



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: March 30, 2015
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

			Pages
1.	CALL TO ORDER	1:00 PM - 1:20 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	1:20 PM - 1:45 PM	
4.	COMMUNITY INFORMATION MEETING		
	none		
5.	PUBLIC HEARING		
	none		
6.	MINUTES		
6.1	Local Trust Committee Minutes Dated February 23, 2015 (for Adoption)		4 - 9
6.2	Section 26 Resolutions-without-meeting Report Dated March 2015		10 - 10
	none		
6.3	Advisory Planning Commission Minutes		
	none		
7.	BUSINESS ARISING FROM THE MINUTES	1:45 PM - 2:45 PM	
7.1	Follow-up Action List Dated March 2015		11 - 12
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-2015.1 (Mathison) - Staff Report 13 - 30

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Fallow Deer - Report 31 - 33

11.2 OCP/LUB Amendments - Draft Project Charter 34 - 34

12. REPORTS

2:45 PM - 3:30 PM

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated March 2015 35 - 35

12.1.2 Projects List Report Dated March 2015 36 - 36

12.2 Applications Report Dated March 2015 (attached) 37 - 37

12.3 Trustee and Local Expense Report Dated February 2015 (attached) 38 - 38

12.4 Adopted Policies and Standing Resolutions (attached) 39 - 42

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Report

12.8 Trust Fund Board Report

12.9 Bylaw Enforcement Reports 43 - 48

13. NEW BUSINESS

13.1 Bylaw Enforcement Discussion

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for April 27, 2015, at the Mayne Island Agricultural Hall

15. TOWN HALL

16. CLOSED MEETING

16.1 Motion to Close Meeting

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

- Adoption of In-Camera Meeting Minutes
Dated November 27, 2013
- Appointment of APC Members

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT

3:30 PM - 3:30 PM



DRAFT

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: February 23, 2015
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 Planner
Pat Todd, Recorder

Media and Others Present: There were approximately four (4) members of the public present

Regrets: George Grams, Chair

1. CALL TO ORDER

Acting Chair Crumblehulme called the meeting to order at 1:00 pm. He welcomed the public and introduced the trustees and staff attending. It was explained that Chair Grams was unable to attend due to family obligations in Scotland.

2. APPROVAL OF AGENDA

A/Chair Crumblehulme asked if anyone had anything to add to the agenda. There were no new items.

By general consent the agenda was approved.

3. TOWN HALL AND QUESTIONS

No members of the public spoke at this time.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1. Local Trust Committee Minutes Dated January 26, 2015

MA-2015-013

It was Moved and Seconded that Mayne Island Local Trust Committee Minutes dated January 26, 2015 be adopted.

CARRIED

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 February 2015

Planner Richardson, referring to the Follow-up Action List (FUAL) Report, stated that the letter to Ministry of Transportation and Infrastructure will be completed upon Chair Grams return.

MA-2015-014

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to identify any vacancies on the Advisory Planning Commission and advertise in the Mayneliner requesting applications for membership on the Mayne Island Advisory Planning Commission.

CARRIED

8. DELEGATIONS

None

9. CORRESPONDENCE

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

9.1. Letter Dated February 12, 2015 from N. Belanger BC Aboriginal Network on Disability Society re: BC Without Barriers

Correspondence received for information. The LTC is not able to make donations to organizations.

A/Chair Crumblehulme will forward the letter to Green Angels care of Ian Dow.

10. APPLICATIONS AND REFERRALS

10.1. MA-DVP-2014.1 (Hollingshead)

Planner Richardson, referring to his staff report, reviewed aloud the proposal to vary the setbacks; he added that some existing buildings violate setbacks.

Planner Richardson advised that notification had been sent out to the neighbours and that there were no written responses at the time the staff report had been drafted.

There was a brief discussion amongst the Trustees and Staff.

Planner Richardson then referred to the recommendations as quoted in the staff report.

MA-2015-015

It was Moved and Seconded that Mayne Island Local Trust Committee approve development variance permit MA-DVP-2015-1 (Hollingshead) as drafted.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Fallow Deer – Update

Planner Richardson informed the LTC that a planner from the Capital Regional District (CRD) has been appointed to work on this issue and that concerns are escalating as deer have been identified on Saturna and Galiano Islands. There will be more information at the March meeting.

Ian Dow commented that a request to the CRD for grant funding had been approved for \$4,200 and that the Fallow Deer Committee is now under the umbrella of the Mayne Island Residents and Rate Payers Association.

11.2 OCP/LUB Waste Transfer – Staff Report and Bylaw No. 162

Planner Richardson commented on the number of amendments being drafted for the OCP/LUB and that Waste Transfer has been added to Industrial Zoning.

There was discussion as to compost material and there was consensus that “recyclable waste” would include compostable material. Concern was raised as to contamination of ground water from green cones.

MA-2015-016

It was Moved and Seconded that the Mayne Island Local Trust Committee amend Bylaw No. 162, cited as Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2014 as specified in Appendix A of the staff report dated February 13, 2015.

CARRIED

MA-2015-017

It was Moved and Seconded that Bylaw No.162, cited as Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2014 be read a second time as amended.

CARRIED

There was discussion regarding composting facilities and that this is an issue for CRD to address.

MA-2015-018

It was Moved and Seconded that Mayne Island Local Trust Committee direct staff to arrange for Official Community Plan and Land Use Bylaw amendments to go to Public Hearing at the April Local Trust Committee meeting.

CARRIED

11.3 Secondary Suite – Implementation

Planner Richardson informed those present that a pamphlet has been created and will be distributed to various island businesses and locales.

12. REPORTS

12.1. Work Program Reports

12.1.1. Top Priorities Report Dated February 2015

Planner Richardson gave the status of the top priorities to date. Secondary Suites is now completed.

There was discussion regarding amalgamation of Items 4, 6, and 7.

MA-2015-019

It was Moved and Seconded that Mayne Island Local Trust direct staff to amalgamate Items 4, 6, and 7 and that this becomes item 1.

CARRIED

12.1.2. Projects List Report Dated February 2015

Planner Richardson gave the status of the projects. Item 3 is now complete.

12.1.3. Community Consultation re: Work Program

Planner Richardson discussed the process to identify projects that the community is interested in, either those that are presently on the projects list or projects that should be included on the list. It is felt that a questionnaire could collect this information.

MA-2015-020

It was Moved and Seconded that Mayne Island Local Trust Committee request staff prepare a questionnaire to be sent out to all property owners inviting the community to submit their views on Local Trust Committee Projects.

CARRIED

12.2. Applications Report Dated February 2015

Planner Richardson advised the status to date on the following applications stating that:

MA-DVP-2014.1 – is being issued today

MA-SUB-2014.1 - a letter has been sent

MA-DVP-2015.1 – ongoing

12.3. Trustee and Local Expense Report Dated January 2015

Received for information

12.4. Adopted Policies and Standing Resolutions

Received for information

12.5. Local Trust Committee Webpage

The committee was advised that the website would be updated as appropriate after the meeting.

The Mayne Island Local Trust Committee webpage can be found at:
www.islandstrust.bc.ca/islands/local-trust-areas/mayne

12.6. Chair's Report

None

12.7. Trustee Report

A/Chair Crumblehulme reported that there will be a Public Meeting of the CRD Economic Development Commission on March 24 at the Agricultural Hall. Southern Gulf Island Electoral Area Director, David Howe will be attending. There is a meeting the beginning of April of Local Trustees and the CRD to review collaboration.

12.8 Trust Fund Budget Report

Received for information

13. NEW BUSINESS

None

14. UPCOMING MEETINGS

14.1. Next Regular Meeting Scheduled for March 30, 2015, at the Mayne Island Agricultural Hall

For information

15. TOWN HALL

Ian Dow questioned the location of the lot identified on the Trust Fund Report. It is located in Horton Bay. He also reported that Horton Bay Dock is at a standstill due to litigation issues. Consideration is being given to a smaller dock for dinghies.

16. CLOSED MEETING

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:15 pm.

Brian Crumblehulme, Acting Chair

Certified Correct:

Pat Todd, Recorder



RWM From: February 23, 2015 To: March 23, 2015

Mayne Island

Resolution #	Action	Resolution Description	Resolution Date
2015-01	In Favour	THAT Mayne Island Local Trust Committee's interests are unaffected by North Pender Island Local Trust Committee Bylaw No. 198.	Mar 17, 2015



Follow Up Action Report w/ Target Date

Mayne Island Jan-26-2015

No.	Activity	Responsibility	Target Date	Status
5	Mount Park Covenant - staff to work with CRD to make appropriate amendments (DONE) - to consult with Parks Commission (DONE) - Final draft to be circulated to trustees for comment - Chair appointed to sign	Gary Richardson	Feb-19-2015	On Going

Feb-23-2015

No.	Activity	Responsibility	Target Date	Status
2	Minutes of January 26, 2015 adopted as drafted.	Lori Foster		Done
3	MA-DVP-2014.1 (Hollingshead) - permit approved.	Sharon Lloyd-deRosario		Done
4	OCP/LUB amendments (161 OCP) (162 LUB) - Proposed Bylaw 162 to be amended - proposed Bylaw 162 2nd reading as amended - amended bylaw to be referred to appropriate agencies - Public hearing to be scheduled for April 27 LTC meeting	Sharon Lloyd-deRosario Gary Richardson		On Going
5	Secondary Suites - community to be notified as per memo outlining implementation plan dated Feb 13, 2015	Gary Richardson Phil Testemale		Done
6	Staff to prepare a questionnaire to be mailed to all property owners regarding the LTCs work program as per memo dated February 13, 2015.	Gary Richardson		On Going

7 Amend work program by:

Gary Richardson

Done

- Removing Housing Options Secondary Suites from the priority list as the project has been completed.

- adding Density provisions on large remainder lots, TUP policies, and STVR review to the priority list as one OCP/LUB amendment project.

- project charter to be prepared for March 30, 2015 LTC mtg.

STAFF REPORT

March 16, 2015

File No.: MA-DVP-2015.1
(Mathison)

To: Mayne Island Local Trust Committee
For LTC Meeting: March 30, 2015

From: Phil Testemale, A/Planner 2

CC: Robert Kojima, Regional Planning Manager
Gary Richardson, Island Planner

Re: Development Variance Permit – Jennifer Mathison - 360 Barque Road

Owner: Jennifer Mathison
Applicant: Same
Location: 360 Barque Road, Mayne Island

THE PROPOSAL:

The proposal is for a variance to Subsection 5.1 (7) (a) of the Mayne Island Land Use Bylaw No. 146, 2008 which states:

The minimum setback for any building or structure is: (a) 8 metres (26 feet) from any front or rear lot line;

The variance would be to allow an existing dwelling (under construction) to be sited as close as **6.0 metres (19.7 feet)** of the front lot line.

A copy of the proposed Development Variance Permit is attached.

BACKGROUND:

The dwelling has been under construction since 2008. The owner had difficulties with the contractor/builder through the construction process and she is only able to speculate as to why the dwelling was sited in error. The original plans submitted for a Building Permit did show the building conforming to the front yard setback. It was as a result of a survey in 2014 (See: Figure Two- Site Plan) that the encroachment was revealed.

The original builder is apparently ill and has not been involved in the project for some time. The owner is applying for the variance to rectify the error and as a condition of finalizing her Building Permit. Although the 2.0 metre encroachment is minor and only for a small portion of the building, the cost of altering the building to conform to the LUB would be disproportionately large.

The floor plan shown as Figure Three (below) is an accurate drawing of the dwelling as constructed. Figure Four indicates the original building design within the setbacks.

SITE CONTEXT:

The property is a 0.13 ha. (0.33 acre) property that is zoned **SR- Settlement Residential** in the Mayne Island Land Use Bylaw. The primary use of the property is residential. The single family dwelling is a natural cob construction house approximately 60.4 m² (650 ft²) in size on the ground floor, with a 48 m² (160 ft²) upper “loft” (See: photos – below). The only other structure on the property is a 9.3 m² (100 ft²) garden shed.

The dwelling is constructed on a small natural bench and “cuts” into the slope with a retaining wall forming the north wall of the house. The wall also supports a covered entrance to the dwelling on the north east side corner of the house. It is this covered entry area and a small portion of the actual dwelling that encroaches on the front yard setback (See: Figure Two: Survey Plan *and* Photos).

The subject property is well treed with clearing limited to the area around the dwelling (See: Figure Four: Orthophoto and Zoning). The land slopes uniformly from the road south at a moderately steep pitch.

Surrounding properties in the neighbourhood are of a similar size and use to the subject property. The adjacent property to the south along Merryman Drive is zoned Agriculture, however, only a narrow strip adjacent to the road is cultivated.

Figure One: Subject Property

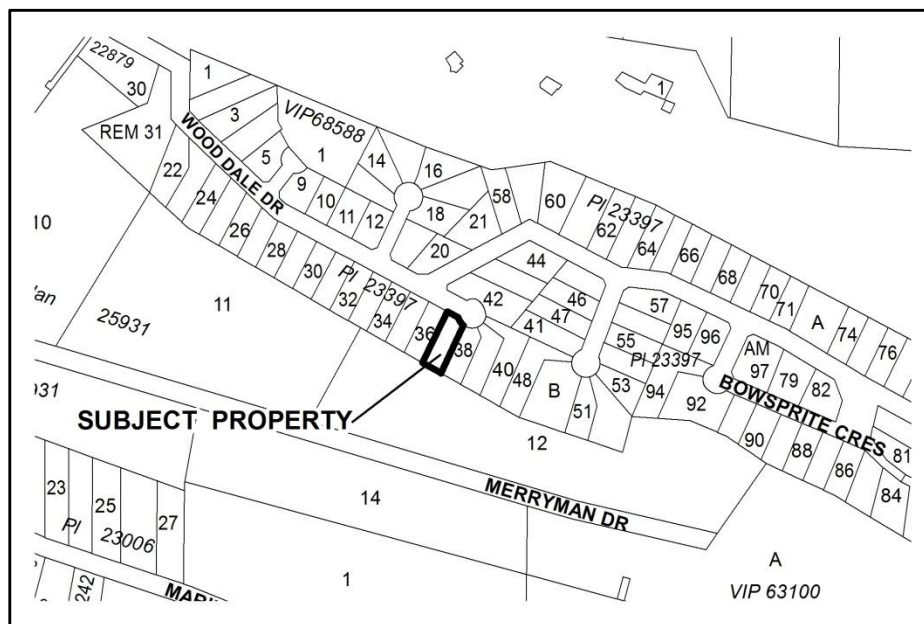


Figure Two: Survey Plan

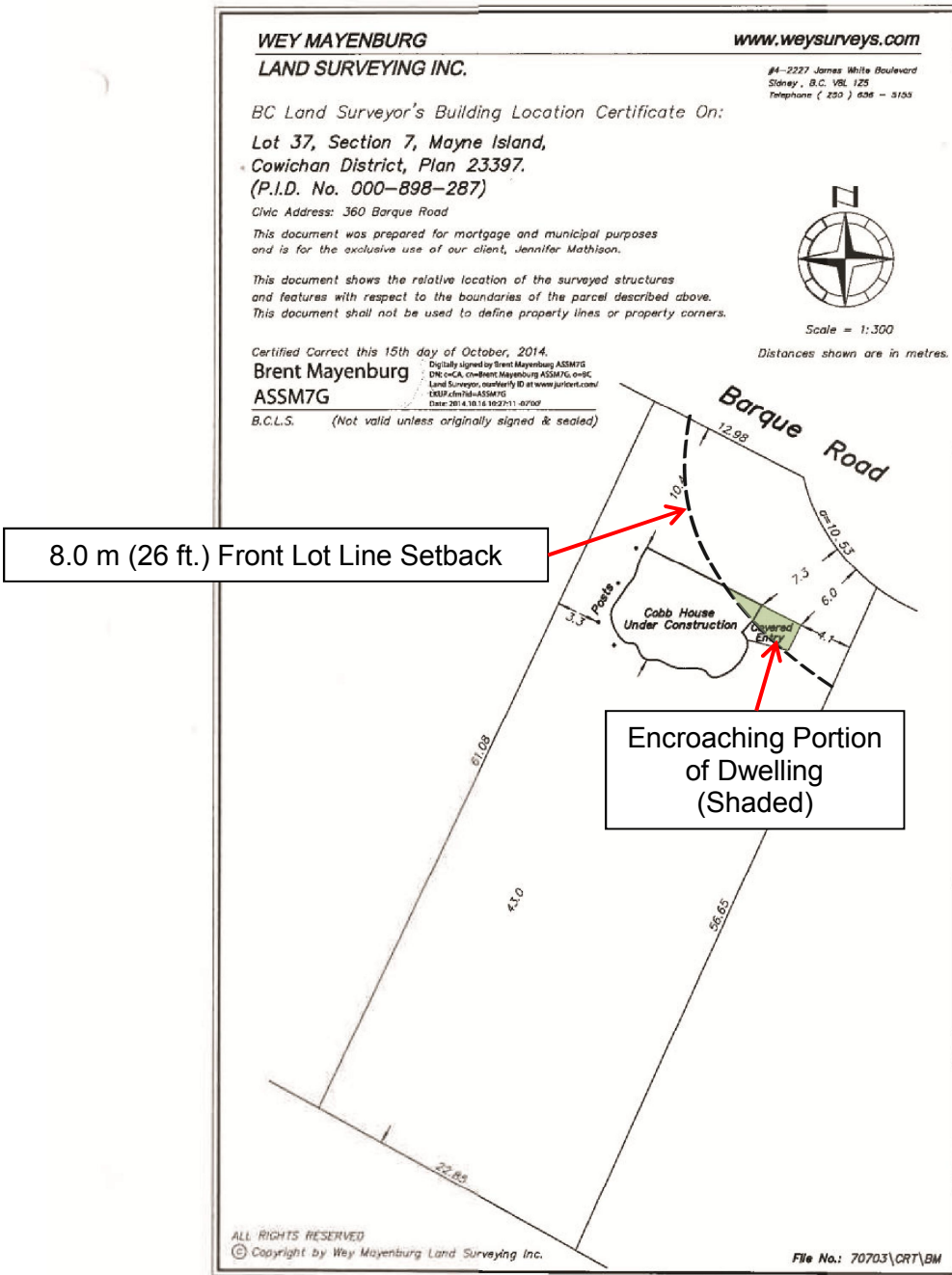


Figure Three: Floor Plan of Dwelling (as built)

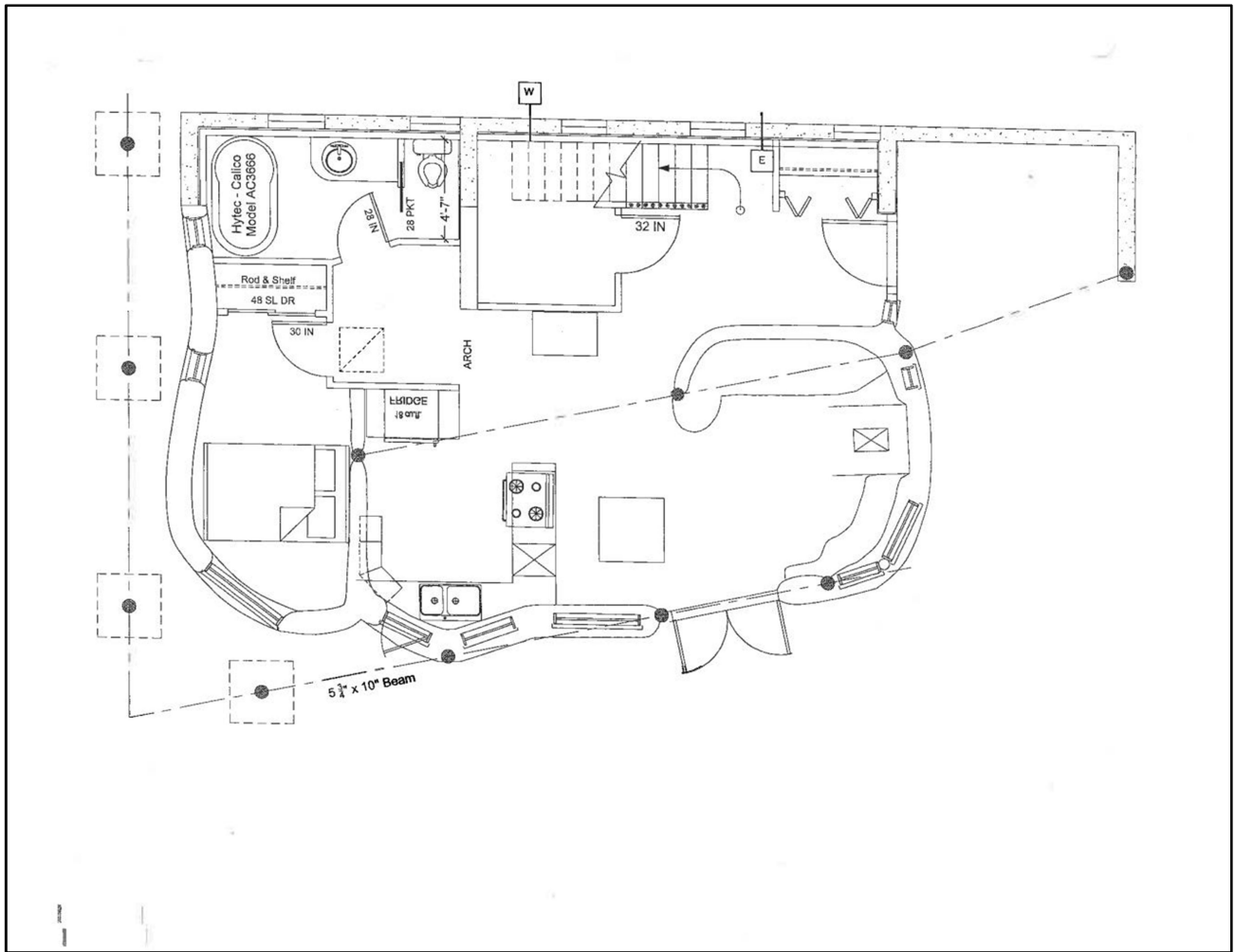


Figure Four: Original Site Plan with Floor Plan Submitted for Building Permit

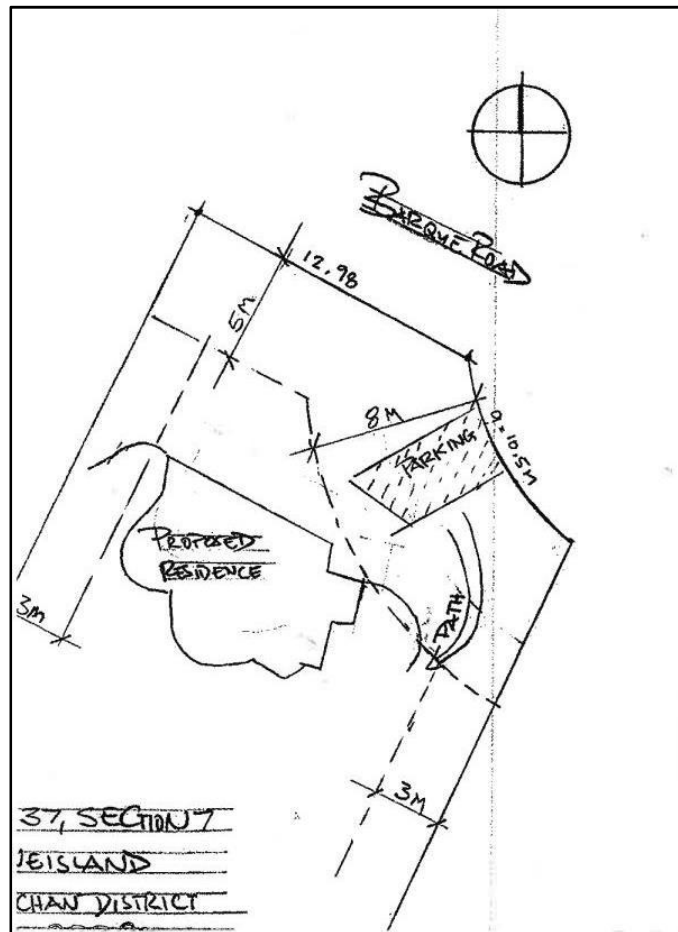


Photo One: Dwelling from Northwest Corner of Property

Approx. Area of Encroachment



Photo Two: View of Dwelling from Downslope



Approx. Area of Encroachment

Photo Three: View from North East Corner of Property



Approx. Area of Encroachment

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

5.2 Growth and Development

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

Official Community Plan

The subject property is designated as **SR- Settlement Residential** in the Mayne Island Official Community Plan 144, 2007.

There are no Development Permit Areas designated on the property.

Land Use Bylaw

The property is zoned as **Settlement Residential (SR)** in the Mayne Island Land Use Bylaw No. 146, 2008.

Subsection 5.1 (7)(a) of the Bylaw states:

The minimum setback for any building or structure is: (a) 8 metres (26 feet) from any front or rear lot line

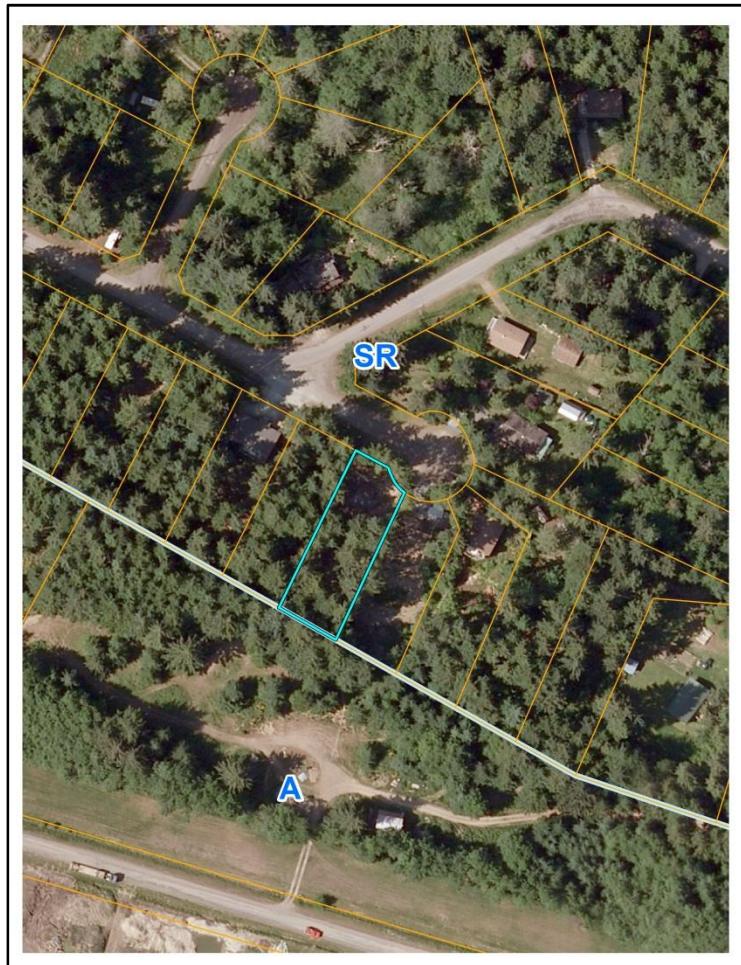
Islands Trust Fund:

There are no Trust Fund properties or covenants in proximity to the subject property

Regional Conservation Plan:

The goals and objectives of the Islands Trust Fund regional conservation plan are unaffected by this application.

Figure Four: Orthophoto with Zoning



Sensitive Ecosystems and Hazard Areas:

Mapping does not indicate any sensitive ecosystems on the subject property or in proximity to the property. Steep slope mapping (see: Figure Three – below) indicates that there are extensive areas of low and medium slope hazard on the mid to low portions of the property. The dwelling is situated away (on the road side) of the medium hazard. In addition, the property is outside of the rockfall hazard zone hazard zone identified in the 1999 Golder Report.

Archaeological Sites:

There are no archaeological sites identified on the Provincial Remote Access to Archaeological Data (RAAD). By copy of this report, the applicant is advised that if archaeological resources are encountered during development, work should cease immediately and the Provincial Archaeology Branch should be contacted.

Covenants:

There are no LTC or Trust Fund Covenants on or near the subject property. The Title Certificate indicates no other covenants or easements on the property.

Figure Three: Slope Hazard and Contours



Bylaw Enforcement:

There are no Bylaw Enforcement files for this property.

Climate Change Mitigation and Adaptation

The siting, design and building materials (natural cob) serve to reduce the net impact on GHG emission changes resulting from construction and long-term energy use. Vulnerability to climate change induced hazards is nominal.

Other:

The subject dwelling has been issued a Building Permit. In order to finalize the Permit, a development variance is required.

COMMUNITY INFORMATION MEETING(S):

There is no community information meeting associated with the development variance permit application as they are not a requirement.

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on March 27, 2015. At the writing of this report, there had been no public submissions received as a result of the notification. Any additional public submissions will be

forwarded to the LTC and presented at the Mayne Island Local Trust Committee meeting on March 30, 2015.

The applicant has submitted three (3) letters from her immediate neighbours that are attached. All are in support of the variance being granted.

ISSUES SUMMARY:

Applicant's stated rationale for the proposed variance.

The applicant's reasons in support of the proposed variance are summarized as follows:

- A falling out with the builder early in the process and illness of the builder led to a breakdown in communication between the two.
- As stated above, the original plan conformed to the setback by angling this portion of the building to match the property boundary.
- The owner believes that the builder may have assumed that the property was rectangular and/or misjudged the distance to the northeast front lot line where the cul de sac is located. Unfortunately, the builder is quite ill and they have not spoken since very early in the construction process.
- The cost of correcting the encroachment would be expensive given the nature of the construction (removing and reconstruction substantial portion of the approximately 2.1 metre (7') high retaining wall as well as roof and wall structures).

The overall intent of the regulation being varied.

The intent of regulation can be summarized as follows:

- Limiting the visual impact of development on adjacent properties and the public roadway.
- Minimizing impacts on adjacent properties related to shading, aesthetic, and privacy concerns.
- Maintaining safe sight lines for vehicles or pedestrians using the roadway.
- Protection of the privacy of neighbouring residents.
- Establishing a consistent development pattern within a local area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting and height 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, it is unlikely to generate expectations for other landowners. Each application is evaluated on its own merits.

STAFF COMMENTS:

Design and Siting of Building

The design of the building is small in scale and blends into the landscape and the rural character of the island. The choice of materials and building technique where it is "cut" into the slope makes the scale and height of the building very innocuous, particularly from the roadway.

The area of the variance is essentially a few feet high and presents almost no visual or negative aesthetic impact.

Unintentional Siting Error

As the applicant has explained the error in siting appears to be unintended and the cost of conforming to the setback by altering the building would be disproportionately large.

Roadway

The 6.0 metre (19.7 feet) setback from the eye of the cul de sac on a very minor road mitigates any roadway safety concerns such as sight lines. There is no requirement for Ministry of Transportation and Infrastructure approval as the dwelling is greater than 4.5 metres from the roadway.

Neighbour Support

The applicant has submitted letters of support from three neighbours included the neighbour to her east and directly across the street who would be most impacted by the variance.

Given the foregoing, staff is recommending that the Permit be approved as drafted.

RECOMMENDATION:

1. **THAT** Development Variance Permit MA-DVP-2015.1 (Mathison) **BE APPROVED.**

Prepared and Submitted by:



March 16, 2015

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

March 3, 2015

Date

Attachments: Proposed Permit MA-DVP-2015.1 (Mathison)
Notification MA-DVP-2015.1 (Mathison)
Correspondence

PROPOSED

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2015.1**

TO: Jennifer Mathison

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

Lot 37, Section 7, Mayne Island, Cowichan District, Plan 23397
PID: 000-898-287

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

- a) Article 5.1(7)(a) which states that the minimum setback for any building or structure is 8 metres (26 feet) from any front or rear lot line, is varied to allow for an existing dwelling to be sited as close as 6.0 metres (19.7 feet) from a front lot line.

All buildings and structures are to be consistent with Schedules "A," and "B" 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.

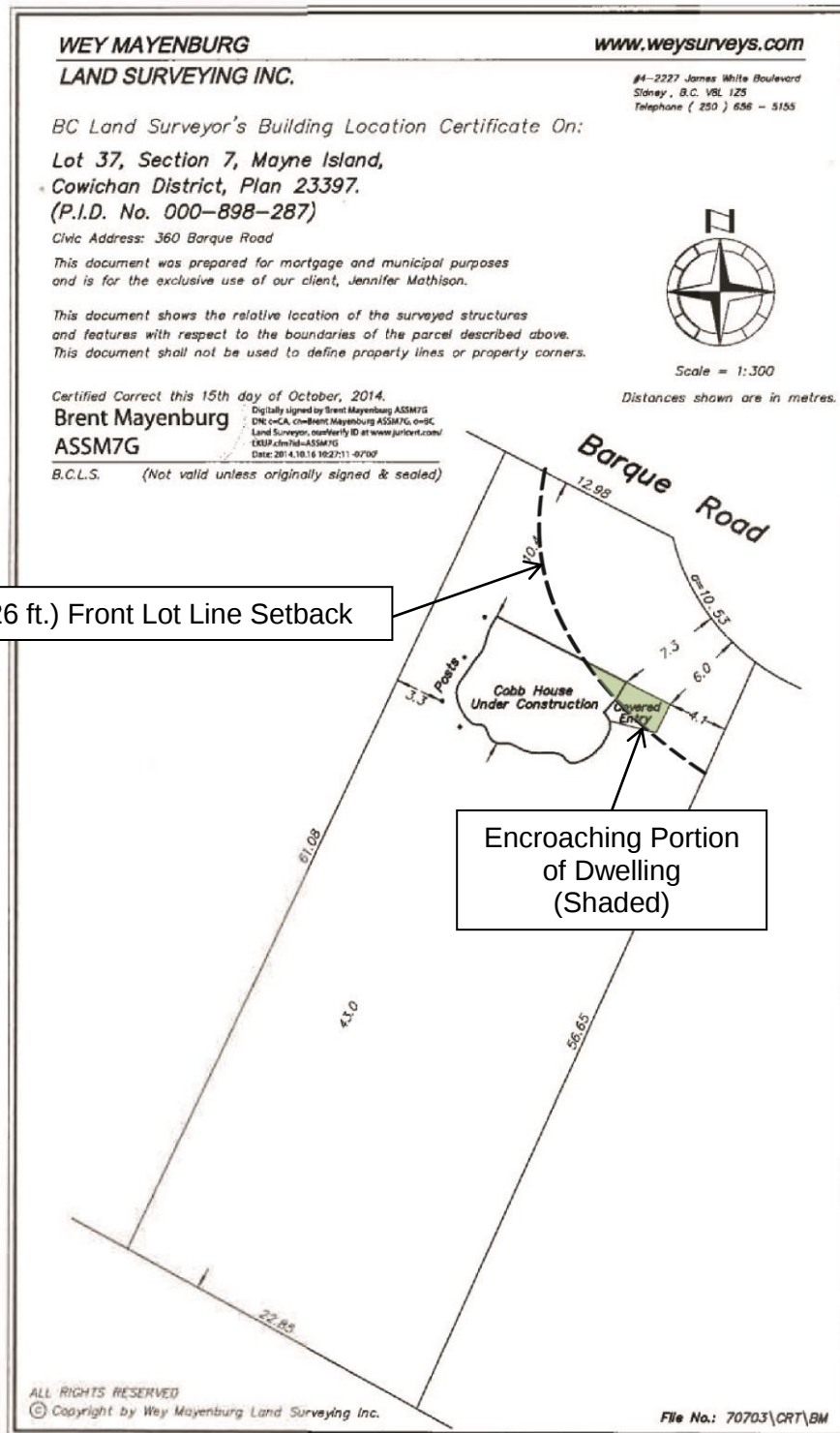
Deputy Secretary, Islands Trust

Date of Issuance

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

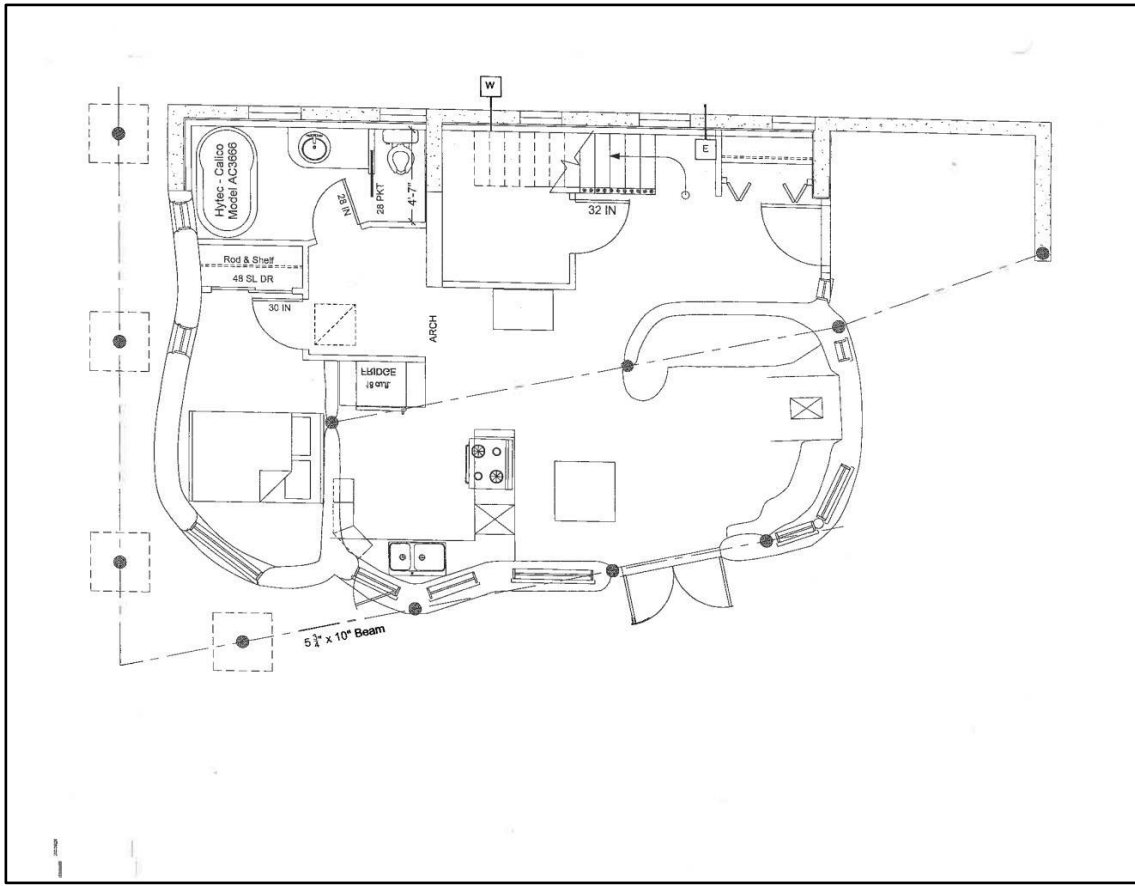
MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2015.1

SCHEDULE "A"



MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2015.1

SCHEDULE "B"



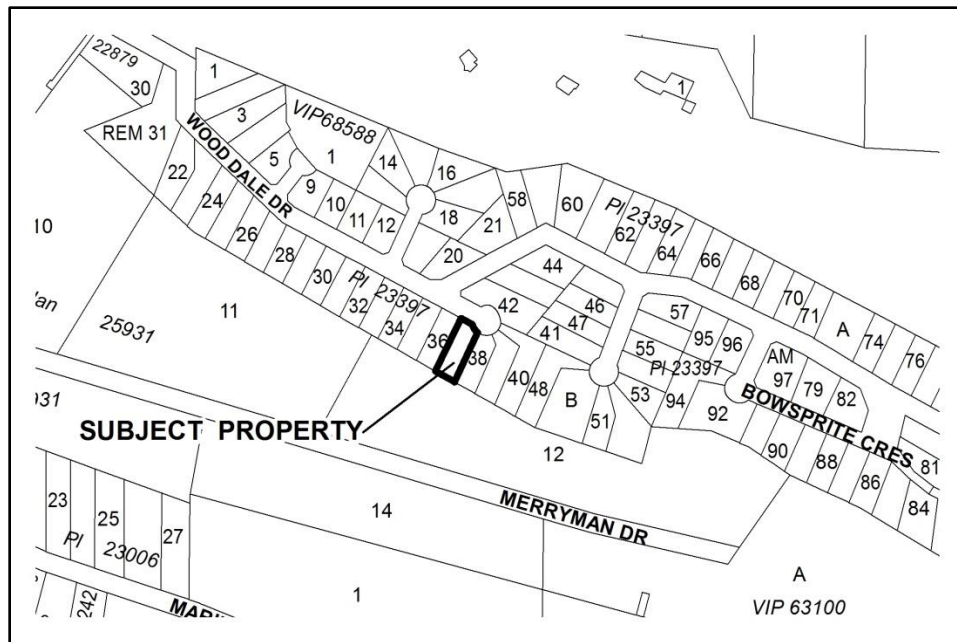
**NOTICE
MA-DVP-2015.1
MAYNE ISLAND LOCAL TRUST COMMITTEE**

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 922 of the *Local Government Act*.

The purposed permit would vary subsection 5.1(7)(a) of Mayne Island Land Use Bylaw No. 146, 2008, which states that the minimum setback for any building or structure is 8 metres (26 feet) from any front or rear lot line, to allow for an existing dwelling to be sited as close as 6.0 metres (19.7 feet) from a front lot line.

The property is located at 360 Barque Road and is legally described as Lot 37, Section 7, Mayne Island, Cowichan District, Plan 23397
PID: 000-898-287

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 **March 16, 2015**, and continuing up to and including **March 27, 2015**.

For the convenience of the public only, and not to satisfy Section 922(5) (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 **March 16, 2015**. 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. **March 27, 2015**. 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., **March 27, 2015**.

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., March 30, 2015, 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



To: The Islands Trust

From: ANDREW FINDLEY
[REDACTED]
MAYKIE ISLAND BC.

Re: Application for Variance at 360 Barque Rd.

As a neighbour of [REDACTED] Mathison, I have seen her completed structure and support her application for a variance.

Signed,

[REDACTED]

on this day 11/08/14
at MAYKIE ISLAND BC.



To: The Islands Trust

From: Jodie Montgomery + KYLE MONTGOMERY
[REDACTED]
Mayne Island

Re: Application for Variance at 360 Barque Rd.

As a neighbour of [REDACTED] Mathison, I have seen her completed structure and support her application for a variance.

Signed,

[REDACTED]

[REDACTED], on this day 9th Day of December, 2014
at [REDACTED]



To: The Islands Trust

From: SUSAN EVERTS

Re: Application for Variance at 360 Barque Rd.

As a neighbour of [REDACTED] Mathison, I have seen her completed structure and support her application for a variance.

Signed,

[REDACTED] _____, on this day 8 Nov/14
at [REDACTED], MAYHE ISLAND

Date: March 17, 2015

File No.: MA-6500-20-2015
(Fallow Deer
Strategy)

To: Mayne Island Local Trust Committee
For the meeting of March 30, 2015

From: Gary Richardson, Island Planner

CC: Robert Kojima, RPM

Re: Fallow Deer Strategy

Background

Fallow deer have been at large on Mayne Island for several years. It has become apparent that numbers are increasing and that they are having an increasingly negative impact on the environment as a result of grazing. In recent months it has been reported they have made their way to other southern gulf islands. This is a concern as they are very hard to contain if they become established on an island.

A deer committee has been formed on Mayne Island and is made up of concerned Mayne Islanders. The committee meets regularly to discuss deer strategies and arranges meetings with government agencies that have jurisdiction in this area. Recently, on March 16, 2015 some members of the deer committee and Islands Trust staff met in Victoria with staff from various government offices to discuss next steps. The government staff attending included a: CRD planner, Provincial wildlife veterinarian, and Provincial wildlife biologist.

From past discussions and from the meeting on March 16, it has become clear that an overall fallow deer strategy or plan is required as the starting point in managing the fallow deer population on Mayne Island.

Many different population control strategies exist and have been discussed; it would be up to the author of the deer strategy, in consultation with islands trust staff and a biologist, to review and provide recommendations on which methods would be most effective. There are other deer management strategies that have been prepared in the CRD that can be reviewed in the preparation of the Mayne Island fallow deer strategy.

Once a strategy document is prepared it can then be implemented and sustained for a long period of time to ensure management of the fallow deer over the long term.

On January 26, 2015 the Mayne Local Trust Committee placed “Fallow Deer Eradication” back on its work program as one of its top work program priorities.

This report briefly describes some of the options available to the MILTC to advance this matter, as well as makes a recommendation as to what the next step should be.

Analysis

The options are:

1. Staff can be requested to review the appropriate portions of the OCP and determine if language can be put in that advocates for the protection of the environment in respect of the negative impacts on the environment brought about by fallow deer grazing.

This would not have an effect on directly reducing fallow deer populations within the Mayne Island Trust area; however it would allow the LTC to advocate for the management of fallow deer on the basis that they are degrading the environment. This environmental degradation was witnessed on Sidney Island when deer populations grew to levels where the overgrazing of vegetation was extreme and clearly visible.

2. The LTC can request that the CRD take the lead in preparing a fallow deer strategy for Mayne Island and for the islands surrounding Mayne Island. The CRD has the expertise in house, and has done deer strategies for other areas within the CRD.

The CRD can possibly prepare a fallow deer strategy in one of the following two ways:

- 1) By preparing a strategy for Mayne Island and the surrounding Islands in house with existing staff; or
- 2) By providing the funds and management of a contract that would produce a strategy for Mayne Island and the surrounding Islands.

If the LTC requests the CRD to prepare or manage the preparation of a fallow deer strategy, is recommended that an Island Trust staff member be part of the working group overseeing the preparation of the strategy.

3. The LTC can request staff to research the appropriateness of a “Delegation Bylaw”.

This was utilized on Salt Spring Island to facilitate the working group tasked with implementing the St. Mary Lake Watershed Management Plan. The *Islands Trust Act* gives specific powers to the Islands Trust Council and indicates that it can delegate some of those powers. This option will require more research to

determine if it could be used in some fashion; however on initial review it does not seem appropriate for this matter as it's too complex and would need to be paid for by the Mayne Island community.

Next Steps

The CRD is best suited to have a fallow deer strategy prepared, both financially and by having staff with experience in preparing deer strategies. As a first step, staff is recommending that the LTC request the CRD to either draft a fallow deer strategy for Mayne Island and other potentially impacted southern gulf islands, or provide funds and staff to manage the contract to have a fallow deer management plan drafted.

As mentioned, an Islands Trust Staff member should be involved to provide input on the strategy. Who this will be and how it is done can be decided in consultation with the CRD in the event they agree to prepare a fallow deer strategy or manage the preparation of one.

RECOMMENDATIONS:

That the Mayne Island Local Trust Committee send a letter to CRD Director Howe requesting that the CRD either prepare a fallow deer management strategy for those Southern Gulf Islands inhabited by fallow deer, or manage and fund the preparation of such a fallow deer management strategy for the applicable Southern Gulf Islands..

Prepared and Submitted by:

Gary Richardson, Island Planner

March 19, 2015

Name, Title

Date

Concurred in by:

Justine Starke, Acting Regional Planning Manager

March 19, 2015

Name, Title

Date

Purpose The purpose of the project is to amend the TUP guidelines in the Mayne Island Official Community Plan regarding Short Term Vacation Rentals and to amend the Mayne Island Land Use Bylaw regarding density controls on large remainder lots.

Background The project was initiated at the LTCs February 23, 2015 business meeting. Three projects from the LTCs project list were combined to create one work program priority. The project has two main components. One is to amend the Temporary Use Permit section of the OCP to include a comprehensive list of guidelines that will need to be addressed when a TUP for an STVR is applied for. The second is to amend the wording of the LUB that applies to how density is controlled on large remainder lots. Both of these have been brought forward as areas that need to be reviewed and wording added/amended to provide more certainty.

Objectives

- Amend LUB to provide for certainty for both the landowner and public with respect to how density is controlled on large lots.
- Amend the OCP to provide certainty for both the applicant and public as to guidelines that need to be addressed before the issuance of an STVR TUP.

In Scope

- Staff report analyzing each of the two topics and providing options and recommendations
- Supplementary staff reports if required
- Draft Bylaws to implement amendments
- Community Information Mtg
- Statutory requirements
- Implementation

Out of Scope

- Additional or extra ordinary community consultation
- Amendments to any other portions of the OCP or LUB
- Amendments to unrelated by-laws

Workplan Overview

Deliverable/Milestone	Date
1) Staff report regarding density controls on large lots and large lot remainders	April 27, 2015
2) Staff report regarding TUP guidelines for STVRs	May 25, 2015
3) Prepare draft bylaws for LTC and Community consideration	June 29, 2015
4) Community Information meeting	July 2015
5) Staff report on comments raised at CIM	September 28, 2015
6) Public Hearing	November 30, 2015

Project Team

Gary Richardson, Island Planner	Project Manager
Sharon Lloyd-deRosario	Legislative Clerk
Lori Foster	Admin support
Barb Dashwood	GIS support

Budget

Budget Source:

Fiscal	Item	Cost
2015/16	CIM	800.00
2015/16	Public Hearing	1000.00
	Total	1800.00 34

RPM Approval:

Robert Kojima

Date:

LTC Endorsement:

Resolution #:

Date:



Islands Trust

Print Date: Mar-23-2015

Top Priorities

Mayne Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	OCP/LUB Amendment Density Provisions on Large Lots, TUP Policies, and Short Term Vacation Rental review.	Project Charter to be prepared for March 30, 2015 LTC meeting.	Feb-23-2015	Gary Richardson		On Going
2	OCP and LUB amendments	Public Hearing for proposed bylaws 161 and 162 to be scheduled for April 27, 2015	Jul-31-2013	Kim Farris	Feb-23-2015	On Going
3	Fallow Deer Eradication	Staff to report back with options at March 30, 2015 LTC Mtg.	Jan-26-2015	Gary Richardson	Mar-30-2015	On Going



Projects

Mayne Island

No.	Description	Activity	Received/Initiated	Status
1	Climate Change Adaptation	Consider regulatory changes and implementation of new DPA authority	Mar-02-2009	On Going
2	Commercial Land Use Review	review task force reports and provide options/recomendations to the LTC	Oct-24-2012	On Going
3	Riparian Area Regulations	Project moved from Top Priorities pending ombudsperson report response and Ministry decision on SSI bylaw. Staff to prepare a report and recommendations on how to proceed once SSI bylaw decision made and Ministry response to ombudsperson complete	Jan-26-2015	On Going
4	Road issues		Jun-27-2012	On Going
5	Medical Marijuana production facility review		Jun-25-2014	On Going



Applications w/ Status - Mayne Island Status: Open

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2015.1	JENNIFER N MATHISON	Jan-22-2015	360 BARQUE RD Obtain a variance for structure encroaching in setback.

Planner: Phil Testemale

Planning Status

Status Date: Feb-16-2015

Staff report and draft permit to be prepared for LTC consideration at March 30, 2015 Mtg.

Status Date: Jan-28-2015

opened file, gave to planner, processed fee, notified mapping and LTC.

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2014.1	Richard & Debra Milne, Wayne & Janice Peace	Jan-22-2014	000-200-212 380 GEORGINA POINT RD MA 023-910-330 370 GEORGINA POINT RD MA 023-910-348 GEORGINA POINT RD MA

Planner: Gary Richardson

Planning Status

Status Date: Mar-16-2015

Final letter sent to MoTI that bylaws complied with. File to be closed.

Status Date: Jun-17-2014

Waiting for applicant to fulfill PLA conditions

Status Date: Apr-09-2014

PLA issued April 7, 2014

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending February 2015

645 Mayne	Invoices posted to Month ending February 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	700.00	75.00	625.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,500.00	963.85	536.15
65210-645	LTC - Local Exp - APC Meeting Expenses	750.00	311.58	438.42
65220-645	LTC - Local Exp - Communications	300.00	655.00	-355.00
65230-645	LTC - Local Exp - Special Projects	750.00	420.00	330.00
TOTAL LTC Local Expense		<u>3,300.00</u>	<u>2,350.43</u>	<u>949.57</u>
Projects				
73001-645-2005	Mayne OCP/LUB	<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>
TOTAL Project Expenses		<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</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.



BRIEFING

To: Trust Council

For the Meeting of: March 10-12, 2015

From: Miles Drew, Bylaw Enforcement Manager

Date : February 17, 2015

SUBJECT: BYLAW ENFORCEMENT REPORT

DESCRIPTION OF ISSUE:

A report on the number of enforcement files; organized by local trust area, and by the type of enforcement. Also included are reports on the status of open files and the length of time current files have been open.

BACKGROUND:

Attached are four tables and two pie charts that provide information on bylaw enforcement activity.

Table 1 shows the total number of bylaw enforcement files for each local trust area by fiscal year and the number of files remaining open at the end of the fiscal year. Information is provided for the 2012/13, 2013/14 and 2014/15 Fiscal years. For the current fiscal year the information is broken down by Quarter, in addition to providing a total for the 2014/15 Fiscal year.

Chart 1 shows the number of files open at the end of the most recent reporting Quarter.

Table 2 shows the number of open files by violation type. The table includes the more common categories of enforcement types. The "Other Land Use" column includes a mix of enforcement types that do not fit in the larger categories.

Chart 2 shows the percentage of open files by type.

Table 3 shows the status of open files as well as the numbers of new and closed files during the most recent reporting Quarter.

Table 4 shows how long current bylaw enforcement files have been open.

COMMENT:

Since December 2013 there has been a small decrease (3% of total files) in the number of files open longer than five years.

There was a large reduction in the number of open files in the Gabriola Island Local Trust Area, dropping from 45 open files to 28 open files. This was due to a

comprehensive review of existing files by a Bylaw Enforcement Officer who discovered that many files had been resolved but not formally closed.

No files were formally closed in the Salt Spring Island Local Trust Area during this quarter; however, the report to June 2015 Trust Council will reflect the work that has been recently done reviewing old files.

The number of on hold files in the Galiano Island Local Trust Area will drop next quarter because the short-term vacation rental bylaw amendments are complete and enforcement work can now resume.

The bylaw enforcement officers' primary goal in the next quarter is to develop and implement procedures for taking contested Bylaw Violation Notices through the adjudication process.

ATTACHMENT(S):

Bylaw Enforcement - File Volume
Bylaw Enforcement - Violation Type
Bylaw Enforcement - Status of Open Files
Bylaw Enforcement - Length of Time Files Have Been Open

AVAILABLE OPTIONS:

1. Receive for information.
2. Request additional information to be presented in the report.

FOLLOW-UP:

Reports will be updated and presented every quarter to Trust Council.

Prepared By: Miles Drew, Bylaw Enforcement Manager

Reviewed By/Date: David Marlor, Director, Local Planning Services/
February 17, 2015

Executive Committee/ February 25, 2015

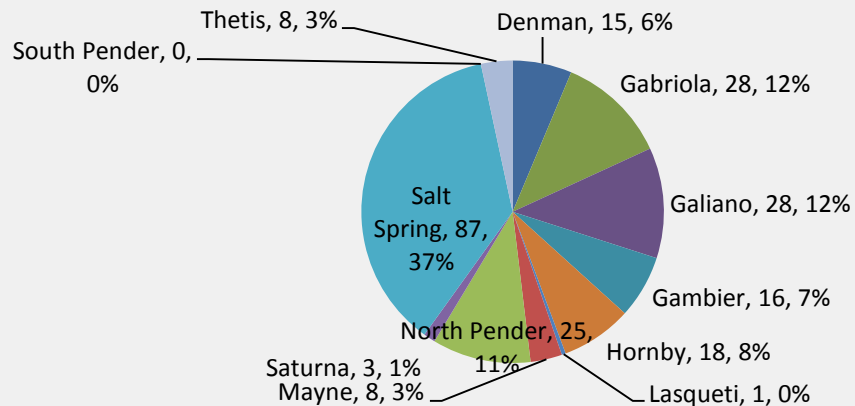
Chief Administrative Officer

Bylaw Enforcement - File Volume

TABLE 1

LTC	Fiscal 2012/13				Fiscal 2013/14				Fiscal 2014/15							
	Total	%	Open	%	Total	%	Open	%	Q1	Q2	Q3	Q4	YTD Total	YTD %	T Open	%
Denman	19	6%	18	6%	21	7%	14	6%	14	13	15		3	5%	15	6%
Executive	0	0%	0	0%	0	0%	0	0%	0	0	0		0	0%	0	0%
Gabriola	40	13%	40	14%	60	20%	51	20%	45	43	28		8	13%	28	12%
Galiano	25	8%	25	9%	32	11%	30	12%	28	24	28		4	7%	28	12%
Gambier	16	5%	16	6%	18	6%	17	7%	17	15	16		1	2%	16	7%
Hornby	17	6%	16	6%	16	5%	15	6%	16	15	18		3	5%	18	8%
Lasqueti	1	0%	1	0%	1	0%	1	0%	1	1	1		0	0%	1	0%
Mayne	8	3%	5	2%	10	3%	9	4%	12	6	8		3	5%	8	3%
North Pender	43	14%	40	14%	45	15%	36	14%	35	31	25		2	3%	25	11%
Saturna	8	3%	6	2%	6	2%	3	1%	3	4	3		1	2%	3	1%
Salt Spring	112	37%	104	37%	81	27%	66	26%	78	72	87		32	53%	87	37%
South Pender	1	0%	1	0%	1	0%	0	0%	0	0	0		0	0%	0	0%
Thetis	12	4%	10	4%	11	4%	8	3%	9	8	8		3	5%	8	3%
TOTAL	302	100%	282	100%	302	100%	250	100%	258	232	237	0	60	100%	237	100%

Chart 1: Open Files to Dec 31, 2014



LEGEND

YTD Total = Total number of open files year to date, including open files carried over from the previous quarter and files opened during the current reporting period.

T Open = Total number of files remaining open at the end of the current reporting period

Q1 = April 1 to June 30 - reported to September Trust Council

Q2 = July 1 to September 30, Report to December Trust Council

Q3 = October 1 to December 31, Reported to March Trust Council

Q4 = January 1 to March 31, Reported to June Trust Council

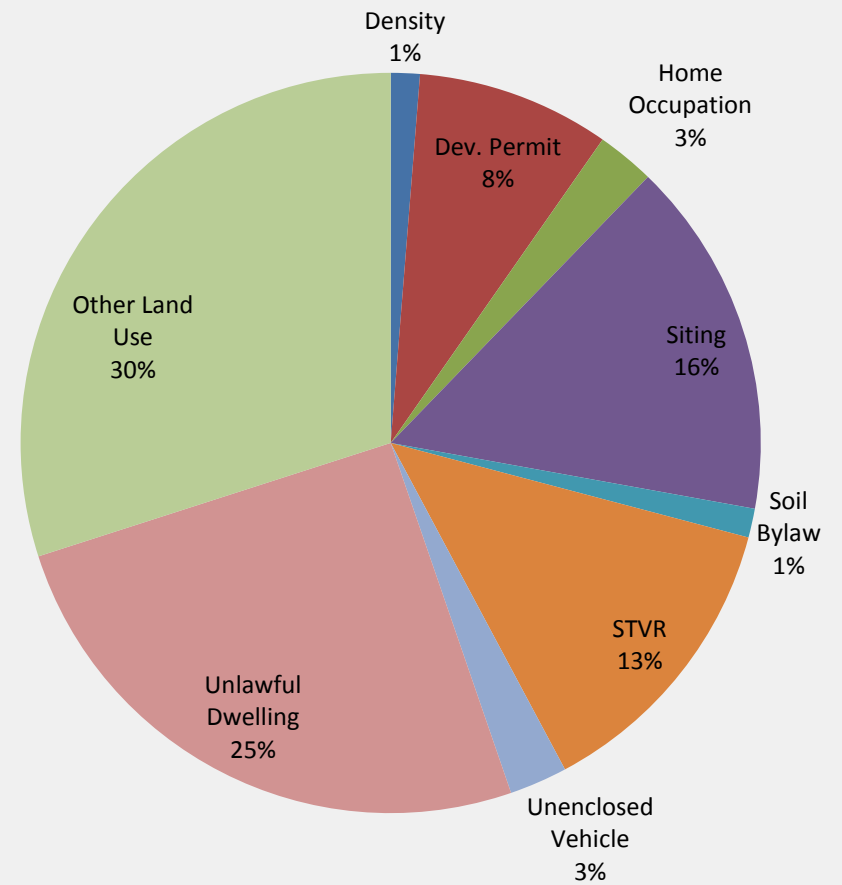
The numbers for each quarter are a running total of all open and closed files in the period.

Bylaw Enforcement - Violation Type

Table 2

LTC	Violation Type										
	Density	Dev. Permit	Home Occupation	Siting	Soil Bylaw	STVR	Unenclosed Vehicle	Unlawful Dwelling	Other Land Use	TOTALS	Percentage
Denman		6				1		4	4	15	6%
Executive										0	0%
Gabriola	2	1	1	5		5		8	6	28	12%
Galiano		1	1	7		3	2	6	8	28	12%
Gambier				6				1	9	16	7%
Hornby	1	1	1	4		2		6	3	18	8%
Lasqueti								1		1	0%
Mayne				1		4			3	8	3%
North Pender				4		8	1	5	7	25	11%
Saturna				2		1				3	1%
South Pender										0	0%
Salt Spring		11	3	4	3	7	3	28	28	87	37%
Thetis				4				1	3	8	3%
TOTALS	3	20	6	37	3	31	6	60	71	237	100%
%	1%	8%	3%	16%	1%	13%	3%	25%	30%	100%	

Chart 2: Open Files by Type



Bylaw Enforcement - Status of Open Files

Table 3

Local Trust Area	2014/2015 3rd Quarter (Oct 1 - Dec 31)				Proceeding to Compliance	On Hold			Litigation	TOTAL
	OPEN Start of Quarter	NEW	CLOSED	OPEN End of Quarter		Application in to LTC	LTC Direction	Staff Direction*		
Denman	15	0	0	15	10		3	1	1	15
Executive	0			0						0
Gabriola	43	0	15	28	28					28
Galiano	24	4		28	14	2		10	2	28
Gambier	15	1		16	8		5	1	2	16
Hornby	15	3		18	11		6	1		18
Lasqueti	1			1	1					1
Mayne	6	2		8	7	1				8
North Pender	31		6	25	10	1		11	3	25
Saturna	4		1	3	2		1			3
Salt Spring	72	15	0	87	65		16	5	1	87
South Pender	0			0						0
Thetis	7	1		8	8					8
Total	233	26	22	237	164	4	31	29	9	237
Percentage					69%	2%	13%	12%	4%	100%

* "Staff Direction" refers to files that Staff have decided not to pursue at this time for a variety of reasons, such as waiting for a court decision or for bylaw amendments that could alter the need for enforcement.

Bylaw Enforcement - Length of Time Files Have Been Open

Table 4

Local Trust Area	<1 year	1-5 Years	> 5 years	Total Open Files
Denman	2	11	2	15
Executive				0
Gabriola	11	16	1	28
Galiano	2	13	13	28
Gambier	2	14		16
Hornby	1	14	3	18
Lasqueti		1		1
Mayne	2	6		8
North Pender	4	20	1	25
Saturna	1	1	1	3
South Pender				0
Salt Spring	34	36	17	87
Thetis	3	4	1	8
TOTAL	62	136	39	237
PERCENTAGE	26%	57%	16%	