

Adopted



Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: September 28, 2020
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Robert Kojima, Regional Planning Manager
Narissa Chadwick, Island Planner
Lauren Edwards, Recorder
Maple Hung, Planning Team Assistant, Host
Phil Testemale, Planner 2

Public: There were approximately (18) attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:03 p.m.

Trustee Dodds acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

Agenda item 9.2 moved to discuss after item 10.2 and the need for a closed meeting was confirmed.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

The public was invited for comments and the following discussion points were made:

- Interest in the Anson Road project;
- The need for parking at St. John Point to ensure the park is accessible for citizens with mobility issues and referenced the community funded portion for the park was 50 percent; and
- Chair Rogers advised that any change to Bylaw 180 will be addressed at a public hearing.

Public Members were then given an opportunity to speak to any other items on the agenda.

- A direct neighbour of St. John Point expressed concern for rezoning and widening access which she is concerned affects her property.

The public in attendance were given opportunity to speak to any LTC matter generally.

- A member of the Mayne Island Housing Society (MIHS) provided an overview of the technical assessments, reports and presentations made by consultants;
- Chair Rogers confirmed receipt of the reports which will be assessed; and
- Chair Rogers gave an overview of the process towards approval and stated the reports will be made public on Islands Trust website after the assessment is completed.

4. COMMUNITY INFORMATION MEETING – None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes Dated July 27, 2020 (for Adoption)

By general consent the Local Trust Committee meeting minutes of July 27, 2020 were adopted as presented.

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 September 2020

Planner Chadwick reported on the following:

- A meeting will be scheduled with Ministry of Transportation and Infrastructure (MoTI) once a time that work is identified; and
- The letter to First Nations will go out when the 2021 meeting schedule is finalized.

8. DELEGATIONS - None

9. CORRESPONDENCE

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

9.1 Letter from Capital Regional District re St. John Point Park

Received by the Local Trust Committee.

9.2 Arbutus Bay Estates Ltd. re Variance LUB Bylaw Subdivision - Staff Memo

This item was addressed after Item 10.2

10. APPLICATIONS AND REFERRALS

10.1 MA-DVP-2020.4 (Iredale) - Staff Report

Planner Chadwick provided an overview of her report submitted to the Committee regarding setbacks for the existing cottage and deck rebuild.

MA-2020-059

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2020.4.

CARRIED

9.2 Arbutus Bay Estates Ltd. re Variance LUB Bylaw Subdivision - Staff Memo

Planner Testemale provided an overview of his report submitted to the Committee and the applicant's letter of August 31, 2020 asking to waive the requirement for a subdivision plan signed by a BC Land Surveyor.

At issue are two proposed lots split by the highway which would not comply with Land Use Bylaw regulation that states that no additional lot should not be divided by a highway.

The applicant reported her concerns of wanting to create one new lot, having dedicated without compensation for the creation of the road and concern about the cost of the survey with no assurance for an approved variance.

After discussion between the LTC and the applicant, it was agreed that there will be no motion or action taken.

10.2 MA-DVP-2020.7 (Cochrane) - Staff Report

Planner Testemale provided an overview of his staff report.

Discussion was held on the following points:

- Rear yard setback, setback from the sea, and side yard setback;
- Option to alter the existing deck to a walkway so as to create a legal structure to access a dock;
- A mapped woodland sensitive ecosystem;
- Cumulative effects of similar existing and future structures on neighbouring properties;
- Future similar DVP applications;
- The option to approve the planner's recommendation to amend the variance was not pursued;
- The application is complex according to the Trustees;
- Consideration of the application will resume after the Galiano Advisory Planning Commission has received the referral; and

- The planner will contact the applicant before the applicant is presented to the LTC.

MA-2020-060

It was Moved and Seconded,

that the Mayne Local Trust Committee refer the Development Variance Permit application MA-DVP-2020.7 to the Advisory Planning Commission for further consideration.

CARRIED

Chair Rogers Opposed

10.3 MA-DP-2020.1 (CRD - Anson Dock) – Staff Report

Planner Testemale provided an overview of his staff report.

Numerous technical reports were made available and a link is provided to Islands Trust website for Mayne Island's current applications.

These included:

- An Aquatic Effects Assessment by Archipelago Marine Research Limited regarding aquatic effects and environmental impact, and a supplemental assessment of proposed shoreline protection assessments; and
- Coastal and Ocean Resources Inc. regarding shoreline stability.

Also included in the application and not posted or attached was information from:

- Archaeological Overview and Impact Assessments by Kleanza Consulting Ltd. that included marine archaeological assessments.

Planner Testemale provided an overview of analysis of the aquatic effects and shoreline protection assessments concerning dock facility construction.

Planner Testemale answered questions to confirm that:

- There was no guideline in the DVP for a pump-out facility;
- Islands Trust Conservancy's and Mayne Island Conservancy eelgrass mapping was used;
- Upland work will require a DVP; and
- Work to be done upland is a separate stage in the construction process and has already been tendered.

Dale Puskas, CRD, stated that a few solutions are being worked on for portable pump-out as it is not tenable to have something permanent along the dock.

It was reported that Fisheries and Oceans Canada timing windows exist and if dock construction is deferred, the next window for December 1st to February 15th may not be met.

There was discussion pertaining to involvement with Islands Trust Conservancy as well as First Nations.

MA-2020-061

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve issuance of Development Permit MA-DP-2020.1 (CRD – Anson Road Dock).

CARRIED

A brief break was held between 2:58 p.m. and 3:15 p.m.

Trustee Maude recused himself at 3:16 p.m. for the following application MA-RZ-2018.1 due to conflict of interest.

10.4 MA-RZ-2018.1 (CRD - Cotton Park) - Staff Report

Planner Chadwick gave an overview of the application.

Planner Chadwick provided history for recommending amendment of Bylaw 178 to increase square footage of structures from current limit of 200 square feet. She recommended that the Trustees amend Bylaw 178 and move to second reading of both amendments; then move forward to a public hearing.

Chair Rogers confirmed there will be a formal referral on this issue to First Nations.

Debra Bell, Commissioner, Mayne Island Parks and Recreation, commented on the following:

- The site visit with Trustee Dodds, Planner Chadwick, Harold Joe, Cowichan Nation, CRD staff and members of the Mayne Island Parks and Recreation Commission;
- Signs, art installations or interpretive panels might be considered structures not allowed under the current LUB and affect support First Nations wish to provide;
- An archaeology grant may be involved; and
- No square footage restriction be set and community and First Nations consultation sought.

Chair Rogers indicated that a community information meeting and public meeting can be held together.

MA-2020-062

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw 178, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2019” be amended as specified in Attachment One of the staff report dated September 28, 2020.

CARRIED

MA-2020-063

It was Moved and Seconded,

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

CARRIED

MA-2020-064

It was Moved and Seconded,

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

CARRIED

MA-2020-065

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw 178, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2019” and Mayne Island Local Trust Committee Draft Bylaw 177, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.1, 2019”

CARRIED

Trustee Maude returned to the meeting at 3:37 p.m.

10.5 Saturna Island Local Trust Committee Bylaw No. 132 Referral

Interests were unaffected.

Comments noted by Trustee Dodds regarding work done by Saturna local trustees and that this could be a template for all Southern Gulf Islands.

10.6 Galiano Island Local Trust Committee Bylaw No. 275 Referral

Interests were unaffected.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Update on Southern Gulf Islands Groundwater Sustainability Strategy - Staff Memo

Staff reported on contracted peer review with deliverables November and finalized December and that a presentation will be made at Regional Planning Committee.

11.2 Land Use Bylaw Technical Review – Staff Report

Planner Chadwick provided a report for additional items to consider for the technical review of the LUB:

Derelict vehicles:

Discussion concluded with agreement of the recommendation as contained in the report submitted.

Patio definition:

Discussed issues concerning square footage, setbacks and building material.

By General Consent this item will be removed from LUB technical review and added to the projects list.

St. John Point:

Planner Chadwick provided an overview from her report of the options available to address CRD's request for an LUB amendment to rezone.

Considerations are concerns from park neighbours and the fire department, access, parking and toilet amenities.

CRD has not made an application although item can be addressed as a project without application.

MA-2020-066

It was Moved and Seconded,

that second reading of Bylaw No. 180 cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020" be rescinded.

CARRIED

MA-2020-067

It was Moved and Seconded,

that the Mayne Island Local Trust Committee amend Bylaw No.180 cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020" to include derelict vehicles as per the staff report dated September 28, 2020.

CARRIED

MA-2020-068

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No.180 cited as "Mayne Island Land Use Bylaw No.146, 2008, Amendment No.1, 2020", be read a second time as amended.

CARRIED

MA-2020-069

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 180 cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020"

CARRIED

MA-2020-070

It was Moved and Seconded,

that the Mayne Island Local Trust Committee add review of paved surfaces and patio regulations to the projects list.

CARRIED

MA-2020-071

It was Moved and Seconded,

that the Mayne Island Local Trust Committee invite Capital Regional District to apply for rezoning of St. John’s Point.

CARRIED

11.3 Mayne Island Housing Regulation and Policy Review – Staff Report

Planner Chadwick provided an overview of her report that included: distribution of floor area; housing needs; housing affordability; flexibility; footprint; property sharing; and LUB.

A request was made for Planner Chadwick to research four-plex structures as it may reduce cost and footprint.

MA-2020-072

It was Moved and Seconded,

that the Mayne Island Local Trust Committee direct staff to report back with further details related to the distributed floor area option for addressing housing flexibility.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated September 2020

Received for information.

12.1.2 Projects List Report Dated September 2020

Chair Rogers confirmed that patio definition has been added to the Projects List.

12.2 Applications Report Dated September 2020

Received for information.

12.3 Trustee and Local Expense Report Dated July 2020

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

The LTC agreed on the following:

- Notice in agenda item 13.1 concerning short-term vacation rentals should be on our website if it is not already;
- The fourth paragraph become the second paragraph on item 13.1; and
- Islands Trust will print colour copies of the notice on item 13.1 and provide them to Trustees for distribution to the realtors.

12.6 Chair's Report

Chair Rogers gave a report on the following:

- The next Trust Council meeting in December will be virtual; and
- The Islands Trust Conservancy was successful in getting their largest federal grant for \$600,000 for the Species at Risk Program.

12.7 Trustee Report

The trustees reported on the following:

- The island is busy and real estate activity is high;
- There is desire to preserve rural lifestyle while meeting expectations as the island evolves;
- The school population has increased and new young families have moved to Mayne with some people working from home; and
- September 30th is orange shirt day in remembrance for the experiences in residential schools as told through Phyllis Webstad's story.

12.8 Islands Trust Conservancy Report Dated July 2020

Received for information.

13. NEW BUSINESS

13.1 Communication on Short Term Vacation Rentals

This item was addressed at Item 12.5

14. UPCOMING MEETINGS

MA-2020-073

It was Moved and Seconded,

that in accordance with *Ministerial Order M192 – Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 – 2020*, Mayne Island Local Trust Committee cannot conduct public in-person meetings at this time because the meeting venues traditionally used have limited access or do not meet the legislated requirements for the protection of the community, trustees and staff; and therefore in order to meet the principles of openness, transparency, and accessibility, meetings of the Mayne Island Local Trust Committee will be held electronically over the period August 26 to October 31, 2020, will be live streamed, and the public invited to participate in meetings by connecting to the

link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

14.1 Next Regular Meeting Scheduled for October 26, 2020 - Electronic Meeting

15. TOWN HALL

The public in attendance were given opportunity to address the local trustees.

Chair Rogers confirmed he will respond to the letter sent by an individual who raised concern regarding the posting of correspondence to the Islands Trust website.

16. CLOSED MEETING

MA-2020-074

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) for the purpose of considering:

- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

CARRIED

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:23 p.m.

Dan Rogers, Chair

Certified Correct:

Lauren Edwards, Recorder