than 10 hectares.

2.1.5.5 Development shall be designed to protect water recharge areas.

2.1.5.6 Consideration may be given to applications where the transfer of density would result in land containing sensitive ecosystems being protected or where development potential on land designated Upland would be transferred to contiguous land in the Rural designation. Consideration of any such application shall comply with the policies in Section 2.11 (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 2.4.2.3, upon application.

BL 159
BL 196

2.1.5.10 One secondary suite, limited in size, contained wholly within a dwelling unit may be permitted per parcel. On parcels less than 4 hectares: a secondary suite shall not be permitted on the parcel if a cottage has been constructed; and a cottage shall not be permitted on the parcel if a secondary suite has been constructed. A rainwater catchment and storage system shall be required prior to the construction of a secondary suite or cottage.

2.1.6 Affordable, Seniors and Special Needs Housing

BL 196

Background

Housing affordable to moderate and low income residents of Mayne has become an increasing issue. This plan seeks to address housing issues through a variety of policies throughout the plan. The objectives and policies in this section address criteria related to applications to permit additional density or new uses to provide affordable housing.

Objectives

The objectives of this section are:

1) to provide opportunities for low to moderate income residents to attain affordable and safe housing,

2) to minimize the impacts of new housing on ecologically sensitive areas including critical aquifer recharge areas.

Policies

2.1.6.1 The policies in this section are applicable to lands in any Land Use designation except Agriculture, Park, and Resource Conservation, except where otherwise stated.

2.1.6.2 Consideration may be given to applications from not-for-profit organizations, government agencies, or First Nations to rezone land to a higher density where the additional density is restricted to housing for moderate and low income persons. Such applications shall:

a) be limited to a maximum of 10 additional units
b) be located in proximity to services and amenities
c) demonstrate sufficient potable water and wastewater disposal capacity
d) not be located in areas containing sensitive ecosystems, or of cultural or archaeological significance
e) minimize site impacts through attached or clustered units
f) be managed by a not-for-profit organization, First Nation body, or an agency and rents, prices, or tenure are secured through a housing agreement, and
g) be consistent with the amenity zoning or density transfer policies of this plan.

2.1.6.3 Consideration may be given to applications to rezone land in any Land Use Designation in which residential uses are a permitted principal use to permit boarding homes for Special Needs residents or Seniors.

2.1.6.4 Consideration may be given to applications in any Land Use Designation in which residential uses are a permitted principal use to rezone land for clustered, small unit housing where:

a) units consist of tiny homes, including tiny homes on wheels or manufactured homes
b) units are constructed to the BC Building Code, or CSA standards for manufactured homes, or equivalent
c) units are anchored to the ground, connected to a source of potable water, and connected to an approved wastewater system
d) units shall not exceed a maximum floor area of 50m2
e) the total floor area of units shall not exceed any maximum dwelling floor area for that zone.
f) communal facilities are provided, such as laundry or common rooms
g) the development would not be located in areas containing sensitive ecosystems or of cultural or archaeological significance
h) the land is located within one kilometre of the boundary of the Miners Bay Commercial Core or an area designated for the use on Schedule to this Plan.

2.1.6.5 Consideration may be given to applications to reduce minimum and minimum average lot areas from not-for-profit organizations, government agencies, or First Nations intending to provide affordable housing.

2.2 AGRICULTURE

2.2.1 Agriculture

Background

BL 161 The majority of agricultural land in the Mayne Island Trust Area 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 ALR is subject to the regulations of the *Agricultural Land Commission Act.*

Historically, agriculture has been important in the development of Mayne Island with products traditionally marketed off-island. However, there has been a recent increase in the production of and the purchase of locally produced foods. Farmland is important to the rural lifestyle and character of Mayne Island.

Objectives

The objectives of this section are:

1) to recognize and protect the ability to farm except as it may be limited in residential areas outside of the ALR,

2) to identify and protect land suitable for agricultural uses,

3) to retain farmland as part of the rural landscape,

4) to give a high priority toward encouragement of food production and horticulture in the Mayne Island Trust Area,

5) to recognize the extra burden of transportation costs by supporting local farm-gate sales, and

BL 151 6) to support efforts to increase local agricultural self-sufficiency.

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 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 2.2.1.3, in a case where, through density transfer within a parcel or between adjacent Agricultural parcels, it may be demonstrated that such a transfer would not result in decreased agricultural potential, the minimum parcel size may be reduced through rezoning, subject to Provincial Agricultural Land 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 Section 2.11 (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.

BL 161

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 2.4.2.3 and the approval of the Agricultural Land Commission.

BL 151

2.2.1.9 Zoning regulations should not inhibit local food production, processing and distribution.

BL 159

2.2.1.10 One secondary suite, limited in size, contained wholly within a dwelling unit may be permitted per parcel. On parcels less than 4 hectares: a secondary suite shall not be permitted on the parcel if a cottage has been constructed; and a cottage shall not be permitted on the parcel if a secondary suite has been constructed. A rainwater catchment and storage system shall be required prior to the construction of a secondary suite.

Advocacy Policies

2.2.1.11 Agricultural use of agricultural land shall be encouraged.

2.2.1.12 The fragmentation of agricultural land by roads or other service corridors shall be avoided wherever possible.

2.2.1.13 The retention of the Agricultural Land Reserve to protect land with a potential for agricultural use shall be supported.

2.2.1.14 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.

2.2.1.15 The use of catchment systems for irrigation and livestock watering is supported and encouraged.

2.2.1.16 The Ministry of Agriculture and Lands is encouraged to maintain and promote the development of agricultural activity on the Island.

2.2.1.17 Where there is potential for conflict between agriculture and the environment, the Provincial Agricultural Land Commission and the Ministry of Environment shall be consulted.

2.3. HOME OCCUPATION

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 an accessory use of residential property while allowing for economic activities. 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;

2) to retain a rural or residential character in all neighbourhoods, and

BL 151 3) to encourage and support small-scale economic activities that limit or reduce the need for travel by vehicle.

Policies

2.3.1.1 Home occupations shall be permitted only as an accessory use to a permitted residential use.

2.3.1.2 Only goods that are produced on Mayne Island may be sold as part of the home occupation.

BL 161

2.3.1.3 Bed and Breakfast accommodation shall be permitted as a home occupation use, the zoning bylaw shall specify other conditions, including a limit on the number of guest accommodation rooms.

2.3.1.4 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.

2.3.1.5 Home occupations shall be confined to the interior of a dwelling or a permitted accessory building and employ a maximum of three full-time equivalent employees, one of whom must reside permanently on the property on which the home occupation is conducted.

2.3.1.6 Signage, parking and screening of materials associated with a home occupation shall be regulated to protect the residential or rural character of neighbourhoods.

BL 165

2.3.1.7 The rental of a cottage as a commercial vacation rental shall be permitted as a home occupation.

BL 174

2.4. COMMERCIAL

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

2.4.1 General 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 and Fernhill and Whalen 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,

5) to ensure the scale, form and character of all new commercial developments harmonize with the natural surroundings, and

6) to support the clustering of commercial uses in areas that limit or reduce the need to travel for services.

Policies

2.4.1.1 The principal land use shall be small scale commercial businesses, and in the Miners Bay Commercial Core, one residential dwelling per lot.

2.4.1.2 Retail, restaurants, licensed premises, office, personal service, medical and dental clinics, and other similar uses should be clustered in the Miners Bay Commercial Core shown on Schedule I. Increased residential density within the Miners Bay Commercial Core may be appropriate.

2.4.1.3 Existing commercial zones outside of Miners Bay Commercial Core at Montrose/Fernhill, Whalen/Fernhill, Horton/Fernhill, and Dalton/Village Bay should remain.

2.4.1.4 Where rezoning applications are received for existing commercial designated properties outside of the Miners Bay Commercial Core, the following types of uses are considered appropriate for the specified areas:

2.4.1.4.1 Montrose/Fernhill – Uses similar to those permitted in the Miners Bay Commercial Core.

2.4.1.4.2 Whalen/Fernhill – Building supply sales, and other similar uses.

2.4.1.4.3 Horton/Fernhill – Vehicle repair provided it is carried out indoors.

2.4.1.4.4 Village Bay /Dalton – Uses similar to those permitted by zoning in the Miners Bay Commercial Core. Buildings and structures should be limited in floor area.

2.4.1.5 Rezoning applications to change or add uses in existing commercial zones outside of the Miners Bay Commercial Core should demonstrate:

2.4.1.5.1 That there is adequate parking to service the proposed use.

2.4.1.5.2 That the proposed use will not have adverse impacts on neighbouring properties.

2.4.1.5.3 That there is adequate water and septic capacity to support the proposed use.

2.4.1.6 Applications proposing to rezone non-commercial land to commercial land should only be considered if the application demonstrates:

2.4.1.6.1 That there is no other suitable appropriately-zoned land.

2.4.1.6.2 That there is community need for the proposed use.

2.4.1.6.3 That there is adequate parking to service the proposed use.

2.4.1.6.4 That the proposed use will not have adverse impacts on the neighbouring properties.

2.4.1.6.5 That there is adequate water and septic capacity to support the proposed use.

2.4.1.6.6 That the proposed use, buildings and structures be small in scale.

2.4.1.7 Recreation commercial businesses shall be subject to rezoning on a site specific application only.

2.4.1.8 The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.

BL 196

2.4.1.9 In addition to principal commercial uses, in appropriate locations second-storey residential dwelling units or detached residential units may be permitted in order to provide a mix of housing types and to encourage residences closer to services and amenities.

2.4.1.10 The LTC may consider amending the parking requirements for commercial uses, to require alternatives to parking spaces, including but not limited to: bicycle racks, electric vehicle plug-ins, or cash-in-lieu for use for trails and paths.

BL 196

2.4.1.11 All properties within the Miners Bay Commercial Core should be permitted residential uses.

2.4.1.12 Lots within the Miners Bay Commercial Core should not be consolidated into large commercial lots.

2.4.1.13 Strip development will be restricted through the rezoning process and through the application of development permit guidelines.

BL 196

2.4.1.14 Employee accommodation may be required as a condition of a rezoning resulting in a significant change in use or increase in density.

2.4.2 Visitor Accommodation

Background

The historic pattern of visitor accommodations followed the settlement pattern in the Miners Bay and Bennett Bay areas as represented by the 5 original Commercial Accommodation zones. Visitor accommodations are dispersed throughout the island and vary from inns and motels to bed and breakfast operations. Bed and breakfasts are 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 offers 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 as defined in the Land Use Bylaw and shall be dispersed around the Mayne Island Trust Area.

2.4.2.2 There should be regulation in the Land Use Bylaw that would limit the length of stay for visitor accommodation units while acknowledging that the Springwater Lodge and Blue Vista, for example, has for many years allowed works crews to stay for longer durations.

2.4.2.3 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 outside the ALR; 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 Provincial Agricultural Land 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 such as increased setbacks from lot lines, rezoning to a commercial accommodation zone, designation as a development permit area and Section 219 covenants in the implementation of these guidelines.

2.4.2.4 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.

2.4.2.5 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.

BL 161

2.4.2.6 The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.

BL 151

2.4.2.7 Employee accommodation may be required in new development where a significant number of additional units are permitted or proposed.

2.5 INDUSTRIAL USE

2.5.1 Industry

Background

There are several existing industrial areas mostly 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 require 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, processing shall be under a temporary use permit.

BL 151 2.5.1.7 In reviewing any application for new industrial uses, or increased density in industrial zones, the LTC should consider potential climate change impacts.

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 uses 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 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.

BL 196

2.6.1.5 Zoning may permit residential uses in suitable locations.

Advocacy Policies

BL 151

2.6.1.6 The recycling depot shall be encouraged to consider expansion of recycling, composting and chipping services, while maintaining the highest environmental health standards and shall ensure that the storage of recyclable material be designed with special regard for the protection of groundwater.

2.6.1.7 All public use facilities and services must meet the strictest interpretation of all health and environment standards.

2.6.1.8 B.C. Hydro is encouraged to conduct an appropriate level of tree trimming to minimize downed power lines.

2.6.1.9 The community is encouraged to implement Fire-smart practices in order to minimize the impact that a wildfire can have on the island.

BL 147

2.6.1.10 The Mayne Island Local Trust Committee recognizes the value of community policing and supports community policing initiatives by the RCMP.

BL 151

2.6.1.11 The Mayne Island Local Trust Committee should support and encourage efforts to expand or improve the digital infrastructure on the island in order to reduce the need to travel.

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 is a Regional Park, Mount Parke, situated in the centre of the island. There are areas of the Mayne Island Trust area that have recently become part of the Gulf Island National Park Reserve.

2.7.1 Regional Parks

Background

Mount Parke, a Regional Park is situated inland on the south western portion of the Island and includes approximately 40 hectares (100 acres) of land. A management plan for this park has been completed by the CRD Parks.

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.

Advocacy Policies

BL 196

2.7.1.1 Park Uses shall be the principal permitted use.

2.7.1.2 Accessory uses, buildings and structures, including accessory residential uses, may be permitted in suitable locations specified in zoning.

2.7.1.3 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.

2.7.1.4 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.

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

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

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

2.7.1.8 Owners of land located adjacent to the park shall be encouraged 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 public information and implementation.

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 authority of the local Mayne Island Parks and Recreation Commission,

3) to encourage a system of parks including walkways, hiking easements and linear parks in residential areas.

Policies

2.7.2.1 An owner of land being subdivided shall provide park 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.

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

BL 196

2.7.2.3 The principal use shall be park use, and accessory uses, buildings or structures, including accessory residential uses, may be permitted in suitable locations specified in zoning.

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

Advocacy Policies

2.7.2.5 The acquisition to rights for walking trails on private land by purchase or donation shall be encouraged.

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. Parks Canada has approved Interim Management Guidelines for the national park reserve which will guide management until a Park Management Plan is completed.

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 and to address impacts to the national park arising from potential community development.

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 impact during development and

3) to manage the recreational development to meet the island populations recreational needs while minimizing impacts on the environment and ensuring that there is no negative impact on agricultural activities resulting from such development.

Policies

2.7.4.1 Where possible, at time of rezoning, dedication or donation of trails, easements, parkland, or cash in lieu shall be received.

2.7.4.2 An owner of land being subdivided shall provide park 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.

2.7.4.3 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.

BL 147

2.7.4.4 Rezoning applications to permit golf courses and driving ranges may be 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).

2.7.4.5 Golf courses and/or driving ranges should only be considered on sites where the proposed development is designed to minimize impacts to the agricultural land base and to surrounding agricultural uses.

2.7.4.6 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.

2.7.4.7 Golf courses and/or driving ranges should only use rainwater collection or catchment.

2.7.4.8 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 **Commission**, 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

BL 151 2.7.4.9 The Mayne Island Parks and Recreation Commission shall be requested to develop a network of walking trails as a means of transportation in order to link population and service centres on the Island.

BL 161 2.7.4.10 The Ministry of Transportation and Infrastructure shall be requested to maintain and mark public accesses and ensure they are not used for camping or overnight parking or obstructed in other ways.

2.7.4.11 Dedicated public access to beaches, and access across the foreshore shall not be restricted or obstructed.

BL 151 2.7.4.12 The LTC should support the development of a bicycle path network in cooperation with the Ministry of Transportation and Infrastructure, and the Ministry of Transportation and Infrastructure shall be requested to provide cycling paths along all major roads at the time of road construction or major upgrading.

2.8 DEVELOPMENT PERMIT AREAS

Background

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

BL 174

This development permit area includes all land that is designated General 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

BL 174

g) construction of unpaved driveways and walkways; and
h) residential buildings within the Miners Bay Commercial Core as shown on Schedule J.

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.

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 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) In order to reduce noise 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) In order to reduce noise 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, public paths 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, public paths, 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 and using material blending with the surrounding.

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 prepared by a professional such as a landscape architect 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, and 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.

3) 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.

4) Landscaped strips or appropriate buffering should be provided adjacent to the boundary of the Agricultural Land Reserve, along abutting residential properties and adjacent to watercourses.

5) 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.

6) 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.

7) 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.

8) 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.

9) 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.

10) 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) 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.

2.8.3 Development Permits to Define the Form and Character of Intensive Residential Development

BL 147

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 that is designated as the Intensive Residential Development Permit Area on Schedule C.

Authority

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

Objectives

The objective of this development permit area is to ensure that new or additional intensive residential uses are developed in a manner that is consistent with and enhances rural character and minimizes 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, parking, or 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) construction of buildings or structures not requiring a building permit;
f) repair and maintenance of existing roads, parking areas, paths and trails; and
g) construction of unpaved driveways and walkways.

2.8.4 Guidelines

The intent of this development permit area is to ensure that development in the form of new residential 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 may impose conditions where appropriate:

Guideline 1 Where an application involves new buildings or structures, the building form and character should adhere to the following guidelines:

1) Buildings and other structures should be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.

2) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation.

3) Residential buildings should be designed as detached or duplex units.

4) Buildings should be designed and sited with the main entrance oriented to the public road, the front lot line or to the main point of entry from the road.

5) Building form and character should reflect the architectural elements and forms of traditional residential development in Miners Bay Village.

6) Building design should integrate appropriate elements of nearby residences in Miners Bay Village such as roof shape, dormers, windows, panels, finish materials, entrances and other detail features.

7) Variation in design and architectural style should be used in order to avoid a monotonous appearance and the side-by-side placement of identical designs is discouraged.

8) Buildings should not be designed with blank walls presenting an aspect to the public road or to highly visible areas; features such as garage doors and windowless facades should be minimized.

9) Buildings giving the impression of strip development should not be considered.

10) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.

11) Street front porches, patios and gardens that are visible are encouraged as architectural features and useable outdoor space.

12) Building height should be limited to one storey above grade and buildings should be designed to be accessible at grade and from the road. The LTC may consider variances allowing second storeys on certain residences where it would result in superior site layout, smaller footprints, and enhanced open space.

13) Development should be designed and sited in such a manner as to minimize obstruction of existing significant views and view corridors from adjacent properties and public lands.

Guideline 2 All applications should include landscaping adhering to the following guidelines:

1) A landscape plan prepared by a professional such as a landscape architect 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 and between uses;
   v. identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides.

2) Existing site topography and landscape features, including indigenous vegetation, should be retained wherever possible through careful and innovative site design.

3) 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.

4) 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.

5) 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.

6) 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.

7) 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.

8) 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.

9) 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 3 All applications should provide a parking layout plan, adhering to the following guidelines:

1) Large impervious and surfaced parking areas should be avoided. 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) Common parking spaces should be clearly identified and provided within the development. Landscaping and vegetation planting is encouraged in and around parking areas.

3) Parking should be unobtrusive.

4) Development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment.

5) Any significant common paved parking areas should be included within the context of any stormwater water plan and incorporate oil/water separators.

6) Provision should be made for bicycle parking or storage.

Guideline 4 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 parking areas and pedestrian paths only.

2) High intensity lighting is discouraged.

3) Security and other lighting should not be placed so as to shine directly onto adjacent residential or commercial properties or to reduce the effectiveness of any landscaped buffer.

Guideline 5 The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section.

2.8.5 Development Permits for the Protection of the Natural Environment

BL 168

Designation

This development permit area applies to all areas designated as Marine Development Permit Area on Schedule C.

Authority

This development permit area is established, pursuant to Section 488(1)(a) of the *Local Government Act,* for the purpose of protecting the natural environment, its ecosystems and biological diversity.

Objectives

The objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of marine areas.

2. To manage development to minimize disruption of natural processes and to retain, wherever possible, natural vegetation and natural features.

3. To balance development opportunities with the ecological conservation of the marine environment.

4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.

5. To adapt to the anticipated effects of climate change.

General Applicability

A development permit is required for the construction of, addition to, or alteration of a building or structure, or the alteration or land, except where such activities are specifically exempt.

Work Not Requiring a Permit (Exemptions)

The following activities are exempt from any requirement for a development permit:

a) Repair, maintenance, alteration or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming, provided there is no alteration of undisturbed land or vegetation (a building permit may still be required).

b) Removal of invasive plants on a small scale within the Development Permit Area.

c) emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:

- Forest fire, flood and erosion protection works;
- Protection, repair or replacement of public facilities;
- Clearing of an obstruction from a culvert, dock wharf or stream.

d) The installation of mooring buoys.

2.8.6 Guidelines

BL 168

1. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
2. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.
3. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.

4. Docks should be constructed in a manner that minimizes shading of the seabed.
5. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.
6. Piers and pilings and floating docks are preferred over solid-core piers.
7. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.
8. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.

2.8.7 Riparian Area Development Permit Area

BL 171

Designation

This development permit area includes all land that is designated as the Riparian Area Development Permit Area on Schedule I. The Development Areas shown on Schedule I have been designated as a result of: 1) a detailed assessment carried out by Madrone Environmental Services Ltd. (Madrone) which are detailed in a March 7, 2017 report prepared by Madrone; and 2) mapping carried out by Islands Trust staff December 15, 2017. In the report Madrone identified Streamside Protection and Enhancement Areas (SPEAS) for the Riparian Area designated watercourses on Mayne Island. The Development Permit Areas on Schedule I consist of the SPEAs. The actual location of the streams and water bodies may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

Authority

This development permit area is established, pursuant to Section 488(1)(a) of the *Local Government Act,* for the purpose of establishing objectives for the protection of the natural environment, its ecosystems and biological diversity.

Objectives

The objective of this development permit area is to protect the biological diversity and habitat values of aquatic ecosystems.

It is the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia's Riparian Area Regulation (RAR), under the *Riparian Areas Protection Act,* requires that local governments establish regulations to protect riparian areas. The reason for this designation is to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

General Applicability

The following residential, commercial, and/or industrial 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;

(b) removal, alteration, or destruction of vegetation;

(c) soil removal, soil deposit or soil disturbance;

(d) development of drainage systems;

(e) creation of non-structural impervious or semi-impervious surfaces;

(f) subdivision, as defined in the *Local Government Act*; and

(g) development, as that term is defined under the provincial *Riparian Areas Regulation*.

Work Not Requiring a Permit (Exemptions)

The following activities are exempt from any requirement for a development permit:

a. The reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation

b. Interior or structural exterior alterations, renovations, maintenance, re-construction or repair to a pre-existing permanent building or structure on an existing foundation or footprint to an extent that does not alter, extend or increase the footprint. For clarity, this includes pre-existing septic and water systems.

c. The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.

d. Emergency procedures to prevent, control or reduce immediate threats to life or property including: emergency actions for flood-protection and erosion protection, clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and repairs to bridges and safety fences carried out in accordance with the *Water Act*.

e. Gardening and yard maintenance activities not involving the cosmetic application of pesticides, within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land.

f. Restoration and enhancement activities by persons undertaking to only restore and enhance the natural features, functions and conditions of riparian areas as approved in a signed and sealed letter from a Qualified Environmental Professional.

g. Proposals for the subject property which have an existing development permit and demonstrate that the proposed development shall not in any way compromise the permit and continue to demonstrate meeting or beating all protective measures and recommendations in accordance with a Riparian Assessment Report from a Qualified Environmental Professional submitted to the *Riparian Areas Regulation* Notification System.

h. Farm Operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation. For clarity, a farm operation or farm use means agricultural activities conducted by a farm business.

i. forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.

j. forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act.*

2.8.8 Guidelines

Prior to undertaking any development activities within the Riparian Area DPA an owner of property shall apply to the LTC for a development permit, and the following guidelines apply:

1. The property owner shall be required, in addition to any other application requirements enacted or imposed by the Local Trust Committee, to provide at their expense an assessment report from a Qualified Environmental Professional which has been submitted per the *Riparian Areas Regulation.*

2. The Local Trust Committee should impose permit conditions based on the assessment report including:
    a. Require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit.
    b. Require natural water courses to be dedicated.
    c. Require works to be constructed to preserve, protect, restore or enhance natural water courses or other specified natural features of the environment.
    d. Require protection measures, including that vegetation or trees be planted or retained in order to:
        i. preserve, protect, restore or enhance fish habitat or riparian areas;
        ii. control drainage, or;
        iii. control erosion or protect banks.

3. The Local Trust Committee may require a security for developments clearing greater than 280m^2 (3,012 ft^2) of land within the Development Permit Area. Security shall be returned upon confirmation by a Qualified Environmental Professional that assessment report conditions have been satisfactorily addressed.

4. Security shall be provided to secure satisfactory completion of habitat protection works, restoration measures, or other works for the streams and streamside habitat (the “required works”). The security shall be 150% of the

estimated value of the required works as determined by the Local Trust Committee.

5. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area identified by the Qualified Environmental Professional and the property owner should be required to follow any measures identified by the Qualified Environmental Professional for protecting the Streamside Protection and Enhancement Area over the long term and these measures should be included as conditions of the development permit. The width of the Streamside Protection and Enhancement Area may be less than the width of the Development Permit Area.

6. Where a Qualified Environmental Professional or other professional's report describes an area within the Development Permit Area as suitable for development, that is, where the Streamside Protection and Enhancement Area is less than the width of the Development Permit Area, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a Qualified Environmental Professional or other professional at the property owner's expense may be required during construction and development phases, as specified in a development permit.

7. If the nature of the proposed project within the Development Permit Area changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the property owner to have the professional update the assessment at the property owner's expense and development permit conditions may be amended accordingly.

8. The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a Streamside Protection Enhancement Area, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.

9. If a proposed land subdivision is to create additional new lots within this Development Permit Area, then any new lots, roads, building sites, septic fields and driveways should be located and constructed in a way that meets the objectives of this Area.

2.9 TEMPORARY USE PERMITS

BL 161

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

BL 161

Objectives for Issuing Temporary Use Permits

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

Permit Guidelines

BL 161

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

2.9.1.2 Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.

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.

BL 151

2.9.1.8 Review of applications should include consideration of smart growth principles.

BL 196

2.9.1.9 In addition, permit conditions for the residential use of tiny home on wheels or recreational vehicle shall include measures dealing with the following:

a) A tiny home on wheels or recreational vehicle shall be the equivalent of, and alternative to, a permanent dwelling or cottage;
b) conditions to ensure that the tiny home on wheels or recreational vehicle is connected to a potable domestic water supply and an approved wastewater disposal system;
c) conditions related to health and safety;
d) The tiny home on wheels or recreational vehicle should not be sited in a sensitive ecosystem or hazardous area;
e) A tiny home on wheels or recreational vehicle should not be sited in a setback;
f) The tiny home on wheels or recreational vehicle shall be appropriately screened from roads and neighbours;
g) The permit should attach a plan requiring the tiny home on wheels or recreational vehicle to be sited in a specified location.

2.10 AMENITY ZONING GUIDELINES

BL 150

2.10.1 In the case where a property owner offers to provide a voluntary community amenity as a condition of subdivision or rezoning, consideration may be given to increasing the permitted density on a parcel in any designation other than Public Service, Park or Resource Conservation.

2.10.2 The following community amenities represent 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,
BL 196 xi) the provision of moderate income, affordable, non-market rental, 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.

BL 150 2.10.3 In evaluating a proposal to increase density consideration shall be given to the appropriateness of the proposed amenity that would be donated and the implications for the parcel and adjoining parcels of permitting the increased density.

The LTC should consider the following criteria in assessing such applications:

a) where the proposal involves the donation of land, the number of additional dwellings or lots permitted should not exceed:
   i) the equivalent of the area being donated divided by the average lot area, or where the zone has no average lot area, the minimum lot area. Any fractional amount which is equal to or greater than half the minimum or average lot area should be considered as a full density unit; or
   ii) one dwelling or lot where the area being donated is less than one half of the average lot area, or where the zone has no average lot area, less than one half the minimum lot area.
b) additional density should take the form of residential lots or dwellings;
c) development should:
   i) be sited away from sensitive ecosystems,
   ii) minimize visual impacts,
   iii) mitigate potential natural hazards,
   iv) implement sustainable development practices; and
   v) not adversely impact adjacent properties.
d) where appropriate, such an application may be considered in conjunction with an application to transfer density under the provisions of Section 2.11.

e) as it is intended that applications should be for relatively modest increases in density, the Local Trust Committee should not consider applications in which more than 10 additional dwelling units are proposed in exchange for a community amenity.

2.10.4 The LTC should require rainwater storage systems through the registration of a legal agreement when considering applications that could result in an increased density.

2.10.5 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.

2.10.6 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.

2.10.7 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

BL 149

The LTC may consider applications that would result in the transfer of development potential, with no net change in density, from environmentally sensitive areas, lands that are hazardous, areas where development would result in excess infrastructure, or on lands that have cultural, historical, resource, agricultural or landscape significance, while supporting the clustering of development potential in areas more suitable for development.

2.11.1 In considering an application that would result in the transfer of density from an area containing sensitive ecosystems the LTC should address the following criteria:

a) applications should demonstrate that a transfer of development potential would result in preservation of sensitive ecosystems as identified and classified on Schedule F.
b) applications should demonstrate the overall unsuitability of the sending area for the zoned development potential and the overall suitability of the proposed receiving area for an increase in development potential.
c) development potential may be decreased on land in any of the following designations:
    i) Settlement Residential
    ii) Rural Residential
    iii) Rural
    iv) Upland
d) increased development potential may be considered on adjacent or nearby lands in the same designation or on adjacent or nearby lands in the Rural designation.
e) In the case where an application is approved, the following should be considered where appropriate:
    i) amending the zoning on all or part of the land to reflect the reduced density; and,
    ii) re-designating and rezoning the land containing the sensitive ecosystem to Resource Conservation; and
    iii) placing a s. 219 covenant on the land, stipulating that the subject land may not be subdivided and may only be used for public purposes, environmental protection, or park.

BL 149

2.11.2 Applications not involving sensitive ecosystems that would result in 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.

2.11.3 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.

2.11.4 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

BL 161

The Ministry of Transportation and Infrastructure is responsible for the development and maintenance of the island road system. In recognition of the special nature of the islands, a Letter of Understanding between the Island Trust and the Ministry of Transportation and Infrastructure was signed in November 1992.

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,

4) to provide for the safety of pedestrians and cyclists, and

BL 151

5) to encourage alternative forms of transportation.

Policies

3.1.1.1 The Mayne Island Local Trust Committee may form a standing committee for Traffic safety.

Advocacy Polices

BL 161 3.1.1.2 The Ministry of Transportation and Infrastructure shall be requested to maintain the major road pattern as shown on Schedule D, the land status map.

BL 161 3.1.1.3 The Ministry of Transportation and Infrastructure shall be requested to provide, wherever possible, designated cycle lanes and pedestrian paths along roadways.

BL 161 3.1.1.4 The Ministry of Transportation and Infrastructure shall be requested to retain low speed limits on all roads and lower the speed limit to 30 kph in the Miners Bay core area.

BL 161 3.1.1.5 The Ministry of Transportation and Infrastructure shall be requested to ensure the road system follows natural contours of the land wherever possible.

BL 161 3.1.1.6 The Ministry of Transportation and Infrastructure shall be requested to retain unused road dedications as greenbelts.

3.1.1.7 Programs to inform and educate all users of the roads on the special safety issues of a rural road system shall be supported.

3.1.1.8 Public transport systems and any programs that encourage shared ridership are to be encouraged.

BL 161 3.1.1.9 The Ministry of Transportation and Infrastructure shall be requested to ensure signage along the roads is minimal and in keeping with a rural atmosphere.

BL 151 3.1.1.10 In order to limit greenhouse gas emissions, the Ministry of Transportation and Infrastructure is requested to limit expansion of the road network and infrastructure to that necessary to access existing and permitted development.

BL 151 3.1.1.11 The Ministry of Transportation and Infrastructure, and others, are encouraged to support alternative transportation initiatives, including, but not limited to, car stops, neighbourhood zero emission vehicles, car shares, a bicycle path network and walking trails linking population to services.

3.1.2 Water Transport

BL 147

Background

The only existing Federal Government wharf on Mayne Island is at Horton Bay, and is leased by the Southern Gulf Island Harbours Commission. The Harbours Commission has acquired ownership of the historic wharf on Miners Bay, following the divesture of the wharf by the federal government. A privately owned water taxi provides inter-island water transportation for private individuals, school children and emergency ambulance. BC Hydro services and supplies are also maintained by water taxi via Miners Bay wharf, as is the marine contract for Canada Post, and float plane docking for passengers and freight. The sheltered location of the wharf in Miners Bay offers safe harbour for many boats in the area of Active Pass and Georgia Strait.

B.C Ferry Services Inc. provides the majority of water access for vehicles and passengers to the Island via Village Bay Terminal but all emergency services are provided by the Miners Bay wharf.

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.

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

BL 147

4) to ensure vehicle access to the Miners Bay wharf for emergency services and freight purposes.

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.

3.1.2.3 Barging of materials shall be at David's Cove, Bennett or Village bay docks or regulated by Temporary Use Permit.

Advocacy Policies

3.1.2.4 The B.C. Ferry 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.

3.1.2.5 The B.C. Ferry Services Inc. shall be requested to ensure that the expansion of the ferry service follows, rather than anticipates, demands.

BL 151 3.1.2.6 The B.C. Ferry Services Inc. shall be requested to ensure terminal access and parking facilities are safe and of adequate capacity and is encouraged to create and maintain facilities and services supporting travel by means other than private automobiles.

3.1.2.7 Fisheries and Oceans Canada and the provincial agency responsible to Crown Leases 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.

3.1.2.8 The sharing of community docks and private wharfs for residential use shall be encouraged.

BL 161 3.1.2.9 The Ministry of Transportation and Infrastructure shall be requested to identify and maintain all public accesses to water including boat ramps.

BL 147 3.1.2.10 The Southern Gulf Islands Harbours Commission is encouraged to continue to allow vehicle access to Miners Bay dock for vital community services.

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 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 in the future and is a major element in land use decisions.

Objectives

The objectives of this section are:

1) to conserve rainwater, surface wells and all 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 should not be permitted in areas where groundwater limitations have been identified.

3.2.1.3 The sale of collected rainwater maybe permitted by rezoning only and should only be considered if it is determined that the proposed use would not impact adjacent properties.

Advocacy Policies

3.2.1.4 The Ministry of Environment or the Islands Trust 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 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 with the exception of normal farm practices on land in the ALR.

BL 161

3.2.1.8 Island Health 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 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 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 of surrounding wells 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 except in the case of fire fighting measures or limited emergencies.

3.2.1.14 The CRD shall be requested to actively pursue a change in the B.C. Building Code to include a rainwater collection system, with a minimum of 2000 gallon collection capability, within the building code for each new home and substantial renovations. Each dwelling/second building qualifying as a guest cottage on the property being developed shall require its own collection system.

3.2.1.15 The use of low flush toilets is encouraged as an effective method of water conservation and aquifer protection and is recommended as an installation in each home on Mayne Island.

3.2.2 Water Systems

Background

There are several major community water systems, a number of private water systems and 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 areas 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 support the maintenance of safe potable water resources for residents of the Mayne Island Trust Area,

2) to encourage community water systems, and

3) to encourage the integration of community water systems.

Policies

3.2.2.1 An adequate source of safe potable water including impact on surrounding wells must be assessed 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.

BL 161

3.2.2.3 The development of community water systems and the use of shared wells shall be encouraged; however, this requires Island Health approval and a permit to operate.

3.2.2.4 The development of new technologies which demonstrate water conservation and efficient use of water resources shall be encouraged.

BL 161

3.2.2.5 Island Health and provincial government shall be requested to monitor water quality of community water systems.

3.2.2.6 The Ministry of Environment 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.

BL 161

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; however pursuant to Island Health regulations, there will be no reduction in the sizing of a septic system for low flush toilets, composting toilets or grey water.

BL 161

3.3.1.3 Island Health 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 are encouraged but they are to be reviewed by the VIHA on an individual basis.

BL 161

3.3.1.5 The Ministry of Environment and Island Health 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 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 and a comprehensive plan to deal with the wastes associated with the running of a pumpout facility.

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 2005, according to records from Hartland Landfill and Mayne Island Recycling Society, 41% of Mayne Island garbage was recycled. As most residents have compost piles, it is assumed that significantly more than 50 % of the waste is diverted from the land fill.

Objectives

The objectives of this section are:

1) to encourage the on-island handling of reusable, recyclable and compostable materials,

2) to protect the environmental quality of the Mayne Island Trust Area, and,

3) to extend the life of the Hartland Landfill.

BL 174

Policies

3.3.2.1 Solid waste transfer stations should be located on industrial zoned land.

Advocacy Policies

3.3.2.2 The reuse, recycling and composting of solid wastes is encouraged.

3.3.2.3 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.

3.3.2.4 The Ministry of Environment 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.

3.3.2.5 Fisheries and Oceans Canada and the Provincial Ministry of Environment shall be requested to prohibit the dumping of any waste materials in the waters of the Mayne Island Trust Area.

3.3.2.6 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.

BL 151 3.3.2.7 The LTC should support efforts to expand recycling and composting and small-scale chipping in appropriate locations.

SECTION 4 - OBJECTIVES AND POLICIES FOR NATURAL AND HERITAGE RESOURCES

4.1 HERITAGE RESOURCES

4.1.1 Heritage Resources

Background

BL 161

According to the Ministry of Forests, Lands and Natural Resource Operations there are approximately 30 recorded archaeological heritage sites located in the Mayne Island Trust Area.

Objectives

The objectives of this section are to:

1) Encourage identification, protection, preservation and enhancement of heritage resources, including lands and structures of natural, archaeological, historic, cultural, aesthetic, educational or scientific heritage value;

2) Preserve and protect the heritage values and character of historic coastal settlement patterns and remains; and, increase public awareness of heritage resources; and,

3) Increase public awareness of heritage resources.

Policies

4.1.1.1 The Local Trust Committee will support the creation of an inventory of lands and structures of natural, historic, cultural, aesthetic, educational or scientific heritage value or character.

4.1.1.2 The Local Trust Committee will support an updated inventory of archaeological resources.

4.1.1.3 The Local Trust Committee may amend this plan to designate any real property as a heritage site under Part 27 of *Local Government Act* and identify the features or characteristics that contribute to the heritage value or character of the property.

BL 161

4.1.1.4 Any development applications involving areas on which archaeological sites may be located shall be referred to the Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations and to interested First Nations for comment. Development should not be permitted in areas with known archaeological sites without first undergoing an archaeological impact assessment.

Advocacy Policies

4.1.1.5 Archaeological sites in the Mayne Island Trust Area are protected under the *Heritage Conservation Act*.

4.1.1.6 The appropriate branch of the Provincial government shall be requested to ensure that these sites are protected from disturbance under the *Heritage Conservation Act*.

4.1.1.7 The appropriate branch of the Provincial government shall be requested to have management options made available to the Building Inspector.

4.1.1.8 All cultural heritage sites 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.

4.1.1.9 The Building Inspector 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 the Provincial Government an exception exists where Parks Canada is responsible for national park lands and adjacent waters (i.e. of Campbell Point and around Georgeson Island). In such case the foreshore is managed by Parks Canada. 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. 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 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.

BL 155

4.2.1.2 Despite policy 4.2.1.1, the Local Trust Committee may:

a) amend its bylaws to allow erosion protection structures to be regulated through development permits; and

b) consider on a case by case basis applications from property owners to provide protection of existing structures from foreshore erosion in situations where the erosion protection works will not disrupt natural coastal processes. Such applications should be evaluated upon specific site conditions, the requirement for erosion protection, and the proposed method of protection. The use of Green Shores principles is encouraged in the design of new erosion protection works. Softer means such as vegetative stabilization, upland drainage control, biotechnical measures, beach enhancement and anchor trees are preferred over hard structural solutions such as riprap, concrete groins and seawalls. Applications for erosion protection structures should include a report prepared by a Professional Engineer with experience in geotechnical engineering or a Professional Geoscientist which describes the proposed modification and shows:

    i) the need for the proposed modification to protect existing structures.

    ii) if any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification including at sites on other properties or foreshore locations.

    ii) the cumulative effect of shoreline stabilization works along the drift sector where the works are proposed.

4.2.1.3 Ensure that there are adequate setbacks from the natural boundary of the sea for all development.

4.2.1.4 All use of coastal waters and foreshore areas shall be regulated by zoning to ensure adequate separation between potentially conflicting uses.

BL 161

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

4.2.1.6 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.

4.2.1.7 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.

4.2.1.8 No offshore reef nor islet shall be developed or used for commercial activities.

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

4.2.1.10 Barging of materials shall be at David's Cove, Bennett or Village bay docks or regulated by Temporary Use Permit.

Advocacy Policies

4.2.1.11 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. to regulate traffic to minimize bank erosion or to construct a breakwater to protect Miners Bay from ferry wash, and
b) requesting the Ministry of Environment to monitor the state of the environment.

4.2.1.12 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.

4.2.1.13 Environment Canada, the Ministry of Environment 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).

4.2.1.14 The Canadian Coast Guard, Fisheries and Oceans Canada and the Southern Gulf Islands Harbour Commission shall be requested to provide public toilets at their docks when feasible.

4.2.1.15 The Canadian Coast Guard and Environment Canada shall be requested to ensure there is no transhipment 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 some beach accesses and some 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 commercial use shall be permitted only if it will not disrupt traditional swimming beaches, or navigation, and will not create pollution.

Advocacy Policies

BL 161 4.2.2.2 The Ministry of Transportation and Infrastructure shall be requested to maintain launching facilities at Village Bay, David Cove, Horton Bay, Bennett Bay and Aitken Point (Potato Point).

BL 161 4.2.2.3 The Ministry of Transportation and Infrastructure shall be requested to ensure that public accesses are not blocked by private docks.

4.2.2.4 The Ministry of Environment shall be requested when granting leases, to ensure that public right-of-way along the foreshore is preserved.

BL 161 4.2.2.5 The Ministry of Transportation and Infrastructure shall be requested to ensure that dedicated public accesses are retained and additional accesses obtained wherever possible.

BL 161 4.2.2.6 The Ministry of Transportation and Infrastructure shall be requested to identify and clear any dedicated public access to the foreshore established as a result of subdivision for pedestrian use.

4.2.3 Fisheries and Aquaculture

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.

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 shellfish aquaculture operations shall be subject to the public process of rezoning.

Advocacy Policies

4.2.3.2 The Fisheries and Oceans Canada and the 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 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 (Mount Parke Regional Park) 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;

3) to encourage landowners to foster sustainable forest and agricultural practices suitable to small island ecosystems; and

4) To encourage the elimination of invasive species that negatively impact native flora and fauna.

Advocacy Policies

BL 161

4.3.1.1 Environmental standards shall be established in support of the policies and jurisdictions of the Capital Regional District, Ministry of Environment, Ministry of Transportation and Infrastructure and Ministry of Forests, Lands and Natural Resource Operations.

4.3.1.2 The Ministry of Environment 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.

BL 151

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 , storing carbon 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 shall be requested to maintain tree cover along road right-of-ways except where required for safety and for the purposes of fire breaks.

BL 151

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 and to increase understanding of the potential impacts of climate change.

4.3.2 Environmentally Sensitive Areas

Background

There are several areas in the Mayne Island Local Trust Area that may be considered environmentally sensitive. 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 unique habitat areas with sensitive ecological or aesthetic value.

Policies

BL 161

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.

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

Advocacy Policies

4.3.2.3 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.

4.3.2.4 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.

4.3.2.5 The Fisheries and Oceans Canada, Environment Canada and Parks Canada shall be requested to establish ongoing monitoring program on the health of shoreline and marine natural areas.

4.3.2.6 Environment Canada and the Provincial agency responsible for Crown Lands shall be requested to discourage foreshore uses which would disturb migratory waterfowl feeding areas.

4.3.2.7 Fisheries and Oceans Canada and 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.

4.4 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.

BL 161

4.4.3 Land provided as a community amenity in exchange for an increase in density under Section 2.10 (Amenity Zoning Guidelines) may be re-designated and rezoned as Resource Conservation.

BL 161

4.4.4 As provided for in Subsection 2.11.1, as a condition of density transfer lands in an Upland designation maybe re-designated and rezoned as Resource Conservation.

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

BL 161

4.5.1.1 The Ministry of Energy and Mines 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, gravel and rock deposits should 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 tourism use that is environmentally, economically and civically sustainable, and within the capability of our community's volunteer base which supports or provides most local services and resources.

Policies

4.6.1.1 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

BL 161

4.6.1.2 The Ministry of Jobs, Tourism and Skills Training shall be requested to ensure the rural ambience is maintained by integrating community values into tourism planning for the Mayne Island Trust Area.

BL 161

4.6.1.3 The Ministry of Jobs, Tourism and Skills Training shall be requested to ensure that the appropriate authorities provide sanitary services, including fresh water, toilets and garbage cans for the visiting public.

4.6.1.4 The Mayne Island Chamber of Commerce shall be encouraged to develop and implement a tourist strategy that supports the values outlined in this Plan.

4.7 CLIMATE CHANGE MITIGATION AND ADAPTATION

BL 151

Background

Climate change results from the increasing concentration of heat-trapping greenhouse gases in the atmosphere as the result of human activities— primarily the burning of fossil fuels and large-scale deforestation. Greenhouse gases are defined as any or all of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and any other substance prescribed by provincial regulation. The rise in atmospheric greenhouse gas concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise over the next century. Although seemingly slight, these temperature changes could have potentially dramatic and negative impacts on ecological systems around the globe.

The *Local Government Act* now requires that all local governments include in their Official Community Plans targets to reduce greenhouse gas (GHG) emissions and policies and actions to achieve these targets.

The following targets, objectives, policies and actions are the first step to ensuring that the reduction of GHG emissions specifically and the impact of climate change in general become part of the planning process for Mayne Island. This section of the Plan contains

objectives and policies relating to the reduction of GHG emissions and the broader topic of climate change adaptation and mitigation.

Target

This plan supports a target of reducing greenhouse gas emissions by 33% by 2020 from 2007 levels. Emission reductions within the local trust area should be supported by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.

Objectives

The objectives of this section are:

1) to establish climate change as a factor in land use decision-making,

2) to move to a land use pattern that results in a more compact and complete community,

3) to support efforts and policies to help our community adapt to climate change impacts,

4) to work with others to support actions to limit emissions, and

5) to recognize the role that natural areas, particularly forests and wetlands, have in storing carbon.

Policies and Actions

4.7.1 The Local Trust Committee may consider amending zoning to permit secondary dwelling units in appropriate locations.

4.7.2 Where there is more than one dwelling permitted on a lot, the Local Trust Committee may consider amending zoning to allow the units to be constructed as attached dwellings.

4.7.3 The LTC may consider creation and implementation of development permit areas to effectively manage lot layout in new subdivisions and to implement energy conservation in significant new commercial development.

4.7.4 The LTC should review and potentially amend the provisions for existing development permit areas to ensure that objectives and guidelines support energy conservation and alternative transportation options.

4.7.5 The LTC should review and potentially amend the amenity zoning policies in section 2.10 of this plan to:

i) include criteria ensuring that any additional density limits increases in emissions,
ii) to include energy efficient building standards as a potential amenity,
iii) to include provision of trails linking population and services as a potential community amenity, and
iv) include criteria stating that any additional residential density should only be considered in locations near existing services.

4.7.6 The LTC should review and potentially amend the density transfer policies in section 2.11 of this plan to include greenhouse gas emission reduction as a requirement and to allow consideration of transfer of residential density to locations close to existing services and infrastructure.

4.7.7 The LTC should consider potential climate change impacts and GHG emissions in reviewing any application for additional density or any increase in intensity of use.

4.7.8 The LTC should consider developing or adopting a sustainability checklist for use by applicants for new construction.

4.7.9 The LTC should consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.

Advocacy Policies

4.7.10 The LTC encourages residents in the area to retain natural areas and vegetation as a means of storing carbon.

4.7.11 The LTC should support development of a Community Energy Strategy and regional community energy plans.

4.7.12 Regional, provincial and federal agencies are encouraged to undertake and support initiatives to reduce greenhouse gas emissions.

4.7.13 Developers of public and community buildings are encouraged to incorporate energy conservation design features in all projects.

4.7.14 The LTC should support efforts to create shared energy production in neighbourhoods.

SECTION 5 ADMINISTRATION

5.1 PURPOSE

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 ISLANDS TRUST AUTHORITY

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.

5.3 AREA OF JURISDICTION

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

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 *Local Government Act* and shall be accompanied by public review and discussion.

5.5 ADVOCACY POLICIES

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.

5.6 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.

5.7 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."

5.8 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.

5.9 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.

5.10 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.

MAYNE ISLAND OFFICIAL COMMUNITY PLAN
BYLAW NO. 144
SCHEDULE "G"
DESIGNING OPEN SPACES SUBDIVISIONS

Official Community Plan Policy 2.1.4.9 permits the Mayne Island Local Trust Committee to reduce the minimum parcel size in the Rural designation where a property would be developed in a manner in keeping with Open Space Subdivision Design concepts, while maintaining the existing overall density through the average parcel size provisions. This concept may also be encouraged in the process of considering transferring density under Section 2.9 (Density Transfer Provisions) or in considering increasing density under Section 2.8 (Amenity Zoning Guidelines). This concept represents an opportunity to better protect significant environmental areas and natural vegetation zones while reducing site development and site operating expenses. Some would argue it offers improved lifestyle options without increasing the net density on a parcel.

The following evaluation criteria have been adapted to further assist the Mayne Island Local Trust Committee in the application of OCP policy 2.1.4.9. In addition, the accompanying graphics provide an illustration of this alternative to conventional subdivision design.

Evaluation Criteria for Open Space Subdivision Design

In considering an application to reduce the minimum parcel size in the Rural designation, the Mayne Island Local Trust Committee should consider those of the following evaluation criteria that are appropriate for the site in question:

1. Protects and preserves all floodplains, wetlands and steep slopes from clearing, grading, filling or construction.
2. Maintains or creates an upland buffer of natural native vegetation adjacent to wetlands and surface waters.
3. Protects and preserves all sensitive or rare ecosystems from disturbance.
4. Protects wildlife habitat areas.
5. Minimizes impacts on significant and mature forested areas, especially those containing many mature trees or significant wildlife habitat; however, forested areas in poorer condition can provide suitable locations for residential development.
6. Creates sufficient buffer areas to minimize conflict between residential and agricultural uses.
7. Leaves scenic views and vistas unblocked or uninterrupted.
8. Avoids siting new development on prominent hilltops.
9. Preserves sites of historic, cultural or archaeological value.
10. Protects rural roadside character and avoids development that fronts directly onto existing roads.
11. Provides for a pedestrian circulation system designed to ensure residents can walk safely and easily in the site, between properties and activities or special features.

12. Provides open space and conservation areas which are reasonably contiguous. Fragmentation should be minimized and open space and conservation areas should generally abut similar existing or potential areas on neighbouring parcels.

Using a sample site (not on Mayne Island), the following set of 10 diagrams briefly describes how techniques in **Open Space Subdivision Design** should be applied.

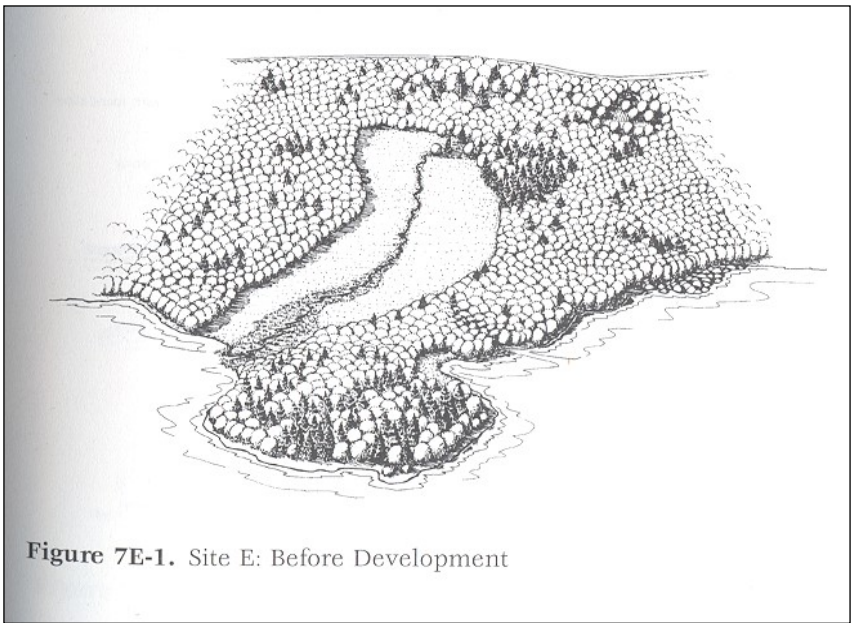

Diagram 1 Original Site (prior to subdivision or development)

- site characterized as heavily forested waterfront, except for a meadow and small wetland
- under the existing zoning used in this example, the site has the potential for 18 parcels with a 2 acre average

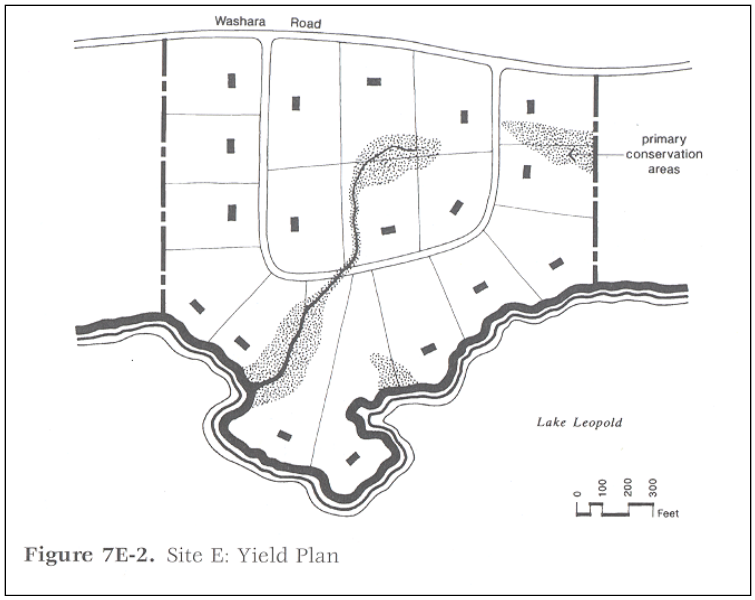

Figure 7E-2. Site E: Yield Plan

Diagram 2 Conventional Yield Plan

- shows how the parcel would be developed based on a typical subdivision layout, with a typical loop road and 18 building sites
- results in large conventional lots, with a minority with water access and some lots located on sensitive areas
- wetlands and environmental amenity areas become part of private lots (some may be protected by covenants, but not accessible/useable by the community)
- the yield plan shows the number of lots which could be achieved through a conventional subdivision layout. (The subdivision plan developed based on the principles of Open Space Subdivision Design will assume the creation of the same number of parcels)

Figure 7E-3. Site E: With Conventional Development

Diagram 3 Conventional Development

- presents a bird's eye view of how the subdivision would look once occupied
- each property owner starts to define his/her private space, cutting into the forest to create a building site, yard, septic field area, get some view/light, etc
- results in many of the original amenities and unique features of the parent parcel being destroyed

The next set of diagrams illustrate how the principles of Open Space Subdivision Design can be used to create a more functional rural subdivision layout.

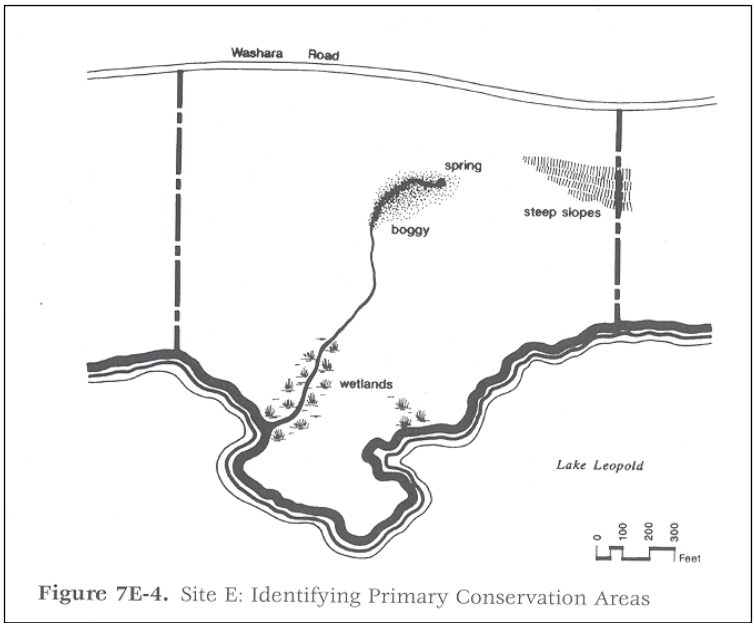

Figure 7E-4. Site E: Identifying Primary Conservation Areas

Diagram 4 Primary Conservation Areas

- start by identifying environmentally sensitive sites and severely constrained lands (wetlands, steep slopes, etc.)

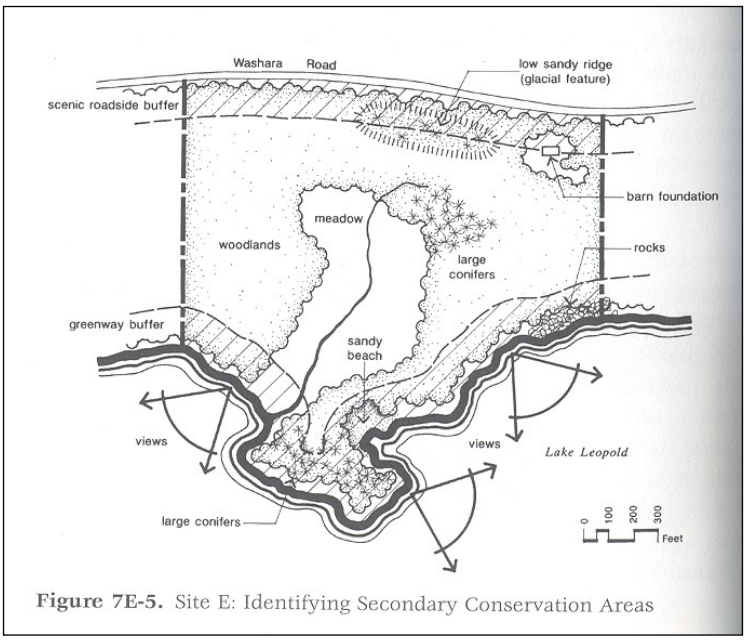

Figure 7E-5. Site E: Identifying Secondary Conservation Areas

Diagram 5 Secondary Conservation Areas

- Next identify areas of secondary importance for conservation/protection, such as mature forested sites, upland meadow, areas of unique vegetation, wildlife habitats and travel corridors, groundwater recharge areas, greenways and access trails, historic sites, natural recreation sites, scenic lookouts and view corridors, etc

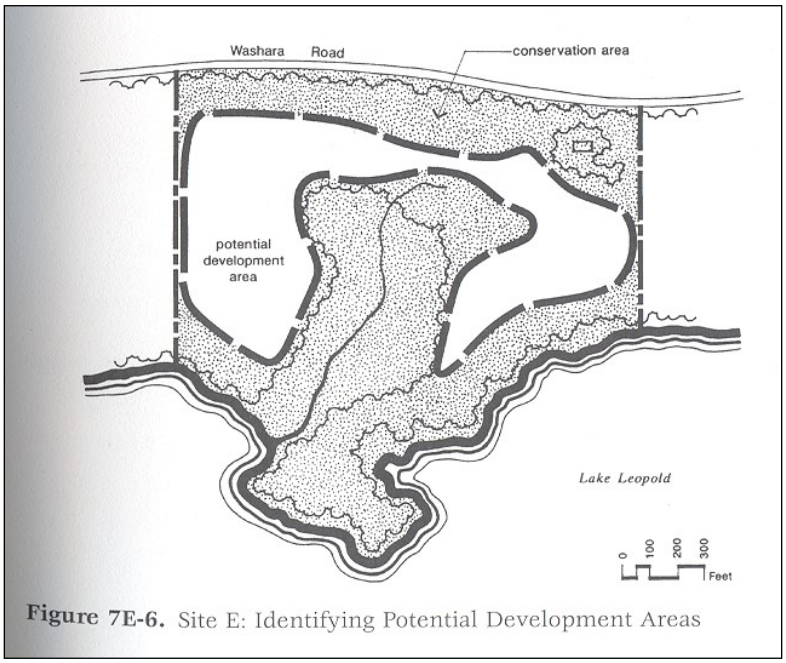

Figure 7E-6. Site E: Identifying Potential Development Areas

Diagram 6 Potential Development Areas

- remaining mindful of the primary and secondary conservation areas, the next step is to identify potential development areas

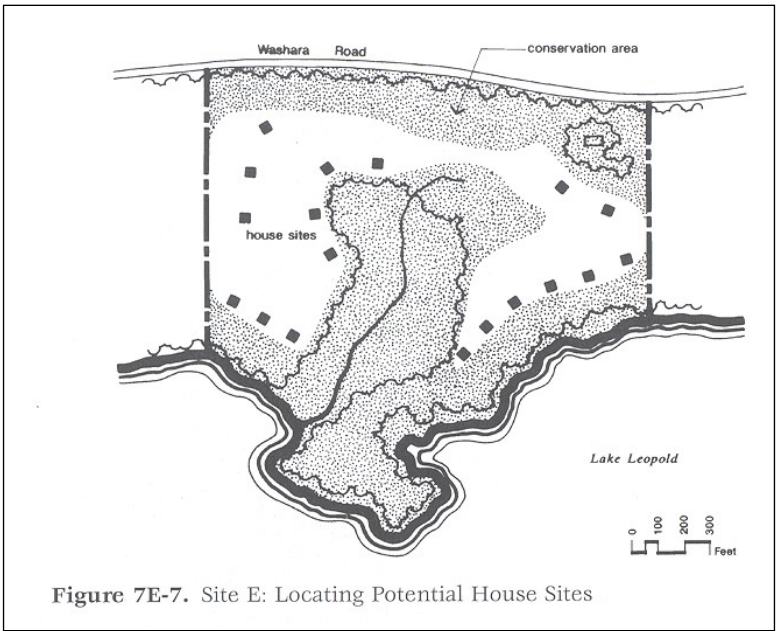

Figure 7E-7. Site E: Locating Potential House Sites

Diagram 7 Locate Potential Housing Sites

- from a real estate marketing and home owner enjoyment perspective consider how homes might be sited in these “development areas”
- based on an assumption of developing the same number of dwellings as under conventional plan, maximize the number which would have interesting views and/or have access to or front onto the amenity areas
- with access to waterfront and other amenities, smaller lot sizes are achievable without a sense of crowding and, typically, higher value home sites are created

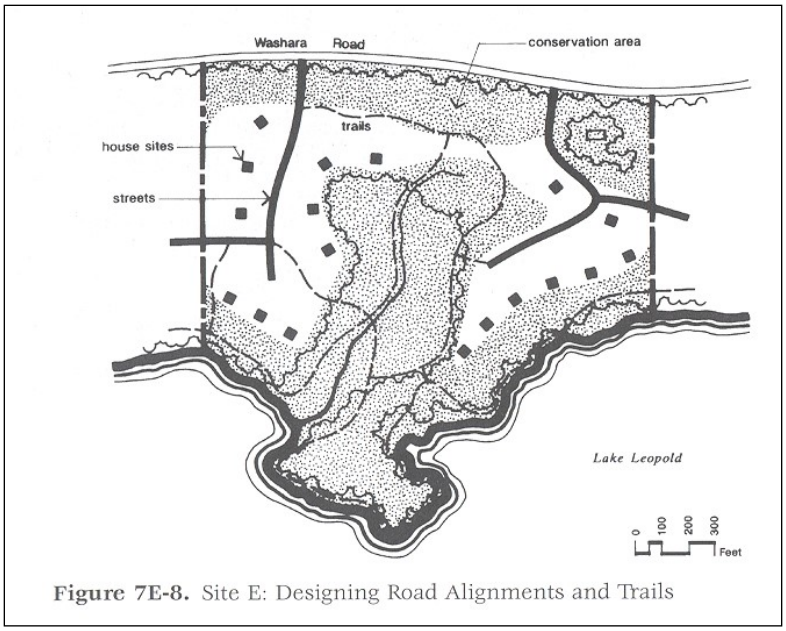

Figure 7E-8. Site E: Designing Road Alignments and Trails

Diagram 8 Road Alignments and Trail Links

- define road and trail systems to service the proposed dwelling sites

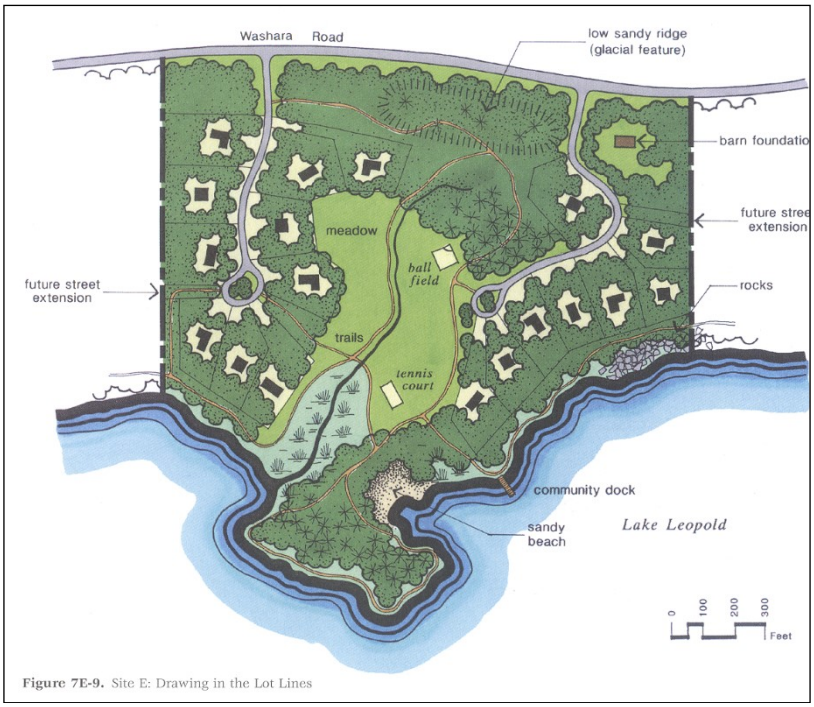

Figure 7E-9. Site E: Drawing in the Lot Lines

Diagram 9 Draw in Lot Lines

- unlike in conventional subdivision design, in open space subdivision design, individual parcel lines are only defined once the steps referred to in diagrams 4 through 8 have been addressed
- lot lines are drawn midway between each dwelling

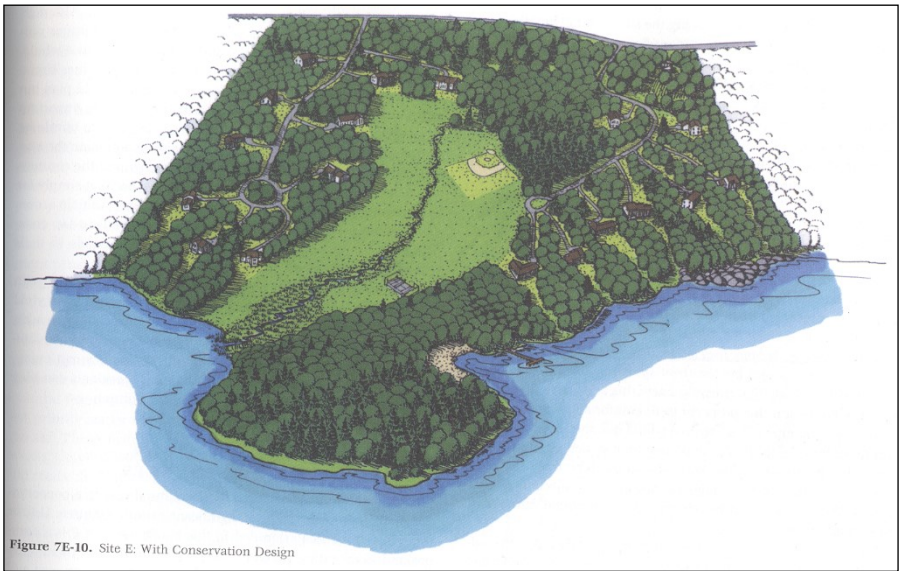

Diagram 10 Final Results of Open Space Design Subdivision

- 13 view lots, with 9 with direct water views
- 4 lots that face the interior meadow
- extensive network of informal footpaths leading to the beach, plus recreational areas
- areas of steep slope, wetlands and forested areas all remain protected
- design fosters increased sense of community and valuable habitat protected

In summary, Open Space (or Conservation) Subdivision Design can result in:

- up to 50% (or more) land being set aside as open space
- more livable and cohesive communities
- a more attractive (and higher value) real estate product
- an easier to service subdivision layout.

More detailed examples and descriptions can be obtained in the publication *Conservation Design for Subdivisions* by Randall G. Arendt (Island Press, 1996), from which this material was adapted.

MAYNE ISLAND OFFICIAL COMMUNITY PLAN
BYLAW NO. 144
SCHEDULE "H"
Excerpt from PARKS AND RECREATION MASTER PLAN

MAYNE ISLAND PARKS AND RECREATION COMMISSION PARKS MASTER PLAN

1. INTRODUCTION

This plan establishes a framework for the acquisition, development, operation and maintenance of the Mayne Island community park resources. It is intended to provide both direction and focus for community parks and trail system planning in concert with the Islands Trust Official Community Plan, and with Regional, Provincial and National parks agencies. It is also intended to remain flexible and responsive to the needs and concerns as expressed by the island community.

2. MANDATE

Under the statutory authority of a Letters Patent dated August 28, 1975, the Regional Board of the Capital Regional District (CRD) was given the responsibility to acquire, develop, operate and maintain community parks in the Outer Gulf Islands.

In November, 1986, the administrative powers of the Regional Board for Mayne Island were delegated by Bylaw 1489 to a local authority through the establishment of a Parks and Recreation Commission. This Commission is made up of the CRD Director representing the Southern Gulf Islands Electoral Area and eight (8) Mayne Island residents appointed by resolution of the Regional Board on the recommendation of the Commission. The eight residents apply their time and resources on a voluntary basis to ensure a viable community parks and trail system that is beneficial to nature and people.

The powers delegated to the Commission include responsibility on Mayne Island for:

(a) development, maintenance and operation of all community park properties that have been or will be acquired for the community through the CRD;

(b) organization and conduct of recreational programs authorized as a function of the CRD.

It should be noted that the powers delegated to the Commission includes Mayne Island and its beaches (above normal high tide) only. Georgeson and Curlew Islands are excluded from the Commission's jurisdiction although they are within the authority of the Mayne Island Local Trust Committee.

3. ROLE OF THE PARKS AND RECREATION COMMISSION

The Parks and Recreation Commission was established by the CRD Board to provide for local

administration of community parks and the recreational area needs of the community. To adequately perform this role the needs and wishes of the community has to be taken into consideration, the Commission is then enabled to represent these views to regulatory authorities and plan for the acquisition of appropriate park lands to meet the community's present and future needs.

1. Determining the needs and wishes of the community:

The wide range of park designs and uses required by a growing community must be tempered with the existing desire for only low impact development and retention of the rural character common to the island. To maintain this balance during the park planning process, the Commission will take a number of steps to ensure that members of the community have an opportunity to become involved and help to direct its actions:

(a) the Commission will hold well publicized public meetings to present information on parks and recreation, report on Commission activities, receive information from the public, and encourage dialogue on the planning and development process;

(b) the regular business meetings of the Commission will be publicized and open to the public;

(c) information will be made available to inform residents when issues of general interest arise;

(d) members of the Commission will be available to meet with other organizations, agencies or public groups to discuss their interests and concerns relating to parks and recreation;

(e) property owners with land near or adjacent to parks or recreational areas will be consulted, and their concerns respected, when park development or use is under consideration;

(f) the Commission will undertake to keep advised all agencies involved in the development of park and recreation resources in the community.

2. Planning for the Future

The intent of this document is to provide the framework and guide for the acquisition and development of community parks and to provide recreation and cultural opportunities:

(a) Parks: The Commission has prepared a plan that will provide guidance in the selection and development of park lands as well as the protection of natural and historic resources. It will use this plan as the basis on which to carry out its

administrative duties and will review this plan periodically;

(b) Recreation: the Commission will endeavour to support recreational and cultural programs within their mandate which promote social activities and a sense of community for all age groups.

4. PHILOSOPHY

Through a responsible approach to the planning, development, operation and maintenance of park resources, our community park areas and supported recreational programs will serve to:

(a) harmonize with the rural life of Mayne Island;

(b) protect wildlife habitats and natural and historic features of the island;

(c) provide opportunities to nourish the physical and social health of the community.

5. GOALS

Working within its own jurisdiction and mandated authority the Commission's goal is to preserve the island's unique environment by ensuring that parks planning, development and use is compatible with the community's rural character and philosophy. This includes the Commission's mandate to:

(a) within areas under its jurisdiction to maintain the rural character and natural beauty of the island by preserving and protecting wildlife habitats;

(b) consolidate, connect and expand the present community park lands;

(c) enhance the physical and social well-being of island residents by supporting recreational opportunities within our community parks;

(d) support recreational and cultural activities outside our community parks when such activities provide a direct opportunity to benefit a large number of island residents.

6. OBJECTIVES

Within its mandate the Commission will attempt to meet the community's present and future needs for park and recreation resources. To serve this aim, the Commission has established the following objectives:

(a) to manage existing park land, in consultation with neighbouring land owners, in a manner that best meets the various needs of the community;

(b) to protect the natural environment from degradation by public misuse of the community park land;

(c) to identify areas of natural beauty, or historic significance, or scientific interest that warrant preservation;

(d) to identify and establish, in consultation with land owners, a pattern of walking trails that is contiguous with present and potential park land, or provide access to beaches, views or sites of historic interest or scenic beauty or links to neighbourhoods;

(e) to identify and acquire appropriate sites for park land in new subdivision development and in other important areas;

(f) to operate within a budget designed to maintain an effective program of acquisition, development, operation and maintenance of park resources and recreation activities in accordance with this Master Plan;

(g) to recommend and establish criteria for provision of support functions related to appropriate park recreation activities;

(h) to support activities that encourage and promote an understanding and enjoyment of the natural environment within the community;

(i) to establish criteria for supporting community groups, sports events, recreation and fitness opportunities, and cultural activities in accordance with the community's general interests;

(j) to work in partnership with the Mayne Island Local Trust Committee in pursuit of mutual objectives;

(k) to define the types of community park land according to their most appropriate use;

(l) to have this Master Plan included as an addendum to the Official Community Plan;

(m) this Master Plan will be maintained by the Commission and may be amended at any time following consultation with the community;

(n) to work in partnership with other authorized park authorities regarding parks and recreation issues on Mayne Island;

(o) to work in partnership with the Crown and its agencies to open and develop beach accesses as deemed suitable.

The Parks and Recreation Commission will be guided by these objectives along with comments received from the public, community organizations and other authorized agencies.

7. SOURCES OF PARK LAND

Community parks may be made available from several major sources:

1. Land dedicated as Park Land at the time of Subdivision

   Under the Local Government Act the developer is required, in certain specified circumstances, to assign a minimum 5% of the development as dedicated park land. Land dedicated in this manner will be administered by the Commission in accordance with the principles set out in this Master Plan.

   The Commission acknowledges that the statutory authority allows a developer to provide money in lieu of dedicated park land but does not encourage this practice. If such money is provided it is placed in trust and used to acquire alternate park land on Mayne Island.

2. Land from other Organizations, Agencies and Private Citizens

   Land may be transferred from other organizations, governmental agencies or from private sources who wish to have it retained for park purposes or to be preserved in a natural state under the operational jurisdiction of the Commission.

3. Land obtained by Easement, Lease, or Licence of Occupation

   In order to provide access through areas held by other agencies or owned by private parties, the Commission may enter into an agreement with the owner of the property to do so. This is the method commonly used, but not limited to, to provide for public footpaths and beach access held by the Crown. An Occupancy Permit is obtained by the Commission from the Ministry of Transportation and Highways on all public road rights-of-way prior to any trail or structure erected for shoreline access.

4. Land Purchased

   Land for parks or nature conservation may be purchased using designated funds set aside and dedicated for this purpose. Additional funding may be authorized by referendum or through cash donations.

5. Land Acquired by Other Means

   Other acceptable ways of acquiring land as may be available.

8. TYPES OF PARK LAND

Park areas on Mayne Island should provide a diversity of contemplative and recreational opportunities. Community parks play an important role in protecting wildlife habitats and preserving traditional, historic or physically significant areas for community enjoyment. Parks provide access to a variety of natural outdoor environments.

To this end, the Plan recognizes the need for a wide range of community park resources, including protected natural areas, recreation areas for organized sports and public gatherings, shoreline access, and walking corridors.

Community park resources on the island have been divided into six catagories:

1. Wilderness Park

   An area of undeveloped land with no vehicular access and no facilities. The purpose is not only to preserve the natural environment and sensitive ecosystems but also to enable low impact wilderness experiences.

2. Nature Appreciation Park

   An area that remains in its natural state but where limited development is allowed (e.g. basic toilet facilities, interpretive signage, improved trails) intended to provide access for hiking and observance of the natural environment.

3. Linear Park or Trail

   A corridor or trail that provides opportunities to walk through a natural setting, between points of interest, or as a dedicated trail within or between neighbourhoods.

4. Shoreline Access

   Typically a trail connecting a public thoroughfare to a shoreline so as to provide opportunities for public access to the shoreline or ocean view sites. Stairs may be provided to ensure personal safety.

5. Recreation Park

   An area that provides opportunities for various recreational activities (i.e. children's play areas, water sports, field sports, picnics, or similar activities).

6. Heritage Park
   An area set aside to preserve and maintain land, structures or other relics of historic

interest so as to provide knowledge or awareness of sites of historic and traditional significance. The intent is to maintain the integrity of the site as far as possible within the resources of the Commission.

9. RECREATIONAL AND CULTURAL SERVICES

The Commission recognizes the accomplishments of individuals and organizations that provide many recreational and cultural opportunities that benefit the well-being of all residents and visitors to the island.

The Commission will remain fully supportive of these individuals and organizations in their recreational and cultural endeavours within the limit of its mandate and the resources available.

Recreation and cultural services will be maintained and developed to meet the needs expressed by the community within the fiscal limits, resources and other restraints that may be placed upon the Commission.

10. FISCAL RESOURCES AND MANAGEMENT

The Commission operates as a volunteer community body and no salaries are paid to the Commissioners.

The cost of acquisition, development, operation and maintenance of parks, trails and recreational activities on the island is provided by the tax base of the local electoral area, money paid by a developer in lieu of dedicated parkland, and by gifts. The Commission exercises fiscal responsibility and effective planning to ensure that park and recreation resources are provided and maintained at an acceptable cost to the taxpayer.

1. Source of Funds

   The primary source of funding for local community parks and recreation activities is derived from annual taxation of land and improvements on Mayne Island. Other funding may come from donations and grants. The CRD, as the parent body for the Commission, may issue tax receipts in favour of donors.

2. Cost of Maintenance and Improvements

   Maintenance and operating costs for parks and recreation vary from year to year. Funds are used to maintain parks to an acceptable standard and are disbursed under the discretion of the Commission.

Annual Parks and Recreation Commission budget documents are available for public view.

11. PARKS FOR THE FUTURE

Based on the principles outlined in this Master Plan and the comments received from the public, other organizations and agencies, the Commission proposes the following parks acquisition and development strategy to serve the needs of the community:

(a) Priority will be given to the establishment of Wilderness, Nature Appreciation and Linear Parks or Trails, in accordance with the expressed needs and wishes of the community.

(b) Shoreline Access will be developed primarily for allowing access to and from the foreshore to enable easier walking at low tide. Leases or licences of occupation on Crown properties may be established where physical improvements are necessary to minimize liability insurance claims and to safeguard the public.

(c) Additional recreation parks will not be developed until a need is confirmed by interested community organizations and the public through polling of public opinion supervised by the Commission.

(d) Areas with potential for recreation parks that may, or may not, involve organized sporting activities shall be administered following consultation with the immediate neighbourhood, and in consideration of the community as a whole.

(e) The existing recreation park (Dinner Bay) now used for organized sports will be monitored to ensure its continued operation is in accordance with the values expressed in this Master Plan and will be governed, where considered necessary, by formal contract with the responsible sports organizations.

(f) Walking trails will be promoted, and developed where possible, to allow for access to shorelines, views and sights of natural significance on the island. These trails will be planned, where physically and feasibly possible, as an extensive network providing routes and interconnected hiking paths joining remote parts of the island.

MAYNE ISLAND OFFICIAL COMMUNITY PLAN
BYLAW NO. 144
SCHEDULE I
RIPARIAN AREA DEVELOPMENT PERMIT AREAS

BL 171

MAYNE ISLAND OFFICIAL COMMUNITY PLAN
BYLAW NO. 144
SCHEDULE J
MINER'S BAY COMMERCIAL CORE

BL 174