



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: January 30, 2023
Time: 1:30 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

			Pages
1.	CALL TO ORDER	1:30 PM - 1:30 PM	
2.	APPROVAL OF AGENDA	1:30 PM - 1:35 PM	
3.	TOWN HALL AND QUESTIONS	1:35 PM - 1:50 PM	
4.	COMMUNITY INFORMATION MEETING		
	None		
5.	PUBLIC HEARING		
	None		
6.	MINUTES	1:50 PM - 2:00 PM	
6.1	Local Trust Committee Special Meeting Minutes Dated November 14, 2022 (for Adoption)		4 - 8
6.2	Local Trust Committee Public Hearing Record Dated November 14, 2022 (for Receipt)		9 - 11
6.3	Section 26 Resolutions-without-meeting Report - None		
6.4	Advisory Planning Commission Minutes - None		
7.	BUSINESS ARISING FROM THE MINUTES		
7.1	Follow-up Action List Dated Jan 2023		12 - 14
8.	DELEGATIONS		
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.	APPLICATIONS AND REFERRALS	2:00 PM - 3:00 PM	

10.1	MA-TUP-2022.2 (Lazin) - Staff Report (attached)	15 - 26
10.2	MA-DVP-2022.2 (Girouard) - Staff Report (attached)	27 - 41
10.3	MA-DVP-2023.1 (Mayne Island Agricultural Society) – for discussion	
10.4	MA-RZ-2020.1 (MIHS) – Housing Agreement Approval - Staff Report (attached)	42 - 60
10.5	Saturna Island Local Trust Committee Referral for Proposed Bylaws 136 and 137 (for response) (attached)	61 - 70
10.6	North Pender Island Local Trust Committee Referral for Proposed Bylaw No. 232 (for response) (attached)	71 - 75
11.	LOCAL TRUST COMMITTEE PROJECTS	3:00 PM - 3:15 PM
11.1	Flexible Housing Outreach (Staff Report) (attached)	76 - 78
12.	REPORTS	3:15 PM - 3:25 PM
12.1	Work Program Reports (attached)	
12.1.1	<u>Local Trust Committee Work Program Review - Staff Report (attached)</u>	79 - 84
12.1.2	<u>Active Projects Report Dated Jan 2023</u>	85 - 87
12.1.3	<u>Future Projects List Report Dated Jan 2023</u>	88 - 89
12.2	Applications Report Dated Jan 2023 (attached)	90 - 92
12.3	Trustee and Local Expense Report Dated Nov 2022 (attached)	93 - 93
12.4	Adopted Policies and Standing Resolutions (attached)	94 - 98
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Electoral Area Director's Report	
12.9	Islands Trust Conservancy Report Date Nov 2022 (attached)	99 - 100
13.	NEW BUSINESS	3:25 PM - 3:45 PM
13.1	Letter from W̱SANEC Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments	101 - 109
13.2	Fallow Deer - for discussion	
13.3	Advisory Planning Commission Appointments	
14.	UPCOMING MEETINGS	

**14.1 Next Regular Meeting Scheduled for February 27, 2023 at the Agricultural Hall,
Mayne Island**

15. TOWN HALL **3:45 PM - 4:00 PM**

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

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

- Adoption of In-Camera Meeting Minutes Dated March 28, 2022
- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT **4:00 PM - 4:00 PM**



Mayne Island Local Trust Committee

Minutes of Special Meeting

Date: November 14, 2022
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

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

Staff Present:
Narissa Chadwick, Island Planner
Pat Todd, Recorder

There were approximately twenty-five (25) members of the public in attendance/on Zoom.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:02pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

5.4 Outhouses

By general consent the agenda was approved as amended.

3. MINUTES

3.1 Local Trust Committee Minutes Dated October 24, 2022

By general consent the Local Trust Committee minutes dated October 24, 2022 were adopted as presented.

4. PUBLIC HEARING

4.1 MA-RZ-2020.1 (Mayne Island Housing Society) - Proposed Bylaws 181 and 183

4.1.1 Recess for Public Hearing

Chair Rogers recessed the Special Meeting at 1:08 pm. Record of Public Hearing under separate cover.

4.1.2 Recall to Order

Chair Rogers recalled the Special Meeting at 2:37 pm.

5. **BUSINESS ITEMS**

5.1 **MA-RZ-2020.1 (Mayne Island Housing Society) - Proposed Bylaws 181 and 183 - Post Public Hearing Staff Report**

MA-2022-112

It was Moved and Seconded,

that the Mayne Island Local Trust Committee proposed Bylaw No. 181, cited as 'Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021' be read for a second time.

2/1 (Trustee Maude)

MA-2022-113

It was Moved and Seconded,

that the Mayne Island Local Trust Committee proposed Bylaw No. 181, cited as 'Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021' be read for a third time.

2/1 (Trustee Maude)

MA-2022-114

It was Moved and Seconded,

that the Mayne Island Local Trust Committee proposed Bylaw No. 183, cited as 'Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021' be read for a second time.

2/1 (Trustee Maude)

MA-2022-115

It was Moved and Seconded,

that the Mayne Island Local Trust Committee proposed Bylaw No. 183, cited as 'Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021' be read for a third time.

2/1 (Trustee Maude)

MA-2022-116

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 182 cited as "Mayne Island Housing Agreement Bylaw No. 182, 2022" be read for the third time.

2/1 (Trustee Maude)

MA-2022-117

It was Moved and Seconded,

that the Mayne Island Local Trust Committee proposed Bylaw No. 181, cited as 'Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021', proposed Bylaw No. 182 cited as 'Mayne Island Housing Agreement Bylaw No. 182, 2022', and proposed Bylaw No. 183, cited as 'Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021' be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

2/1 (Trustee Maude)

MA-2022-118

It was Moved and Seconded,

that the Mayne Island Local Trust Committee proposed Bylaw No. 181, cited as 'Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021' be forwarded to the Minister of Municipal Affairs for approval.

2/1 (Trustee Maude)

MA-2022-119

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 B, Section 7, Mayne Island, Cowichan District, Plan 2791 and designate the Chair of the Local Trust Committee to sign the covenant related to MA-RZ-2020.1 (MIHS).

CARRIED

MA-2022-120

It was Moved and Seconded,

that the Mayne Island Local Trust Committee direct staff to write to Ministry of Transportation and Infrastructure regarding water issues/concerns from drainage down Mount Parke across Village Bay Road onto north side of Village Bay Road and leading into properties on Miners Bay.

CARRIED

5.2 Flexible Housing Project - Proposed Bylaws 184 and 189

Planner Chadwick reviewed the staff report and it was suggested an information sheet be created to explain the project. This could be posted on Facebook and be distributed in the spring at an LTC meeting and/or an Open House.

MA-2022-121

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 189 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” be adopted.

CARRIED

MA-2022-122

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. Bylaw 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” be adopted.

CARRIED

Chair Rogers congratulated the LTC and staff for efforts on this project. It is being discussed around the Islands Trust as a “model to watch”. The Trustees added their appreciation to Planner Chadwick.

5.3 Mayne Island Local Trust Committee Proposed Fees Bylaw No. 285

MA-2022-123

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be adopted.

CARRIED

5.4 Outhouses

There was a general discussion regarding the legality of outhouses as there have been a number of concerns raised over the past few months.

MA-2022-124

It was Moved and Seconded,

that the Mayne Island Local Trust Committee direct Bylaw staff to suspend enforcement on outhouses and that the Bylaw Enforcement Manager be invited to attend a future Local Trust Committee meeting.

CARRIED

6. DRAFT 2023 MEETING SCHEDULE

While there are factors to consider regarding meetings i.e.: where Chair is coming from, ferry schedules etc., the LTC accepted the schedule as presented through motion.

MA-2022-125

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve the proposed 2023 Regular Meeting schedule as presented in Appendix 1 to establish a meeting schedule as required by Mayne Island Meeting Procedures Bylaw No. 188.

CARRIED

7. ADJOURNMENT

By general consent the meeting was adjourned at 3:36 pm.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder



DRAFT

**Public Hearing Record
Received For Information
By Local Trust Committee**

**Mayne Island Local Trust Committee
Record of Public Hearing
Bylaw No. 181 & 183**

Date: November 14, 2022
Location: Mayne Island Agricultural Hall, 430 Fernhill Rd, Mayne Island BC

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

Staff Present: Narissa Chadwick, Island Planner
Pat Todd, Recorder

Others Present: There were approximately twenty-five (25) members of the public/on Zoom present.

7.1 Mayne Island Local Trust Committee Bylaw No. 181 & 183

Chair Rogers called the Public Hearing to order at 1:08 p.m. and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

Chair Rogers read a statement outlining the content, purpose, and process of the Public Hearing according to Sec. 465 of the *Local Government Act*.

Chair Rogers noted that a number of written submissions have been received prior to the meeting. All relevant documents are contained in the Public Hearing binder which is available to the public.

Planner Chadwick provided a summary of proposed Bylaw No. 181 & 183 which would rezone the site to allow for Affordable Multi-family Housing and create 3 lots.

Planner Chadwick noted the publication of the Public Hearing and the referrals to Ministries, agencies, First Nations, etc. To date 24 public submissions have been received.

Chair Rogers called a first time for speakers.

Deborah Goldman, speaking on behalf of the Mayne Island Housing Society (MIHS), acknowledged the efforts to date of the Trustees and Staff, the public, the land donor, consultants and members of the MIHS. Stated the island is in need of affordable, secure rental housing. The concerns raised have been addressed through projects, reviews and reports.

Rezoning would bring protection for the land. Housing stability is important to the well-being of individuals, children and the community.

Allister Hain, 631 Gallagher Bay Road: reviewed the letter submitted by Mayne Island Assisted Living Society (MIALS) supporting the project, noting that a key factor of “aging in place” is secure, affordable housing. Affordable housing supports the community. Urged Trustees to approve application.

Kat Ferneyhough, 543 Fernhill Road: cited the need of the community for employable residents and the critical need for rental housing. Concerns have been addressed and LTC should move forward with approval.

Glen McLeod, 392 Maple Drive: as one of the 23 property owners affected by project (who have private wells) raised concerns regarding wells and surface water, specifically overflow. Feels land is not a fair amenity and that project should be turned down and site remain as a 10 acre parcel.

Lise McLeod, 392 Maple Drive: neighbours not consulted prior to initiation of project. Erosion and water a major issue. A letter has been submitted with 30 names of neighbours who have concerns. Concern regarding 10 unit septic over wetlands – creates liability to property owners. Community at large unable to appreciate neighbourhood concerns. Not against affordable housing however site not appropriate.

Tim Maki, 351 Village Bay Road: letter submitted highlighting 3 concerns: 1. Buffer – 15 meters on their side/project side no buffer; 2. Surface water – Lots 1,2 and 3 plan to address neglected water flows on west side: restoration plans incomplete and uncertain and Covenant does not address Weiland Specialists recommendations; 3. Affordable Housing – questions if project addresses this. Housing Agreement – rental rates don’t push rents down. It is an expensive project with potential to have high rental rates.

Don Eadie, 625 Fernhill Road: spoke in support of project and moving ahead – appreciation for LTC ‘s consideration of concerns and issues.

Stephanie McBurney, 499 Montrose Road: spoke to need for rental housing for families. People have to work a number of jobs – viability of island if staff unable to find housing; supports project – no plan is perfect. Fantastic first step; appreciates efforts, thoughts and planning of MIHS; importance of LTC to planning for future; security for people knowing they “can’t be kicked out”.

Deb Foote, 537 Club Crescent: supports project; generosity of land donation; scarcity of rental market; workers, who maintain community, primarily renters; community concerns have been heard and addressed though reports and consultants; proceed with Bylaw changes.

Katherine Somerville, 366 Maple Drive: not the right location – supports project but not site; wetland, known for flooding, risk to neighbourhood properties. Questioned Ministry of Transportation and Infrastructure (MoTI) approving subdivision.

Chair Rogers noted MoTI role would be discussed outside of Public Hearing.

Chair Rogers called a second time for speakers.

Tim Maki, spoke to Gabriola model – housing rental ceiling; Housing Agreement could better reflect affordability; definition of Affordable Housing questioned.

Stephanie McBurney, resides in rental housing – insecure; working to survive on island; limits of market; valuable members of community lost due to lack of housing; take next step.

Billy McLeod, 455 Village Bay Road: cited postings of people interested in coming to island if only they had a place to live.

Garth Owen, 537 Club Crescent: supports project; starting point; need more.

Kat Ferneyhough, valid points have been raised; step in process; if land held by a private citizen would not necessarily have input into what could happen on site.

Deb Foote, previously purchased a property for the purpose of rental; proud to supply an island family with a home; proud of investment in island.

Lindsay Woods, 360 Maple Drive: not all rentals are successful.

Tim Maki, need to work with private land owners to increase rentals; potential to increase market; faster process.

Chair Rogers called a third time for speakers adding that any further comments/questions could be directed to staff. Upon close of Public Hearing Trustees cannot consider any further submissions.

There being no further submissions, Chair Rogers closed the Public Hearing at 2:36 p.m. noting that the LTC would review submissions received during Public Hearing.

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

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder

DATE

Mayne Island Local Trust Committee
Public Hearing Record
November 14, 2022

Follow Up Action Report

Mayne Island

26-Sep-2022

Activity	Responsibility	Dates	Status
1 13.1 Water Storage Tanks - Planner to look into rules and regulations regarding the storage of water storage tanks	Narrisa Chadwick	Target: 07-Oct-2022	In Progress
2 13.3 Wooddale - Planner to set up in person meeting with CRD Bylaw and IT Bylaw for Wooddale community.	Narrisa Chadwick	Target: 21-Oct-2022	In Progress

24-Oct-2022

Activity	Responsibility	Dates	Status
1 10.2 MA-RZ-2020.1 (MIHS) - Mayne LTC has reviewed IT Policy Statement Directives only checklist. Additional checks to be added to 3.1.3, 3.1.5, 3.2.2 and 4.1.5	Jas Chonk Narrisa Chadwick	Target: 01-Nov-2022	Completed
2 11.2 - Bylaws 186 and 187 - Both bylaws adopted. Update LUB and OCP.	Jas Chonk Narrisa Chadwick	Target: 01-Nov-2022	Completed
3 14.1 Meetings - Cancel November 21st meeting	Robin Ellchuk	Target: 28-Oct-2022	Completed

14-Nov-2022

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Mayne Island

14-Nov-2022

Activity	Responsibility	Dates	Status
1 5.1 MA-RZ-2020.1 (MIHS) - Bylaws 181, 182, 183 to be sent to Islands Trust Executive for review. Bylaw 181 be forwarded to the Minister of Municipal Affairs for approval (after EC approval). Section 219 covenant to be signed by LTC Chair.	Jas Chonk Lori Foster Narrisa Chadwick	Target: 09-Dec-2022	Completed
2 5.1 MA-RZ-2020.1 (MIHS) - Staff to write to MOTI regarding addressing drainage from Mt. park, across Village Bay Rd through properties to the north of Village Bay Rd and into Miners Bay.	Narrisa Chadwick	Target: 12-Dec-2022	Completed
3 5.2 Flexible Housing Project - Proposed Bylaws 184 and 189 approved. Consolidate LUB and OCP. Staff to provide message for FB page and engage community in the spring.	Jas Chonk Narrisa Chadwick	Target: 22-Nov-2022	Completed
4 5.3 Fees Bylaw - Adopted	Jas Chonk Robert Kojima	Target: 14-Nov-2022	Completed
5 6. Draft 2023 Meeting Schedule - Adopted	Robin Ellchuk	Target: 18-Nov-2022	Completed
6 5.4 Resolution passed re: no enforcement on outhouses.	David Worthington Narrisa Chadwick Warren Dingman	Target: 19-Nov-2022	Completed

Follow Up Action Report

Mayne Island

14-Nov-2022

Activity	Responsibility	Dates	Status
7 3.1 LPC October 24, 2022 minutes adopted.	Robin Ellchuk	Target: 21-Nov-2022	Completed

DATE OF MEETING: January 30, 2023
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: MA-TUP-2022.2 (Lazin)
Applicant: Sharlene Lazin
Location: 500 Felix Jack Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve the issuance of a Temporary Use Permit application Ma-TUP-2022.1 (Lazin) for a period of three (3) years.

REPORT SUMMARY

The purpose of this report is to support the issuance of a Temporary Use Permit (TUP) supporting a veterinary clinic operating out of a recreational vehicle on the subject property.

The recommendation for issuance of the permit is supported as:

- The clinic has been operating on the subject property since November 2020 without complaint.
- The subject property is an accessible location and close to the community centre and other community services and amenities.
- There is a need for a veterinary clinic on the island.
- The clinic has been operating on the island since 1997.
- The clinic cannot be seen from the road or surrounding neighbours.

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 the business is providing an essential service to the community and there have been no complaints related to the operation of the business in the current location.

The property owner has been allowing the veterinary clinic to be operating out of a recreational vehicle (custom designed for the vet clinic) parked on her property since November 2020. During this time she was unaware that a TUP was required. She was quick to start the process for application right after she was made aware of the need for a TUP. The veterinarian has been providing services to Mayne Island residents since 1997. The clinic moved to subject property because the property where it was formerly located sold and the new owners did not want to continue to accommodate the clinic. The existing location is more suitable as it is close to other community services

and amenities and provides space for adequate parking. Services are provided to residents of Mayne Island as well as Galiano and Saturna.

There are two staff working fulltime at the clinic Monday to Friday 9am to 5pm. The clinic can attend to up to two clients at a time. There is parking available for the two staff as well as up to 4 clients at a time.

The proposed TUP will permit:

- The operation of the veterinary clinic on the property.
- The operation of the veterinary clinic in a recreational vehicle.
- The siting of the recreational vehicle on the property for the purpose of providing veterinary services.
- Parking for clients and staff (up to 6 stalls)

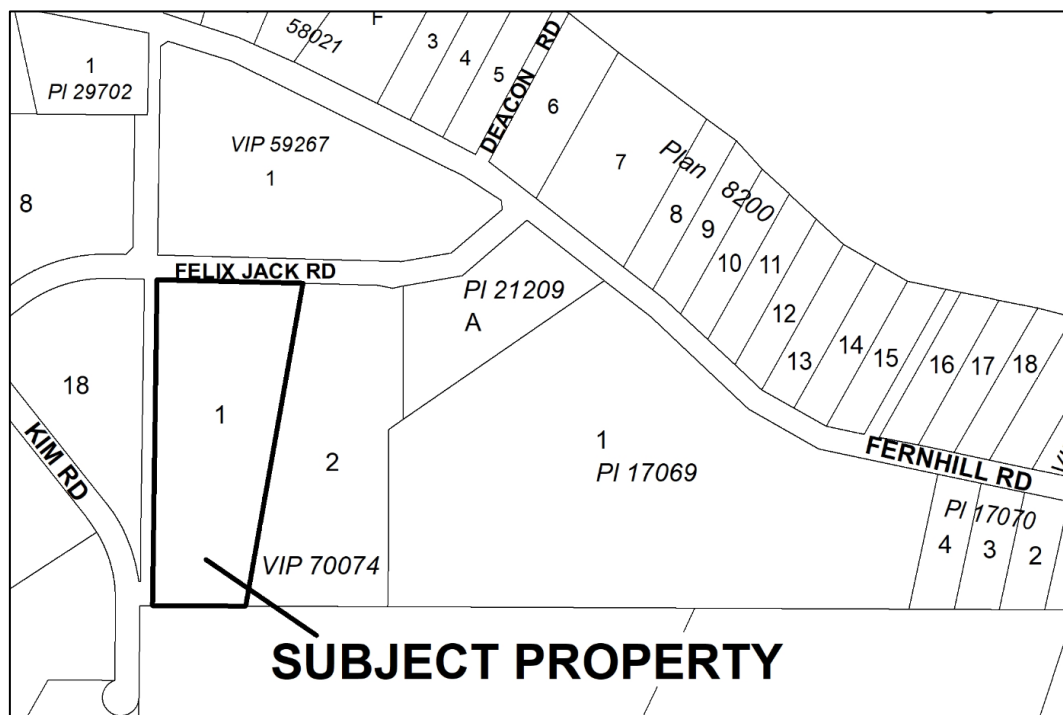
There is no construction or alteration of land associated with this application.

The subject property is 2.63 hectares (6.5 acres) in size. As identified in Figure 2, the location of the veterinary clinic is at the north end of the property, close the entrance at Felix Jack road. The veterinary clinic cannot be seen from the road or from neighbouring properties. Staff visited the property in September 2022.

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

A copy of a completed TUP checklist, the notice and proposed permit MA-TUP-2022.2 are included as attachments to this report.

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 veterinary clinic on portion of a residential property is consistent with the above policies.

Official Community Plan:

The property is designated Rural (R) in the Mayne Island's Official Community Plan No. 144, 2007 (OCP).

The OCP outlines a general objective and guidelines for TUPs in Section 2.9. The objective of a TUP is as follows:

- 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 a TUP Checklist (Attachment 2). The application and the proposed permit as drafted conforms to the guidelines.

Land Use Bylaw:

The property is zoned as Rural (R(c)) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB). The site specific zoning permits community water storage and distribution facilities.

Issues and Opportunities

Community Need/Rationale

The veterinary clinic provides a much needed service to the Mayne Island community as well as the communities of Galiano and Saturna Island. The subject property is close to amenities such as grocery store and community services such as health care, school and community centre making it a suitable location for easy access.

Impact on Neighbouring Properties

Tree cover prevents the location of the veterinary clinic from being seen from the road or from the neighbouring properties. The clinic has been located on the subject property since 2020 without any known complaint.

Consultation

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents and published in the *Driftwood* newspaper January 18, 2023 (see Attachment 5). Notice was also posted to the Mayne Island community bulletin boards. The notification period ended at 4:30 p.m. on January 18, 2023.

At the time of writing, staff has received no written submission in response to notification (Attachment 4).

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 structures 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

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-2022.2 (Lazin) by adding the following conditions: _____; and,

That the Mayne Island Local Trust Committee approve Temporary Use Permit application MA-2022.2 (Lazin) as amended.

3. Deny the application

The LTC may deny the application and proceed no further. In this case the

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny Temporary Use Permit application MA-2022.2 (Lazin).

4. Hold the application in abeyance

The LTC may choose to hold the application in abeyance unfor a specific reason.

That the Mayne Island Local Trust Committee hold in abeyance Temporary Use Permit application MA-2022.2 (Lazin) until.....

Submitted By:	Narissa Chadwick, RPP Island Planner	January 16, 2023
Concurrence:	Robert Kojima	January 16, 2023

ATTACHMENTS

1. Site Context
2. TUP Checklist
3. Notice
4. Proposed MA-TUP-2022.2 (as circulated for notification)
5. Letter from Applicant

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1 Section 8 Mayne Island Cowichan District Plan VIP70074
PID	024-670-642
Civic Address	500 Felix Jack Road

LAND USE

Current Land Use	Rural (R(c))
Surrounding Land Use	Rural, Community Service, Miner's Bay Rural Comprehensive Zone, Settlement Residential, Park

HISTORICAL ACTIVITY

File No.	Purpose
MA-RZ-RZ-1997.4	Amenity rezoning
MA-SUB-1998.2	To split the remainder of Parcel A into 2 lots
MA-DVP-1999.3	To vary the requirements of Mayne LUB s.5.17.1

POLICY/REGULATORY

Official Community Plan Designations	Rural (R)
Land Use Bylaw	The property is zoned as Rural (R(c)) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB).
Other Regulations	N/A
Covenants	EH92298 (subdivision lot size restriction), EN47103 (Statutory Right of Way)
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None on TAPIS
Sensitive Ecosystems	None identified
Hazard Areas	None identified
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 is limited to client automobile travel. As the location is close to community amenities, enabling clients to access a number of services at a time, vehicle travel impacts are likely to be lower than if it was located in a more distant location.

ATTACHMENT 2
TUP Checklist for Siting of Veterinary Clinic:
MA-TUP-2022.2 (Lazin)

500 Felix Jack 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 – three (3) 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



Islands Trust

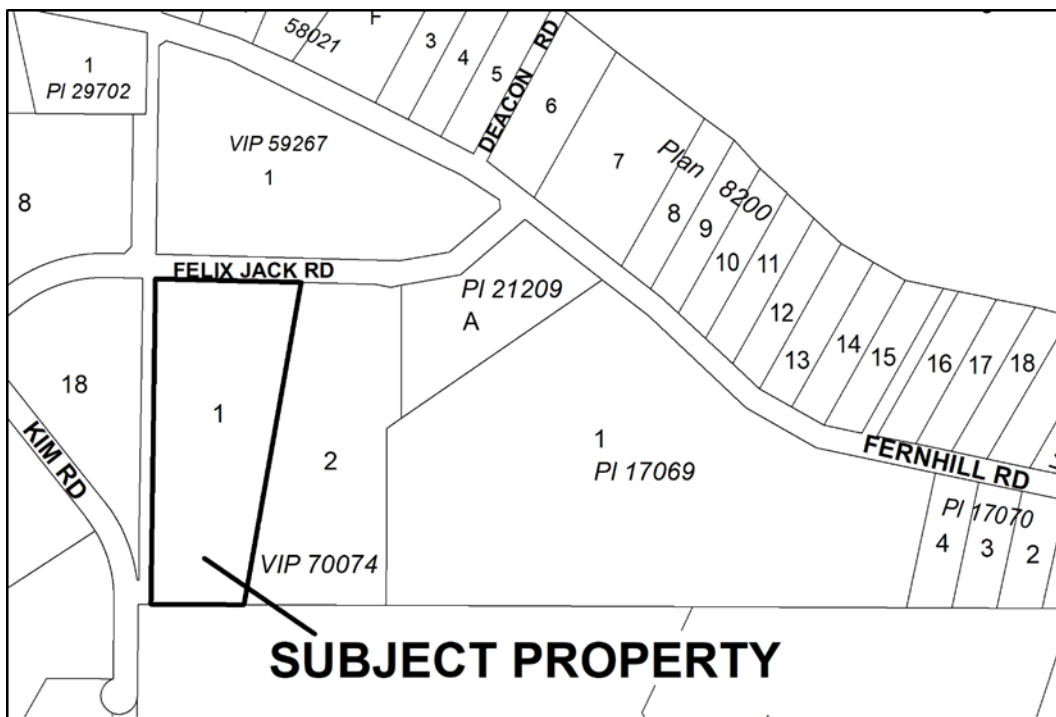
NOTICE
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2022.2

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 to Lot 1 Section 8 Mayne Island Cowichan District Plan VIP70074. (PID: 024-670-642). This property is located at **500 Felix Jack Road**.

The purpose of this temporary use permit would be to permit a veterinary clinic to operate on the property.

The establishment of this use would be subject to the conditions specified in the attached permit. The permit would be issued for three (3) 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:



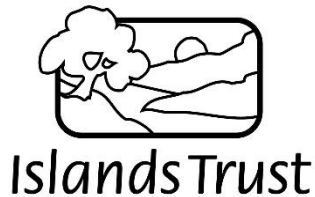
A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 6, 2023** and continuing up to and including **January 18, 2023**.

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 Narissa Chadwick, Island Planner (250) 405-5189. 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., January 18, 2023**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:30 p.m. January 30th, 2023**.

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-2022.2 (Lazin)**

500 Felix Jack Road

To: Sharlene Lazin

1. This Permit applies to the land described below:

Lot 1 Section 8 Mayne Island Cowichan District Plan VIP70074
(PID: 024-670-642).

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

a) A Veterinary Clinic

3. The use permitted in Section 2 may only be carried out subject to the following conditions:

- a) the clinic must be legally sited on the property;
- b) the clinic may be located in a recreational vehicle;
- c) the clinic must be connect to water supply;
- d) disposal of sewage must be consistent with the provisions of the Public Health Act;
- e) parking for a minimum of five (5) vehicles in close proximity to the clinic must be provided;
- f) the operator of the clinic 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 public health and fire regulations.

4. This permit is valid for three (3) years from date of issuance of the permit. Upon expiry of the permit the owner may apply to renew the permit for an additional three (3) years.

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.

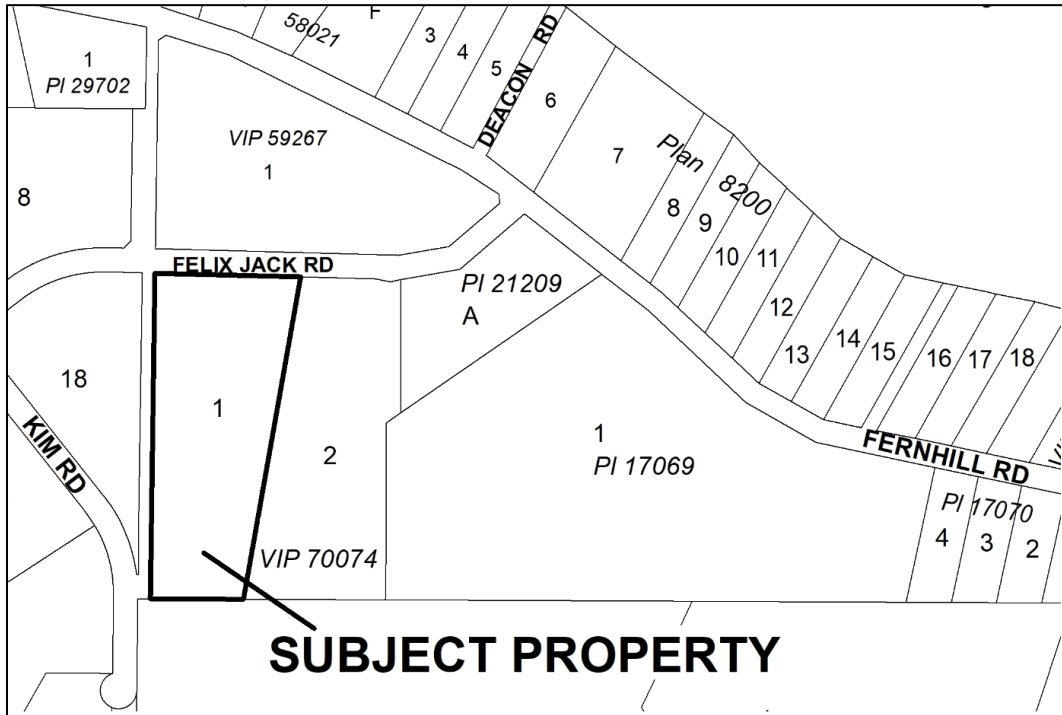
**AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS
XXth DAY OF MONTH X, 2021.**

Deputy Secretary, Islands Trust

Date Issued

MAYNE ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT MA-TUP-2022.2 (Lazin)
Schedule "A" (Subject Property)



Sharlene V. Lazin
500 Felix Jack Rd
Mayne Island, BC V0N 2J2
lazin_s@hotmail.com

October 3, 2022

Narissa Chadwick, Planner
Islands Trust
200 – 1627 Fort Street
Victoria, BC
V8R 1H8

Temporary Use Permit – Proposed Use

This application is to request a Temporary Use Permit (TUP) for the placement of a mobile veterinary clinic on my property at 500 Felix Jack Road, Mayne Island, BC.

The clinic is a fully converted “Fifth-wheel” RV, dimensions 12.19 m long x 2.44 m wide x 3.44 m high (40’l x 8’w x 11.3’h).

The siting is at the front of my 6+ acre property, with ample flat parking and well away from my residence and all property boundaries.

Please see attached drawing for further information.

Thank you.

Sharlene Lazin

DATE OF MEETING: January 30, 2023
TO: Mayne Island Local Trust Committee
FROM: Charly Caproff, Planner 1
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit Application
Applicant: Louise Girouard
Location: 750 Steward Drive

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2022.2 (Girouard).

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to:

1. Vary the 3.0 metre setback from the interior side lot line to permit the under construction accessory building ("studio") which is located 2.9 metres from the interior side lot line.
2. Vary the 5.0 metre under construction accessory building height to permit the accessory building ("studio") to be 6.0 metres in height.

The recommendation to approve the DVP request considers that the variance being sought is relatively minor: that the accessory building is being constructed on an existing foundation that encroaches 0.1 metres into the interior side lot line and there is minimal visual impact with the additional height. A letter of support was received as part of the application from the adjacent neighbour and to this date there have been no community concerns raised with the proposed variance application.

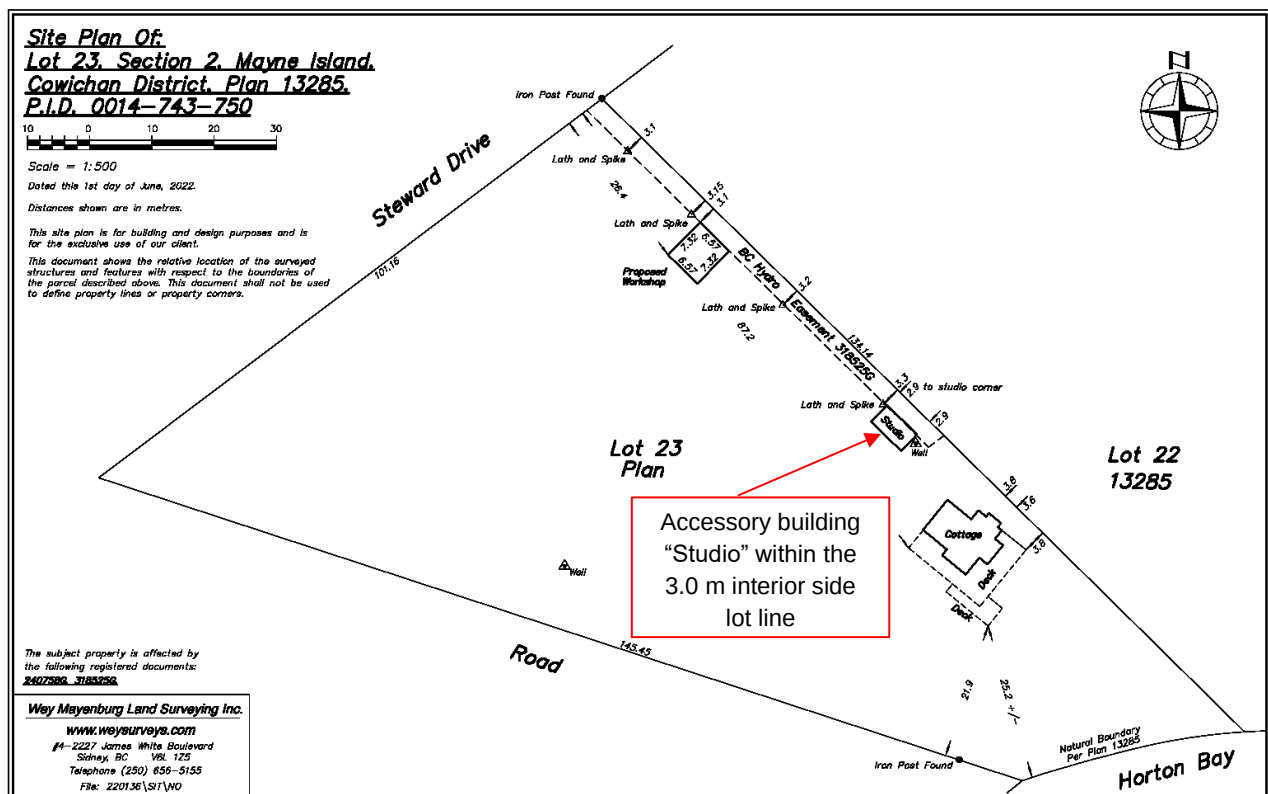
RATIONALE FOR VARIANCE

The applicant is seeking the variance to utilize the existing concrete pad, poured by the previous owner, for an accessory building. The owners have also selected this location for the accessory building due to its proximity to the principal dwelling. Due to the foundation being poured on a steep slope, additional height is necessary. Architecturally, the owners want to have a pitched roof consistent with the existing dwelling. They are repurposing doors and windows from a heritage home which require additional wall height to meet building code requirements. According to the applicant, the building will be used as an office space as the footprint of the principal dwelling doesn't allow for a separate work area and both occupants work from home full-time.

BACKGROUND

The owners have applied for a development variance permit (DVP) for the accessory building (“studio”). A DVP is a land use permit that can relax siting, size or dimension regulations, but cannot vary use or density. A DVP is considered on a case by case basis and on its own merits. Typically variances are for things like minor encroachments into setbacks. The LTC has discretion to approve or refuse a DVP, however usually the LTC will consider factors like the applicant’s rationale, that there is a unique circumstance specific to this property, the impacts that approving the variance may have on the environment or neighbours, any comments of neighbours, and the staff report.

The owners received a stop work order from the Capital Regional District (CRD) for initial construction of the accessory building “studio” in 2022. The owners then applied for a preliminary plan review with Islands Trust, where it was determined via site inspection and review of application documents that the building was within the interior side lot line setback and exceeded the permitted accessory building height. The owner intends to submit a future development variance permit (DVP) application to address the proposed workshop, shown on the site plan (Attachment 3). The building specific to this application is partially constructed and the owners would like to finish construction before the exposed wood is impacted by inclement weather. During the site inspection by planning and bylaw enforcement staff, it was discovered that disturbance had occurred to the bank and on the foreshore where a registered archaeological site is located. Also, there is an additional structure in proximity to the rear lot line and natural boundary of the sea not shown on the site plan. The owners have been fully cooperative in addressing the above noted issues. They have contacted organizations with expertise in bank stabilization and retained an archaeological firm to conduct an impact assessment report. The subsequent DVP application will require a revised site plan, confirming distance from setbacks and the natural boundary of the sea for all structures currently on the property.



ANALYSIS

Policy/Regulatory

Section 498 of the *Local Government Act* enables the Local Trust Committee to issue (approve) a DVP in order to vary a siting regulation in the LUB. A DVP may not be used to vary density or land use. In this case, a variance to a siting regulation is being sought.

Official Community Plan (OCP)

The property is designated Settlement Residential (SR) in the Mayne Island OCP. There are no specific OCP policies or principles in conflict with the variance request.

Land Use Bylaw (LUB)

Subsection 5.1(8)(b) of the LUB states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line. Subsection 5.1(10) of the LUB states that the maximum height for any accessory building or structure is 5 metres (16.5 feet). In this case, the accessory building (“studio”) encroaches 0.1 metres into the interior side lot line and exceeds the permitted accessory building height by 1.0 m.

Potential impacts of granting a variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits. In this case, the variances are relatively minor and the adjacent neighbours have provided a letter in support of the encroachment. Shifting the existing poured concrete foundation would be unreasonably costly and time-consuming. There is minimal visual disturbance for the adjacent neighbours due to the embankment and vegetation along the interior side lot line.

Circulation

DVP Notices were circulated to surrounding property owners and residents on January 6, 2023. The notification period will end on January 18, 2023.

No submissions have been received to date (i.e. at the time of writing this report prior to the agenda deadline). Any submissions received after the agenda deadline but prior to the LTC meeting will be forwarded to Trustees and the applicant and will be reported at the meeting.

First Nations

There are no known First Nations interests or potential impacts related to this specific application for the accessory building “studio”.

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

It is recommended that the proposed variance to bring the existing partially complete accessory building into compliance be approved. The variance is minor in nature, and no complaints have been received from adjacent neighbours.

ALTERNATIVES

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

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. Deny the application

The LTC may deny the application. If the application is refused the owner may apply to the Board of Variance. Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee refuse application MA-DVP-2022.2.

Submitted By:	Charly Caproff, Planner 1	January 4, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 5, 2023

ATTACHMENTS

1. Letter of Support
2. Site Context
3. Photos and Plans
4. Notice
5. Draft Development Variance Permit

Oct. 30, 2022

Charly Caproff
Planner Technician
Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8

RE: Variance application consent 750 Steward Drive Mayne Island, BC

This is a letter in regard to our neighbours [REDACTED] and [REDACTED] of 750 Steward Dr., Mayne Island. To my understanding they have applied for a variance on the studio/office project which encroaches onto the side yard set back of approx. 9" +/-.

We have no issues with this variance as clearly the structure sits well into their own property and the space between us is unusable space due to the high elevation.

We have a good working relationship with our neighbours as they continue to keep a close eye on our property.

Sincerely,

[REDACTED]

Nicole Begrand-Fast

[REDACTED]

ATTACHMENT 2 – SITE CONTEXT

LOCATION

Legal Description	LOT 23, SECTION 2, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 13285
PID	004-743-750
Civic Address	750 Steward Drive, Galiano Island
Lot Size	0.87 ha (2.14 ac)

LAND USE

Current Land Use	Settlement Residential Zone (SR)
Surrounding Land Use	Neighbouring lots are Settlement Residential (SR). The rear lot line borders the Water Moorage (W2) Zone.

HISTORICAL ACTIVITY

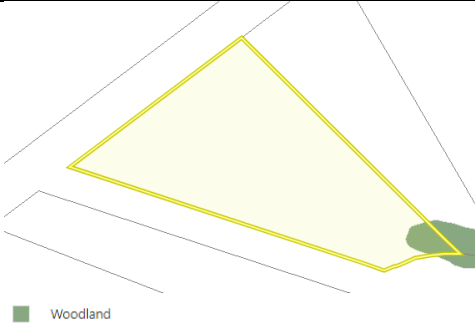
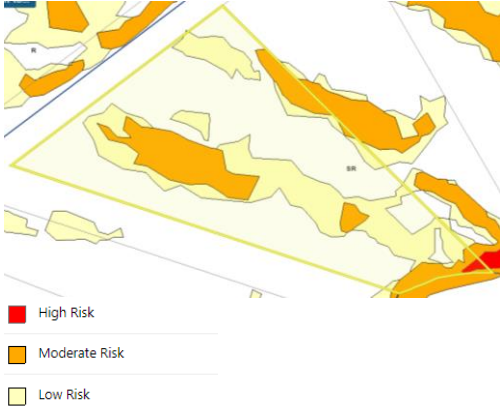
File No.	Purpose
N/A	N/A

POLICY/REGULATORY

Official Community Plan Designations	Mayne Island OCP No. 144, 2007 – Settlement Residential (SR)
Land Use Bylaw	Mayne Island LUB No. 146, 2008: The subject property is zoned Settlement Residential (SR)
Other Regulations	N/A
Covenants	There is no covenant registered on the property
Bylaw Enforcement	MA-BE-2022.10 – active file regarding siting of structures in foreshore area. To be addressed following archaeological assessment.

SITE INFLUENCES

Islands Trust Conservancy	The proposal has no implications for the Islands Trust Conservancy.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	Woodland

	 Woodland
Hazard Areas	Mapping indicates areas of high, moderate, and low risk steep slope on the property  High Risk Moderate Risk Low Risk
Archaeological Sites	Mapping indicates an archaeological site on the property. If archaeological 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	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	None currently mapped

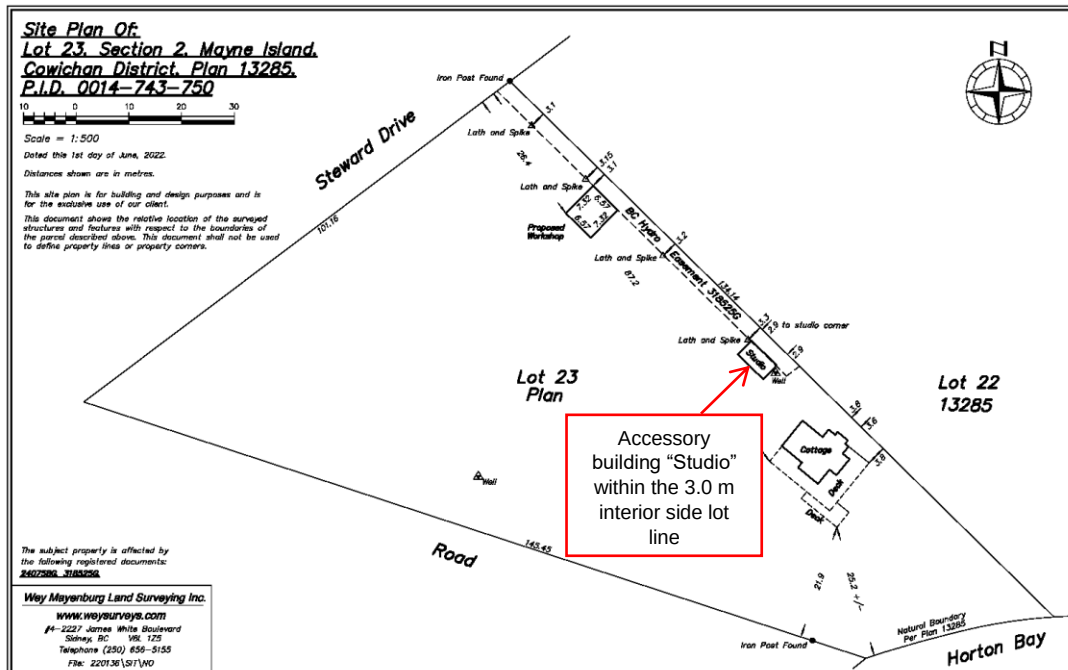
ATTACHMENT 3 – PHOTOS AND PLANS

PHOTOS:

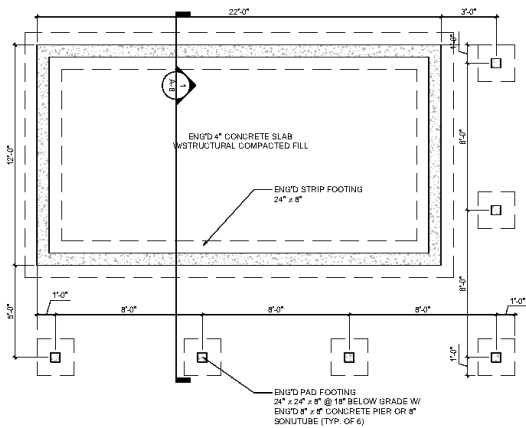
Accessory building ("Studio")



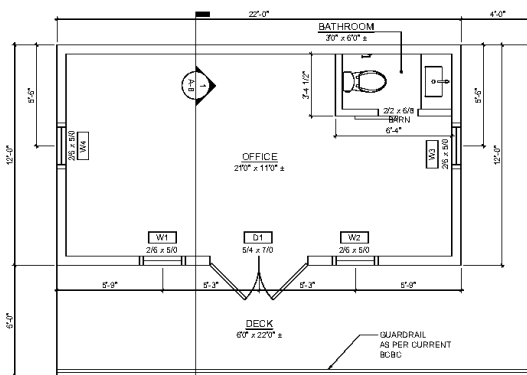
Site Plan



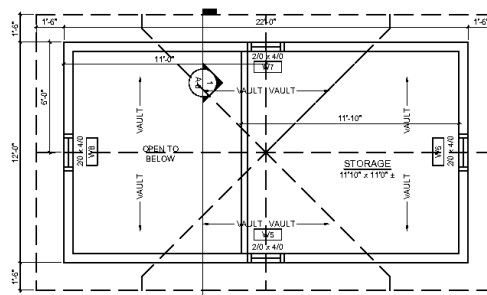
Foundation, Floor, and Elevation Plans



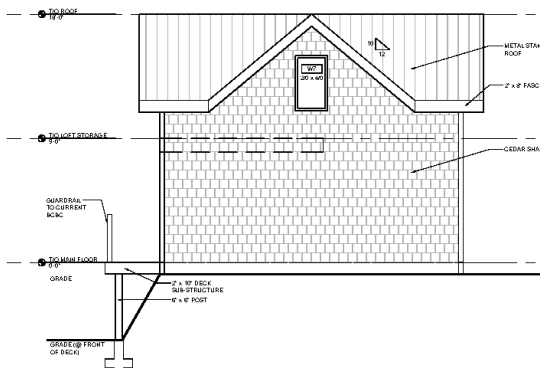
1 FOUNDATION PLAN
1/4" = 1'-0"



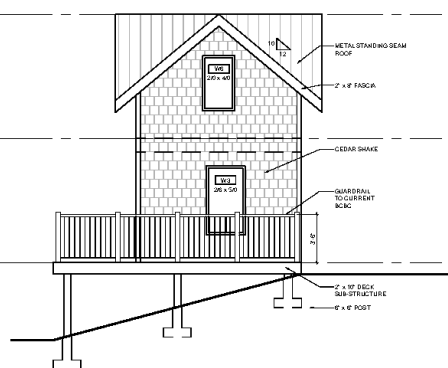
2 MAIN FLOOR PLAN
1/4" = 1'-0"



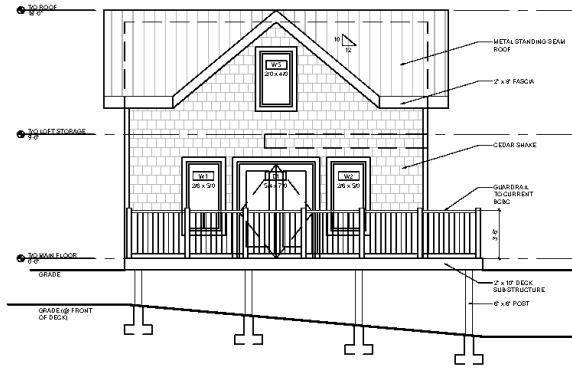
3 LOFT FLOOR PLAN
1/4" = 1'-0"



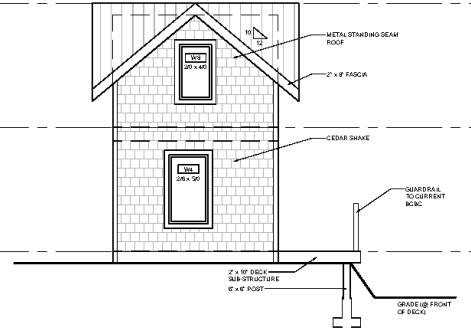
1 NORTH ELEVATION
3/16" = 1'-0"



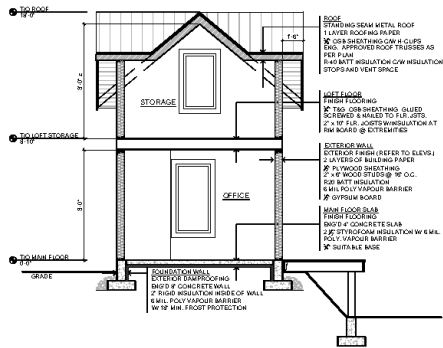
2 EAST ELEVATION
3/16" = 1'-0"



1 SOUTH ELEVATION
3/16" = 1'-0"



2 WEST ELEVATION
3/16" = 1'-0"



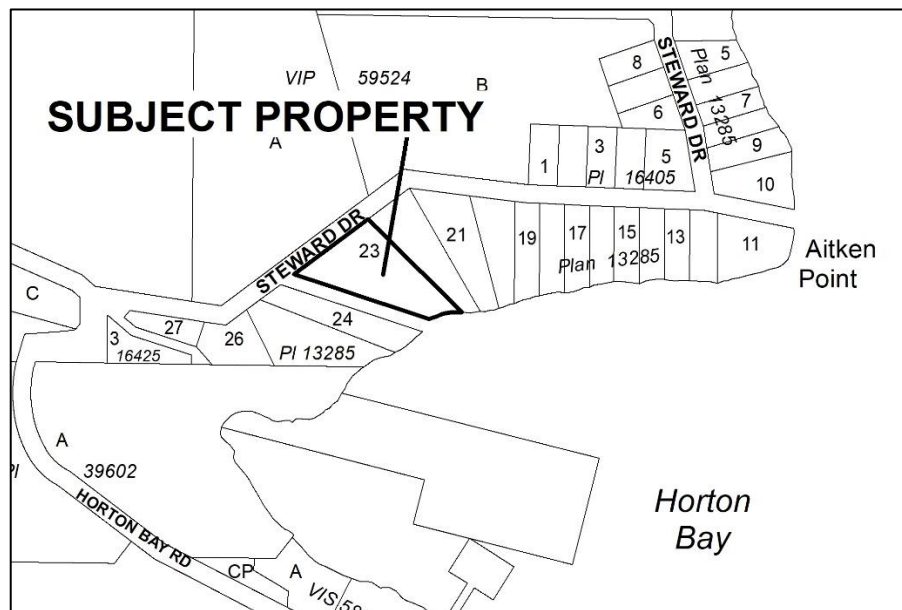
1 OFFICE BLDG. - SECTION
3/16" = 1'-0"

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Mayne Island Land Use Bylaw No. 146, 2008, by:

- Reducing the 3.0 metre setback from the interior side lot line for the existing accessory building (“studio”) to 2.9 metres;
- Increasing the 5.0 metre accessory building height for the existing accessory building (“studio”) to 6.0 metres.

The property is located at **750 Steward Drive** and is legally described as Lot 23, Section 2, Mayne Island, Cowichan District, Plan 13285 (PID: 004-743-750).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 – 1627 Fort Street, Victoria, BC V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 6, 2023** and continuing up to and including **January 18, 2023**.

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 Charly Caproff, Planner at (250) 405-5172, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **January 18, 2023**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:30 p.m., January 30th, 2023** at the **Mayne Island Agricultural Hall**, 430 Fernhill Road, on Mayne Island.

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.

Jas Chonk, Deputy Secretary



Islands Trust

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT MA-DVP-2022.2

To: L. Girouard

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

Lot 23, Section 2, Mayne Island, Cowichan District, Plan 13285
(PID: 004-743-750)

2. Mayne Island Land Use Bylaw No. 146, 2008 is varied as follows:

- a) Subsection 5.1(8)(b) which states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit the construction of an accessory building ("studio") within 2.9 metres of the interior side lot line.
- b) Subsection 5.1(10) which states that the maximum height for any accessory building or structure is 5 metres (16.5 feet) is varied to permit the construction of an accessory building ("studio") 6.0 metres in height.

The development shall be consistent with Schedules 'A' and 'B' which are attached to and form part of this permit.

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

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF [MONTH], 2023.

Deputy Secretary, Islands Trust

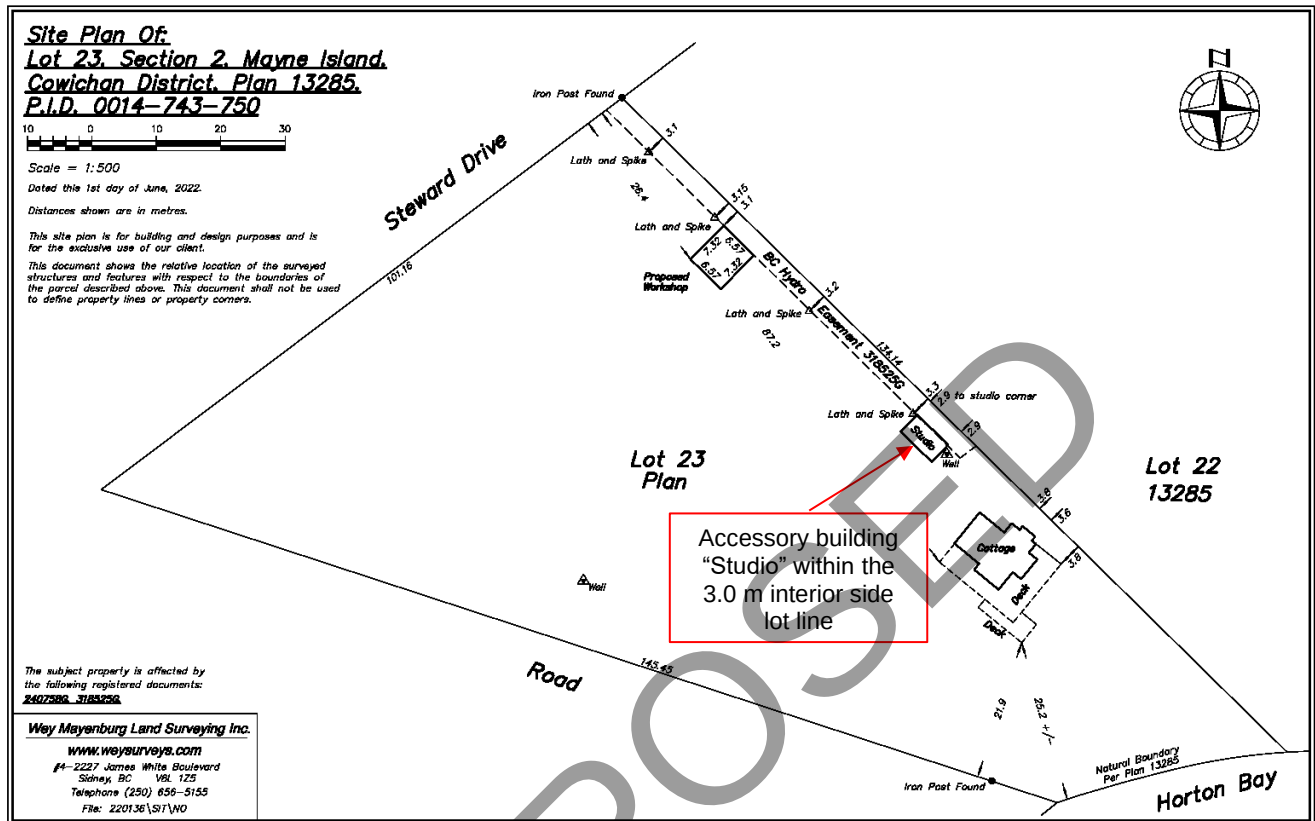
Date of Issuance

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

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2022.2

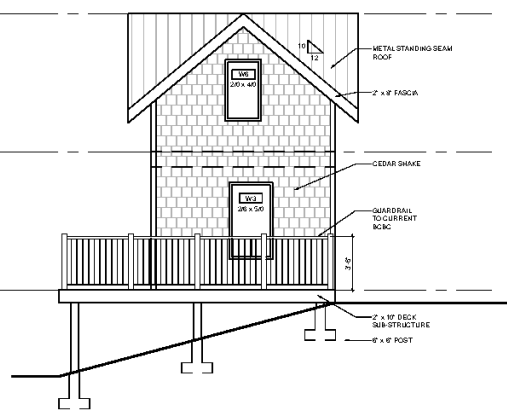
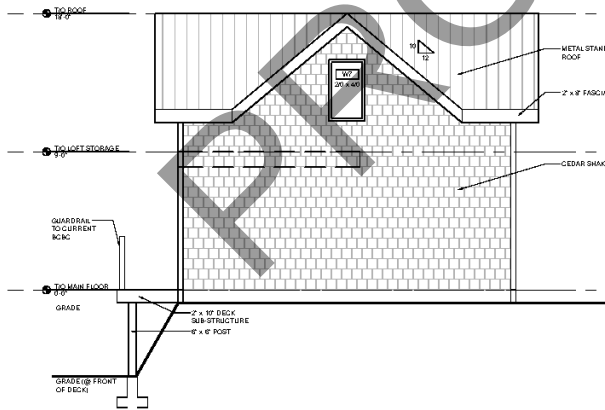
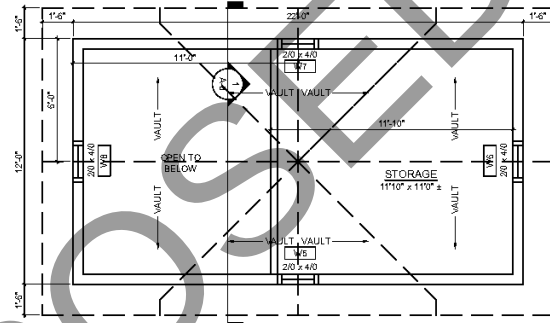
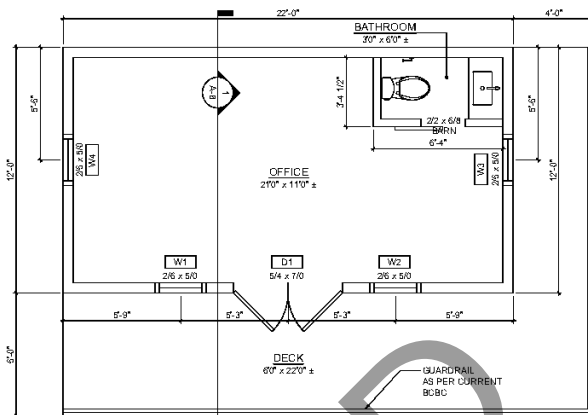
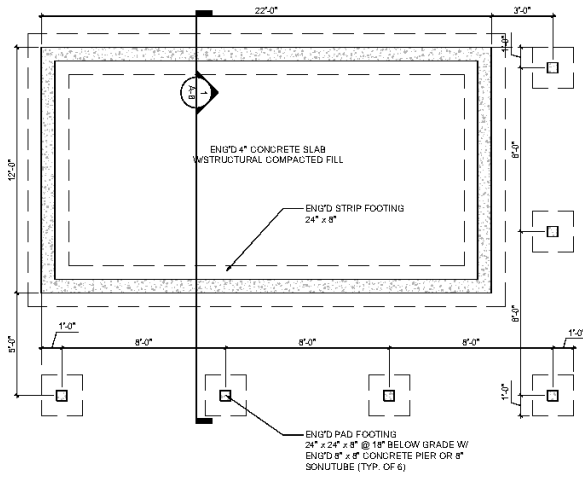
SCHEDULE 'A'

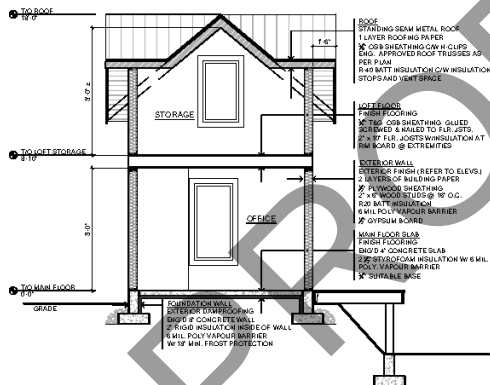
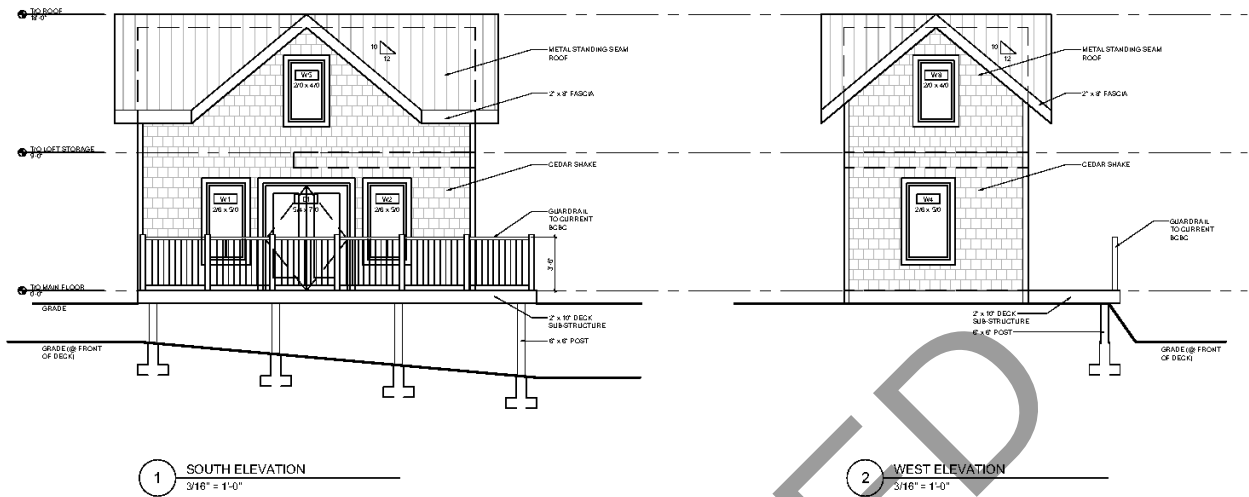


MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2022.2

SCHEDULE 'B'





1 OFFICE BLDG. - SECTION
3/16" = 1'-0"

DATE OF MEETING: January 30, 2023
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Approval of Housing Agreement

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw No. 182 cited as “Mayne Island Housing Agreement Bylaw No. 182, 2022” be adopted.

REPORT SUMMARY

The purpose of this report is to present the Bylaw No. 182 “Mayne Island Housing Agreement to the Local Trust Committee” for adoption.

BACKGROUND

On November 14, 2022 a public hearing was held for proposed Bylaws No. 181 (OCP amendment), Bylaw No. 182 (Housing Agreement) and Bylaw No.183 (LUB Amendment). These bylaws, which were given third reading post public hearing, support the rezoning of 375 Village Bay Road to allow for subdivision into three lots and the development of up to 10 units of rental housing on one of the lots. Bylaws were approved by the Islands Trust Executive Committee in December 2022. Bylaw No. 181 (OCP amendment) has been sent to the Minister for approval. Once approved, Bylaw No. 181 and 182 will be presented to the LTC for adoption.

Bylaw No. 182 is the administrative bylaw supporting the housing agreement related to the management of the proposed rental housing. Bylaw No. 182 was given third reading post public hearing. It was approved by the Trust Council Executive Committee in December 2022.

At the September 2022 LTC meeting the following resolution was passed authorizing the signing of the Housing Agreement after adoption of the bylaw:

“That the Mayne Islands Local Trust Committee accept the draft Housing Agreement associated with MA-RZ-2020.1 (MIHS) and designate the Chair of the Local Trust Committee to sign the Housing Agreement after adoption of Bylaw”.

Rationale for Recommendation

Bylaw No. 182 has gone through all the process required prior to adoption. Adoption of the bylaw will facilitate execution of the Housing Agreement and registration on title.

\\islandstrust.local\DFSMain\EDM\09 Current Planning\08 MA\3650 RZ\25 Applications (P)\2020\MA-RZ-2020.1 (Mayne Island Housing Society)\06 Staff Reports\2023-01-30\MA-LTC_2023_01_30 MIHS_HA.docx

ALTERNATIVES

1. Rescind third reading and amend the Housing Agreement

That the Mayne Island Local Trust Committee request staff to rescind third reading of Bylaw No. 182 “Mayne Island Housing Agreement to the Local Trust Committee” and make the following amendments...

2. Bring back Bylaw No. 182 for approval with Bylaw No. 181 and 183

That the Mayne Island Local Trust Committee request staff bring Bylaw No. 182 “Mayne Island Housing Agreement to the Local Trust Committee” back for approval with Bylaw No. 181 and 183.

NEXT STEPS

- Legal counsel will prepare the Housing Agreement for execution by the Chair of the LTC and the property owner.
- Execution of the Housing Agreement will be co-ordinated with the signing of the Section 219 Covenant.
- LTC Chair will execute Housing Agreement.
- Property owner will execute Housing Agreement.
- Notice of the Housing Agreement will be registered on title.

Submitted By:	Narissa Chadwick, RPP Island Planner	January 18, 2023
Concurrence:	Robert Kojima Regional Planning Manager	January 18, 2023

ATTACHMENTS

1. Bylaw No. 182 (Housing Agreement)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 182

A Bylaw to Authorize a Housing Agreement

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

AND WHEREAS Section 483 of the *Local Government Act* and Section 29 of the *Islands Trust Act* permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Mayne Island Local Trust Committee wishes to enter into a Housing Agreement;

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

1. This Bylaw may be cited for all purposes as "Mayne Island Housing Agreement Bylaw No. 182, 2022".
2. Any one Trustee of the Mayne Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with [owner]

READ A FIRST TIME this 26th day of October 2022.

READ A SECOND TIME this 26th day of October 2022.

READ A THIRD TIME this 14th day of November 2022.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this

14TH day of December 2022.

ADOPTED this X day of month, year

SECRETARY

CHAIRPERSON

Housing Agreement

THIS AGREEMENT DATED FOR REFERENCE THE _____ DAY OF, 20____, IS BETWEEN:

SEAN MCHUGH, of 375 Village Bay Road, Mayne Island, V0N 2J2

(the “Owner”);

AND:

MAYNE ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Islands Trust Act*,
having an office at 2nd Floor, 1627 Fort Street, Victoria, B.C., V8R 1H8

(the “Local Trust Committee”)

WHEREAS:

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

PID: 002-552-256

Lot B Plan VIP 27091 Section 7, Land District 16, Portion Mayne Island

(the “**Lands**”);

- B. The Local Trust Committee is considering the adoption of Mayne Island Land Use Bylaw No. 146, 2008 Amendment No. 1, 2021 (the “Rezoning”), to permit a subdivision of the Lands, and the development of affordable multi-family rental housing on a portion of the Lands referred to in this Agreement as the “Lot 3 Equivalent”;
- C. Following the Rezoning and subdivision of the Lands, the Mayne Island Housing Society intends to develop and construct affordable multi-family rental housing on the Lot 3 Equivalent;
- D. The Mayne Island Housing Society intends to rent units on the Lot 3 Equivalent to Qualified Renters at affordable rates;
- E. The Local Trust Committee may pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;
- F. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Local Trust Committee in respect of the use of land or construction on land;

- G. The Owner and the Local Trust Committee wish to enter into this Agreement to provide rental housing on the Lands on the terms and conditions of this Agreement to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*; and
- H. The Local Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the Local Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Local Trust Committee and the Owner agree, as covenants granted by the Owner to the Local Trust Committee under Section 219 of the *Land Title Act*, and as a housing agreement between the Owner and the Local Trust Committee under Section 483 of the *Local Government Act*, as follows:

Article 1: Definitions and Interpretation

1.1 Definitions – In this Agreement:

“Affordable Housing Funder”	means an entity with a mandate to create and promote affordable housing, such as BC Housing or CMHC, that provides a grant or preferential rate loan to support the development of Rental Housing Units on the Lands.
“Annual Household Income”	means the combined gross income of all adult members of a Household, as shown on line 150 of the preceding year’s T1 General Income Tax and Benefit return.
“BC Housing”	means the British Columbia Housing Management Commission or BC Housing’s successor in function.
“Business Days”	means Monday to Friday inclusive except for those excluded days declared by lawful authority as holidays.
“Building” or “Buildings”	Means any building located or constructed on the Lands containing a Rental Unit
"Census Profile"	means the most recently available census profile published by Statistics Canada for the Southern Gulf Islands, regional district electoral area census subdivision or, in the event that Southern Gulf Islands, regional district electoral area census subdivision is amended, eliminated or replaced, a successor census subdivision which includes Mayne Island;
“CMHC”	means Canada Mortgage and Housing Corporation or its successors in function.
“CPI”	means the All-items Consumer Price Index for British Columbia as calculated by Statistics Canada, or its successor in function.
“Dwelling Unit”	means a dwelling unit as defined in the Mayne Island Land Use Bylaw 146, 2008.

“Household”	means one or more individuals occupying the same Dwelling Unit.
“Income of Couples with Children”	means the median total income of couple economic families with children as determined by Statistics Canada in the Census Profile, provided that this median total income is increased by the CPI for every calendar year since the Census Profile has been updated by Statistics Canada.
“Income of Couples without Children”	means the median total income of couple economic families without children or other relatives as determined by Statistics Canada in the Census Profile, provided that this median total income is increased by the CPI for every calendar year since the Census Profile has been updated by Statistics Canada.
“Income of Lone-Parent Families”	means the median total income of lone-parent economic families as determined by Statistics Canada in the Census Profile, provided that this median total income is increased by the CPI for every calendar year since the Census Profile has been updated by Statistics Canada.
“Income of One-Person Households”	means the median total income of one-person households as determined by Statistics Canada in the Census Profile, provided that this median total income is increased by the CPI for every calendar year since the Census Profile has been updated by Statistics Canada.
“Lands”	has the meaning ascribed in Recital A.
“Lot 3 Equivalent”	has the meaning ascribed to it in section 3.2(b).
“Low and Moderate Income Limits”	means, as determined by BC Housing from time to time, a) for residential units with less than two (2) bedrooms, an Annual Household Income that does not exceed the median income for couples without children in British Columbia, as an example, for 2022 this figure is \$77,430; and b) for residential units with two (2) or more bedrooms, an Annual Household Income that does not exceed the median income for families with children in British Columbia, and as an example, for 2022 this figure is \$120,990.
“Operating Agreement”	means an agreement that sets out the amount, duration, and conditions of the subsidy provided by the provincial and/or federal governments, or an Affordable Housing Funder for the construction and/or operation of Rental Housing Units.
“Owner”	means the registered owner of the Lands, provided however that upon the execution and filing of the Release with the Land Title Office, it means the registered owner of the Lot 3 Equivalent only.
“Permitted Housing Operator”	means the Mayne Island Housing Society, BC Housing, CMHC, a housing society, a non-profit housing corporation, or other entity approved by the Local Trust Committee in writing.

“Qualified Renter”	means a person who meets the eligibility criteria for tenancy as set out in Schedule B and who meets the occupancy criteria set out in Section 2.3 of this Agreement and the Operating Agreement, if any.
“Release”	Has the meaning ascribed in section 3.2(b).
“Rental Housing Unit”	means a Dwelling Unit on the Lands in respect of which the construction, tenure, rent, and occupancy are restricted in accordance with this Agreement.
“Residential Tenancy Act”	means the <i>Residential Tenancy Act</i> (British Columbia).
“Rezoning”	has the meaning ascribed in Recital B.
“Statistics Canada”	means the national statistics office or Statistics Canada’s successor in function.
“Subdivide”	means to divide, apportion, consolidate or subdivide the Lands or any Building on the Lands, or the ownership or right to possession or occupation of the Lands or any Building on the Lands, into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the <i>Land Title Act</i> , the <i>Strata Property Act</i> (British Columbia), or otherwise, and includes the creation, conversion, organization or development of “cooperative interests” or a “shared interest in land” as defined in the <i>Real Estate Development Marketing Act</i> (British Columbia).
“Tenancy Agreement”	means a written tenancy agreement as defined in, and subject to, the Residential Tenancy Act.
“Tenant Default”	has the meaning ascribed in section 2.3(d)(v).

1.2 Interpretation –

Reference in this Agreement to:

- a) A “party” is a reference to a party in this Agreement;
- b) A particular numbered “article” or “section” or to a particular lettered “schedule” is a reference to the corresponding numbered or lettered article, section, or schedule of this Agreement;
- c) An “enactment” is a reference to an enactment as defined in the *Interpretation Act* and is a reference to any revision, amendment or re-enactment of, or replacement for, that enactment;
- d) Wherever the singular or gendered language is used in this Agreement, it shall be deemed to include the plural or all genders, or the body politic or corporate, where the context or the parties so require; and
- e) The Local Trust Committee includes a reference to its successors in function, including a

municipality.

1.3 Headings

The division of this Agreement into articles, sections and schedules is for convenience of reference only and does not affect its interpretation. The article and section headings used in this Agreement are for convenience of reference only and do not affect the interpretation of this Agreement.

1.4 Entire Agreement

This is the entire agreement among the parties concerning its subject and may be amended only in accordance with section 3.16.

Article 2 – Rental Housing

2.1 Agreement over the Lands

Pursuant to section 219 of the *Land Title Act* and section 483 of the *Local Government Act*, the Owner covenants and agrees that:

- a) The Lands will not be developed, and no new Building or structure will be constructed on the Lands unless the Owner constructs Rental Housing Units in accordance with this Agreement, any development permit or rezoning issued by the Local Trust Committee, and any Building permit issued by the Capital Regional District.
- b) It will maintain the Rental Housing Units in a satisfactory state of repair and fit for habitation and will comply with this Agreement and all laws, including health and safety standards applicable to the Lands.
- c) If a Building is demolished or is otherwise replaced, this Agreement shall continue to apply to the Lands and the construction on the Lands shall be subject to the requirements of this Agreement.

2.2 Minimum Construction Requirements

- a) All the Rental Housing Units will be designed and constructed to the same standard in terms of layout, skill, and materials.
- b) Rental Housing Units will consist of a mix of one-bedroom, two-bedroom and at least one three-bedroom units.

2.3 Occupancy of Rental Housing Units

The Owner covenants and agrees that Rental Housing Units will only be occupied when all of the following criteria are met:

- a) the Household's Annual Household Income does not exceed the Low and Moderate Income Limits for the specified unit type at the time of application and initial occupancy;

- b) the Household is composed of at least one Qualified Renter;
- c) the Qualified Renter will occupy the Rental Housing Unit as its permanent, principal, and sole residence;
- d) the Qualified Renter has signed a Tenancy Agreement with the Owner, and the Tenancy Agreement includes;
 - i. a clause prohibiting subletting for short-term vacation rentals and in all other circumstances prohibiting subletting without obtaining prior Owner consent in accordance with section 2.6;
 - ii. notice of the existence of this Agreement and the occupancy restrictions applicable to the Rental Housing Unit, and notice that the Owner will provide to each Qualified Renter upon their request, a copy of this Agreement;
 - iii. a clause requiring the Qualified Renter to comply with the use and occupancy restrictions contained in this Agreement;
 - iv. a clause confirming that a breach by the Qualified Renter of any of the provisions set out in 2.3(f)(i) or 2.3(f)(iii) (each of which constitutes a “Tenancy Default”) will entitle the Owner to end the tenancy for cause, in accordance with the Residential Tenancy Act, as a failure to comply with a material term.

2.4 Management of Rental Housing Units

The Owner covenants and agrees that:

- a) Rent for 1-bedroom Rental Housing Units in a calendar year will on average be at or below 30% of the average of:
 - i. Income of One-Person Households; and
 - ii. Income of Couples without Children.
- b) Rent for 2 and 3-bedroom Rental Housing Units in a calendar year will on average be at or below 30% of the average of:
 - i. Income of Couples with Children; and
 - ii. Income of Lone-Parent Families.
- c) It will not require any Qualified Renter under a Tenancy Agreement to pay any extra charges or fees for use of any common area or amenity, or for sanitary sewer, storm sewer, water utilities, property taxes and similar services. For clarity, this limitation does not apply to parking, cablevision, telecommunications, laundry, cleaning fee for private events, or gas or electricity utility fees or charges.

2.5 Policies/Rules and Regulations/Administration by Owner

The Owner is authorized to make and administer rules, regulations and policies necessary to fully implement and achieve the policy goals set out in this Agreement. Such rules, regulations and policies may include, but are not limited to, the following:

- a) Establishing and maintaining a waiting list of potential Qualified Renters; and
- b) Establishing, administering and enforcing a rental policy applicable to the terms of this Agreement and in accordance with the *Residential Tenancy Act*.

2.6 No Sublease of Rental Housing Unit Unless Requirements Met

The Owner will not consent to the sublease of a Tenancy Agreement, except in accordance with this Agreement, the Residential Tenancy Act, and the Owner's rules, regulations and policies. For greater clarity, the Owner will not consent to a sublease for the purposes of a short-term vacation rental, and the Owner will not otherwise consent to a sublease unless the sublessee meets the requirements set out in section 2.3.

2.7 Monitoring and Reporting to the Local Trust Committee

The Owner must deliver to the Local Trust Committee once each year on or before July 1, a completed statutory declaration, substantially in the form attached as Schedule "A", sworn by the Owner. Additionally, the Local Trust Committee may request this statutory declaration up to one additional time in any calendar year, and the Owner must complete and supply the completed statutory declaration within 10 Business Days of receiving a request from the Local Trust Committee. The Owner irrevocably authorizes the Local Trust Committee to make reasonable inquiries it considers necessary in order to confirm compliance with this Agreement.

2.8 Owner May Request Revision of Terms

The Owner may request that the Local Trust Committee modify the terms of this Agreement, aside from section 2.1 and 2.2, in order to meet requirements imposed by an entity that has conditionally agreed to provide the funding to the Owner to construct the Rental Housing Units or operate the Rental Housing Units, or to do both, so that the terms of this Agreement do not conflict with such requirements.

2.9 Operating Agreement Prevails

Notwithstanding section 2.8, the provisions in section 2.3 and 2.4 apply except if the Rental Housing Units are subject to an Operating Agreement which conflicts with all or any of them, in which case the Operating Agreement prevails to the extent of the conflict only.

Prior to execution of an Operating Agreement that the Owner expects to conflict with the provisions in section 2.3 and 2.4 of this Agreement, the Owner shall provide the draft Operating Agreement to the Local Trust Committee. The Local Trust Committee may request that Affordable Housing Funder modify the terms of the Operating Agreement so that its terms do not conflict with section 2.3 and 2.4 of this Agreement.

Article 3 – General Terms

3.1 Management

The Owner covenants and agrees that:

- a) it will furnish, or cause a Permitted Housing Operator to furnish, good and efficient management of the Lands and the Rental Housing Units on the Lands;
- b) if and when the Local Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, it will permit the Local Trust Committee to inspect the Lands and any Buildings at any reasonable time with reasonable notice, subject to the notice provisions of the Residential Tenancy Act; and
- c) the Owner will, or if the Owner is not the Permitted Housing Operator, the Owner will cause the Permitted Housing Operator to, administer, manage and operate the Rental Housing Units in accordance with all of the restrictions and requirements of this Agreement, and the Owner's obligations under this Agreement. For clarity, the Owner's engagement of a Permitted Housing Operator pursuant to this Agreement will not relieve the Owner from any of the Owner's obligations under this Agreement or any of the restrictions or requirements of this Agreement.

3.2 Discharge

- a) After the Rezoning, the Owner intends to subdivide the Lands as shown on the proposed subdivision plan attached hereto as Schedule "C" to create parcels equivalent in size and configuration to those labelled Lot 1, Lot 2, and Lot 3.
- b) Upon Subdivision of the Lands and creation of a legal parcel equivalent in size, location and configuration of the parcel shown as Lot 3 on the proposed subdivision plan attached hereto (the "Lot 3 Equivalent"), if the Local Trust Committee, acting reasonably, is satisfied that the Lot 3 Equivalent is reasonably equivalent to the Lot 3 shown on the proposed subdivision plan and that, after a release is filed, this Agreement will remain on title and continue to bind the owner of the Lot 3 Equivalent, the Local Trust Committee will prepare and execute a release of this Agreement on any parcel that is not the Lot 3 Equivalent as soon as practicable (the "Release").
- c) Upon receipt of the executed Release from the Local Trust Committee, the owner of any parcel that is not the Lot 3 Equivalent may file the Release in the Land Title Office.
- d) Once the Release has been executed and filed, any reference to Lands in this Agreement shall be construed as a reference to the Lot 3 Equivalent and not any parcel that is not the Lot 3 Equivalent.

3.3 Order to Comply

If the Owner is in default of the performance or observance of this Agreement, the Local Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the reasonable time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Local Trust Committee, within the time stated on the notice of default provided to the Owner by the Local Trust Committee.

3.4 Society Standing

If the Owner is a society, the Owner must maintain its standing as a society under the *Society Act* and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Society to perform its obligations under this Agreement.

3.5 Specific Performance of Agreement

The Owner agrees that the Local Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, in view of the public interest in restricting the occupancy of the Rental Housing Units. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Local Trust Committee's Land Use Bylaw.

3.6 Assignment

The Owner acknowledges that the Local Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Local Trust Committee shall be interpreted as a reference to that party provided that the Local Trust Committee has so advised the Owner.

3.7 Indemnity

The Owner shall indemnify and save harmless the Local Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is by law responsible in relation to this Agreement, unless resulting from the respective gross negligence or unlawful acts of the Local Trust Committee or its elected officials, officers, directors, employees, and agents.

The Local Trust Committee shall indemnify and save harmless the Owner and each of its officers, directors, employees, agents or contractors or any other person for whom the Owner is by law responsible in relation to this Agreement, from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Local Trust Committee or its elected officials, officers, directors, employees, or agents, unless resulting from the respective gross negligence or unlawful acts of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is by law responsible in relation to this Agreement.

This clause will survive the termination of this Agreement.

3.8 Release

The Owner releases and forever discharges the Local Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action

arising out of advice or direction respecting the ownership, lease, operation or management of the Lands or the Rental Housing Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them, unless resulting from the respective gross negligence or unlawful acts of the Local Trust Committee or its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns.

The Local Trust Committee releases and forever discharges the Owner and each of its officers, directors, employees, agents and contractors, and any other person for whom the Owner is by law responsible in relation to this Agreement and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of advice or direction respecting the ownership, lease, operation or management of the Lands or the Rental Housing Units which has been or at any time after the commencement of this Agreement may be given to the Local Trust Committee by all or any of them, unless resulting from the respective gross negligence or unlawful acts of the Owner or its officers, directors, employees, agents and contractors, and any other person for whom the Owner is by law responsible in relation to this Agreement and each of their heirs, executors, administrators, personal representatives, successors and assigns.

This clause will survive the termination of this Agreement.

3.9 Local Trust Committee Powers Unaffected

This Agreement does not limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or the common law, impose on the Local Trust Committee any duty or obligation, affect or limit any enactment relating to the use of the Lands, or relieve the Owner from complying with any enactment.

3.10 No Public Law Duty

Wherever in this Agreement an act, determination, consent, approval or agreement of the Local Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice shall have any application.

3.11 No Waiver

No condoning, excusing or overlooking by a party of any default under this Agreement of the other party, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the non-defaulting party of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the non-defaulting party.

3.12 Dispute Resolution

Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Rental Housing Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the *Arbitration Act* (British Columbia).

3.13 Notice on Title

The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the *Land Title Act* and a housing agreement under Section 483 of the *Local Government Act*, the Local Trust Committee is required to file a notice of housing agreement in the Land Title Office against title to the Lands, and once such a notice is filed, this Agreement binds all persons who acquire an interest in the Lands as a housing agreement under Section 483 of the *Local Government Act*.

3.14 Covenant Runs with the Land

Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Local Trust Committee in accordance with section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.

3.15 Limitation on Owner's Obligations

The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands, provided that once the Release has been executed and filed in accordance with section 3.2, the Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lot 3 Equivalent.

3.16 Amendment and Termination

This Agreement may not be modified or amended except by bylaw of the Local Trust Committee, upon an agreement in writing between the Local Trust Committee and the Owner.

3.17 Notices

Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Local Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Local Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Local Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.

3.18 Enurement

This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.

3.19 Remedies Cumulative

The remedies specified in this Agreement are cumulative and are in addition to any remedies of the parties at law or in equity. No remedy shall be deemed to be exclusive, and a party may from time to

time have recourse to one or more or all of the available remedies specified herein or at law or in equity.

3.20 Severability

If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

3.21 Joint and Several

In the case of more than one Owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.

3.22 Further Acts

The parties will do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

3.23 Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.

3.24 Joint Venture

Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Local Trust Committee or give the Owner any authority or power to bind the Local Trust Committee in any way.

3.25 Time of Essence

Time is of the essence in this Agreement.

3.26 Further Assurances

The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.

3.27 Priority

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

3.28 Deed and Contract

By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

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

SCHEDULE "A"

**OWNER STATUTORY
DECLARATION**

CANADA

PROVINCE OF BRITISH COLUMBIA

IN THE MATTER OF A HOUSING AGREEMENT
WITH THE Mayne Island ISLAND LOCAL
TRUST COMMITTEE ("Housing Agreement")

I, _____

declare that:

1. I am the _____ [director, officer, employee] of the Owner of the land known as _____, Mayne Island, legally described as
Parcel Identifier: _____
Legal Description: _____
(the "Lands")
2. I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement registered against the Lands.
4. For the period from _____ to _____, the Rental Housing Units were used only by Qualified Renters (as defined in the Housing Agreement).
5. At no time during the last year were any of the Rental Housing Units used as a short-term vacation rental.
6. The rental payments charged for the Rental Housing Units were in compliance with the Housing Agreement.
7. No subletting of the Lands has been permitted.
8. I acknowledge and agree to comply with all of the Owner's obligations under the Housing Agreement, and other charges registered against the Lands and confirm that the Owner has complied with all of its obligations under these Agreements.
9. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

DECLARED BEFORE ME at _____, British Columbia, this ____ day of _____.

A Commissioner for taking Affidavits
in British Columbia

Signature of person making declaration

SCHEDULE “B”

Eligibility Criteria for Tenancy

A Qualified Renter means a person aged 19 years or older who meets the financial and other requirements of the Housing Agreement (the “Agreement”) and fits into at least one of the following categories, subject to the Operating Agreement, and which are not listed in any particular priority order:

- 1) Residents of Mayne Island;
- 2) Indigenous peoples with rights and responsibilities in and around what is known as Mayne Island, or, is considered by members of these First Nation communities to be part of the First Nation community.

Except that where there are no persons meeting the categories specified in clause 1 or 2 above, who make an application to rent an available unit and the lack of applications from the categories specified above would result in a unit being vacant for more than one month, then a Qualified Renter may be a person aged 19 years or older who meets the financial and other requirements of the Agreement and fits into at least one of the following categories, which are not listed in any particular priority order:

- a. Previous resident of Mayne Island who has lived away from the island for a maximum of three consecutive years; or
- b. Non-resident who is hired to begin at least half-time work (20 hours per week) on Mayne Island; or
- c. Person with immediate family already living on Mayne Island. For greater clarity, immediate family means an individual to whom the person is related by blood, or by marriage, or common-law relationship, or by adoption.

Except that where there are no persons meeting the categories specified in clause 1 or 2, nor a, b, or c above, who make an application to rent an available unit and the lack of applications from the categories specified above would result in a unit being vacant for more than one month, then a Qualified Renter may be any person permitted by the Operating Agreement who meets the financial and other requirements of the Agreement.



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Saturna Island Local Trust Area Bylaw No.: 136/137 Date: October 27, 2022

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

119 Payne Road and 104 Narvaez Bay Road

PURPOSE OF BYLAW:

Amendments would be made to the Saturna Island Official Community Plan Bylaw No. 70, 2000 (OCP) and the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) to re-designate and rezone a portion of the subject parcel located at 104 Narvaez Bay Road currently designated Forest Land (F) and zoned Forest General (FG) to a designation of Rural (R) and a zoning of Rural General (RG). In addition, 10 subdivision densities would be removed from the subject parcel located at 119 Payne Road and transferred to the subject parcel located at 104 Narvaez Bay Road via a LUB amendment that would increase the subdivision density on the newly created Rural General zoned portion of 104 Narvaez Bay Road to a maximum of 12 new lots.

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360; and, Lot A Sections 8 And 9 Saturna Island Cowichan District Plan EPP34445

SIZE OF PROPERTY AFFECTED:

33.3 ha and 52.4 ha

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural (R), Watershed (WS), Forest Land (F)

OTHER INFORMATION:

Additional information, including a preliminary staff report and the current bylaws, is available at:
<https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

BSmith

(Signature)

Name:

Brad Smith

Title:
Contact Info

Island Planner
Tel: 778-679-5185
Email: bsmith@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Government Agencies

Parks Canada

Regional Agencies

CRD, Planning and Protective Services, Building Inspection

CRD, Integrated Water Services

Island Health

Non-Agency Referrals

Saturna Island Parks and Recreation Commission

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee

Mayne Island Local Trust Committee

South Pender Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Snuneymuxw First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

WSANEC Leadership Council

BYLAW REFERRAL FORM
RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Saturna Island Local Trust Area
(Island)

136/137
(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 136

A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 70, 2000

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

1. CITATION

This Bylaw may be cited for all purposes as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2022”.

2. SCHEDULES

Saturna Island Official Community Plan Bylaw No. 70, 2000 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 136**

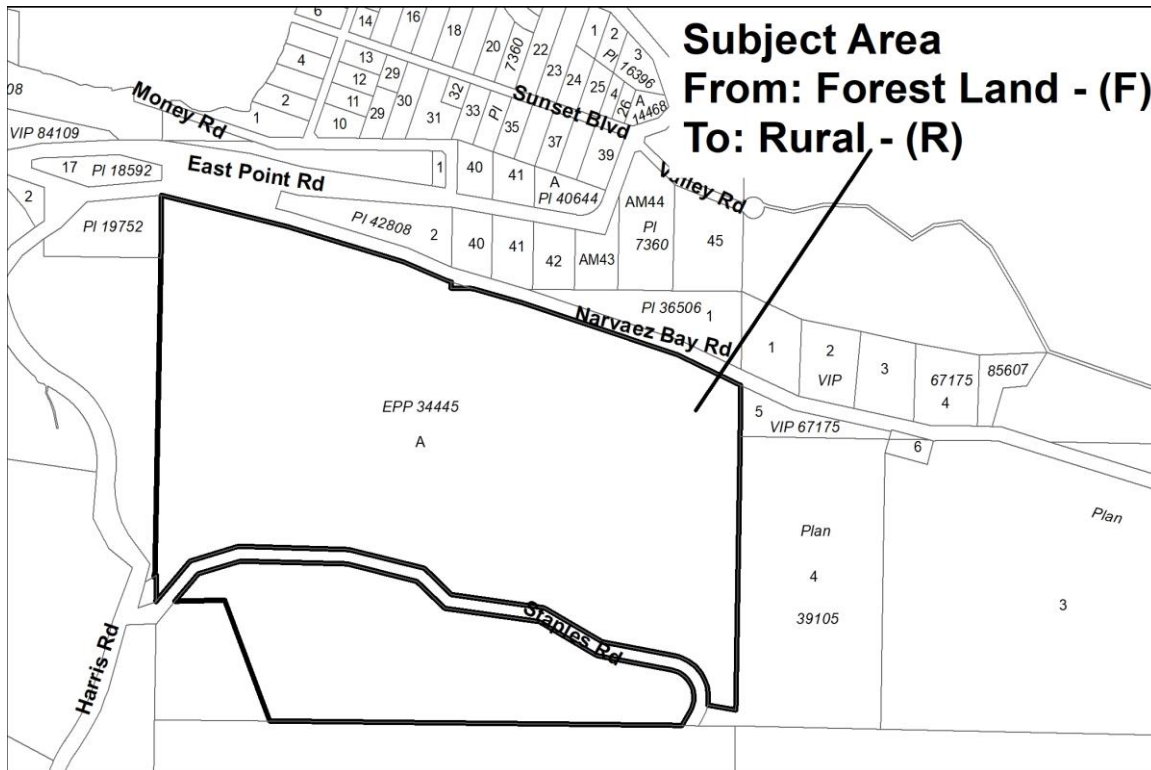
SCHEDULE 1

The Saturna Island Official Community Plan Bylaw No. 70, 2000, is amended as follows:

Schedule “B” – Land Use Designation Map, is amended by changing the land use designation of a portion of the land parcel legally described as *Lot A Sections 8 And 9 Saturna Island Cowichan District Plan EPP34445* from Forest Land (F) to Rural (R), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Land Use Bylaw No. 70 as are required to effect this change.

SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 136

Plan No. 1



DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 137

A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW NO. 119, 2018

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

1. Citation

This bylaw may be cited for all purposes as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2022”.

2. Saturna Island Local Trust Committee Bylaw No. 119, cited as “Saturna Island Land Use Bylaw No. 119, 2018,” is amended as follows:

2.1 Subsection 4.2.14 – Site Specific Regulations, Article 4.2.14 (1) is amended by:

- i. Deleting the word “Colum” and replacing it with the word “Column” in the first sentence of Article 4.2.14 (1).
- ii. Deleting the reference to subsection “4.2.12” and replacing it with the reference to subsection “4.2.13” in the RG(a) Row, Column 3, Item Number (1) of the Site Specific Regulations Table.
- iii. Deleting the reference to subsection “4.2.11” and replacing it with the reference to subsection “4.2.12” in the RG(b) Row, Column 3, Item Number (2) of the Site Specific Regulations Table.
- iv. Deleting the reference to subsection “4.2.12” and replacing it with the reference to subsection “4.2.13” in the RG(b) Row, Column 3, Item Number (3) of the Site Specific Regulations table.
- v. Inserting a new row in the Site Specific Regulations Table immediately following the row referencing RG(b) with the Site-Specific Zone Reference of “RG(c)”, such that it reads:

RG(c)	Lot A Sections 8 and 9 Saturna Island Cowichan District Plan EPP34445	(4) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 3.7 hectares (9.1 acres).
-------	---	--

- vi. Inserting a new row in the Site Specific Regulations Table immediately following the newly added row referencing RG(d) with the Site-Specific Zone Reference of “RG (d)”, such that it reads:

RG(d)	Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360	(5) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 6.0 hectares (14.8 acres).
-------	--	---

- 2.2 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Lot A Sections 8 and 9 Saturna Island Cowichan District Plan EPP34445 from Forest General (FG) to Rural General (c) [RG(c)], as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.
- 2.3 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360 from Rural General to Rural General (d) [RG(d)], as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 119 as are required to effect this change.

3. SEVERABILITY

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

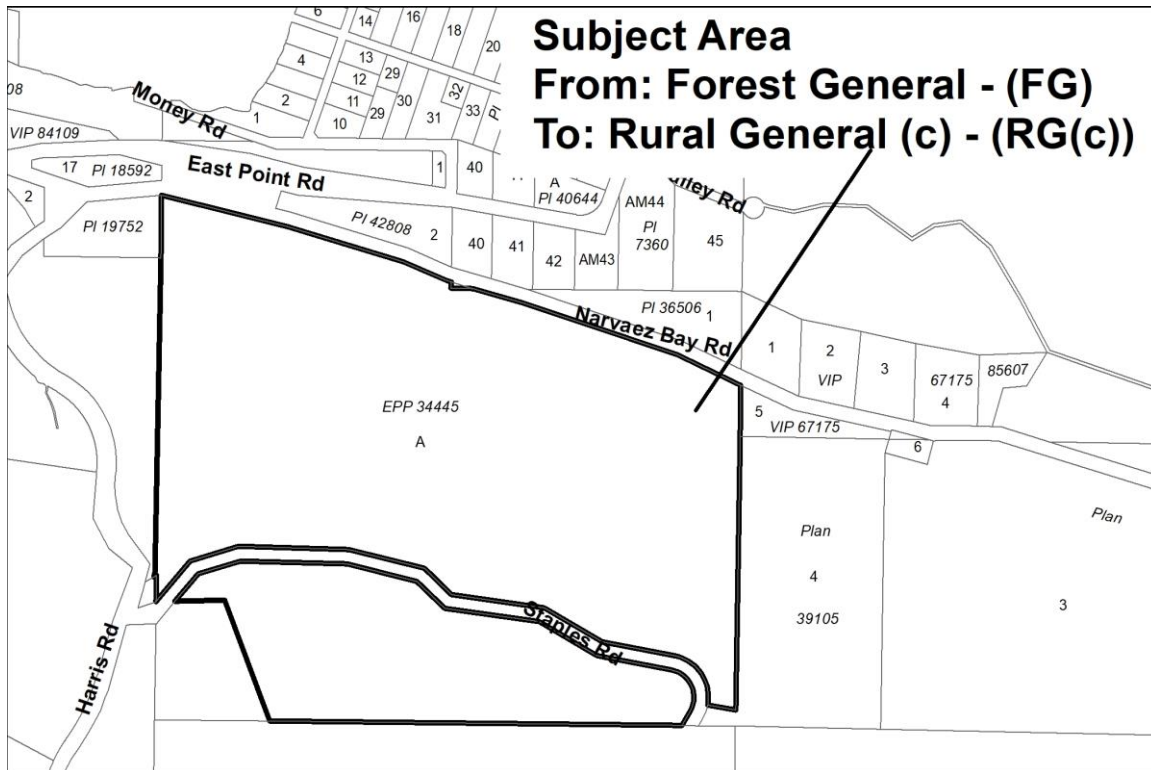
READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____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

CHAIR

SECRETARY

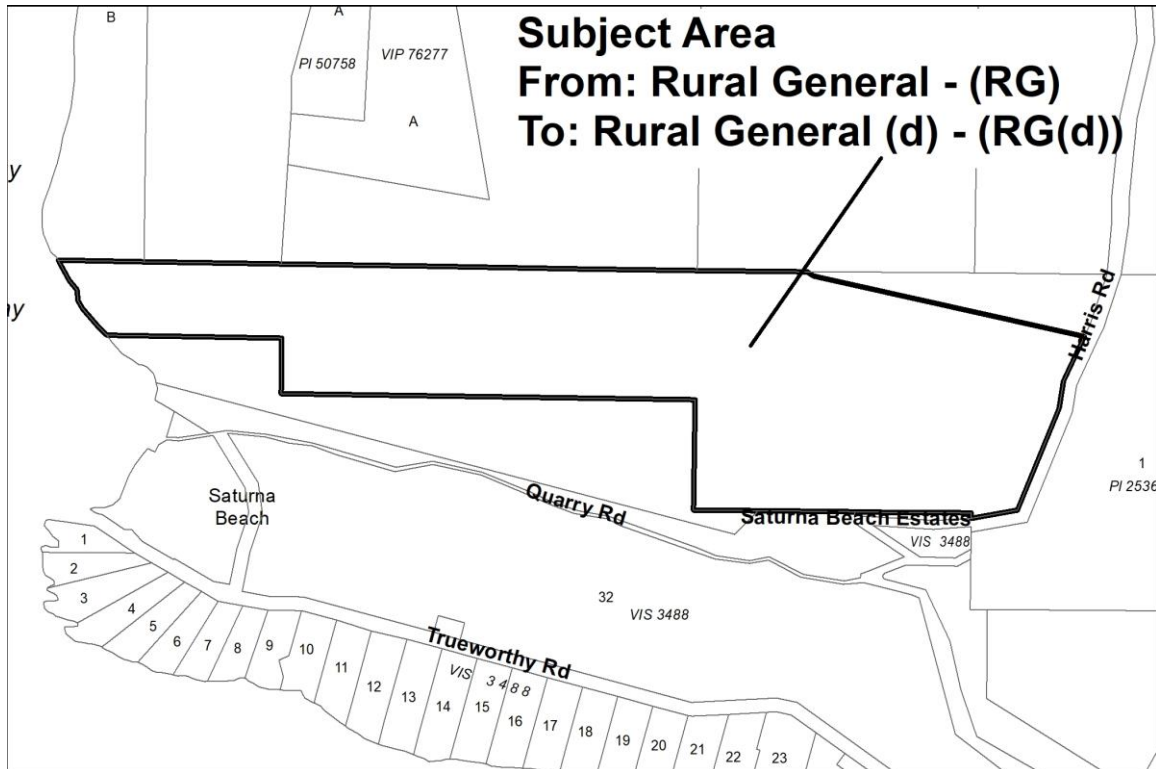
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 137

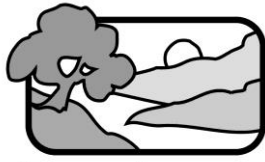
Plan No. 1



**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 137**

Plan No. 2





Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: North Pender Island Local Trust Area Bylaw No.: 232 Date: January 19, 2023

You are requested to comment on the attached Bylaw for potential effect on your First Nation's or agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Daffydd Hermann for the Sidney Island Strata Corporation

PURPOSE OF BYLAW:

The Sidney Island Strata Corporation has applied to the North Pender Island Local Trust Committee for an amendment to the zoning of the residential strata lots on Sidney Island to permit temporary use of one recreational vehicle per lot prior to construction of a dwelling. RVs would be required to be connected to a sewage disposal field, have provision of domestic water, comply with siting regulations, and the use of an RV as a residence cease prior to occupancy of a dwelling be removed.

The bylaw would also amend the zoning to permit a larger storage building of up to 40m² on strata lots and would permit kitchens in the sleeping cabins sited on the common property of the strata.

Staff reports and background information are available on the North Pender Island Local Trust Committee webpage: islandstrust.bc.ca/island-planning/north-pender/current-applications/

GENERAL LOCATION:

Sidney Island, North Pender Island Local Trust Area

LEGAL DESCRIPTION:

Strata Plan VIS5122

SIZE OF PROPERTY AFFECTED:

110 ha +/-

ALR STATUS:

No

OFFICIAL COMMUNITY PLAN DESIGNATION:

Residential

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: islandstrust.bc.ca/location/north-pender/

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Robert Kojima

Title: Regional Planning Manager

Contact Info Tel: 250-405-5159

Email: rkojima@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following First Nations and agencies:

Federal Agencies

Parks Canada

Regional Agencies

Capital Regional District – Building Inspection
Island Health

Provincial Agencies

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
Mayne Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee

Non-Agency Referrals

Islands Trust Conservancy

First Nations

Cowichan Tribes
Halalt First Nation
Ts'uubaa-asatx Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Songhees First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area

(Island)

(Signature)

(Date)

232

(Bylaw Number)

(Name and Title)

(Agency)

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 232

A BYLAW TO AMEND NORTH PENDER ASSOCIATED ISLANDS LAND USE BYLAW NO. 148, 2003

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”.

2. North Pender Island Local Trust Committee Bylaw No. 148, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003” is amended as follows:

2.1 Section 1.1 (Definitions) – the definition of ‘sleeping cabin’ is amended by deleting the word “only”, deleting words “does not” and replacing them with the word “may”, and by deleting the word “any”.

2.2 Subsection 5.20(1) (Sidney Island Comprehensive Development Zone (CD2) – Permitted Uses) – is amended by inserting the following as a new article (d):

“(d) Use of a recreational vehicle as a temporary residence, subject to 5.20(9).”

2.3 Article 5.20(8)(a) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “and the building may contain washroom facilities,” following the word “lot,”.

2.4 Article 5.20(8)(b) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “prior to construction of a principal dwelling,” following the word “lot”.

2.5 Article 5.20(8)(c) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by deleting the number “25” and replacing it with the number “40” and by deleting the number “269” and replacing it with the number “430”.

2.6 Article 5.20(8)(d) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by deleting the word “shed” and replacing it with the word “building”.

2.7 Article 5.20(8)(e) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “and 5.20(1)(b)” following the number 3.5.

- 2.8 Subsection 5.20(9) (Sidney Island Comprehensive Development Zone (CD2)) – is deleted in its entirety and replaced with the following:

“Despite Article 3.10(1)(a) one recreational vehicle may be used as temporary residence prior to the construction of a single family dwelling on a lot without issuance of a building permit for a single family dwelling subject to:

- (a) the use of any recreational vehicle as a temporary dwelling may not exceed four years from the date the use commenced;
- (b) articles 3.10(1)(b) through 3.10(1)(e); and
- (c) the storage of any recreational vehicles that is not being used as a temporary residence prior to the construction of a single family dwelling is not permitted.”

3. SEVERABILITY

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

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

CHAIR

SECRETARY



DATE OF MEETING: January 30, 2023
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Flexible Housing Communication and Engagement

RECOMMENDATION

1. That the Mayne Island Local Trust Committee direct staff to post the Flexible Housing information flyer to the Mayne Island webpage and mail it to property owners in the pilot area.

REPORT SUMMARY

The purpose of this report is to recommend implementation actions for the Flexible Housing Project, presenting the LTC with an information flyer on the Flexible Housing Pilot Project.

BACKGROUND

The Flexible Housing Plot Project has resulted in the adoption of Bylaw No. 189 (OCP) and Bylaw No. 184 (LUB). These bylaws made amendments to the Mayne Island Official Community Plan and Land Use Bylaw to:

- Permit an additional dwelling (or dwellings depending on size of lot) to be built within a maximum combined total floor area of all buildings on properties within an identified pilot area.
- Permit all cottages and secondary suites to be the 93m²(1001ft² in all zones where they are allowed.
- Require cisterns for catchment and storage of freshwater with minimum capacity of 13640 litres (300 gallons) are required for each secondary suite, cottage and additional dwelling.

A draft flyer has been created to share information on the pilot area where additional units are now permitted within a maximum total floor area of all buildings (see Attachment 1).

Rationale for Recommendation

While there were a number of community information meetings held related to this project, it is likely that many members of the community, including property owners within the pilot area, are unaware of these changes. Further publicizing information is the next step in implementing the project.

ALTERNATIVES

1. Make changes to the information flyer. (Minimal graphic changes can be made due to limited access to graphics program).
2. Hold a community meeting and specifically invite property owners/residents in pilot area.
3. Share information at a community event that is expected to be well attended.
4. Post flyer in places identified by the LTC.

NEXT STEPS

- Staff to make changes to the flyer if requested by the LTC
- Staff to share the flyer as requested by the LTC

Submitted By:	Narissa Chadwick, Island Planner	January 16, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	January 16, 2023

ATTACHMENTS

1. Flexible Housing Information Flyer

What is FLEXIBLE HOUSING?



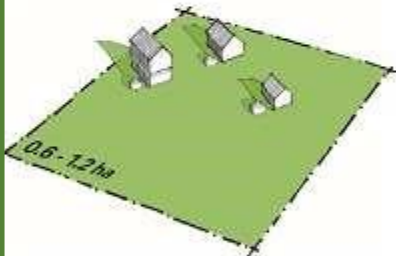
Flexible Housing Zoning permits additional dwelling units within a combined maximum floor area. Cisterns for catchment and storage of freshwater with minimum capacity of 13640 Litres (300 gallons) are required for each secondary suite, cottage and additional dwelling. All permitted secondary suites and cottages are permitted to be 93m² (1001ft²).



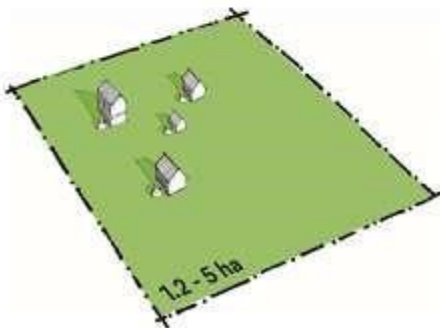
Flexible Housing Zoning applies to pilot areas (see map to left) on Mayne Island that are close to amenities and where additional density is less likely to increase the vulnerability of groundwater resources.



On **lots less than 0.6 ha (1.5 acres)** in area, one secondary suite and one additional dwelling is permitted. Total combined floor area of all dwellings cannot exceed 232 m² (2500 ft²).



On lots **greater than 0.6 ha (1.5 acres) up to 1.2 ha (3 acres)**, two dwellings, one secondary suite and a cottage are permitted. Total combined floor area of all dwellings and cottages cannot exceed 325m² (3500ft²).



On lots **greater than 1.2 ha (3 acres) up to 5 hectares (12.35 acres)** three dwellings and a cottage are permitted. Total combined floor area of all dwellings and cottages cannot

For more information contact Narissa Chadwick, Island Planner: nchadwick@islandstrust.bc.ca

File No.: 6500-02
Term End Report

DATE OF MEETING: January 30, 2023
TO: Mayne Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Local Trust Committee Work Program Review

RECOMMENDATION

1. That the Mayne Island Local Trust Committee make any amendments to the Work Program

REPORT SUMMARY

The Local Trust Committee is being asked to review its 'Work Program' and provide direction for any changes to the Active and Future Projects. This report provides a summary of current and recently completed LTC Projects, an overview of the currently identified future projects, and identifies other potential projects the LTC may wish to consider this term. The report also provides a summary of the status of major applications.

Completed and On-going Projects

Over the course of past term the LTC undertook the following projects:

Project	Summary	Current Status	Comments
LUB Technical Review	A targeted technical review and update of the LUB	Completed	Project was initiated in late 2019 and completed in early 2021
Groundwater Sustainability	Mapping, data gathering and delineation of groundwater regions	Completed	Southern Gulf Islands-wide project completed in 2021
Flexible Housing Project	To review and amend policies and regulations to support distribution of floor area in additional dwellings	Completed	The project was initiated in 2019 and completed in 2022.
OCP and LUB Minor Amendments	To make targeted updates to the LUB and OCP.	Completed	Project was initiated 2021 and completed in 2022
Groundwater Mapping Implementation	To implement groundwater mapping project through amendments to Development Permit Area and subdivision regulations	On-hold	LTC has indicated that may be prioritized following completion of Galiano and North Pender Projects. Project also on Future projects list.

Project	Summary	Current Status	Comments
Housing Options Project	Continuation of Housing Initiatives	Not started	This project can commence as the LTC's one Active Project, with scoping and analysis this fiscal year, as the LTC's Active Minor Project next fiscal, and the LTC determining if a business case is needed for work in 2024.

By Trust Council policy, an LTC can have one active Minor Project at a time, in addition to any Major Projects funded through a business case approved by Trust Council.

The LTC has recently completed two projects (Flex Housing and Minor Bylaw Amendments) and the Groundwater Implementation project is on-hold. Staff recommend that the LTC consider if continuation of the Housing Options Project is its preferred Active Project; if so, staff work can commence in the remainder of this fiscal year and additional funding in the next fiscal year can be available up to \$5000. The LTC can consider if they wish to develop a business case for additional funding as a Major Project for the following fiscal year. If the LTC does want to proceed with the project, no amendment to the Work Program would be needed (staff will remove the completed and deferred projects from the Active Projects List).

Potential Future Projects

The LTC should start to consider future projects, particularly any Major Projects, as scoping for business cases should start in April 2023. The following section identifies potential future projects from several sources.

1. Future Projects List: as issues are identified, an LTC can add potential projects to the 'Future Projects List'. These are tracked in a report included in each agenda package. The following table summarizes the items currently identified on the Future Projects List:

Date added	Issue	Description	Comments
2009	Climate Change Adaption	Consider regulatory and policy changes	The LTC has not advanced this potential project in 13 years, consider removing from the list.
2017	Waste Management	Review of policies and regulations	Could be a minor project, either singly or in conjunction with other minor amendments
2018	Fallow Deer	Coordination of advocacy work	Trustees have been working with community and other levels of government, no LTC project identified at this point
2018	Cannabis Production	Would consider regulating structures used in cannabis production	Consider removing, has not emerged as an issue

Date added	Issue	Description	Comments
2019	Review Contractors yards	Review and consider options to amend bylaws	Could be a minor project, either singly or in conjunction with other minor amendments
2020	Paved surfaces and patios	Review and consider options to amend bylaws	Could be a minor project, either singly or in conjunction with other minor amendments
2020	Groundwater Implementation	Consider regulations, DPA and updates to subdivision servicing regulations	Would likely be a major project if proceeding with all options. Could be a minor project to just update subdivision servicing regulations development for other LTCs
2022	Housing Implementation	Coordination with water service providers regarding flexible housing and secondary suites.	Would likely be a minor project, could be undertake in conjunction or in advance of Housing Options Review
2022	LTC rezoning project	327 Campbell Bay zoning	Could be minor project, could be by application by owners, or could be part of Housing Options project
2022	Foreshore Education	?	Could be a minor project

The LTC should review the Future Projects List and remove any initiatives it considers out-of-date or any it no longer supports, or add any new initiatives it may want to consider.

2. Strategic initiatives: the following are potential projects that have been advanced through the Regional Planning Committee, with a brief description of each:
 - a. Affordable Housing: a broader review of housing policies and regulations, including consideration of implementation of Islands Trust housing toolkit recommendations and coordination with CRD [Southern Gulf Islands Housing Strategy](#). This is identified on the LTC's active projects list already as "Affordable Housing Options"
 - b. Coastal Douglas-fir Ecosystem Protection: Regional Planning Committee prepared a toolkit with options for protecting significant tracts of mature forest.
 - c. Cultural Heritage Protection implementation: phase 1 of a project to develop criteria for identification of cultural heritage sites was undertaken last year, however that did not include delivery of mapping. Implementation could include designation of Heritage Conservation Areas, based on existing mapping, designation of shoreline areas or First Nations recommendations.

- d. **Shoreline Review:** Regional Planning Committee funded a report on shoreline protection last term. Several LTCs initiated projects to review shoreline and marine policies and regulations last term.
3. **OCP Review:** Mayne's OCP was extensively reviewed and updated 14 years ago and has been updated several times since. While not the oldest OCP in the Trust Area, it is not the most recent; the LTC could consider identifying an OCP review to commence later in the term.
4. **Other potential projects:** the LTC should consider identifying other potential initiatives or issues, either as an LTC or through a process of community consultation.

The LTC may wish to consider scheduling a special meeting to engage in more detailed deliberations on identifying future projects or to engage in community consultation on future priorities.

Business Cases for Major Projects

Major projects are any LTC projects that are anticipated to require a budget over \$5,000 in any given fiscal year. These projects would be supported by a planner from the Regional Planning Team and are required to have a business case approved by Trust Council. LTCs wishing to undertake a Major Project should start developing a business case in the spring, and finalize and endorse the business case by July in order to have it reviewed by Regional Planning Committee and by the Financial Planning Committee in October and November meetings. The Financial Planning Committee's recommendations on the business case would then be considered at the December Trust Council for inclusion in the budget for the following fiscal year.

Administrative Bylaws

All LTCs have administrative bylaws that govern the LTC's procedures. Recent amendments to the LTC's administrative bylaws include:

1. Amendments to the meeting procedures bylaw to permit electronic meetings
2. Adoption of a new Fees Bylaw to implement application fee changes recommended by the Regional Planning Committee

Pending Administrative Bylaw amendments that the LTC can expect next year include:

1. Amendments to the development procedures bylaw to allow for alternative notification for public hearings
2. Adoption of a Land Use Permit Delegation Bylaw: this bylaw would delegate the approval of development permits to staff for all DPAs except Form and Character, however as Mayne's OCP has limited DPA designations, this is not currently a priority.
3. Amendments to the Freedom of Information Bylaw will be brought to all LTCs by the Director of Legislative Services in the new year.

Applications

Rezoning applications are the most complex and time consuming applications considered by LTCs. The LTC considered several rezoning applications in the last term:

1. MA-RZ-2020.1 (MIHS) – Rezoning of for affordable housing and subdivision – currently in final legislative stages.
2. MA-RZ-2018.1 (Cotton Park) – Rezoning of community park.

In addition to rezoning applications, last term the LTC considered:

1. 73 land use permits (an average of 9 per year):
 - i. Development Permits – 3
 - ii. Development Variance Permits – 28
 - iii. Temporary Use Permits (including renewals) – 6
2. In addition:
 - i. Staff reviewed 107 Building Permits and 4 subdivisions

Summary reports with the current status of all applications are provided in each agenda package. Staff reports are included in agendas when an LTC decision or direction is required.

Standing Policies and Resolutions

The LTC has, over the years, adopted a number of policies in the form of standing resolutions. These resolutions direct how staff act in certain instances, and can provide guidance to the LTC itself. A report of standing resolutions is included in each staff report and the LTC should review these policies early in the term and considering rescinding outdated policies.

Rationale for Recommendation

The Work Program identifies active and future LTC projects. At the start of the term, the LTC should consider whether to proceed with the existing active projects and should also identify future priorities. Deliberation on the setting of strategic priorities for the term may best be undertaken by scheduling a special meeting.

ALTERNATIVES

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

1. Schedule a Special Meeting

The LTC may wish to schedule a special meeting to review the Work Program. The resolution can be worded as:

That the Mayne Island Local Trust Committee request staff to schedule a special meeting for the purpose of setting LTC priorities.

2. Amend the Work Program

The LTC can amend either list. The resolution may be worded as:

That the Mayne Island Local Trust Committee amend the [Active Projects List/Future Projects List] as follows: [indicate amendments].

Submitted By:	Robert Kojima, Regional Planning Manager	December 8, 2022
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Top Priorities Report

Mayne Island

1. Flexible Housing Regulations and Policy Review

Responsible

Dates

Rec'd: 26-Nov-2018

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

Report prepared for October 26, 2020 LTC meeting

Special meeting to be scheduled for January.

Special meeting held January 18, 2021.

Additional special meetings to be scheduled for March and April 2021.

Three special meetings have been completed.

Staff to provide report to June 21, 2021 meeting.

Addition proposed at Sept 27, 2021 meeting.

Draft bylaws presented at November 22, 2021 LTC meeting. Extension of pilot area discussed.

CIM held March 28, 2022

Bylaws Presented for First Reading March 28, 2022

Bylaws amended and reread for First time at June 27, 2022 LTC meeting.

Bylaws approved by EC, August 2022

Bylaws sent for Ministry Approval

COMPLETED

Top Priorities Report

Mayne Island

1. *Housing Options Project - Part 1 of next Phase*

Responsible

Dates

- Continuation of Housing Project
- To begin with a strategic planning meeting to identify challenges and opportunities
- Strategic Planning process will help identify Options to explore
- Options to be explored and specific projects addressing those options will be developed

Rec'd: 27-Jul-2022
Target: 31-Mar-2025

2. *OCP and LUB Minor Amendments*

Responsible

Dates

To include: Felix Jack Park, removal of Parks Plan, rezoning for Agricultural Association new building purchase, addressing maximum density on lots that have covenants restricting further subdivision, First Nations acknowledgement.
Staff report including list of proposed amendments presented to May 10, 2021 LTC Meeting.
Patios and Signs added to list of amendments. Project Charter developed.
Mayne Island Brewery added to list of amendments.
Bylaws presented for First Reading March 28, 2022.
Bylaws read for the second and third time June 27, 2022.
COMPLETED

Rec'd: 29-Mar-2021
Target: 30-Sep-2022

Top Priorities Report

Mayne Island

3. *Groundwater Sustainability Project*

Responsible

Dates

LTC to wait to see what comes out of Galiano and North Pender Projects.

Rec'd: 27-May-2019

Senior Freshwater Specialist presented Groundwater work at Mayne Conservancy event in December 2021.

Target: 31-Mar-2021

MOVED TO FUTURE PROJECTS LIST

Future 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

Future Projects Report

Mayne Island

7. *Groundwater Implementation*

Responsible

Date Received

Will wait until Galiano has completed project

30-Nov-2020

8. *Housing Implementation*

Responsible

Date Received

Connecting with water service providers regarding flexible housing and secondary suites

05-May-2022

9. *LTC Rezoning Project*

Responsible

Date Received

327 Campbell Bay rezoning (to be part of Housing Options project)

05-May-2022

10. *Foreshore Education*

Responsible

Date Received

07-Oct-2022



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2022.2	Girouard, Louise	19-Sep-2022	Application for a variance for siting of a studio in a setback and the height of a building (workshop).

Planner: Charly Caproff

Planning Status

Status Date: 19-Oct-2022

Addition to application: variance for the height of a workshop. Additional documents saved to EDM.

Status Date: 11-Oct-2022

Planner Caproff assigned to file.

Status Date: 21-Sep-2022

File created in EDM.

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2023.1	Mayne Island Agricultural Society & Fall Fair	04-Jan-2023	Application for a variance for siting of a wheelchair ramp and deck in a setback.

Planner: Narrisa Chadwick

Planning Status

Status Date: 10-Jan-2023

Subject Property Map + Mailing List requested from GIS.

Status Date: 10-Jan-2023

Planner Narissa Chadwick assigned.

Status Date: 09-Jan-2023

File created in EDM.



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 multi-family development - BL 181 (OCP) and BL 183 (LUB)

Planner: Narrisa Chadwick

Planning Status

Status Date: 13-Jan-2023

Housing Agreement and Covenant sent to Lawyer for execution preparation

Status Date: 20-Dec-2022

BL 181 sent to Ministry for approval

Status Date: 14-Dec-2022

Bylaws being sent to EC.

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.1	Brent Mayenburg (Maude)	09-Apr-2018	Referral of a subdivision for 3 lots

Planner: Narrisa Chadwick

Planning Status

Status Date: 22-Apr-2020

Extension of the PLA has been requested

Status Date: 18-Sep-2019

Waiting for applicant to work through PLA conditions.

Status Date: 16-May-2019

PLA received from MoTI April 25, 2019.

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2022.2	Lazin, Sharlene	06-Oct-2022	Application for a temporary use permit for a mobile veterinary clinic.

Planner: Narrisa Chadwick

Planning Status

Status Date: 13-Nov-2023

Applicant reviewed draft TUP conditions

Status Date: 19-Jan-2023

Application prepared for January 30, 2023 meeting

Status Date: 11-Oct-2022

Planner Chadwick assigned to file.

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending November 2022

645 Mayne	Invoices posted to Month ending November 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	288.00	0.00	288.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,171.00	1,202.54	-31.54
65210-645	LTC - Local Exp - APC Meeting Expenses	333.00	416.51	-83.51
65220-645	LTC - Local Exp - Communications	250.00	560.00	-310.00
65230-645	LTC - Local Exp - Special Projects	276.00	61.50	214.50
TOTAL LTC Local Expense		<u>2,030.00</u>	<u>2,240.55</u>	<u>-210.55</u>
Projects				
73001-645-2005	Mayne OCP/LUB	1,000.00	2,145.99	-1,145.99
73001-645-4100	Mayne Island Housing	1,500.00	1,395.80	104.20
TOTAL Project Expenses		<u>2,500.00</u>	<u>3,541.79</u>	<u>-1,041.79</u>

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2022-012 (Standing) 5.4 Outhouses that the Mayne Island Local Trust Committee direct Bylaw staff to suspend enforcement on outhouses and that the Bylaw Enforcement Manager be invited to attend a future Local Trust Committee meeting.	Carried	14-Nov-2022
2021-011 (Standing) Advisory Planning Commission - Re-appointments and Expression of Interest Advertisement 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

Standing Resolutions Log

Mayne Island

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

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

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

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

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2018-049 (Standing)	Carried	24-Sep-2018
Cannabis Retail Referrals - 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) 13.3 Short Term Vacation Rentals (STVR) Enforcement Policy - Staff Report 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.	Carried	26-Jun-2017
2017-027 (Standing) 13.2 Bylaw Enforcement Policy, Unlawful Dwelling - Staff Report 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.	Carried	26-Jun-2017

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2016-055 (Standing) 12.4 Adopted Policies and Standing Resolutions (attached) that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.	Carried	27-Jun-2016
2012-000 (Standing) Special Occasion Liquor License Referrals 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.	Carried	01-Feb-2012
2011-044 (Standing) Options for adopting In Camera Minutes 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.	Carried	02-May-2011



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 22, 2022 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- ***This meeting was the first Islands Trust Conservancy (ITC) Board meeting following the Islands Trust Council elections. Two new board members were elected to the ITC board (Trustee Scott and Trustee Yates) and one appointed by the Executive Committee (Trustee Elliott). ITC Board members appointed by the Minister of Municipal Affairs will continue on the ITC Board and are unaffected by local government elections.***
- Nominations for the Chair, Vice-Chair and Financial Planning Committee (FPC) representative were held. Trustee Adams was voted Chair of ITC Board, Trustee Smith was voted Vice-Chair, and Trustee Scott is the FPC representative. The ITC Manager advised that ITC will have an ex officio seat on the Governance Committee once the committee is constituted, noting the ITC Chair will appoint a member to the committee.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022. The ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the draft 2023-2025 Islands Trust Conservancy Interim Plan and directed staff to forward it to the Minister of Municipal Affairs by December 31, 2022, for review and approval.
- The ITC Board reviewed a referral for Galiano Islands Local Trust Committee bylaws 231 and 232. The ITC Board recommended that the Galiano Island Local Trust Committee approve bylaws 231 and 232 because they bring zoning into agreement with the use of conservation lands and further strengthen the conservation status for District Lots 64 and 68, which are adjacent to Islands Trust Conservancy covenanted areas.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received reports on covenants and acquisitions for information.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board approved a request for tree planting by the Pender Islands Parks and Recreation Commission in Enchanted Forest Covenant (South Pender Island).



ISLANDS TRUST CONSERVANCY

ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

5. COMMUNICATIONS AND OUTREACH

- ITC staff provided an overview and orientation presentation to incoming Board members.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board accepted a donation of approximately \$45,000 from the estate of William Tempest for the purpose of conservation initiatives on Hornby Island. From this approx. \$25,000 has been designated for covenant management activities and approx. \$20,000 to the Opportunity Fund for grants for Hornby Island.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

BRIEFING

To:	LTCs in W̱SÁNEĆ Territory	For the Meeting of:	Various
From:	Trust Programs Committee	Date Prepared:	September 2, 2022
SUBJECT:	Aug 4, 2022 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments		

PURPOSE: To provide, for information, a letter from W̱SÁNEĆ Leadership Council staff regarding draft 2021 Islands Trust Policy Statement amendments.

BACKGROUND: On August 26, 2022, Trust Programs Committee received a letter from the W̱SÁNEĆ Leadership Council (WLC) regarding WLC staff's response to draft 2021 Islands Trust Policy Statement Amendments.

Trust Programs Committee passed the following resolution:

that Trust Programs Committee forward the letter of August 4, 2022, from W̱SÁNEĆ Leadership Council staff to all local trust committees in their territory

This letter has also been shared with Trust Council and provincial staff.

WLC staff participated in both Phase 1 and Phase 2 of early and meaningful engagement related to the Policy Statement Amendment Project. Additional correspondence from W̱SÁNEĆ Leadership Council regarding the Policy Statement has been posted to the Islands 2050 webpage at <https://islandstrust.bc.ca/programs/islands-2050/>.

Staff will continue early and meaningful engagement with W̱SÁNEĆ Leadership Council on the Policy Statement Amendment Project and will provide a formal referral after first reading.

ATTACHMENT(S):

1. Aug 4, 2022 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

FOLLOW-UP: Staff will follow up as directed.

Prepared By: Clare Frater, Director, Trust Area Services



WLC Staff Response to 2021 Islands Trust Policy Statement Amendments August 4, 2022

Below is a staff level review of the 2021 Islands Trust Policy Statement Amendments. WLC staff have organized this document by outlining past WSÁNEĆ Technical Advisory Committee (WTAC) recommendations, noting where Islands Trust amendments have incorporated and satisfied WTAC recommendations, and providing feedback on how to move forward. WLC staff have divided our review of the Islands Trust Policy Statement by the headers provided in that document (e.g. Introduction, Present Context, etc.).

As a note, this review is at the staff level and, due to capacity issue, it has not been reviewed by the WSÁNEĆ Leadership Council Board of Directors or the WSÁNEĆ Technical Advisory Committee. WLC staff hope for future opportunities to provide input where these advisory committees and decision-makers can be included.

Introduction:

Past WTAC recommendation:

1. Include the story of TELEIÁĆES ("Relatives of the Deep"/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why WSÁNEĆ want involvement in decisions regarding the Gulf Islands.

Feedback:

The story of TELEIÁĆES is not in the Policy Statement document. The WLC would like to see the inclusion of the story of TELEIÁĆES ("Relatives of the Deep"/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why First Nations want involvement in decisions regarding the Islands. If other First Nations have similar stories, Islands Trust should attach them also as an appendix to the Policy Statement.

Present Context:

Past WTAC recommendations:



1. Incorporate Bill c-15, an act respecting the United Nations Declaration on the Rights of Indigenous Peoples.
2. There is a need for cumulative impact studies to ensure responsible informed decision making. This work needs to incorporate First Nations values and be in collaboration with First Nations.
3. Support First Nations in the development of cultural overlay mapping, mapping for environmental and ecological systems, and heritage mapping.
4. Preserve environment to protect Douglas Treaty rights and ensure they can be exercised into the future.
5. Approach environmental issues in ways that further reconciliation with First Nations, the original and proper caretakers of the land.

2021 Policy Statement:

- Trust Council adopted a Reconciliation Declaration that speaks to UNDRIP and free, prior and informed consent
- notes the need to “effectively preserve the environment” and, that “decision making will need to be guided by the best possible science and Indigenous ways of knowing”.
- Protects the environment for the generations to come and for First Nations that wish to come home or have access to traditional uses.
- Official community plans and regulatory bylaws, identify, preserve and protect and support the restoration of indigenous cultivation and harvesting areas and coordinate with, and advocate to, other government agencies to regulate and monitor harvesting.
- Commits to consulting with FNs prior to decisions regarding hunting and to preserve traditional harvesting areas.

WLC Staff Feedback:

The Islands Trust has adopted a Reconciliation Declaration that utilizes UNDRIP, and within the Policy Statement the Islands Trust has created policy that aligns with the principles of UNDRIP. However, support for UNDRIP is not imbedded in the Policy Statement and the Reconciliation Declaration 2019-2022 is not permanent. The WLC advise that a commitment to implementing the principles of UNDRIP is embedded into the Policy Statement.

The Policy Statement does a good job in utilizing scientific studies, cultural knowledge, First Nations’ values and informed decision making, but it does not commit to additional impact



studies or cultural site identification and mapping. The gathering of this cultural data is an important project for the implementation of this Policy Statement as the data held by the Provincial databases regarding Indigenous cultural sites are wholly insufficient. The WLC would like to see a commitment to resourcing data-gathering projects, which may be an item that can be negotiated as part of a WSÁNEĆ MOU.

The Policy Statement has greatly increased the protection of the environment and it does acknowledge the harvesting rights of First Nations, it also recognizes the need to solve environmental issues in collaboration with First Nations and other organizations but it lacks a framework in which this will occur. This is discussed further in the feedback for Governance.

The Islands Trust Object and Its Meaning

Past WTAC recommendations:

1. Add information about First Nations and their history.
2. Mention First Nations rights and unceded title

2021 Policy Statement:

- Recognizes that it is in the homeland of 28,000 First Nations, that there is culturally significant species, archaeological sites and harvesting areas.
- First Nations have been here since time immemorial and are caretakers and stewards
- With creation stories, place names, laws and protocols
- Indigenous cultural heritage is a unique amenity of the Islands Trust.
- First Nations have been removed through colonization

WLC Staff Feedback:

Information regarding First Nations and their history were not added to the Object and its Meaning, possibly because the Object is stated in legislation and the Policy Statement is not intended to make a legislative change. However, Islands Trust did provide contextual information on First Nations through a statement that follows the Object and Its Meaning. Douglas Treaty rights and title, and Indigenous title is not specifically mentioned in this document. The WLC requests that Islands Trust recognizes its duty to uphold Douglas Treaty rights and title, and Indigenous title more generally.



Location of the Islands Trust Area

2021 Policy Statement:

Includes a map of the 13 major Islands.

WLC Feedback:

In this section, WLC staff recommend the inclusion of a map that demonstrates the locations of the First Nations that have been named in the Policy and a place names map in SENCOTEN and/or Hul'qumi'num.

Regional Governance:

Past WTAC recommendations:

1. First Nations should not be considered stakeholders. First Nations have a much stronger position that requires legal consultation than your typical stakeholder.
2. First Nations should be actively included in governance. First Nations involvement should not 'just' be as collaborators. WSÁNEĆ have responsibilities to the land and have been removed as caretakers.
3. There needs to be a more evidence based approach/whose information/ownership and controls. Not just 'evidence based' but based on best available science and social science and committed to indigenous ways of knowing."
4. We need a cooperation accord and information/data sharing agreements.

2021 Policy Statement:

- Trust Council recognizes that meaningful engagement/participation and cooperation with First Nations is critical and that First Nations play an integral role in governance and cooperative decision making in the Trust Area.
- Islands Trust commits to meaningful engagement/participation and cooperative/engagement mechanisms such as Protocol agreements, other cooperative arrangements and MOUs.
- The Islands Trust Policy Statement includes finding solutions using the best available area based mapping and indigenous ways of knowing.



WLC Staff Feedback:

In this policy statement, engagement and cooperation with First Nations is stated over 20 times. Engaging with First Nations is a priority of Islands Trust as they recognize that it is essential to the implementation of the Policy Statement. However, without an inclusive method of decision making, First Nations that do not have protocol agreements, or those that are in the process of making these agreements, will have no avenue of accountable engagement. Additionally, this method may limit tier one (First Nation to First Nation) collaboration and has the potential to reduce cooperation amongst First Nations. With that said, protocol agreements to clarify interests and establish commitments are essential and need to be created between the WSÁNEĆ Leadership Council, our constituent First Nations, and Islands Trust.

Ecosystem Preservation and Protection

Past WTAC recommendations:

1. The creation of protected areas, including areas that are 'off limits' and protected ecological networks that are intended to curb development.
2. Include active remediation projects.
3. All environmental preservation, protection, and mitigation projects should be established with First Nations as we need to ensure projects protect but do not alienate rights or block First Nations' economies.
4. When considering land acquisition, work with Local First Nations and land trusts
5. Reconnection of fragmented forest ecosystems.
6. Ecosystems Preservation and Protection.

2021 Policy Statement:

- approaches to protecting the environment are being put in place for First Nations that wish to come home or have access to traditional uses.
- official community plans and regulatory bylaws are to identify, preserve, protect and support the restoration of indigenous cultivation and harvesting areas.
- advocate to other government agencies to regulate and monitor harvesting
- consult with First Nations prior to decisions regarding hunting and to preserve First Nations traditional harvesting areas.
- retain large land holdings to enable sustainable forest harvesting and minimize the fragmentation of forests



- coordinate with, and advocate to, the provincial government to adopt legislation establishing sustainable forest harvesting.
- agricultural and development activity needs to be respectful of Indigenous harvesting, and should not adversely impact (and be directed away from) traditional harvesting areas, middens and other archeologically significant resources and areas.
- in cooperation with First Nations and the Conservancy Board, will advocate for acquisitions in order to protect natural areas.

WLC Staff Feedback:

This policy statement increases environmental protection policies and recognizes the need to include First Nations' rights to access land and natural resources. It speaks not only to protection of the environment but the remediation of the environment, which was an important element to the WSÁNEĆ Technical Advisory Committee.

Additionally, there are tools embedded in the Policy Statement to protect land from development and pollution, but the policy statement does not speak to the creation of protected areas. The WLC recommends a commitment to additional impact studies, and ecosystem mapping to assist in protection and remediation of the environment.

Further, WLC staff find it problematic that the Policy Statement does not commit resources to do pursue these goals. This may be tackled through a protocol agreement or an MOU with the WLC but should also be a priority of the Islands Trust outside of a protocol agreement. This protocol agreement could include dedicated funding for environmental remediation projects important to WSÁNEĆ peoples, studies to determine causes of shellfish pollution in the Islands Trust area, and commitments to funding for WSÁNEĆ monitoring programs.

Heritage Preservation and Protection

Past WTAC recommendation:

1. Protect and preserve First Nations history, cultural and archaeological, in collaboration with First Nations

2021 Policy Statement:

- recognizes heritage as a 'unique amenity' that is to be preserved and protected. This



includes, places, objects, knowledge, artistic impressions, natural landscapes, which includes Indigenous cultural heritage. This is not limited to areas that are utilized and occupied by indigenous peoples.

- First Nations have a right to identify, interpret and safeguard its value, outside of colonial frameworks.
- regional planning decisions should not have adverse impacts on Indigenous cultural heritage
- committees and island municipalities in their bylaws, need to identify, preserve, protect and support restoration of indigenous cultural heritage- in cooperation with First Nations.
- engage with Indigenous organizations/people to seek the best available archaeological data and provide educational materials and tools to help preserve and protect indigenous cultural heritage.

WLC Staff Feedback:

The additions that have been made to the policy statement in regards to the preservation and protection of heritage mostly cover the recommendations that were made by the WTAC. The concern of the WLC is the implementation of these policies and the inclusion of WLC in decision making on projects that may impact cultural heritage. The WLC staff recommend that Islands Trust make additional commitments to the WLC through protocol agreements and/or MOUs on this topic. Within these agreements, commitments could be made to further develop internal archaeological potential mapping at the Islands Trust; develop cultural heritage protocol for engagement, the use of WSÁNEĆ cultural workers, and other items of value to both parties; and, a role in decision making for WLC when Islands Trust contemplates Development Permits.

Housing

Past WTAC recommendation:

1. Promote First Nations housing opportunities that brings WSÁNEĆ people back out to the islands. That would be a real win.

2021 Policy Statement:

- The Islands Trust shall advocate to organizations to foster safe, secure and affordable housing for indigenous peoples.



WLC Staff Feedback:

The WLC staff recommends that Islands Trust enter into an MOU to explore housing opportunities for WSÁNEĆ community members.

Additional Recommendations:

- Islands Trust include a commitment to place name changes, the use of First Nations art in developments, installing signage related to First Nations history/culture, and specific targeted reconciliation policies.
- Islands Trust prioritize First Nations economic opportunities.

Conclusion:

After completing the review of the 2021 Islands Trust Policy Statement, it is clear that the Islands Trust team has made meaningful and important changes to the Policy Statement. As mentioned above, there are many instances throughout the document where WLC staff can see that our feedback has been incorporated. However, WLC staff are concerned about future amendments to this document which may alter the elements important to the WLC. There is a chance that some commitments to environmental and cultural protection and First Nations engagement will be taken out of the Policy Statement. The WLC would like to support the strong commitments that are made in this iteration of the Policy Statement to First Nations collaboration, the environmental, and to First Nations culture. WLC staff would like to thank the Islands Trust staff who have provided the opportunity to review the Policy Statement which will may impact the rights and title of the WSÁNEĆ People.