

Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: June 24, 2024
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Members Present: Tobi Elliott, Chair
David Maude, Local Trustee
Jeanine Dodds, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Warren Dingman, Bylaw Compliance and Enforcement Manager
Lisa Millard, Recorder (electronic)

Others Present: There were four (4) members of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 1:30 p.m. Chair Elliott acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- New Business 14.2 Georgina Point Road water tank concerns

By general consent, the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

A member of the public spoke about Bylaw No. 193 and made the following points:

- They own a property near the Church of St. Mary of Magdalene
- Disagreed that changes in Proposed Bylaw 193 Items 2.27 to 2.31 are minor
- The changes would create a significant increase in density
- A multiple dwelling project cannot be supported by water from existing wells or from rain water catchment
- Urban style apartments are not suitable to the area and the Official Community Plan does not support stacked townhouses on this site
- Three property owners have made submissions opposing this development
- The rezoning bylaws will affect the health, safety, and welfare of the entire community
- Zoning a residential neighbourhood for sixteen additional dwelling units will collapse the water system
- It is not appropriate for this to go forward without public input or a public hearing

A member of the public opposes Bylaw No.193 and stated the following:

- Georgina Point Road traffic can be congested and dangerous
- It is important to look at safe housing locations for young families and seniors
- The rezoning does not comply with the Official Community Plan
- The area lacks adequate water and is unsuited for the density proposed
- Two years ago a report was done that stated Islands Trust did not have a clear understanding of how the current population could be maintained
- The absence of a vision for the entire area must be addressed
- The proposal for seniors housing was done twenty years ago and sustainability studies were not done at that time
- There has been no transparency or accountability for Islands Trust regarding this bylaw
- No one in the neighbourhood was consulted prior to this decision being made
- The Local Trust Committee must stop proposing large urban development that are in opposition to the Official Community Plan
- Many neighbours want deferral of the reading of the bylaw until investigation and considerable contemplation of the long term effects has been undertaken

A member of the public noted that submissions are difficult to find on the website and requested that any related correspondence be posted on the meeting page.

- Chair Elliott stated that correspondence and submissions can be located on the Mayne Island Local Trust Committee website

A member of the public asked at what stage in the process is the bylaw at?

- Chair Elliott replied that the Local Trust Committee has made amendments to the bylaw in previous meetings
- It had been sent to the Advisory Planning Commission for comments
- Referrals had been completed
- It was also noted that this is part of an Local Trust Committee project and not a rezoning application

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 27, 2024 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Strike the words Ultimate Spirit on Page 5 of the Minutes

By general consent the Mayne Island Local Trust Committee meeting minutes of May 27, 2024 were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report - None

6.3 Advisory Planning Commission Minutes - None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated June 2024

It was noted that two letters to the Ministry of Transportation and Infrastructure have not been completed yet.

8. DELEGATIONS - None

9. CORRESPONDENCE

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

It was noted that Trustee Dodds will respond to a recent email received Carl Bunnin.

10. APPLICATIONS AND REFERRALS

10.1 PLTUP20240004 (Orpen - BC Ferries) - Staff Report

Regional Planning Manager Kojima summarized the Staff Report and highlighted the following:

- It is a renewal of the Temporary Use Permit Issued last year for staff or contractor accommodation for the Capital Regional District trail project estimated to be completed in August
- Requesting renewal recommending 1 year

Discussion ensued and Trustees made the following comments:

- Undertaken without a building permit, even though this was a requirement of the previous Temporary Use Permit
- Contractor did not apply for a building permit, as did not believe it was needed because they are mobile units
- Regional Planning Manager Kojima noted that a travel trailer was outside of scope of building code, but a factory built mobile on a foundation or blocks may require an inspection for the foundation blocking
- Regional Planning Manager Kojima further suggested that the applicant contact the Capital Regional District
- There had been an email from the Capital Regional District asking about the permit a year ago
- BC Ferries Representative, Lee Orpen stated he had contacted the Capital Regional District Building Services Department and they said they did not have concerns with it at that point
- The Building Permit matter is within the Capital Regional District jurisdiction, therefore no further action is required from the Local Trust Committee

MA-2024-032

It was Moved and Seconded,

that Mayne Island Local Trust Committee approve issuance of renewal Temporary Use Permit PLTUP20240004 (Orpen - BC Ferry Services Inc.) for a period of one (1) year.

CARRIED

10.2 MA-SUB-2023.1 (Brown – MIHS - Staff Report)

Regional Planning Manager Kojima summarized the Staff Report and highlighted the following:

- The site was rezoned a couple years ago
- The conditions of subdivision require a covenant with no development permitted until such time in the future when the lot meets conditions of the Land Use Bylaw regarding water
- The covenant is authorized by the Land Use Bylaw

Discussion ensued and Trustees made the following comments:

- Puts onus on future land owner of lot two
- The applicant in attendance provided the Local Trust Committee with a more current plan
- Mayne Island Housing Society has come to end of the process, and once approved and registered, the final package goes back to the Ministry of Transportation
- The Mayne Island Housing Society confirmed that the land owners have seen and approved the language of the covenant via email
- The Local Trust Committee expect to receive confirmation the land owners have signed off on the draft covenant

MA-2024-033

It was Moved and Seconded,

that Mayne Island Local Trust Committee accept the Section 219 Covenant that is Attachment 1 to this report for MA-SUB-2023.1 (Brown).

CARRIED

MA-2024-034

It was Moved and Seconded,

that Mayne Island Local Trust Committee designate the Chair of the Local Trust Committee to sign the Covenant.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw Project - Staff Report

Regional Planning Manager Kojima summarized the Staff Report and highlighted the following:

- Amendments were completed over a number of previous meetings
- Notice of first reading was provided
- Referrals have been sent
- Feedback received from three neighbours
- The Local Trust Committee can make further amendments at this stage

Discussion ensued and Trustees made the following comments:

- Trustee Maude flagged item 2.16 on page 33 for discussion
 - Landscape screening requirement of 1.5 metres in height seems low.

- Dodds noted that the size for fences is 6 feet (2 metres) and suggested that the requirement for screening should match that

MA-2024-035

It was Moved and Seconded

that Land Use Bylaw No146, 2008 2.16 (b) be changed to 2.0 metres in height from 1.5 metres.

CARRIED

- Regarding neighbours concerns, the Local Trustee Committee clarified that the zoning will not be changing, as it is already zoned
- Regional Planning Manager Kojima stated that the housing agreement was adopted by bylaw when property was rezoned
- The agreement restricts occupancy by age, has been amended once, and it was adopted by a public hearing process previously
- The housing agreement itself is not subject to a public hearing
- Covenant on title has specific language attached which will have to be changed as it has specific plans attached
- The density is not changing
- Who can stay in the dwellings is regulated by the housing agreement, so changing the age of occupants would need to amend the housing agreement
- Zoning change will allow use to be more flexible
- If a proposal is forthcoming then a public hearing may be required

MA-2024-036

It was Moved and Seconded,

that Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2023” as amended be read for the first time.

CARRIED

MA-2024-037

It was Moved and Seconded,

that Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2023” as amended be read for a second time.

CARRIED

MA-2024-038

It was Moved and Seconded,

that Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2023” as amended be read for a third time.

CARRIED

MA-2024-039

It was Moved and Seconded,

that Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2023” as amended be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Trustee Dodds stated that the concerns raised by neighbours are reasonable. Nothing can be built on this property that is outside of the housing agreement and covenant. To change any of that would require a public hearing. This change allows for more flexibility for potential housing. There is still a lot of work to be done before anyone builds on the site.

12. APPLICATIONS AND REFERRALS

12.1 PLTUP20240004 (Orpen - BC Ferries)

The Local Trust Committee revisited the previously discussed application PLTUP20240004. Further discussion ensued about the requirement for a building permit.

MA-2024-040

It was Moved and Seconded,

that Trustee Maude write to the Capital Regional District to clarify the issue of building permit requirement for temporary trailers at the BC Ferries Property constructions site.

CARRIED

13. REPORTS

13.1 Work Program Reports

13.1.1 Active Projects Report Dated June 2024

Received for information.

13.1.2 Future Project List Report Dated June 2024

Thoughts on next future project:

- Foreshore education
- Updating water zones

MA-2024-41

It was Moved and Seconded

that foreshore education and marine zoning be moved to item number one on the future projects list for consideration of future minor projects.

CARRIED

13.2 Applications Report - Verbal Update

Regional Planning Manager Kojima provided a verbal update on the status of current applications.

13.3 Trustee and Local Expense Report - None

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

Received for information.

13.6 Chair's Report

Chair Elliott reported the following:

- Attended the Trust Council meeting on Salt Spring Island
- Toured unregulated trailer parks and various areas of unsafe housing on Salt Spring Island
- Strategic planning session at Trust Council
- Strong support for request to the province to review the government structure of Islands Trust

13.7 Trustee Report

Trustee Dodds reported the following:

- The fallow deer issue was raised during Trust Council
- Fantastic presentation by Adam Olsen about governance
- Noted outgoing Chief Administrative Officer Russ Hotsenpiller and incoming interim CAO Julia Mobbs

Trustee Maude reported the following:

- Trust Council protesters had opportunity to speak
- Highlight was the presentation by Transport Canada on derelict boats
- Campbell Bay Music Festival was a success

13.8 Electoral Area Director's Report - None

13.9 Islands Trust Conservancy Report Dated May 2024

Received for information.

14. NEW BUSINESS

14.1 Denman Island Bylaw No. 61 – Discussion

- Written notice is required forty-eight hours in advance of inspection by Bylaw Enforcement Officers
- Bylaw Compliance and Enforcement Manager, Dingman is working on a Local Trust Committee policy template that would bring all standing resolutions into one document

- Denman Island Local Trust Committee adopted policies to deal with specific issues around notification period, complaints, and giving discretion to Bylaw Officers to close files
- Salt Spring Island Local Trust Committee did not adopt the policy right away and further edits are pending
- A set of policies will come before Mayne Island Local Trust Committee in the coming months and they will have the opportunity amend and edit it for issues they want address.

14.2 Georgina Point Road Water Tank Concerns

The Local Trust Committee discussed the possibility that Islands Trust Staff could access engineer’s reports and look for verification that the large number of water tanks on Georgina Point Road have actually been engineered and installed correctly.

MA-2024-042

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff to get clarifications on the water tanks at 340 Georgina Point Road.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for July 29, 2024 at the Agricultural Hall, Mayne Island

Discussion ensued regarding the September meeting date.

MA-2024-043

It was Moved and Seconded

that Mayne Island Local Trust Committee request staff to explore options to change the meeting scheduled for September 23, 2024 to either October 2, 2024 or October 7, 2024.

CARRIED

Discussion ensued regarding July 29 meeting in person or electronic

MA-2024-044

It was Moved and Seconded

that the next Mayne Island Local Trust Committee regular meeting scheduled on July 29, 2024 be changed from in-person to electronic.

CARRIED

The meeting was recessed at 3:10 p.m. for a break reconvened at 3:20 p.m.

16. TOWN HALL

17. CLOSED MEETING (Distributed Under Separate Cover)

17.1 Motion to Close the Meeting

MA-2024-045

It was Moved and Seconded,

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

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

(g) litigation or potential litigation affecting the municipality;

AND that the recorder and staff attend the meeting.

CARRIED

The meeting was recessed at 3:20 p.m.

17.2 Recall to Order

The meeting was recalled to order at 3:40 p.m.

17.3 Rise and Report

Chair Elliott rose and reported that the In-Camera Meeting minutes of May 27, 2024 were adopted and the Local Trust Committee discussed bylaw compliance files with staff.

18. ADJOURNMENT

By general consent the meeting was adjourned at 3:41 p.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Recorder