



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: January 30, 2017
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Pages

1. CALL TO ORDER 1:00 PM - 1:15 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 November 28, 2016 (for Adoption) 4 - 11
 - 6.2 Section 26 Resolutions-without-meeting Report
none
 - 6.3 Advisory Planning Commission Minutes
none
7. BUSINESS ARISING FROM THE MINUTES 1:15 PM - 2:00 PM
 - 7.1 Follow-up Action List Dated January 2017 12 - 13
8. DELEGATIONS
none
9. CORRESPONDENCE
Correspondence received concerning current applications or projects is posted to the LTC webpage
none

10. APPLICATIONS AND REFERRALS
 - 10.1 MA-DVP-2016.1 (Crocker) - Staff Report 14 - 28
 - 10.2 MA-TUP-2016.3 (Beaudet/Active Pass Auto Marine) - Staff Report 29 - 38
11. LOCAL TRUST COMMITTEE PROJECTS
none
12. REPORTS 2:00 PM - 2:30 PM
 - 12.1 Work Program Reports (attached)
 - 12.1.1 Top Priorities Report Dated January 2017 39 - 39
 - 12.1.2 Projects List Report Dated January 2017 40 - 40
 - 12.2 Applications Report Dated January 2017 (attached) 41 - 41
 - 12.3 Trustee and Local Expense Report Dated November 2016 (attached) 42 - 43
 - 12.4 Adopted Policies and Standing Resolutions (attached) 44 - 45
 - 12.5 Local Trust Committee Webpage
 - 12.6 Chair's Report
 - 12.7 Trustee Report
 - 12.8 Trust Fund Board Report
none
 - 12.9 Bylaw Enforcement re STVR Enforcement Policy - Staff Report 46 - 48
13. NEW BUSINESS 2:30 PM - 3:00 PM
 - 13.1 First Nations Presentation by Fiona MacRaid
14. UPCOMING MEETINGS
 - 14.1 Next Regular Meeting Scheduled for February 27, 2017, at the Agricultural Hall, Mayne Island
15. TOWN HALL

16. CLOSED MEETING (Distributed Under Separate Cover) 3:30 PM - 3:50 PM

16.1 Motion to Close Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d & f) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated November 7, 2016*
- *Bylaw Enforcement Issue*

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

3:50 PM - 4:00 PM

17. ADJOURNMENT



DRAFT

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: November 28, 2016
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Members Present: Jeanine Dodds, Local Trustee
Brian Crumblehulme, Local Trustee (Acting Chair)

Staff Present: Gary Richardson, Island Planne
Pat Todd, Recorder

Others Present: John Reilly, Manager, Housing Planning and Programs, CRD
Approximately forty-eight (48) members of the public.

1. CALL TO ORDER

Acting Chair (A/C) Crumblehulme called the meeting to order at 1:00pm. and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. A/C Crumblehulme introduced guest John Reilly from CRD.

2. APPROVAL OF AGENDA

By general consent the agenda was approved with agreement that Item 4 would be heard following Item 11.

3. TOWN HALL AND QUESTIONS

none

4. COMMUNITY INFORMATION MEETING

4.1 Short Term Vacation Rentals

Planner Richardson outlined that Short Term Vacation Rentals (STVRs) are an issue for many islands and difficult to regulate. Bylaws passed today allow for rental of legal cottages as a Home Occupation. Use of a Temporary Use Permit (TUP) to operate an STVR gives the LTC an opportunity to include stipulations for the STVR. Enforcement of a TUP can also be an issue. Staff outlined the STVR Bylaw Enforcement.

Discussion points:

- The complaint driven Bylaw Enforcement process was reviewed

- Water issues are critical – meters could be beneficial to monitor leaks/usage
- Importance of tourism; during summer there is limited accommodation
- Air B&B allows monitoring and screening of occupants
- Member of public spoke to being ticketed for using boat for accommodation.
- Costs of TUP
- Balance within community important
- Bylaw Enforcement monitors internet advertising and can then fine
- Census information in 2017 will assist in identifying renters and it is worth looking at age groups/renting/owning
- Questioned of floating homes: water is zoned for specific purposes – could apply to rezone but there is still issue of water/septic
- How many rentals are there on island – census data may identify
- Air B&B – there is competition with commercial operators.
- Could define STVR as to certain months of operation

4.2 Affordable Housing

Staff spoke to this issue having been explored by many of the islands. On Mayne Island there are currently 2 properties zoned to allow for increased density. Secondary suites are only allowed outside of water districts.

Trustee Crumblehulme recognized the need of a determined committee to sponsor a project as Islands Trust can rezone but cannot build.

John Reilly, CRD, presented materials and information regarding housing issues within British Columbia. He reviewed past programmes that had been sponsored to address affordable housing. Rental starts account for 41% of all housing starts.

Salt Spring Island (SSI) has 35% of persons paying more than 50% in housing costs while the Southern Gulf Islands (SGI) has approximately 30%.

Mr. Reilly reviewed the programs and housing models currently operating within the CRD: A) Hospital District, which develops health facilities (e.g. Seniors housing) and B) Capital Region Housing Corporation which operates approximately 1300 units primarily in Saanich and Victoria. 70% of units are subsidized so residents are not paying more than 30% of income in rent.

The Housing Trust Fund has 875 units with 60% affordable/40% supported. There are 42 units on SSI.

It was reported that the Provincial Government is investing significant funds into housing projects. Pender Island is expected to put forward a proposal for funding.

Approval has been received to fund a SGI housing needs survey, which is likely to start in January, and there will be forums on the islands regarding needs

assessments. Terrill Welch, Mayne Island, has agreed to sit on the Advisory Committee.

Mary Cooper noted the MI Health Centre Board of Directors has just completed an island survey and while not specific to housing needs information could be shared after compilation. It was questioned if Seniors Housing could be provided through Hospital District. This is unlikely, as the community requires significant infrastructure and funds are directed more towards outreach and home care. Such a project would require land owned by the CRD for the CRD to build housing in co-operation with a non-profit organization.

Louis Vallee questioned the effects of STVRs on affordable housing/rental market. There is no data on this item. No affordable housing units can be used as STVRs if there is a Housing Agreement on title.

Paula Buchholz questioned if consideration had been given to micro housing. There is interest in a number of options/creative solutions. The need is to find property. MI does allow for use of trailers however consideration must be given to septic/water issues.

Deb Foote spoke to the contribution of MI residents to the Regional Housing Fund and questioned SSI being approved for supporting housing units. The funds collected to date can be identified. MI has not been considered for a housing project as there have been no applications. SSI has a larger population, significant infrastructure and very active non-profit agencies that have been addressing this issue for a number of years.

Another option is Housing for Humanity which can build small units and is very family oriented.

Carol Munro noted that the need for assisted senior living has been identified for MI. One issue is affordable housing for support staff.

Murray Rosengren questioned defining affordable housing for inclusion in the Land Use Bylaws (LUBs). The scale is if paying over 30% of gross income before taxes then eligible for affordable housing. Staff reported that the church property has a detailed Housing Agreement on Title and that affordable housing could be tied to an amenity contribution.

John Reilly detailed Inclusionary zoning where a developer is required to build a percentage of affordable housing according to municipal guidelines.

Terrill Welch spoke to the survey completed on MI regarding housing noting that young people leave the island if there is inadequate housing; and suggested a review of persons using shelters to determine if they had previously lived on one of the SGIs. The issue of homelessness has been identified for SSI and a systems review has just started. Asking at shelters where a person came from could help to identify patterns.

Deb Foote spoke to the importance of looking at creative solutions for water services/septic/parameters of property. Property is not generally the issue: building issues, costs of alternative water/septic systems are.

A/C Crumblehulme recessed the meeting at 2:30pm for a break.

The meeting was reconvened at 2:50pm.

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated November 7, 2016 (for Adoption)

An adjustment on page 5 of the agenda package was requested: the first sentence should read "that the LTC not"...

By general consent the Local Trust Committee meeting minutes of November 7, 2016 were adopted as amended.

6.1.1 Public Hearing Record Dated November 7, 2016 (for Receipt)

By general consent the Public Hearing Record of November 7, 2016 was received as presented.

6.2 Section 26 Resolutions-without-meeting Report

none

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated November 2016

Trustee Dodds expressed appreciation to the owner of the property for walking the proposed road closure with the Parks and Recreation Commission and the Mayne Island Conservancy Society (MICS). No further information regarding this item has been received to date.

Staff reported that Fiona MacRaidl will be attending the LTC January 30, 2017 meeting.

Correspondence from the CRD has been received stating that the fuel lines on Miners Bay dock have been drained. Trustee Dodds reported there is still leakage and this remains an issue of concern.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

10.1 MA-RZ-2015.2 (Mayne Is. Resort) - Staff Memo - Bylaw 170

Planner Richardson reviewed the application to rezone some strata units to allow for flexibility in usage. The Executive Committee has approved this application. The proposed rezoning would enhance housing options and allow for staff housing.

MA-2016-070

It was Moved and Seconded

that the Mayne Island Local trust Committee proposed Bylaw No. 170, cited as :Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2016" be adopted.

CARRIED

10.2 MA-RZ-2015.1 (CRD) - Staff Memo - Bylaws 168 & 169

Staff reported that the application had been circulated to a number of agencies and that the Ministry had approved the request for a dock at Anson Road.

MA-2016-071

It was Moved and Seconded

that the Mayne Island Local Trust Committee proposed Bylaw No. 168, cited as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2016" be adopted.

CARRIED

MA-2016-072

It was Moved and Seconded

that the Mayne Island Local Trust Committee proposed Bylaw No. 169, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2016" be adopted.

CARRIED

10.3 Salt Spring Island Local Trust Committee Bylaw No. 497 Referral

MA-2016-073

It was Moved and Seconded

that the Mayne Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Bylaw No. 497 Referral with “interests unaffected”.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Short Term Vacation Rental of Cottages - Staff Memo - Bylaws 165 & 166

Planner Richardson stated that the Ministry has approved the Bylaws allowing STVR of legal cottages. He reviewed the process followed prior to adoption of a bylaw.

MA-2016-074

It was Moved and Seconded

that the Mayne Island Local Trust Committee proposed Bylaw No. 165, cited as “Mayne Island Official Community Plan Bylaw No. 133, 2007, Amendment 1, 2015: be adopted.

CARRIED

MA-2016-075

It was Moved and Seconded

that the Mayne Island Local Trust Committee proposed Bylaw No. 166, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2015” be adopted.

CARRIED

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated November 2016

Discussion addressed STVR guidelines and the need to start the Commercial Land Use Review. Staff will arrange to speak with commercial operators.

Report is being prepared for Riparian Areas Regulations (RAR).

Staff will ask for a Parks and Recreation delegation, regarding Cotton Park, to attend the February meeting.

The suggestion was made to clarify and specify definition of a Passive Park and add Cotton Park as a priority.

12.1.2 Projects List Report Dated November 2016

No changes.

12.2 Applications Report Dated November 2016 (attached)

There will be 2 new applications (TUP and a DVP) for the LTC to consider in January.

12.3 Trustee and Local Expense Report

none

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information

12.5 Local Trust Committee Webpage

Will be updated.

12.6 Chair's Report

none

12.7 Trustee Report

Trustee Dodds reported that a letter is going to Ministry of Agriculture regarding funding to assist activities of Fallow Deer Committee. There is a web site coming and brochures to explain this issue. She attended the Oil Spill Clean-up Forum sponsored by the MICS – very informative; and also attended a Town Hall with Gary Holman, MLA, regarding health issues.

Trustee Crumblehulme stated that the application regarding the Japanese Garden had been submitted. A proposed project regarding food sustainability was also submitted, in conjunction with MICS and Ag Society. He attended an Interisland Transportation meeting that is exploring the hiring of local boaters to transport interisland. He also attended the Community Economic Sustainability Commission (CESC) meeting with Finance Committee to identify opportunities to raise major capital e.g. housing project.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for January 30, 2017, at 1:00 pm, at the Agricultural Hall, Mayne Island

14.2 Resolution to Reschedule May 23, 2017 Meeting Date

MA-2016-076

It was Moved and Seconded

that Mayne Island Local Trust Committee regular meeting dated May 23, 2017, be rescheduled to May 15, 2017.

CARRIED

15. TOWN HALL

Dave Maund remarked on the importance of dealing with the Passive Park clarification. It is important to know the plans for the park. CRD has modified the property without permits and without community input.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:25 pm.

George Grams, Chair

Certified Correct:

Pat Todd, Recorder

Follow Up Action Report

Mayne Island

07-Nov-2016

Activity	Responsibility	Target Date	Status
Road Closure Request from the Ministry of Transportation and Infrastructure - advise MOTI that the LTC has asked the applicant to walk the road with the LTC, MIPRC and MIPATA. Once comments are received from MIPRC and MIPATA staff is to prepare RWM for the LTC to provide comment to MOTI.	Gary Richardson		On Going
Cotton Park Advise CRD building inspection that any application proposed structures should be forwarded to Islands Trust planning staff for confirmation. Bring topic of Cotton Park rezoning to Nov 29 LTC meeting for possible inclusion in work program priorities.	Gary Richardson		Done
Determine how Paula Buchholtz letters of July 19, 2016 and reminder of October 10, 2016 has been responded to.	Gary Richardson		Done
Write Letter to CRD (Ted Robbins) and cc Director Howe and Ministry regarding fuel lines to/on miners bay dock.	Gary Richardson		Done

28-Nov-2016

Activity	Responsibility	Target Date	Status
LTC Minutes of November 7, 2016 adopted as amended.	Regina Robinson		Done
Invite Fiona MacRaid to the January 30, 2017 LTC meeting.	Gary Richardson		Done
Bylaw 170 (Mayne Island Resort Ltd) - adopted Consolidate with LUB	Sharon Lloyd-deRosario		Done



Follow Up Action Report

Bylaws 168 and 169 (CRD) (Horton Bay Dock) - bylaws adopted. Consolidate with OCP and LUB	Sharon Lloyd-deRosario	Done
Bylaw 165 and 166 (STVR Use of Cottages) adopted. Consolidate with OCP and LUB	Sharon Lloyd-deRosario	Done
Salt Spring Bylaw 497 - advise that MILTC Interests unaffected	Sharon Lloyd-deRosario	Done
Staff to request that Parks and Recreation representatives attend Jan 30, 2017 as a delegation to discuss Cotton Park.	Gary Richardson	Done
Change MILTC meeting scheduled for May 23, 2017 to May 15, 2017	Regina Robinson	Done
Invite Bylaw Enforcement Manager to Jan 30, 2017 LTC meeting to discuss active fil es.	Gary Richardson	Done
Contact Campbell Bay Farm regarding TUP for summer music festival.	Gary Richardson	Done



File No.: MA-DVP-2016.1 (Crocker)

DATE OF MEETING: January 30, 2017
TO: Mayne Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Victoria Office
SUBJECT: Development Variance Permit Application
Applicant: John and Darlene Crocker
Location: 619 Edith Point Road

RECOMMENDATION

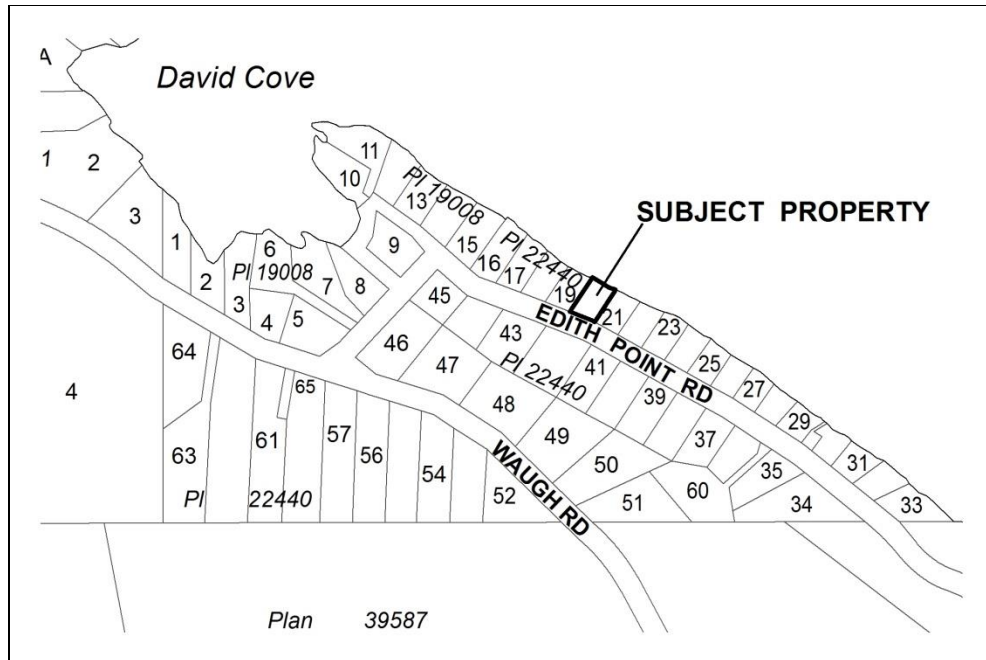
1. That the Mayne Island Local Trust Committee approve issuance of amended Development Variance Permit MA-DVP-2016.1 (Crocker).

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 proposed development is consistent with the development pattern along the shoreline; there are waterfront decks on the properties on either side of this property.
- The proposed development does not appear as though it will further impact the herbaceous sensitive ecosystem along the shoreline beyond what the existing deck and installation of septic system has done; however if the deck is reduced in size vegetation may regenerate in the area that was disturbed due to the septic installation.
- A reasonable solution to the neighbors' concern regarding infringement on view and privacy is provided if the deck is reduced in size. This is only a partial solution as the concerned neighbor is on the second lot to the west on the side that staff is recommending the smaller deck above the existing deck.
- The siting of the house does not allow for alternate options or easy compliance with setback regulations for the siting of a waterfront deck.



BACKGROUND

The proposal is to reduce the required setback from the sea to allow a deck to be constructed as close as 5.5 metres from the natural boundary of the sea. There is an existing house on the property with a small deck off the main floor on the waterfront side of the house. The proposed new deck will be at the second storey level and run the width of the house on the waterfront side.

ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement

- Polices suggest that OCPs and regulatory bylaws identify and protect environmentally sensitive areas, views and distinctive features.

Mayne Island Official Community Plan (OCP)

- OCP Schedule F shows the herbaceous ecosystem is present in a strip along the shoreline; however there are no specific measures or guidelines in place to protect or maintain the ecosystem.
- Ensure there are adequate setbacks from the sea.

Mayne Island Mayne Island Land Use Bylaw (LUB)

The LUB requires building and structures to be sited no less than 7.5 metres from the natural boundary of the sea.

Issues and Opportunities:

Rational for the Variance

- The stated rational is to be able to enjoy spectacular ocean views and increased property value.
- To fully enjoy the property from the top floor.

Overall Intent of the Regulation being varied

The overall purpose of the setback regulations 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 January 27, 2017.

Staff has received one submission to date. Any further submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

The submission received raised concerns regarding: number of buildings, view, privacy and infringement on shared space. These concerns have been considered.

Rationale for Recommendation:

Staff is recommending an amended variance so that the proposed second floor deck is reduced in size so that is the same size and directly above the existing main floor deck.

Staff are recommending that an amended variance be supported for the following reasons: the reasonableness of the applicant's request, particularly given the constraints of the site and placement of the existing house; it generally maintains a consistent development pattern in the area; in the absence of an environmental development permit area a reduced deck could provide some protection to the herbaceous ecosystem and allow for regeneration; and a smaller deck addresses some of the neighbors' concerns regarding view and privacy, and still allows the property owner to enjoy the views from a raised deck.

ALTERNATIVES

1. Issue the application as submitted

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-2016.1 (Crocker).

2. Deny the application

Resolution:

That the Mayne Island Local Trust Committee deny Development Variance Permit MA-DVP-2016.1 (Crocker).

Submitted By:	Gary Richardson Island Planner	January 20, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	January 20, 2017

ATTACHMENTS

1. Site Context
2. Maps, Plans, Drawings, Photographs
3. Notice and Permit
4. Amended Permit

ATTACHMENT # 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 20, Section 15, Mayne Island, Cowichan District, Plan 22440
PID	003-234-126
Civic Address	619 Edith Point Road

LAND USE

Current Land Use	Residential Use
Surrounding Land Use	Residential Use

HISTORICAL ACTIVITY

File No.	Purpose
MA-BP-2016.1	Building Permit application for an accessory building.

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Settlement Residential (SR) in the Mayne Island Official Community Plan No. 144 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. 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. 4.2.1.5 Public recreational use of the foreshore shall be given priority over other foreshore uses. The subject property is not in a development permit area.
Land Use Bylaw	The property is zoned Settlement Residential (SR) in the Mayne Island Land Use Bylaw No. 146 Subsection 3.3(3) of the LUB requires buildings and structures to be sited no less than 7.5 metres from the natural boundary of the sea. The definition of structure in the LUB excludes septic fields and tanks from being considered structures.
Islands Trust Policy Statement	3.1 Ecosystems 3.1.3 Local Trust Committees ... shall in their official community plans and regulatory bylaws, address the identification and protection of environmentally sensitive areas...

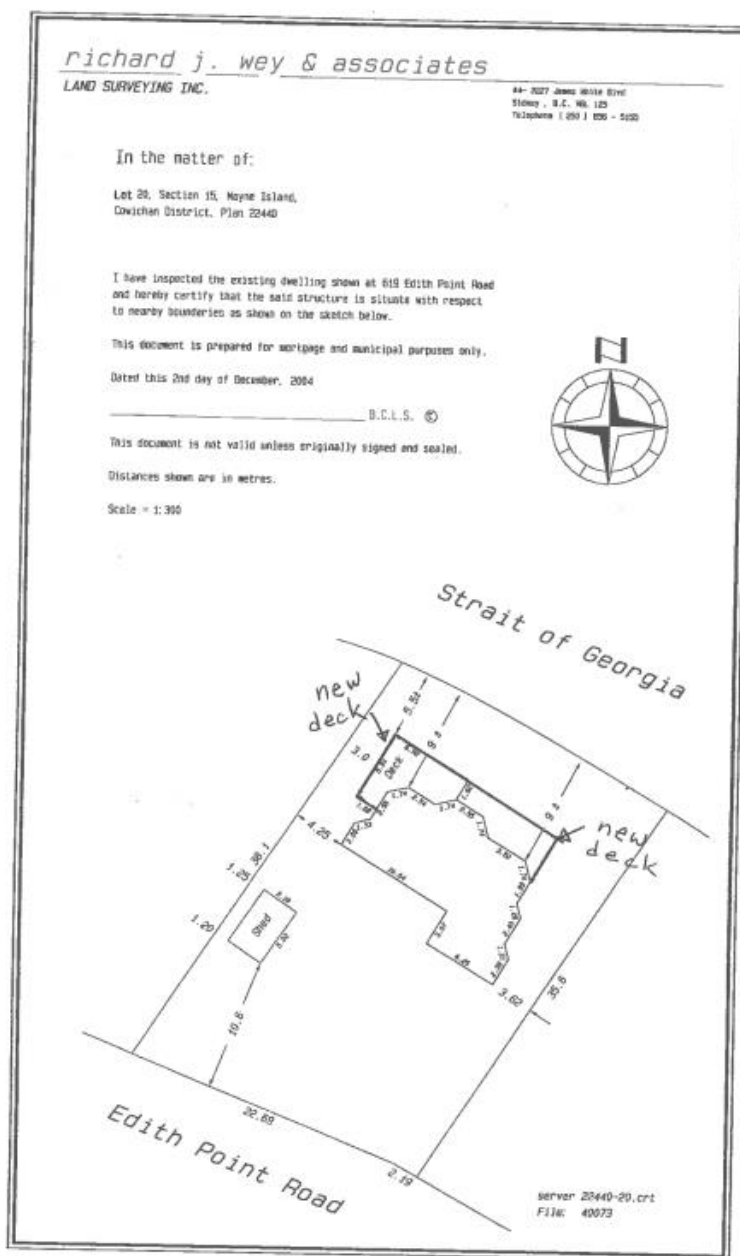
	5.1 Aesthetic Qualities 5.1.3 Local Trust Committees ... shall in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area 5.2 Growth and Development 5.2.3 Local Trust Committees ... shall in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Fund	This property has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This property has no considerations for the Regional Conservation Plan.
Species at Risk	N/A
Sensitive Ecosystems	A portion of the lot closest to the sea is shown on Schedule F of the Mayne OCP titled "Mayne Island Sensitive Ecosystem Mapping Air photo – 2005", as being in the Herbaceous sensitive ecosystem. Terrestrial Herbaceous ecosystems are characterised by thin soils which are easily disturbed. Herbaceous plants can be easily trampled or dislodged onto bare rock where they cannot re-establish. Thus they are highly vulnerable to a range of human disturbance factors including residential development and various recreational uses.
Hazard Areas	The property is low bank waterfront.
Archaeological Sites	There are no specific archeological sites shown; however the area is shown as having archaeological potential. There is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.]
Climate Change Adaptation and Mitigation	The existing dwelling may be affected by sea level rise in the future; however the proposed deck is to be constructed at the second storey level.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble

ATTACHMENT #2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

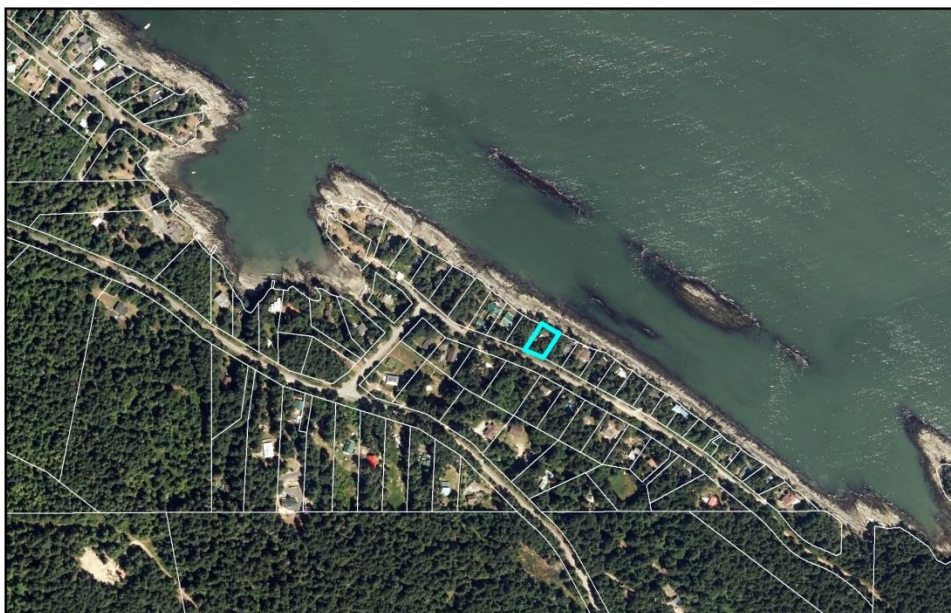
2.1 PLAN SHOWING PROPOSED DECK



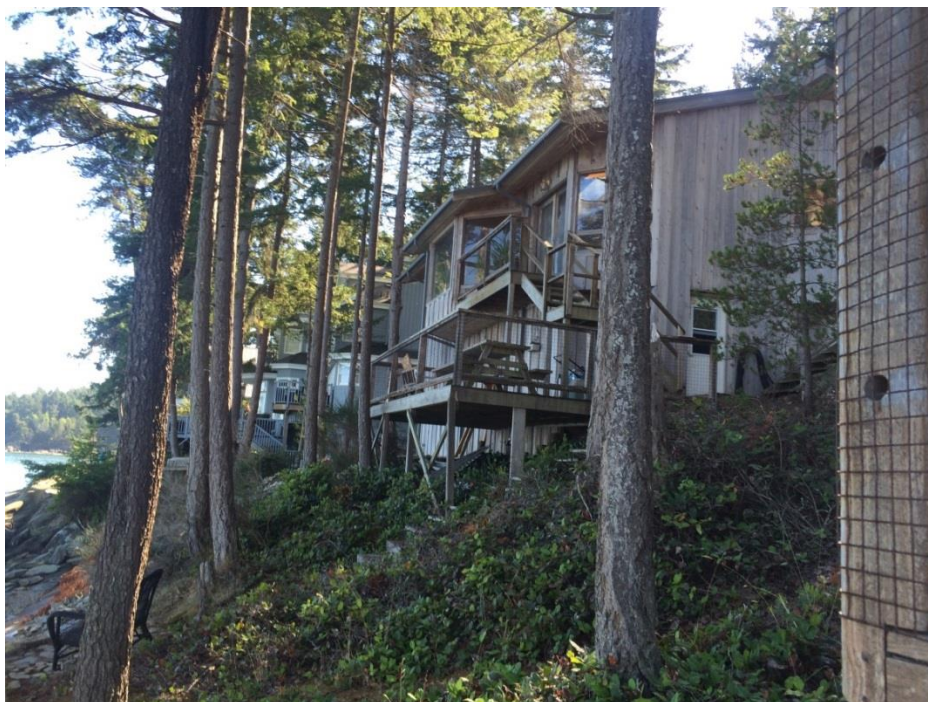
2.2 ORTHOPHOTO SHOWING SUBJECT PROPERTY



2.3 ORTHOPHOTO SHOWING NEIGHBORHOOD



2.4 Photo Showing Dwelling and Existing Deck



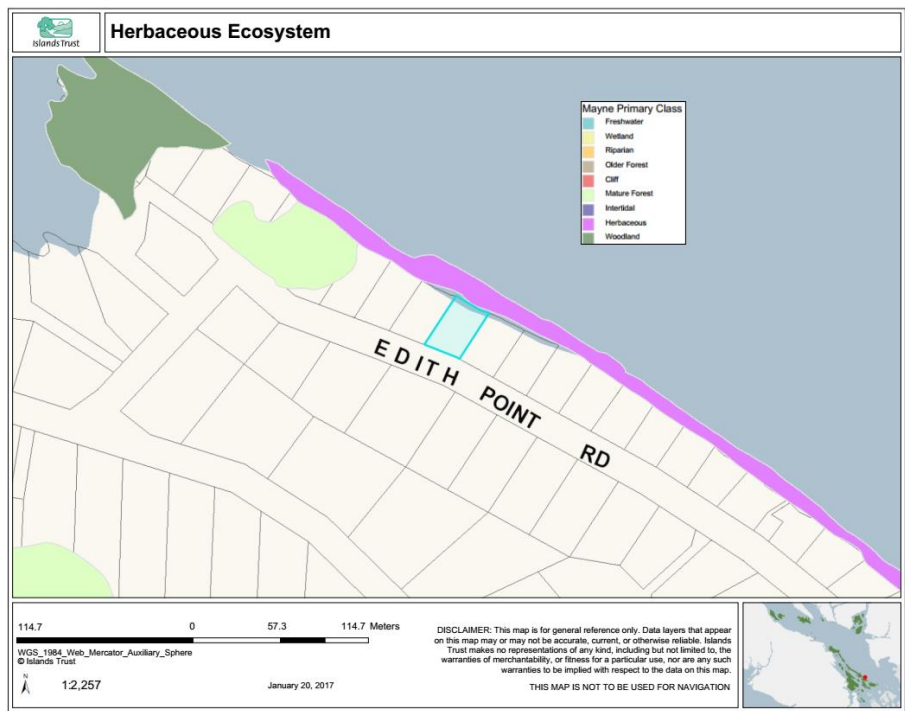
2.5 Photo Showing Development on Properties to the West



2.6 Photo Showing Development on Properties to the East – New Septic System Also Shown in Foreground



2.7 Portion of Schedule F of the OCP Showing Sensitive Ecosystems



**NOTICE
MA-DVP-2016.1
MAYNE ISLAND LOCAL TRUST COMMITTEE**

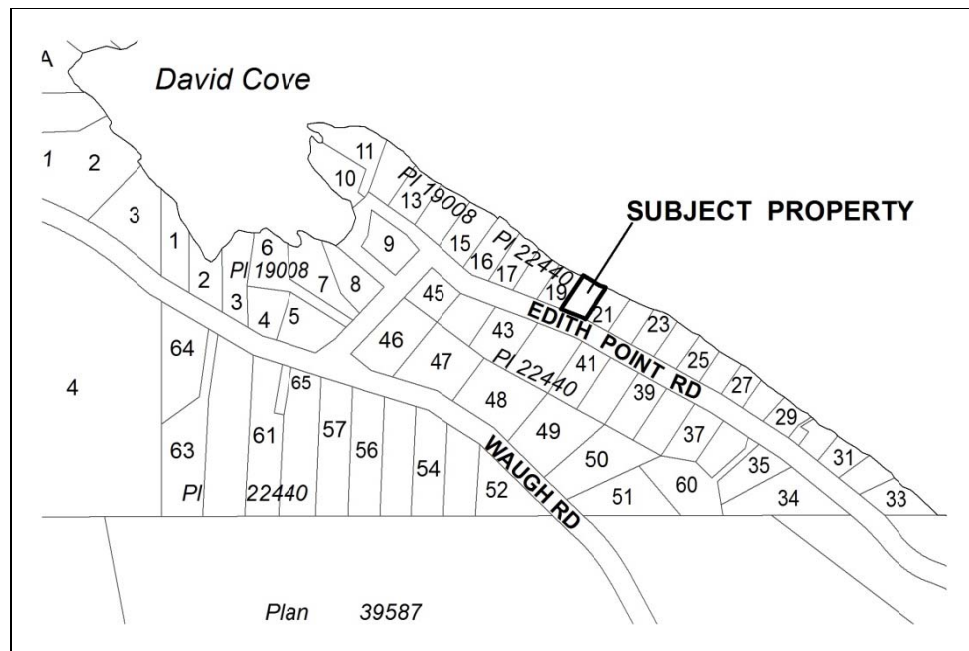
NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*.

The purposed permit would vary subsection 3.3(3) of Mayne Island Land Use Bylaw No. 146, 2008, which states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of the sea. The purpose of this permit is to allow a deck to be constructed as close as 5.5 metres of the natural boundary of the sea.

The property is located at 619 Edith Point Road and is legally described as Lot 20, Section 15, Mayne Island, Cowichan District, Plan 22440.

PID: 003-234-126

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 **January 16, 2017**, and continuing up to and including **January 27, 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 **January 16, 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. **January 27, 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., **January 27, 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., January 30, 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-2016.1**

TO: John and Darlene Crocker

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

Lot 20, Section 15, Mayne Island, Cowichan District, Plan 22440
PID: 003-234-126

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

- a) Subsection 3.3 (3) which states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of the sea, is varied to allow for a deck structure to be sited as close as 5.5 metres from the natural boundary of the sea.

All buildings and structures are to be consistent with Schedule "A" attached to and forming part of this permit.

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.**

SCHEDULE "A"

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File: 40073
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Islands Trust

PROPOSED

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2016.1**

TO: John and Darlene Crocker

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

Lot 20, Section 15, Mayne Island, Cowichan District, Plan 22440
PID: 003-234-126

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

- a) Subsection 3.3 (3) which states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of the sea, is varied to allow for a deck structure to be sited as close as 5.5 metres from the natural boundary of the sea. The deck is to be constructed at the second story level of the existing dwelling.

All buildings and structures are to be consistent with Schedule "A" attached to and forming part of this permit.

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.**

SCHEDULE "A"



File No.: MA-TUP-2016.3 (Active Pass Auto and Marine Ltd)

DATE OF MEETING: January 30, 2017
 TO: Mayne Island Local Trust Committee
 FROM: Gary Richardson, Island Planner
 Southern Team
 SUBJECT: Temporary Use Permit Application
 Applicant: Lina Beaudet
 Location: 424 Fernhill Road

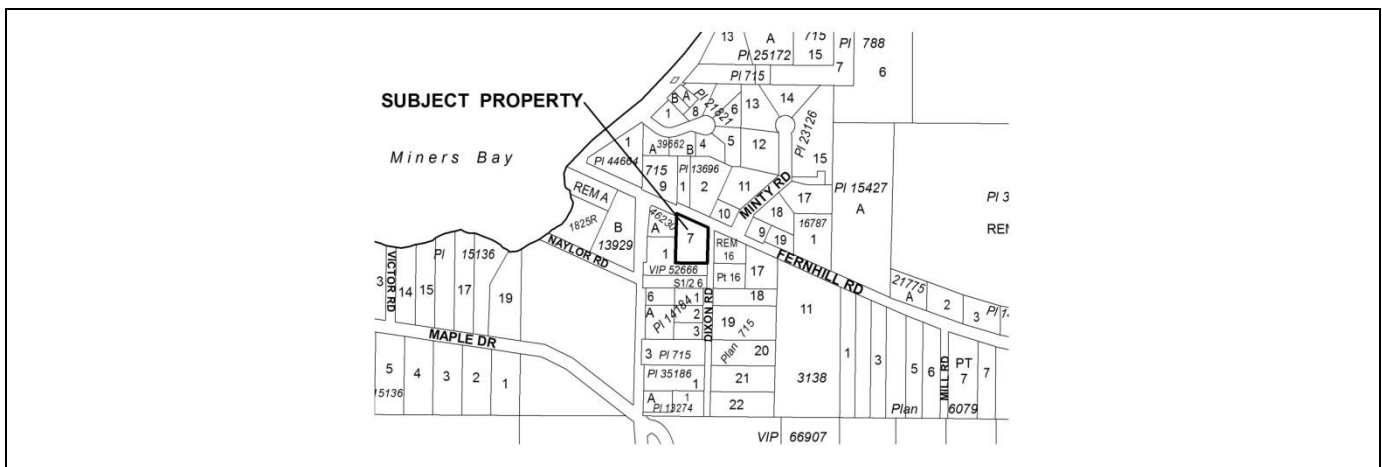
RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Temporary Use Permit MA-TUP-2016.3 (Active Pass Auto and Marine Ltd).

REPORT SUMMARY

The purpose of this report is to consider the issuance of a Temporary Use Permit to allow for the additional permitted uses of office use and personal service use to be carried out on the subject property.

- The new permitted uses are reasonable for this commercially zoned property in Miners Bay and are a compatible addition to the other uses permitted.
- The proposed uses comply with Commercial OCP policies.
- The proposed uses comply with Temporary Use Permit guidelines in the OCP.
- The proposed new uses will need to comply with all other regulations contained in the Mayne LUB and Mayne Island OCP.



BACKGROUND

This proposal is to allow office use and personal service use to a property zoned Automotive Commercial (C4).

There are existing buildings and structures on the property which include: dwelling; fuel pumps; building containing retail space, office and shop space; garage, propane storage; tank farm; and covered garbage storage.

The applicant states that the uses are being requested in order to obtain additional revenue to ensure the survival of the business.

ANALYSIS

Policy/Regulatory

Official Community Plan:

- Allows for small scale commercial
- Retail business to be clustered at Miners Bay
- Commercial Development Permit Area
- Complies with TUP guidelines
- Any new buildings or structures will be required to obtain a Commercial Development Permit before being permitted.

Land Use Bylaw:

- The uses being proposed are compatible with existing permitted uses.
- Any new uses, buildings and structures on the site will be required to comply with all other regulations contained in the Mayne LUB; such as: parking, lot coverage, building height etc.

Issues and Opportunities

Rational for TUP

- The applicant states that the uses are being requested in order to obtain additional revenue to ensure the survival of the business.

Consultation

A notice for the TUP has been posted in both the MayneLiner and Driftwood newspapers. The notice has also been posted on Mayne Island notice boards and delivered to surrounding property owners and occupiers.

The notification period will end at 4:30 pm January 27, 2017.

As of the writing of this report no public submissions had been received.

Rationale for Recommendation

Staff is recommending the issuance of this TUP as it: is a reasonable request given the location of the property and other permitted uses; does not conflict with Commercial OCP policies; does not conflict with TUP guidelines and as of the writing of this report there have been no concerns raised by surrounding property owners. The proposed additional uses should not substantive impacts on the surrounding properties.

ALTERNATIVES

1. Deny the application

Resolution:

That the Mayne Island Local Trust Committee deny Temporary Use Permit MA-TUP-2016.3 (Active Pass Auto and Marine Ltd.)

Submitted By:	Gary Richardson, Island Planner	January 23, 2017
Concurrence:	Robert Kojima, Regional Planning Manager	January 23, 2017

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice and Permit

ATTACHMENT # 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 7, Section 12, Mayne Island, Cowichan District, Plan 715
PID	001-377-451
Civic Address	424 Fernhill Road

LAND USE

Current Land Use	Residential and Commercial Gas Station
Surrounding Land Use	The property is 0.34 hectares in size, and is zoned C4 – Automotive Commercial. Adjacent Properties to the south and west are zoned C1 – Settlement Commercial, the property containing the Agricultural Hall to the east is zoned S1 – Community Service, the properties to the north across the street are zoned SR – Settlement Residential.

HISTORICAL ACTIVITY

File No.	Purpose
MA-BP-2010.6	Deck construction on house - approved
MA-DP-1996.3	Addition to garage and shop - approved
MA-DVP-1996.9	Variance for siting of accessory building - approved
MA-TUP-2010.2	Transfer, storage, and shipping of discarded goods and materials – application denied

POLICY/REGULATORY

Official Community Plan Designations	Designated C – General Commercial 2.4.1.1 The principal land use shall be small scale commercial businesses. 2.4.1.2 Retail businesses shall be clustered at Miners Bay with the exception of; the Montrose/Fernhill area, the Building Centre at Whalen/Fernhill, and the Auto repair yard at Horton/Fernhill. DPA – In the Commercial Development Permit Area
Land Use Bylaw	Zoned C4 – Automotive Commercial 5.11 Automotive Commercial (C4) Zone The purpose of the Automotive Commercial Zone is to provide for and regulate small scale commercial uses intended for the servicing and maintenance of vehicles. Permitted Uses (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are

	prohibited: (a) Gasoline service stations including accessory propane sales; (b) Auto body repair shops; (c) Retail sales; (d) Rental of tools and garden equipment; (e) Accessory dwelling unit for the accommodation of the owner, operator, or employee of a permitted principal use; (f) Accessory uses buildings and structures.
Temporary Use Permit	2.9 Temporary use permits The Mayne Island Local Trust Committee may issue Temporary Use Permits for all areas covered by this Plan except areas in the ALR or Resource Conservation designation. <u>Objectives for Issuing Temporary Use Permits</u> 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. <u>Permit Guidelines</u> 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 truckloads 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

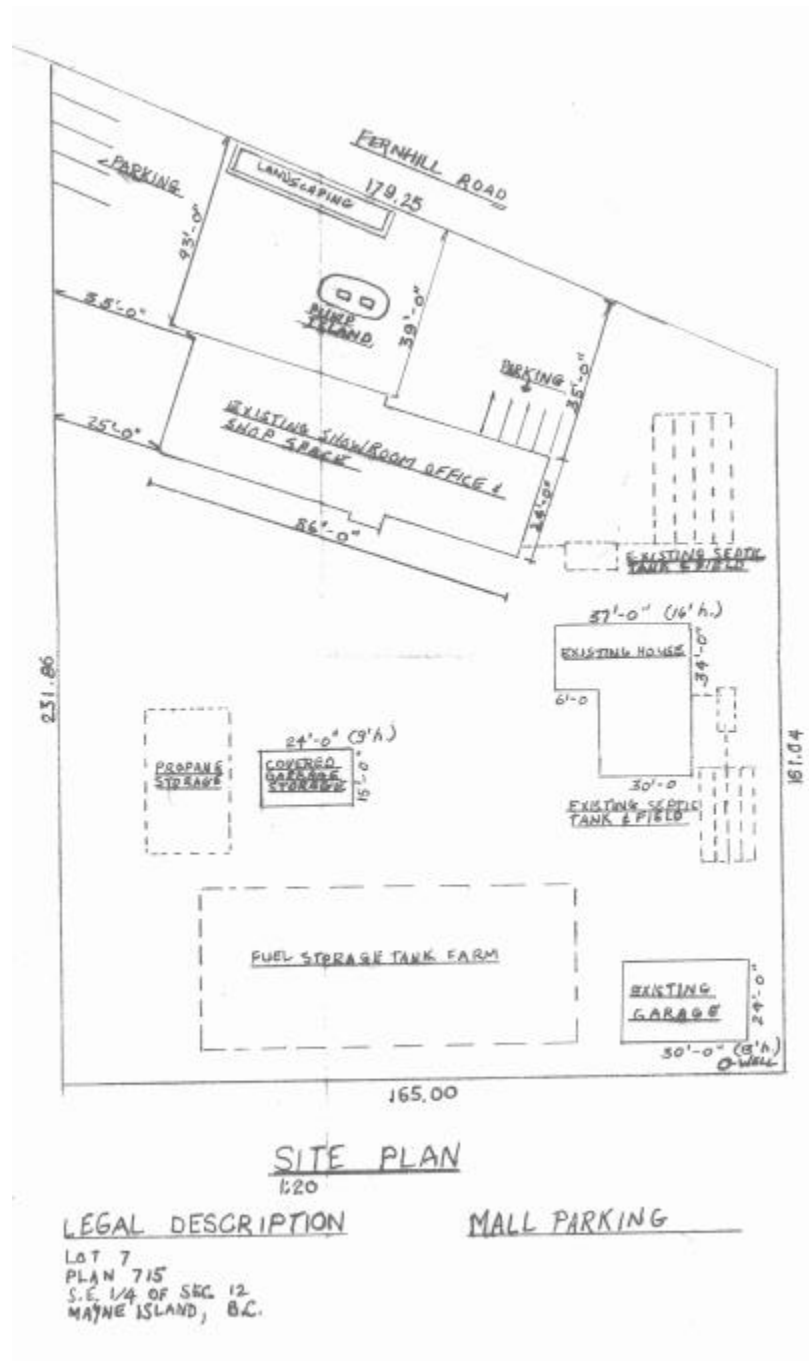
	suitability for its designated primary use; and e) adequate supervision of the site. 2.9.1.7 In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighborhood and may include an undertaking for restoration 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.
Covenants	None
Bylaw Enforcement	No open files

SITE INFLUENCES

Islands Trust Fund	This property has no considerations for the Islands Trust Fund
Regional Conservation Strategy	This property has no considerations for the Regional Conservation Plan
Species at Risk	N/A
Sensitive Ecosystems	None identified
Hazard Areas	None identified
Archaeological Sites	There are no Agricultural sites identified on mapping. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There will likely be less GHG emissions if this TUP is issued as there will be less frequent and shorter car trips made by Mayne islanders if services are concentrated in the Miners Bay commercial area.

ATTACHMENT #2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

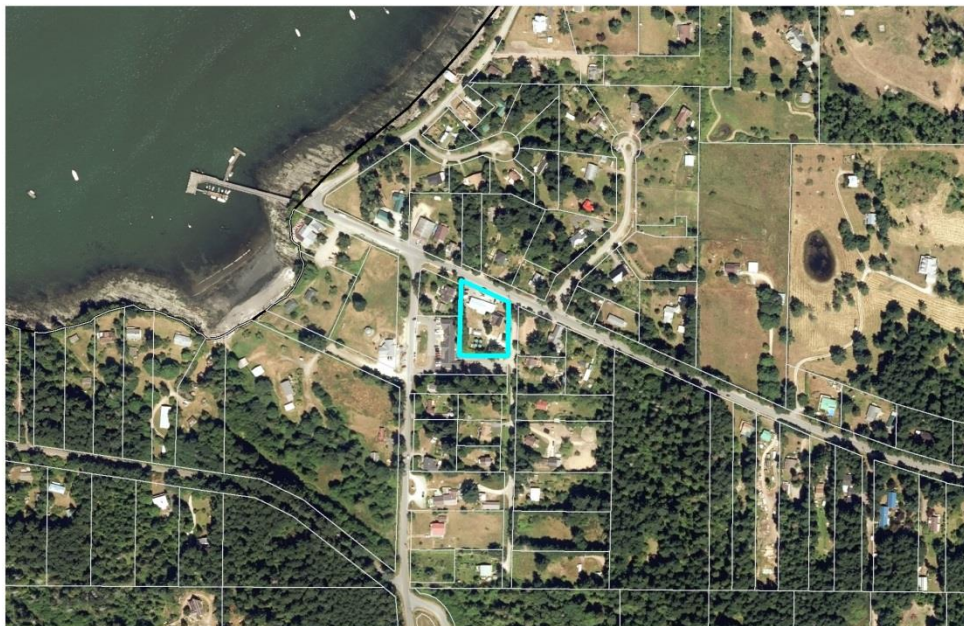
2.1 PLAN SHOWING BUILDING AND STRUCTURES ON SUBJECT LOT



2.2 ORTHOPHOTO SHOWING SUBJECT PROPERTY



2.3 ORTHOPHOTO SHOWING NEIGHBORHOOD





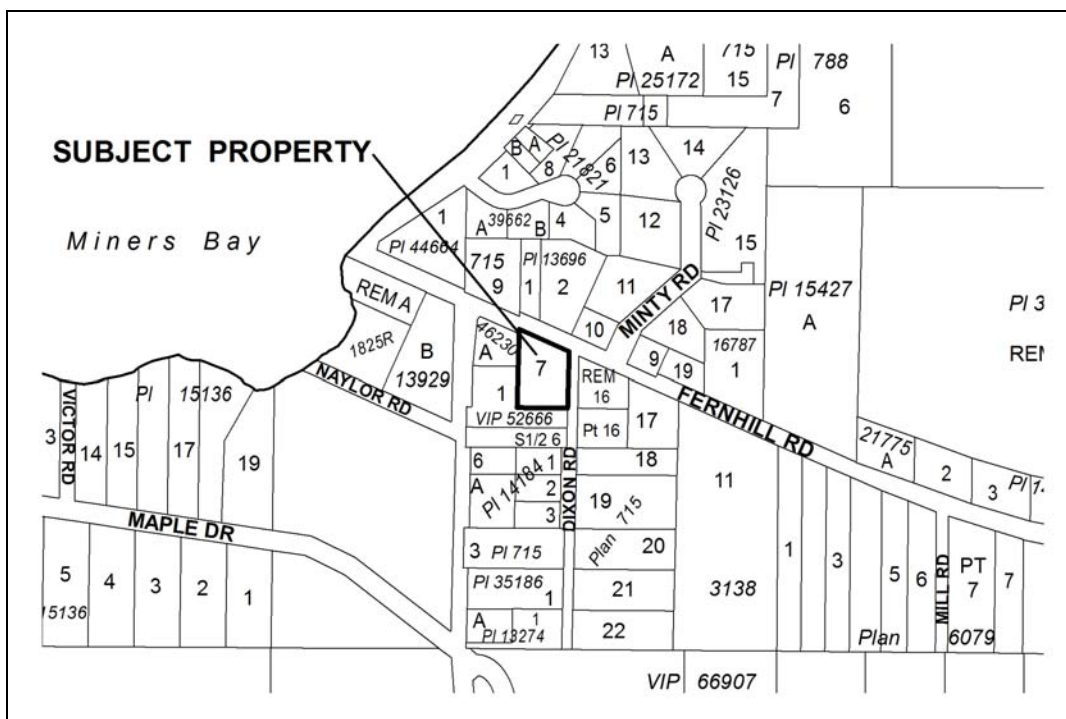
Islands Trust

**NOTICE
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2016.3**

NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 7, Section 12, Mayne Island, Cowichan District, Plan 715, (PID: 001-377-451), 424 Fernhill Road.

The purpose of this temporary use permit is to permit "office use and personal service use" as permitted uses on the subject property. The permit can be issued for up to three years and the owner may apply to the Mayne Island Local Trust Committee to have it renewed once for up to an additional three years.

The general location of the subject property is shown in 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. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing, **January 16, 2017** and up to and including **January 27, 2017**.

For the convenience of the public only, and not to satisfy Section 494(1)(a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island, B.C., commencing, **January 16, 2017**.

Enquiries or comments should be directed to Gary Richardson, Island Planner 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; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., January 27, 2017**. The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:00 pm, January 30, 2017**, at the Mayne Island Agricultural Hall, 430 Fernhill Road, Mayne Island, BC.

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
TEMPORARY USE PERMIT
MA-TUP-2016.3 (Active Pass Auto Marine Ltd.)**

424 Fernhill Road

To: Active Pass Auto Marine Ltd.

1. This Permit applies to the land described below:

Lot 7, Section 12, Mayne Island, Cowichan District, Plan 715,
(PID: 001-377-451).

2. This Permit is issued for the purpose of permitting the following uses on the above referenced property:

- a) Office use
- b) Personal Service use

3. This permit is valid for three years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.

4. 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 to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS Xth DAY OF MONTH, 201X.

Deputy Secretary, Islands Trust

Date Issued



Top Priorities

Mayne Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Commercial Land Use Review	Work on project has commenced.	27-Apr-2015	Gary Richardson	
2	STVR Review	Proposed 167 TUP guidelines for STVRs) further direction required	23-Feb-2015	Gary Richardson	
3	Fallow Deer Eradication		26-Jan-2015	Gary Richardson	
4	Riparian Area Regulation Implementation	QEP has been contracted report to be presented at March 27, 2017 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
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-2016.1	CROCKER, JOHN	29-Aug-2016	619 EDITH POINT RD\nVariance to 5.5M setback to construct an upper deck.

Planner: Gary Richardson

Planning Status

Status Date: 20-Jan-2017

Staff report and draft permit prepared for LTC to consider issuance at Jan 30, 2017 LTC Mtg.

Status Date: 21-Nov-2016

Target date for LTC to consider issuance of permit January 30, 2017 LTC Mtg.

Status Date: 07-Oct-2016

Site plan not adequate. Applicant advised to provide accurate site plan.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2016.3	c/o ACTIVE PASS	08-Nov-2016	424 Fernhill Rd. TUP to add new use to property - office space.

AUTO AND MARINE
LTD

Planner: Gary Richardson

Planning Status

Status Date: 20-Jan-2017

staff report and draft permit prepared for LTC to consider issuance at Jan 30, 2017 LTC Mtg.

Status Date: 21-Nov-2016

Target Date for LTC to consider issuance of permit January 30, 2017 LTC Mtg.

Status Date: 09-Nov-2016

File opened and forwarded to planner and LTC.

Islands Trust
 LTC EXP SUMMARY REPORT F2017
 Invoices posted to Month ending November 2016

645 Mayne	Invoices posted to Month ending November 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	750.00	59.10	690.90
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,500.00	1,365.44	134.56
65210-645	LTC - Local Exp - APC Meeting Expenses	500.00	129.89	370.11
65220-645	LTC - Local Exp - Communications	1,000.00	560.00	440.00
65230-645	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,500.00</u>	<u>2,055.33</u>	<u>1,444.67</u>
Projects				
73001-645-3005	Mayne RAR	4,000.00	0.00	4,000.00
73001-645-4059	Mayne Commercial Land Use Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>0.00</u>	<u>8,000.00</u>

645 Mayne

Prd.	Source	Date	Description	Reference	Amount
65000-645					
		LTC "Trustee Expenses"			
03	AP	6/16/2006	BRIAN CRUMBLEHULME	4810	59.10
					59.10
65200-645					
		LTC - Local Exp - LTC Meeting Expenses			
01	AP	4/29/2016	PAT TODD	APRIL 29, 2016	152.99
02	AP	5/1/2016	ALEA DESIGN & PRINT	15103	92.00
02	AP	5/31/2016	PAT TODD	05/2016 MAY 31/16	115.08
03	AP	6/30/2016	PAT TODD	JUNE 30, 2016	258.76
04	AP	7/28/2016	MAYNE ISLAND AGRICULTURAL SOCI	062	105.00
04	AP	7/1/2016	DRIFTWOOD PUBLISHING LTD.	7042624	1,118.55
04	GL	7/31/2016	REAL DRIFTWOOD INV #7042624 TO STAT NOTICES	BA2-3	-1,118.55
06	AP	9/22/2016	PAT TODD	09/2016	131.33
07	AP	10/1/2016	ALEA DESIGN & PRINT	15494	163.00
07	AP	10/25/2016	ALEA DESIGN & PRINT	15598	226.00
08	AP	11/12/2016	PAT TODD	11/2016	121.28
					1,365.44
65210-645					
		LTC - Local Exp - APC Meeting Expenses			
02	AP	5/31/2016	PAT TODD	05/2016 MAY 31/16	65.47
06	AP	9/22/2016	PAT TODD	09/2016	64.42
					129.89
65220-645					
		LTC - Local Exp - Communications			
01	AP	4/1/2016	ALEA DESIGN & PRINT	14989	70.00
02	AP	5/1/2016	ALEA DESIGN & PRINT	15083	70.00
02	AP	5/26/2016	ALEA DESIGN & PRINT	15191	70.00
04	AP	7/1/2016	ALEA DESIGN & PRINT	15291	70.00
04	AP	7/22/2016	ALEA DESIGN & PRINT	15350	70.00
05	AP	8/24/2016	ALEA DESIGN & PRINT	15420	70.00
07	AP	10/25/2016	ALEA DESIGN & PRINT	15598	70.00
08	AP	11/24/2016	ALEA DESIGN & PRINT	15697	70.00
					560.00

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



DATE OF MEETING: January 30, 2017

TO: Mayne Island Local Trust Committee

FROM: Warren Dingman – Bylaw Enforcement Officer
Southern Team

SUBJECT: STVR Update

RECOMMENDATION

1. That the Mayne Island Local Trust Committee pass the following resolution:

Staff are directed to prepare a report proposing changes to the short term vacation rental enforcement policy, authorizing proactive enforcement on all short-term vacation rentals on Mayne Island and reflecting the new Land Use Bylaw regulations concerning short term vacation rentals.

REPORT SUMMARY

Islands Trust Bylaw Enforcement has been successful in gaining compliance from short-term vacation rental (STVR) operators that were subject to enforcement. However, there are still a number of operators who have not been subject to enforcement due either to lack of public complaint or because they were not operating when the last full review of operators was conducted in 2015. Bylaw changes have legalized STVRs in lawful cottages and bylaw enforcement staff can now concentrate on the non-permitted operations.

BACKGROUND

Starting in 2015, the Mayne Island Local Trust Committee undertook a review of temporary use permit guidelines and home occupation regulations for STVRs, and the issue of legalizing STVR use in cottages. This review resulted in OCP and LUB amendments that allowed the use of cottages for STVRs and set out guidelines for TUP applications for STVR operation on lots with one permitted dwelling. These changes were fully adopted in November 2016.

STVR ENFORCEMENT

There are currently eight open bylaw enforcement files for STVRs. As it is the off-season, there is no evidence that most of the STVRs are operating even if they have active advertisements. In 2015, site visits were conducted in the summer on these same properties and there was no evidence of recent activity but there were still active AirBnB listings.

BVNs were issued to three operators in the past year. One paid the fine and stopped advertising; one

BVN has gone to adjudication; and one operator has refused to respond to correspondence or BVNs so has defaulted on the tickets and it has been sent to debt collection.

No new complaints have been received in the past year and all open files are the result of enforcement that was initiated in 2015 either by complaint or MILTC requests for enforcement.

ANALYSIS

Policy/Regulatory

A new STVR policy should be adopted which reflects that the new regulations for STVRs are home occupations. Many of the characteristics listed under the resolution are no longer relevant. For example, a property owner could own multiple lots that have lawful cottages on them and legally use them as STVRs as long as they have an on-site manager. The current Mayne Island STVR policy is quoted below:

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.

A new STVR enforcement policy could include some or all of the below:

Bylaw Enforcement Officers may commence STVR enforcement without complaint if they become aware of following:

1. An unlawful cottage being advertised as an STVR using any media;
2. More than one dwelling on a lot simultaneously made available for STVR use;
3. An STVR is not managed by an onsite property manager;
4. There are issues of health and safety;
5. While the property is rented, persons are permitted to stay in tents or trailers.

Issues and Opportunities

There is an opportunity to fully enforce on the STVRs with the BEN system and achieve greater awareness and compliance with the LUB.

Rationale for Recommendation

With the legalization of STVRs as a home occupation and allowed to operate in lawful cottages, the MILTC should consider options for STVR enforcement policies which ensure that the intent of the new Land Use Bylaw regulations concerning STVRs are met.

ALTERNATIVES

1. Adopt a resolution rescinding the current STVR enforcement policy and revert to the existing Islands Trust enforcement policy which states that bylaw violations are enforced only when a written complaint is received or if an unlawful act is advertised.

Submitted By:	Warren Dingman – Bylaw Enforcement Officer	January 18, 2017
Concurrence:	Miles Drew – Bylaw Enforcement Manager	January 18, 2017