



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: September 12, 2016
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

	Pages
1. CALL TO ORDER	1:00 PM - 1:30 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 June 27, 2016 (for Adoption)	3 - 12
6.2 Public Hearing Record Dated June 27, 2016 (For Receipt)	13 - 14
6.3 Section 26 Resolutions-without-meeting Report Dated August 2016	15 - 15
6.4 Advisory Planning Commission Minutes	
none	
7. BUSINESS ARISING FROM THE MINUTES	1:30 PM - 2:00 PM
7.1 Follow-up Action List Dated August 2016	16 - 17
8. DELEGATIONS	
none	
9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
none	

10.	APPLICATIONS AND REFERRALS		
10.1	North Pender Island Local Trust Committee Bylaws No. 203 & 204 Referral (for response)		18 - 20
11.	LOCAL TRUST COMMITTEE PROJECTS		
11.1	Short Term Vacation Rental (STVR) Guidelines - Bylaw 167 - Staff Memo		21 - 26
12.	REPORTS	2:00 PM - 2:30 PM	
12.1	Work Program Reports (attached)		
12.1.1	<u>Top Priorities Report Dated August 2016</u>		27 - 27
12.1.2	<u>Projects List Report Dated August 2016</u>		28 - 28
12.2	Applications Report Dated August 2016 (attached)		29 - 30
12.3	Trustee and Local Expense Report Dated July 2016		31 - 31
12.4	Adopted Policies and Standing Resolutions (attached)		32 - 35
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Report		
12.8	Trust Fund Board Report none		
13.	NEW BUSINESS	2:30 PM - 3:00 PM	
13.1	Cotton Property		
13.2	Proposed Cell Tower		
13.3	2017-18 Budget: LTC Project Funding Requests - Staff Memo		36 - 40
13.4	BC Hydro Rate Increase		
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for October 17, 2016, 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: June 27, 2016
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

Others Present There were approximately fifty-six (56) members of the public.

1. CALL TO ORDER

Chair Grams called the meeting to order at 1:00 pm. and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

Presentation by the Capital Regional District (CRD) to be part of Community Information Meeting:

Item 10.4 to precede 5.1.

The agenda as amended was adopted by consensus.

3. TOWN HALL AND QUESTIONS

none

4. COMMUNITY INFORMATION MEETING

Presentation by CRD

Carl Bunnin presented information regarding the rezoning of Anson Road to allow for construction of a community wharf.

Points:

- Uplands Zone
- All weather anchorage
- Dept. of Highways holds road allowance
- CRD has had water lease since 2007
- Dock is noted within the Official Community Plan (OCP)
- Dock/pump out station would be available to all boaters
- Limited dockage on island
- Environmental study completed, and no significant marine impact and less impact than numerous anchorages
- Southern Gulf Islands Harbours Commission (CRD) would manage

Planner Richardson reviewed the staff report. Bylaws have been drafted to amend the OCP and the site would be designated as a Development Permit area. Drafted bylaws would amend the Land Use Bylaw (LUB) for the upper portion of Anson road and create a Community Wharf zone.

Draft Bylaws have been referred out and no concerns have been received from First Nations, Ministry of Transportation, the surrounding LTCs and the CRD. There were some proposed changes submitted by the Mayne Island Conservancy.

Chair Grams opened the discussion to the public.

Sid Mister questioned why notice was not published in the MayneLiner. Planner Richardson explained the requirements to comply with legislation guidelines as to what constitutes a newspaper so Islands Trust has to use the Driftwood. There were concerns stated as to maintenance of Miners Bay Dock and that funds may be diverted to the new project.

Wayne Peace questioned designated parking for trailers if there is no launch ramp. Staff stated this would be accessory to community dock facility.

Ian Beattie restated the importance of advertising in the MayneLiner and the importance of Miners Bay Dock. There is concern with Horton Bay area as there is limited access to community resources.

Chair Grams restated that the Community Information Meeting (CIM) is to raise questions to the applicant and comments should be brought forth at the Public Hearing.

Chris Rhoerig spoke to the LTC adopting a policy to advertise in the MayneLiner and on Facebook.

Chair Grams stated that this seemed a reasonable request and restated that for the purposes of a Public Hearing the process is detailed within the Local Government Act which stipulates what is considered a newspaper.

4.1 Mayne Island Local Trust Committee Bylaws 165, 166, 167, 168 & 169 and

Staff reviewed short term vacation rentals (STVR) and that a number of LTCs are dealing with regulating practice. Draft Bylaws 165 and 166 would allow use of a legal cottage for STVR with a limit of 1 per lot. Draft Bylaw 167 details the guidelines for use of a Temporary Use Permit (TUP) for the purpose of a STVR. A TUP could be approved for up to 3 years with one renewal and neighbours are notified of application.

Questions from the public:

Sid Mister asked the size of a lot to permit a cottage which is 1.5 acres.

Chris Rhoerig raised concerns as to guidelines regarding operator on site, no stipulation as to commercial operation and asked if applicant can be required to be a resident of island. The wording could more clearly identify being resident on island vs. resident on property.

Planner Richardson spoke to the guidelines giving the Trustees more structure for consideration of applications and the LTC cannot regulate based on residency of applicants.

There was discussion as to what constitutes a “contact person” and requirements for their availability to respond to concerns. The LTC could detail this through the TUP.

The TUP applicant may be the owner or a person designated by the owner.

The LTC has the ultimate decision regarding each application and there is no recourse if the application is turned down.

Barbara Judd spoke to the TUP draft bylaw and questioned neighbours being responsible to ensure TUP regulations are being complied with by operator.

Staff explained that it is usually neighbours who complain to Bylaw Enforcement.

Mary Cooper questioned at what point a Bylaw Officer would investigate complaints and it was explained that only one complaint needs to be made in confidence and in writing to Bylaw Enforcement. If there are ongoing issues between neighbours the permit would not likely be renewed. It was also explained that if the bylaw is successful there could be operation of a B&B and STVR on the same property.

Millie Leathers suggested neighbours working out issues without Bylaw being involved however if a complaint is made to Bylaw Enforcement it must be investigated.

Mary Cooper asked if there are restrictions as to the number of STVR management properties as guidelines only identify a “contact person” and who is notified when TUP application is put forth.

Staff spoke to the statutory requirements and that Planners identify who/what agencies would be sent a referral. Typically, applications are sent to water districts and in the case of CRD water districts would be received by the CRD Referral Clerk for distribution.

Vicki Bovet raised concerns that the letter sent to Skana Gate water board was not dealt with and users were not aware of application.

Barbara Judd asked the consequences of bylaw infractions.

The newly adopted Bylaw Enforcement Notification Bylaw (BEN) was explained. A TUP cannot be revoked however BEN process “pushes” towards compliance.

Angela Pike commented on the TUP being used to allow commercial use of property – an interim rezoning permit.

It was restated that TUPs can go as long as 3 years – may only be for 1 day e.g. special event.

5. PUBLIC HEARING

5.1 Mayne Island Local Trust Committee Bylaws 165, 166, 167, 168 & 169

The Public Hearing was called to order at 1:59pm. See separate Public Hearing (PH) record dated June 27, 2016.

5.2 Recall to order

Chair Busheikin recalled the meeting to order at 2:37pm.

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 30, 2016 (for Adoption)

The following amendments to the minutes were presented for consideration:

- First sentence of Chair’s report: The probationary period of the...
- 8.1 Campbell Bay: Adam Iredale-Grey

By general consent the minutes were adopted as amended.

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 June 2016

There is one item on-going and Committee expressed appreciation to staff for completion of other items.

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-TUP-2016.1 (Leathers) - Staff Memo

Planner Richardson stated that the Islands Trust has received a number of comments regarding this application.

Trustee Crumblehulme spoke to a conflict with application due to the number of exceptions i.e. a B&B in an accessory building. There is a concern of setting precedence and water consumption.

Trustee Dodds spoke to the water concerns, and that the building is not a legal cottage and proposed the compromise of TUP approval till October 1, 2016 so the applicant can fulfill existing bookings.

MA-2016-040

It was Moved and Seconded

that the Mayne Island Local Trust Committee direct staff to proceed with the application and issue the Temporary Use Permit effective for the period July 1, 2016 to October 1, 2016.

CARRIED

The applicant read a letter sent to LTC that addressed water issues and other concerns that had been raised by neighbours.

There were a number of property owners, from the neighbourhood, who spoke against the application (and had submitted letters of non-support).

Chair Grams stated that the motion had passed, correspondence had been received and it was the opinion of the LTC that to close operation of the B&B immediately was unreasonable.

10.2 MA-TUP-2016.2 (Lane) - Staff Memo

Staff reviewed happenings since the May LTC meeting and noted that boundary line has been delineated and signage erected.

Trustee Dodds spoke to ongoing concerns regarding size of operation and number of guests and that maybe application should be referred to Advisory Planning Commision (APC).

Trustee Crumblehulme concurred with the issue of number of guests and supported referral to APC.

MA-2016-041

It was Moved and Seconded

that application MA-TUP-2016.2 (Lane) be referred to the Mayne Island Advisory Planning Commission for consideration of size, boundaries delineation and suitability of usage as a Short Term Vacation Rental.

CARRIED

The applicant spoke to his understanding from the May meeting that his application would be allowed if the boundary is delineated and signage posted. There are ongoing efforts to resolve issues with neighbours and the majority of guests are families with children. There is now increased screening of rental requests.

Barbara Judd (neighbour) stated appreciation of fencing however she had requested a survey and to date has not heard if this has been initiated. There continues to be concerns.

10.3 Galiano Island Local Trust Committee Bylaw Nos. 259 & 260 Referral

MA-2016-042

It was Moved and seconded

that Mayne Island Local Trust Committee interests are not affected by Galiano Island Local Trust Committee Bylaw Nos. 259 and 260.

CARRIED

10.4 MA-RZ-2015.1 (CRD) - Anson Road Community Dock - Staff Memo

Bylaws 168 & 169 (for further consideration)

Staff reviewed the considerations.

MA-2016-043

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 read a Third Time.

CARRIED

MA-2016-044

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 forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

MA-2016-045

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 forwarded to the Minister of Community, Sport and Cultural Development for approval.

CARRIED

MA-20165-046

It was Moved and Seconded

that the Mayne Island Local Trust Committee proposed Bylaw No. 169, cited as “Mayne Island Land Use Bylaw, 146, 2008, Amendment No. 1, 2016” be read a Third time.

CARRIED

MA-2016-047

It was Moved and Seconded

that the Mayne Island Local Trust Committee proposed Bylaw No. 169, cited as “Mayne Island Land Use Bylaw, 146, 2008, Amendment No. 1, 2016” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

Trustee Dodds, in response to the question of how long approval would take, informed those present that it may take a number of months to hear from the Ministry.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Cottage - Commercial Vacation Rental - Staff Memo

Bylaws 165 & 166 (for further consideration)

MA-2016-048

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. 144, 2007, Amendment No. 1, 2015” be read a Second time.

CARRIED

MA-2016-049

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. 144, 2007, Amendment No. 1, 2015” be read a Third time.

CARRIED

MA-2016-050

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. 144, 2007, Amendment No. 1, 2015” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

MA-2016-051

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. 144, 2007, Amendment No. 1, 2015” be forwarded to the Minister of Community, Sport and Cultural Development for approval.

CARRIED

MA-2016-052

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 read a Second time.

CARRIED

MA-2016-053

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 read a Third time.

CARRIED

MA-2016-054

It was Moved and Seconded

that the Mayne Island Local Trust Committee proposed Bylaw No. 166, cited as “Mayne Island Land Use Bylaw No. 2, 2015” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

11.2 Temporary Use Permits (TUP) Guidelines for Short Term Vacation Rentals (STVRs) - Staff Memo

Bylaw 167 (for further consideration).

There was discussion regarding the drafted guidelines. Further consideration is needed for number of units in operation, water consumption, drafting guidelines similar to those for secondary suites.

Staff will come back with options.

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated June 2016

Commercial Land Use Review is top priority.

12.1.2 Projects List Report Dated June 2016

Received for information.

12.2 Applications Report Dated June 2016 (attached)

Received for information.

12.3 Trustee and Local Expense Report Dated May 2016

Received for information.

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information.

There was discussion as to a policy for advertising in the Mayne Liner. Notices in the Times Colonist instead of the Driftwood could be more accessible.

MA-2016-055

It was Moved and Seconded

that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.

CARRIED

12.5 Local Trust Committee Webpage

Staff will update.

12.6 Chair's Report

Chair Grams reported that recent Trust Council on North Pender resulted in a letter to the Ministry regarding the TransPacific Trade agreement and LNG concerns.

12.7 Trustee Report

Trustee Crumblehulme attend a workshop in Sidney by the Western Canada Marine Response Corporation and to date there is no one on the islands to respond to spills. There was a Tsarlip Band gathering at Brentwood Bay and opposition to the LNG and increased tanker traffic was voiced.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

13.1 Invitation to Gulf Islands Groundwater Management Presentation by Diana Allen

This presentation will be held on Salt Spring Island.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 25, 2016, at 1:00 pm, at the Agricultural Hall, Mayne Island

15. TOWN HALL

Chris Rhoerig spoke in support of referral of Short Term Vacation Rentals (STVRs) to the Advisory Planning Commision.

Heather Dow also agreed with referral and concerns raised regarding non-resident operators of STVRs. Appreciation was expressed for considering the Mayne Liner for future notifications.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:45 pm.

George Grams, Chair

Certified Correct:

Pat Todd, Recorder



DRAFT

Public Hearing
Record Subject to Approval
By the Local Trust Committee

Mayne Island Local Trust Committee Record of Public Hearing

Date: June 27, 2016
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

Others Present There were approximately fifty-six (56) members of the public.

5.1 Mayne Island Local Trust Committee Bylaws 165, 166, 167, 168 & 169

Chair Grams explained the process and structure of a Public Hearing in compliance with the Local Government Act. He stated that this is an opportunity to listen to the community and that written submissions were to be received prior to the close of the hearing. Anyone wishing to submit new information after the closure of the hearing must submit it to staff. The proposed bylaws were read.

Planner Richardson reviewed the earlier comments/reports and informed the public that the Public Hearing binder was available.

Chris Rhoerig spoke to draft bylaw 167 and the commercial use of property. There is concern that STVR may be operated by an off island owner and would recommend "contact person" be identified as a resident.

Barbara Judd supported these concerns and stated being uncomfortable with contact person just being available by phone should there be an issue.

Sid Mister requested estimates on proposed dock construction and monies needed to repair Miners Bay Dock.

He was informed that this information is not available to the LTC and that changing bylaw does not address costs. LTC is only responsible for land use.

Ted Colley spoke in support of proposed rezoning for a dock.

Mary Cooper spoke strongly in support of Anson Road project and against STVRs. Her concerns have been submitted to the LTC. It is felt that STVRs would impact on others enjoyment of their property, have significant impact on water usage and the infrastructure of the island.

Amanda Gunn outlined some of the economic benefits of STVRs and supported the Anson Road dock.

Elise Gagnon stated support for Anson Road development and was appreciative of the efforts of the Southern Gulf Islands Harbours Commission (SGIHC) /CRD.

Millie Leathers spoke in support of Anson Road dock but not at the expense of Miners Bay Dock.

Phil Hartman was supportive of the Anson Road dock and felt that increased dockage would improve access to the island for visitors and tourists.

Al Maxwell spoke in support of dock and questioned support of those persons in immediate area. It was explained that notification had been given to owners within 100 meters of proposed dock and to date no letters of complaint had been received.

The Chair of the SGIHC addressed the concerns regarding funding and stated that proposed dock does not take monies from other projects/repairs and is from the SGI tax base.

Barb Edwards raised concerns regarding Miners Bay Dock and spoke to the importance of maintaining this facility as it is vital to island services. Support for Anson Road was stated.

Chair of SGIHC restated that Anson Road is a separate issue to other docks. There is a 5 year work plan underway for repairs/maintenance.

Chair Grams stressed that for the LTC it is a rezoning issue and that funding questions should be addressed to the CRD.

Paula Buchholtz stated that the existent Horton Bay Dock has no legal public access.

Chair Grams emphasized that the hearing was only to discuss the appropriateness of rezoning.

Sharon Bunnin spoke in support of rezoning and informed the public that information is available through the SGIHC and the Boaters Association.

Chair Grams called three times for further speakers and there being none closed the Public Hearing at 2:37 pm.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD

George Grams, Chair

Certified Correct:

Pat Todd, Recorder



Islands Trust

Mayne Island

Print Date: August 31, 2016

Resolutions Without Meeting

Resolution #	Action	Resolution Description	Resolution Date
2016-03	In Favour	THAT the Mayne Island Local Trust Committee regular business meeting of July 25, 2016, be cancelled.	18-Jul-2016

Follow Up Action Report

Mayne Island

27-Jun-2016

Activity	Responsibility	Target Date	Status
Follow up with Campbell bay farms - TUP for 2017 concert (email sent July 13/16)	Gary Richardson		Done
Update Mayne LTC webpage	Gary Richardson		Done
Mayne Island LTC Bylaws 165 (OCP) and 166 (LUB) - STVR use of Cottage as STVR Update showing readings - Done Forward to Executive Committee for consideration at July 27 Mtg. - Done Forward to Minister for approval	Sharon Lloyd-deRosario		On Going
Proposed Bylaw 167 (OCP) - TUP guidelines for STVRs - Staff to prepare report on options	Gary Richardson		Done
Proposed Bylaws 168 (OCP) and 169 (LUB) - Anson Bay Community Dock Update readings - Done Forward to Executive Committee for consideration at July 27 Mtg. - Done Forward to Minister for approval	Sharon Lloyd-deRosario		On Going
MA-TUP-2016.1 (Leathers) - permit to be issued with an expiry of Oct 1, 2016	Sharon Lloyd-deRosario		Done
MA-TUP-2016.2 (Lane) - to be forwarded to APC	Gary Richardson Regina Robinson		Done
Galiano LTC Bylaws Nos 259 and 260 - Respond to GalLTC that the Mayne LTC interests are unaffected by bylaws	Sharon Lloyd-deRosario		Done
Staff to prepare policy that statutory advertising be placed in Mayne Liner in addition to legally required newspaper	Gary Richardson		On Going

Follow Up Action Report

Minutes of May 30, 2016 adopted as amended

Regina Robinson

Done



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: North Pender Island Local Trust Area Bylaw No.: 203 & 204 Date: August 17, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

N/A

PURPOSE OF BYLAW:

The purpose of Bylaw 203 is to amend the North Pender Island Official Community Plan Bylaw 171 to enable short term vacation rentals as accessory uses in Residential zones and to adopt guidelines for short term vacation rentals to be permitted by Temporary Use Permits.

The purpose of Bylaw 204 is to amend the North Pender Island Land Use Bylaw 103 to permit short term vacation rentals as an accessory use in residential zones under the home business regulations. This approach requires an owner or operator of the home business to reside on the property where the short term vacation rental takes place.

Please see the attached staff report, presented at consideration of First Reading. Background information and staff reports are available on the North Pender Island webpage: www.islandstrust.bc.ca/npender/housing

GENERAL LOCATION:

North Pender Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca/npender/housing

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Justine Starke
(Signature)

Name: Justine Starke

Title: Island Planner
Contact Info: Tel: 250-405-5189
Email: jstarke@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

BC Assessment Authority

Non-Agency Referrals

North Pender Island Advisory Planning Commission

BC Assessment Authority

BC Ferry Services

Islands Trust – Bylaw Enforcement

Outer Gulf Islands RCMP

Magic Lake Estates Water District

Regional Agencies

Capital Regional District – Electoral Area Director

Capital Regional District – Building Inspection

Capital Regional District – Infrastructure Engineering

Capital Regional District – Environmental Resource Management

Island Health

North Pender Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee

Mayne Island Local Trust Committee

Saturna Island Local Trust Committee

South Pender Island Local Trust Committee

Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation - TE'Mexs Treaty Association

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Songhees Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area

(Island)

203 & 204

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



Memorandum

Date August 30, 2016

File Number 6500-20- OCP/LUB
amendments

To Mayne Island Local Trust Committee
From Gary Richardson, Island Planner

Re Proposed Bylaw 167 (OCP) - Temporary Use Permit (TUP) Guidelines for Short Term Vacation Rentals (STVRs)

The Local Trust Committee has been considering, as one of its LTC projects, a bylaw (proposed bylaw 167) to add TUP guidelines to the Mayne OCP regarding the issuance of TUPs for STVRs. A public hearing was held for proposed Bylaw 167 on June 27, 2016. A public hearing is a quasi-judicial process where specific procedures must be followed.

Following the hearing, the LTC could have chosen to give further readings to the bylaw, defeat the bylaw, or alter the bylaw within certain parameters.

The LTC decided not to give further readings to the bylaw. The LTC suggested that further consideration is needed before proceeding with proposed bylaw 167. Staff was asked to provide options.

Amending the proposed bylaw substantially is limited following the close of the hearing and the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC.

Options:

1. Proceed no further with the bylaw – the file will be closed and no further work will be done on this bylaw.
2. Proceed with more community consultation and possible amendments to bylaw. Staff will prepare an amended project charter for the October 17, 2016 LTC meeting to outline a process and required budget. This option will require that another public hearing be held.
3. Request that staff provide comment on questions or concerns brought up at the hearing. This would not require another public hearing; however the comments the LTC requests from staff must be based on questions or concerns brought up at the hearing. A local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

4. Proceed with readings.

- a) Consideration of Second Reading (this may include amendments to alter a bylaw).
- b) Consideration of Third Reading.
- c) Forwarding of the bylaw to Executive Committee for approval.
- d) Forwarding of the bylaw to the Minister's office for approval.
- e) Reconsideration and adoption.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

**A BYLAW TO AMEND THE MAYNE ISLAND OFFICIAL
COMMUNITY PLAN BYLAW NO. 144, 2007**

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

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

AND WHEREAS the Mayne Island Local Trust Committee wishes to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007;

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2015”.

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 22nd day of February , 2016.

READ A SECOND TIME this day of , 20.

PUBLIC HEARING HELD this day of , 20.

READ A THIRD TIME this day of , 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.

ADOPTED this day of , 20.

DEPUTY SECRETARY

CHAIR

Mayne ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 167
SCHEDULE 1

A. Bylaw No. 144, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007” is amended as follows:

1. Amending Subsection 2.9 (Temporary Use Permits) by inserting the following immediately after policy 2.9.1.8:

“ 2.9.1.9 Additional Guidelines to be applied when considering the issuance of a Temporary Use Permit for a Commercial Vacation Rental:

- a) The LTC may require mitigating measures to provide a separation between Short Term Vacation Rentals (STVRs) and surrounding properties such as screening and fencing.
- b) The LTC should consider the cumulative effects on the neighbourhood and island of all the permits issued for STVRs.
- c) The LTC may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.
- d) A contact person on Mayne Island associated with the property should be available by telephone twenty-four (24) hours/day, seven (7) days per week.
- e) The property owner/applicant should provide neighbors within a 100 metre radius of the vacation rental with the contact person’s phone number, and a copy of the temporary use permit.
- f) The property owner/applicant should provide evidence that there is an adequate supply of potable water.
- g) The property owner/applicant should provide evidence that there is adequate septic capacity for the proposed occupancy.
- h) The property owner/applicant should post information for guests regarding noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets. The guest information should also remind guests that they are in a residential area, not a commercial area.
- i) As a condition of the permit pets should be under control at all times.
- j) The property owner/applicant should be required to provide sufficient off street parking.

- k) The property owner /applicant should be required to ensure outdoor lighting is not directed onto surrounding properties.
- l) A condition of the permit should restrict the maximum number and size of signs an STVR can have. That the signs be made of wood and not illuminated.
- m) As a condition of the permit the maximum number of guests may be limited;
- n) As a condition of the permit the number of bedrooms may be limited;
- o) As a condition of the permit the specific months in a year that STVR use can be carried out may be specified.
- p) As a condition of the permit recreational vehicles and camping should be prohibited.
- q) As a condition of the permit outdoor fires should be prohibited.
- r) As a condition of use advertising that can be utilized may be specified.
- s) A condition of the permit should prohibit the rental or provision of motorized personal watercraft for rental clients.
- t) A condition of the permit may require the property owner/applicant to post contact information and permit information at the entrance to the property.
- u) As a condition of the permit the Islands Trust bylaw enforcement officer should be permitted to enter the property between the hours of 9 am and 5 pm on any day without prior consultation with the holder of the permit or STVR renter for the purpose of investigating a complaint.



Top Priorities

Mayne Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Commercial Land Use Review	Project charter approved at May 30, 2016 LTC meeting. Work on project to commence September 2016.	27-Apr-2015	Gary Richardson	
2	STVR Review	Proposed Bylaws 165, 166, 168 and 169 to Minister to Approval 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	Project charter approved at May 30, 2016 LTC meeting. Work on project to commence September 2016	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 Variance to 5.5M setback to construct an upper deck.

Planner: Gary Richardson**Planning Status****Status Date:** 31-Aug-2016

File opened and forwarded to planner and LTC.

Status Date: 31-Aug-2016

Staff report and permit to be prepared for October 17, 2016 LTC Mtg. for LTC consideration.

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2015.1	CAPITAL REGIONAL DISTRICT Integrated Water Services	21-Jul-2015	REZONING WATER LEASE No. 112548 District Lot 2070 /ANSON RD

Planner: Gary Richardson**Planning Status****Status Date:** 31-Aug-2016

Bylaws approved by Executive forwarded to Minister for approval.

Status Date: 13-Jul-2016

Proposed bylaws given third reading on June 27 and will be forwarded to the Executive Committee for consideration on July 27, 2016.

Status Date: 20-Jun-2016

Public hearing be held June 27, 2016

File Number	Applicant Name	Date Received	Purpose
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Applications

MA-RZ-2015.2 Mayne Island Resort 20-Nov-2015 494 ARBUTUS DR
Ltd.

Rezone SL 1 to allow some retail. SL 17 - 20 to allow mixed use.

Planner: Gary Richardson

Planning Status

Status Date: 31-Aug-2016

Public Hearing scheduled for October 17, 2016

Status Date: 24-May-2016

Staff report and Draft Bylaw prepared for May 30, 2016 LTC Mtg.

Status Date: 17-Apr-2016

Preliminary Staff Report prepared for April 25, 2016 LTC Mtg. for LTCs consideration.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2016.2	LANE, PETER	07-Apr-2016	407 Campbell Bay Rd TUP for STVR

Planner: Gary Richardson

Planning Status

Status Date: 13-Jul-2016

Application forwarded to APC on July 13, 2016 for review and comment.

Status Date: 13-Jul-2016

APC comments, staff report and draft permit to be placed on September 22, 2016 LTC agenda for LTC consideration.

Status Date: 20-Jun-2016

Staff memo and proposed permit on June 27 LTC agenda for LTCs consideration.

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

645 Mayne	Invoices posted to Month ending July 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	723.83	776.17
65210-645	LTC - Local Exp - APC Meeting Expenses	500.00	65.47	434.53
65220-645	LTC - Local Exp - Communications	1,000.00	350.00	650.00
65230-645	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,500.00</u>	<u>1,139.30</u>	<u>2,360.70</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>

Mayne Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: July 25, 2012

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	October 1, 2007	MA-LTC-70-07	Guidelines for Use When Considering Funding for Reports	The MILTC has adopted a policy establishing the set of guidelines the LTC should employ when purchasing a report for LTC and public use.
2.	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
3.	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 .
4.	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.
5.	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.

GUIDELINES FOR MAYNE ISLAND LTC TO USE WHEN CONSIDERING FUNDING FOR REPORTS

**Adopted by Resolution MA-LTC-70-07 at the regular meeting of
October 1, 2007.**

ISSUE: What guidelines should an LTC employ when purchasing a report for LTC and public use?

BACKGROUND:

Islands Trust financial policy provides that an LTC cannot sponsor an event, even a community non-profit venture. LTC's can, however, purchase goods and services which are of benefit to the LTC and, by extension, the community it serves. Therefore, LTC's have supported worthwhile conferences, workshops and the like by purchasing a report on conference issues, proceedings, findings and recommendations.

In order that LTC's receive value for their purchases, the Mayne Island LTC has raised the issue outlined above. It has asked that guidelines be considered for use in evaluating future opportunities to purchase reports on a wide variety of subjects related to LTC mandates.

CONSIDERATIONS:

There are a number of factors or considerations an LTC might need to entertain. These considerations are cited below in an order which range from "fundamental" to "consequential".

1. Does the LTC have the budgetary capacity to consider the opportunity to purchase a conference report or proceeding?
2. Is the subject matter germane to the work and/or mandate of the LTC?
3. If the answers to 1 and 2 above are in the affirmative, the LTC may wish to consider requirements for the report they agree to purchase.

GUIDELINES

If the LTC decides to purchase a conference report or proceedings, it may require that reporting guidelines below be met as a condition of purchase.

These guidelines are:

1. The full proceedings of the conference or workshop are preferred.
2. If full proceedings are not produced or available the report to the LTC should include:
 - (a) The agenda of the conference or workshop
 - (b) A list of presenters and the topics they represented
 - (c) A summary of each topic discussed
 - (d) A copy of all papers presented at the conference
 - (e) A list of all recommendations made by the conference (if not cited in the papers or summary of each topic)
 - (f) A summary of any follow-up actions identified by the conference
 - (g) A copy of any contact list or referral resources generated by the conference,.
3. If only a narrative report is produced, the narrative should include or address the information sought in (a) to (g) above.

It is hoped that the guidelines above will ensure that the LTC will receive all relevant information generated by the conference or workshop.

Date: July 20, 2016

File No.:

To: Local Trust Committees

From: Robert Kojima
Regional Planning Manager

CC: Island Planner

Re: 2017-2018 Budget Requests

Purpose

Local trust committees have been requested to submit project budget requests for the next fiscal year (2017-18).

Local Trust Committee Expense Budgets:

A budget for the Local Expense Account has been developed based on the current budget (2016/17) and expenditures – copy attached. Local Trust Committees may request changes to this allocation, however, consideration should be given to historical spending and a rationale provided for making such a request.

A small amount of funding is included in the Special Projects line item in the Local Trust Committee Expense Account. This funding is intended to support local planning initiatives at the discretion of the local trust committee (a local trust committee resolution is required to use these funds).

LTC Projects Budgets:

The Local Trust Committee will need to make funding requests to support anticipated project work in the next fiscal year.

Special Consideration:

Projects planned for the current fiscal (2016/17) which are not completed should be considered as a new project for the 2017/18 fiscal year with resources allocated to support that work.

Budget Request Timeline:

July	Regional Planning Managers develop detailed budget estimates for consideration by Local Trust Committees
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July to Sept	Local Trust Committees review and approve budget requests at LTC meeting
Sept	Budget requests submitted to the Director of Local Planning Services
Oct	Management finalizes budget recommendations to FPC
Oct 19	FPC reviews and discusses first draft of the Budget
Nov 16	FPC approves a draft Budget and principles to be submitted to December Trust Council
Dec 9	Trust Council debates and endorses budget principles and preliminary budget

LTC Budget Requests

I have prepared a draft LTC project budget using the following approach:

- On-going Top Priority projects that are not anticipated to be completed in the current fiscal year with an estimated amount sufficient to complete the projects; where project charters have been endorsed, budgets noted in those documents have been used;
- Other projects from the Projects list that are anticipated become Top Priorities in next fiscal year have been identified in a general way, with an amount sufficient to commence a typical project. There is the option for this budget to be re-allocated to an appropriate alternate administratively after adoption of the budget.

The LTC should review the draft budget requests and:

1. delete any projects included in the draft budget request it does not consider a priority
2. identify any other projects it currently considers a priority for the next term and add them to the budget request (and the work program if necessary),
3. identify any additional expenses associated with any of the projects.

Resolution Wording

1. THAT the _____ Island Local Trust Committee approve and forward the draft 2017-18 LTC Project Budget Request to the Financial Planning Committee as presented; or
2. THAT the _____ Island Local Trust Committee revise the draft 2017-18 LTC Project Budget Request by including/deleting _____ with a budget of \$_____ and forward to Financial Planning Committee as revised.

Prepared and Submitted by:



Robert Kojima
Regional Planning Manager

July 20, 2016

Date

Attachments:

1. Draft 2017-18 LTC expense budget
2. Summary table of LTC project budget requests

2017/18 LTC EXPENSE BUDGET

Total 2017/18

	615-Denman	620-Gabriola	625-Galiano	630-Gambier	635-Hornby	640-Lasqueti	645-Mayne	650-N.Pender	655-Salt Spring	660-Saturna	665-S.Pender	670-Thetis	EC as LTC	
population	1095	4050	1258	313	1074	359	1112	1996	9780	359	236	372		22004
	5%	18%	6%	1%	5%	2%	5%	9%	44%	2%	1%	2%		
LTC EXPENSES **														
LTC Meeting Expenses	4,500	4,750	5,500	4,750	2,750	1,250	1,500	4,000	7,000	2,500	2,000	1,000		41,500
APC Meeting Expenses	600	600	500	500	500	500	500	600	1,500	500	500	500		7,300
Communications	500	1,250	500	1,000	1,000	1,000	1,000	500	1,250	300	300	1,000		9,600
Special Projects	500	1,000	500	500	500	500	500	500	1,000	500	500	500	500	7,500
SUB-TOTAL EXPENSES	6,100	7,600	7,000	6,750	4,750	3,250	3,500	5,600	10,750	3,800	3,300	3,000	500	65,900
Program	0	0	0	0	0	0	0	24,000	0	0	0	0	0	24,000
TOTAL	6,100	7,600	7,000	6,750	4,750	3,250	3,500	29,600	10,750	3,800	3,300	3,000	500	89,900
	7%	8%	8%	8%	5%	4%	4%	33%	12%	4%	4%	3%		

PROJECT CODE	MAYNE	Project	Budget	Strategic Plan	Prov. Requirement	Continuation of existing OCP/LUB	Newly Adopted Policy in OCP	Notes
		Commercial Land Use Review	\$ 4,500.00			x		
		RAR Implementation	\$ 5,000.00	x	x	x		
		OCP / LUB Amendments	\$ 5,000.00					specific project(s) TBD
		TOTAL PROJECTS	\$ 14,500.00					