



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: February 22, 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 January 25, 2021 (for Adoption)		3 - 10
6.2.	Section 26 Resolutions-without-meeting Report - None		
6.3.	Advisory Planning Commission Minutes - None		
7.	BUSINESS ARISING FROM THE MINUTES		
7.1.	Follow-up Action List Dated February 2021		11 - 12
8.	DELEGATIONS		
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.	APPLICATIONS AND REFERRALS	1:30 PM - 2:15 PM	
10.1.	MA-TUP-2021.1 (Feduck) - Staff Report (Attached)		13 - 35
10.2.	MA-RZ-2020.1 (Mayne Island Housing Society) - Staff Report (attached)		36 - 54

11.	LOCAL TRUST COMMITTEE PROJECTS	2:15 PM - 2:30 PM	
11.1.	LUB Technical Review - Consideration of Adoption of Bylaw No. 180 – Staff Report (attached)		55 - 61
12.	REPORTS	2:30 PM - 2:40 PM	
12.1.	Work Program Reports (attached)		
	12.1.1. <u>Top Priorities Report Dated February 2021</u>		62 - 63
	12.1.2. <u>Projects List Report Dated February 2021</u>		64 - 64
12.2.	Applications Report Dated February 2021 (Attached)		65 - 68
12.3.	Trustee and Local Expense Report Dated December 2020 (Attached)		69 - 69
12.4.	Adopted Policies and Standing Resolutions (Attached)		70 - 73
12.5.	Local Trust Committee Webpage		
12.6.	Chair's Report		
12.7.	Trustee Report		
12.8.	Islands Trust Conservancy Report - None		
13.	NEW BUSINESS		
14.	UPCOMING MEETINGS		
	14.1. Next Regular Meeting Scheduled for March 29, 2021 - Location: TBD		
15.	TOWN HALL	2:40 PM - 2:55 PM	
16.	CLOSED MEETING		
	None		
17.	ADJOURNMENT	2:55 PM - 2:55 PM	



Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: January 25, 2021
Location: Electronic Meeting (via 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
Shayla Burnham, Planning Assistant (host)
Patricia Todd, Recorder

Public: There were approximately 13 attendees in the Zoom Webinar.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Additions: 10.1 Daycare TUP Application

13.3 Trail - Miners Bay to Village Bay

By General Consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Rebecca Ewing inquired as to receipt of correspondence dated Jan. 20, 2021 for consideration regarding the Mayne Island Housing Society (MIHS) application.

Chair Rogers confirmed letter received.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated November 30, 2020

The following amendments to the minutes were presented for consideration:

Page 5, last bullet prior to Resolution MA-2020-090: “reminder” to read “remainder”

By general consent the minutes were adopted as amended.

6.1.1 Local Trust Committee Public Hearing Record Dated November 30, 2020

Received for information.

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 January 2021

Planner Chadwick stated that Cotton Park Bylaws will be on February agenda and other Bylaws scheduled for March meeting.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1 Daycare TUP Application

Planner Chadwick reviewed the status of the recently received application and Planner Testemale is processing – question of fast tracking the application.

Meaghan Feduck, representing the Day Care Program spoke to the application. Centre has incurred a number of difficulties at school due to virus protocols and while in the process of constructing a Day Care Centre (target completion July 2022) has entered into a lease with a home owner which necessitates a Temporary Use Permit (TUP). Situation is causing significant financial impacts for Program.

Planner Chadwick detailed two options: moving Costello application to March LTC or “bumping” an application on another island to free Planner time to process this application.

LTC agreed to discuss Costello application and then decide action to be taken.

10.2 MA-TUP-2020.2 (Costello)

Planner Chadwick reviewed application. Applicants are wanting to purchase a family property and use a TUP for Short Term Vacation Rental (STVR) to assist financially.

Official Community Plan (OCP) currently lacks guidelines for this however Planner Testemale has reviewed OCPs from other islands and finds application to be reasonable.

Applicants have done due diligence and to date there have been no concerns from neighbours.

Trustee Dodds and Trustee Maude supported referral of application to Advisory Planning Commission (APC).

Chair Rogers detailed the procedural processes and the function of the APC.

After discussion it was determined application could be back on agenda for March.

The applicants spoke in support of Day Care application going ahead of theirs and requested to be notified as to APC meeting to allow them to attend.

MA-2021-001

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to refer application MA-TUP-2020.2(Costello) to the Mayne Island Advisory Planning Commission.

CARRIED

MA-2021-004

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to proceed expeditiously with the Day Care Temporary Use Permit and return application to the Local Trust Committee as soon as possible.

CARRIED

10.3 MA-DVP-2020.8 (Peace)

Planner Chadwick detailed the application and stated Covenant is ready to be signed by Chair Rogers.

MA-2021-002

It was Moved and Seconded,

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 Plan EPP72441

CARRIED

MA-2021-003

It was Moved and Seconded,

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 Plan EPP72441 and designate the Chair of the Local Trust Committee to sign the covenant (MA-SUB-2018.3, 445 Garrick Road).

CARRIED

Chair Rogers informed applicant that he will be signing Covenant January 26, 2021 and then it awaits Capital Regional District signature.

Trustee Dodds acknowledged the long process involved with this application and congratulated the applicant's efforts.

10.4 MA-RZ-2020.1 (Mayne Island Housing Rezoning)

Planner Chadwick presented draft Bylaws and asked for Trustees feedback. Current landowner has confirmed request for 3 lots and there are a few documents yet to be received. Additions and modifications to Land Use Bylaws (LUB) and OCP were discussed.

Trustee Dodds added that with 3rd lot there could be 12 housing units and is concerned as to setbacks and privacy for neighbours. There are also concerns regarding conservation, septic location and value of amenity rezoning.

Trustee Maude supported these issues especially setbacks.

Chair Rogers informed LTC that there are a number of affordable housing projects being considered in the Trust area and questioned that there is no reference to "affordable housing" – current phrasing is "multi-family rental housing. Questioned Zoning Bylaw reflecting affordable component i.e. "housing subject to a housing agreement".

Planner stated could add definition.

Deborah Goldman, representing MIHS, added the following"

- Lot will be 3 acres
- Need to resurvey as owner wants to redesign other 2 lots
- Wetlands specialist report coming forward next 2 weeks
- Working with professionals and reports to design according to recommendations
- Cognizant of setbacks

Brian Crumblehulme (MIHS) added:

- Prepared to provide a buffer and privacy screening
- Arborist's report received (detailed report in next 2 weeks) and site should not impact trees noted in ecologist's report
- Walking trails for access not hiking

Discussion involved utilizing a Development Permit or a Covenant to address concerns/issues/structure development of site.

MA-2021-005

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to request Mayne Island Housing Society to provide an updated survey of property.

CARRIED

MA-2021-006

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to include a definition of affordable housing in draft Bylaws.

CARRIED

MA-2021-007

It was Moved and Seconded

that the Mayne Island Local Trust Committee ask staff to amend the draft Bylaws to account for a buffer zone.

CARRIED

MA-2021-008

It was Moved and Seconded

that the Mayne Island Local Trust Committee ask staff to review merits of Development Permit and/or Covenant for use on site.

CARRIED

MA-2021-009

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff schedule a community information meeting once all information requested from the applicant has been received.

CARRIED

Break 2:33 to 2:40

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Housing Review Project

Planner Chadwick expressed that the meeting had gone well, number of participants and much information. Has spoken with Regional Planning Manager and they suggest one or two more meetings specific to the following themes:

1. Density and Water;
2. Incentives and Alternative Ownership; and

3. Square footage for new buildings and distributed buildings.

Trustees agreed with themes and spoke to:

- Need for mapping: identify size of lots and what's where;
- Working with water districts;
- Minimum lot size;
- Maximum house size; and
- Email to water districts to identify number of lots still undeveloped.

MA-2021-010

It was Moved and Seconded

that the Mayne Island Local Trust Committee ask staff to organize two additional special information meetings to further discuss water/density and square footage maximums.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated January 2021

Planner Chadwick stated LUB Technical Review will be on February agenda.

12.1.2 Projects List Report Dated January 2021

Received for information.

12.2 Applications Report Dated January 2021

Received for information.

12.3 Trustee and Local Expense Report Dated October 2020

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

Will be updated following meeting.

12.6 Chair's Report

Trust Council working on budget – budget consultation has been sent out in addition to a Financial Planning Committee survey. He encouraged public input. As well a second survey has been distributed for public views on rewritten Trust Policy Statement. Next Trust Council will be second week of March. There will be new Education Sessions soon focused on Climate Change and Indigenous point of view.

12.7 Trustee Report

Trustee Dodds spoke of a recent Fallow Deer Community Outreach meeting hosted by CRD. Rules and regulations for hunting were reviewed, good attendance. RCMP noted First Nations hunters always notify beforehand so if reports of gunshots made, they are aware of activity.

Trustee Maude said there have been many inquiries primarily regarding trail on Village Bay Road. BC Ferries Consultation has begun with reviewing schedules for the Southern Gulf Islands – ferry replacing Mayne Queen may improve service for island.

12.8 Islands Trust Conservancy Report Date November 24, 2020

Received for information.

12.9 ITC Forest Conservation Outreach Campaign - Briefing November 25, 2020

Chair Rogers noted that briefing was mailed out, with 11 island properties identified, regarding protection of Douglas-fir and Hemlock forests.

13. NEW BUSINESS

13.1 Advisory Planning Commission Memo

MA-2021-011

It was Moved and Seconded,

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.

CARRIED

13.2 Salt Spring Island STVR Letter

Chair Rogers reviewed the correspondence which is exploring interest in an inter-island meeting regarding development of STVR Policies and Regulations.

Discussion resolved that Mayne Island has achieved a balance and could contribute to session with a representative.

Chair Rogers will notify Salt Spring Island that Trustee Maude would represent Mayne Island should meeting take place.

13.3 CRD Trail

Trustee Dodds stated that CRD has received significant funding to develop trail from Miners Bay to Village Bay and surveying has begun. A number of concerns have been raised regarding pin locations and siting would appear to necessitate removal of many trees – 70 to 80. This project originated through the MI Pathways and Trails organization and to date there has been no consultation with group or with property owners impacted by trail. What has been staked appears to ignore initial concept.

MA-2021-012

It was Moved and Seconded

that the Mayne Island Local Trust Committee ask Chair Rogers to write to the Capital Regional District requesting clarification of tree cutting along proposed Miners Bay to Village Bay Trail.

CARRIED

Jon Hoff, who has a portion of the trail on his property installed by the Pathways and Trails Organization, also raised concerns as to number of stakes on private property. It is felt that CRD is ignoring what has already been done and not communicating with Trail Committee and property owners.

14. UPCOMING MEETINGS

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

15. TOWN HALL

Tim Mackie stated he has property on trail route and has had no contact from CRD.

16. CLOSED MEETING

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:18pm.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder



Follow Up Action Report

Mayne Island

30-Nov-2020

Activity	Responsibility	Dates	Status
1 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. (going to EC Feb 24)	Maple Hung Narrisa Chadwick	Target: 14-Feb-2020	In Progress
2 11.1 Bylaw 180 (LUB Technical Review) - to be brought back to EC following FN referral	Maple Hung Narrisa Chadwick	Target: 24-Feb-2021	Completed

25-Jan-2021

Activity	Responsibility	Dates	Status
1 6.1 November 30,2020 meeting minutes adopted as presented with one minor edit.	Maple Hung Narrisa Chadwick	Target: 29-Jan-2021	Completed
2 10.1 MA-TUP-2021.1 (Feduck) - TUP to be brought forward to Feb.22 meeting	Jas Chonk Phil Testemale	Target: 12-Feb-2021	Completed
3 10.2 MA-TUP-2020.2 (Costello) Staff report to be forwarded to the APC for review. APC comments to be brought to Feb.22 LTC meeting.	Maple Hung Narrisa Chadwick Phil Testemale	Target: 29-Jan-2021	Completed
4 10.3 MA-DVP-2020.8 (Peace) DVP to be issued subject to notification from lawyer that covenant has been registered. Chair to sign covenant. (waiting for CRD to sign covenant).	Maple Hung Narrisa Chadwick	Target: 05-Feb-2021	In Progress



Follow Up Action Report

Mayne Island

25-Jan-2021

Activity	Responsibility	Dates	Status
5 10.4 MA-RZ-2020.1 List of requirements from applicant to include revised legal survey. LUB to define affordable housing and address setback related to agricultural land and buffer. Opinions regarding DPA vs Covenant to be explored.	Narrisa Chadwick	Target: 12-Feb-2021	Completed
6 11.1 Housing Review - Staff to schedule two additional community meetings focused on specific topics. Scheduled - March 29 & April 26	Maple Hung Narrisa Chadwick	Target: 12-Feb-2021	Completed
7 13.1 Staff to write to APC members to see if they would like to be re-appointed. Staff advertise for expressions of interest for new commissioners. (Ad sent to Mayneliner - will be posted March 2021 publication - DONE - MH) (Emailed APC members- DONE - MH)	Maple Hung	Target: 28-Jan-2021	Completed
8 13.2 Chair to write to Salt Spring LTC to identify that Mayne Trustees prefer meeting with appointed LTC member (option 2)re: STVRs and trustee Maude will attend - Chair. (Chair sent email to SSI LTC - DONE)	Maple Hung	Target: 05-Feb-2021	Completed
9 13.3 CRD Walking Trail - Chair Rogers to contact CRD for information regarding Miners Bay to Village Bay trail. Staff to provide appropriate CRD contact. (MH - sent on behalf of Chair on Feb 2, 2021)	Narrisa Chadwick	Target: 12-Feb-2021	Completed

DATE OF MEETING: February 22, 2021
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Temporary Use Permit for Daycare Use
Applicant: Meaghan Feduck, Co-Chair, Mayne Island Early Childhood Society
Location: 594 Fernhill Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Temporary Use Permit application MA-2021.1 (Feduck) for a period of two (2) years.

REPORT SUMMARY

The purpose of the report is for a Temporary Use Permit (TUP) for a daycare operation within a dwelling unit and a portion of the outside area of the subject property.

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

- The daycare use facilitates a community service need by providing a transitory space to operate in while a new facility is constructed;
- The rationale for the use is reasonable;
- Notification to date has generated seven (7) written responses, with all but one are in favour of the proposal; and,
- The permit as drafted provides conditions consistent with OCP guidelines to ensure that the use does not have an unreasonable impact on the local area.

BACKGROUND

This application is proceeding without a preliminary staff report to the Local Trust Committee (LTC) before notification, which is past practice. This is because there is some urgency for the applicant's to acquire a permit for the temporary space to ensure that daycare operation is able to continue while a larger facility is constructed.

The Local Trust Committee did discuss the application without a staff report at the January 25, 2021 regular meeting. At that meeting the following resolution was passed by the Mayne:

MA-2021-004

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to proceed expeditiously with the Day Care Temporary Use Permit and return application to the Local Trust Committee as soon as possible.

CARRIED

The Mayne Island Early Childhood Society (MIECS) is a charitable society and they run the only licenced daycare facility on Mayne Island. Since 2018, they have operated out of the school, however, they have outgrown that space and have had limited access with the onset of COVID-19. They have received provincial funding for a new larger facility (located at the Recreation Centre), which is scheduled to be completed by the fall of 2021. In the meantime, they require an expanded space that can facilitate the size of the use for a limited time (see also: application cover letter - Attachment 2).

The proposal is as follows:

- A **daycare operation** (licenced child care facility) use on the main floor of the existing dwelling and a defined outside area on the property (Figure 2).
- The use will allow a maximum of **twelve (12)** children and **Three (3)** employees (full-time equivalency)
- Three (3) parking spaces will be provided and onsite parking can also be facilitated on the paved driveway for the residence.
- The hours of operation are limited to between 8:30 and 4:30 Monday to Friday.

There is no construction or land alteration associated with this application.

The subject property is 0.29 ha (0.72 acre) in size and located at 594 Fernhill Road. The 146 m² (1,570 ft²) dwelling consists of three (3) bedroom, three (3) bathroom home on the main floor, with a basement storey used for storage. On the lower (western) portion of the property is a mechanics shop that is accessed from Horton Bay Road. The two uses are separated by a landscaped yard (Figure 2).

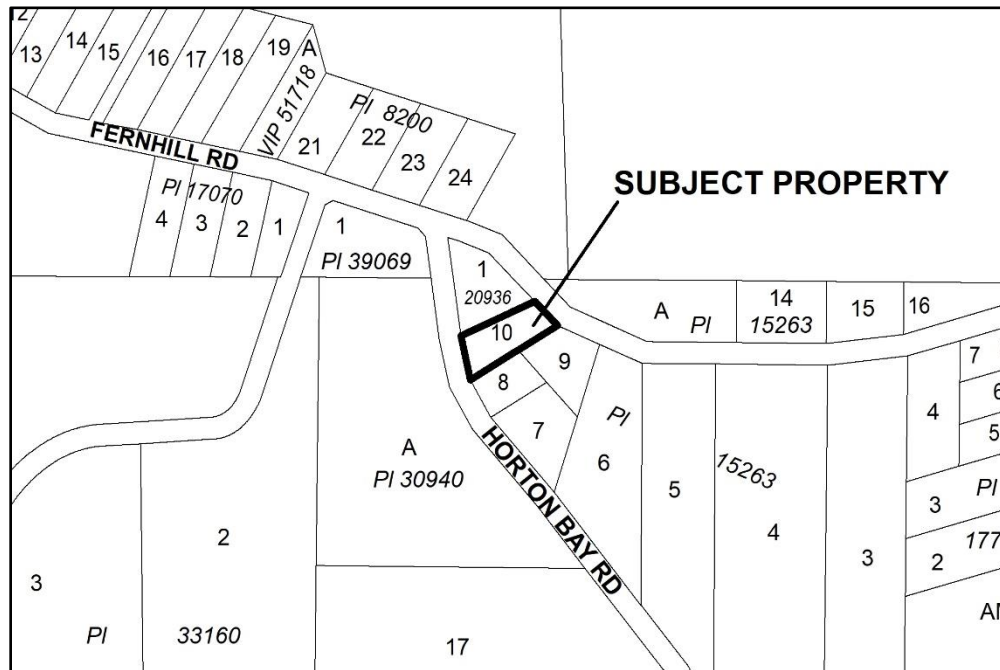
The applicants reached out to their direct neighbours about the proposal.

The proposed TUP has been drafted using the existing OCP TUP guidelines and in consultation with the applicants. It is currently drafted for a term of two (2) years. The TUP could be renewed for up to a further three (3) years by application.

A copy of a completed TUP checklist, the notice and proposed permit MA-TUP-2021.1 are Attachments 3, 5 and 6.

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

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory:

Islands Trust Policy Statement:

- 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 daycare operation within a dwelling unit and a portion of the property's outside area is consistent with the above policies.

Figure 2 – Site Plan



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). In summary, the application and the proposed permit as drafted conforms to the guidelines.

The **Commercial, Visitor Accommodation and Industrial Development Permit Area (Form and Character)** is designated on the subject property. However, as there is no development activity associated with the application, a DP is not required.

Land Use Bylaw:

The property is zoned as **Commercial 3 (a) - C3 (a)** in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB). That site specific use permits only repair shops, machine shops, accessory retail sales and accessory dwelling unit. The current uses on the property conform to the LUB.

Issues and Opportunities

Community Need/Rationale

The proposal is for the only licenced daycare use on Mayne which provides a valuable and necessary service to the residents of Mayne Island.

As above, MIECS have both outgrown their current space at the school and have had access limited by COVID-19 restrictions, and they are in the process of constructing a new facility at the recreation centre. The proposal would allow to the operation to meet current demand and to 'bridge' until the new facility is completed.

Staff considers the rationale reasonable.

Impact on Neighboring Properties

The potential impacts of the use are viewed as manageable on direct neighbours and the local neighbourhood, particularly in light of the temporary timeframe.

The main impacts are primarily increased traffic, road safety and parking. Correspondence received (below), both for and against the application, cite that traffic and safety on the hill with a corner as concerns. These will be partially mitigated with the drafted TUP conditions to provide a minimum of three (3) off-street parking spots, in addition to the ability for the paved driveway to also be used. The applicants also report that the verge on Fernhill Road can accommodate safe vehicle pull out, and have indicated that if the permit is approved they will be posting temporary signage alerting drivers to the presence of the daycare and children walking on the road. The impact of increased traffic is a potential inconvenience to neighbours, however the permit limits the use to regular working hours on weekdays, and will truly be time limited on the subject property.

Permit Conditions

The proposed TUP conditions are consistent with OCP guidelines and 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 add further conditions to address concerns including the length of time the permit would be valid. The current valid period of two (2) years is recommended as it accommodates unforeseen delays in construction and moving to the new facility. As notification has occurred (next), the LTC should not remove conditions without re-notification to neighbours.

Consultation

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents and published in the *Driftwood* newspaper February 10, 2021 (see Attachment 5). Notice was also posted to the Mayne Island community bulletin boards. The notification period ended at 4:30 p.m. on February 12, 2021.

At the time of writing, staff has received seven (7) written submission in response to notification (Attachment 4). All have been forwarded to the LTC and all in favour of the proposal, except for one. The support letters acknowledge the need for the temporary space and the important and positive role of the daycare plays in the community.

The letter of opposition primarily cites traffic and safety concerns as well as the removal of rental accommodation from the market.

Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

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 daycare use facilitates a community service need by providing a transitory space to operate in while a new facility is constructed;
- The rationale for the use is reasonable;
- Notification to date has generated seven (7) written responses, with all but one are in favour of the proposal; and,
- The permit as drafted provides conditions consistent with OCP guidelines to ensure that the use does not have an unreasonable impact on the local area.

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. 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 amend Temporary Use Permit MA-2021.1 (Feduck) by adding the following conditions: _____; and,

That the Mayne Island Local Trust Committee approve Temporary Use Permit application MA-2021.1 (Feduck) as amended.

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-2021.1 (Feduck).

NEXT STEPS

Submitted By:	Phil Testemale, Planner 2	February 12, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	February 12, 2021

ATTACHMENTS

1. Site Context
2. Application Cover Letter
3. TUP Guideline Checklist
4. Correspondence
5. Notice
6. Proposed MA-TUP-2021.1 (as circulated for notification)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 10, Section 8 Mayne Island, Cowichan District, Plan 15263
PID	004-204-131
Civic Address	594 Fernhill Road

LAND USE

Current Land Use	Commercial 3 (a) (Mechanic) with Accessory Residential
Surrounding Land Use	Rural

HISTORICAL ACTIVITY

File No.	Purpose
UN-RZ-1989.44	No information on this application available.

POLICY/REGULATORY

Official Community Plan Designations	The property is designated Commercial (C) in the Mayne Island Official Community Plan No. 144, 2007 (OCP) The Commercial, Visitor Accommodation and Industrial Development Permit Area (Form and Character) is designated on the subject property. However, as there is no development activity associated with the application a DP is not required.
Land Use Bylaw	The property is zoned as Commercial 3 (a) -C3 (a) 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	None on TAPIS
Sensitive Ecosystems	Mature Forest on small corner of property.
Hazard Areas	High/Medium Risk along shoreline.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates no registered archaeological sites or areas of archaeological potential on or within 100 metres of the property. Notwithstanding, 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.

Attachment 2

Mayne Island Early Childhood Society
535 Fernhill Road, Mayne Island BC V0N 2J2

Islands Trust
200 1627 Fort Street
Victoria, BC V8R 1H8

December 28, 2020

To Whom it May Concern;

Lot 10, Section 8 is a commercially zoned property on 0.72 acres in a central location on Mayne Island. The property consists of a working mechanic shop with its own entrance off of Horton Bay Road, and a 3 bedroom, 3 bathroom family home off of Fernhill Road, separated by a landscaped yard. The location, layout and size of the 1570 sqft main floor of the residence is ideal for use as a temporary home for the Mayne Island Daycare. This letter is to request a temporary use permit for the property to be used by the Mayne Island Daycare as a child care facility.

The daycare is licensed and operated by a charitable organization, the Mayne Island Early Childhood Society (MIECS), and is currently the *only* child care option for families on Mayne Island. MIECS is in receipt of a provincial government grant to build and plans are underway to complete construction of a larger childcare facility to meet growing demand (completion date is estimated for the Fall of 2021). The daycare has been operating at the local public school since September 2018, but has outgrown available space and currently has limited access due to COVID-19 restrictions. The temporary use of this proposed property would enable the daycare to continue its essential operations until such time that the new facility is available.

Due to the nature of our request, MIECS being a volunteer-led, non-profit, charitable organization, I would further like to request that the fee for this application be waived.

I appreciate your consideration of this application, and eagerly look forward to providing any further information necessary.

Sincerely,

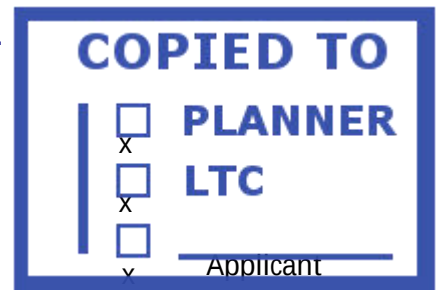


Meaghan Feduck
Co-Chair
Mayne Island Early Childhood Society

ATTACHMENT 3
TUP Checklist for Short Term Vacation Rental on Mayne Island:
MA-TUP-2021.1 (Feduck)

594 Fernhill Road

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 – two (2) years in draft permit
2. Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.	Complies
3. Permitted uses should not preclude or compromise future permitted uses on the affected lot.	Complies
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.	Complies - Conditions in the draft permit
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	Complies - Conditions in the draft permit



From: Glenda Johnson [REDACTED]
Sent: Monday, January 25, 2021 5:34 PM
To: Narissa Chadwick <nchadwick@islandstrust.bc.ca>
Subject: TUP proposal for Daycare at 594 Fernhill Rd. on Mayne Island

Hello Narissa, I wrote you last October about reconciling the use of this property in the OCP and the LUB. The LTC zoom meeting today addressed an application for the temporary use of this property as a Daycare. I have a few points I would like to make regarding that application.

Daycare is not a permitted use.
Commercial use is Site Restricted to Auto Repair.
The OCP limits use to Auto Repair.
Density is restricted to one use and one building to accommodate use.

The entrance to the accessory dwelling unit on this C3 property is at one end of a curve at the top of a fairly steep hill on a heavily used major thru road.

On site parking is very limited and there is no roadside parking. There is no doubt that the traffic moving in and out of the access driveway a few times a day will be the cause for some dangerous situations on the main road.

Aside from removing a rental accommodation from the available housing stock, this request for a TUP if approved would be contrary to the Bylaw on this property.

While I have some sympathy for the Daycare providers, their desire to escape the Covid-19 rules for the protection that our school requires for gatherings of children there, they are in place to prevent the spread of the Virus and keep our community healthy and whole. Even very young children can be taught to follow the rules and respect others by doing so. The school offers free space for Daycare and the opportunity to grow in a learning environment with peers of all ages as healthy examples for the need to follow the rules.

As a result of this location not being a safe one, and the use as Daycare not being legal, as defined in our Bylaws, and the reasons stated above, I am registering my opposition to the request for a TUP at this location.

I do hope the same level of indepth care and concern I saw used today at the LTC meeting with another TUP request under review, is also applied to this one.

With Repect
Glenda Johnson,
[REDACTED]
[REDACTED]
[REDACTED]

From: Alison Martin [REDACTED]>
Sent: Monday, February 1, 2021 1:43 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Yes to daycare on Mayne Island

Good afternoon,

Please find my attached letter in favour of the proposed daycare at 594 Fernhill Road.

Regards,

Alison



February 1, 2021

Mr. Phil Testemale
Mayne Island Local Trust Committee
Mayne Island, BC

Re: Daycare Operation on 594 Fernhill Road Mayne Island

Dear Mr. Testemale,

My husband and I own and live on the property at [REDACTED] We, along with our tenant, Margaret Hammer at [REDACTED], are completely in favour of the proposed daycare at 594 Fernhill Road.

There is absolutely no downside to living next door to the sound of happy little voices. This daycare is urgently needed and will provide a place of safety for the children. With the daycare

in place, and signs indicating that children are present, we feel that drivers who insist on speeding up and down the hill next to the daycare will be more cautious.

We sincerely hope the resolution allowing for the permit to be issued for the daycare is accepted. I can't imagine why anyone would disagree with such a cheerful and necessary proposal.

Sincerely,

Alison Martin, Leif Oddson, & Margaret Hammer

From: Bill Hayward <[REDACTED]>
Sent: Tuesday, February 2, 2021 4:57 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: 594 Fernhill rd Day Care

Mayne Is Local TrustCommittee. To Whom it may concern. I give my total approval to the 594 Fernhill Daycare . I am the adjoining neighbour , [REDACTED] . Sincerely Bill Hayward.

From: Kate Shippam <[REDACTED]>

Sent: Tuesday, February 9, 2021 4:13 PM

To: SouthInfo <SouthInfo@islandstrust.bc.ca>

Subject: Letter in support of the temporary use permit application for a daycare at 594 Fernhill Rd.

Dear Mr. Testemale,

Please accept my letter of support for a temporary use permit application for the daycare at 594 Fernhill Road. This will be a huge improvement for families and for the daycare as they build a new and very exciting facility.

I am both a user as well as a neighbour to the proposed location.

Kind regards,

Kate Shippam
[REDACTED]

February 3, 2021

Letter in support for the application to allow for a daycare at 594 Fernhill Rd.

Dear Mr. Testemale

I am writing to express my strong support for the MIECS application to operate a daycare three properties from my home at 594 Fernhill Rd.

My son [REDACTED] is currently attending the daycare full-time while both my husband ([REDACTED]) and I work full-time. As a mother, it can be challenging to continue a career once having children, often this is due to a lack of access to childcare. I feel extremely lucky to have the Mayne Island daycare running on this island on a full-time basis. During the summer, when the daycare was operating outdoors, we were incredibly lucky to have the daycare operating 8:30-4:30 Monday-Friday. Since August, this has no longer been the case with Mondays and Thursdays shortened and starting late, 11:45-5:45. The changes have forced me to cut down my hours by 20% and I am lucky to have this option, many workplaces are less flexible which can lead to lost employment. The short days have limited enrollment due to the inconvenience, leaving families that would like childcare without that option. It's both detrimental to the daycare's income, but also to all of the families who can't register for those two days due to the inconvenient hours not making it possible to work.

I really hope that the change of venue will be possible, allowing for regular days for our children and child care providers. It allows for regularity in naps and meals and allows for the kids to come home at a reasonable hour, not right before bed which is currently the reality.

I regularly walk my son to daycare along Fernhill Road (and will do so every day at the new location), I think this move will allow more families to walk to daycare since it's close to several of us. I think having families using the road either by walking or parking in the parking area will make drivers more aware of their speed and that the roads are becoming increasingly multi-use with more families biking and walking that previously.

The change in venue will be a huge improvement to the quality of life for our children, families in need of childcare and the childcare providers. A lot of work has gone into getting this daycare up to code and ready to open, we are so excited for the move and hope this will be a reality for all of us in the near future.

Happy to chat if you have any follow-up questions.

Kind regards,

Kate Shippam
[REDACTED]

February 5, 2021

Kristine Webber and Peter Robinson

[REDACTED]

Mayne Island, BC

[REDACTED]

Mayne Island Local Trust Committee

c/o Phil Testernale, Planner 2

Islands Trust

southinfo@islandstrust.bc.ca

Re: MA-TUP-2021.1 – Temporary Use Permit for Daycare Operations

We are the owners of the property to the north of the proposed daycare operation on Fernhill Road (our property [REDACTED], and is part of [REDACTED]). We live and work on Mayne and believe that we all benefit when young families also choose to live and work here.

For families with young children access to daycare services such as those provided by the Mayne Island Early Childhood Society (MIECS), is particularly important. MIECS enables parents to stay in the employment pool and provides enriching learning and development opportunities for children. Demand for daycare services on Mayne is high and any disruption in services would be detrimental to families. MIECS has a strong reputation in the community and we are certain they will be a good neighbour.

We strongly support their application for a temporary use permit.

Sincerely

Kristine Webber and Peter Robinson

From: River Judd <[REDACTED]>

Sent: Friday, February 5, 2021 5:09 AM

To: SouthInfo <SouthInfo@islandstrust.bc.ca>; [REDACTED]

Subject: TUP Support

Phil Testemale

As a neighbour [REDACTED], I support the repurposing of the residence at 594 Fernhill Road for use as a daycare for Mayne Island children.

I trust you will make sure that parking and pedestrian traffic on the hill portion on Fernhill will be safe for the children and attendants.

River Judd

[REDACTED]

[REDACTED]

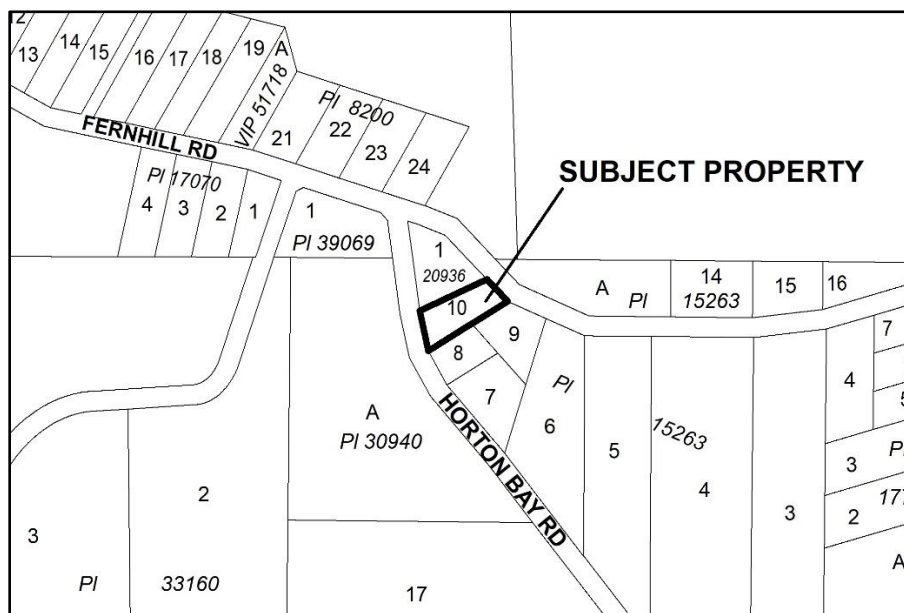
NOTICE
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2021.1

NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply Lot 10, Section 8, Mayne Island, Cowichan District, Plan 15263 (PID: 004-204-131). This property is located at **594 Fernhill Road**.

The purpose of this temporary use permit would be to permit a **Daycare Operation** within the Dwelling Unit for a maximum number of **twelve (12) children** and **three (3) employees**.

The establishment of these uses would be subject to the conditions specified in the attached permit. The permit would be issued for two (2) years and the owner may apply to the Mayne Island Local Trust Committee to have it renewed once for up to an additional three (3) years.

The general location of the subject property is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 1, 2021** and continuing up to and including **February 12, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC: 1-800-663-7867; by fax at (250) 405-5155; or by email to southinfo@islandstrust.bc.ca before **4:30 p.m., February 12, 2021**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **1:00 p.m., February 22, 2021**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



PROPOSED

**MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2021.1 (Feduck)**

594 Fernhill Road

- To: Rene Marcoux
c/o Meaghan Feduck, Co-Chair, Mayne Island Early Childhood Society
1. This Permit applies to the land described below:

Lot 10, Section 8 Mayne Island, Cowichan District, Plan 15263
(PID: 004-204-131).
 2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:
 - a) *A Daycare Operation* within an area of up to 146 m² of an existing Dwelling Unit and within a limited outdoor area.
 3. The use permitted in Section 2 may only be carried out subject to the following conditions:
 - a) the uses must be conducted within the Temporary Use Area shown on Schedule A, attached to and forming part of this permit;
 - b) the hours of operation are limited to between 8:30 a.m. and 4:30 p.m. Monday to Friday;
 - c) the number of enrolled children attending at any one time is limited to a maximum of twelve (12);
 - d) the number of full-time equivalent employees for the operation is limited to a maximum of three (3);
 - e) the owner must provide parking for a minimum of Three (3) vehicles within the TUP Area; and,
 - f) the operator of daycare must comply with all licensing and other applicable regulations of the Province of British Columbia, Island Health and the Capital Regional District, including, but not limited to, child care licencing, public health and fire regulations.
 4. This permit is valid for two (2) 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

MAYNE ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT MA-TUP-2021.1 (Feduck)
Schedule "A" (Site Plan)



MEMORANDUM

File No.: MA-RZ-2020.1 (MIHS)

DATE OF MEETING: February 22, 2021
 TO: Mayne Island Local Trust Committee
 FROM: Narissa Chadwick, Southern Team
 COPY: Robert Kojima, Regional Planning Manager
 SUBJECT: MA-RZ-2020.1 Application Update

PURPOSE

The purpose of this memo is:

- To address the LTC's interest in considering a Development Permit Area for the area subject to this rezoning application.
- To address the LTC's interest in including a definition of "Affordable Housing"
- To address concerns related to the impacts on the agricultural use of the adjacent property in the draft bylaw.
- To provide an update on the MIHS application.

Development Permit Area vs s. 219 Covenant

	Development Permit Area	S. 219 Covenant
Environmental Protection	Can designate areas of land in order to, among other things, protect the natural environment, its ecosystems and biological diversity. The designations must have a sound basis and be objectively determinable.	Can specifically regulate the use of land or buildings; require that land be developed in accordance with the terms of the covenant; and require that land be protected, preserved or kept in a natural state. Can also restrict subdivision.
Restricting/preventing development	Can place conditions upon, but not prevent development. Conditions may include areas that should remain free from development.	Can prevent development outright in a covenant area.
Professional Engagement	Can require professional report to support an application.	Typically, a professional assessment is the basis of determination of the covenant area and the terms of a covenant prior to the drafting and registration of a covenant.

Statutory process	Are designated in the OCP requiring an OCP amendment if a new DPA is to be created or additions made to guidelines in existing DPA. Typically DPA are designated on all relevant developable lands through an OCP amendment process, rather than on individual sites.	A covenant may be requested from the applicant as a condition of adoption of a bylaw amendment. The covenant is registered at the Land Title Office and notice of the covenant is registered on title. The covenant will run with the land. Amending or discharging a covenant is a process involving agreement of all parties.
Implementation	A development permit would subsequently be required before work can occur in the DPA. If a portion of a property is designated, e.g. a buffer area, a permit may never be required. Otherwise, a permit would be required before development starts. If the application is consistent with the guidelines, the permit must be approved. The specific conditions of development are part of the permit.	A covenant is registered prior to adoption of a bylaw and subsequently all development must be consistent with the terms of the covenant. Development control covenants are not monitored, so the most effective covenants have clear restrictions and requirements, and are related to a development process that is reviewed.
MIHS Process Considerations	Creating a DPA for the MIHS application property adds an additional layer of process.	A covenant is contemplated as a part of the housing agreement. The covenant can address all parts of the subject property (proposed lots 1, 2 & 3).

Considering the factors identified above and the fact that the LTC has requested detailed professional reports as a condition of rezoning, staff recommends a covenant as the tool to achieve environmental protection prior to adoption of the amendment bylaws. There would be no additional advantages to creating a DPA in this case.

Draft Bylaw Amendments

At the January 25th LTC regular meeting, the LTC had identified interest in Draft Bylaw 183 including a definition of affordable housing. The LTC had also requested a more detailed look at, and possible amendments to address setbacks related to the neighbouring property which is being used for agricultural purposes.

Defining Affordable Housing – The Draft Bylaw proposes to establish the “Comprehensive Development Three (CD3) Zone” as a site-specific zone for the housing. The purpose of the CD3 Zone would be to provide for and regulate the proposed use, in this case multi-family rental housing. The affordability of the housing would be regulated in the Housing Agreement. The proposal currently includes a range of housing for people of low to moderate income, including some geared to market rental. The LTC will also be considering if the proposal is consistent with the OCP’s amenity zoning policies.

The LTC has suggested that staff look at the possibility of including a definition of “affordable housing” that could be tied to a housing agreement as has been done in Gabriola’s Draft Bylaw 307. Gabriola’s definition is as follows:

“Affordable housing is a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement registered on title”.

The bylaw could be revised so that the use is “affordable housing”, defined as above, with the zoning regulating the density. However, a housing agreement does ensure affordability because the proposal includes 30% market housing, including a definition of “affordable housing” which ties or does not tie the definition to a housing agreement, may be not be consistent with the common understanding of “affordable housing”. The housing agreement will ensure that 70% of the housing will include deep subsidy housing and units geared to low income households. Should the ownership of the land the MIHS proposes to build on change hands, the housing agreement, in combination with the covenant, will continue to restrict tenure and rents.

Addressing Concerns Related to Agricultural Use of Neighbouring Property – Neighbours to the west of the proposed develop have expressed concern related to the potential impact of the development on the agricultural use of their property. These concerns could be addressed through increasing the setback and/or creating a buffer which could be incorporated into the Section 219 Covenant which will also contain the site plan and additional considerations for the multi-family housing development as well as the additional (amenity) lot being created.

Staff will follow up with the neighbours, as well as examine the biologist report and the pending report from the hydrologist to better understand the potential impacts. Staff will also review the setbacks from agricultural lands that exist in Mayne and other Land Use Bylaws, as well as exploring what the Agricultural Land Commission recommends. Staff will provide options for increasing the setback in the draft bylaw and/or covenant considerations.

MA-RZ-2020.1 (MIHS) Update

The status of the information requested is identified in the table below.

- Information Requested	Status
Assessment of Septic Feasibility	Received, Reviewed, Reported on
Hydrogeologist Report	Received, Reviewed, Reported on
Arborist Report	Received, Reviewed, Summary below
Biologist Report	Received, Reviewed, Reported on
Information Required for Housing Agreement	Received, currently being reviewed
Hydrologist Report	Pending
Revised legal survey to include revised proposed lot boundaries	Pending
Site plan drawn to scale identifying location of proposed buildings, structures, clearings	Pending
Site development Plan identifying how ecologist, arborist and hydrologist’s recommendations have been incorporated	Pending

Cost recovery agreement for Covenant and Housing Agreement	Pending (Sent to Applicant for signing))
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Arborist Report Summary - The Arborist report (attached) focuses on nine trees of interest. Five of these are living Douglas-fir trees and four of these are considered decaying or dead wildlife trees. The report identifies the recommended tree protection zone (TPZ) for each living tree including considerations related to septic placement. The report also provides recommendations related to the wildlife trees. Staff recommend that the TPZs identified in the arborist report and the considerations related to wildlife trees be incorporated into the site development plan and development process.

NEXT STEPS

- Applicant provide all outstanding information
- Staff provide a report to the LTC that will:
 - identify options to address concerns related to impacts on agricultural use of adjacent property,
 - Summarizing the professional reports and any recommended bylaw revisions
 - Include provisions of the housing agreement and s.219 covenant
- Community Information Meeting scheduled.
- 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 (RPP) Island Planner	February 11, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	February 12, 2021

ATTACHMENTS

1. Arborist Report

BEECHWOOD

Consultancy & Tree service

4300 Riverside Road

Duncan BC V9L 6M8

Ph: 250-715-7910

Email: jens@beechwoodtrees.com



January 12, 2021

Updated, January 25, 2021

Mayne Island Housing Society
518 Dalton Drive
Mayne Island BC V0N 2J2

Re: Lot 1, 375 Village Bay Road, tree assessment of significant trees

Dear Mr. David Brown;

I have inspected and evaluated the five Douglas firs (*Pseudotsuga menziesii*) and four wildlife trees on Lot 1 at 375 Village Bay Road on Mayne Island. The concern is if they pose a risk to people and property during and after completing the planned housing development.

My assessment and evaluation skills are from 18 years of education, experience, and training in arboriculture and urban forestry. The tools I use are limited to visual and external means and can include diameter tape, binoculars, and rubber mallet for sounding. I do not implement any invasive techniques such as drilling or coring unless I deem it necessary to determine the presence and extent of internal defects.

Background

The purpose of the tree assessment and this report is to determine if the five Douglas firs and the four wildlife trees can be preserved and incorporated into this property's planned housing development.

The recommendations in this report are based on information that I received prior to the site visit, site details that David Brown provided and data I collected when I was on site

This report provides information on tree preservation followed by details on each tree with recommendations for needed abatement and setbacks for construction around these trees. Next is a map showing the assessed trees with the recommended setback. Last are pictures of the assessed trees.

Tree preservation

Preserving trees adjacent to excavation, construction and installation of services or infrastructure is challenging. Larger trees need a proportionally greater tree protection zone (TPZ) than younger trees. Trees in poor to fair health need a larger TPZ than trees in average or better health. The TPZ also varies in size depending on the tree species.

There are two main components to tree preservation. The first and most important factor is to preserve a large enough root zone for each tree to ensure that it survives and thrives after development is complete. Erecting temporary fencing around trees is essential; rebar and flagging tape do not work. The fencing has to physically stop people and equipment from entering the tree protection zone. At a minimum, it can be done with snow fencing attached to metal T bars hammered into the ground. A more solid fence constructed out of wooden 2 by 4 is better.

The second component to tree preservation is the location of excavation sites for buildings, driveways, parking lots and, in particular, underground utilities (power, water, sewer, drainage and irrigation). This part is frequently overlooked or neglected and often results in needless damage to tree roots; fencing is crucial!

Tree roots are close to the surface as they need oxygen to survive. Excavating to a depth of 20 centimetres removes nearly all the tree's absorbing roots. If you dig to a depth of 50 centimetres, nearly all roots are cut, including anchoring roots.

Excavation inside the TPZ should be avoided as it majorly impacts tree health and can make the tree unstable, causing it to fail (fall over). If excavation is required inside the TPZ, a Certified Arborist should supervise the work to minimize tree root damage.

Grade changes and compaction

Changing the grade adjacent to trees can have detrimental effects on tree health and survival; root compaction can have similar effects.

Grade changes mainly affect soil moisture availability to trees. Raising the grade can result in saturated soils in the tree root zone resulting in the decline or death of trees; Douglas firs are vulnerable to this. Saturated soils have less holding strength on roots, increasing the likelihood of tree failures; roots pull out of the muddy soil. Lowering the grade results in less water availability for tree roots resulting in drought conditions for the tree, potentially causing the decline, loss of vigour and death of the tree.

Fill soil on the tree root zone is an issue as it can cut or reduce oxygen supply, effectively killing the tree. Douglas firs are tolerant of fill soil if it is limited to one-quarter of the root zone.

Driving heavy equipment, trucks, excavators or bobcats on the tree root zone can damage or compromise tree roots. It also compacts the soil reducing oxygen and carbon dioxide exchange between the roots and the atmosphere, negatively impacting tree health.

The impact of excavation and construction around trees is greatest in the summer months as root loss will result in drought stress as they have fewer roots to absorb the limited soil moisture. The optimal time for excavation is fall or winter as trees can regrow some of their lost roots before the dry season

Preservation of mature trees.

Mature trees, trees with defects, or trees in poor health are difficult to preserve. They need a very large TPZ to preserve and maintain their health and vigour. They also need more care post-construction, regular evaluation, ongoing pruning to maintain health and structural strength. If they decline, develop major defects, or die post-construction, they are more challenging and costly to remove.

Groups of trees are easier to preserve than single trees. Trees in groups have interwoven or grafted root systems adding structural support during wind events. Their canopies buffer each other during winds, reducing structural stress on the trunks and anchoring roots.

Single trees rely solely on their own root system for support during windstorms, and they are often exposed to stronger winds or from different directions post-construction. The likelihood of failure is greater for single trees than trees in groupings.

Septic Field installation

As per discussion with David Brown and Brent Dennis, P. Eng. BWD Engineering Inc, the proposed septic field will be installed at the south end of the property parallel to Village Bay Road. The field is to be placed on top of the root zones of trees number one, two and three.

Douglas firs are tolerant of fill soil on up to 25% of their root zone. Based on the septic field's drawings and discussion with Brent Dennis, I estimate that the septic field would cover 10 to 15% of each tree's root zone. Impact on tree health will be negligible; they will likely benefit from the additional moisture from the field during droughts.

Specifications for installation:

- The field shall be at least two meters from tree trunks to prevent the decay of trunks and anchoring roots.
- Fill material for the field shall be placed with a slinger truck, or similar, to avoid root zone compaction.
- Heavy equipment, trucks, excavators or bobcats shall stay outside the TPZ.

Inspected trees

Tree # 1: Douglas fir with a trunk diameter at breast height (DBH) of 142 centimeters and a height of 42 meters. It is located adjacent to the road at the southeast corner of this lot. The tree is in fair health with normal foliage colour, size and density; foliage is limited to the upper canopy. The top of the tree broke off in the past. The tree has a slight lean toward the south southeast; no indications that it shifted recently.

A past forest fire has scarred the bark, on the lower trunk, on the roadside (south). There are horizontal cuts in the bark on the east and west side of the trunk, about 1.5 meters up. It is likely from hardware attached to the trunk in the past. I also found a couple of old scars on the trunk 0.5 meters above ground on the west and south side. I found no visual signs of root rot

I was concerned that the external defects extended into the trunk. To verify or disprove this, I drilled the area with a Rhinntech Resistograph®¹ to determine if internal decay or defects was present in the trunk; none was found. The external defects impact on structural integrity is minor.

This tree can be preserved, the risk of tree failure within the next three years is improbable², the most likely parts to fail are branches; this is common on Douglas firs. This is a large tree requiring a very large tree protection zone. I recommend that the TPZ (tree protection zone) extends 15 meters out from the trunk (see map).

Tree # 2: Douglas fir with a DBH of 155 centimeters and a height of 53 meters; it is adjacent to tree number one. It is in poor and declining health. The foliage size is normal; the foliage colour is dull green. The foliage density is sparse, particularly in the upper canopy, where there is little to no live foliage.

I found no visual indication of the trunk or root decay. I drilled the trunk to determine if there is internal decay, none was found. The tree is still structurally sound; the risk of tree failure within the next three years is improbable.

If the tree continues to decline, it will likely die. Application of water during the summer months would improve its chances of survival. If the tree dies, it should be removed or turned into a wildlife tree. If the desire is to preserve this tree, the TPZ should extend 18 meters out from the trunk (see map).

Tree # 3: Douglas fir with a DBH of 105 centimeters and a height of 50 meters. It is situated at the south end of the lot. It is in fair health with normal foliage size; density is a bit sparse, and foliage is a dull green. I found no major defects in this tree.

The tree is structurally sound; the risk of tree failure within the next three years is improbable. To preserve this tree, the TPZ should extend 9 meters out from the trunk (see map).

Tree # 4: Douglas fir with a DBH of 128 and a height of 30 meters, situated in from the road on the southwest corner of the lot. It is in fair health with normal foliage size; foliage colour is near normal, and foliage density is slightly sparse. The tree has a slight lean toward the northeast, and the trunk has a bow in the lower trunk and partway up; all minor issues. The canopy has some dead and dying branches throughout.

1; The resistograph drills into the wood while recording (graphing) wood density.

2; Likelihood of failure categories; Improbable, Possible, Probable and Imminent

The lower trunk looks bedraggled; there are fire scars, bulges, swellings and minor sap flow from the trunk. I thoroughly inspected the lower trunk to determine if these surface defects extended into the trunk, possibly affecting this area's structural integrity.

I drilled the lower trunk in three places and drilled the two largest anchoring roots to determine if there is internal decay. I found no internal decay in the places I drilled. The lower tree trunk is structurally sound. The likelihood of tree failure within three years is improbable.

I recommend removing the dead and dying branches to prevent them from falling onto people and property below. To preserve this tree, the TPZ should extend 10 meters out from the trunk (see map). If the other trees in the protection zone will be removed, they should be cut at ground level, leaving the stumps intact. Removal of stumps could make this tree unstable.

Post-construction the TPZ should be left intact; it should **not** be used for parking, storage or pathways as this will compromise the tree roots and tree health.

Amendment Jan 25, 2021: The TPZ can be oval or offset slightly to provide enough space for the planned road between the tree and the west property line. It is essential to stay at least 7 meters away from the trunk, as closer could increase the risk of tree failure.

Tree # 5: Douglas fir with a DBH of 103 centimeters and a height of 46 meters. It is in average health with normal foliage colour, density and size. The lower trunk has a moderate bow, and the tree has a slight lean toward the east. I found minor sap flow from the southwest side of the lower trunk. The bow, lean and sap flow are minor issues at this point.

I found no signs of trunk, or root decay. The likelihood of tree failure within three years is improbable. To preserve this tree, the TPZ should extend 8 meters out from the trunk (see map).

Wildlife trees

Tree # 6: Dead Douglas fir with a missing top. It has a DBH of 115 centimeters and a height of 24 meters and is situated to the east of tree number five. The trunk has a significant lean toward the north. I found extensive external and internal decay in the trunk and anchoring roots.

This tree can fail (fall over) at any time; when it fails, it will fall in the direction of the lean. It is an excellent wildlife tree that can be left, providing that people do not trespass into the fall zone. Installation of infrastructure or trails to the north of the tree should be at least 30 meters away from the tree.

Tree # 7: Douglas fir that died recently with a DBH of 92 centimeters. It is 41 meters tall and located just to the east of tree number six. The lower trunk has a bow in it. The tree trunk is in the initial stages of decay; the impact on structural integrity is minor at this point.

I recommend topping this tree while it can still be safely climbed to function as a wildlife tree. The proximity of people and property should determine the height of the topping cut. Distance to people and property should be 1.5 times that of the remaining tree trunk. For example, if the closest building is 15 meters away, the tree should be topped at the height of 10 meters.

Tree # 8: Douglas fir that died recently with a DBH of 168 centimeters and a height of 46 meters. It is located to the southeast of tree number seven and 20 meters to the northwest of the new wellhead. The trunk still appears sound; structural integrity is starting to decline due to external decay.

I recommend topping this tree while it can still be climbed safely to function as a wildlife tree; topping it at the height of 13 meters or less will prevent it from falling onto the new wellhead when it fails.

Tree # 9: Dead Western redcedar (*Thuja plicata*) with a DBH of 135 centimeters and a height of 36 meters with a lean toward the northeast. The trunk has a large wound from a past failure a few meters up on the southwest side.

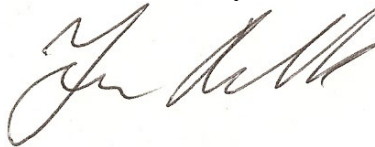
The trunk has extensive internal and external decay and can fail at any time. It will most likely fall toward the northeast. I recommend removing this tree as it can fall onto neighbouring properties; it should be cut at a ground level as it is not safe to climb.

Conclusion

The five large Douglas firs can be preserved provided that their root zones are protected during and after construction. I recommend re-evaluating them once construction is complete. It is essential that the tree protection zones around the trees be left intact following the completion of the project.

Three of the four wildlife trees can be left as wildlife trees provide that the abatement recommendations are followed. The last one threatens neighbouring properties and should be removed. The wildlife trees should be evaluated regularly to determine if they pose a risk to people and property.

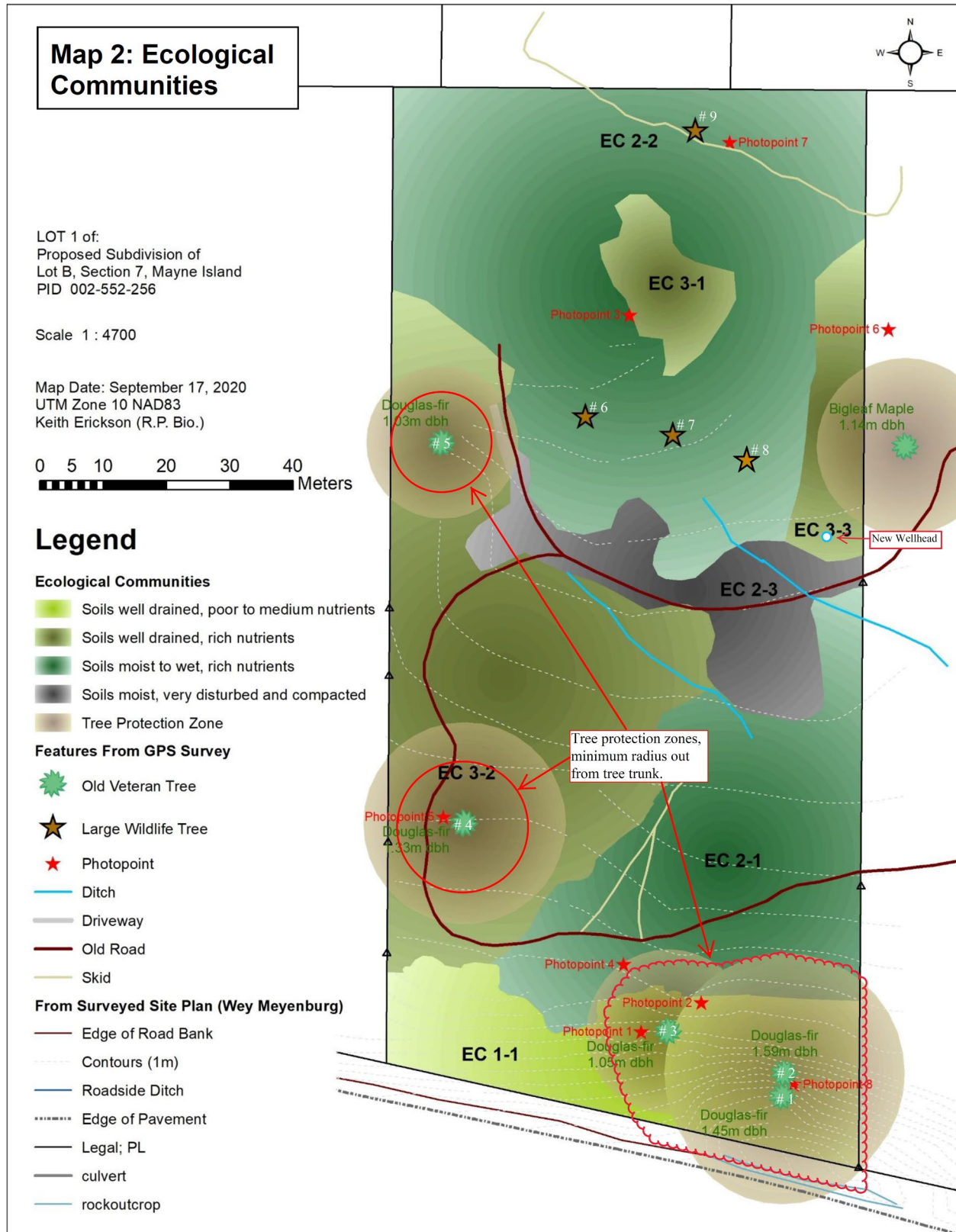
Sincerely,

A handwritten signature in black ink, appearing to read 'Jens Barsballe', written in a cursive style.

Jens Barsballe

Registered Consulting Arborist #570
ISA Board Certified Master Arborist PN-2741B
ISA Tree Risk Assessment Qualified
Wildlife Danger Tree Assessor P2370

Map with tree locations and tree protection zones



Trees number one and two as seen from the southwest



Tree number three as seen from the south



Tree number four as seen from the south



Tree number five as seen from the south



Wildlife trees number six, seven and eight as seen from the east



Wildlife tree number nine as seen from the southeast



Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character.
2. All existing liens, encumbrances, and assessments, if any, have been disregarded (unless otherwise noted), and the tree(s) are evaluated as though free and clear, under responsible ownership and competent management. It is assumed that no violations of applicable governmental regulations have occurred.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible, however, Beechwood Tree Service can neither guarantee nor be responsible for the accuracy of information.
4. Beechwood Tree Service shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in our fee schedule and contract of engagement.
5. Loss or alteration of any part of this report invalidates the entire report.
6. This report shall be used for its intended purpose only and by the parties to whom it is addressed. Possession of this report does not include the right of publication.
7. Neither all or any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed written or verbal consent of Beechwood Tree Service.
8. This report and any values expressed herein represent the opinion of Beechwood Tree Service. Our fee is in no way contingent upon any specified value, a result or occurrence of a subsequent event, nor upon any finding to be reported.
9. Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.
10. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection, and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring.
11. There is no warranty or guarantee expressed or implied that problems or deficiencies of the tree or other plant or property in question may not arise in the future.
12. The right is reserved to adjust tree valuations, if additional relevant information is made available.

Certificate of Performance

I, Jens Barsballe certify that:

- I have personally inspected the subject trees in this report and I have stated my findings accurately.
- I have no current or prospective interest in the trees or properties that is the subject of this report and have no personal interest or bias with the respect to the parties involved.
- That the analysis, opinions and conclusions stated herein are my own and based on current scientific procedures and facts.
- The analysis, opinions and conclusions were developed and this report has been prepared according to commonly accepted arboricultural practices and standards.
- No one provided significant professional assistance to the author unless specified herein.
- My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results or the occurrence of any subsequent events.

I further certify that I am a member of good standing of the American Society of Consulting Arborists (ASCA) and International Society of Arboriculture (ISA).

I have been an ISA Certified Arborist since 2002, an ISA Board Certified Master Arborist since 2012. A Registered Consulting Arborist since the beginning of 2015. Also, ISA Tree Risk Assessment Qualified since 2005 and Wildlife Danger Tree Assessment Qualified since 2017.

I have been involved in the practice of arboriculture and study of trees for over 18 years.



Jens Barsballe
ISA Board Certified Master Arborist PN-2741B
Registered Consulting Arborist #570
ISA Tree Risk Assessment Qualified
Wildlife Danger Tree Assessment Qualified P2370

January 12th 2021



DATE OF MEETING: February 22, 2021
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Report subject: Approval of Bylaw 180

RECOMMENDATION

1. 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 adopted.

PURPOSE OF REPORT

The purpose of this report is to present Bylaw 180 for consideration of Final Adoption.

The bylaw has received Executive Committee approval.

BACKGROUND

Background relate to this bylaw, including staff reports is available on the Islands Trust website:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/projects-initiatives/lub-technical-review/>

The bylaw includes a number of technical updates to the Mayne Island Land Use Bylaw with respect to: certain definitions; erroneous cross-references; typographical errors; unclear wording; and outdated references. It also includes new regulation related to derelict vehicles.

Rationale for Recommendation

The bylaw was sent to Executive Committee (EC) for a second time and approved following EC request for consultation with First Nations.

ALTERNATIVES

1. Proceed no further

That the Mayne Island Local Trust Committee proceed no further with the proposed Bylaw 180, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020”.

Submitted By:	Narissa Chadwick, Island Planner	February 12, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	February 12, 2021

ATTACHMENTS

1. Bylaw No.180 (Executive Committee Approval)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 180

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, 2020”.

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 deleting the definition of “Concrete” in its entirety.

2.2 By deleting the word “Regional District” from the definition of “Hall” and replacing it with “local government”.

2.3 By adding “and no other uses including driveways and parking lots” to the definition of “Park, passive recreation” after “signage”.

2.4 By deleting “doe” from the definition of “School” and replacing it with “does”.

2.5 By deleting “, and passive recreation parks” from subsection 3.1(2).

2.6 By inserting a new subsection 3.1(7) as follows:

“3.1(7) Passive recreation park, each park limited to hiking and walking trails and signs not exceeding 1 square metre each. No other uses including driveways and parking lots are permitted.”

2.7 By inserting a new subsection 3.1(8) as follows:

“(8) Water system facilities owned and operated by a regional district, improvement district or community water utility, including wells, pumphouses, lines, water collection and storage tanks, and septic systems.”

2.8 Deleting “Without limiting the generality of subsection 3.6(1),” from subsection 3.6(2).

2.9 By inserting “not exceeding 2 metres (6.6 feet) in height” following the word “wall” in article 3.8(1)(c) (Landscape Screening).

2.10 By inserting a new subsection 3.10(2) as follows:

“(2) If a lot is divided by one or more zone boundaries, lot coverage and maximum floor area must be calculated by reference to the areas of the portions of the lot lying within each zone.”

2.11 By inserting a new section 3.14 as follows:

“3.14 Derelict Vehicles

Lots under 1 acre/ 0.4 hectares shall not be used for:

- (1) the storage of more than one unlicensed motor vehicle, unless the vehicles are stored within a permitted building;
- (2) the wrecking or storage of derelict or abandoned vehicles, trailers or other discarded machinery or equipment; and
- (3) the storage of detached or salvaged motor vehicle parts or scrap, unless the parts are stored within a permitted building that is completely enclosed.”

2.12 By deleting “20m² (87ft²)” from subsection 5.9(5) and replacing it with “20m² (215 ft²)”.

2.13 By deleting subsection 5.10(10) in its entirety and replacing with “rescinded”.

2.14 By inserting a new row in the table in subsection 5.21(3) in the Water Moorage (W2) zone as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
W2(b)	Area of foreshore fronting Plan VIS 6703 contained within DL 560 and identified as Licence 113232.	Despite 5.21(1) the only uses permitted in this location are: (a) Dock, accessory to the upland uses, and limited to one float not exceeding a size of 36.5 m ² .

2.15 Deleting the phrase “no additional lots are created;” from article 8.2(1)(d) and replacing it with “the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment;”

- 2.16 By updating outdated references to the local government act as follows:
- 2.16.1 By deleting the number “946” in Table of Contents page 3 and replacing it with the number “514”.
 - 2.16.2 By deleting the number “946” in section 8.4 and subsection 8.4(1) and replacing it with the number “514”.
 - 2.16.3 By deleting the number “944” in subsection 8.5(1) and replacing it with the number “512”.
- 2.17 By adding the phrase “and emergency services” to the definition of ‘Community Wharf’ after “for area residents”

Map Amendments

- 2.18 Schedule “B” (Zoning Map) is amended by changing the zoning classification of an area of foreshore fronting Plan VIS 6703 contained within DL 560 and identified as License 113232 from W2 to W2(b) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” to Land Use Bylaw No. 146 as are required to effect this change.
- 2.19 Schedule “D” (Secondary Suites Map) is amended by including the area “being added to where secondary suites are permitted” as shown on Plan No. 2 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.

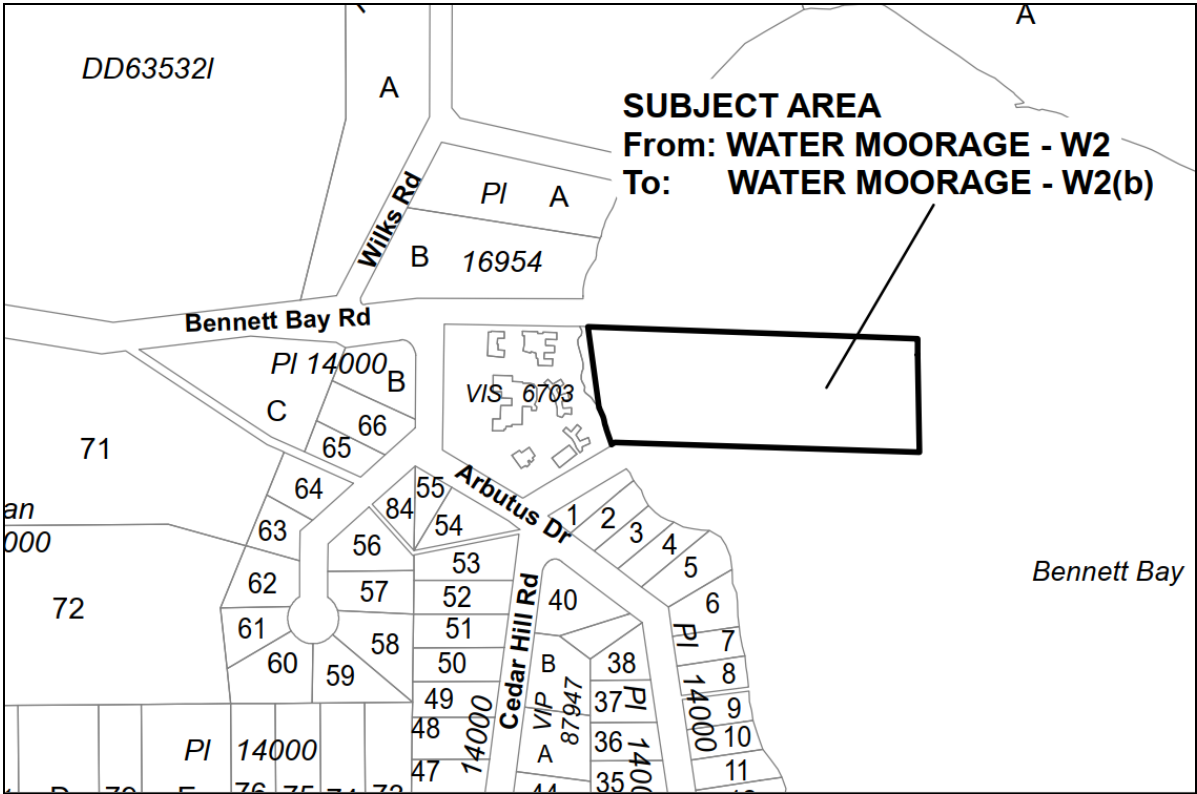
READ A FIRST TIME THIS	29 TH	DAY OF	JUNE	2020.
READ A SECOND TIME THIS	28 TH	DAY OF	SEPTEMBER	2020.
PUBLIC HEARING HELD THIS	26 TH	DAY OF	OCTOBER	2020.
READ A THIRD TIME THIS	26 TH	DAY OF	OCTOBER	2020.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	3 RD	DAY OF	FEBRUARY	2021.
ADOPTED THIS	_____	DAY OF	_____	20__

CHAIR

SECRETARY

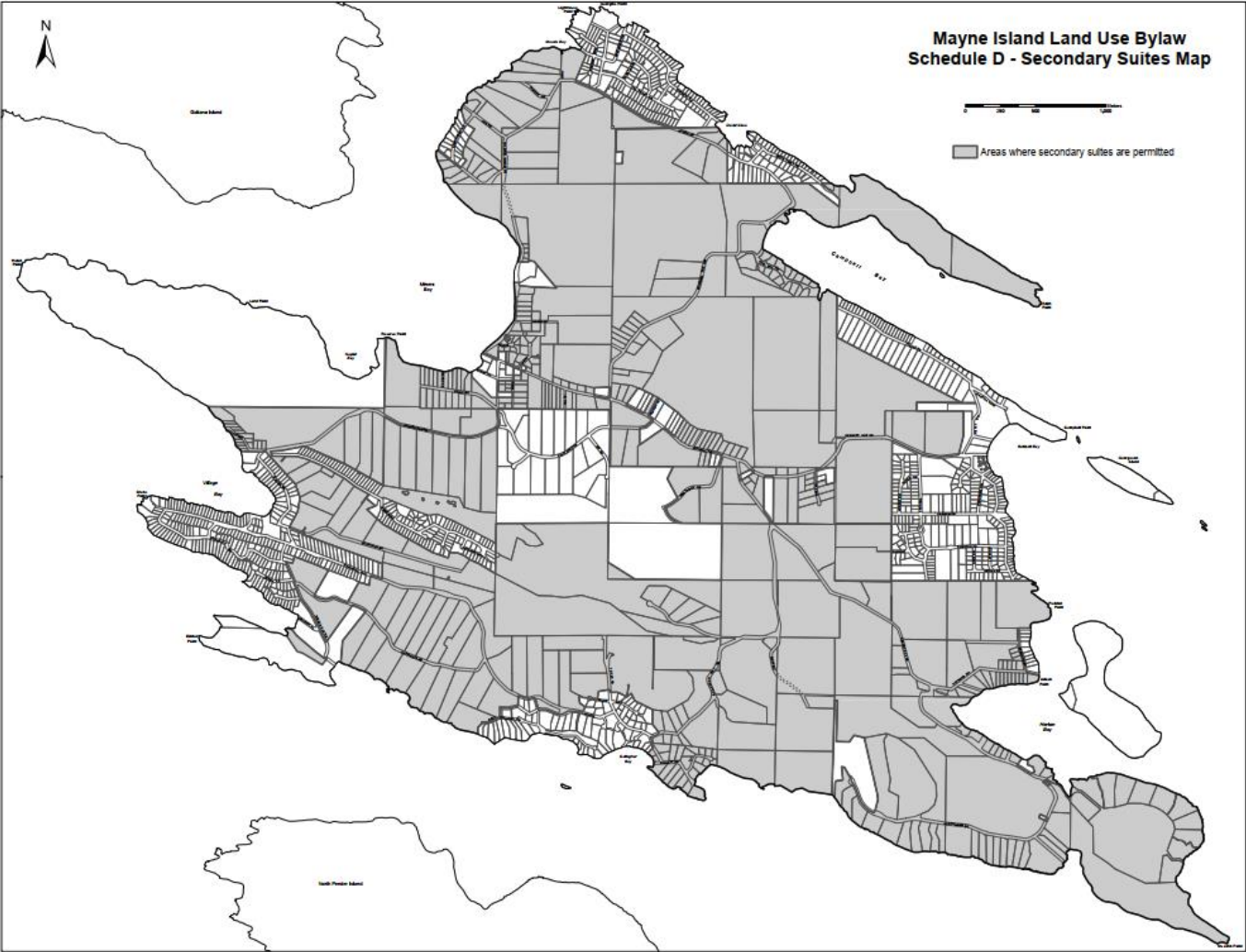
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 180

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 180

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.

Responsible

Narrisa Chadwick

Dates

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

Responsible

Narrisa Chadwick

Dates

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: 12-Feb-2021			
Awaiting CRD signature on covenant.			
Status Date: 12-Feb-2021			
Awaiting CRD signature on covenant.			
Status Date: 25-Jan-2021			
DVP approved, pending registration of covenant related to MA-SUB-2018.1.			

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: 12-Feb-2021			
Going to EC February 24/2021			
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			



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			
<u>Status Date:</u> 12-Feb-2021 Awaiting outstanding reports.			
<u>Status Date:</u> 18-Jan-2021 Bylaws drafted.			
<u>Status Date:</u> 15-Jan-2021 Staff contacted applicant to identify status of requested information.			

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			
<u>Status Date:</u> 22-Apr-2020 Extension of the PLA has been requested			
<u>Status Date:</u> 18-Sep-2019 Waiting for applicant to work through PLA conditions.			
<u>Status Date:</u> 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: 12-Feb-2021

Application on APC agenda for February 18, 2021.

Status Date: 28-Jan-2021

Application forwarded to PTA for referral to APC for comment

Status Date: 18-Jan-2021

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

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2021.1	FEDUCK, MEAGHAN / MAYNE ISLAND EARLY CHILDHOOD SOCIETY	29-Dec-2020	594 Fernhill Road - Application for a temporary use permit for a licensed daycare facility within the residence.

Planner: Phil Testemale

Planning Status

Status Date: 12-Feb-2021

Staff report on February 22, 2021 agenda for consideration of issuance

Status Date: 11-Feb-2021

Refund request memo signed by RPM; emailed complete refund package to Finance. - SR

Status Date: 11-Feb-2021

February 22, 2021 agenda for consideration

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

645 Mayne	Invoices posted to Month ending December 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	1,461.36	-788.36
65210-645	LTC - Local Exp - APC Meeting Expenses	253.00	180.40	72.60
65220-645	LTC - Local Exp - Communications	250.00	569.76	-319.76
65230-645	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>1,470.00</u>	<u>2,211.52</u>	<u>-741.52</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
2021-011 (Standing) 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	Carried	25-Jan-2021
2020-022 (Standing) 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.	Carried	24-Feb-2020

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.		