



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: January 25, 2021
Time: 1:00 pm
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	1:00 PM - 1:00 PM	
2.	APPROVAL OF AGENDA	1:00 PM - 1:05 PM	
3.	TOWN HALL AND QUESTIONS	1:05 PM - 1:20 PM	
4.	COMMUNITY INFORMATION MEETING		
	None		
5.	PUBLIC HEARING		
	None		
6.	MINUTES	1:20 PM - 1:30 PM	
6.1.	Local Trust Committee Minutes Dated November 30, 2020 (For Adoption)		4 - 12
6.1.1.	<u>Local Trust Committee Public Hearing Record Dated November 30, 2020 (For Receipt)</u>		13 - 14
6.2.	Section 26 Resolutions-without-meeting Report		
	None		
6.3.	Advisory Planning Commission Minutes		
	None		
7.	BUSINESS ARISING FROM THE MINUTES	1:30 PM - 1:35 PM	
7.1.	Follow-up Action List Dated January 2021		15 - 16
8.	DELEGATIONS		
	None		

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

1:35 PM - 2:30 PM

- | | | |
|-------|--|---------|
| 10.1. | MA-TUP-2020.2 (Costello) - Preliminary Staff Report (attached) | 17 - 46 |
| 10.2. | MA-DVP-2020.8 (Peace) - Staff Report (attached) | 47 - 56 |
| 10.3. | MA-RZ-2020.1 (Mayne Island Housing Rezoning) - Staff Report (attached) | 57 - 69 |

11. LOCAL TRUST COMMITTEE PROJECTS

- 11.1. Housing Review Project - Discussion

12. REPORTS

2:30 PM - 2:45 PM

- | | | |
|---------|---|------------------------------|
| 12.1. | Work Program Reports (attached) | |
| 12.1.1. | <u>Top Priorities Report Dated January 2021</u> | 70 - 71 |
| 12.1.2. | <u>Projects List Report Dated January 2021</u> | 72 - 72 |
| 12.2. | Applications Report Dated January 2021 (attached) | 73 - 76 |
| 12.3. | Trustee and Local Expense Report Dated October 2020 (attached) | 77 - 77 |
| 12.4. | Adopted Policies and Standing Resolutions (attached) | 78 - 81 |
| 12.5. | Local Trust Committee Webpage | |
| 12.6. | Chair's Report | |
| 12.7. | Trustee Report | |
| 12.8. | Islands Trust Conservancy Report Date November 24, 2020 | 2:45 PM - 2:55 PM
82 - 84 |
| 12.9. | ITC Forest Conservation Outreach Campaign - Briefing November 25, 2020 (attached) | 85 - 88 |

13. NEW BUSINESS

2:55 PM - 3:15 PM

- | | | |
|-------|-----------------------------------|---------|
| 13.1. | Advisory Planning Commission Memo | 89 - 89 |
| 13.2. | Salt Spring Island STVR Letter | 90 - 90 |

14. UPCOMING MEETINGS

- 14.1. Next Regular Meeting Scheduled for February 22, 2021 - Location: TBD

- | | | |
|-----|----------------|-------------------|
| 15. | TOWN HALL | 3:15 PM - 3:30 PM |
| 16. | CLOSED MEETING | |
| | None | |
| 17. | ADJOURNMENT | 3:30 PM - 3:30 PM |



Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: November 30, 2020
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Robert Kojima, Regional Planning Manager
Narissa Chadwick, Island Planner
Maple Hung, Host, Planning Assistant
Pat Todd, Recorder

Public: There were approximately twelve (12) attendees in the webinar.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:02 pm. Chair Rogers acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. Chair Rogers noted that meeting was being held electronically, according to Public Health orders, and that record of meeting would be available in 1 to 2 days on Islands Trust website.

2. APPROVAL OF AGENDA

Chair Rogers proposed moving 5.1 Public Hearing to just prior to 10.1 Post Public Hearing to facilitate Trustee Maude recusal due to possible conflict of interest for both items.

To add 13.2 CRD correspondence re: Glen Echo Park

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

A question was raised by public attendee as to speaking to Housing Society application.

Chair Rogers responded that questions could be considered during Applications discussion. The Local Trust Committee is in receipt of correspondence by above individual.

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING

- 5.1 **Mayne Island Local Trust Committee Bylaws 177 OCP & 178 LUB - Cotton Park Rezoning** – moved to precede item 10.1. Meeting was recessed for the holding the public hearing. See Public Hearing record dated November 30, 2020.

6. **MINUTES**

6.1 **Local Trust Committee Minutes Dated October 26, 2020**

By general consent the Local Trust Committee meeting minutes of October 26, 2020 were adopted.

6.2 **Section 26 Resolutions-without-meeting Report - None**

6.3 **Advisory Planning Commission Minutes - None**

7. **BUSINESS ARISING FROM THE MINUTES**

7.1 **Follow-up Action List Dated November 2020**

Planner Chadwick noted that Special Meeting regarding Mayne Island Housing Policy review is being arranged for January 18, 2021, electronic at 1 pm. and meeting with Ministry of Transportation and Infrastructure (MoTI) is scheduled for December 16, 2020 at 2 pm.

8. **DELEGATIONS - None**

9. **CORRESPONDENCE**

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

10. **APPLICATIONS AND REFERRALS**

Note: Trustee Maude recused himself and left the electronic meeting at 1:16 pm. for the public hearing and the following item due to conflict of interest.

10.1 **MA-RZ-2018.1 (Cotton Park) Post Public Hearing**

Planner Chadwick stated Bylaws are prepared to be read a third and referred to Secretary of the Islands Trust. OCP Bylaw would then be referred to Ministry of Municipal Affairs, then back to LTC.

MA-2020-084

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 177, cited as “Mayne Island Official Community Plan No. 144, 2007, Amendment No.1, 2019” be read a third time.

CARRIED

MA-2020-085

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 177, cited as “Mayne Island Official Community Plan No. 144, 2007, Amendment No.1, 2019” be

forwarded to the Secretary of the Islands Trust for approval by the Executive Committee and then to the Minister of Municipal Affairs.

CARRIED

MA-2020-086

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 178, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2019” be read a third time.

CARRIED

MA-2020-087

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 178, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2019” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Chair Rogers expressed appreciation for work and efforts of Staff and Trustees.

Trustee Dodds raised concerns regarding archeological site/significance.

MA-2020-088

It was Moved and Seconded,

That the Mayne Island Local Trust Committee request staff to draft a letter, under the Chair’s signature, to the Capital Regional District to seek funding to conduct a thorough archeological impact assessment for Cotton Park.

CARRIED

Trustee Maude returned to electronic meeting at 1:46 pm.

10.2 MA-SUB-2018.3 (Mayenburg)

MA-2020-089

It was Moved and Seconded,

that the Mayne Island Local Trust Committee enter into a cost recovery agreement with the property owner for the legal drafting and registration of a s.219 covenant addressing water quality related to MA-SUB-2018.3 (Mayenburg).

CARRIED

10.3 Mayne Island Housing Society - MA-RZ-2020.1

Chair Rogers noted that all reports on the application are located on web site.

Planner Chadwick spoke to the actions to date, next steps for subdividing and rezoning property and reviewed the recommendations of the various reports received.

Discussion:

- Landowner had earlier stated willingness to waive 3rd lot;
- Impact of roadway on abutting lands;
- Ministry of Forests, Lands and Natural Resources referral;
- Clarification of early referral steps taken;
- Planning staff required report prior to referral to Ministry of Forests, Lands and Natural Resources;
- Salt water intrusion mapping is currently being revised and due to be available end of 2020;
- Applicant can apply for water licence at any time;
- Surface water is a legitimate concern with further questions to be addressed possibly during development stage;
- Storm Water Plan could be created; and
- Local Trust Committee to decide if project is an Amenity.

Chair Rogers pointed out that there are a significant number of items to be addressed prior to Bylaws being adopted.

Regional Planning Manager (RPM) Kojima added that a Housing Agreement and Covenant could be drafted prior to Public Hearing or Community Information Meeting and that further items could be added to covenant after Public Hearing.

Deborah Goldman, David Brown and Brian Crumblehulme addressed the LTC on behalf of the Mayne Island Housing Society (MIHS) and expressed appreciation for the comprehensive report.

While there is substantial agreement with the report the MIHS representatives spoke to a number of items:

- Hydrogeologist noted no concern as to salt water intrusion as draw down would not be significant and questions if a referral to Ministry of Natural Resources is necessary;
- Actions are being taken to mitigate surface water impact;
- Rain water to be captured;
- Reviewing project objectives, funding, rental structures, etc.;
- Too early to design Housing Agreement as this needs to be consistent with BC Housing;
- Required to register water system with Public Health;
- Septic moved closer to road therefore moved well location – easier to access and;
- Have spoken with owner and intention now is to subdivide into 3 lots;

Discussion as to site plan:

- Siting shifted to west: according to ecological report, the best place to locate, saves old growth fir trees, uses old logging roads for driveways, provides a physical boundary to west, efforts to minimize impact on land;
- Septic encroaches onto Lot 2: best location, no problem from owner regarding encroachment, address in covenant; and
- Clarification of division: 2 lots and reminder parcel.

MA-2020-090

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to write to Dr. McHugh(owner) requesting information on his expectations and intent for Lot 2 and proposed plans for environmental protection.

CARRIED

MA-2020-091

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to prepare draft bylaws to amend Land Use Bylaw No. 146, 2008 and Official Community Plan Bylaw No.144, 2007 to rezone Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091.

CARRIED

MA-2020-092

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request that a Section 219 covenant be granted by the owners of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 that would identify the location of development, require water treatment and monitoring and areas to be preserved, as condition of adoption of the bylaws.

CARRIED

MA-2020-093

It was Moved and Seconded,

that the Mayne Island Local Trust Committee require that a housing agreement related to the use of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 be adopted prior to the adoption of the rezoning bylaws.

CARRIED

MA-2020-094

It was Moved and Seconded,

that the Mayne Island Local Trust Committee enter into a cost recovery agreement with the applicant for the drafting and registration of the Housing Agreement and Section 219 Covenant.

CARRIED

MA-2020-095

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request the applicant to provide all requested information:

- Hydrogeologist's report
- Arborist report

- Hydrologist report
- Information required for housing agreement
- Site plan drawn to scale location of any proposed buildings, structures and land clearing
- Site development plan identifying how ecologist's recommendations have been incorporated

CARRIED

MA-2020-096

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to schedule a community information meeting prior to first reading.

CARRIED

Bylaws would be in draft form therefore can be amended after information received from owner. Drafts will come to January meeting and then Community Information Meeting can be scheduled.

Break 3:10 to 3:20

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Groundwater Sustainability Project

William Shulba, P. Geo, Senior Freshwater Specialist Local Planning Services, provided preliminary results of the Southern Gulf Islands Groundwater Sustainability Strategy project.

Summary:

- Water from rainfall as no significant snow pack;
- Management of water critical;
- Overall review positive;
- Mayne water demand easier to estimate due to number of small water systems
- Final report March 2021;and
- Maps will identify recharge areas, ground water delineation, watersheds, where recharge moves to.

RPM Kojima indicated mapping information will be incorporated into review of future applications. LTC can consider amendments to Bylaws after review of final report and determine if item should remain on Top Priority List.

Trustee Maude questioned if there could be a template of Bylaws as other islands would have similar situations.

There could be "model" Bylaws however Mayne is unique with water systems areas.

Trustee Dodds emphasized importance of rain catchment; Island is almost maxed out for development; address future needs and protect what exists.

LTC expressed appreciation for report.

11.2 Mayne Bylaw 180 (LUB Review)

MA-2020-097

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 180, cited as “Mayne Island Land Use Bylaw No.146, 2008, Amendment No.1, 2020”, be referred to First Nations

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated November 2020 – Received for information.

12.1.2 Projects List Report Dated November 2020 – Received for information.

12.2 Applications Report Dated November 2020 – Received for information.

12.3 Trustee and Local Expense Report Dated September 2020 – Received for information.

12.4 Adopted Policies and Standing Resolutions – Received for information.

12.5 Local Trust Committee Webpage – to be updated after meeting.

12.6 Chair's Report

Chair Rogers spoke about Islands Trust Council scheduled for Dec. 1 to 3. Meeting will be held electronically in four sessions and can be joined via webinar. Budget has been drafted for 2021/2022. A number of Working Groups are reviewing Islands Trust Policy Statement and looking at proposed amendments.

12.7 Trustee Report

Trustee Dodds reported information from Chair Peter Luckham regarding funding to clear “dead boats”. Unaware of any abandoned/beached boats at this time. Funding still lacking to clean shorelines of docks that float in and other debris. Information is being referred to the Boating Association.

Trustee Maude stated island still busy despite virus restrictions – interesting times.

12.8 Islands Trust Conservancy Report - None

13. NEW BUSINESS

13.1 North Pender Island Bylaw No.222 Referral

MA-2020-098

It was Moved and Seconded,

that the Mayne Island Local Trust Committee interests are not affected by North Pender Island Bylaw No. 222.

CARRIED

13.2 CRD – Glen Echo Park

MA-2020-099

It was Moved and Seconded

That the Mayne Island Local Trust Committee ask staff to Contact Capital Regional District Parks Planning Department as to plans for three acres of surplus land from Glen Echo/Mount Parke Bluffs acquisition.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for January 25, 2021 - Location: TBD

14.2 Electronic Meetings

MA-2020-100

It was Moved and Seconded,

that in order to meet the principles of openness, transparency, and accessibility, meetings of the Mayne Island Local Trust Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at trust body meetings; and that such meetings be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

14.3 Special Meeting January 18th, 2021 - RE: Mayne Island Housing Policy Review

Planner Chadwick will confirm with the Trustees the agencies, organizations, and associations to be invited to the Special Meeting to discuss island housing options, Tiny Home Initiatives, etc.

15. TOWN HALL

Tim Mackie sought clarification as to proposed Housing Society Rental rates as those stated are higher than what those persons surveyed reported currently paying.

Chair Rogers noted this in submission and at this point in time project is still under review – is this an amenity that LTC is comfortable going forward with?

Meeting on Jan 18th is for a broader discussion of the Housing project, not about rezoning.

16. CLOSED MEETING - None

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:16 p.m.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder



**Mayne Island Local Trust Committee
Record of Public Hearing
Bylaw No. 177 & 178**

Date: November 30, 2020
Location: Zoom Electronic Meeting

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

Staff Present: Robert Kojima, Regional Planning Manager
Narissa Chadwick, Island Planner
Patricia Todd, Recorder
Shayla Burnham, Administrative Assistant (Host)

Others Present: There were approximately twelve (12) attendees in the Zoom Webinar.

5.1 Mayne Island Local Trust Committee Bylaws 177 OCP & 178 LUB – Cotton Park Rezoning

Trustee Maude recused himself and left the electronic meeting at 1:16 pm. for the following item due to conflict of interest.

Chair Rogers called the Public Hearing to order at 1:17 p.m. He read a statement outlining the content, purpose, and process of the Public Hearing.

Planner Chadwick reviewed actions to date regarding the application to rezone the site from Residential to Park which requires amendments to Official Community Plan (OCP) and Land Use Bylaw (LUB).

MoTI has replied with no objections to application.

Two pieces of correspondence were received prior to notice of Public Hearing.

Following actions have been made in an effort to engage First Nations:

- Referral sent March 2019;
- Archeological site nearby has been reviewed and information submitted to First Nations and Capital Regional District (CRD);
- Extended capacity funding to engage;
- Meeting on site to discuss cultural significance – First Nations representative attended;
- Complete referral package sent out.

To date, aside from attending site visit, there has been no response received from First Nations.

Chair Rogers invited comments from public.

Deborah Bell, 483 Cherry Tree Bay Road: spoke as Chair of Parks and Recreation Commission and a member of public mentioned the following:

- Opposed to site specific restrictions;
- Concerned as to no flexibility in square footage restriction for structures: interested in installing third water tank however tanks are considered structures;
- Could restrict signage, art projects, information boards honouring First Nations, etc; and
- Questioned if excess square footage require further amendments to OCP and LUB.

Jon Hoff, 411 Village Bay Road: requested clarification of zoning restrictions, size and number of structures.

Chair Rogers stated square footage maximum reflects what is currently there on property.

Chair Rogers called three times for speakers.

There being no further submissions, Chair Rogers closed the Public Hearing at 1:35 p.m.

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

RECORDER

DATE



Follow Up Action Report

Mayne Island

26-Oct-2020

Activity	Responsibility	Dates	Status
1 10.1 MA-DVP-2020.8 (Peace) notice to be circulated.	Maple Hung Narrisa Chadwick	Target: 07-Dec-2020	Completed
2 11.2 Mayne Island Housing Policy Review - Special meeting to be scheduled for January 18th and publicized in Mayneliner. Invitations to be sent directly to APC, MIHS and former housing options committee. (MH - elec mtg scheduled, SM notice / agenda (to be done).	Maple Hung Narrisa Chadwick	Target: 15-Dec-2020	Completed

30-Nov-2020

Activity	Responsibility	Dates	Status
1 6.1 Meeting minutes adopted as presented.	Maple Hung	Target: 07-Dec-2020	Completed
2 11.1 Bylaw 180 (LUB Technical Review) - to be referred to FNs	Maple Hung Narrisa Chadwick	Target: 07-Dec-2020	Completed
3 10.1 MA-RZ-2018.1 (Cotton Park) - Bylaws 177/178 read for third time, to be forwarded to EC for approval. Bylaw 177 to be sent to Municipal Affairs after EC approval.	Maple Hung Narrisa Chadwick	Target: 10-Jan-2020	In Progress
4 10.2 MA-SUB-2018.3 (Peace) - Cost sharing agreement to be initiated. Covenant drafting and registration through YA.	Narrisa Chadwick	Target: 11-Dec-2020	Completed

Follow Up Action Report

Mayne Island

30-Nov-2020

Activity	Responsibility	Dates	Status
5 10.1 MA-RZ-2018.1 (Cotton Park) - staff to draft letter to CRD requesting they apply for funding to do a archeological review. (Chair to send)	Narrisa Chadwick	Target: 11-Dec-2020	Completed
6 10.3 MA-RZ-2020.1 - Staff to 1) prepare draft bylaws 2) Initiate cost recovery agreement for covenant and housing agreement 3) draft letter to property owner re: clarifying interests in lot 2 4) schedule community information meeting for after January LTC meeting and once all requested information is received	Narrisa Chadwick	Target: 15-Dec-2020	Completed
7 13.2 Glen Echo Park - staff to write to CRD to determine what their intentions are for the 3 acres of surplus land not designated as park.	Narrisa Chadwick	Target: 17-Jan-2020	Completed
8 14.2 Electronic Meetings - resolution moved as written	Maple Hung	Target: 07-Dec-2020	Completed
9 13.1 North Pender Island Bylaw No.222 Referral - interests unaffected	Maple Hung	Target: 15-Dec-2020	Completed

File No.: MA-TUP-2020.2 (Costello & Baker)

DATE OF MEETING: January 25, 2021
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Preliminary Report Temporary Use Permit for STVR
Applicant: Daniel Costello & Amber Baker
Location: 538 Arbutus Drive

RECOMMENDATION

1. That the Mayne Island Local Trust Committee direct staff to proceed with Temporary Use Permit application MA-2020.2 (Costello & Baker) by undertaking statutory notification.

REPORT SUMMARY

The purpose of the report is to provide a preliminary assessment for a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit. This includes background information, analysis, and a proposed draft TUP.

In summary, the above recommendations for the issuance of the renewal is supported as:

- The guest capacity and part-time STVR use is reasonable;
- The rationale for the use is reasonable;
- The applicants have voluntarily addressed water conservation concerns;
- The permit as drafted provides conditions consistent with required and draft guidelines to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP; and,
- Proceeding will facilitate statutory notification in order to obtain neighbour input for the proposed use that can inform the LTC's consideration of the application at a subsequent LTC meeting.

BACKGROUND

Rather than proceeding with notification prior to reporting to the LTC, a preliminary report is being presented with a subsequent report to follow that notification. In addition to this being consistent with past practice, the fact that the OCP does not include TUP guidelines for STVR and that draft guidelines were not previously adopted, indicates that the LTC should be given the opportunity to make a preliminary decision to proceed or not. In addition, this provides an opportunity to revise draft permit prior to circulation

The proposal is to allow for a TUP for a STVR use within an existing 145 m² (1,563 ft²), single storey dwelling with two (2) bedrooms. The property is 0.13 ha (0.33 ac) in size located at 538 Arbutus Drive. The property currently has a single-family dwelling and two small garden sheds (Attachment 2.2 and 2.3). All surrounding properties have the same zoning and are developed with dwellings on them (Attachment 2.1 and 2.3). There is no construction or land alteration associated with this application.

The application is for a maximum of eight (8) guests (four adults/four children)¹. The use will be part-time and secondary to the continued use of the property by family and friends. They intend to market on Airbnb, noting the platform's strict rating protocols and zero tolerance for partying.

The application is being made proactively, and the applicant's primary reason for the use is in order to make the purchase of the home from their parents (Louise and Michael Costello) financially viable. The applicants have stated that obtaining a TUP is a condition of the sale of the property.

The applicants undertook to contact the Campbell-Bennett Bay Water Improvement District (CBBID) about the proposed use, water usage and conservation (Attachment 6). The CBBID's response indicates that they do not have the mandate to get involved with use of properties, but emphasizes their water conservation priorities (Attachment 7).

The applicants also reached out to their direct neighbours about the proposal, both of whom provided responses (Attachments 8 and 9).

Staff have discussed numerous conditions of the proposed TUP with the applicants who have agreed to the inclusion of some added conditions for water conservation and information for guests. They are, however, reluctant to agree to limitations on the number of days that the STVR would be rented seasonally, which is an option that the LTC could consider to lessen neighbour impacts.

The foregoing topics, as well as discussion on STVR guidelines including those on other Southern Gulf Islands, are analyzed further in 'Issues and Opportunities' (below).

The proposed TUP has been drafted using the existing OCP TUP guidelines, draft STVR guidelines which were proposed in Bylaw 167 (not adopted) and additional measures taken from other Local Trust Areas. It is currently drafted for a term of three (3) years which could be renewed for a further three (3) years by application.

A copy of a completed TUP checklist and the proposed MA-TUP-2020.2 and are Attachments 3 and 10.

Staff have not visited the property due to Provincial Health Orders for COVID 19.

¹ The condition in the proposed permit temporarily limits guest capacity to five (5) while the Provincial Emergency Health Order for COVID 19 remains in effect.

Islands Trust



3 19

Islands Trust Policy Statement:

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for a commercial vacation rental within a dwelling unit is consistent with the above policies.

Official Community Plan:

The property is designated **Settlement Residential (SR)** in the Mayne Island Official Community Plan No. 144, 2007 (OCP).

The OCP currently outlines a general objective and guidelines for TUPs in Section 2.9 of the OCP. The objective is

- 2.9.1 Permits for temporary uses may be issued: for short term uses; or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses

Guidelines and permit conditions are analysed in an adapted, TUP Checklist (Attachment 4). That includes the guidelines found in Bylaw 167 (Attachment 5) which was not ultimately adopted by the previous LTC.

Notwithstanding, those provide relevant guidance to the specific use application. In summary, the application and the proposed permit as drafted conforms to the guidelines.

There are no designated Development Permit Areas (DPAs) on the subject property and no development activity is proposed.

Land Use Bylaw:

The property is zoned as **Settlement Residential (SR)** in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB). The current residential use of the property conforms to the LUB.

Issues and Opportunities

Cumulative Impacts

As there are currently no other TUPs for STVR use on Mayne, assessing cumulative impacts is not possible.

Water and Septic

The dwelling is moderate in size and is on a small lot. The proposed maximum number of guests at eight (8) is moderate. There is the potential for increased water usage resulting from the use, noting that the use would be additional to the continued use by the family.

As above, they are connected to the Campbell-Bennett Bay Water Improvement District (CBBID) and they proactively reached out to the District about the proposed use (Attachment 6).

In response, the CBBID Administrator, Rebecca Skiffington indicated that the District "... is very concerned about water use and conservation, however our mandate does not extend to getting involved with how a property owner uses their home or property." (Attachment 7, p.3) The District focuses on water usage, monitoring each property's water usage on a monthly basis. If the usage exceeds 15,000 liters in a month or exceeds 10,000 liters per month for 3 consecutive months, they take steps to have you reduce that usage. Further, only the domestic use of the water is permitted in the CBBID.

In the application, communication with CBBID and that with staff, the applicants have emphasized their commitment to water conservation. They canvassed other similar uses on Mayne and propose to request numerous water saving measures in addition to those that they have already undertaken with the current residential use (Attachment 5). If the application is successful, they have stated an interest in exploring the installation of rainwater system (barrels connected to the rainwater leaders).

Further, staff has added the following two (2) condition to the proposed permit:

- p) *that an application for renewal include hydro and water meter readings for the term of the TUP;*
- q) *that water conservation information be provided to guests and signs be posted at all water sources.*

The first will allow for comparative data on the use to be analyzed for consideration of any renewal.

Information on the septic system is limited, but the applicant's believe that system was installed before 2002; that it was inspected in 2002; it was fully serviced about 10-12 years ago; and, the pipes were inspected and serviced most recently in 2015 at which time the tank did not need to be emptied at that time.

Applicant's Rationale

The stated rationale for the proposed temporary use is in order to make the purchase of the home from their parents (Louise and Michael Costello), financially viable. Obtaining a TUP is a condition of the property sale which would allow the cabin to remain in the family. Attachment 3 is an addendum letter to the application that outlines their intent and actions to date. As an alternative, the applicants also considered long-term rental, however, that would prohibit the continued regular use by family.

Staff considers the rational as reasonable.

Impact on Neighboring Properties

The potential impacts of the use can be considerable on direct neighbours and the local neighbourhood. These include noise and nuisance, change of neighbourhood character, traffic and other impacts. The applicants have reached out to there two (2) adjacent neighbours both of whom provided written responses (Attachment 9). In brief, both are supportive, with one expressing the concerns that there not be new renters each week in the summer, but otherwise that they are not adverse to occasional renters.

Staff have also inserted the following two conditions to further ensure that neighbours concerns about the ability to address potential situations if they develop are addressed:

- n) *the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;*
- o) *the property owner, or Short Term Vacation Rental operator, must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;*

The LTC could consider an additional condition to limit the number of days of rental in the summer months. The following condition is currently being contemplated for amendments to their OCP guidelines by the North Pender Island LTC:

#j) the maximum number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of sixty (60) days; or limit the specific months in a year that STVR use can be carried out may be specified.

If the application proceeds, all neighbours within 100 metres of the property will be the notified. That will afford a better gauge of the acceptability of the proposal in the local community.

Proposed Permit Conditions

The proposed TUP conditions are consistent with required and other guidelines to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance of the TUP.

The LTC may opt to amend the draft TUP to remove or insert further conditions prior to staff undertaking the statutory notification, including the length of time the permit would be valid. If the application proceeds, and when it is brought back to the LTC for consideration, other conditions may be added, but at that point conditions could not be removed without re-notification to neighbours.

Consultation

If the application proceeds, TUP Notices will be circulated to surrounding property owners and residents and published in the *Driftwood* newspaper in time for the February 25, 2021.

As above the application included letters from the two (2) direct neighbours (Attachment 9).

First Nations

There is no additional development proposed outside the current footprint of the existing dwelling with no proposed disturbance or impact to any possible archaeological sites. As reviewed, the TUP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* compliance to the applicant.

Rationale for Recommendation

- The guest capacity and part-time STVR use is reasonable;
- The rationale for the use is reasonable;
- The applicants have voluntarily addressed water conservation concerns;
- The permit as drafted provides conditions consistent with required and draft guidelines to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP; and,
- Proceeding with will facilitate statutory notification in order to obtain neighbour input for the proposed use that can inform the LTC's consideration of the application at a subsequent LTC meeting.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust
_____.

2. Add additional conditions

The LTC may wish to amend the TUP by adding additional conditions (or removing or revising conditions) and directing staff to proceed. If selecting this alternative the LTC should specify the additional conditions.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the proposed Temporary Use Permit MA-2020.2 (Costello & Baker) be amended by the addition of the following conditions: _____

3. Deny the application

The LTC may deny the application and proceed no further.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny Temporary Use Permit application MA-2020.2 (Costello & Baker).

NEXT STEPS

- If the LTC decides to proceed with the application, staff will undertake notification and report back at the February 22, 2021 Regular Meeting.

Submitted By:	Phil Testemale, Planner 2	January 15, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 15, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Application Addendum Letter
4. TUP Guideline Checklist
5. Mayne Island Bylaw 167 (Draft/not adopted)
6. Letter to CBBID from applicants/Response form CBBID
7. Response from CBBID
8. Letter from applicants to neighbours
9. Neighbours Responses (2)
10. Proposed MA-TUP-2020.2

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 17, SECTION 9, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 14000
PID	004-448-154
Civic Address	538 Arbutus Drive

LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	Settlement Residential

HISTORICAL ACTIVITY

File No.	Purpose

POLICY/REGULATORY

Official Community Plan Designations	The property is designated Settlement Residential (SR) in the Mayne Island Official Community Plan No. 144, 2007 (OCP) There are no designated Development Permit Areas (DPAs) on the subject property and no development activity is proposed.
Land Use Bylaw	The property is zoned as Settlement Residential (SR) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB).
Other Regulations	
Covenants	
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Southern Resident Orca
Sensitive Ecosystems	None on property
Hazard Areas	High/Medium Risk along shoreline.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates areas of archaeological potential on the property. The applicant has been advised and sent the Islands Trust Chance Find Protocol and provincial guidance. Additionally, by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all

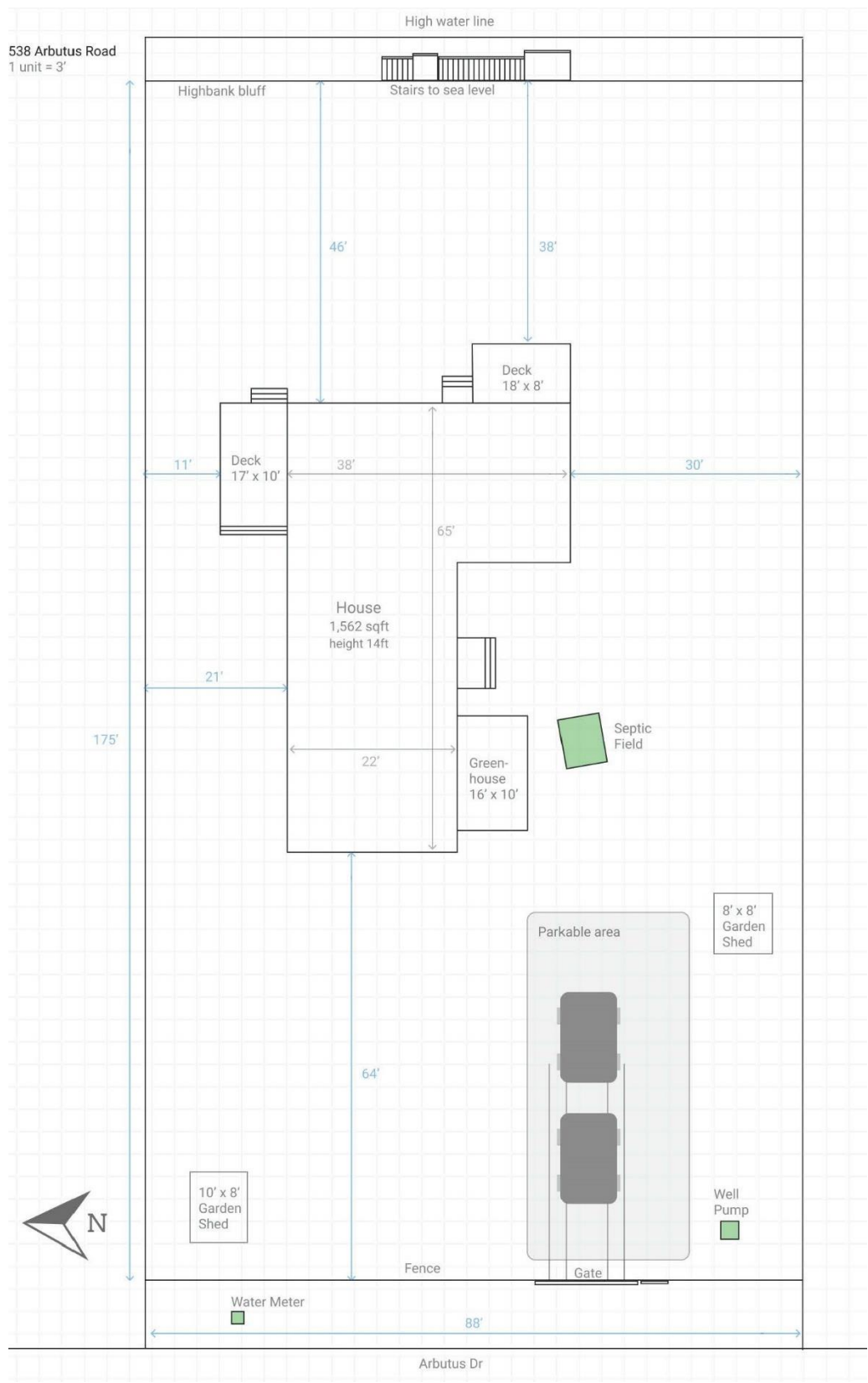
	work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development associated with this application therefore GHG emission changes resulting from approval limited to increased automobile travel from renters. Property is high bank with possible climate change induced hazards associated with climate change.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Eelgrass to the north.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 MAP TITLE



2.2 SITE PLAN



2.3 PHOTOGRAPHS (FROM APPLICANT)



Attachment 3

November 3, 2020

Islands Trust Victoria Office
200-1627 Fort St
Victoria, BC V8R 1H8
250-405-5151
information@islandstrust.bc.ca

Re: 538 Arbutus Dr, Mayne Island, BC

To Whom It May Concern,

My parents, Louise and Michael Costello, have thoroughly enjoyed their time at our Mayne Island cabin for the last 20 years. We've had incredible memories including anniversary celebrations, birthdays, and now bringing our own kids to the home. More recently, my parents made the difficult decision to sell the property and my partner and I are now hoping to purchase the cabin keep it in our family.

In order to make this a financially feasible option for my own family, we would need to rent out the cabin part-time. We have looked at long-term rental models, but they would prohibit regular family use. For that reason we feel short-term rentals would be the most logical step for us as it's important that my parents, my brothers, and their families are able to continue to spend time at the home throughout the year.

We are now applying for a Temporary Use Permit (TUP) through the Islands Trust as our cabin doesn't currently meet the short-term vacation rental (STVR) bylaw criteria. We have listed the permit issuance as a condition on the contract of purchase and sale, which is currently dated to complete on January 15, 2021. Our hope is to receive approval on our TUP application before the end of this calendar year.

To begin the application process, we were in contact with Narissa Chadwick, the Island Planner for Mayne, and our local trustees, Dave Maude and Jeanine Dodds, who suggested we connect with our local water district and our neighbours as our first step.

We reached out to Rebecca Skiffington from the Campbell-Bennett Bay Improvement District (CBBID) and provided her with our water conservation strategies. See page 10 for our initial letter to her. She outlined clear water usage guidelines and shared that they enforce these recommendations regardless of property type (i.e. permanent residences, short or long-term rentals, or recreational properties) and their mandate does not extend in deciding how an owner utilizes their property. See her full response on page 12 of this application.

We have also connected with both of our direct neighbours, Anne Burke at 540 Arbutus Dr and Nicola and Rick Fillier at 536 Arbutus Dr. See page 13 for this communication. They have both

generously provided letters of support for our application to allow STVRs. Please see pages 15 and 16 for their responses.

Please note that it is not our goal to exclusively rent the cabin as an income property, but rather make it available to short-term stays to help offset some of the costs involved with maintaining the home. If we are successful in our application and the purchase of the property, we would only look to rent it when members of our family are not spending time on the island. Our hope is that the cabin will attract other young families and serve as a quiet getaway. We will enforce a zero tolerance policy for disruptive and disrespectful visitors. Our intention is to have an on-island manager as some of these things can be challenging to oversee from afar.

We realize some property owners choose to list their homes as STVRs without permission or proper permitting. However, we will only move forward with the purchase of this home if we are granted approval for the TUP.

We also appreciate that reviewing TUP applications is only one component of what the Islands Trust and the Local Trust Committee (LTC) are responsible for and each submission requires due process. If our application meets the requirements for approval but does not make the November 30th meeting agenda, we request that the LTC consider passing a resolution to approve our permit without a meeting in order for us to complete the sale by January 15, 2021.

Please let us know if there is anything else we can provide. We are grateful for all parties participation in the consideration of our application.

Many thanks,

[Redacted signature]

Dan Costello & Amber Baker

[Redacted line]

[Redacted line]

[Redacted line]

[Redacted line]

[Redacted line]

**TUP Checklist for Short Term Vacation Rental on Mayne Island:
MA-TUP-2020.2 (Costello & Baker)
538 Arbutus Drive**

Guidelines	Comments
<i>Overall TUP Guidelines (Section 2.9.1 of OCP)</i>	
1. Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.	Complies
2. Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.	Yes
3. Permitted uses should not preclude or compromise future permitted uses on the affected lot.	Yes
4. Uses should not be allowed if they conflict with any ongoing planning policies or programs.	Complies
6. Permit conditions must make reference to measures dealing with the following points: a) general activity levels that will not create any disturbance apparent beyond the property's boundaries; b) adequate landscape buffering or distance separation to adjacent lots; c) provision of off-street parking spaces consistent with regulatory bylaws; d) reclamation measures that will restore the permit area to suitability for its designated primary use; and e) adequate supervision of the site.	See STVR Guidelines - below
7. In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighbourhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions	See STVR Guidelines - below
<i>STVR/TUP Guidelines</i>	
a) Time Period – Under the proposed Bylaw, “short term vacation rental” (STVR) means the use of a <i>cottage</i> as temporary short term accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. A cottage used as a STVR shall be considered as a home occupation subject to the regulations established in Section 3.6 of the Mayne Island Land Use Bylaw No. 146, 2008.	Conforms by definition of the use in TUP.
b) Screening – The Local Trust Committee may require	None proposed at this time; not requested by

Guidelines	Comments
mitigating measures to provide a separation between STVRs and surrounding properties such as screening and fencing.	neighbours initial correspondance.
c) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for short term vacation rentals.	This is the only application for an STVR in the vicinity.
d) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a STVR provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
e) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening.	Pre-notification: two adjacent neighbours okay with use; one concern that 'not ever week of Summer'.
f) Water Supply - The landowner should demonstrate an adequate supply of water for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (f):</u> ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	▪ Connected to Campbell-Bennet Bay Water Improvement District (CBBID). Response from administrator discussed in report. ▪ They do not have a rainwater water catchment system although they are contemplating developing one. ▪ Other water conservation measures for guests proposed by the applicant. ▪ Additional conditions in proposed permit.
g) Septic Disposal Capacity - The landowner should demonstrate an adequate septic disposal capacity for the duration of the proposed use.	See report.
Permit Conditions	
h) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Mayne by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	Yes in permit.
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Yes in permit.
iii. require the landowner to post for guests	Yes in permit.

Guidelines	Comments
information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	
iv. require that pets be kept under control at all times	Yes in permit.
v. sufficient off-street parking	Yes – minimum two (2) vehicles in permit.
vi. outdoor lighting is not directed onto surrounding properties	Yes in permit.
vii. restrict advertising to one unilluminated wooden sign, with a maximum area	Yes in permit.
viii. establish a maximum number of people that can stay	Eight (8) persons (limited to five for duration of COVID 19 PHO)
ix. establish a maximum number of bedrooms	Two (2)
x. establish the specific months in a year that the STVR use may be carried out	No – although the LTC could amend permit to include – see report body.
xi. prohibit camping or occupancy of RVs on the property	Yes in permit.
xii. prohibit outdoor fires	Yes in permit.
xiii. specify advertising that may be utilized	No – although, the LTC could amend permit to include.
xiv. prohibit the rental or provision of motorized personal watercraft	Yes in permit.
xv. require the landowner/operator to post contact information and permit information at the entrance to the property	No
xvi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Yes in permit.

Agriculture Land Reserve	
i) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 167

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

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

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

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

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME this	day of	, 20.
READ A SECOND TIME this	day of	, 20.
PUBLIC HEARING HELD this	day of	, 20.
READ A THIRD TIME this	day of	, 20.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this	day of	, 20.
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this	day of	, 20.
ADOPTED this	day of	, 20.

DEPUTY SECRETARY

CHAIR

Mayne ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 167
SCHEDULE 1

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

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

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

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

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

October 15, 2020

Mayne Island Integrated Water Systems Society
c/o Rebecca Skiffington, Campbell Bennett Bay Improvement District
[REDACTED]
[REDACTED]
[REDACTED]

Re: 538 Arbutus Dr, Mayne Island, BC

To Whom It May Concern,

My family has enjoyed our cabin on Mayne Island for the last almost 20 years. We've had incredible memories at the home including anniversary celebrations, birthdays, introducing our close friends to the southern gulf island, and bringing our own growing family. More recently, my aging parents have come to the difficult conclusion that they are no longer able to take care of the property. My partner and I are now exploring the option of purchasing the property in order to keep this important home in our family.

However, in order to make this a financially feasible option for my own family, we would need to rent the cabin part-time. We have looked at long-term rental models, but they prohibit regular family use. For that reason we feel short-term rentals would be the most logical step for us as it's important that my parents are able to utilize the property throughout the year.

In order to offer short-term rentals, we are in the process of applying for a Temporary Usage Permit (TUP) through the Island Trust as the cabin doesn't currently meet the short-term vacation rental (STVR) bylaw criteria. We have been in contact with Narissa Chadwick, the Island Planner for Mayne, and our local trustees, Dave Maude and Jeanine Dodds, who suggested we connect with our local water district as our next step.

We understand that water conservation and protection of Mayne's delicate ecosystem is a top priority specifically in consideration of short-term rentals. Please note that it is not our goal to exclusively rent this cabin as an income property, but rather make it available to short-term stays to help offset some of the costs involved with maintaining the property. We would only look to rent it when our family is not spending time at the home.

In the process of applying for the TUP, we have been doing an environmental scan of other short-term rentals in the area, including Blue Vista Resort and the Mayne Inn, and some of the other rental properties have great water-saving recommendations listed on their postings. If approved, we would do the same and request all guests respect the island's limited and valuable resource. We would request guests to:

- Bring their own linens,
- Prohibit laundry use,

- Take short showers,
- Hand wash dishes when possible, and
- Turn off water while brushing their teeth or shaving

Some of the things we have already done to save water at the cabin include:

- Putting plastic water bottles in the toilet tank,
- Installing a water-saving shower head and faucets,
- Checking the toilets and fixtures for leaks,
- Bringing our own drinking and cooking water from Victoria,
- Sparsely utilizing our well water for spraying off kayaks,
- Letting the grass go brown in the warmer months; and
- Encouraging drought-resistant native species of plants and trees on the property

We would also like to explore installing rain barrels at the home if we are able to successfully purchase the property. This is something my parents were never able to do. We also look forward to attending the annual water workshop when safe to do so.

We realize some property owners choose to list their homes as short-term rentals without permission or proper permitting, especially since the fine is less than the permit fee itself. However, we find this disrespectful and we would only move forward and keep this cabin in our family if we were approved for the TUP. We are grateful for the thoughtful considerations and feedback from any of the involved parties. We want this to be an environmentally sustainable option for our community too.

Please connect with us directly as we would like to hear back from you before officially applying to the Island Trust for approval.

Many thanks,


Dan Costello & Amber Baker





Attachment 8Attachment 3



Amber Baker <amberbaker446@gmail.com>

Temporary Usage Permit Application

CBBID Administrator <[REDACTED]>
To: Amber Baker <[REDACTED]>
Cc: Warning Bill [REDACTED]>

Fri, Oct 16, 2020 at 9:18 AM

Hi Amber,

As a rule, we usually would correspond only with the property owner, however as you have indicated you may purchase this property, and are related to the owner, I can provide the following information.

As a water district, Campbell-Bennett Bay Improvement District (CBBID) is very concerned about water use and conservation, however our mandate does not extend to getting involved with how a property owner uses their home or property.

Instead of any involvement in how you use your home/property, we focus on your water usage, and we monitor each property's water usage on a monthly basis. If the usage exceeds 15,000 liters in a month or exceeds 10,000 liters per month for 3 consecutive months, we will take steps to have you reduce that usage.

The district (CBBID) has a bylaw governing allowable water use and restrictions for use; district water can only be used for domestic purposes, meaning the water can only be used within the home. Washing of cars/boats, power washing, plant watering, gardening usage, filling of pools and hot tubs and other non domestic uses are prohibited.

You can visit our website at www.cbbid.weebly.com for more information. We are happy to assist any homeowner in installing rainwater tanks/systems, and appreciate installation of low flush toilets and low usage washing machines to further reduce water use.

Hope this helps.

Regards, Rebecca

[Quoted text hidden]

--

Rebecca Skiffington
Administrator
Campbell-Bennett Bay Improvement District
[REDACTED]
<https://cbbid.weebly.com/>

October 22, 2020

Re: 538 Arbutus Dr, Mayne Island, BC

Hello Neighbour,

My parents, [REDACTED] and [REDACTED], have thoroughly enjoyed their time at our Mayne Island cabin for the last 20 years. We've had incredible memories including anniversary celebrations, birthdays, and now bringing our own kids to the home. More recently, my parents made the difficult decision to sell the property and my partner and I are now exploring the option of purchasing the cabin to keep it in our family.

However, in order to make this a financially feasible option for my own family, we would need to rent out the cabin part-time. We have looked at long-term rental models, but they would prohibit regular family use. For that reason we feel short-term rentals would be the most logical step for us as it's important that my parents, my brothers, and their families are able to continue to spend time at the home throughout the year.

Currently, Mayne Island bylaws allow for short-term vacation rentals (STVRs) on very specific properties. From our understanding, zoned legal cottages, or secondary dwellings, on properties that are over 1.5 acres are allowed to be rented out as STVRs under the home occupation section of the bylaws. There are a number of these properties currently listed on short-term vacation rental websites such as AirBnB.

If a property does not meet the STVR criteria, homeowners are welcomed to apply for a temporary usage permit (TUP) through the Islands Trust. We have been in contact with Narissa Chadwick, the Island Planner for Mayne, and the trustees, Dave Maude and Jeanine Dodds, who suggested we connect with our local water district and our neighbours as our next step.

We have reached out to Rebecca Skiffington from the Campbell-Bennett Bay Improvement District (CBBID) and provided her with our water conservation strategies. She has outlined clear water usage guidelines and shared that they enforce these recommendations regardless of property type (i.e. permanent residences, short or long-term rentals, or recreational properties).

We are now reaching out to our neighbours that are in close proximity to the home to gather feedback. Please note that it is not our goal to exclusively rent the cabin as an income property, but rather make it available to short-term stays to help offset some of the costs involved with maintaining the property. We would only look to rent it when members of our family are not spending time at the home. Our hope is that the cabin will attract other young families and serve as a quiet getaway. We will enforce a zero tolerance policy for partying and disrespectful visitors.

We realize some property owners choose to list their homes as STVRs without permission or proper permitting. However, we will only move forward with purchasing the property if we are approved for the TUP.

Please let us know if you have any feedback. With your permission, we would like to include your comments with our application. We will be submitting our application at the end of this month. We are grateful for the thoughtful considerations.

Many thanks,

[REDACTED]

Dan Costello & Amber Baker

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Amber Baker <amberbaker446@gmail.com>

538 Arbutus Dr Application

Anne Burke <[REDACTED]>

Sun, Nov 1, 2020 at 7:28 PM

To: Dan Costello <[REDACTED]>

Cc: Louise Costello <[REDACTED]>, Michael Costello <[REDACTED]>, Amber Baker <amberbaker446@gmail.com>

Hello Dan,

This letter has been written as a source of feedback and support for your application for permission to offer your cabin for short term rentals when you or your family are not occupying it.

My name is Anne Burke, and I have had a cabin next door to your parents, [REDACTED] for the past four years. During those years I have found your parents, you and your brother's families, when staying there, to be friendly, cooperative, and always very respectful to me. In short, I couldn't ask for better neighbours.

From my experience with your family as a whole, I wouldn't have any hesitation, at this point, to support your application for short term rental permission. I have confidence that you are a very conscientious person, and would do everything in your power to ensure good renters, and at the same time deal quickly and effectively if problems did arise.

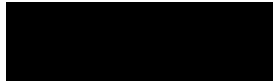
Please let me know if you need any further information to be submitted along with your application.

Regards,
Anne Burke
[REDACTED]

Sent from my iPhone

Dan Costello and Amber Baker

November 2, 2020



Hello Dan & Amber,

Re: 538 Arbutus Drive, Mayne Island, BC

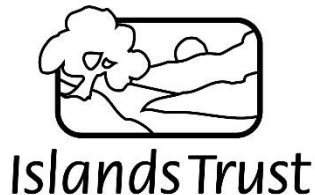
Thank you for reaching out to get our input on your pursuance of a temporary usage permit to allow you to do short-term vacation rentals on the property at 538 Arbutus Drive, directly adjacent to our property.

As your neighbours, we are obviously very concerned about how this might affect our property and the enjoyment of our Mayne home. We are aware that other properties are operating as Airbnb 's and we appreciate that you are seeking approval and following the correct protocol for gaining permission and permits. We would hope that you would not have new renters every week all summer long, but we are not averse to you having occasional renters who respect the property and island bylaws.

Please let me know if you require further comment or if you have any questions.

Nicola and Rick Fillier





PROPOSED

**MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2020.2 (Costello & Baker)**

538 Arbutus Drive

To: Louise Costello
c/o Dan Costello and Amber Baker

1. This Permit applies to the land described below:

Lot 17, Section 9, Mayne Island, Cowichan District, Plan 14000,
(PID: 004-448-154).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

a) a Short Term Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the property owner or other contact person be available on Mayne Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and on island contact person must be provided to guests upon arrival;
- b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact persons phone number, and a copy of the temporary use permit;
- c) the property owner or Short Term Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
- d) pets should be kept under control at all times;
- e) the owner must provide parking for a minimum of two (2) vehicles on the property;
- f) outdoor lighting must not be directed onto surrounding properties;
- g) a maximum of one unilluminated and wooden sign not exceeding a total sign area of 0.4 square metres advertising the Short Term Vacation Rental is permitted . The sign must be located on the lot occupied by the Short Term Vacation Rental use;
- h) the maximum number of guests is limited to eight (8) persons with the exception that the maximum number of guests is temporarily limited to five (5) for the duration that the Provincial Emergency Health Order for COVID 19 remains in effect;
- i) the maximum number of bedrooms is two (2);
- j) camping and occupancy of recreational vehicles are prohibited;
- k) all outdoor fires are prohibited;
- l) the rental or provision of motorized personal watercraft is prohibited;
- m) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer or any other person designated by the Islands Trust to administer this Permit is authorized to enter, at any reasonable time, the property for the purpose of inspecting and determining whether the conditions, prohibitions and requirements of the Permit are being met.

- n) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
 - o) the property owner, or Short Term Vacation Rental operator, must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
 - p) that an application for renewal include hydro and water meter readings for the term of the TUP; and,
 - q) that water conservation information be provided to guests and signs be posted at all water sources.
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS XXth DAY OF MONTH, 2021.

Deputy Secretary, Islands Trust

Date Issued



File No.: MA-DVP-2020.8 (Peace)
Ref: MA-SUB-2018.3
(Mayenburg)/ MA-SUB-
2019.1 (Mayenburg)

DATE OF MEETING: January 25, 2021
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit
Applicant: Wayne Peace
Location: 445 Garrick Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2020.8 (Peace) subject to the registration of a covenant related to water treatment and the installation of a rainwater collection system on title of Lot 1 Section 12 Mayne Island Cowichan District Pan EPP72441.
2. That the Mayne Island Local Trust Committee accept a covenant under section 219 of the Land Title Act from the registered owners of Lot 1 Section 12 Mayne Island Cowichan District Pan EPP72441 and designate the Chair of the Local Trust Committee to sign the covenant (MA-SUB-2018.3, 445 Garrick Road).

REPORT SUMMARY

This purpose of this staff report is to recommend Mayne Island LTC approval of 1) the Development Variance Permit for water quantity on the property at 445 Garrick Road, and 2) that the related covenant be accepted and signed by the Chair of the Mayne LTC.

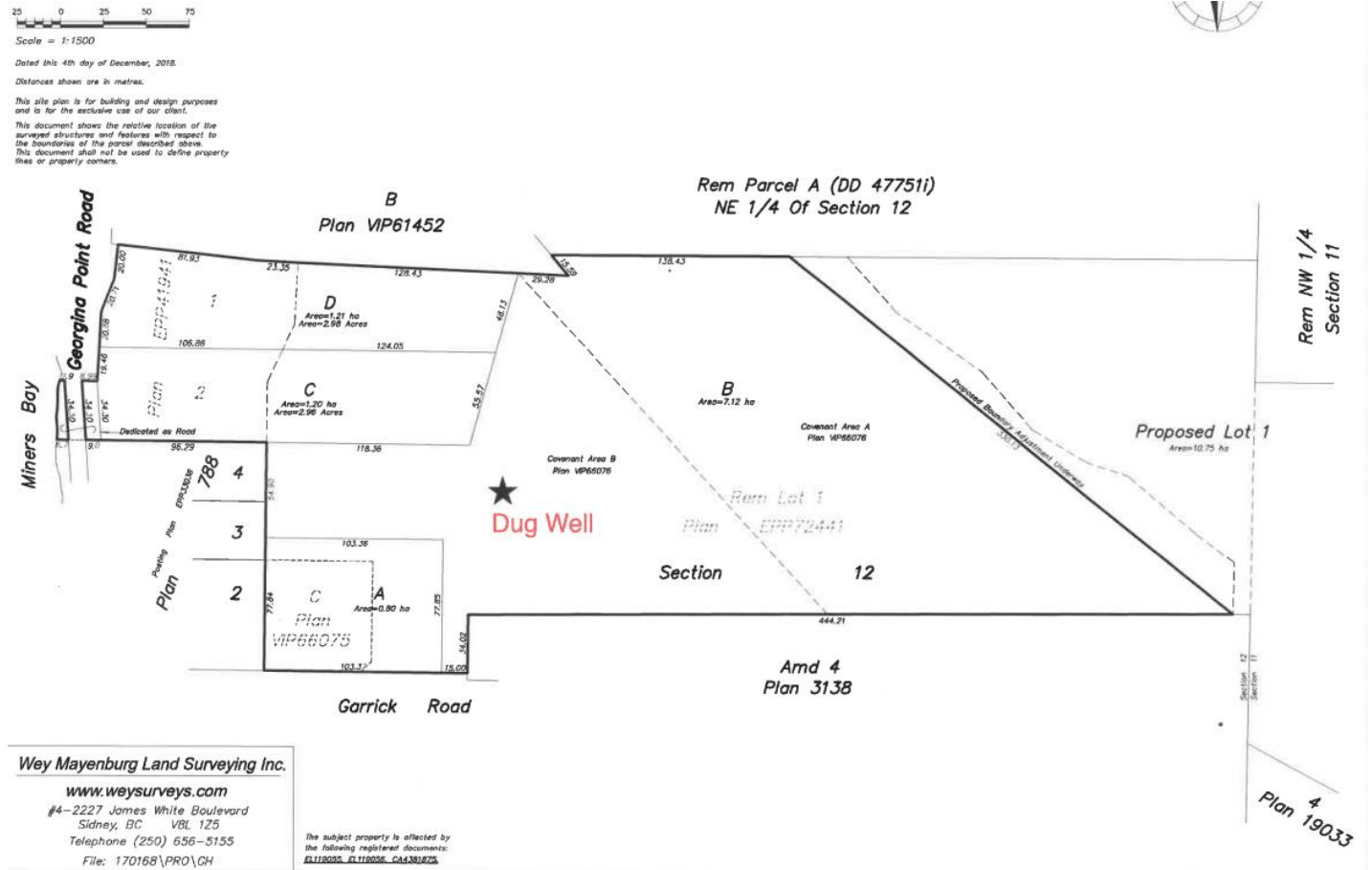
BACKGROUND

As identified in the [staff report presented at the October 26th Mayne LTC meeting](#), the subdivision in question involves boundary adjustments proposed in two related subdivision referrals concerning five properties in total. As illustrated in Map 1 below, the proposed boundary adjustments result in five parcels of land changing in size. Four of these properties' boundaries will be extended into one larger piece of property (the parent property). The parent property will become smaller (445 Garrick Road, Identified as "B" in Map 1).

Proof of water was provided for proposed Lots A, C and D (see Map 1) based on past well logs. A well was drilled and a Hydrogeologist's report was submitted related to establishing proof of water for parcel "B" (445 Garrick Road). The Hydrogeologist's report indicated a slightly lower well capacity (2000 L/d) then what is required under the bylaw as well as elevated levels of a number of minerals. In order to conform with LUB regulations staff recommended a DVP varying the required well capacity and a covenant be registered on title to address issues

related to water quality. The covenant (attached has been drafted by legal counsel though a cost recovery agreement.

MAP 1: Boundary Adjustment Proposal



CONSULTATION

First Nations

As the Development Variance Permit and the subdivision applications would not increase impact on the land they do not raise concerns related to Local Trust Committee Standing Resolutions on reconciliation.

Circulation/Public Consultation

At the October 26th Mayne LTC meeting the LTC requested staff to circulate the statutory notice for the DVP. DVP Notices were circulated to surrounding property owners and residents. To date, no comments have been received.

Rationale for Recommendation:

Recommendation:

- 1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2020.8 (Peace) subject to the registration of a covenant related to water treatment and the installation of a rainwater collection system on title of Lot 1 Section 12 Mayne Island Cowichan District Pan EPP72441.***
- 2. That the Mayne Island Local Trust Committee accept a covenant under section 219 of the Land Title Act from the registered owners of Lot 1 Section 12 Mayne Island Cowichan District Pan EPP72441 and designate the Chair of the Local Trust Committee to sign the covenant (MA-SUB-2018.3, 445 Garrick Road).***

Rationale:

- The subdivision applications are boundary adjustments and do not involve any increase in density or intensity of land use.
- No concerns have been raised by the public.
- The applicant has identified that they will be installing a water storage tank of at least 1000 gallons to deal with the deficiency in water quantity.
- To address water quality, the applicant has agreed to register a s. 219 covenant requiring the installation of a water treatment system and the measuring and monitoring of water quality over time. The installation of water storage tanks will be included in the covenant.

ALTERNATIVES

1. Deny the application

The LTC should keep in mind that without the DVP, registering a covenant to address water quality will have limited value as without the DVP subdivision approval cannot be provided.

That the Mayne Island Local Trust Committee deny the application MA-DVP-2020.8 (Peace).

NEXT STEPS

If the recommendation is supported by the LTC:

- The covenant will be registered with the Land Title Office after being signed by the property owner, the CRD representative and the LTC Chair.
- The DVP will then be issued.
- Staff will provide subdivision review approval to the Ministry of Transportation and Infrastructure.

Submitted By:	Narissa Chadwick, Island Planner	January 8, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 13, 2021

ATTACHMENTS

1. Draft Development Variance Permit
2. Draft Covenant



Islands Trust

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2020.8**

To: Wayne Peace

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

Lot 1 Section 12 Mayne Island Cowichan District Plan EPP72441
(PID: 030-330-629)

2. Mayne Island Land Use Bylaw 146, 2008 is varied as follows:

- a) Subsection 8.11 (1) which requires that where a well is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide the written certification under seal of an Engineer or a professional hydrogeologist with experience in groundwater hydrology that there is in respect of each building, structure, or use of land permitted by this bylaw on or to each proposed lot an available supply of potable water that meets or exceeds the Guidelines for Canadian Drinking Water Quality in the amounts set out in Table 1 in Subsection 8.11 (1), is varied to permit the use of an existing source (well) that produces a quantity less than 2275 litres per day

The development shall be consistent with Schedule 'A' and Schedule 'B' which is attached to and forms part of this permit.

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

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2020.8

SCHEDULE 'A'

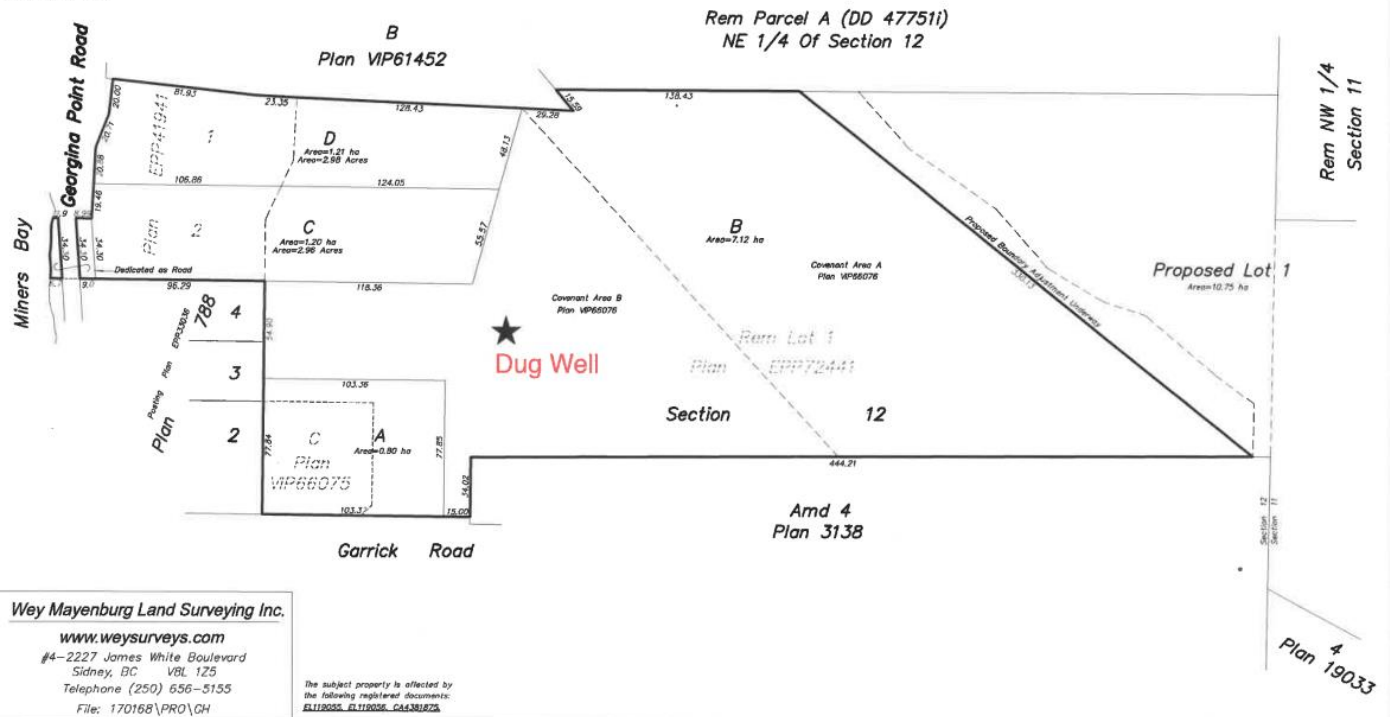


Dated this 4th day of December, 2018.

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 respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.



SCHEDULE 'B'



PART 2 - TERMS OF INSTRUMENT

SECTION 219 COVENANT (Water Supply)

This Agreement dated for reference _____, 2021 is between:

DR. JANICE L. PEACE INC., Inc. No. BC0373276
493 Erin Place
Delta, BC V4M 2V7

(the “**Owner**”)

AND:

MAYNE ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Island Trust Act*, R.S.B.C. 1996, c. 239, having an office at Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(the “**Local Trust Committee**”)

AND:

CAPITAL REGIONAL DISTRICT, having an office at 625 Fisgard Street, Victoria, British Columbia, V8W 2S6

(the “**Capital Regional District**”)

GIVEN THAT:

A. The Owner is the registered owner of land on Mayne Island more particularly described as:

LOT 1 SECTION 12 MAYNE ISLAND COWICHAN DISTRICT PLAN EPP72441
PID 030 330 629
(the “**Land**”).

B. The Owner proposes to subdivide and develop the Land for residential use.

C. The Local Trust Committee’s Land Use Bylaw No. 146, 2008, (the “**Land Use Bylaw**”) requires each lot created by subdivision to have a source of potable water, as that term is defined in the Land Use Bylaw.

D. The Land will not be connected to a community water system and instead, water to the Land will be supplied by a private well located on the Land (the “**Well**”).

E. The Owner has had a report (the “**Report**”) prepared by a professional hydrogeologist (a copy of which is attached as Schedule “A”) which report recommends the installation of a water treatment system to ensure compliance with the water supply standards set out in the Land Use Bylaw.

F. The Owner wishes to grant the Local Trust Committee and the Capital Regional District a covenant under s. 219 of the *Land Title Act* (British Columbia) to regulate the use of the Land.

G. The Owner wishes to grant this Covenant in the interests of confirming that treatment systems, along with a rainwater collection and storage system, will be implemented and maintained by the Owner and all future owners, tenants, lenders and others.

NOW THEREFORE, in consideration of the payment of \$2.00 by the Local Trust Committee and the Capital Regional District to the Owner (the receipt and sufficiency of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees as follows with the Local Trust Committee and the Capital Regional District in accordance with s. 219 of the *Land Title Act* (British Columbia) as follows:

Restriction on Use

1. The Owner shall not use or occupy the Land, including any building or structure located on the Land, for any residential or domestic purpose, unless the Owner is in full compliance with the terms of this Agreement.

Water Treatment, and Rainwater Collection, Systems

2. The Owner shall not start the construction or placement of any new residential building or structure on the Land until the Owner has submitted to and received the written approval of, a design for a water treatment system (the “**Water Treatment System**”) on the Land which is effective to make the water from the Well potable (in terms of the health and aesthetic criteria set out by the Land Use Bylaw and the Guidelines for Canadian Drinking Water Quality). Reference to the term “**potable**” in this Agreement shall mean that the water is safe to drink and suitable for domestic purposes and, without limiting the foregoing, meets a standard for potability no less than that specified in the Land Use Bylaw, as that standard may be revised from time to time. The Owner agrees that the design for the Water Treatment System shall be prepared by a certified water treatment specialist (“**Specialist**”), and shall include recommendations for ongoing maintenance to ensure the Water Treatment System continues to function as designed (the “**Maintenance Recommendations**”).

3. The Owner shall not use or occupy the Land, or any building or structure on the Land, for residential purposes, nor shall the Owner request an occupancy permit for any building or structure on the Land, until the Owner has:

- a. Installed on the Land a rainwater catchment and storage system having a capacity of at least 3700litres (the “**Rainwater System**”); and,
- b. Installed the Water Treatment System and provided to the Local Trust Committee written confirmation from a Specialist that the Water Treatment System is operating as designed, and in particular, is capable of delivering potable water for residential uses on the Land.

4. The Owner shall maintain the Water Treatment System in accordance with the Maintenance Recommendations and any manufacturer's instructions, and shall within 30 days of receiving a written request from the Local Trust Committee, provide written confirmation from a Specialist that the Water Treatment System has been properly maintained and is functioning as designed and intended.

No Effect on Laws or Powers

5. This Agreement does not

- (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land except as expressly set out herein;
- (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;
- (c) affect or limit any enactment relating to the use or subdivision of the Land;
- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

6. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

No Liability in Tort

7. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

8. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a covenant granted under s. 219 of the Land Title Act (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

9. The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

10. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

11. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

12. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

13. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Execution Using Form C

14. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

END OF DOCUMENT

DATE OF MEETING: January 25, 2021

TO: Mayne Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Report subject: Rezoning Application
Applicant: MIHS
Location: 375 Village Bay Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee receive Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” for information and direct staff to make any changes.
2. That the Mayne Island Local Trust Committee receive Bylaw No. 183, cited as as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021” for information and direct staff to make any changes.
3. That the Mayne Island Local Trust Committee request staff schedule a community information meeting once all information requested from the applicant has been received.

REPORT SUMMARY

The purpose of this report is to 1) present draft bylaws related to the rezoning of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 to accommodate the development of ten units of rental housing considered to be affordable (as defined by BC Housing) 2) provide an update and next steps.

BACKGROUND

A preliminary report on the application was submitted to the Mayne Island LTC on [July 27, 2020](#). An update was provided at the [November 20th](#) LTC meeting.

At the November 20th meeting the LTC:

- Asked staff to write to Dr. McHugh(owner) requesting information on his expectations and intent for Lot 2 and proposed plans for environmental protection
 - Letter was written but there has been no reply to date.
- Requested that staff prepare draft bylaws
 - Draft bylaws are attached (Attachment 1 and 2)

- Requested that a Section 219 covenant be granted to the property owners to identify the location of development, require water treatment and monitoring, and areas to be preserved as a condition of adoption of bylaws
 - Staff require additional information from applicant before covenant can be drafted.
- Required a housing agreement be adopted prior to the adoption of the rezoning bylaws
 - Staff requires additional information from applicant before housing agreement can be drafted.
- Requested that the Mayne LTC enter into a cost recovery agreement with the applicant for the drafting and registration of the Housing Agreement and Section 219 Covenant
 - LTC resolution adopted
- Requested that the applicant provide the following information:
 - Hydrogeologist's report – have received and reviewed
 - Arborist report – pending
 - Hydrologist report –pending
 - Information required for housing agreement -
 - Site plan drawn to scale location of any proposed buildings, structures and land clearing - pending
 - Site development plan identifying how ecologist's recommendations have been incorporated - pending

The applicant indicates that they have received new reports and will be providing them to staff once they had reviewed them.

- Request staff to schedule a community information meeting prior to first reading
 - To be scheduled once all information identified above has been received as per staff recommendation in November 30th staff report.

Draft Bylaws

The draft bylaws include:

1. **An amendment to the Land Use Bylaw** (Bylaw No.183) which would:
 - Create a new zone (Comprehensive Development Three (CD3) Zone) to support multi-family rental housing.
 - Introduce additional definitions
 - Create a split zoned lot
 - Rezone the portion of the property being contemplated for multi-family rental from Rural (R) to Comprehensive Development Three (CD3)
 - Rezone the parent portion of the property to R(f) to enable the subdivision of the lot into two (in concurrence with amenity zoning provisions in the OCP)
 - Removes the new CD3 zone from the area permitted to have secondary suites
2. **An amendment to the Official Community Plan** (Bylaw No.181) which:
 - Designates the proposed multi-family rental housing portion of the parent property from Rural designation to Rural – Multi-family residential (R-MR) designation.

ANALYSIS

Policy/Regulatory

Official Community Plan:

The suggested changes to density appear to be consistent with the Official Community Plan policies that support affordable housing and an increase in permitted density in exchange for a community amenity in areas designated rural (see below).

Rural Zoning Policy:

- 2.1.4.4** Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.

Amenity Zoning Guidelines

- 2.10.1** In the case where a property owner offers to provide a voluntary community amenity as a condition of subdivision or rezoning, consideration may be given to increasing the permitted density on a parcel in any designation other than Public Service, Park or Resource Conservation.

- 2.10.2** The following community amenities represented in a list of potential communities amenities which may be acceptable for consideration under this section:

- xi) the provision of affordable and special needs housing

Land Use Bylaw:

The proposed Bylaw 183 creates new residential rental tenure permitted under new provisions of the Local Government Act. (S.481.1 (1))

- 481.1 (1)** A zoning bylaw may limit the form of tenure to residential rental tenure within a zone or part of a zone for a location in relation to which multi-family residential use is permitted.

Issues and Opportunities

Land Use Bylaw could be more prescriptive - The current draft of Bylaw No.183 is modeled after regulations identified in other zones (where most applicable). These regulations are flexible in nature (for example identifying maximum lot coverage as opposed to maximum floor area for dwellings and accessory buildings). The LTC could choose to be more prescriptive with zoning

Section 219 Covenant provides opportunity to address specific interests - As previously requested, the covenant will address areas to be preserved. It can also pre-designate development sites and restrict size and type of units.

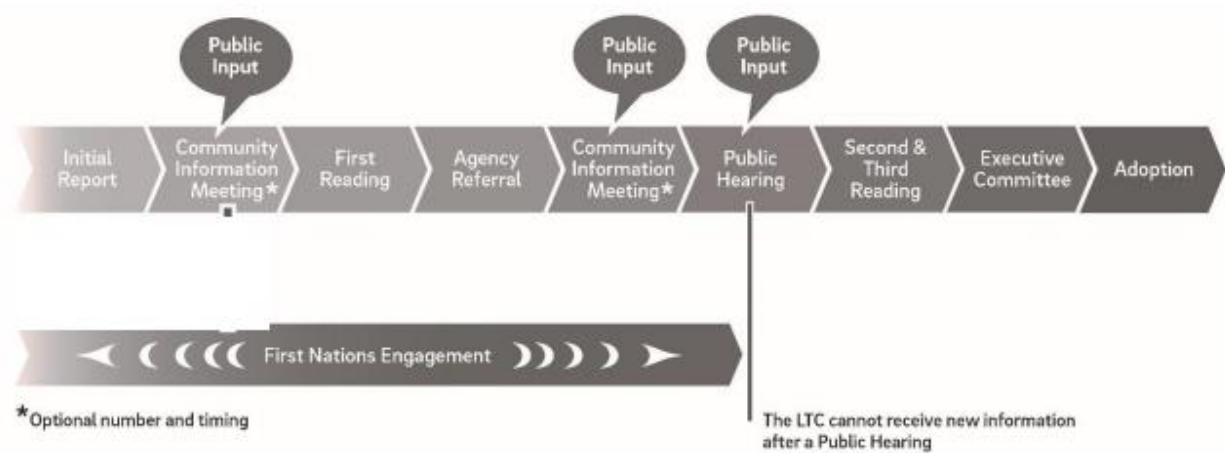
Consultation

In accordance with statutory requirements, a public hearing is required and it is normal practice to hold at least one Community Information Meeting (CIM) prior to that. At the November LTC meeting the LTC requested staff schedule a community information meeting prior to first reading.

Staff is recommending that bylaws be drafted and all the information requested from the application be received before scheduling the community information meeting. This would include information to be contained in the Housing Agreement and Section 219 Covenant.

Timeline

A draft process timeline is identified below. Public input can be provided and considered at any time into the process up until the conclusion of the public hearing. The general process may also be updated at any time.



Agencies

As listed in the preliminary report, draft bylaws will be referred to a number of agencies and First Nations.

First Nations

As identified in the November 20th report, meaningful engagement between the Islands Trust and these First Nations will be required. The Province will also be required to meet their consultative obligations as a decision to rezone would trigger an OCP bylaw amendment which would need ministerial approval.

The applicant is encouraged to seek clarification on the location of archeological sites in relation to development, review the provincial archaeological branch website, and be guided by the Islands Trust Chance Find Protocol.

Rationale for Recommendation

1. At the November 20th 2020 Mayne LTC meeting the LTC requested that a community information meeting be held before first reading of the bylaws.

2. Staff have recommended that all information requested of the applicant be received before a community information meeting is held.
3. Staff are still waiting for the following items from the applicant: XXX

ALTERNATIVES

1. The LTC just receive the proposed bylaws at this time

The LTC may choose to receive the draft bylaws and wait until the process has moved further along before suggesting changes to the bylaws.

That the Mayne Island Local Trust Committee receive for information Bylaw No. 181, cited as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021".

That the Mayne Island Local Trust Committee receive for information Bylaw No. 183, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021".

2. The LTC may request that a Community Information Meeting be held before all the information requested from the applicant has been received

If the LTC chooses this option they will need to specify when they would like the community information meeting to be held.

That the Mayne Island Local Trust Committee request staff schedule a community information meeting....

3. The LTC could read give First Reading to the bylaws

That the Mayne Island Local Trust Committee Bylaw 181, cited as ""Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021", be read for the first time.

That the Mayne Island Local Trust Committee Bylaw No. 183, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021", be read for the first time.

NEXT STEPS

- Applicant provide all outstanding information
- Staff schedule community information meeting once all information has been received
- Staff will bring back draft bylaws to the LTC for first reading
- Housing Agreement will be drafted and adopted before adoption of rezoning bylaws
- Section 219 Covenant will be drafted and registered before adoption of rezoning bylaws

Submitted By:	Narissa Chadwick, Island Planner	January 15, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 15, 2021

ATTACHMENTS

1. Draft Bylaw 181
2. Draft Bylaw 183

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 181

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

The Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	DAY OF	2021.
READ A SECOND TIME THIS	DAY OF	2021.
READ A THIRD TIME THIS	DAY OF	2021.
PUBLIC HEARING HELD THIS	DAY OF	2021.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	20__
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	DAY OF	20__
ADOPTED THIS	DAY OF	20__

Chair

Secretary

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 181**

SCHEDULE 1

The Mayne Island Official Community Plan No. 144, 2007, is amended as follows:

1. By amending Schedule B by changing the land use designation on a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from Rural (R) to Rural – Multi-Family Residential (R-MR) as shown on Plan No. 1, which is attached to and forms part of this bylaw.

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 183

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

The Mayne Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Mayne Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008,” is amended as follows:

2.1 By adding to Definitions ““Multi-family rental housing” means residential use of attached dwelling units that are limited to residential rental tenure.’

2.2 By adding to the definition of Dwelling unit “multi-family housing” after “secondary suite”

2.3 By adding to Definitions ““Residential rental tenure” means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit.’

2.4 By inserting a new row in the table in subsection to 5.5 (14) in the Rural (R) zone as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	A portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091	(1) Despite 5.5(13) above the average lot area must not be less than 1.3 hectares (3.3 acres).

2.5 By adding “5.28 Comprehensive Development Three (CD3) Zone” as a new zone following subsection 5.27:

“The purpose of the Comprehensive Development Three Zone is to provide for and regulate the development of multi-family rental housing.

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

- (a) Multi-family rental housing
- (b) Accessory uses, buildings and structures

Density

- (2) The maximum number of dwelling units in the CD3 zone is 10
- (3) The maximum lot coverage is 20%.

Size and Siting

- (4) The minimum setback for any building or structure is:
 - (a) 8 metres (26 feet) from any front, rear or exterior side lot line;
 - (b) 3 metres (10 feet) from any interior side lot line;
- (5) The maximum height for any dwelling unit is 9 metres (29.5 feet).
- (6) The maximum height for any accessory building or structure is 5 metres (16.5 feet).

Subdivision Lot Area Requirements

- (7) The minimum lot area is 1.3 hectares (3.3 acres).

Form of Tenure

- (8) All dwelling units in the Comprehensive Development Three (CD3) Zone shall be limited to residential rental tenure.”

- 2.6 By adding “Comprehensive Development Three CD3” to 4.1(1) (Division into Zones) following “Comprehensive Development Two CD2”
- 2.7 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to Comprehensive Development Three (CD3) as shown on Plan No.1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as required to effect this change.
- 2.8 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to (R(f) as shown on Plan No.1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as required to effect this change.
- 2.9 Schedule “D” – Zoning Map, is amended by removing a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from “ areas where secondary suites are permitted” as shown on Plan No.2, which is attached to and forms part of this bylaw, and the making of such alterations to Schedule “D” to Bylaw No.146 as required to effect this change.

3. SEVERABILITY

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

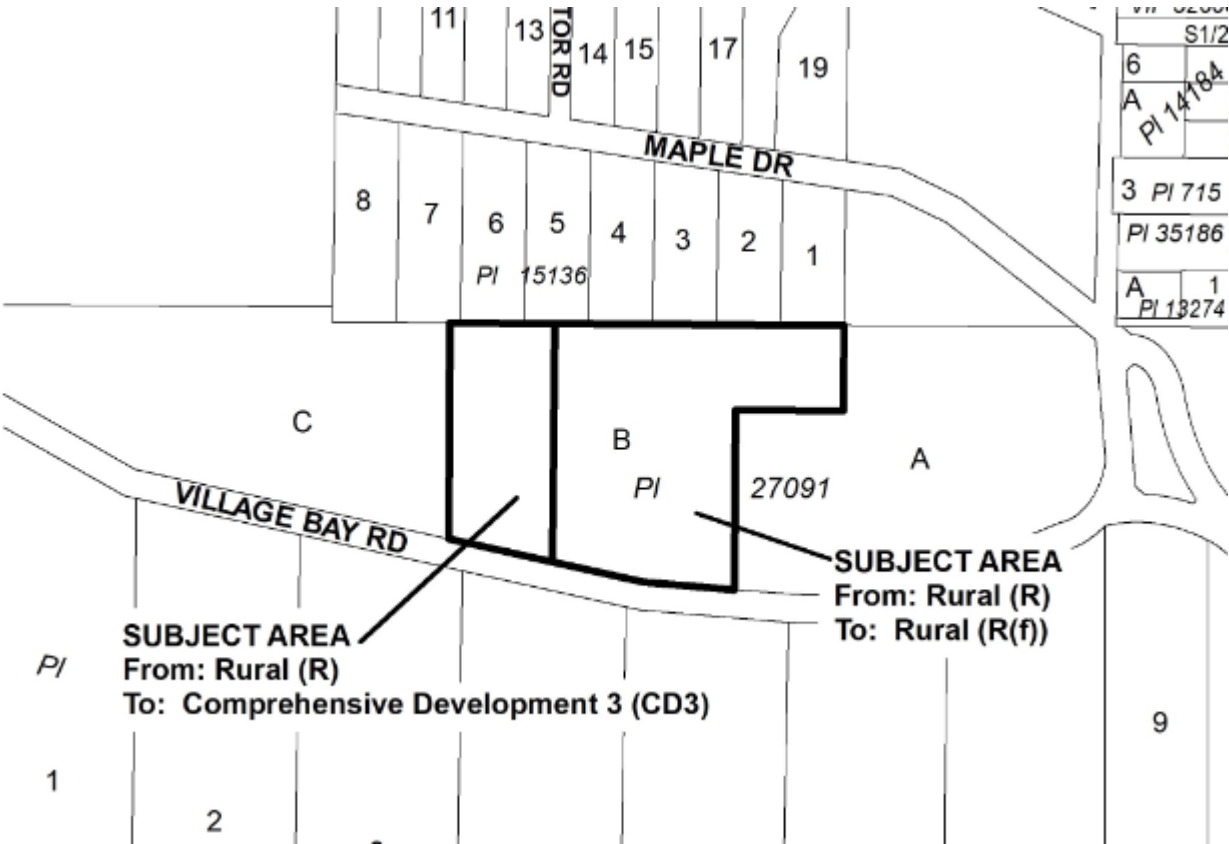
READ A FIRST TIME THIS	DAY OF	2021.
READ A SECOND TIME THIS	DAY OF	2021.
READ A THIRD TIME THIS	DAY OF	2021.
PUBLIC HEARING HELD THIS	DAY OF	2021.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	20__
ADOPTED THIS	DAY OF	20__

Chair

Secretary

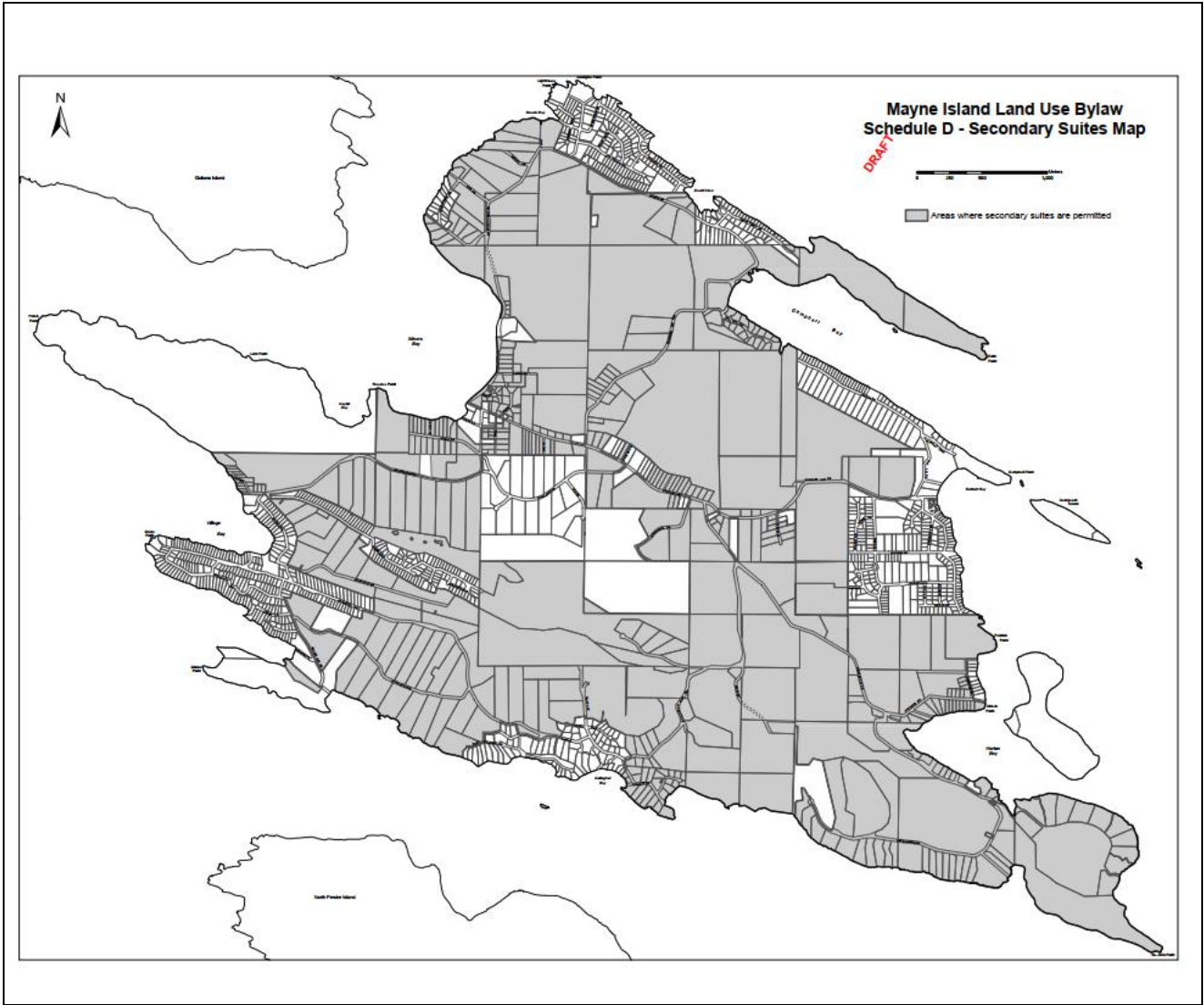
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 2



Top Priorities Report

Mayne Island

1. Land Use Bylaw Technical Amendments

Draft Bylaw with technical amendments prepared for June 29, 2020 LTC agenda.
 Through First reading at June 29 meeting, referrals sent, public hearing is being scheduled for September 2020.
 Second reading July 27th.
 Public Hearing postponed.
 Additional amendments proposed at Sept. 28, 2020 meeting.
 Public Hearing to held prior to October 26, 2020 meeting.
 Bylaw referred to Executive Committee. Bylaw returned for referral to First Nations.

Narrisa Chadwick

Rec'd: 23-Sep-2019
 Target: 31-Mar-2021

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

Initial staff report prepared for Oct 28, 2019 LTC meeting
 Further staff report prepared for January 27, 2020 LTC Meeting
 Report brought back to July 27, 2020 LTC meeting
 Report prepared for September 28, 2020 LTC meeting

Narrisa Chadwick

Rec'd: 26-Nov-2018

Report prepared for October 26, 2020 LTC meeting
 Special meeting to be scheduled for January.
 Special meeting held January 18, 2021.

Top Priorities Report

Mayne Island

3. *Groundwater Sustainability Project*

Responsible

Dates

Update LTC with status of project at July 27, 2020 LTC Meeting.
Update provided to LTC at November 30th, 2020 LTV meeting.

Narrisa Chadwick
William Shulba

Rec'd: 27-May-2019
Target: 31-Mar-2021

Projects Report

Mayne Island

1. *Climate Change Adaptation*

Responsible

Date Received

Consider regulatory changes and implementation of new DPA authority

02-Mar-2009

2. *Waste Management*

Responsible

Date Received

31-Oct-2017

3. *Fallow Deer*

Responsible

Date Received

26-Mar-2018

4. *Cannabis Production - Regulating structures*

Responsible

Date Received

24-Sep-2018

5. *Review of Contractors Yards*

Responsible

Date Received

27-May-2019

6. *Paved surfaces and patios.*

Responsible

Date Received

28-Sep-2020



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.8	Peace, Wayne	23-Jul-2020	

Planner: Narrisa Chadwick

Planning Status

Status Date: 18-Jan-2021

DVP approval pending registration of covenant related to MA-SUB-2018.1.

Status Date: 18-Jan-2021

445 Garrick Road - Development Variance to divide the property into 5 parcels.

Status Date: 09-Dec-2020

PTA prepared packages of DVP notice and draft permit to be delivered to all properties near property and sent to Minute Taker for delivery.

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2018.1	Capital Regional District (MIPRC)	01-Nov-2018	Application to amend the OCP and LUB to rezone from Rural to Park

Planner: Narrisa Chadwick

Planning Status

Status Date: 18-Jan-2021

Bylaw to be sent to EC after follow up with First Nations.

Status Date: 30-Nov-2020

Public hearing and third reading

Status Date: 28-Sep-2020

Bylaw read for second time, direction to schedule hearing for November meeting



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2020.1	Mayne Island Housing Society	17-Jun-2020	375 Village Bay Road - Mayne Island Housing Society applying for a rezoning to allow for subdivision into two residential parcels and one multifamily development.
Planner: Narrisa Chadwick			
Planning Status			
Status Date: 18-Jan-2021 Bylaws drafted.			
Status Date: 15-Jan-2021 Staff contacted applicant to identify status of requested information.			
Status Date: 19-Nov-2020 Second staff report presented to LTC based on information provided to date.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.1	Brent Mayenburg (Maude)	09-Apr-2018	Referral of a subdivision for 3 lots
Planner: Narrisa Chadwick			
Planning Status			
Status Date: 22-Apr-2020 Extension of the PLA has been requested			
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.			



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.3	Wey Mayenburg Land Surveying Inc (Peace) Planner: Narrisa Chadwick	16-Oct-2018	Referral of a subdivision to decrease size
Planning Status			
Status Date: 18-Jan-2021 Covenant drafted, signed by applicant and sent to CRD to sign.			
Status Date: 05-Nov-2020 Legal service request for covenant sent and received back.			
Status Date: 15-Oct-2020 Preliminary report for water quantity DVP to LTC October 26.			
File Number	Applicant Name	Date Received	Purpose
MA-SUB-2020.1	Arbutus Bay Estates Ltd. Planner: Phil Testemale	04-Jun-2020	797 Beechwood Drive - Subdivision referral application review for two lots.
Planning Status			
Status Date: 18-Sep-2020 Letter (August 31, 2020) to LTC req. waiving of req. for survey for DP on September 28, 2020 agenda.			
Status Date: 13-Aug-2020 PLRS was received from MoTI Officer, Owen Page. Completion of PR pending receipt of info from applicant.			
Status Date: 11-Aug-2020 Applicant is waiting for PLA prior to applying for DVP (required survey)			



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2020.2	COSTELLO & BAKER	06-Nov-2020	To offer as STVR as condition on purchase and sale of property.

Planner: Phil Testemale

Planning Status

Status Date: 18-Jan-2021

Preliminary report and draft TUP on January 25, 2020 agenda for consideration

Status Date: 23-Nov-2020

E-mailed applicant with schedule and process notes.

Status Date: 16-Nov-2020

Applicant recd EFT receipt fr FIN, added to electronic and paper files; emailed/posted Payment Recd letter to Applicant; emailed AppPkg to LTC. - SR

Islands Trust
 LTC EXP SUMMARY REPORT F2021
 Invoices posted to Month ending October 2020

645 Mayne	Invoices posted to Month ending October 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	506.00	0.00	506.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	673.00	1,151.96	-478.96
65210-645	LTC - Local Exp - APC Meeting Expenses	253.00	134.00	119.00
65220-645	LTC - Local Exp - Communications	250.00	364.76	-114.76
65230-645	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>1,470.00</u>	<u>1,650.72</u>	<u>-180.72</u>
Projects				
73001-645-2005	Mayne OCP/LUB	2,500.00	1,185.03	1,314.97
73001-645-4100	Mayne Island Housing	3,000.00	0.00	3,000.00
TOTAL Project Expenses		<u>5,500.00</u>	<u>1,185.03</u>	<u>4,314.97</u>

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2020-022 (Standing)	Carried	24-Feb-2020
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.		

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2018-049 (Standing)	Carried	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 (Standing)	Carried	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 (Standing)	Carried	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 (Standing)	Carried	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 (Standing)	Carried	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 (Standing)	Carried	02-May-2011
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 24, 2020

Islands Trust Conservancy Board News

Due to the COVID-19 pandemic, the Islands Trust Conservancy (ITC) Board resolved to hold meetings electronically due to Ministerial Orders under the Emergency Program Act and requirements or recommendations under the Public Health Act. Meetings will be live streamed, and the public can participate by connecting to the link or the phone number provided in the meeting notice. The Board also directed staff to investigate the use of electronic meetings as a primary meeting format. Electronic meetings have resulted in cost savings to ITC as well as reductions in travel time and greenhouse gas emissions for Board members.

A Board meeting schedule for 2021 was approved and will be posted to www.islandstrustconservancy.ca/about-us/meetings/.

ITC reviewed options for sustainable investing as guided by policies and guidelines in its 5-year plan. ITC staff will work with administrative staff to move investments into funds that are in alignment with the [United Nations Sustainable Development Goals](#).

The 2021/22 budget was reduced by \$3,600 to reflect anticipated cost savings in areas of Board training, staff training, and associated training travel. ITC travel budgets were not greatly reduced as they are required for property management and are not meeting related.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards 4 long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

ITC has signed a Contribution Agreement with Environment and Climate Change Canada for a new, three-year Species at Risk Program. Staff are working to launch the program and plan to develop a project charter for Board consideration.

Goal 2 – Strong relationships with First Nations

In October, ITC Board directed staff to create an ITC Reconciliation Action Plan that reflects prior directions in Goal 2 of the Regional Conservation Plan. Staff continue to work towards this plan and are also currently incorporating information from indigenous knowledge holders into land securement (acquisitions and covenants) and land management.

Goal 3 – Protection of core conservation areas

Two Natural Area Protection Tax Exemption Program (NAPTEP) proposals on Salt Spring Island were approved (See details below).

The ITC Board concluded its 2020 property monitoring program and reviewed and approved the 2020 Nature Reserve Monitoring Report and the 2020 NAPTEP Covenant Monitoring Report. Staff were directed to undertake actions identified in the reports.

The Covenant Management and Outreach Specialist outlined plans for outreach with NAPTEP landowners in 2021.

Goal 4 – A strong voice for nature conservation

The [Opportunity Fund](#), which is a funding program for island-based land conservation, has been very popular this year and is down to \$10,000. Through small grants (~\$5,000), the Fund supports hard to fundraise costs for island-based land conservation. ITC has done an appeal for fund donations through the Heron Newsletter mail-out, and via E-news. A Holiday Appeal letter from Chair Stamford will follow in December. Donations are tax receiptable and are greatly appreciated.

Visit www.islandstrustconservancy.ca/donate/ to donate.

The Board reviewed annual training opportunities and indicated a preference for training on the following topics:

- Fund Development and Speaking with Donors
- Cultural Sites and Property Management
- Species at Risk in the ITC Area

The Board received a briefing on completion of the 2020 forest outreach campaign, where over 400 letters and NAPTEP brochures were mailed to landowners to encourage conservation. Staff are following up with several landowners who have expressed an interest in formal land conservation. Conservation proposals have been received from landowners included in the outreach.

The recently released [Fall Heron Newsletter](#) reflects changes for greater readability and a more donor-centric approach.

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

Activities by Local Trust Area/Island Municipality

Bowen – Staff are working with the Bowen Island Conservancy on an invasive species management strategy for a conservation covenant, and monitoring of three ITC nature reserves and to complete the Opportunity Fund grant for the Bowen Island Conservancy.

Gabriola – Invasive species management and ecological restoration work has been completed for the year in one conservation covenant, and in Elder Cedar Nature Reserve. Staff are working on new signage for the Elder Cedar Nature Reserve.

Galiano – Forest restoration activities with Habitat Acquisition Trust at Trincomali Nature Sanctuary including removing invasive species and monitoring areas of past plantings, including maintaining fencing. Cormorant nest monitoring and reporting also took place.

Gambier/Keats – The transfer of the Sandy Beach Nature Reserve, Keats Island, is pending.

Lasqueti – Staff reported that Visual Quality Objectives (VQO) for Lasqueti Island were being revised by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, and the area adjacent to the ITC Mount Trematon Nature Reserve was proposed for removal from the VQO. Staff responded requesting that the area remain as part of the VQO.

Restoration activities were conducted at the pond in Salish View Nature Reserve to improve habitat for Species at Risk. With funding from Environment and Climate Change Canada, restoration activities included fence installation and planting of 841 native species. Work was completed with assistance of volunteers on Lasqueti and conservation covenant partners Lasqueti Island Nature Conservancy and Nanaimo & Area Land Trust. Provincial CoViD-19 safety guidelines were followed.

North Pender/Sidney Island – Staff are participating in the Steering Committee and working groups of a Parks Canada-led initiative to restore forest ecosystems on Sidney Island, where ITC holds eight conservation covenants. Staff have encouraged covenant landholders on North and South Pender to participate in The Pender Islands Big Tree Registry initiative.

Salt Spring – The ITC Board approved negotiation of two NAPTEP covenants: 45 ha near Burgoyne Bay Provincial Park and 5 ha of forest, bluff and wetland near Stowel Lake.

Invasive species management and ecological restoration has been completed for the year in two nature reserves and is under way in two NAPTEP covenants.

Planning has begun for species-at-risk habitat conservation and enhancement projects across a network of conservation covenants and nature reserves.

Staff participated in the annual meeting of the Special Management Area Resource Team for Mount Tuam Special Management Area, which includes an ITC conservation covenant and nature reserve.

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



BRIEFING

To: Local Trust Committees and Mayne Island Municipality **For the Meeting of:** January 25, 2021

From: Islands Trust Conservancy **Date Prepared:** November 25, 2020

SUBJECT: 2020 Forest Conservation Outreach Campaign Completion

PURPOSE: To inform the Local Trust Committees and Bowen Island Municipality of the completion of Islands Trust Conservancy's 2020 forest conservation outreach campaign.

BACKGROUND: In January 2020 Islands Trust Conservancy staff initiated an outreach campaign to encourage voluntary forest conservation and stewardship on private lands in the Islands Trust Area. This campaign was a response to part of Trust Council Resolution 2019-24, which directed staff to:

- create a strong communications program that will support Islands Trust Conservancy conservation initiatives for Coastal Douglas-fir protection as well as support the land use planning process, with a special focus on communicating the role of Development Permit Areas as a tool for Coastal Douglas-fir protection that permits development; and
- bring recommendations for how the Natural Areas Property Tax Exemption Program (NAPTEP) can be tailored to highlight and prioritize contiguous tracks of the Coastal Douglas-fir zone in the outreach, communications, and approval of NAPTEP covenants by the Islands Trust Conservancy.

The campaign also helps to address objective 1.5 of the Islands Trust Conservancy Regional Conservation Plan, which is to seek opportunities to provide information to landholders to support voluntary conservation initiatives.

Forest conservation outreach packages were developed by ITC staff in consultation with Islands Trust Directors of Trust Area Services and Local Planning Services, and included the following:

1. Personalized cover letter from the Covenant Management & Outreach Specialist
2. Customized forest ecosystem information sheets: Coastal Douglas-fir forest information and mapping for Gulf Islands LTAs, and Coastal Western Hemlock forest information and mapping for Gambier LTA and Bowen Island Municipality
3. Forest Conservation Checklist
4. NAPTEP rack card

The 2020 forest conservation outreach campaign focused on landholders with over five hectares of old-growth or mature forest on their property. Mapping identified 348 properties as meeting this criteria, with over 400 associated landholders (households). The following is a breakdown of packages mailed, by local trust area/municipality:

Local Trust Area/ Municipality	Outreach Package Recipients
Ballenas-Winchelsea	0
Bowen	29
Denman	23

Gabriola	19
Galiano	11
Gambier	49
Hornby	5
Lasqueti	171
Mayne	11
North Pender	10
Salt Spring	44
Saturna	14
South Pender	4
Thetis	13
Total	403

Outreach packages were mailed to these landholders on August 13th and 18th. The immediate response from outreach package recipients has been positive, and to date has included at least two NAPTEP covenant inquiries and two forest stewardship conversations.

In addition to the mailout, a Forest Protection webpage on the Islands Trust website has been created as a platform for ongoing forest conservation outreach: <http://islandstrust.bc.ca/trust-council/projects/forest-protection/>. The forest ecosystem information sheets for each LTA are available at www.islandstrust.bc.ca/islands/island-ecosystems/.

ATTACHMENT(S):

1. Cover letter template
2. Sample Coastal Douglas-fir Forests information sheet
3. Sample Coastal Western Hemlock Forests information sheet
4. Forest Conservation Checklist

FOLLOW-UP: A small number of paper copies of the forest ecosystem information sheets will be distributed to each island in late November, either to the Islands Trust Office/Municipal Office, LTC office, where available, or to the local conservancy, as appropriate.

The Covenant Management & Outreach Specialist will track responses to the forest conservation outreach letter in Islands Trust Conservancy's contact management database, connect respondents with other ITC specialists as needed, and assess the overall response to the campaign to inform future outreach activities.

Prepared By: Jemma Green, Covenant Management & Outreach Specialist

Reviewed By/Date: Kate Emmings, A/Manager / November 26, 2020

Coastal Douglas-fir Forests

What are Coastal Douglas-fir Ecosystems?

The Coastal Douglas-fir (CDF) zone describes a unique set of ecosystems found only on southeast Vancouver Island, the Gulf Islands, and the southwest coast of BC. CDF ecosystems are rare and highly endangered. These ecosystems include Douglas-fir forests, as well as Garry oak woodlands, wetlands, estuaries, and other unique communities of plant, animal, and fungi found nowhere else in the world.

Why are CDF Ecosystems Important?

CDF ecosystems have:

- The highest diversity of plant species in BC
- The highest diversity of overwintering bird species in Canada
- The highest density of species at risk in BC, including 24 globally imperiled species

Yet 98% of the 45 ecological communities in the CDF zone are at risk of being lost.

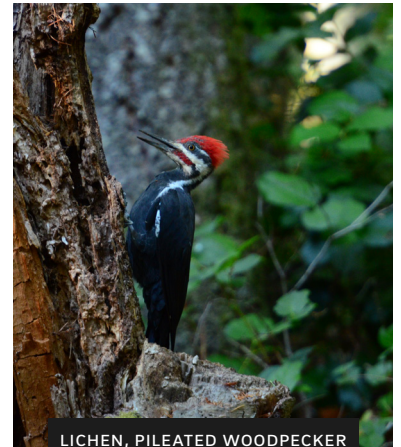
In addition to supporting biodiversity, CDF forests benefit our communities by:

- Mitigating climate change by capturing and storing carbon from the atmosphere
- Supporting cultural and spiritual values of First Nations that have lived in the region since time immemorial
- Reducing pollution by removing dust, pollen, and smoke from the air
- Controlling and filtering stormwater runoff into lakes and streams, which protects drinking water and reduces flood risk
- Supporting resilient food systems by providing habitat for native pollinators
- Increasing property values
- Providing recreational opportunities and spaces for relaxation

This resource was developed by:



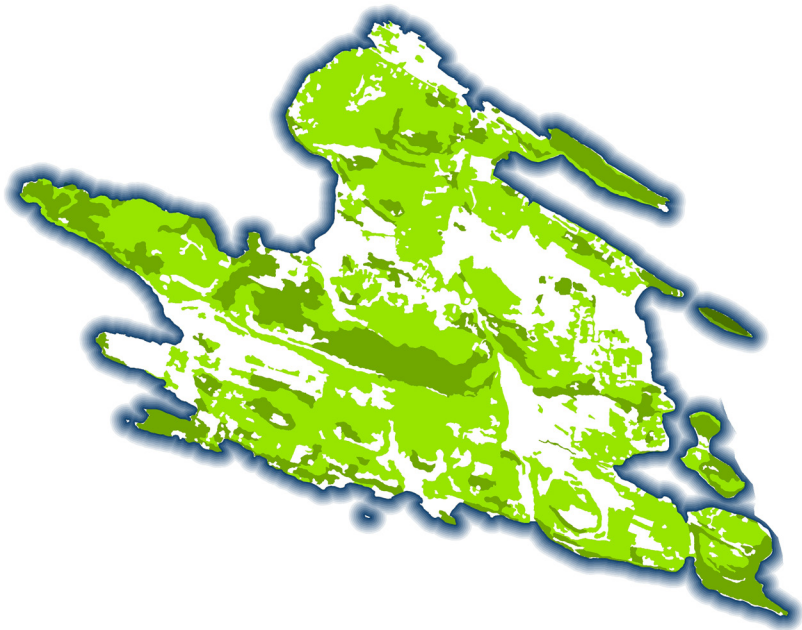
Photos by Kristine Mayes except lichen photo by Ken Lertzman, header and footer photos by Alex Harris for Raincoast. Map produced by Islands Trust.



LICHEN, PILEATED WOODPECKER

CDF Forest Ecosystems

-  Young Forest (40 - 80 yrs)
-  Mature Forest (80 - 250 yrs)
-  Old Forest (over 250 yrs)
-  Other Land Cover (incl. younger forests)



Why are CDF Forests at Risk?

Since European settlement, almost half of the historically forested land in the CDF zone has been lost due to land uses such as forestry and development. Most old-growth forests have been replaced by second growth forests that are not as biodiverse or resilient. Remaining CDF forests are in a hotspot of urban and rural development, and under increasing pressure from a growing population.

Climate change will have significant impacts on CDF forests as intensifying summer droughts stress trees. Islander observations indicate that climate change has already impacted western redcedar and other species. It is likely that drought is the primary cause of increased stress, but work needs to be done to understand these changes and adapt conservation of CDF habitats.

CDF forests and associated ecosystems are among the most endangered in Canada, yet only 11% of land in this zone is protected. Eighty percent of the land in the CDF zone is privately owned, highlighting the importance of voluntary conservation actions by individuals to protect what's left.



Only 11% of land in the CDF zone is under some form of protection

What You Can Do

Become a land steward:

- ☐ Protect living trees
- ☐ Leave large patches of natural forest intact
- ☐ Leave standing dead trees (snags) and fallen trees to decay in place to provide shelter and food for wildlife
- ☐ Restrict vehicle and livestock access into forests
- ☐ Control invasive species, like ivy, holly, daphne, and broom
- ☐ Keep cats indoors as much as possible
- ☐ Garden with native species
- ☐ Keep forest health in mind while managing fire risk. Focus on fire-proofing your home and planting a buffer of fire-resistant native plants like salal and Oregon-grape. Help protect your community by protecting older forests: their high moisture-holding capacity makes them a natural fire break.
- ☐ Become a citizen scientist — add your observations to a growing global database using the iNaturalist app, or keep a nature journal

Consider how your community can protect forests through Environmental Development Permit Areas and conservation guidelines in your Official Community Plan and Land Use Bylaw.

Permanently protect your land with conservation covenant.

A covenant is a voluntary, legal agreement between you and a conservancy that protects your land from development — not just while you own and live on the land, but even after your property is sold or transferred to new owners. Covenants registered through the Islands Trust's **Natural Areas Protection Tax Exemption Program (NAPTEP)** are eligible for a 65% reduction in property taxes on the portion of land protected.

Create a nature reserve through a donation of land to a conservancy or parks agency. If you donate land with significant ecological value, you may be eligible for additional tax benefits through the federal [Ecological Gifts Program](#).

Opportunity Fund grants can help cover costs associated with protecting land. Contact Islands Trust Conservancy to learn more at 250-405-5186 or itcmail@islandstrust.bc.ca

Resources

For information on conservation covenants, land donations, and stewardship programs, contact:

Islands Trust Conservancy: visit islandstrustconservancy.ca, email itcmail@islandstrust.bc.ca, or phone 250-405-5186

Mayne Island Conservancy: visit mayneconservancy.ca or email info@mayneconservancy.ca

For information on CDF ecosystems at risk, contact:

Coastal Douglas-fir Conservation Partnership: visit cdfcp.ca or email info@cdfcp.ca

For information about Raincoast Conservation Foundation's Gulf Islands Forest Project, visit: raincoast.org/gulf-islands



Islands Trust

Memorandum

200 - 1627 Fort Street Victoria BC V8R 1H8

Telephone **(250) 405-5151** FAX: (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

information@islandstrust.bc.ca www.islandstrust.bc.ca

Date January 7, 2021 File Number MA-APC 3024-02

To Mayne Island Local Trust Committee
For February 28, 2019, LTC meeting

From Maple Hung
Planning Team Assistant (on behalf of Jas Chonk, Legislative Clerk)
Local Planning Services

Re Advisory Planning Commission Memberships

The Mayne Island Advisory Planning Commission (APC) currently has five members. These five members have been informed of their expiry on January 30th, 2021. The Mayne APC Bylaw No.139 states that you can have up to nine members.

To facilitate the APC appointment process in the future, staff are recommending that the Local Trust Committee consider a standing resolution directing staff to both ask existing members if they interested in being re-appointed and to advertise for expressions of interest for new candidates. The proposed resolution wording would be:

THAT the Mayne Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be re-appointed and also advertise for expressions of interest for new commissioners.

Sincerely,

Maple Hung
(Planning Team Assistant, Southern Planning Team)

pc Robert Kojima, Regional Planning Manager



1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

Telephone: **250-537-9114**

Fax: 250-537-9116

Toll Free via Enquiry BC in Vancouver: 604-660-2421

Elsewhere in British Columbia: **1-800-663-7867**

Email: ssiinfo@islandstrust.bc.ca

Website: www.islandstrust.bc.ca

December 21, 2020

via email: southinfo@islandstrust.bc.ca

Mayne Local Trust Committee
Islands Trust
1627 Fort Street
Victoria, BC V8R 1H8

Dear Members of the Mayne Local Trust Committee:

Re: Short Term Vacation Rental Communications and Strategies

On Tuesday, December 15, 2020, a resolution was passed by the Salt Spring Island Local Trust Committee (SSI LTC) to invite the Southern Gulf Island Local Trust Committee's to meet and discuss Short Term Vacation Rentals (STVR) communications and strategies:

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee reconfirm their direction to staff to work with staff from the Island Trust's Southern Region to set up a meeting between the Southern Gulf Island Trustees to discuss Short Term Vacation Rental (STVR) policies and regulations and communication strategies.

If you are interested in attending a zoom discussion in the New Year please provide feedback on your preferred meeting method:

- 1) Each Local Trust Committee (LTC) agrees to have a Joint Special Business or
- 2) The SSI LTC hosts a meeting and each Southern Gulf Island LTC appoints an attendee.

Please email ssiinfo@islandstrust.bc.ca to notify us of your desire to participate and the preferred method of meeting. Staff will reach out to you to arrange a date accordingly.

Thank you,

Chair Peter Luckham
Salt Spring Island Local Trust Committee
PL/sb