



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: January 27, 2020
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

			Pages
1.	CALL TO ORDER	1:00 PM - 1:15 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS		
4.	FALLOW DEER PRESENTATION - CAPITAL REGIONAL DISTRICT	1:15 PM - 2:15 PM	
5.	COMMUNITY INFORMATION MEETING		
	None		
6.	PUBLIC HEARING		
	None		
7.	MINUTES	2:15 PM - 2:30 PM	
7.1	Local Trust Committee Minutes Dated October 28, 2019 (for Adoption)		4 - 10
7.2	Section 26 Resolutions-without-meeting Report Dated January 2020		11 - 11
7.3	Advisory Planning Commission Minutes		
	None		
8.	BUSINESS ARISING FROM THE MINUTES		
8.1	Follow-up Action List Dated January 2020		12 - 13
9.	DELEGATIONS		
	None		
10.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		

11.	APPLICATIONS AND REFERRALS	2:30 PM - 3:30 PM	
11.1	MA-SUB-2018.3 (Peace) - Road Frontage Waiver - Staff Memo (attached)		14 - 26
11.2	MA-SUB-2019.1 (Peace) - Road Frontage Waiver - Staff Memo (attached)		27 - 41
11.3	Galiano Island Local Trust Committee Bylaw 271 Referral (attached)		42 - 43
11.4	Salt Spring Island Local Trust Committee Bylaw 471 Referral (attached)		44 - 46
11.5	Salt Spring Island Local Trust Committee Bylaw 518 Referral (attached)		47 - 49
11.6	Salt Spring Island Local Trust Committee Bylaw 519 Referral (attached)		50 - 51
11.7	Salt Spring Island Local Trust Committee Bylaw 520 Referral (attached)		52 - 52
12.	LOCAL TRUST COMMITTEE PROJECTS		
12.1	Housing Review - Staff Memo - follow-up research items (attached)		53 - 58
13.	REPORTS	3:30 PM - 4:00 PM	
13.1	Work Program Reports (attached)		
13.1.1	<u>Top Priorities Report Dated January 2020</u>		59 - 59
13.1.2	<u>Projects List Report Dated January 2020</u>		60 - 60
13.2	Applications Report Dated January 2020 (attached)		61 - 63
13.3	Trustee and Local Expense Report Dated November 2019 (attached)		64 - 64
13.4	Adopted Policies and Standing Resolutions (attached)		65 - 67
13.5	Local Trust Committee Webpage		
13.6	Chair's Report		
13.7	Trustee Report		
13.8	Islands Trust Conservancy Report Date November 2019		68 - 69
14.	NEW BUSINESS	4:00 PM - 4:30 PM	
14.1	First Nations Standing Resolutions - Staff Report (attached)		70 - 72
14.2	Mayne Island LTC Enforcement Notification Bylaw (BEN) - for discussion		
14.3	Model Strategy for Antenna Systems - Staff Memo (attached)		73 - 74
14.4	Capital Regional District re St. John Point and Mt. Parke Regional Park Management Plans (attached)		75 - 75

14.5 Mayne Island Agricultural Society re Letter of Support for the Heritage Revitalization Initiative

76 - 77

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for February 24, 2020 at the Agricultural Hall,
Mayne Island

16. TOWN HALL

17. CLOSED MEETING

None

18. ADJOURNMENT

4:30 PM - 4:30 PM



Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: October 28, 2019
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Members Present: Dan Rogers, Chair
Jeanine Dodds, Local Trustee
David Maude, Local Trustee

Staff Present: Gary Richardson, Island Planner
Brad Smith, Island Planner
Lauren Edwards, Recorder

Public: There were approximately 100 members of the public.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:00 p.m. and acknowledged that the meeting was being held in traditional territory of the Coast Salish Tsartlip First Nation. Chair Rogers mentioned the government's announcement last week of the *Reconciliation Act*. He relayed that Islands Trust is fully committed to reconciliation and has an action plan to support this.

Chair Rogers introduced himself, the trustees and Islands Trust staff.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. DISCUSSION ITEM

3.1 Waste Management – Discussion

Trustee Maude indicated that he had a conflict of interest with the upcoming item because he is involved with the waste management business and recused himself at 1:10 p.m.

Chair Rogers made the following points below:

- Acknowledged the numerous emails received;
- Islands Trust has not initiated efforts to close down garbage services and has no agenda to do so;
- The value and importance of this service is recognized;
- Islands Trust is a land use regulatory authority and the land in question is zoned settlement residential and adjacent to other residences and rural properties; and

- Islands Trust addresses bylaw complaints and will work towards cooperation, compliance and continuation of service.

Discussion was held on the following points:

- It was suggested that an application can be made for a temporary use purpose; and
- It was suggested that Mayne Island Improvement District (MIID) be contacted to address current and future garbage collection needs as this falls within their responsibility.

MA-2019-057

It was Moved and Seconded,

that staff write a letter to Mayne Island Improvement District requesting that they come up with long-term planning for garbage service for Mayne Island; and that Mayne Island Improvement District be asked for some sort of facility space so that garbage won't be parked on residential land.

CARRIED

4. TOWN HALL AND QUESTIONS

The following points were raised:

- Contractors' yard issue in the past minutes is not related to garbage collection;
- For consideration and discussion is MIID's parking area between the health centre and fire hall or one of the three land parcels zoned for waste transfer;
- Islands Trust requires an application to provide a Temporary Use Permit or to rezone and there are no current applications in the system;
- The solution is to find bylaw compliance through MIID, the community and the property owner; and
- Bylaws are community drafted and issues are normally resolved through the bylaw officer and property owner. Legal action requires approval from the local trust committee.

Trustee Maude returned to meeting at 1:36 p.m.

5. COMMUNITY INFORMATION MEETING

None

6. PUBLIC HEARING

None

7. MINUTES

7.1 Local Trust Committee Minutes Dated September 30, 2019 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Item 1 Call to Order, second paragraph, first line, be amended to read: Trustee Dodd's reported it was the annual Orange Shirt Day today, September 30th;
- Item 12.1.2 Projects List Report, dated September 2019, have last sentence removed and further amended to read: It was indicated that the fallow deer plan is underway being led by CRD, part of which we hope will be a future partnership with First Nations hunters;
- Item 12.7 Trustee Reports, Trustee Dodd's section, third bullet be amended to read: There was a First Nations ceremony to unveil plaques at the museum;
- Item 12.7 Trustee Reports, Trustee Dodd's section, fifth bullet be amended to read: The First Nations attendees generously complemented the preparation of the food including the salmon, bannock and venison;
- Item 12.6 Chair's Report, sixth bullet, be amended to read: Community engagement will be staff showing up on every island to engage islanders for input into what they think the islands' future should look like.

By general consent the minutes were adopted as amended.

7.2 Section 26 Resolutions-without-meeting Report

None

7.3 Advisory Planning Commission Minutes

None

8. BUSINESS ARISING FROM THE MINUTES

8.1 Follow-up Action List Dated October 2019

Received for information.

9. DELEGATIONS

None

10. CORRESPONDENCE

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

None

11. APPLICATIONS AND REFERRALS

11.1 MA-DVP-2019.4 (Peace) - Staff Report

Planner Richardson indicated that the variance being requested is to reduce 20 metres of required road frontage to 15 meters. He recommended approval.

Discussion ensued on details and no concerns arose.

Planner Richardson provided the applicant with a printed copy of letter of concern from a neighbour of an adjacent property.

The neighbour's concern is possible increased traffic and driveway development on land that shares boundary with her property on three sides and easements for road use.

Clarification was provided regarding Islands Trust's responsibilities.

MA-2019-058

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2019.4 (Peace).

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Project Charter - Land Use Bylaw (LUB) Technical Amendments - Staff Report

This item emerged as a result of a motion from the September 2019 meeting to advance as top priority. Discussion was held on the inclusion of contractors' yards and Trustee Dodds considered that item a big conversation to be done separately.

MA-2019-059

It was Moved and Seconded,

that the Mayne Island Local Trust Committee endorse the project charter.

CARRIED

12.2 Housing Regulations and Policy Review - Staff Memo & Discussion Paper

Planner Smith provided an overview of the staff report and noted that vacant lots were identified and options were suggested to increase housing flexibility, supply and affordability. He mentioned that the Province is looking to allow larger secondary suites.

Possible options for increased density, square footage and lot coverage were discussed. The issue of definition and regulation of tiny homes was raised.

In conclusion, the trustees requested a tiny home definition, more work done around Option 5 and other jurisdictions studied. Water management, sewage management, health and safety habitation are priority.

Discussion was held regarding building standards, rainwater collection, available current demographic data, housing seasonal service workers, increasing rentals and ensuring they do not change to vacation rentals.

Chair Rogers said next milestone is a report and community engagement process, likely early spring.

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report Dated October 2019

Chair Rogers reported there will be a fulsome mapping of the Islands' groundwater (except Pender) and Southern Gulf Islands will be finished this year.

13.1.2 Projects List Report Dated October 2019

Received for information.

13.2 Applications Report Dated October 2019

Received for information.

13.3 Trustee and Local Expense Report Dated August 2019

It was pointed out that money can be moved as necessary but not overspent anywhere.

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

None

13.6 Chair's Report

Chair Rogers reported on the following:

- The Strategic Plan is receiving funding, and budget underway for the year while finding ways not to increase;
- In accordance with BC Government Union, there are new rules around overtime for planning staff which will likely increase overtime expenses for calendar year. He asked that trustees be conscious about asks made to staff, i.e. layover;
- The Trust Council Meeting will be held in December. After the last meeting, the chair and senior staff members met with the Minister for Indigenous Relations about their help for First Nations outreach and advised that there remain questions around finance and process; and
- Planning is under way for Trust Council members and the First Nation negotiators coming to the December Trust Council meeting.

13.7 Trustee Report

Trustee Dodds reported on the Trust's policy statement outreach on Monday. Members of the public spoke to the planner and stayed for a presentation.

Trustee Maude reported that the new ferry arrival has been pushed to 2023. He was invited to Recycling Society dinner in October.

13.8 Islands Trust Conservancy Report

None

14. NEW BUSINESS

14.1 Cell Tower Model - Staff Briefing

Discussion was held on the following points:

- The acceptance for use of the draft cell tower policy;
- The current standard federal policy is in use;
- This issue rolled out during last term's planning committee and a consultant was engaged and report developed;
- Cell tower regulator has policy for local engagement; and
- Planner Richardson recommended that the draft policy be adopted.

Chair Rogers confirmed that the trustees have received the cell tower report within the cell tower model briefing document.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for November 25, 2019, at the Agricultural Hall, Mayne Island

15.2 Proposed 2020 Annual Local Trust Committee Meeting Schedule

MA-2019-060

It was Moved and Seconded,

that the 2020 meeting schedule be approved.

CARRIED

16. TOWN HALL

Discussion was held to address a question about the cell tower item.

It was noted that this item pertains to tower size, but with new 5G technology, public concern for radio waves has been the reason for public engagement.

17. CLOSED MEETING

17.1 Motion to Close the Meeting

MA-2019-060

It was Moved and Seconded,

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

- Adoption of Minutes Dated September 30, 2019
- Bylaw Enforcement Issue

AND that the recorder and staff attend the meeting.

CARRIED

Due to conflict of interest, Trustee Maude recused himself at 3:23 p.m. for the in-camera closed meeting.

18. ADJOURNMENT

By general consent the meeting was adjourned at 3:40 p.m.

Dan Rogers, Chair

Certified Correct:

Lauren Edwards, Recorder



Resolutions Without Meetings Log

Mayne Island

Resolution Number	Action	Date
2019-004 That the Mayne Island Local Trust Committee request Executive Committee to authorize Islands Trust legal counsel to provide an appropriate summary of the legal opinion on Mayne Island Garbage Services for release to the public.	In Favour	04-Dec-2019
2019-003 THAT the Mayne Island Local Trust Committee November 25, 2019, regular scheduled business meeting by cancelled.	In Favour	13-Nov-2019



Follow Up Action Report

Mayne Island

30-Sep-2019

Activity	Responsibility	Dates	Status
1 Climate Change Brochure - staff to work with Trustee Dodds to prepare online brochure.	Gary Richardson	Target: 31-Oct-2019	In Progress
2 Invite new highways maintenance contractor (Emcon Services Inc.) to an LTC meeting. Staff to prepare letter for chair.	Gary Richardson	Target: 10-Oct-2019	Completed

28-Oct-2019

Activity	Responsibility	Dates	Status
1 Minutes of September 30, 2019 adopted amended.	Maple Hung	Target: 08-Nov-2019	Completed
2 MA-DVP-201.4 (Peace) - approved as drafted.	Sharon Lloyd-deRosaric	Target: 31-Oct-2019	Completed
3 Staff to prepare letter for chairs signature regarding MIID providing garbage collection service.	Gary Richardson	Target: 08-Nov-2019	Completed
4 LUB Technical Review - project charter endorsed as drafted. Update project charter showing endorsement date and place on website.	Gary Richardson		Completed
5 Cell Tower Model Policy - LTC decided not to adopt model policy at this time. May consider it again in the future if needed.			Completed
6 2020 Meeting Schedule adopted as drafted.	Maple Hung	Target: 15-Nov-2019	Completed

Follow Up Action Report

Mayne Island

28-Oct-2019

Activity	Responsibility	Dates	Status
7 12.2 Conduct additional research on tiny home and garden suite regulatory frameworks, maximum floor size provisions and incentives in other jurisdictions and finalize build-out analysis data for inclusion in discussion paper	Brad Smith	Target: 17-Jan-2020	Completed
8 In-camera Minutes of September 30, 2019 adopted as drafted.	Maple Hung		Completed

MEMORANDUM

File No.: MA-SUB-2018.3 (Peace)

X ref: MA-DVP-2019.4

X ref: MA-SUB-2019.1

DATE OF MEETING: January 27, 2020

TO: Mayne Island Local Trust Committee

FROM: Gary Richardson, Island Planner
Southern Team

COPY: Wayne Peace
Mayenburg Land Surveying

SUBJECT: Waiver of 10% Road Frontage Requirement – *Local Government Act* Section 512
445 Garrick Road

PURPOSE

Section 512 of the *Local Government Act* establishes that the minimum frontage on a highway must be greater than 10% of the perimeter of the lot. The *Local Government Act* (sec. 512[2]) permits the Local Trust Committee to exempt (waive) a parcel from the statutory or bylaw minimum frontage by resolution.

Proposed Remainder 1 (former Lot 1) in this subdivision (MA-SUB-2018.3) has a frontage of 61.90 metres and a perimeter of 1481 metres (approximate measures). As such it does not meet the minimum requirements. The purpose of the subdivision between these two properties is to adjust a boundary between Lot 1 and Lot A. The full referral report for the subdivision sent to the Ministry of Transportation and Infrastructure is attached.

There has been a subsequent boundary adjustment subdivision application made involving the Remainder 1 Lot. The new application (MA-SUB-2019.1) proposes a road frontage on Garrick Road of 15 metres. A variance application (MA-DVP-2019.4) was required for the 15 metres frontage proposal as it did not comply with road frontage requirements of the Mayne LUB. The LTC granted that variance on October 28, 2019. A 10% frontage waiver is also being requested for that proposed subdivision (see separate memo). Both waivers are being requested from the LTC at the January 27, 2020 meeting as the subdivisions may proceed through the approval process at a different speed or one or both may not proceed to approval.

Staff is recommending that Proposed Remainder 1 be exempted from the frontage requirement of the *Local Government Act* as this is a minor re-subdivision (boundary adjustment) and because a variance was granted by the LTC in a subsequent subdivision proposal to allow Remainder Lot 1 to have a 15 metre frontage on Garrick Road.

RECOMMENDATION:

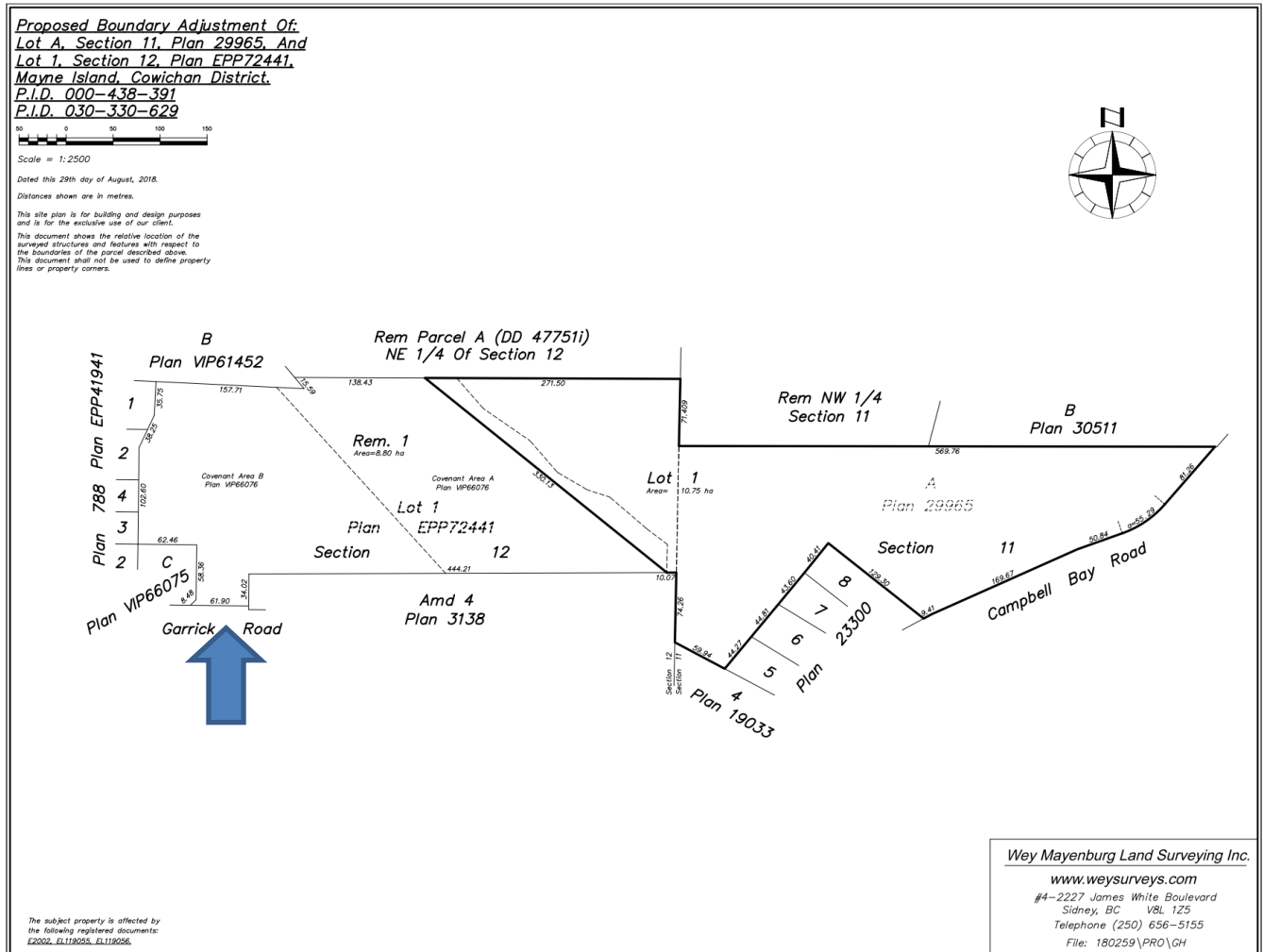
That the Mayne Island Local Trust Committee exempt proposed Remainder Lot 1 of subdivision MA-SUB-2018.3 (Peace) from the 1/10 perimeter provision of Section 512 of the *Local Government Act*.

Submitted By:	Gary Richardson, Island Planner	January 20, 2020
Concurrence:	Robert Kojima, RPM	January 20, 2020

ATTACHMENTS

1. Attachment 1 – Proposed Plan of Subdivision

Attachment 1 – Proposed Plan of Subdivision





Islands Trust

SUBDIVISION REFERRAL REPORT

200 1627 Fort St.
Victoria, B. C., V8R 1H8
Phone: (250) 405-5151
Fax: (25) 405-5155
E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

Date: March 19, 2019

To: Grace Sherratt
District Development Technician

Ministry File #: 2018-05441
IT File #: MA-SUB-2018.3

MOTI District Office:

Vancouver Island District
240-4460 Chatterton Way
Victoria, BC V8X5J2

From: Gary Richardson, Island Planner, Local Planning Services

Re: Proposed Boundary Adjustment Subdivision between:
1) Lot 1, Section 12, Mayne Island, Cowichan District, Plan EPP72441
PID: 030-330-629; and
2) Lot A, Section 11, Mayne Island, Cowichan District, Plan 29965.
PID: 000-438-391

Referral Response Summary:

Islands Trust recommends that the following be made conditions precedent of any Preliminary Layout Review, based on the Mayne Island Land Use Bylaw (LUB) No. 146, 2008.

1. No non-conformity may be created with respect to the use, siting or density of any existing building or structure as a result of the subdivision.
2. Must comply with the LUB subdivision requirements for Water Supply Standards, subsection 8.11 (7).
3. Immediately contact the Provincial Archaeology Branch should any development reveal evidence of archaeological materials.
4. Obtain a 10% road frontage waiver from the Mayne Island Local Trust Committee for proposed Remainder Lot pursuant to Section 512 of the *Local Government Act*.
5. Density Control Covenant (EL119055) does not need to be transferred to Proposed Lot 1; however it must remain on the Remainder Lot.



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Prior to final approval, the applicant must obtain written confirmation from the Islands Trust that the proposed subdivision meets the above conditions and conforms to all Mayne Island Local Trust Committee Bylaws.

This referral response is based upon the attached subdivision layout plan. Details of the application's compliance or non-compliance with specific bylaw regulations are provided on the attached pages.

1. General Information:

Applicant:	Brent Meyenburg, Meyenburg Land Surveying
Land Owner:	Lot 1 - Dr. Janice Peace Lot A - Thomas Albright and Cindy Meston
Legal Description:	• Lot 1, Section 12, Mayne Island, Cowichan District, Plan EPP72441 PID: 030-330-629; and • Lot A, Section 11, Mayne Island, Cowichan District, Plan 29965. PID: 000-438-391
Existing Lot Areas :	Lot 1 – 11.7 hectares Lot A – 7.85 hectares
Details of Proposal:	Boundary adjustment subdivision between Lot 1 and Lot A. Increasing the size of Lot A by 2.9 hectares.

2. Property Title Information: LTC Covenant/Easement/Right-of-Way/Permits

Lot A
• Right of Way – E2002 – BC Hydro
Lot 1
• Covenant EL119055 – Mayne LTC - Density control covenant • Covenant EL119056 – CRD - Steep slope hazard area



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3. OCP Information:

OCP Designation:	Lot A – Rural (R) and Upland (UP) Lot 1 – Rural (R), Upland (UP) and Settlement Residential (SR)
Development Permit Area:	no
Development Permit Required:	n/a
Comments:	

4. Zoning Information:

Lot A – Rural (R) and Upland (UP)

Lot 1 – Rural (R), Upland (UP) and Settlement Residential (SR)

Zone Classification:	Settlement Residential (SR)	Rural (R)	Upland (UP)
Average Lot Area:	0.6 ha (1.5 acres)	4 ha (10 acres)	10 ha (25 acres)
Minimum Lot Area:	0.4 ha (1 acre)	1 ha (2.4 acres)	1 ha (2.4 acres)

Comments:



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5. Lot Sizes and Density:

Proposed lot areas:	Lot 1 – 10.75 ha (formerly Lot A, Plan 29965) Remainder Lot 1 – 8.80 ha (formerly Lot 1, Plan EPP72441)
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Comments:	
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6. Section 946, Subdivision for a Relative:

Local Government Act requirements:	n/a
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7. Depth/Width Ratio:

Depth/width ratios of new lots:	complies
Comments:	

8. Park Dedication:

Park dedication required:	none required
If Yes, Amount required:	
Comments:	

9. Ten Percent Waiver:

Lots Requiring Exemption:	Remainder 1
Comments:	A 10% frontage waiver (exempted by resolution) from the LTC is required for Remainder 1 as per section 512 of the <i>Local Government Act</i> .

10. Agricultural Land Reserve:

Proposed Lots within ALR:	n/a
Comments:	



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11. Servicing Requirements:

Proof of Potable Water:	S 8.11 (7) states: "An applicant is not required to fulfill the requirements of subsections 8.11(1) for boundary adjustment subdivisions provided that: there would be no increase in density or intensity of use beyond what was permitted before the boundary adjustment took place; and that all of the lots subject to the boundary adjustment have an established supply of water."
Sewage Disposal:	Future development must comply with the <i>Sewerage System regulation</i>
Comments:	

12. Road Standards:

Roads to be Constructed:	None to be constructed.
Road Classification:	
Heritage Designated Road in vicinity:	no
Comments:	

13. Buildings and Structures:

Does subdivision create non-conformity with Bylaws:	Require proof prior to final approval that this subdivision does not create any non-conformity with bylaws.
Existing non-conforming buildings or structures	
Comments:	

14. Environmental Features, Islands Trust Ecosystem Mapping:

Sensitive ecosystems identified:	Rural and Developed shown on portions of remainder lot. See attachment 3.
Raptor/Heron Nests identified:	none



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Watercourses:	None shown on mapping.
Riparian Areas Regulation – applicable stream or watershed:	No RAR applicable streams currently mapped on subject area.
15. Steep Slope, Islands Trust Mapping:	
Steep Slope Hazard Classification:	yes
Comments:	See attachment 2 for steep slope map.
16. Intrinsic Groundwater Susceptibility Mapping:	
Susceptibility:	
Comments:	
17. Cultural Features:	
Archaeological Sites Identified:	Portions of subject area shown as having archaeological potential.
Comments:	Planning staff will provide applicant with link to website of BC Archaeological Branch and recommend that they familiarize themselves with responsibilities under BC arch laws, including regulation and responsibility around ground disturbance that may be a violation of the Heritage Conservation Act section 4, Agreements with First Nations.
18. OCP Policies:	
OCP Policies:	n/a
Comments:	



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19. Boundary Adjustments Only:

Complies with regulations: | complies

Comments: |

20. Panhandle Lots Only:

Complies with regulations: | n/a

Comments: |

21. Split (Hooked) Lots Only:

Complies with regulations: | n/a

Comments: |

Name: Gary Richardson

Title: Island Planner

Signature: 

Date March 19, 2019

cc: Mayne Island Local Trust Committee
Brent Meyenburg
Wayne Peace

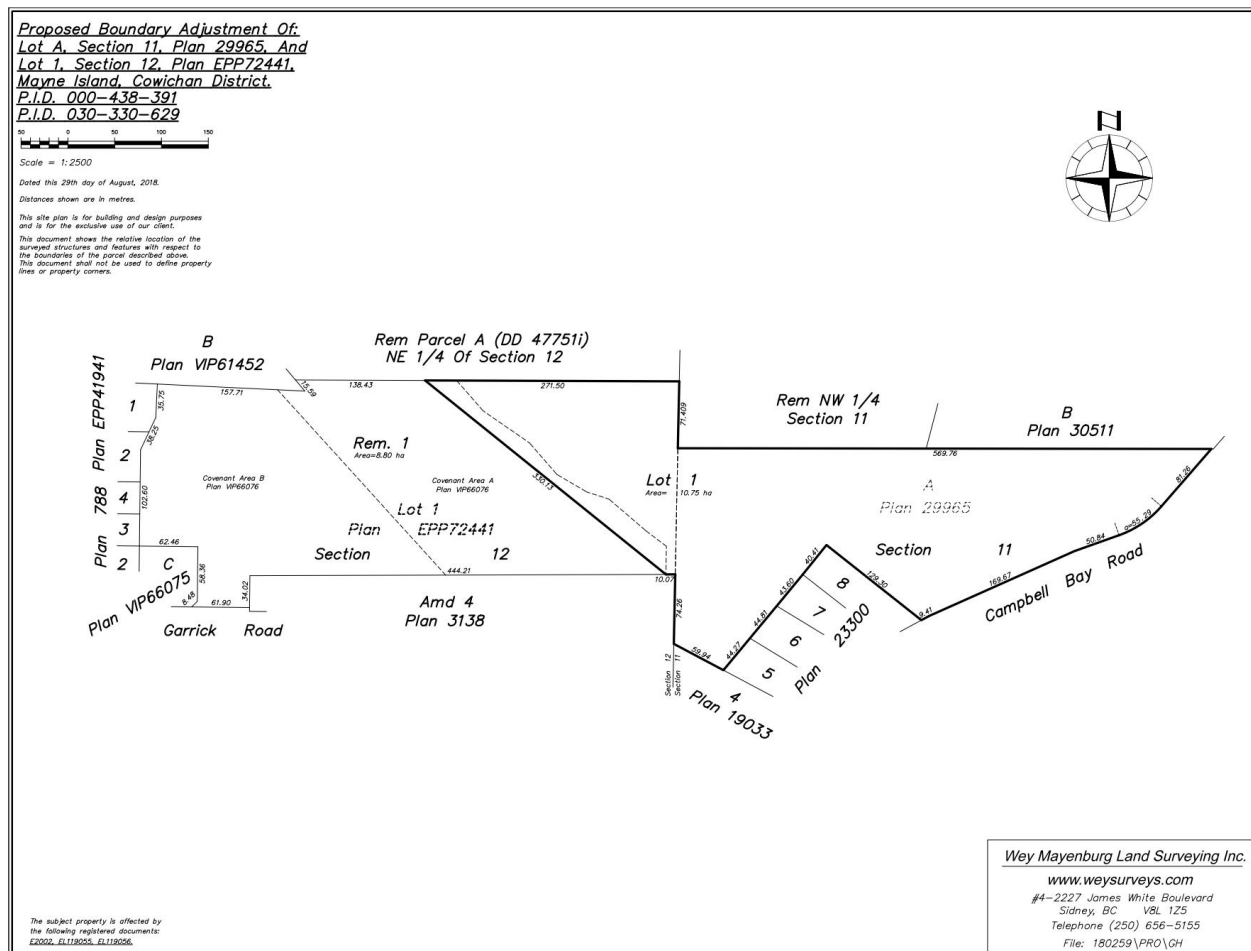


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Attachment 1: Proposed Subdivision Layout Plan



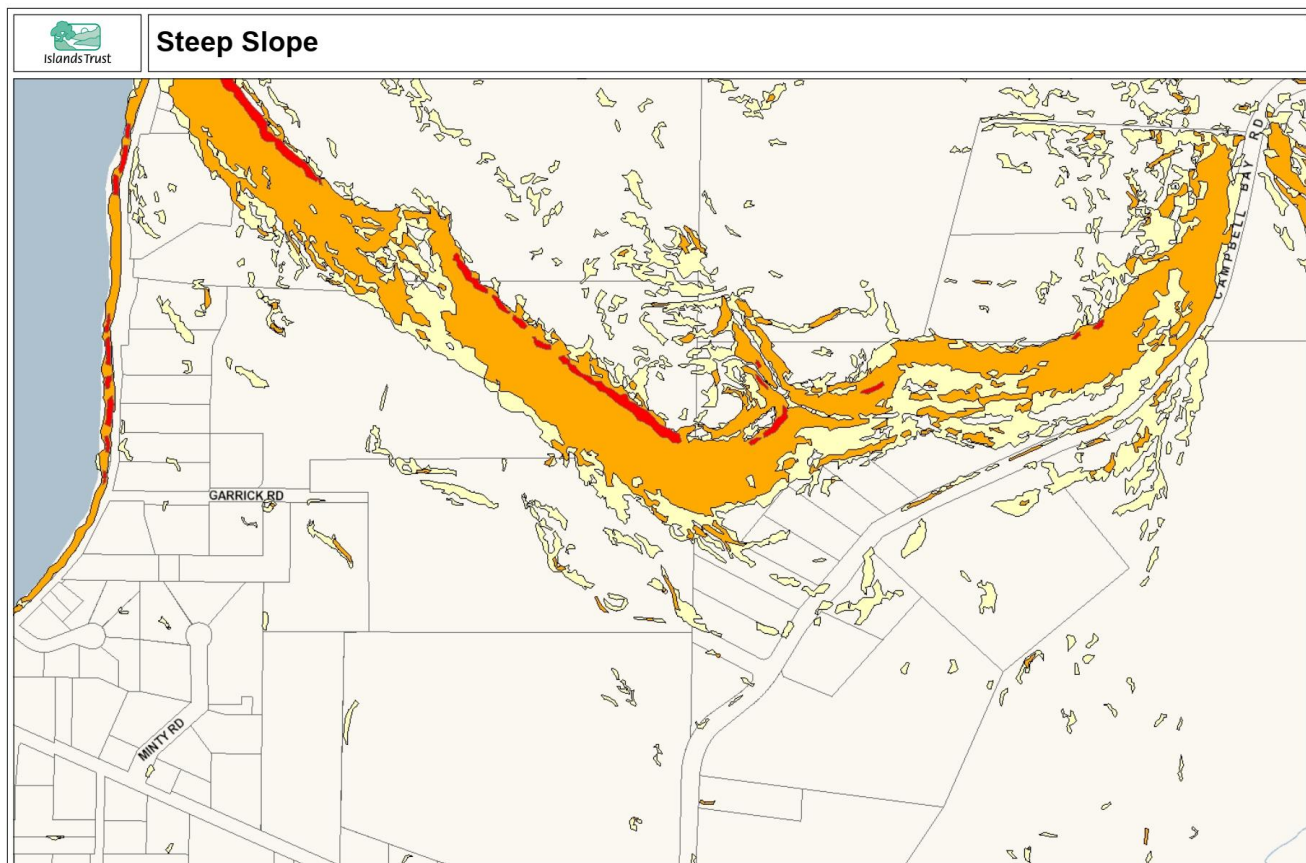


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Islands Trust

Attachment 2: Steep Slope Mapping



- High Risk
- Moderate Risk
- Low Risk

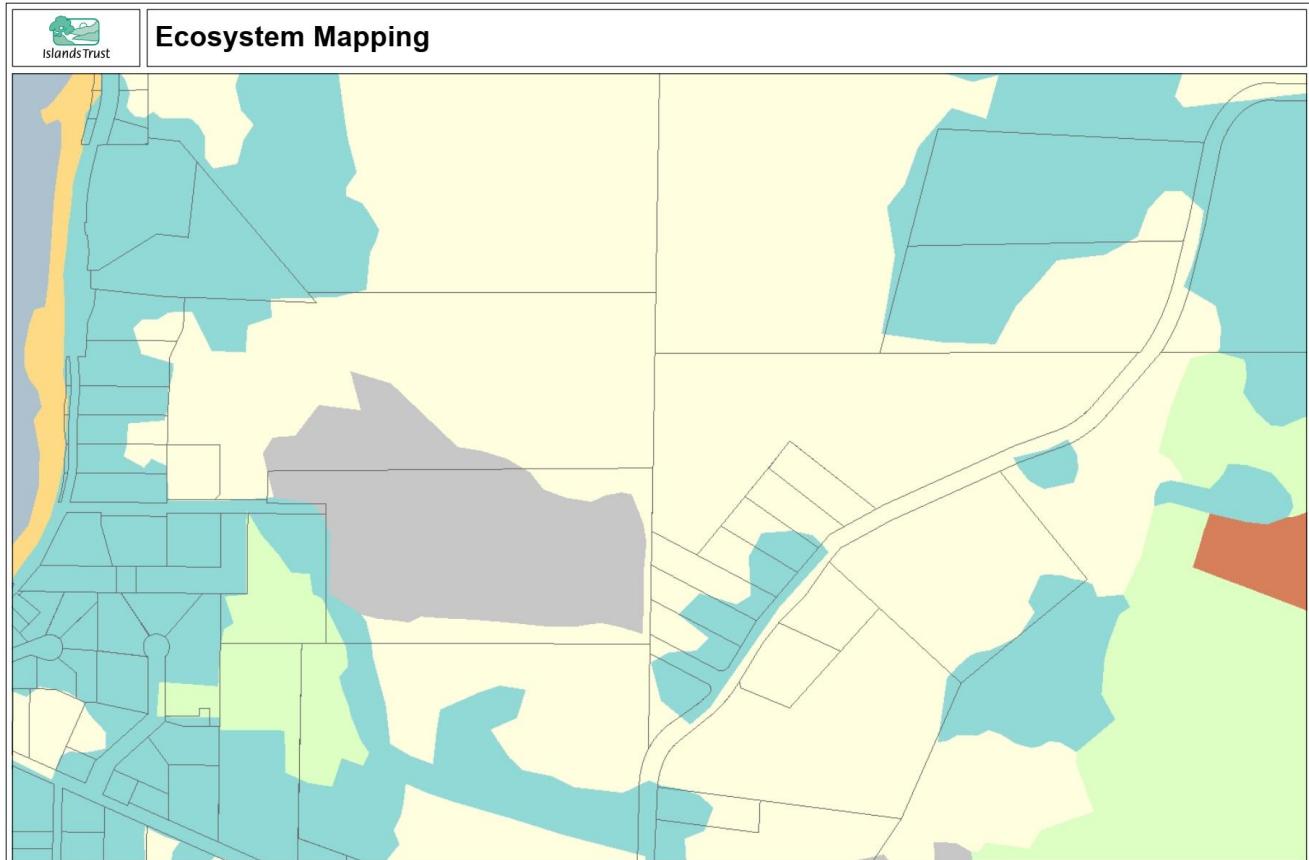


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Attachment 3: Ecosystem Mapping



Islands Trust Ecosystem Mapping (ITI)

- Agriculture
- Cliffs
- Developed
- Herbaceous
- Lacustrine
- Littoral
- Mature Forest
- Old Growth Forest
- Riparian
- Rural
- Wetland
- Woodland
- Young Forest

MEMORANDUM

File No.: MA-SUB-2019.1 (Peace)

X ref: MA-DVP-2019.4

X ref: MA-SUB-2018.3

DATE OF MEETING: January 27, 2020

TO: Mayne Island Local Trust Committee

FROM: Gary Richardson, Island Planner
Southern Team

COPY: Wayne Peace
Mayenburg Land Surveying

SUBJECT: Waiver of 10% Road Frontage Requirement – *Local Government Act* Section 512
445 Garrick Road

PURPOSE

Section 512 of the *Local Government Act* establishes that the minimum frontage on a highway must be greater than 10% of the perimeter of the lot. The *Local Government Act* (sec. 512[2]) permits the Local Trust Committee to exempt (waive) a parcel from the statutory or bylaw minimum frontage by resolution.

Proposed Lot B has a frontage of 15 metres and a perimeter of 1481 metres (approximate measures). As such it does not meet the minimum requirements.

The purpose of this boundary adjustment subdivision is to adjust a boundary between several lots.

The full referral report for the subdivision sent to the Ministry of Transportation and Infrastructure is attached.

The LTC granted a development variance permit (MA-DVP-2019.4) for the 15 metre road frontage on Oct 28, 2019; however, a frontage waiver is also required for the proposed subdivision to proceed.

Staff is recommending that Proposed Remainder Lot be exempted from the frontage requirement of the *Local Government Act* as it allows sufficient access to the Remainder Lot and the LTC previously granted a variance for this proposal.

RECOMMENDATION:

That the Mayne Island Local Trust Committee exempt proposed Lot B of subdivision MA-SUB-2019.1 (Peace) from the 1/10 perimeter provision of Section 512 of the *Local Government Act*.

Submitted By:	Gary Richardson, Island Planner	January 20, 2020
Concurrence:	Robert Kojima, RPM	January 20, 2020

ATTACHMENTS

1. Attachment 1 – Proposed Plan of Subdivision

Proposed Boundary Adjustment Of:
Lot 1, Plan EPP72441, Lot C, Plan VIP66075,
And Lots 1 And 2, Plan EPP41941,
Section 12, Mayne Island, Cowichan District.
P.I.D. 030-330-629
P.I.D. 023-910-356
P.I.D. 029-574-986
P.I.D. 029-574-994

Scale = 1:1500
Dated this 4th day of December, 2018.
Distances shown are in metres.
This site plan is for building and design purposes
and is for the exclusive use of our client.
This document shows the relative location of the
surveyed structures and features with regard to
the boundaries of the parcel described above.
This document shall not be used to define property
lines or property corners.

Rem Parcel A (DD 47751i)
NE 1/4 Of Section 12

B
Plan VIP61452

D
Area=1.21 ha
Area=2.98 Acres

C
Area=1.21 ha
Area=2.98 Acres

B
Area=7.16 ha

Covenant Area A
Plan VIP66076

Rem Lot 1
Plan EPP72441

Section 12

Amd 4
Plan 3138

Garrick Road

Georgina Point Road

Miners Bay

Proposed Lot 1
Area=10.75 ha

Section 12
Section 11

Plan 4
Plan 19033

Wey Mayenburg Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 170168\PRO\GH

The subject property is affected by
the following registered documents:
E119055, E119056, C443818/75.



Islands Trust

SUBDIVISION REFERRAL REPORT

200 1627 Fort St.
Victoria, B. C., V8R 1H8
Phone: (250) 405-5151
Fax: (25) 405-5155
E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

Date: May 24, 2019

To: Nikki Schneider
District Development Technician

Ministry File #: 2019-00088
IT File #: MA-SUB-2019.1

MOTI District Office:

Vancouver Island District
240-4460 Chatterton Way
Victoria, BC V8X5J2

From: Gary Richardson, Island Planner, Local Planning Services

Re: Proposed Boundary Adjustment Subdivision between:

- 1) PID 030-330-629
- 2) PID 029-574-994
- 3) PID 029-574-986
- 4) PID 023-910-356

Referral Response Summary:

Islands Trust recommends that the following be made conditions precedent of any Preliminary Layout Review, based on the Mayne Island Land Use Bylaw (LUB) No. 146, 2008.

1. No non-conformity may be created with respect to the use, siting or density of any existing building or structure as a result of the subdivision.
2. Must comply with the LUB subdivision requirements for Water Supply Standards, subsection 8.11 (7).
3. Immediately contact the Provincial Archaeology Branch should any development reveal evidence of archaeological materials.
4. Obtain a 10% road frontage waiver from the Mayne Island Local Trust Committee for Lot B pursuant to Section 512 of the *Local Government Act*.
5. Obtain a variance for proposed Lots C and D as s. 8.6 of the LUB does not permit split zoned lots to be created.



Islands Trust

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WWW: <http://www.islandstrust.bc.ca>

6. Obtain a variance for proposed Lot B as s. 8.5(1) of the LUB requires a minimum of 20 metres road frontage.

Prior to final approval, the applicant must obtain written confirmation from the Islands Trust that the proposed subdivision meets the above conditions and conforms to all Mayne Island Local Trust Committee Bylaws.

This referral response is based upon the attached subdivision layout plan. Details of the application's compliance or non-compliance with specific bylaw regulations are provided on the attached pages.



Islands Trust

SUBDIVISION REFERRAL REPORT

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Victoria, B. C., V8R 1H8
Phone: (250) 405-5151
Fax: (25) 405-5155
E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

1. General Information:

Applicant:	Brent Meyenburg, Meyenburg Land Surveying
Land Owner:	Lot 1, Plan EPP72441 - Janice Peace Lot C, Plan VIP66075 – Donna Henderson-King and Eaaron Henderson-King Lot 2, Pan EPP41941 – Wayne Peace and Janice Peace Lot 1, Pan EPP41941, Richard Milne and Debra Milne
Legal Description:	As listed above
Existing Lot Areas :	Lot 1, Plan EPP72441 – 11.7 ha. Lot C, Plan VIP66075 – 0.4 ha Lot 2, Pan EPP41941 – 0.58 ha. Lot 1, Pan EPP41941 – 0.6 ha.
Details of Proposal:	Boundary adjustment subdivision lot area is being removed from Lot 1, Plan EPP72441 and added to: 1) Lot C, Plan VIP66075 increasing its area to 0.80 ha. 2) Lot 2, Pan EPP41941 increasing its area to 1.21 ha. 3) Lot 1, Pan EPP41941 increasing its area to 1.21 ha.

2. Property Title Information: LTC Covenant/Easement/Right-of-Way/Permits

- | |
|--|
| Lot 1, EPP72441 |
| <ul style="list-style-type: none">• Covenant EL119055 – Mayne LTC<ul style="list-style-type: none">- Density control covenant• Covenant EL119056 – CRD<ul style="list-style-type: none">- Steep slope hazard area |



Islands Trust

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Lot 2, Plan EPP41941

- Covenant 4381875 – MoTI – no further subdivision until Georgina Pt. Road dedicated to a minimum width of 20 m. and no structures are to be placed within 5 metres of Georgina Pt. Road. Prohibition on rezoning until road dedicated.

3. OCP Information:

OCP Designation:	Lot 1, Plan EPP72441 – Rural (R), Upland (UP) and Settlement Residential (SR) Lot C, Plan VIP66075 – Settlement Residential (SR) Lot 2, Pan EPP41941 – Settlement Residential (SR) and Rural (R) Lot 1, Pan EPP41941 – Settlement Residential (SR) and Rural (R)
Development Permit Area:	no
Development Permit Required:	n/a
Comments:	

4. Zoning Information:

Lot 1, Plan EPP72441 – Rural (R), Upland (UP) and Settlement Residential (SR)
Lot C, Plan VIP66075 – Settlement Residential (SR)
Lot 2, Pan EPP41941 – Settlement Residential (SR) and Rural (R)
Lot 1, Pan EPP41941 – Settlement Residential (SR) and Rural (R)
Lot A – Rural (R) and Upland (UP)



Islands Trust

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E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

Zone Classification:	Settlement Residential (SR)	Rural (R)	Upland (UP)
Average Lot Area:	0.6 ha (1.5 acres)	4 ha (10 acres)	10 ha (25 acres)
Minimum Lot Area:	0.4 ha (1 acre)	1 ha (2.4 acres)	1 ha (2.4 acres)
Comments:			

5. Lot Sizes and Density:

Proposed lot areas:	Proposed Lot B – formerly Lot 1, Plan EPP72441 – 7.16 ha. Proposed Lot A, formerly Lot C, Plan VIP66075 – 0.80 ha Proposed Lot C, formerly Lot 2, Plan EPP41941 – 1.21 ha. Proposed Lot D, formerly Lot 1, Plan EPP41941 – 1.21 ha.
Comments:	

6. Section 946, Subdivision for a Relative:

Local Government Act requirements:	n/a
------------------------------------	-----

7. Depth/Width Ratio:

Depth/width ratios of new lots:	complies
Comments:	



Islands Trust

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8. Park Dedication:

Park dedication required:	none required
If Yes, Amount required:	
Comments:	

9. Ten Percent Waiver:

Lots Requiring Exemption:	Remainder B
Comments:	A 10% frontage waiver (exempted by resolution) from the LTC is required for Remainder Lot B as per section 512 of the <i>Local Government Act</i> .

10. Agricultural Land Reserve:

Proposed Lots within ALR:	n/a
Comments:	

11. Servicing Requirements:

Proof of Potable Water:	S 8.11 (7) states: "An applicant is not required to fulfil the requirements of subsections 8.11(1) for boundary adjustment subdivisions provided that: there would be no increase in density or intensity of use beyond what was permitted before the boundary adjustment took place; and that all of the lots subject to the boundary adjustment have an established supply of water."
Sewage Disposal:	Future development must comply with the <i>Sewerage System regulation</i>
Comments:	



Islands Trust

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12. Road Standards:

Roads to be Constructed:	None to be constructed.
Road Classification:	
Heritage Designated Road in vicinity:	no
Comments:	

13. Buildings and Structures:

Does subdivision create non-conformity with Bylaws:	Require proof prior to final approval that this subdivision does not create any non-conformity with bylaws.
Existing non-conforming buildings or structures	
Comments:	

14. Environmental Features, Islands Trust Ecosystem Mapping:

Sensitive ecosystems identified:	See attachment 3.
Raptor/Heron Nests identified:	none
Watercourses:	None shown on mapping.
Riparian Areas Regulation – applicable stream or watershed:	No RAR applicable streams currently mapped on subject area.

15. Steep Slope, Islands Trust Mapping:

Steep Slope Hazard Classification:	yes
Comments:	See attachment 2 for steep slope map.



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Islands Trust

16. Intrinsic Groundwater Susceptibility Mapping:

Susceptibility:

Comments:

17. Cultural Features:

Archaeological Sites Identified: Portions of subject area shown as having archaeological potential.

Comments: Planning staff will provide applicant with link to website of BC Archaeological Branch and recommend that they familiarize themselves with responsibilities under BC arch laws, including regulation and responsibility around ground disturbance that may be a violation of the Heritage Conservation Act section 4, Agreements with First Nations.

18. OCP Policies:

OCP Policies: n/a

Comments:

19. Boundary Adjustments Only:

Complies with regulations: complies

Comments:

20. Panhandle Lots Only:

Complies with regulations: n/a

Comments:



Islands Trust

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WWW: <http://www.islandstrust.bc.ca>

21. Split Zoned Lots:

Complies with regulations: Does not comply

Comments: S 8.6(2) of the LUB does not permit the creation of lots in two or more zones. Proposed Lots C and D do not comply. A variance will be required.

22. Road Frontage

Does not comply

Comments: S 8.5(1) of the LUB requires road frontage to be no less than 20 metres. Proposed Lot B does not comply and will require a variance.

Name: Gary Richardson

Title: Island Planner

Signature: 

Date May 24, 2019

cc: Mayne Island Local Trust Committee
Brent Meyenburg
Wayne Peace

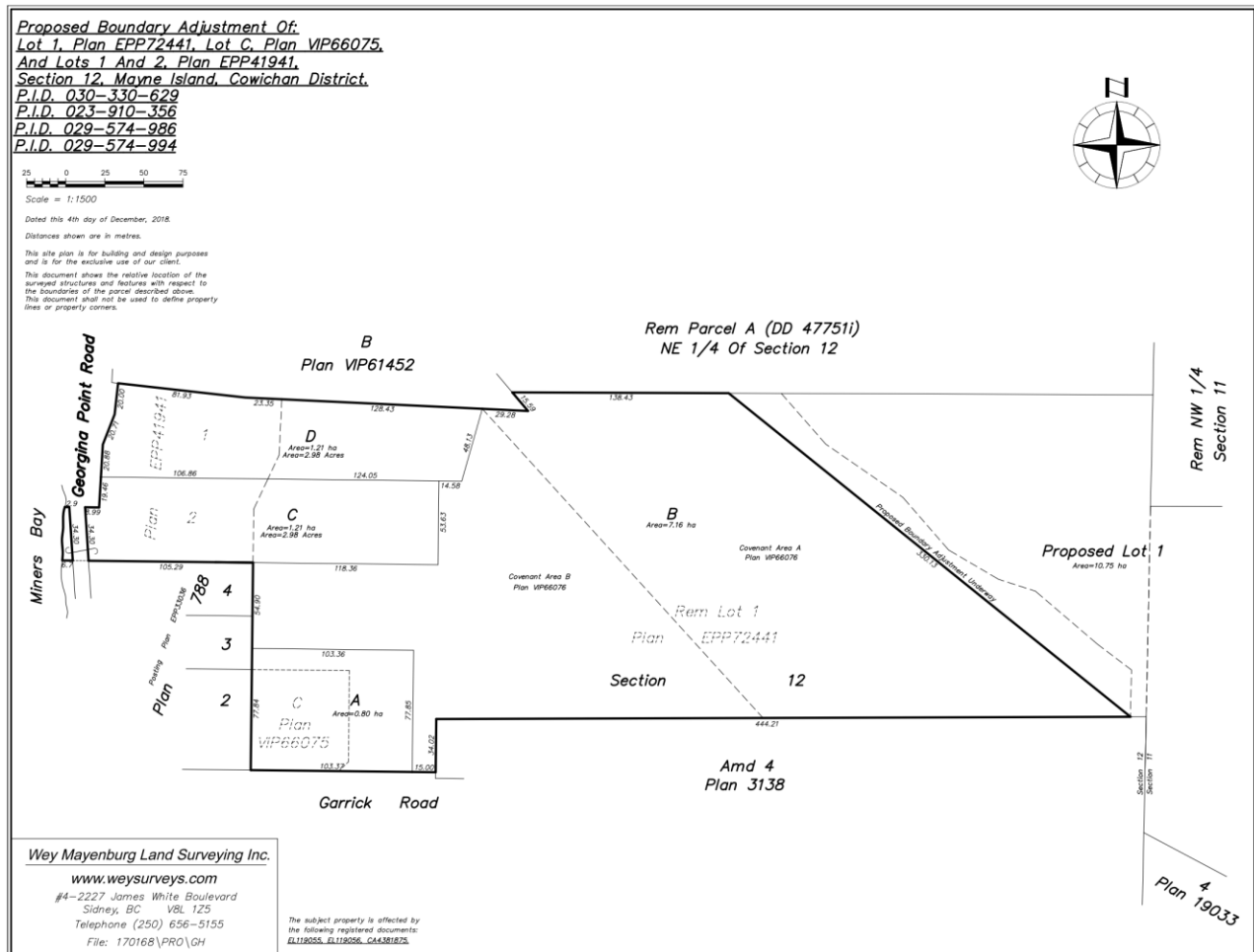


Islands Trust

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WWW: <http://www.islandstrust.bc.ca>

Attachment 1: Proposed Subdivision Layout Plan



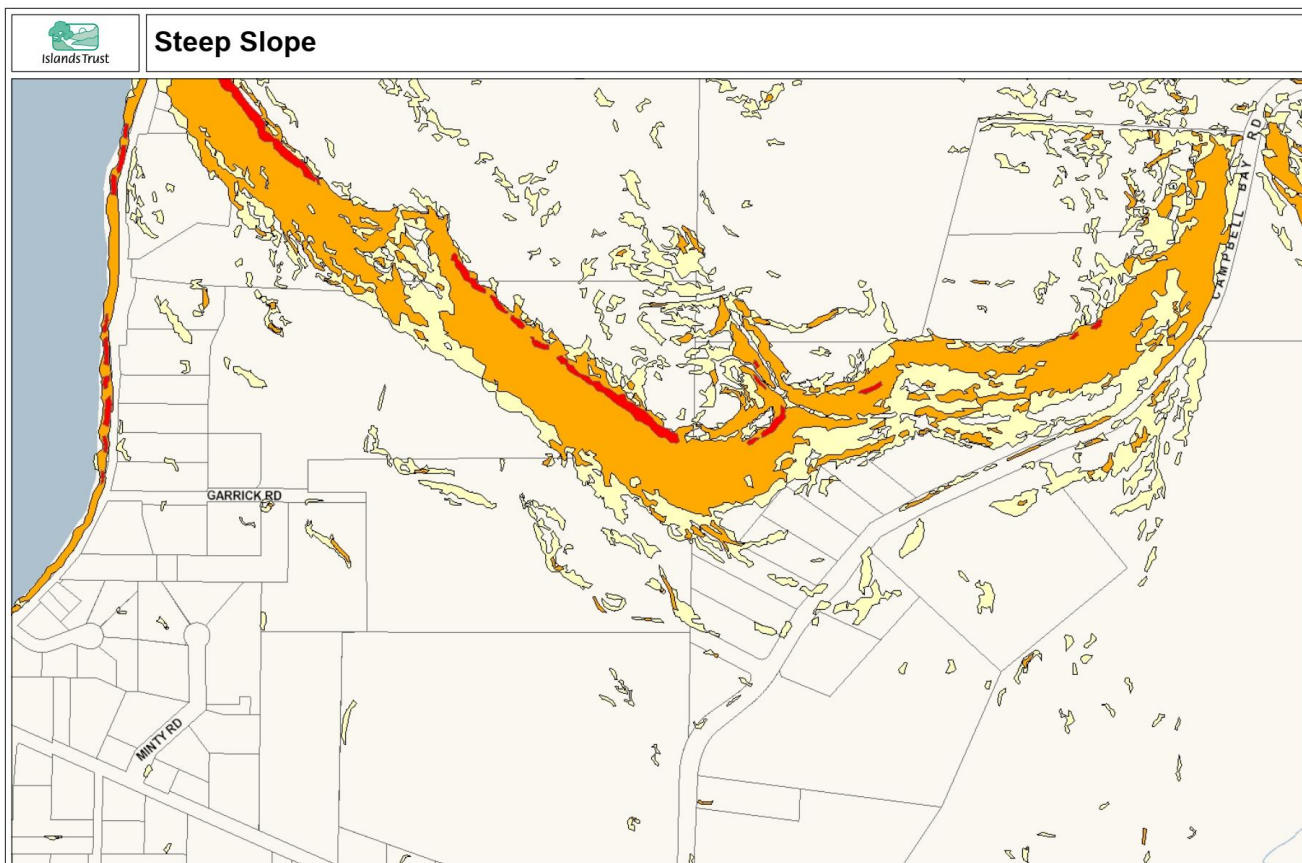


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Islands Trust

Attachment 2: Steep Slope Mapping



- High Risk
- Moderate Risk
- Low Risk

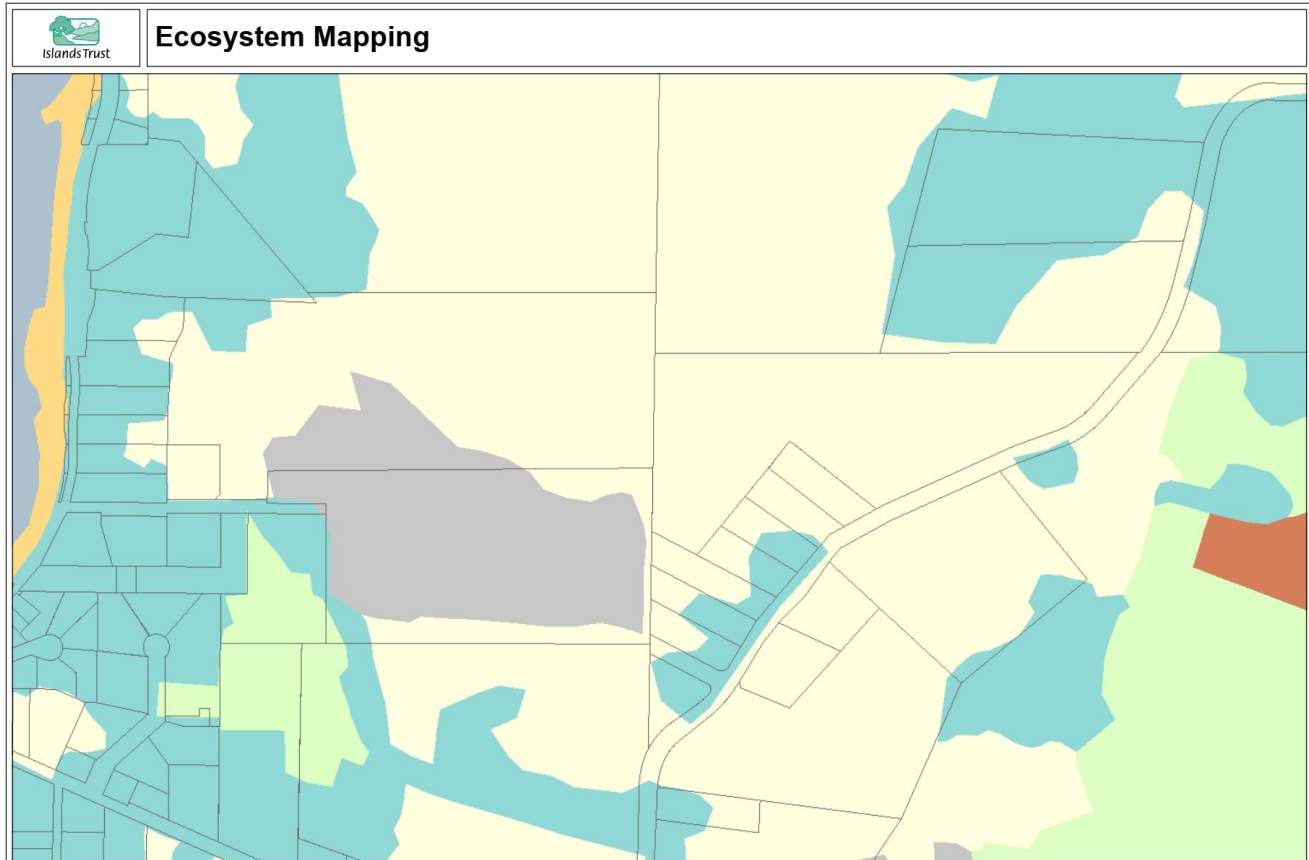


Islands Trust

SUBDIVISION REFERRAL REPORT

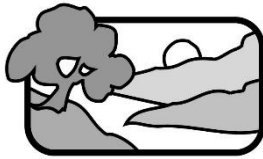
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Fax: (25) 405-5155
E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

Attachment 3: Ecosystem Mapping



Islands Trust Ecosystem Mapping (ITI)

- Agriculture
- Cliffs
- Developed
- Herbaceous
- Lacustrine
- Littoral
- Mature Forest
- Old Growth Forest
- Riparian
- Rural
- Wetland
- Woodland
- Young Forest



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

Islands Trust

Island: Galiano Island Local Trust Area Bylaw No.: 271 Date: December 12, 2019

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:

Lisa Gavreau – 60 Madrona Road, Galiano Island, BC

PURPOSE OF BYLAW:

The purpose of the proposed bylaw is amend the zoning classification of the subject property from Village Residential 1 (VR1) to Retail Commercial 1 (C1). The proposed change in zoning is consistent with the current Official Community Plan (OCP) land use designation of 'Community Facility/Commercial' for the subject property.

A staff report is available on the Galiano Island Islands Trust application webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/current-application-documents/>

GENERAL LOCATION:

Galiano Island Local Trust Area

LEGAL DESCRIPTION:

Lot 4, Section 5, Galiano Island, Cowichan District, Plan 13671

SIZE OF PROPERTY AFFECTED:

0.06 hectares

ALR STATUS:

Not in ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Community Facility/Commercial

OTHER INFORMATION:

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

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.

BSmith

(Signature)

Name: Brad Smith

Title: Island Planner
Contact Info: Tel: 250-405-5194
Email: bsmith@islandstrust.bc.ca

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Transportation & Infrastructure

Regional Agencies

Capital Regional District – Building Inspection
Galiano Island Fire Rescue – South Department
Island Health

Adjacent Local Trust Committees and Municipalities

Gambier Island Local Trust Committee
Mayne Island Local Trust Committee
Salt Spring Island Local Trust Committee
Thetis Island Local Trust Committee

PLEASE TURN OVER

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

Galiano Island Local Trust Area

(Island)

271

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 471 Date: December 5, 2019

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held at a later date.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:

Proposed Bylaw No. 471 will amend the Salt Spring Island Official Community Plan (OCP) to authorize the Salt Spring Island Local Trust Committee (LTC) to issue Temporary Use Permits (TUPs) for residential uses. Currently, the OCP only allows TUPs to be issued for commercial or industrial uses.

As drafted, Proposed Bylaw No. 471 could allow TUPs to be issued for residential use of secondary suites, cottages, tiny homes on wheels and recreational vehicles.

Through Proposed Bylaw No. 471, a number of new guidelines would be introduced in the OCP to guide LTC decisions about whether to issue a TUP for residential use.

GENERAL LOCATION:

Island wide

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

Island wide

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

Island wide

OTHER INFORMATION:

A copy of Bylaw No. 471 is available [here](#). A staff report and other information on this bylaw can be found [here](#).

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.

(Signature)

Name: Jason Youmans

Title: Island Planner

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Building Inspection
CRD – Water – Highland
CRD – Water – Cedars of Tuam
CRD – Water – Beddis
CRD – Water – Fulford
CRD – Water – Cedar Lane
CRD – Water – Fernwood
Vancouver Island Health Authority
Islands Trust Bylaw Compliance and Enforcement
SSI Advisory Planning Commission

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Non-Agency Referrals

BC Ambulance Service
North Salt Spring Waterworks District
SSI Chamber of Commerce
SSI Fire-Rescue
Salt Spring Solutions
Salt Spring Island Housing Council

Provincial Agencies

BC Assessment Authority
Front Counter BC

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

**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

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

471
(Bylaw Number)

(Title)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area **Bylaw No.:** 518 **Date:** December 4, 2019

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held at a later date.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee
1 – 500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

PURPOSE OF BYLAW:

Bylaw No. 518 will amend the Salt Spring Island Land Use Bylaw to regulate cannabis production. In general, it will:

- Make cannabis production a distinct use, rather than a general agricultural activity
- Prohibit cannabis production on land that is outside of the ALR
- Establish a 200 m² lot coverage maximum for indoor cannabis production facilities in the ALR
- Establish setbacks for indoor cannabis production

GENERAL LOCATION:

Bylaw No. 518 will limit cannabis production to land that is within the Agricultural Land Reserve.

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

[Click here](#) to read the latest staff report on this project for further details and background information.

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.

(Signature)

Name: Claire Negrin

Title: Island Planner

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Economic Development Commission
CRD – SSI Building Inspection
SSI – Advisory Planning Commission
SSI – Agricultural Advisory Planning Commission

Non-Agency Referrals

RCMP
Salt Spring Island Agricultural Alliance
Salt Spring Island Farmer's Institute
School District No. 64
SSI Chamber of Commerce

Hul'qumi'num Treaty Group (for information only)

Te'Mexw Treaty Association (for information only)

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Front Counter BC

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

**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

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

518
(Bylaw Number)

(Title)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 519 Date: November 14, 2019

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. For your information a Public Hearing to consider the Bylaw will be held at a later date.

APPLICANTS NAME / ADDRESS:

P. Busby of Sobeys Inc. 4980 Tahoe Blvd., Mississauga, ON L4W 0C7 Canada

PURPOSE OF BYLAW:

To permit a Liquor Store (Thrifty Liquor).

GENERAL LOCATION:

127 Lower Ganges Road, Harbour Building, Ganges, Salt Spring Island

LEGAL DESCRIPTION:

Lot A, District Lots 541 AND 589, Cowichan District, Plan 43663

SIZE OF PROPERTY AFFECTED:

0.167 hectares (0.4127 acres)

ALR STATUS:

Non-ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Ganges Village Core

OTHER INFORMATION:

Use has been operating since 2015 through a Temporary Use Permit, which will expire in February 2021. To review the staff report or for more information on application SS-RZ-2019.2, go to: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

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.

(Signature)

Name: Claire Negrin, RPP, MCIP

Title: Island Planner

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Transportation Commission
Vancouver Island Health Authority

Non-Agency Referrals

BC Ambulance Service
RCMP
SSI Fire-Rescue
Island Pathways SSI – Partners Creating Pathways

Provincial Agencies

BC Assessment Authority
Ministry of Transportation & Infrastructure
Ministry of Forest Lands, Natural Resource Operations and Rural Development – Front Counter BC
Front Counter BC

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

**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

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

519
(Bylaw Number)

(Title)

(Agency)



BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 520 Date: November 14, 2019

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. For your information a Public Hearing to consider the Bylaw will be held at a later date.

APPLICANTS NAME / ADDRESS:

Lightdance Design Inc. / 2199 North End Road, Salt Spring Island, BC

PURPOSE OF BYLAW:

To permit a private medical clinic and six (6) associated commercial guest accommodation units

GENERAL LOCATION:

377 Seymour Heights, Salt Spring Island, BC

LEGAL DESCRIPTION:

Lot 1, Section 79, South Salt Spring Island, Cowichan District, Plan 42461

SIZE OF PROPERTY AFFECTED:

28.6772 hectares (70.863 acres)

ALR STATUS:

Non-ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Upland

OTHER INFORMATION:

The proposed clinic is a naturopathic cancer treatment clinic; guest accommodation units are only permitted as a secondary use to the clinic, and would not be permitted to operate without the establishment of a clinic. For the staff report and more information on application SS-RZ-2018.3, please go to: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

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.

(Signature)

Name: Claire Negrin, RPP, MCIP

Title: Island Planner

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Transportation Commission
Vancouver Island Health Authority

Non-Agency Referrals

BC Ambulance Service
RCMP
SSI Fire-Rescue

Provincial Agencies

BC Assessment Authority
Ministry of Transportation & Infrastructure
Ministry of Forest Lands, Natural Resource Operations and Rural Development – Front Counter BC
Front Counter BC

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District



File No.: MA-6500-20 Housing
Regulations and Policy
Review

DATE OF MEETING: January 27, 2020

TO: Mayne Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

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

SUBJECT: Housing Regulations and Policy Review Project – Additional Research Information

PURPOSE

The purpose of this memo is to provide the Mayne Island Local Trust Committee (LTC) with additional background information and research findings regarding the Mayne Island Housing Regulations and Policy Review Project, and to clarify next steps for LTC consideration.

BACKGROUND

At the June 24th, 2019 Mayne Island LTC meeting staff presented a Mayne Island Housing Regulations and Policy Review project charter for LTC endorsement. The LTC subsequently resolved to endorse the project charter, as amended, and directed staff to begin working on project deliverables.

As a first step in the process, to provide background and context for further LTC discussion and community engagement, planning staff prepared a discussion paper on the issue. This discussion paper was presented to LTC at the October 28th, 2019 Mayne Island LTC meeting.

Following the presentation and subsequent LTC discussion, the LTC directed staff to conduct additional research on tiny home community and garden suite regulatory frameworks, along with maximum floor size provisions and incentives utilized in other jurisdictions. This staff memo provides the results of that additional research.

ADDITIONAL RESEARCH FINDINGS

Tiny Home Communities

There are two types of tiny homes: a tiny house on wheels, legally considered a recreational vehicle (RV), and a tiny house on a foundation, legally considered a dwelling unit, either principal or accessory.

The Mayne Island Land Use Bylaw No. 146, 2008 (LUB) allows RVs to be used as a dwelling or cottage in most residential zones, subject to: (a) the connection of the recreational vehicle to sewage disposal facilities consistent with the provisions of the Public Health Act; (b) the provision of a domestic water supply; and (c) compliance with the use, density and siting requirements of the LUB for dwellings and cottages.

Most other jurisdictions do not allow the use of RVs including tiny houses as a permanent dwelling or cottage. Reasons cited include safety concerns, a lack of adequate water supply and sewage disposal infrastructure, challenges that arise with unsightly premises and derelict trailers, and difficulties with bylaw enforcement. RVs are not necessarily designed for year-round living and are subject to illegal modifications such as the installation of wood stoves, building additions and hydro upgrades. The Capital Regional District will not issue a building permit for any dwelling on wheels.

With a growing demand for affordable housing, there are examples of tiny-home communities on wheels beginning to emerge. The [Bluegrass Meadows Micro Village](#), located 10 minutes from the City of Terrace, offers monthly rental of micro homes and cabins (up to 480 sq ft). Monthly rental rates are from \$700 per month, with a minimum two month stay and rental agreements available up to one year. Existing tiny home owners can also rent a site for \$550/month which includes services (power, water and sewage). The property is legally zoned by the Kitimat-Stikine regional district, and zoning, building and health requirements are similar to those for an RV park.

As another example, the City of Kimberley has identified a 'micro-neighbourhood' as a way of enticing younger people to move to the town of 6,600. To this end, it has rezoned some land to allow for multiple tiny-home dwellings. However, in this case the City has made a permanent foundation a requirement, citing the need for the homes to be on a stable base, and connected to the city water and sewer system.

Key Considerations for LTC

If the LTC were to further explore tiny home communities the following should be considered:

- Where on Mayne Island would be a potentially suitable location;
- The reasons for the regulatory challenges and hurdles that are faced in most other communities and whether a tiny home community is appropriate for Mayne Island;
- The potential impact on OCP density provisions and rural development objectives;
- The potential impact on water supplies, groundwater quality and other resources.

Garden Suite Regulations

Canada Mortgage and Housing Corporation (CMHC) defines a garden suite as *a self-contained single-storey dwelling which is accessory to, but detached from, the principal single detached house and has separate cooking, sleeping and bathroom facilities*. From a regulatory perspective, on Mayne Island a garden suite is currently akin to a 'cottage'.

Numerous local government jurisdictions have implemented (or are working towards) garden suite regulations including Victoria, Saanich, Peachland, Gibsons and Edmonton. Their regulatory frameworks have similarities including:

- Garden suites are enabled as an allowable use through zoning bylaws;
- Along with appropriate building permits, a development permit is typically required that includes specific conditions that must be met;
- Garden suites cannot be strata-titled or utilized as short term vacation rentals;
- A maximum floor area is established along with other design guidelines; and,
- Only one garden suite is allowed per lot.

For further context, the following describes the garden suite regulatory frameworks enacted in Victoria and currently proposed for Saanich.

City of Victoria

Eligible locations include all properties that contain only a single-family detached dwelling and are appropriately zoned (this includes most single-family zones except for small lot zones). Garden suites are designed to be long-term rental housing; they cannot be strata-titled or utilized as short-term rental. Garden Suites require a delegated development permit (approved by staff), and all necessary building permits.

The garden suite must meet all requirements of [Schedule M](#) of the City's zoning bylaw and should incorporate the design guidelines contained in the associated [Garden Suite Policy and Guidelines](#). Properties that already have secondary suites, or an existing duplex, are not eligible. Only one garden suite is permitted per lot.

The maximum total floor area of a garden suite for most properties in Victoria is 37 m² (~400 sq ft). Properties that meet the following criteria are considered "Plus Sites":

- a corner lot
- a lot with two street frontages
- a lot with rear yard laneway access
- lots greater than 557 m² (6,000 ft²) in total area.

On "plus sites", there may be an opportunity to increase the floor area up to a maximum of 56 m² (600 ft²). The additional floor area may be considered supportable if it can be demonstrated that it would not have a negative impact on privacy, shading, or overlook of or onto neighbouring properties.

District of Saanich

Following extensive community consultation, Saanich Council has recently endorsed a proposed regulatory framework for garden suites in the District of Saanich. Staff are currently in the process of preparing the formal bylaw amendments. Readings of the amending bylaws and a public hearing are expected to take place in spring 2020.

The proposed regulatory framework is similar to Victoria's including the requirement to obtain a development permit. Regulatory elements that are included as part of the proposed changes are:

- Zoning Bylaw amendments to permit garden suites;
- Design guidelines that outline considerations for building and site design; and,
- An approval process that identifies the process for evaluation and approval of garden suite applications.

The proposed framework is based on three lot size classifications:

- Small lot (400 – 559 m²);
- Medium lot (560 – 999 m²); and
- Large lot (1000 m²+).

The proposed regulations establish the following maximum floor area based on lot size:

- Small - 46.5 m² (500 ft²);
- Medium – 65 m² (700 ft²); and
- Large – 93 m² (1000 ft²).

Maximum lot coverage requirements would also apply. Collectively the floor area and lot coverage requirements aim to provide dwelling unit sizes that relate to the lot size, retain open space and enable the density on the lot to be consistent with neighbourhood character.

Key Considerations for LTC

If the LTC were to further explore garden suite regulations the following should be considered:

- The purpose and intent of garden suites will need to be clearly defined. If the intent is to increase long-term rental options, the LTC may want to explore ways to ensure the units are used for this purpose;
- The regulatory features that separate a 'cottage' from a 'garden suite' (e.g. maximum building size, height etc.) will need to be established, including how garden suite allowances interact with existing cottage and secondary suite density bylaw provisions;
- The potential impact on OCP density provisions and rural development objectives;
- The potential impact on water supplies, groundwater quality and other resources.

Maximum Floor Size Density Provisions

Current regulations on Mayne Island include no provisions for limiting maximum floor area of a primary dwelling unit in most residential zones except for the maximum lot coverage provisions which are seldom approached or exceeded.

The LTC could consider establishing a maximum floor area for primary dwellings in some or all residential zones. This could be implemented on its own, or in conjunction with density provisions that allow for additional dwelling units if a maximum floor area is adhered to.

As offered in the discussion paper, floor area provisions could be established in two ways:

- a) No maximum floor area for one dwelling, with regulations that would permit one or more additional dwelling units if a total, aggregate maximum floor area is not exceeded. For example, a property-owner could build a single dwelling unit on a vacant lot with no maximum floor area requirements (other than lot coverage), or be permitted one or more additional dwelling units if the overall maximum floor area does not exceed a specific area.
- b) Establish a maximum floor area policy on all dwelling units with flexibility built-in for how the floor area is distributed across dwelling units. For example, if the maximum floor area in a particular zone is 375 m², the property-owner could construct one dwelling unit at this maximum floor size, or two or more dwelling units of a smaller size as long as the overall maximum floor size is not exceeded (e.g. two dwellings at 150 m² each, and one at 75 m²). Under this scenario it would be prudent to include in regulation a maximum number of dwelling units allowed/lot.

Both options provide incentives for smaller dwellings through providing greater flexibility. However, Option A may be more amenable to the community and stakeholders as it is a voluntary scheme, versus Option B which would establish a baseline floor size restriction regardless of whether the owner takes advantage of the flexibility.

Approaches in other jurisdictions

Other jurisdictions are implementing a range of provisions linked to floor area. However, given its unique rural island setting and regulatory context, there are limited relevant examples linked to floor area that are applicable to Mayne Island.

There are a few one-off examples in the Islands Trust area where maximum floor area provisions for dwellings are established through zoning, such as the Rural Residential 2 zoning on Mayne Island, and site specific Residential 1 zoning that applies to the Whaling Station Bay/Anderson Drive area of Hornby Island. South Pender Island also has a maximum floor area provision for all residential zones that considers maximum floor area based on lot size and includes all dwellings and accessory buildings.

However, no external examples could be found where a local government is explicit through bylaw in establishing a broadly applicable maximum allowable floor area for a primary dwelling on a residential lot (with or without density provisions). Maximum lot coverage or floor area ratio is sometimes used to achieve this purpose, albeit in a less standardized and measurable way.

Density benefits in other jurisdictions generally apply to the development of multi-unit dwellings in urban environments, where the development pressure is more intense than in rural communities such as Mayne Island. In the urban context, density benefits are used as a zoning tool that permits developers to build more floor space than normally allowed, in exchange for amenities such as community centres, libraries, parks, childcare centres, affordable housing etc.

These density benefit zones allow for:

- Outright density (or base density) with no amenity contribution
- Extra density, up to a limit set in the zone, with a contribution towards community amenities.

Key Considerations for LTC

If the LTC were to further explore maximum floor size limits the following should be considered:

- There may not be community support for mandatory maximum floor area requirements (with or without the flexibility of density provisions built-in);
- There may not be enough demand to construct additional small dwellings to justify the effort of developing regulations;
- The potential impact on OCP density provisions and rural development objectives;
- The potential impact on water supplies, groundwater quality and other resources.

CONCLUSIONS AND NEXT STEPS

The discussion paper presented to the LTC in October 2019 provided significant background information and research on a broad range of housing related regulatory and policy options for consideration by the LTC. This staff report provides supplementary information to that initial discussion paper, as requested by the LTC.

According to the project charter, the next step in the project is to undertake public and stakeholder outreach to disseminate findings of the research phase and to gauge community perspectives on potential changes to residential housing regulations on Mayne Island.

If the LTC is satisfied with the research that has been conducted and no other additional information is required, staff will now proceed to prepare for undertaking consultation, which would include conducting a web-based survey, completing an island-wide mailout sharing results of the research and organizing at least one community information meeting (CIM) to be held in spring 2020.

It is staff's understanding that the consultative process will consider the entire body of research conducted to date, presented both in the discussion paper and this staff report. If the LTC wishes to narrow the scope of

consultation to not include the entire range of options currently identified, direction is needed that clarifies the new scope of the project going forward. Any significant deviations in scope would be reflected in an updated project charter.

Submitted By:	Brad Smith Island Planner	January 17, 2020
Concurrence:	Robert Kojima Regional Planning Manager	January 17, 2020

Top Priorities Report

Mayne Island

1. Land Use Bylaw Technical Amendments

Responsible

Dates

Staff report to be prepared for February 24, 2020 LTC agenda.

Gary Richardson

Rec'd: 23-Sep-2019

2. Housing Regulations and Policy Review (tiny home initiative)

Responsible

Dates

Initial staff report prepared for Oct 28, 2019 LTC meeting

Brad Smith

Rec'd: 26-Nov-2018

Further staff report prepared for January 27, 2020 LTC Meeting

3. Groundwater Sustainability Project

Responsible

Dates

Initial staff report and project charter to be prepared.

Gary Richardson

Rec'd: 27-May-2019

William Shulba

Projects Report

Mayne Island

1. <i>Climate Change Adaptation</i>	Responsible	Date Received
Consider regulatory changes and implementation of new DPA authority		02-Mar-2009
2. <i>Waste Management</i>	Responsible	Date Received
		31-Oct-2017
3. <i>Fallow Deer</i>	Responsible	Date Received
		26-Mar-2018
4. <i>Cannabis Production - Regulating structures</i>	Responsible	Date Received
		24-Sep-2018
5. <i>Review of Contractors Yards</i>	Responsible	Date Received
		27-May-2019

**Applications****Development Variance Permit**

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2019.6		05-Dec-2019	

Planner: Gary Richardson

Planning Status

Status Date: 20-Jan-2020

Staff to prepare notice and permit for LTC consideration at February 24, 2020 LTC Meeting

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.1	Freigang, Dolores	06-Jan-2020	Application for development variance permit in respect of residential development.

Planner: Gary Richardson

Planning Status

Status Date: 20-Jan-2020

Staff to prepare notice and permit for LTC consideration at February 24, 2020 LTC Meeting

Status Date: 10-Jan-2020

PTA created file, fees received, LTC notified, Planner was given the file.

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2018.1	Capital Regional District (MIPRC)	01-Nov-2018	Rezone from Rural to Park

Planner: Gary Richardson

Planning Status

Status Date: 20-Jan-2020

First Nations have been contacted. Staff to follow-up and obtain First Nations comments.

Status Date: 18-Oct-2019

Staff to design initiate First Nations review of proposal.

Status Date: 18-Sep-2019

MI Parks commission giving presentation at September 30, 2019 LTC meeting regarding application to rezone Cotton Park.



Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.1	Brent Mayenburg (Maude)	09-Apr-2018	Proposed 3 lot conventional subdivision

Planner: Gary Richardson

Planning Status

Status Date: 18-Sep-2019

Waiting for applicant to work through PLA conditions.

Status Date: 16-May-2019

PLA received from MoTI April 25, 2019.

Status Date: 19-Jun-2018

Referral response sent to MOTI, applicant, owner and LTC cc'd

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.3	Wey Mayenburg Land Surveying Inc (Peace)	16-Oct-2018	Subdivision to create 2 parcels use

Planner: Gary Richardson

Planning Status

Status Date: 20-Jan-2020

10% road frontage waiver request on Jan 27, 2020 LTC agenda.

Status Date: 18-Sep-2019

Applicant working through PLA conditions.

Status Date: 14-Jun-2019

PLA received June 11, 2019

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2019.1	Mayenburg, Brent	22-Jan-2019	Boundary adjustment subdivision

Planner: Gary Richardson

Planning Status

Status Date: 20-Jan-2020

10% road frontage waiver request on Jan 27, 2020 LTC agenda.

Status Date: 18-Sep-2019

Applicant working through PLA conditions.

Status Date: 14-Jun-2019

PLA received June 11, 2019.

Islands Trust
LTC EXP SUMMARY REPORT F2020
Invoices posted to Month ending November 2019

645 Mayne	Invoices posted to Month ending November 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	665.00	0.00	665.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,446.00	1,251.91	194.09
65210-645	LTC - Local Exp - APC Meeting Expenses	411.00	52.10	358.90
65220-645	LTC - Local Exp - Communications	250.00	599.00	-349.00
65230-645	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,401.00</u>	<u>1,903.01</u>	<u>497.99</u>
Projects				
73001-645-4100	Mayne Island Housing	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>4,000.00</u>	<u>0.00</u>	<u>4,000.00</u>

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2018-049	In Favour	24-Sep-2018
- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee		



Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2017-028	In Favour	26-Jun-2017
That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR): a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement: i) they are advertised on the internet, newspapers or other media; ii) they are not managed by an owner of the USTVR property who lives on Mayne Island; iii) more than one dwelling on the lot is simultaneously made available for USTVR; iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers; v) there are issues related to health and safety on the property; vi) 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 USTVR; vii) the owner of the property uses more than one property on Mayne Island as a USTVR. b) 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.		
2017-027	In Favour	26-Jun-2017
That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.		
2016-055	In Favour	27-Jun-2016
that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.		

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2012-000	In Favour	01-Feb-2012
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.		
2011-044	In Favour	02-May-2011
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.		



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality November 2019

Islands Trust Conservancy New Board Member

Trustee Dr. Susan Hannon joined the Board November 2019. Susan Hannon is a retired Ecology Professor from University of Alberta, currently living on Salt Spring Island. Dr. Hannon's research expertise is in forest ecology, impacts of habitat fragmentation, forest birds and conservation. Active in her community, Dr. Hannon is a Commission Member for The Advisory Planning Commission for Islands Trust. She has also served on the boards of The Salt Spring Island Conservancy, The Nature Trust of BC, Bird Studies Canada, and the Garry Oak Ecosystem Recovery Team Society. Dr. Hannon has worked in land stewardship with private landowners, runs the nest box program on Salt Spring, worked in Garry oak ecosystem restoration and removal of invasive plants. She holds a Doctor of Philosophy in Ecology from the University of British Columbia.

Islands Trust Conservancy Staff Changes

Islands Trust Conservancy is pleased to welcome Kathryn Martell as the acting Ecosystem Protection Specialist, replacing Wayne Bourque.

Carla Funk is acting ITC Communications and Fundraising Specialist while Crystal Oberg is on education leave until August, 2020.

Goal 1 – Science-based Conservation Planning

Goal 2 – Strong relationships with First Nations

The Islands Trust Conservancy Board received a letter from Lyackson First Nation in regards to the Salish View Nature Reserve for information.

Goal 3 – Protection of core conservation areas

Property Management

Mt. Artaban Nature Reserve Management Plan

Islands Trust Conservancy Board approved the 2019 update of the Mount Artaban Nature Reserve Management Plan. The plan will be made available online once it is approved by the covenant holders.

Land Acquisition and Covenants

Covenant Modification Agreement – Woodwinds NAPTEP Covenant

The Islands Trust Conservancy Board agreed to modify the Woodwinds NAPTEP covenant on North Pender Island to address an existing septic field.

Goal 4 – A strong voice for nature conservation

1. Islands Trust Conservancy Board directed staff to consider including a Note Disclosure highlighting the importance of natural assets to the mandate of Islands Trust and the services they provide for island communities, starting with the current fiscal year's annual financial reporting.
2. Islands Trust Conservancy Co-Chair, Sue-Ellen Fast and three staff attended the biennial Land Trust Alliance of BC Seminar Series. The ITC Manager co-presented with the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) regarding the CDFCP conservation planning tool.
3. Staff provided an update to the ITC Board regarding the status of the website renewal project and the integration of the ITC website into the Islands Trust site.

Activities by Local Trust Area/Island Municipality

Gambier

The Islands Trust Conservancy Board approved the Mount Artaban Nature Reserve Management Plan.

The Islands Trust Conservancy Board reviewed the Public Acquisitions Report for information. Discussion ensued on the Sandy Beach acquisition history and current project details.

North Pender

Islands Trust Conservancy Board directed staff to write a letter to the North Pender Island Local Trust Committee describing concerns regarding potential long-term impacts of contaminated runoff, and alternative designs such as containment of any point source runoff or spills related to a Temporary Use Permit extension application adjacent to the Medicine Beach Nature Sanctuary.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



File No.:

DATE OF MEETING: January 27, 2020

TO: Mayne Island Local Trust Committee

FROM: Lisa Wilcox, Senior Intergovernmental Policy Advisor
Robert Kojima, Regional Planning Manager
Southern Team

SUBJECT: Standing Resolution - Reconciliation

RECOMMENDATION

1. That the Mayne Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:

Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:

- a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;
- b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;
- d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;
- e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.

REPORT SUMMARY

The Mayne Island Local Trust Committee (LTC) is asked to consider adopting the above-noted standing resolution as a mechanism to guide reconciliation within the Local Trust Area.

BACKGROUND

From 2015 to the present, the Mayne Island Local Trust Committee has passed resolutions that acknowledge First Nations territory, and looked for ways to develop and create joint relationship building, and engage on issues of environment, naming and recognition, and advocacy.

ANALYSIS

Issues and Opportunities

Standing Resolution

Staff have prepared a draft standing resolution for LTC consideration that will enable the LTC to transition from reconciliation being a First Nations “project” to incorporating reconciliation more holistically into the LTC’s business and work program.

The draft standing resolution references key documents to guide the LTC’s journey of reconciliation with local First Nations. These include:

- Truth and Reconciliation Commission (TRC) Calls to Action
https://nctr.ca/assets/reports/Calls_to_Action_English2.pdf
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
- Draft Principles that Guide the Province of BC’s Relationship with Indigenous Peoples;
https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/diversity-inclusion-respect/draft_principles.pdf
- Islands Trust First Nations Engagement Principles.
<http://www.islandstrust.bc.ca/media/342128/firstnationsengagementprinciples.pdf>

The draft standing resolution includes five areas in which the LTC can endeavour to take action:

- a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;
- b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations’ cultural heritage and history;
- d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;
- e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations’ traditional territories within the Islands Trust Area.

From Engagement to Reconciliation

The draft standing resolution is similar to one prepared for the Gabriola Island LTC in 2018, with an emphasis on the work that the LTC will do as part of their Reconciliation process. The intent is to provide processes that focus

on best practices and provide workable first steps for staff and Trustees to progress and develop a Reconciliation plan. The process acknowledges that reconciliation requires both internal and external knowledge building and will focus on processes to help and advise on First Nations engagement. It also provides a framework for the LTC to engage with all local First Nations with interests in the Local Trust Area.

Rationale for Recommendation

The Mayne Island LTC has made a significant progress in its recent efforts toward reconciliation. These efforts may continue, as an integral part of routine LTC business and work program activities. The LTC may also seek opportunities with other local First Nations that have asserted rights and title, treaty, or overlapping territory in the area. The draft standing resolution provides a framework to support reconciliation and continued relationship building, where capacity is available. The staff recommendation is included on Page 1 of the report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

- 1. Request further information
- 2. Amend the Standing Resolution
- 3. Receive for information

NEXT STEPS

Should the LTC adopt the recommended standing resolution, staff will draft letters of introduction to all First Nations within interests in the Local Trust Area, as noted in item (a) of the resolution and welcome input, dialogue and opportunities to address items (b) through (e) of the resolution.

Submitted By:	Lisa Wilcox, kwakwemtenaat Senior Intergovernmental Policy Advisor	November 6, 2019
Concurrence:	Robert Kojima Regional Planning Manager	Select Date.

ATTACHMENTS

None

BRIEFING

To:	Local Trust Committees	For the Meeting of:	Various
From:	David Marlor, Director, Local Planning Services	Date Prepared:	June 17, 2019
SUBJECT:	Model Radio Antenna Strategy		

PURPOSE: To provide the model radio antenna strategy to local trust committees for consideration of adoption.

BACKGROUND:

The federal Ministry of Innovation, Science and Economic Development Canada (ISED)(formerly Industry Canada),has jurisdiction over telecommunications uses such as radio broadcast towers and cellular telephone towers, which are licensed under the federal *Telecommunications Act*. ISED looks for the land use authority to issue a letter of concurrence or non-concurrence with the proposal put forward by telecommunications proponents and the consultation process they conduct. ISED recommends land use authorities establish a documented public consultation process to guide cell/radio tower proponents.

Within the Islands Trust, the consultation process on these types of applications was previously guided by the Letter of Understanding (LOU, signed October 30, 1996) that existed between ISED and the Islands Trust Council, on behalf of Local Trust Committees, for proposed towers of over 25m in height. Since ISED updated its Radio communication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03) in 2014 to include a Default Public Consultation Process, the Trust Council/ISED LOU was rescinded by ISED under the terms of the agreement.

When a land use authority does not have an established or documented public consultation process, proponents of radio towers must use the ISED default process outlined in the Radio communication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03).

In March 2016, Trust Council passed the following resolution:

THAT the Islands Trust Council request the Local Planning Committee to make recommendations on policy that includes public consultation procedures and development guidelines for the siting and design of antenna systems, which may then be adapted and implemented by local trust committees.

The report, “Model Program for Antenna Systems,” dated May 3, 2018, (Attachment 1) was prepared by a consultant (James Van Hemert) under contract with Islands Trust. The report provides a model consultation program, land use siting criteria, and model official community plan policies. The report also presents a literature review and summary of background materials that were reviewed as part of the report’s creation.

The report was received by Trust Council the June 2018 Trust Council meeting and was requested to be forwarded to local trust committees. This is being forwarded to you now to allow the new local trust committees elected in November 2018 to consider adoption of the public process contained in the

“Model Program for Antenna Systems”, as well as the policy and regulatory recommendations contained in this document.

ATTACHMENT(S):

1. Model Program for Antenna Systems,” dated May 3, 2018

Link to IT Web Document: <http://www.islandstrust.bc.ca/media/346706/final-model-strategy-for-antenna-systems.pdf>

FOLLOW-UP:

A brochure is being developed to explain the process and will be posted on the Islands Trust website as soon as it is complete.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date:

From: Carolyn Stewart <cstewart@crd.bc.ca>

Sent: Monday, December 16, 2019 10:02 AM

To: Gary Richardson <grichardson@islandstrust.bc.ca>

Subject: CRD Board approves St. John Point and Mt. Parke regional park management plans

Hi Gary,

I just wanted to let you know that last Wednesday, December 11, 2019, the CRD Board approved the two management plans. I have attached copies for your reference.

Will you please let the Mayne Island Local Trust Committee know of the approvals and thank them, on my behalf, for the input provided.

Please feel free to contact me if you/they have any questions regarding the management plans.

Sincerely,

Carolyn Stewart | Park/Trail Planner
Regional Parks | Parks & Environmental Services
Capital Regional District
490 Atkins Avenue, Victoria BC V9B 2Z8
T: 250.360.3368 | 250.413.7478
www.crd.bc.ca



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Mayne Island Heritage Revitalization Initiative
Mayne Island Agricultural Society
Mayne Island, BC

January 16, 2020

Jeanine Dodds and David Maude
Mayne Island Local Trust Committee
Mayne Island, BC

Dear Jeanine and David;

Re: Letter of Support for the Heritage Revitalization Initiative

As you may know, the Mayne Island Agricultural Society has launched a very important process to revitalize Mayne Island's heritage core. This core is anchored by the Agricultural Hall and the Plumper Pass Gaol/Museum both of which are community assets of historical significance. The Heritage Revitalization Initiative has two phases. The first is to acquire additional land and buildings to allow for expansion and upgrading of our heritage and community service facilities. The second phase is longer term and will seek to create a more accessible and visible space to tell our story from indigenous peoples to the present. Within the first phase as well, once we have successfully acquired the adjacent property, the Agricultural Society will be seeking an application to rezone that property to Community Use to align it with the same zoning for the existing heritage buildings. My letter to the Mayne Island Local Trust Committee is to ask if it would be possible to provide a letter of support for the broad context and purpose of this project whose outcomes will be important to the community of Mayne Island. The Heritage Initiative intent is to showcase our rich history for public viewing within purposely designed facilities, as well as enhancing and raising awareness of this history for residents and visitors alike.

The Heritage Revitalization Initiative fundraising campaign is applying to foundations and government agencies and it would be great to have the support of the Mayne Island Local Trust Committee as our local government body. If you wish

to have more information please go to our dedicated website at
www.mayneislandheritage.com.

Please do not hesitate to contact me if you should have any questions on this request. Thank you for your consideration and I look forward to a favourable response from the Mayne Island Local Trust Committee.

Michael Dunn, Fundraising Chair
250-217-9832
mjechael.dunn@gmail.com

cc Gary Richardson, Planner