



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: April 24, 2017
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

	Pages
1. CALL TO ORDER	1:00 PM - 1:05 PM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	
6.1 Local Trust Committee Minutes Dated March 27, 2017 (for Adoption)	3 - 10
6.2 Section 26 Resolutions-without-meeting Report	
none	
6.3 Advisory Planning Commission Minutes Dated September 12, 2016 & March 13, 2017 (for Receipt)	11 - 16
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated April 2017	17 - 18
8. DELEGATIONS	
none	
9. CORRESPONDENCE	1:30 PM - 2:00 PM
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
none	

10. APPLICATIONS AND REFERRALS
 - 10.1 MA-DVP-2017.1 (Adams/Campbell) - Staff Report 2:00 PM - 3:00 PM 19 - 25
11. LOCAL TRUST COMMITTEE PROJECTS
none
12. REPORTS
 - 12.1 Work Program Reports (attached)
 - 12.1.1 Top Priorities Report Dated April 2017 26 - 26
 - 12.1.2 Projects List Report Dated April 2017 27 - 27
 - 12.2 Applications Report Dated April 2017(attached) 28 - 29
 - 12.3 Trustee and Local Expense Report Dated February 2017 (attached) 30 - 30
 - 12.4 Adopted Policies and Standing Resolutions (attached) 31 - 32
 - 12.5 Local Trust Committee Webpage
 - 12.6 Chair's Report
 - 12.7 Trustee Report
 - 12.8 Trust Fund Board Report - April 2017 33 - 34

For information.
13. NEW BUSINESS
 - 13.1 Bylaw Enforcement Policy(unlawfull dwelling) - Staff Report 35 - 39
14. UPCOMING MEETINGS
 - 14.1 Next Regular Meeting Scheduled for May 15, 2017, at the Agricultural Hall, Mayne Island
15. TOWN HALL
16. CLOSED MEETING
none
17. ADJOURNMENT 3:00 PM - 3:00 PM



DRAFT

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: March 27, 2017
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Members Present George Grams, Chair
Jeanine Dodds, Local Trustee
Brian Crumblehulme, Local Trustee

Staff Present Gary Richardson, Island Planner
Pat Todd, Recorder

Public There were approximately 8 members of the public present

Guest Tristan Willmott, Madrone Environmental Services Ltd.

1. CALL TO ORDER

Chair Grams called the meeting to order at 1:00 pm. acknowledging that the meeting was being held in territory of the Coast Salish First Nations. Tristan Willmott was introduced and it was explained that he would be speaking to the Riparian Areas Regulations (RAR) report.

2. APPROVAL OF AGENDA

Add: 9.2 Letter from Mayne Island Pathways and Trail Association.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Ian Birtwell spoke of concerns regarding RAR report that will be brought forward after QEP report.

Ian Dow asked to speak with the Qualified Environmental Professional (QEP) regarding historical reports, errors and omissions in current report. It was agreed that professional reports may have different findings.

Glenda Johnson raised similar concerns and had previously requested amendments to stream names.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated January 30, 2017 (for Adoption)

The following amendments to the minutes were presented for consideration:

Call to Order: delete word “traditional” in second sentence.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report Dated March 2017

Received for information

6.3 Advisory Planning Commission Minutes

Commission met on March 13, 2017 regarding Short Term Vacation Rental (STVR) referral and this will be discussed at the next meeting.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated March 2017

Received for information

8. DELEGATIONS

none

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

9.1 C. Redsell Letter Dated February 25, 2017 re: Chartering of the Boat Pekona

Planner Richardson advised the LTC that a Bylaw Officer is working with Mr. Redsell. The issue is use of a boat as STVR which is currently not by zoning.

Options available to Mr. Redsell are to rezone or apply for a Temporary Use Permit (TUP) to allow for the boat to be used as an STVR. It is the responsibility of the owner to apply.

MA-2017-006

It was MOVED and SECONDED

that the Mayne Island Local Trust Committee direct Planner Richardson to respond to Mr. Redsell and detail Mr. Redsell's options of applying for a Temporary Use Permit or rezoning as Short Term Vacation Rental is not a permitted use at this time.

CARRIED

9.2 Letter Mayne Island Paths and Trails Association

MA-2017-007

It was MOVED and SECONDED

that the Mayne Island Local Trust Committee direct staff to respond to Mayne Island Pathways and Trails correspondence.

CARRIED

10. APPLICATIONS AND REFERRALS

10.1 North Pender Island Local Trust Committee Bylaws No. 209 & 210 Referral

MA-2017-008

It was MOVED and SECONDED

that Mayne Island Local Trust Committee interests are not affected by North Pender Island Trust Committee Bylaws No. 209 and 210.

CARRIED

10.2 Salt Spring Island Local Trust Committee Bylaws No. 488, 489 & 490 Referral

MA-2017-009

It was MOVED and SECONDED

that Mayne Island Local Trust Committee interests are not affected by Salt Spring Island Local Trust Committee Bylaws No. 488, 489 and 490.

CARRIED

Chair Grams spoke to the bylaws which change the use from Industrial Land back to General Employment. Proposed development would look at the impact of business on surroundings, water, etc.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Riparian Area Implementation - Staff Report

Planner Richardson reviewed the steps taken to date regarding Riparian Area Implementation (RAR) and reviewed the staff report. Two of the three streams have been designated as RAR applicable.
Trustee Dodds identified the Hunt Stream location.

Staff will work with the Trustees to get correct stream names on mapping and reports.

The staff recommendation at this time is to prepare a draft bylaw to create the a RAR Development Permit Area (DPA).

Tristan Willmott, Madrona Environmental Services Ltd. Summarized the RAR report. Horton Creek and Deacon Creek are identified as RAR applicable.

Current practices are permitted within setbacks, example mowing grass however any new development activities activate RAR.

Farming activities do not affect RAR.

Detailed assessment determines setbacks specific to site.

Trustee Crumblehulme questioned the setbacks within agricultural land denoted on maps.

It was explained that setbacks are there as future development may be something which is not related to farming.

Federal Fisheries Act (FFA) is the primary regulation.

If RAR does not apply still cannot do anything that would contravene the FFA.

Trustee Crumblehulme emphasized the need to protect streams however need to preserve according to historical aspects. Regulations are trying to protect something that may or may not occur.

RAR designed to protect habitat.

Trustee Dodds questioned manmade water courses: ie. Ditches can be temporary, could be rerouted.

Chair Grams informed the LTC that RAR has had minimal impact on Salt Spring Island. To date there had been two DPA applications.

Mr. Willmott spoke to the benefits of a functioning riparian zone; less erosion. cleaner water. There are historical references to cutthroat trout in Horton Creek which indicates potential for fish return. RAR regulations are attached to waterway – if water course changes RAR moves.

Ian Dow expressed appreciation for the reasonable approach of the current report. Concern was raised as to water courses being created, for example by Ministry of Transportation.

Glenda Johnson spoke to temporary ditch that was permitted, however permit expired 1 ½ years ago and ditch is going to be filled. Construction on Montrose Road had significant impact on water run off which impacted property. Ministry of Transportation and Infrastructure (MoTI) blocked natural drainage.

Trustee Crumblehulme suggested inviting MoTI to LTC meeting.

Staff indicated the ditch can be noted and that RAR process will take approximately a year to complete and hopefully situation can be rectified prior to implementation of RAR. Staff will request MoTI attend a LTC meeting for the purpose of looking at Montrose Road.

MA-2017-010

It was MOVED and SECONDED

that Mayne Island Local Trust Committee direct staff to invite Ministry of Transportation and Infrastructure to a Mayne Island Local Trust Committee meeting for the purpose of looking at Montrose Road.

CARRIED

Ian Birtwell raised concerns regarding some of the definitions and the importance of being definitions being specific within the bylaw. He felt that a number of public meetings will be required as home owners will be concerned about property impacts.

Dean MacKay raised the question of enhancing fish habitat and asked if further plans are forthcoming to ameliorate existent waterways. There is a natural barrier within Horton Creek and feels there are contradictions within report as to potential fish habitation.

No direct action is expected – just natural increase of vegetation.

Ian Dow asked if RAR could preclude MoTI moving a waterway.

If MoTI is responsible for fixing the location of the waterway then RAR would apply to changed route.

MA-2017-011

It was MOVED and SECONDED

that Mayne Island Local Trust Committee direct staff to prepare a draft bylaw to establish a Riparian Area Regulation Development Permit area for Deacon Creek and Horton Creek.

CARRIED

MA-2017-012

It was MOVED and SECONDED

that Mayne Island Local Trust Committee endorse the Riparian Area Regulation Development Permit area implementation project charter dated March 14, 2017 as amended.

CARRIED

11.2 Commercial Land Use Review - Revised Project Charter

MA-2017-013

It was MOVED and SECONDED

that Mayne Island Local Trust Committee approve the attached project charter dated March 16, 2017 as drafted.

CARRIED

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated March 2017

Received for information

12.1.2 Projects List Report Dated March 2017

Received for information

12.2 Applications Report Dated March 2017(attached)

Planner Richardson spoke to referrals list. The TUP application for the music festival will be advertised for consideration at the May LTC meeting.

12.3 Trustee and Local Expense Report Dated January 2017

Received for information

12.4 Adopted Policies and Standing Resolutions

Received for information

12.5 Local Trust Committee Webpage

Will be updated at conclusion of meeting

12.6 Chair's Report

Trust Council was held on Gabriola Island. Chair Grams reported that the annual budget for 2017/18 has been approved and that IT component does not change. Identified initiatives include an internal review of IT Act and the engagement of a temporary full-time Fresh Water Specialist, who will together all the works/projects throughout the IT area. Salt Spring Island will hold a referendum on September 9, 2017 regarding incorporation.

12.7 Trustee Report

Trustee Dodds informed the committee that the Fallow deer Committee has a website and face book page for information as it is important for island newcomers to understand the issue and why the need for eradication of species. There was a large meeting in Sidney with several Ministries being represented. The Capital Regional District (CRD) is working on a fallow deer plan.

Trustee Crumblehulme spoke to meeting with the CRD regarding Cotton Park. The CRD will be applying to rezone the property to a Community Park. There is a permit in place to dismantle house. The CRD Community Economic Sustainability Commission has completed a Strategic Plan and a financial system is to be implemented. A website is being developed. The CRD Trails Open House was attended.

12.8 Trust Fund Board Report Dated February 2017

Received for information

13. NEW BUSINESS

13.1 Provincial Private Moorage Policy Update - Staff Memo

This policy does not affect the Southern Gulf Islands.

13.2 CRD Gulf Islands Regional Trail Plan Open House - Letter of Invitation

This item has been addressed.

13.3 Bylaw Enforcement Policy (unlawful dwellings) - Staff Report

Bylaw Manager Miles Drew will attend the next meeting to speak to this item.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for April 24, 2017, at the Agricultural Hall, Mayne Island

15. TOWN HALL

none

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:25 pm.

George Grams, Chair

Certified Correct:

Pat Todd, Recorder



IslandsTrust

ADOPTED



MAYNE ISLAND ADVISORY PLANNING COMMISSION MEETING MINUTES

Date: Sept. 12, 2016

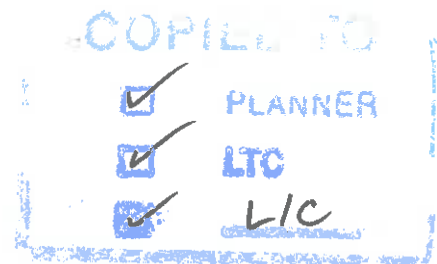
Location: 360 Georgina Point Rd, St. Mary Magdalene
Anglican Church

Members Present: Stephen Cropper Jerry Wise Sally Manson Ian
Birtwell Bill Bender Chris Roehrig Dennis Emmett

Staff Present: Pat Todd, Recorder

Trustees Present: Trustee Dodds

Members of the Present: Two (2) Public and Media



1. CALL TO ORDER

Chair Cropper called the meeting to order at 7:00 p.m.

2. APPROVAL OF THE AGENDA

By general consent the agenda was adopted as presented.

3. APPROVAL OF MINUTES OF A.P.C.

3.1 Meeting of May 9, 2016

By general consent the Advisory Planning Commission minutes of May 9, 2016 were adopted as presented.

4. BUSINESS ARISING FROM THE MINUTES

Mayne Island APC
Meeting Minutes

Sept. 12, 2016

ADOPTED

Page 1 of 3

None

5. REFERRALS

5.1 MA-TUP-2016.2 (Lane)

Chair Cropper reviewed the application and the submission of the applicant/

TUP is for operation of a residence as a short term vacation rental (STVR).

There was a discussion regarding current STVRs and TUPs.

Trustee Dodds clarified the purpose of a TUP and the process involved in such an application. This is the fourth application for a STVR received by the LTC/ It was further explained that proposed Bylaw 167 details the guidelines that would apply to permits.

The Chair spoke to a number of criteria included within the application.

Barbara Judd (adjacent property owner) referenced correspondence of May 27/16 which detailed concerns and issues as to the application:

- Delineation of property boundaries
- Unsupervised operation as owner off island
- Noise/lack of screening
- Discussion of STVRs, bylaw enforcement, structure of TUP, long-term rental vs. short term, absence of owner, size of accommodation, difficulty of enforcing guidelines/bylaws.

River Judd (former adjacent property owner) spoke to problems that have arisen since operation of STVR began.

Chair Cropper reviewed the options for the Commission.

There was further discussion regarding the application circumstances.

MA-2016-003

It was Moved and Seconded

that the Mayne Island Advisory Planning Commission
recommend to the Mayne Island Local Trust Committee that
MA-TUP-2016.2 not be approved.

CARRIED

6. TRUSTEES REPORT

Trustee Dodds informed the Commission that there will be a second Community Information Meeting regarding STVRs. Trust Council will be meeting in Sidney over the next three days.

7. NEW BUSINESS

None

8. NEXT MEETING

To be announced

9. ADJOURNMENT

By general consent the meeting adjourned at 8:45

Stephen Cropper, Chair

Certified Correct:

Pat Todd, Recorder



IslandsTrust

DRAFT



MAYNE ISLAND ADVISORY PLANNING COMMISSION MEETING MINUTES

Date: March 13, 2017

Location: 360 Georgina Point Rd, St. Mary Magdalene
Anglican Church

Members Present: Stephen Cropper, Jerry Wise, Sally Manson,
Ian Birtwell, Bill Bender, Chris Roehrig and
Dennis Emmett

Staff Present; ByLaw Enforcement Manager Miles Drew (by phone)
Pat Todd, Recorder

Trustees Present: Trustee Crumblehulme

Members of the Present: Two (2) Public and Media



1. CALL TO ORDER

Chair Cropper called the meeting to order at 7:00 p.m.

2. APPROVAL OF THE AGENDA

By general consent the agenda was adopted as presented.

3. APPROVAL OF MINUTES OF A.P.C.

3.1 Meeting of Sept. 12, 2016

By general consent the Advisory Planning Commission minutes of
Sept. 12, 2016 were adopted as presented.

Mayne Island APC
Meeting Minutes

March 13, 2017

DRAFT

Page 1 of 3

4. BUSINESS ARISING FROM THE MINUTES

None

5. REFERRALS

5.1 Staff Report regarding Enforcement Policy for Short Term Vacation Rental of a dwelling

Bylaw Enforcement Manager Miles Drew outlined the process for enforcement of bylaws specific to Short Term Vacation Rentals (STVR)

There are two options: application for a Temporary Use Permit (TUP) or application to rezone property.

The emphasis is on compliance with existing bylaws.

Staff detailed the Default Enforcement Policy – investigate the complaint: is there an environmental issue; is operator advertising

Chair Cropper cited the conditions where Bylaw Enforcement may commence STVR enforcement without a complaint.

There was extensive discussion regarding the status of STVRs and Bylaw Enforcement on the island.

Significant issues include: advertising, health and safety and absent property owner.

Committee was in consensus as to the importance of an onsite/on island owner and/or manager.

Bylaw Enforcement is currently being proactive and looking for STVRs being advertised.

Trustee Crumblehulme spoke to the LTC “management” of the island and the necessary factors to be considered relative to the pros and cons of STVRs.

The application process for a TUP was reviewed.

The Committee was supportive of Bylaw Enforcement of unlawful STVRs according to the criteria of the staff report.

MA-2017-001

It was Moved and Seconded

that the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee that existing Bylaw Enforcement Policy regarding Short Term Vacation Rentals as detailed in Motion MA-LTC-13-2011 be maintained with Item 1.2 to read "they are not managed by the on-island owner".

CARRIED

6. TRUSTEES REPORT

None

7. NEW BUSINESS

None

8. NEXT MEETING To be announced

9. ADJOURNMENT

By general consent the meeting adjourned at 9:15 pm.

Stephen Cropper, Chair

Certified Correct:

Pat Todd, Recorder

Mayne Island APC
Meeting Minutes

March 13, 2017

DRAFT

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Follow Up Action Report

Mayne Island

30-Jan-2017

Activity	Responsibility	Target Date	Status
Fiona MacRaid to prepare report on recommended next steps on possible First Nations projects. To be prepared for June 26, 2017 LTC Mtg.	Gary Richardson	31-May-2017	On Going

27-Mar-2017

Activity	Responsibility	Target Date	Status
Minutes of January 30, 2017 adopted as amended.	Regina Robinson	07-Apr-2017	Done
Respond that the MILTCs interests are unaffected by NPILTCs Bylaws No 209 and 210.	Sharon Lloyd-deRosario	31-Mar-2017	Done
Respond that the MILTCs interests are unaffected by SSILTCs Bylaws No 488, 489 and 490	Sharon Lloyd-deRosario	31-Mar-2017	Done
Riparian Area Implementation - Staff directed to prepare a draft bylaw to implement an RAR DPA for Deacon Creek and Horton Creek.	Gary Richardson		On Going
Commercial Land Use Review Project Charter - to be shown as endorsed and placed on the MILTC webpage.	Gary Richardson Regina Robinson	07-Apr-2017	Done
C. Redsell Letter Dated February 25, 2017 - staff to respond with options of applying for rezoning or TUP to allow for a boat to be used as an STVR.	Gary Richardson		Done
Place Bylaw Enforcement staff report regarding Policy for unlawful dwellings on April 24, 2017 LTC Mtg. agenda.	Gary Richardson		Done
MIPATA - staff to respond to March 26, 2017 email.	Gary Richardson		Done

Follow Up Action Report

RAR - staff to work with LTC and Islands Trust Mapping Dept. to ensure names on streams are accurate.	Gary Richardson	On Going
Montrose Drainage - staff to contact MoTI regarding Montrose diversion to determine status.	Gary Richardson	Done



File No.: MA-DVP-2017.1 (Adams)

DATE OF MEETING: April 12, 2017
TO: Mayne Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Victoria Office
SUBJECT: Development Variance Permit Application
Applicant: Caralyn Campbell
Location: 619 Edith Point Road

RECOMMENDATION

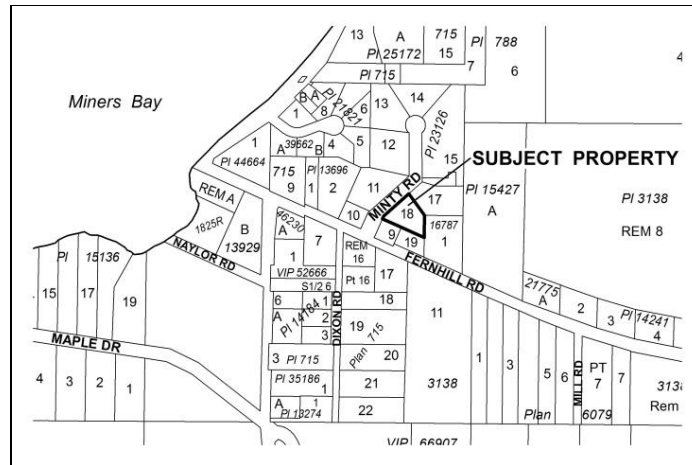
1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2017.1 (Adams).

REPORT SUMMARY

The purpose of this report is to consider the issuance of a Development Variance Permit (DVP).

In summary, the above recommendation for the issuance of an amended DVP is supported for the following reasons:

- The secondary suite is providing accommodation in an area close to the amenities of Miners Bay.
- The suite increases housing stock in Miners Bay without increasing the footprint of the existing dwelling.
- Provides much needed rental accommodation which is in short supply on Mayne Island.
- The requested variance is relatively minor.
- As of the writing of this report no concerns have been received as a result of the variance notification.



BACKGROUND

The proposal is to increase the floor area permitted for a secondary suite from 60 m² to 86.32 m² to allow for an existing secondary suite to have a maximum floor area of 86.32 m². The suite is existing and is located on the main floor of a dwelling.

There have been bylaw enforcement complaints regarding this dwelling.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement

- LTCs shall ...address means for achieving efficient use of land base without exceeding density limits in the OCP.

Mayne Island Official Community Plan (OCP)

- Designated Settlement Residential.
- One secondary suite, limited in size, contained wholly within a dwelling unit may be permitted per parcel.
- A rainwater catchment and storage system shall be required prior to the construction of a secondary suite.

Mayne Island Mayne Island Land Use Bylaw (LUB)

- Zoned Settlement Residential.
- The LUB allows a maximum floor area of 60m² for secondary suites. A secondary suite shall not exceed 40 per cent of the floor area of the principal dwelling.
- Secondary suite must be contained within the walls of the building that contains the principal dwelling unit.
- The entrance to the secondary suite from the exterior of the building must be separate from the entrance to the main dwelling.

Issues and Opportunities:

Rational for the Variance

- The stated rational is that the suite does not increase the footprint of the existing dwelling and provides accommodation for 3 full time tenants.

Overall Intent of the Regulation being varied

The overall purpose of the floor area restriction is to minimize impacts on adjacent property related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Potential Impacts of Granting a Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation:

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on April 21, 2017. CRD building inspection was also referred a copy of the proposed variance permit for comment.

Staff has not received any submissions from the CRD or public to date. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

Rationale for Recommendation:

Staff is recommending that the proposed variance be issued for the following reasons: provides housing close to the amenities of Miners Bay, does not increase the footprint of the primary residence; it generally maintains a consistent development pattern in the area, adds to rental housing stock which is in short supply.

ALTERNATIVES**1. Issue the variance as requested**

The LTC may issue the variance as has been requested in the application.

Resolution: That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2017.1(Campbell).

2. Deny the application

Resolution:

That the Mayne Island Local Trust Committee deny Development Variance Permit MA-DVP-2017.1 (Campbell).

Submitted By:	Gary Richardson Island Planner	April 12, 2017

ATTACHMENTS

1. Photographs
2. Notice and Permit



Front of dwelling showing entrance to suite and entrance to main part of dwelling.



Side of dwelling showing cistern



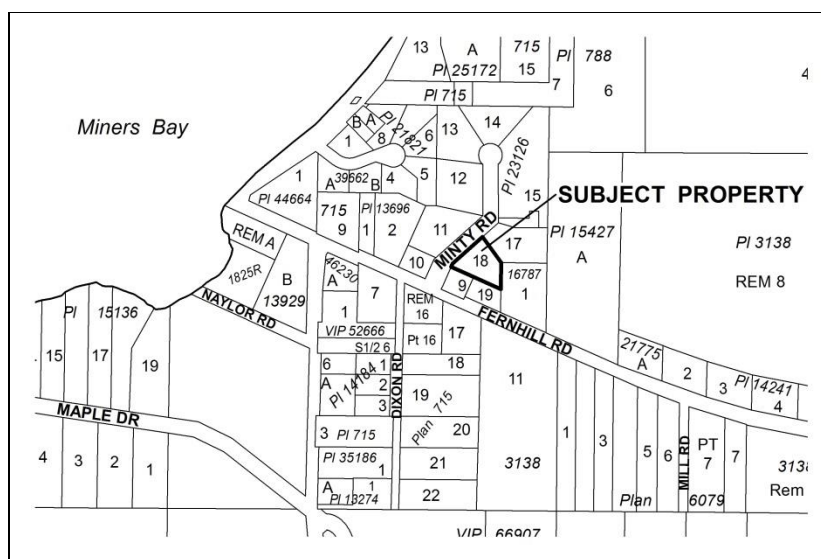
NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*.

The proposed permit would vary subsection 3.13(8) of Mayne Island Land Use Bylaw No. 146, 2008, which states that the floor area of a secondary suite shall not exceed 60m² (646 ft²). The purpose of this permit is to allow a secondary suite to have a floor area of 86.32m² (929 ft²).

The property is located at 426 Minty Drive, Mayne Island and is legally described as Lot 18, Section 12, Mayne Island, Cowichan District, Plan 23126.

PID: 003-047-326

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **April 7, 2017**, and continuing up to and including **April 21, 2017**.

For the convenience of the public only, and not to satisfy Section 499(2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island, B.C., commencing **April 7, 2017**. Also, attached for your convenience is a copy of the proposed permit.

If you have any questions or comments please contact the Planner, Gary Richardson at (250) 405-5157; for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867, before 4:30 p.m. **April 21, 2017**. Written comments may be mailed to Islands Trust, 200 – 1627 Fort Street, Victoria, BC V8R 1H8; faxed to (250) 405-5155; or emailed to information@islandstrust.bc.ca before 4:30 p.m., **April 21, 2017**.

The Mayne Island Local Trust Committee may consider the issuance of the permit at the Mayne Local Trust Committee Meeting being held at 1:00 p.m., April 24, 2017, at Mayne Island Agricultural Hall, 430 Fernhill Road, Mayne Island. All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Sharon Lloyd-deRosario, Deputy Secretary



Islands Trust

PROPOSED

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2017.1**

TO: Margaret Adams

1. This Development Variance Permit applies to the land described below:

Lot 18, Section 12, Mayne Island, Cowichan District, Plan 23126
PID: 003-047-326

2. The "Mayne Island Land Use Bylaw No. 146, 2008" is varied as follows:

- a) Subsection 3.13(8) which states that the floor area of a secondary suite shall not exceed 60m² (646ft²) is varied to allow a secondary suite to have a floor area of 86.32m² (929ft²).

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and obtain other approvals necessary for completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS
XX DAY OF XX.**

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XX DAY OF XX THIS
PERMIT AUTOMATICALLY LAPSES.**

Top Priorities

Mayne Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Commercial Land Use Review	Revised Project Charter endorsed at March LTC Meeting	27-Apr-2015	Gary Richardson	
2	Fallow Deer Eradication		26-Jan-2015	Gary Richardson	
3	Riparian Area Regulation Implementation	Staff directed to prepare DPA Bylaw for LTCs consideration at June LTC Meeting	25-Apr-2016	Gary Richardson	

Projects

Mayne Island

Description	Activity	R/Initiated
Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	02-Mar-2009
STVR Review - TUP Guidelines		30-Jan-2017
Road issues		27-Jun-2012
Density on large lot remainders	to review covenants on remainder lots and review zoning to density of dwellings and cottages	30-Sep-2015

**Development Variance Permit**

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2017.1	CAMPBELL, CARALYN Planner: Gary Richardson	24-Jan-2017	426 MINTY DRIVE\nVARIANCE TO ALLOW LARGER SECONDARY SUITE
Planning Status			
Status Date: 18-Mar-2017 Notification to be carried out and staff report and draft permit to be prepared for the LTCs consideration at its April 24, 2017 LTC Mtg.			
Status Date: 25-Jan-2017 File opened and forwarded to planner and LTC.			

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2017.2	BARRY C WATSON Planner: Phil Testemale	20-Mar-2017	491 MCKERCHER RD - VARIANCE FOR SIDE LOT LINE SET BACK
Planning Status			
Status Date: 12-Apr-2017 Staff report and draft permit to be prepared for May 15, 2017 LTC meeting for the LTCs consideration.			
Status Date: 21-Mar-2017 File opened and forwarded to LTC and planner.			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2017.1	MEG IREDALE-GRAY c/o KARA RESOURCES LTD Planner: Phil Testemale	15-Mar-2017	306 CAMPBELL BAY RD\nTemporary permit for commercial use (3 day music festival) on rural residential property.
Planning Status			
Status Date: 15-Mar-2017 File opened and forwarded to LTC and planner.			



Applications

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending February 2017

645 Mayne	Invoices posted to Month ending February 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	750.00	89.58	660.42
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,500.00	1,773.94	-273.94
65210-645	LTC - Local Exp - APC Meeting Expenses	500.00	129.89	370.11
65220-645	LTC - Local Exp - Communications	1,000.00	700.00	300.00
65230-645	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,500.00</u>	<u>2,603.83</u>	<u>896.17</u>
Projects				
73001-645-3005	Mayne RAR	<u>8,000.00</u>	<u>8,000.00</u>	<u>0.00</u>
TOTAL Project Expenses		<u>8,000.00</u>	<u>8,000.00</u>	<u>0.00</u>

Mayne Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: October 31, 2016

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	February 7, 2011	MA-LTC-13-11 This resolution repeals MA-LTC-90-09	STVRS Bylaw Enforcement	1. Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities STVRs that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVR; 4. While the property is rented persons are permitted to stay in tents or trailers; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on Mayne Island as a STVR. 2. No enforcement actions under section 1.1 will be taken against any STVR operation that takes place in a lawful cottage or dwelling while the operator lives in a lawful dwelling or cottage on the same property. 3. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time. This means that persons who have two lawful dwelling places on one lot and who live in one dwelling while the other is used as an STVR will be exempt from enforcement if they advertise. Staff recommends that the other factors continue to apply because STVR operations that have third party management, have more than one location on Mayne Island, or use more than one dwelling or cottage or permit camping are essentially operating as a resort or motel. The safety and nuisance triggers for enforcement protect the renters, the operators, and the neighbourhoods. It also reduces the Islands Trusts' liability.

No	Meeting Date	Resolution No.	Issue	Policy and Description
2.	May 2, 2011	MA-LTC-44-11	Options for adopting In Camera Minutes	It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public .
3.	February 1, 2012		Special Occasion Liquor License referrals	That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.
4.	July 25, 2012	MA-LTC-34-12 x-ref #2 above	STVR Bylaw enforcement policy	That Mayne Island Local Trust Committee resolves to extend the current Short Term Vacation Rental bylaw enforcement policy, as written in Staff Report dated June 26, 2012 until the project to review use of second dwellings for Short Term Vacation Rentals is complete.
5.	June 27, 2016	MA-LTC-2016-055	Statutory Public Notice Advertising	That the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality April 2017



100 Protected Places

The protection of Moore Hill on Thetis Island marks a milestone of 100 protected places for the Islands Trust Fund. We hope you take a moment to reflect on your part in this achievement, as every single protected place is truly a result of collaboration, cooperation and partnership.

Property Management Strategy approved

The Trust Fund Board has approved a Property Management Strategy which will guide the management of Islands Trust Fund nature reserves and covenants. The strategy provides a framework for informed decision-making to ensure that the ecological integrity of protected areas is maintained or enhanced while making the most effective and efficient use of resources. There will soon be a page on our website providing information on this strategy.

Regional Conservation Plan consultation

Look out for the trustee survey on the Regional Conservation Plan coming your way in early May. Input from trustees will be really valuable and will help make our session at the Trust Council meeting in June more productive. In the fall, Islands Trust Fund staff will attend local trust committee meetings to discuss conservation planning for each local trust area with you. ITF is also hosting workshops for our conservation partners and First Nations in Nanaimo on May 1st and in Sidney on May 4th.

Financial Planning Committee appointment: Robin Williams

The Trust Fund Board has appointed member Robin Williams to serve as our representative on the Financial Planning Committee. We are grateful for Robin's interest.

Property Monitoring

Visits to monitor Islands Trust Fund properties and covenants will be taking place from April to July. Our monitoring is carried out by a contractor who has worked with the Islands Trust Fund for many years.

Summary of Current Island-by-Island Activities

Bowen

Bowen Island Conservancy has restored an area of the David Otter Nature Reserve, planting and caging cedar trees. The group has also been working with consultants to determine the site and design of a proposed viewing platform at Fairy Fen Nature Reserve.

Gabriola

A \$10,000 grant from TD Friends of the Environment has been received towards the cost of a wooden boardwalk around the iconic large western redcedar at the Elder Cedar Nature Reserve. The raised boardwalk will allow people to get close to the majestic giant, but lessen the impact on the root zone of the tree.

Galiano

Following a presentation by the Chair of the Crystal Mountain Society Rezoning Committee with respect

to the possibility of the Society donating land to the Trust Fund Board as a nature reserve, TFB reconfirmed its agreement to hold a covenant on approximately 18 hectares of the lands owned by Crystal Mountain Society and indicated a willingness to consider a Conservation Proposal with respect to transferring of some or all of the land to the Board.

A successful restoration project was carried out at the Trincomali Nature Sanctuary involving new planting and weeding of last year's planting. Thanks to the volunteers involved!

Gambier

Restoration work at the Long Bay Wetlands Nature Reserve was successfully carried out involving volunteers from Gambier Island Conservancy and Camp Suzuki.

Keats

Islands Trust Fund has indicated support for provisions in proposed Bylaws 143 and 144 that pertain to dedicating an area as a nature reserve. If the bylaws are approved, ITF will continue to work with the owners to secure the transfer of land.

Lasqueti

TFB has approved a revised management plan for the Kwel Nature Reserve. The plan will be posted to our website soon.

Mayne

TFB has approved an Opportunity Fund grant of \$5,000 towards the costs of an ecological assessment and legal fees in conjunction with Mayne Island Conservancy Society's project to acquire and conserve a property at St John Point.

North Pender

An arborist limbed a danger tree that fell over the trail at Medicine Beach Nature Sanctuary.

Salt Spring

A representative of Salt Spring Trail and Nature Club presented a proposal to Trust Fund Board members requesting the Islands Trust Fund consider releasing or amending the covenant on Lot 31, Salt Spring Island, to allow BC Parks to acquire the land as an expansion of Mount Erskine Provincial Park. Board members identified a number of issues that would have to be addressed once a formal proposal is received, including the board's over-riding responsibility to maintain ecological protection, limited staff, time and financial resources and possible legal issues.

A conservation covenant, co-held with the Salt Spring Island Conservancy, has been registered on Isabella Point. The covenant protects 2.15 hectares of forest, woodland and rocky bluffs along the shoreline.

Thetis

A covenant held by the Cowichan Community Land Trust Society is now registered on the property recently acquired on Moore Hill. Management planning will begin in the next few months.

The campaign to protect Fairyslipper Forest is in its last few months, and the push is on to raise the funds required.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca



DATE OF MEETING: April 24, 2017
TO: Mayne Island Local Trust Committee
FROM: Miles Drew , Bylaw Enforcement Manager
Victoria Office
SUBJECT: Enforcement on Unlawful Dwellings

RECOMMENDATION

- 1) That the Mayne Island Local Trust Committee adopts the attached Enforcement on Unlawful Dwellings Policy.

BACKGROUND

The Mayne Island Local Trust Committee passed the following resolution at its January 30, 2017 meeting:

MA-2017-004

It was MOVED and SECONDED,

that the Mayne Island Local Trust Committee direct Bylaw Enforcement staff to bring forward a draft policy regarding enforcement policy for unlawful housing.

CARRIED

ANALYSIS

There appears to be little need for a specific bylaw enforcement policy for unlawful housing as bylaw enforcement statistics for Mayne Island show that there are very few unlawful housing enforcement files. Since 2011 there have only been five such files opened. In 2013 and 2014 there were none. In 2016 the only unlawful housing enforcement file is in regards to summer use of travel trailers to accommodate vacationing family members on a lot used strictly for recreation.

The LTC has taken some significant steps to accommodate the need for low cost housing. The Land Use Bylaw (LUB) permits the use of travel trailers as a dwelling provided that the use does not exceed density requirements. Additionally, in 2015, the LTC amended the Land Use Bylaw to permit suites in all residential zones except on lots serviced by water districts.

Adopting an enforcement policy which prevents enforcement on unlawful housing may result in upsetting the density provisions of the LUB and the Official Community Plan. These density provisions were in part developed because of concerns that increased density might overtax resources on Mayne Island.

Currently investigations into Mayne Island LUB violations such as unlawful housing are guided by the Trust Council policy in Chapter 5, Section 5, Subsection i, 6 & 7:

“6. Bylaw investigation is normally undertaken in response to written complaints of a violation by any person. On receipt of a written complaint, a letter acknowledging receipt of the complaint and an explanation of the course of investigative action to be taken will be provided to the complainant.

7. A Bylaw Enforcement Officer may commence an investigation without written complaint where:

- a) bylaw violations are observed by the Bylaw Enforcement Officer, the consequences of which may threaten or damage natural ecosystems as referenced in the islands Trust Policy Statement Part III, Section 3.3.1.
- b) bylaw violations are observed by the Bylaw Enforcement Officer as part of a building permit process or other permitting process administered by a local government or the Islands Trust.
- c) a referral is received from a permitting agency that identifies land use bylaw violations associated with the permit request.
- d) advertisements for uses believed to be illegal have been observed.”

However, the LTC can adopt a bylaw enforcement policy specifically suited to an issue such as unlawful housing. The LTC could restrict enforcement to only complaints coming from an immediate neighbour or from agencies responsible for health and safety issues doing concurrent enforcement. Thus the LTC might reduce the possibility of otherwise homeless persons losing their homes while preventing undue impacts on neighbours and ensuring that issues about unsafe or unhealthy housing are resolved.

If the LTC wishes to implement the attached draft policy, it should make the recommended resolution.

ALTERNATIVES

1. Do not adopt a new enforcement policy

The LTC can decide not to adopt a new unlawful housing enforcement policy but instead rely on the existing enforcement policy as stated in the Trust Council enforcement policy outlined above.

Alternative Resolution:

That the Mayne Island Local Trust Committee directs bylaw enforcement staff to continue to use the Trust Council bylaw enforcement policy in chapter 5, section 5, subsection i of the Trust Council policy manual when dealing with unlawful housing.

2. Receive for information

The LTC may receive the report for information.

Submitted By:	Miles Drew, Bylaw Enforcement Manager	March 10, 2017
Concurrence:	David Marlor, Director Local Planning Services	March 10, 2017

ATTACHMENT

1. Enforcement on Unlawful Dwellings - Draft Policy



Policy:	B.8.1.6
Approved By:	Mayne Island Local Trust Committee
Approval Date:	
Amendment Date(s):	
Policy Holder:	Mayne Island Local Trust Committee

Mayne Island - Enforcement on Unlawful Dwellings Policy

Purpose

To direct Bylaw Enforcement staff in regards to enforcement for unlawful dwellings in the Mayne Island Local Trust Area.

Scope

This policy applies to all properties within the Mayne Island Local Trust Area.

A. Definitions from the Mayne Island Land Use Bylaw No. 146, 2008

"Dwelling unit" means a detached building, or a portion of a building in the case of a secondary suite, apartment residential use or employee housing, used as a residence for a single household and containing eating, sleeping and living facilities and a single set of facilities for food preparation.

"Accessory dwelling unit" means a dwelling unit the use of which is limited to accommodation of an owner, operator, or employee of a permitted principal use on the same lot or premises.

"Residential use" means the occupancy or use of a dwelling unit for the domicile or home life of a person or persons, or the occasional or seasonal occupancy of a dwelling unit by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner; and for certainty, residential use does not include tourist accommodation use, commercial vacation rental, or any occupancy of a dwelling unit by persons entitled to such an occupancy under a time share plan as defined in the *Real Estate Act* or successor legislation. For the purpose of this definition, owner includes a tenant under a residential tenancy agreement.

B. Policy

1. That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists:
 - 1.1. There is a complaint from an immediate neighbor; or,
 - 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.
2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

C. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

[Mayne Island Land Use Bylaw No. 146, 2008](#)

[Trust Council Policy and Procedures - 5.5.i Bylaw Enforcement](#)

[Mayne Island Local Trust Committee Policies and Standing Resolutions](#)

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