



# Mayne Island Local Trust Committee

## Regular Meeting Agenda

Date: May 29, 2023  
Time: 1:30 pm  
Location: Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island, BC

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	<b>Pages</b>
1. COMMUNITY INFORMATION MEETING - Mayne Island Housing Action Plan - 12:00 pm	
2. CALL TO ORDER	1:30 PM - 1:30 PM
3. APPROVAL OF AGENDA	1:30 PM - 1:35 PM
4. TOWN HALL AND QUESTIONS	1:35 PM - 1:50 PM
5. COMMUNITY INFORMATION MEETING - None	
6. PUBLIC HEARING - None	
7. MINUTES	1:50 PM - 2:00 PM
7.1 Local Trust Committee Minutes Dated March 27, 2023 (for Adoption)	4 - 9
7.2 Section 26 Resolutions-without-meeting Report - None	
7.3 Advisory Planning Commission Minutes - None	
8. BUSINESS ARISING FROM THE MINUTES	
8.1 Follow-up Action List Dated May 2023	10 - 11
9. DELEGATIONS	
10. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
11. APPLICATIONS AND REFERRALS	2:00 PM - 3:00 PM
11.1 Saturna Island Local Trust Committee Referral for Draft Bylaw No. 138 (for response) (attached)	12 - 14

11.2	Galiano Island Local Trust Committee Referral for Proposed Bylaws 287 and 287 (for response) (attached)	15 - 17
11.3	Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 530 (for response) (attached)	18 - 20
11.4	MA-DVP-2023.3 (Irving) - Staff Report (attached)	21 - 32
11.5	MA-TUP-2023.1 (BC Ferry Services Inc.) - Staff Report (attached)	33 - 45
11.6	MA-TUP-2023.2 (Baker & Costello) - Staff Report (attached)	46 - 55
12.	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	3:00 PM - 3:30 PM
12.1	Housing Action Plan - Staff Report (attached)	56 - 66
13.	<b>REPORTS</b>	3:30 PM - 3:40 PM
13.1	<b>Work Program Reports (attached)</b>	
13.1.1	<u>Active Projects Report Dated May 2023</u>	67 - 67
13.1.2	<u>Future Project List Report Dated May 2023</u>	68 - 68
13.2	<b>Applications Report Dated May 2023 (attached)</b>	69 - 72
13.3	<b>Trustee and Local Expense Report Dated March 2023 (attached)</b>	73 - 73
13.4	<b>Adopted Policies and Standing Resolutions (attached)</b>	74 - 78
13.5	<b>Local Trust Committee Webpage</b>	
13.6	<b>Chair's Report</b>	
13.7	<b>Trustee Report</b>	
13.8	<b>Electoral Area Director's Report</b>	
13.9	<b>Islands Trust Conservancy Report - None</b>	
14.	<b>NEW BUSINESS</b>	3:40 PM - 4:10 PM
14.1	<b>Draft Annual Report Wording - for approval (attached)</b>	79 - 79
	That the Mayne Island Local Trust Committee approves the format and outline of contents for the 2022/23 Annual Report.	
14.2	<b>Mayne Island LTC Freedom of Information and Protection of Privacy Bylaw No. 192 - Request for Decision (attached)</b>	80 - 84
14.3	<b>Saturna Island Local Trust Committee Letter re Siting and Use Permit Options</b>	85 - 85
14.4	<b>Horton Bay Mooring Buoys Float Storage - Discussion</b>	

**14.5 Shipping Containers - Discussion**

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for June 26, 2023 at the Agricultural Hall, Mayne Island**

**16. TOWN HALL 4:10 PM - 4:25 PM**

**17. CLOSED MEETING - None**

**18. ADJOURNMENT 4:25 PM - 4:25 PM**



**DRAFT**

**Local Trust Committee  
Minutes Subject to Approval By  
the Local Trust Committee**

## **Mayne Island Local Trust Committee**

### **Minutes of Regular Meeting**

**Date:** March 27, 2023  
**Location:** Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island, BC

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

**Staff Present:** Narissa Chadwick, Planner  
Warren Dingman, Bylaw Enforcement Manager  
Charlie Caproff, Planner 1  
Pat Todd, Recorder

**Public Present:** There were approximately eight (8) members of the public.

#### **1. CALL TO ORDER**

Chair Elliott called the meeting to order at 1:32 p.m. She 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:

- Delegations – Bruce Cranna, regarding commercial construction

**By general consent**, the agenda was adopted as amended.

#### **3. TOWN HALL AND QUESTIONS**

Deb Foote: Spoke to issues regarding the Capital Regional District (CRD) building permits as they relate to tiny homes; that CRD considers tiny homes as manufactured homes; a number of hurdles required to pour a cement pad to a tiny home site; while generally not in favour of Siting and Use Permits, some circumstances could be an appropriate option.

#### **4. COMMUNITY INFORMATION MEETING – None**

#### **5. PUBLIC HEARING – None**

**6. MINUTES**

**6.1 Local Trust Committee Minutes Dated January 30, 2023**

By general consent, the Local Trust Committee meeting minutes of January 30, 2023 were adopted as presented.

**6.2 Section 26 Resolutions-Without-Meeting Report Dated March 2023**

Received for information.

**6.3 Advisory Planning Commission Minutes – None**

**7. BUSINESS ARISING FROM THE MINUTES**

**7.1 Follow-up Action List Dated March 2023**

Planner Chadwick noted that work continues to arrange a meeting regarding water tanks. The Flexible Housing Flyer has been drafted and a copy will be forwarded to Trustees.

**8. DELEGATIONS**

Bruce Cranna: Related difficulties encountered with CRD and renovations on a commercial property; Fernhill Centre; areas previously inspected were substandard construction; CRD required an architect and structural engineer; took a number of months to acquire an architect; project too small and remote, costly to service; issues with CRD persist after one year; communication not good or timely; need for specificity of requirements; commercial information not on website; lost 11 months of rental income.

LTC reported there is a meeting on May 30, 2023 with CRD regarding commercial issues.

There is a meeting on April 11, 2023 with Adam Olsen, CRD and Islands Trust regarding issues of Urban vs. Rural.

It was suggested that an annual Protocol Meeting with various agencies could serve a coordinating function.

**9. CORRESPONDENCE**

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

**10. APPLICATIONS AND REFERRALS**

**10.1 Galiano Island Local Trust Committee Referral for Draft Bylaws 283 and 284**

**MA-2023-009**

**It was Moved and Seconded,**

That the Mayne Island Local Trust Committee interests are unaffected by Galiano Island Local Trust Committee Draft Bylaws 283 and 284.

**CARRIED**

**10.2 MA-DVP-2023.2 (Last)**

Planner Caproff reviewed the application for an addition to an existing building. There is minimal, if any, impact on neighbours. No responses were received from notification.

Applicant added that addition is to modify cottage into a home suitable for retirement.

**MA-2023-010**

**It was Moved and Seconded,**

that the Mayne Island |Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2023.2 (Last).

**CARRIED**

**10.3 MA-DVP-2022.4 (Iredale)**

Planner Caproff spoke to the application for a minor encroachment of a deck and stairs. Neighbour noted no issues.

**MA-2023-011**

**It was Moved and Seconded,**

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2022.4 (Iredale).

**CARRIED**

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1 Housing Options**

Chair Elliott spoke to the excellence of Planner Chadwick’s report and that other Trustees were very positive.

Planner Chadwick reviewed the background of the project. There were discussions on identification of housing needs, Seniors and more families on the island etc. She spoke to the options within the Official Community Plan (OCP) and the Land Use Bylaws (LUB). Some of the OCP policies would need to be relaxed to allow more flexibility.

Other points of discussion:

- Rezoning that could ease the process of subdividing for donations of land
- Another meeting with water districts regarding secondary suites
- CMHC Housing Acceleration Program coming in June 2023
- Habitat for Humanity arriving on April 19
- Business Plan to Trust Council by June
- Need for partnerships, flexibility and funding
- Housing Action Plan draft for mid-May

**MA-2023-012**

**It was Moved and Seconded,**

That the Mayne Island Local Trust Committee request staff to schedule a Community Information Meeting on housing options.

**CARRIED**

**MA-2023-013**

**It was Moved and Seconded,**

That the Mayne Island Local Trust Committee endorse the recommended next steps leading to the development of a business case for 2024/2025 supporting the Mayne Island Housing Options Project.

**CARRIED**

The LTC expressed appreciation for the extensive report.

**12. REPORTS**

**12.1 Work Program Reports**

12.1.1 Active Projects Report Dated Mar 2023 - ongoing

12.1.2 Future Project List Report Dated Mar 2023 - ongoing

**12.2 Applications Report Dated Mar 2023**

Received for information.

**12.3 Trustee and Local Expense Report Dated Jan 2023**

Received for information.

**12.4 Adopted Policies and Standing Resolutions**

Received for information.

**12.5 Local Trust Committee Webpage**

To be updated upon close of meeting.

**12.6 Chair's Report**

Chair Elliott reported that Trust Council (TC) is coming together and that 4 delegates will be attending the UBC Housing Forum on April 4 and 5. Work is progressing towards a cohesive Regional Plan. There is a special meeting of TC on March 28 to sign a Protocol Agreement with Snow-naw-as First Nation. IT Conservancy Board met last week and had a presentation on the Coastal Marine Strategy in its early stages. Islands Trust to give input.

**12.7 Trustee Report**

Trustee Dodds reviewed a recent meeting with MLA Adam Olsen and the Southern Gulf Islands Forum (SGIF). Housing and Fallow deer were the first two priorities. May 21 will be a site visit to Cotton Park with the Conservancy and the Ministry. Mayne Island Parks

and Recreation (MIPR) cut hazardous trees, but left debris on trails and pathways. This is a significant archeological site. The MIPR Master Plan makes no reference to First Nations. Islands Trust Conservancy has given funding to host an Open House for community education regarding fallow deer.

**MA-2023-014**

**It was Moved and Seconded,**

That the Mayne Island Local Trust Committee write a letter to Capital Regional District Parks requesting information on management of significant archeological sites on Mayne Island.

**CARRIED**

Trustee Maude stated there had been a number of meetings, and is encouraged that Trust Council is working together and getting things accomplished. There have been a number of conversations with various other agencies such as CRD, MLA, etc.

**12.8 Electoral Area Director's Report - none**

**12.9 Islands Trust Conservancy Report Date Feb 2023**

Chair Elliott noted that the Work Plan had been approved and that the Speakers Series is ongoing from February 16 to April 12, highlighting species at risk.

**13. NEW BUSINESS**

**13.1 Health Centre Concerns**

Trustee Dodds informed the LTC that the Health Centre has been dealing with some challenges due to a 37% population increase and presence of COVID on the island. There will be articles in the Mayne Limer as to forthcoming changes to improve services. Concerns will be raised with VIHA on April 11 while representatives are here.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for May 29, 2023 at the Mayne Island Agricultural Hall, Mayne Island**

**15. TOWN HALL**

Deb Foote: Questioned process for application notifications, notices mailed out and delivered to all properties within 100 metres of the application site; asked if Temporary Use Permit (TUP) for a tiny home would have precluded building requirements of CRD. Probably not and a TUP requires renewal; MI Conservancy might be of assistance with Foreshore Education in conjunction with the LTC.

**16. CLOSED MEETING**

The meeting closed at 3:52 p.m.

**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)(d)(f) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated January 30, 2023
- Appointment of APC Member
- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

**16.2 Recall to Order**

Chair Elliott recalled the regular LTC meeting at 4:13 p.m.

**16.3 Rise and Report**

Chair Elliott reported the appointment of Debra Cleland to the Advisory Planning Commission and expressed appreciation to other applicants.

**17. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 4:18 p.m.

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Tobi Elliott, Chair

Certified Correct:

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Pat Todd, Recorder

## 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	Narissa Chadwick	Target: 07-Oct-2022	Completed
2 13.3 Wooddale - Planner to set up in person meeting with CRD Bylaw and IT Bylaw for Wooddale community.	Narissa Chadwick	Target: 21-Oct-2022	In Progress

#### 30-Jan-2023

Activity	Responsibility	Dates	Status
1 10.4 MA-RZ-2020.1 (MIHS) - Housing Agreement Bylaw approved . Chair and property owner to sign housing agreement.	Jas Chonk Narissa Chadwick	Target: 10-Feb-2023	In Progress
2 11.1 Flexible Housing Outreach. Post flyer on website, mailout to effected properties, print copies for posting on Island.	Narissa Chadwick	Target: 10-Feb-2023	Completed

#### 27-Mar-2023

Activity	Responsibility	Dates	Status
1 6.1 Minutes for January 30,2023 adopted	Jas Chonk Sheree Rialp	Target: 06-Apr-2023	Completed
2 10.1 GL Referral - Interests unaffected	Jas Chonk	Target: 03-Apr-2023	Completed

## Follow Up Action Report

### Mayne Island

27-Mar-2023

Activity	Responsibility	Dates	Status
3 10.2 MA-DVP-2023.2 (Last) - DVP Approved. Issue DVP.	Jas Chonk	Target: 31-Mar-2023	Completed
4 10.3 MA-DVP-2022.4 (Iredale) - DVP Approved. Issued DVP.	Jas Chonk	Target: 31-Mar-2023	Completed
5 11.1 Housing Options - Set up tour of Islands for Trustees and Habitat for Humanity. Set up meeting for community members interested in learning about Habitat for Humanity.	Narissa Chadwick Sheree Rialp	Target: 03-Apr-2023	Completed
6 11.1 Schedule community meeting related to housing morning of May 29th (prior to LTC meeting); Develop draft project plan.	Narissa Chadwick Sheree Rialp	Target: 29-May-2023	Completed
7 12.7 LTC to write to CRD Parks regarding parks management in areas of cultural significance.	Narissa Chadwick Sheree Rialp	Target: 07-Apr-2023	In Progress
8 16.3 Rise and Report - LTC appointment of Debra Cleveland to the APC.	Jas Chonk	Target: 31-Mar-2023	Completed
9 16.3 Rise and Report - Chair of LTC to write to head of RCMP for Gulf Islands to express dismay regarding the unauthorized use of a residential property as an impound yard for towed vehicles.	Narissa Chadwick	Target: 14-Apr-2023	In Progress



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.: 138 Date: April 11, 2023

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:**

445 East Point Road, Saturna Island

**PURPOSE OF BYLAW:**

Amendments would be made to the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) to rezone the waterfront portion of the subject parcel located at 445 East Point from Rural Residential (RR) to Rural General (RG) to allow for the creation of two waterfront RG zoned lots through subdivision.

**GENERAL LOCATION:**

Saturna Island Local Trust Area

**LEGAL DESCRIPTION:**

The North West 1/4 Of Section 12, Saturna Island, Cowichan District, Except Parts In Plans 19569, 20704, VIP63161, VIP79024 and VIP84336

**SIZE OF PROPERTY AFFECTED:**

37.64 ha

**ALR STATUS:**

None

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Rural (R)

**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: Island Planner  
Contact Info: Tel: 778-679-5185  
Email: [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)

**This referral has been sent to the following agencies:**

**Government Agencies**

Parks Canada

**Regional Agencies**

CRD, Planning and Protective Services, Building Inspection  
Island Health

**Non-Agency Referrals**

**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  
Ts'uubaa-asatx 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)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
138  
(Bylaw Number)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Agency)



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: Galiano Island Local Trust Area Bylaw No.: 287 and 288 Date: April 27, 2023

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.

**PURPOSE OF BYLAW:**

The purpose of **Bylaw 287** is to amend the Galiano Island Official Community Plan to re-designate a portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. The purpose of **Bylaw 288** is to amend the Galiano Island Land Use Bylaw to re-zone the same portion of the subject property (490 Gardner Road, Galiano Island) from **Rural Residential (RR) to Agriculture (AG)**. **Bylaw Nos. 287 and 288** are associated with a rezoning application that, if approved, would facilitate a future subdivision application that would subdivide the current split-zoned property into two single-zoned properties.

Professional reports and staff reports are available on the Galiano Island Current Applications webpage: <https://islandstrust.bc.ca/island-planning/galiano/current-applications/>

**GENERAL LOCATION:**

Galiano Island Local Trust Area

**OTHER INFORMATION:**

Additional information is available at: <https://islandstrust.bc.ca/island-planning/galiano/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.

(Signature)

Name: Kim Stockdill

Title: Island Planner

Contact Info Tel: 250-405-5189

Email: [kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)

PLEASE TURN OVER

**This referral has been sent to the following agencies:**

**Provincial Agencies**

Ministry of Municipal Affairs  
Ministry of Transportation and Infrastructure  
Agricultural Land Commission

**Regional Government**

CRD- Building Inspection  
Island Health

**Non-Agency Referrals**

Galiano Island Fire Rescue – South Department

**Adjacent Local Trust Committees and Municipalities**

Mayne Island Local Trust Committee  
Salt Spring Island Local Trust Committee  
Thetis Island Local Trust Committee

**First Nations**

Coast Salish Peoples Society  
Cowichan Tribes  
Halalt First Nation  
Ts'uubaa-asatx Nation  
Lyackson First Nation  
Malahat First Nation  
Musqueam Indian Band  
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

Galiano Island Local Trust Area  
\_\_\_\_\_  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

287/288  
\_\_\_\_\_  
(Bylaw Number)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Agency)



Islands Trust

# BYLAW REFERRAL FORM

1-500 Lower Ganges Road  
Salt Spring Island, BC V8K 2N8  
Ph: (250) 537-9144  
ssiinfo@islandstrust.bc.ca  
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 530 Date: May 1, 2023

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

**APPLICANTS NAME / ADDRESS:**

Salt Spring Island Local Trust Committee (SS LTC)

**PURPOSE OF BYLAW:**

Accessory Dwelling Units (ADUs) to be permitted in most residential zones, with conditions.

**GENERAL LOCATION:**

Salt Spring Island

**LEGAL DESCRIPTION:**

Multiple

**SIZE OF PROPERTY AFFECTED:**

Multiple

**ALR STATUS:**

Multiple

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Multiple

**OTHER INFORMATION:**

- We sent out a referral for comments to your office back in November, 2021, on a draft bylaw to expand secondary suites to be permitted in more zones on Salt Spring Island. The Salt Spring Island Local Trust Committee (SS LTC) subsequently recommended expanding secondary suites to allow more housing types to be permitted on the island.
- Proposed Bylaw No. 530 on Accessory Dwelling Units (ADUs) to provide additional housing options was created and draft Bylaw 526 on secondary suites became part of Proposed Bylaw No. 530 on accessory dwelling units. The SS LTC gave Proposed Bylaw No. 530 the second reading followed by a public hearing in August, 2022. Upon comments from the community and First Nations the SS LTC requested staff to revise the bylaw to address the concerns raised in the comments.
- The SS LTC subsequently passed resolutions to re-hear the proposed bylaw a second time with amendments at their meeting on April 13, 2023 and requested staff to refer the proposed bylaw to agencies and First Nations for comment.
- The amended proposed bylaw included the following development standards (please see attached Proposed Bylaw No. 530 for details):
  - Limits to building size and height
  - Distance between buildings and interior lot line setbacks
  - Driveway restrictions to reduce impermeable surface
- Based on the data in the BC Housing study on ADUs, and the lack of uptake since the adoption of ADUs in Gabriola Island and North Pender Island, the SS LTC is anticipating the uptake of available lots resulting from the adoption of the proposed bylaw to be less than 10%. However, the SS LTC, passed a resolution and requested staff to monitor the outcome and report back in two years following adoption of the proposed bylaw.
- Please provide comments/concerns on the revised Proposed Bylaw No. 530 on ADUs.

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: Louisa Garbo

Title: Island Planner

This referral has been sent to the following agencies:

**First Nations**

Cowichan Tribes  
Halalt First Nation  
Ts'uubaa-asatx First Nation  
Lyackson First Nation  
Penelakut Tribe  
Stz'uminus First Nation  
Malahat First Nation  
Pauquachin First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tseycum First Nation  
Semiahmoo First Nation  
Tsawwassen First Nation  
Hul'qumi'num Treaty Group (for information only)  
Te'Mexw Treaty Association (for information only)

**Provincial Agencies**

Agricultural Land Commission  
BC Assessment Authority  
Ministry of Municipal Affairs  
Ministry of Housing  
Ministry of Transportation & Infrastructure  
Ministry of Forest Lands, Natural Resource Operations and Rural  
Development (water authorization)  
FrontCounter BC

**Regional Agencies**

CRD – All Referrals & K. Campbell (SSI Senior Manager)  
CRD – SSI Building Inspection  
CRD – SSI Director  
Vancouver Island Health Authority  
Islands Trust Bylaw Enforcement and Compliance  
SSI Advisory Planning Commission  
SSI Agricultural Advisory Planning Commission

**Non-Agency Referrals**

BC Ambulance Service  
North Salt Spring Waterworks District  
RCMP  
SSI Chamber of Commerce  
SSI Fire-Rescue

**Adjacent Local Trust Committees and Municipalities**

Galiano Island Local Trust Committee  
Mayne Island Local Trust Committee  
North Pender Island Local Trust Committee  
Thetis Island Local Trust Committee  
Cowichan Valley Regional District

# 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

\_\_\_\_\_  
Salt Spring Island Trust Area  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
530  
(Bylaw Number)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Agency)



DATE OF MEETING: May 29, 2023  
TO: Mayne Island Local Trust Committee  
FROM: Charly Caproff, Planner 1  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
Southern Team  
SUBJECT: Development Variance Permit MA-DVP-2023.3 (Irving)  
Applicant: Robert Irving – Irving Pitcher Architects Ltd.  
Location: 177 Cherry Tree Lane

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of MA-DVP-2023.3

## REPORT SUMMARY

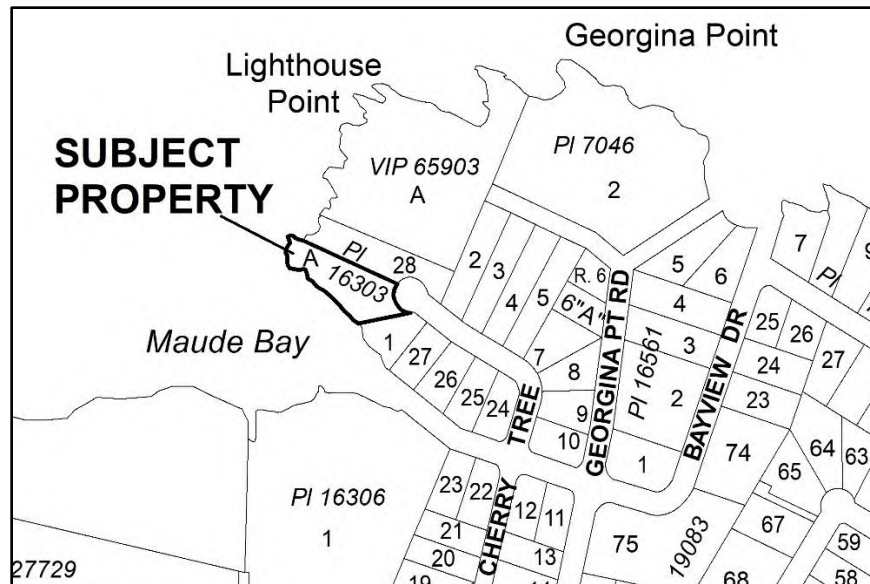
The retroactive variance application is for an accessory boat storage building sited within the 8 metre (26 feet) front lot line.

## RATIONALE FOR VARIANCE

According to the applicant, the owners relied on the expertise of the previous contractor to construct the boat storage building in compliance with Mayne Island land use regulations. The site was selected because it is relatively flat and accessible from Cherry Tree Lane. The existing tennis court and driveway configuration limited siting options for the building. According to the owner, the previous contractor was unaware of the front lot line setback and constructed the building 2.15 metres from the front property line. The owner is now seeking a variance to bring the property into compliance.

## BACKGROUND

The variance is proceeding because the property owners want to bring the property into compliance. The property is a 0.37 hectare (0.9 acre) ocean-front lot located at 177 Cherry Tree Lane. The property and adjacent properties are zoned Settlement Residential (SR). A bylaw enforcement file was never opened for the boat storage building, which was constructed approximately two years ago. In 2015 a development variance application (MA-DVP-2015.2) was approved for the siting of the dwelling and attached deck within the 7.5 metre (25 feet) setback from the natural boundary of the sea and 3.0 metre (10 feet) interior side lot line.



**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)(a) of the LUB states that the minimum setback for any building or structure is 8.0 metres (26 feet) from the front lot line. In this case, the existing boat storage building encroaches 5.85 metres (19 feet) into the front lot line.

Potential impacts of granting to 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 variance as proposed is relatively minor and it would be time and cost-prohibitive to relocate the building. To this date, no complaints have been received from neighbours regarding the building.

**Circulation**

DVP Notices were circulated to surrounding property owners and residents on May 5, 2023. The notification period will end on May 17, 2023.

One phone call has been received (i.e. at the time of writing this report prior to the agenda deadline) from a nearby neighbour (not adjacent to the property) who does not support allowing a variance to zoning regulations. No submissions have been received from adjacent neighbours. 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. There is an archaeological site on the property, but not in proximity to the building.

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 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**

The recommendation on page one (1) is supported as:

- The variance would bring the property into compliance with Mayne Island land use regulations;
- The impacts are minimal because although the building is visible from the road, it is sited at the end of a cul-de-sac with minimal traffic and is not visually intrusive;
- The variance is minor in nature; and
- No concerns 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-2023.3 (Irving).*

Submitted By:	Charly Caproff, Planner 1	May 17, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	May 17, 2023

**ATTACHMENTS**

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft Development Variance Permit

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

Legal Description	LOT A, (DD H53988), SECTION 14, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 16303
PID	004-072-677
Civic Address	177 Cherry Tree Lane

### LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	Settlement Residential, National Park, Water Moorage 2

### HISTORICAL ACTIVITY

File No.	Purpose
MA-DVP-2015.2	Siting of dwelling and accessory structures (approved)

### POLICY/REGULATORY

Official Community Plan Designations	Mayne Island OCP No. 144, 2007 - Settlement Residential (SR)
Land Use Bylaw	Mayne Island LUB No. 146, 2008 – Settlement Residential (SR)
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	MA-BE-2016.3 (siting) - closed

### SITE INFLUENCES

Islands Trust Fund	N/A
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	Adjacent to SAR Southern Resident Orca habitat
Sensitive Ecosystems	Eelgrass habitat nearby
Hazard Areas	Low, medium, and high risk steep slope along natural boundary of the sea.
Archaeological Sites	Registered archaeological site within property boundaries. Applicant has been informed of the Heritage Conservation Act and how to access an archaeological impact assessment report. Application is for a retroactive structure outside of the registered archaeological site boundary.
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

\\islandstrust.local\DFSM\Main\EDM\09 Current Planning\08 MA\3190 DVP\25 Applications (P)\2023\MA-DVP-2023.3 (Irving)\06 Staff Reports\A 1 MA-DVP-2023.3 - Site Context.docx

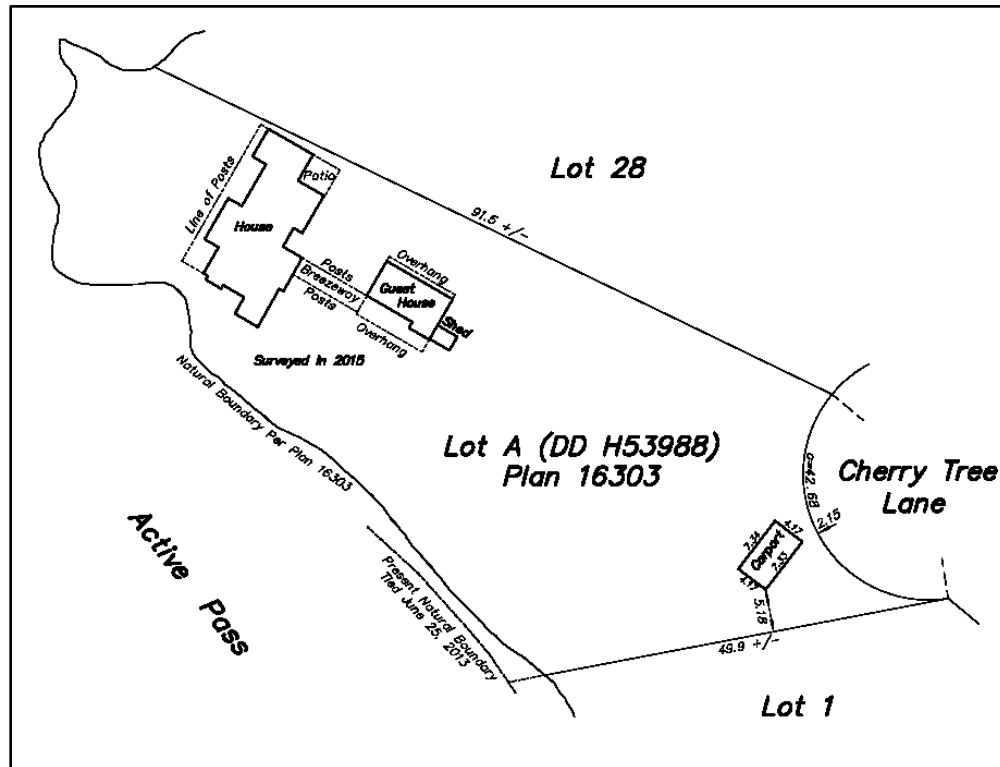
Shoreline Data in TAPIS	Eelgrass habitat nearby
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# ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

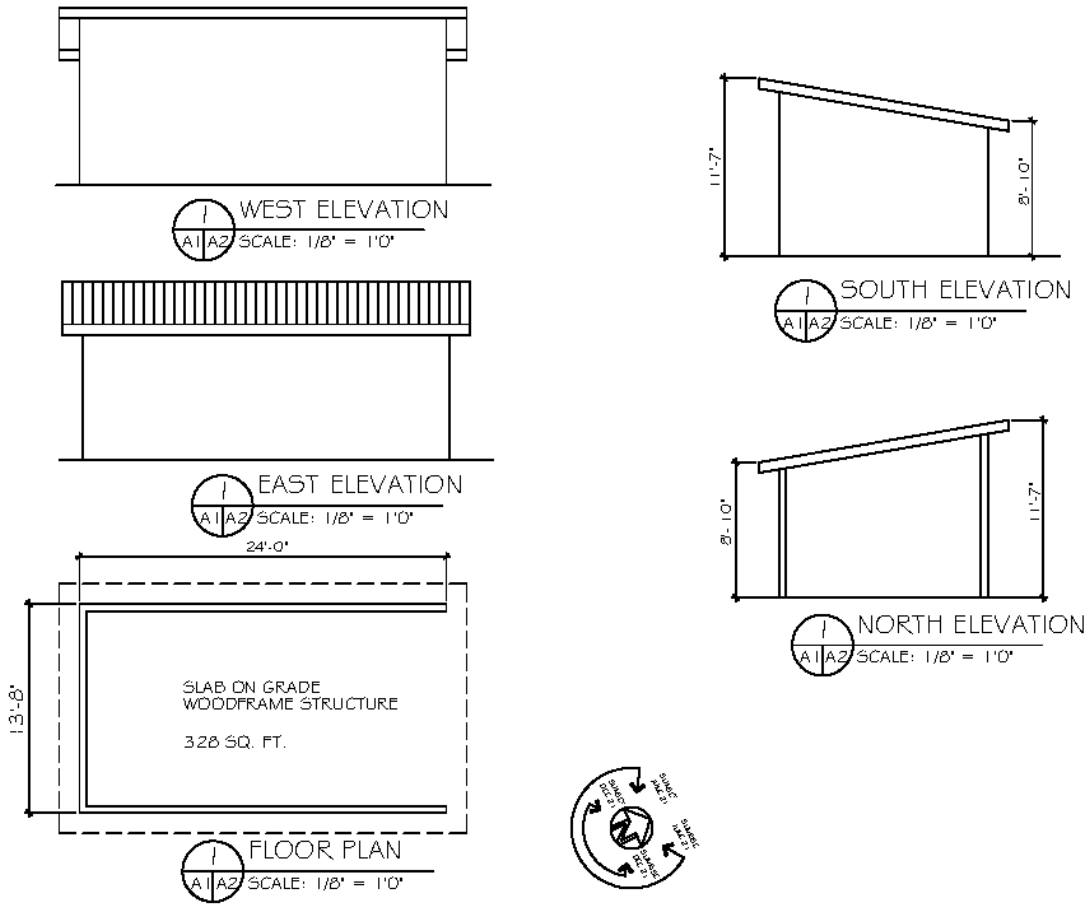
## 2.1 AERIAL VIEW



## 2.2 SITE PLAN



### 2.3 ELEVATION PLAN



### 2.4 SITE VISIT MAY 2, 2023







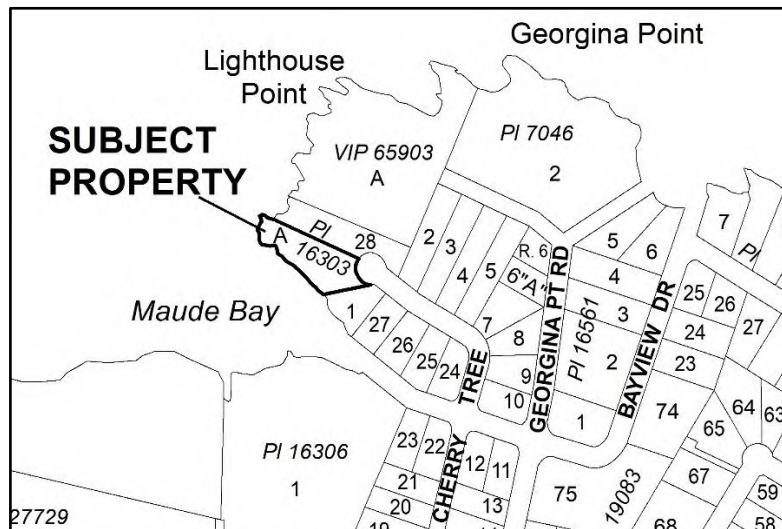
**NOTICE**  
**MA-DVP-2023.3**  
**MAYNE ISLAND LOCAL TRUST COMMITTEE**

**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 by:

- Reducing the 8.0 metre (26 feet) setback from the front lot line for a pre-existing accessory building (“carport”) to 2.15 metres.

The property is located at **177 CHERRY TREE LANE** and is legally described as LOT A, (DD H53988), SECTION 14, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 16303 (PID: 004-072-677).

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, 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 **May 5, 2023** and continuing up to and including **May 17, 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 1 at (250) 405-5172, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) before 4:30 pm, **May 17, 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., May 29<sup>th</sup>, 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

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
MA-DVP-2023.3**

To: William Rand  
c/o Robert Irving

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

LOT A, (DD H53988), SECTION 14, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 16303  
(PID: 004-072-677)

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

- a) Subsection 5.1(8) which states that the minimum setback for any building or structure is 8 metres (26 feet) from any front or rear lot line is varied to permit a pre-existing accessory building ("carport") within 2.15 metres (7.1 feet) of the front lot line.

The development shall be consistent with Schedule 'A' which is 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], [YEAR].**

\_\_\_\_\_  
Deputy Secretary, Islands Trust

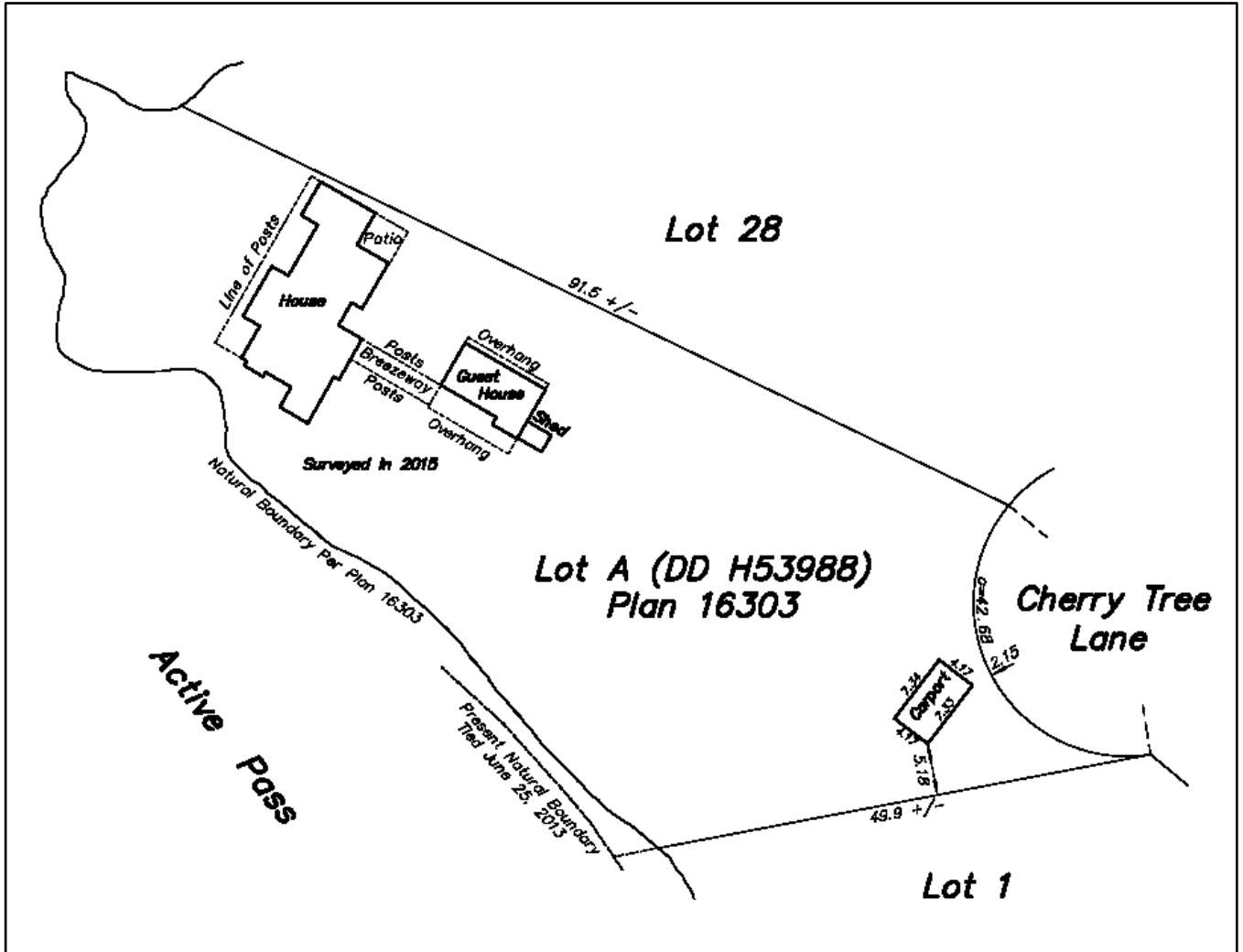
\_\_\_\_\_  
Date of Issuance

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

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2023.3

SCHEDULE 'A'





File No.: MA-TUP-2023.1 (BC Ferry Services Inc.)

DATE OF MEETING: May 29, 2023  
TO: Mayne Island Local Trust Committee  
FROM: Charly Caproff, Planner 1  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: MA-TUP-2023.1 (BC Ferry Services Inc.)  
Applicant: Lee Orpen – BC Ferries  
Location: 487 Letour Road

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Temporary Use Permit MA-TUP-2023.1 (BC Ferry Services Inc.) for a period of one (1) year.

## REPORT SUMMARY

The proposed temporary use is workforce housing for up to six Ramida Construction employees on a residential zoned lot.

## BACKGROUND

Ramida Construction has been contracted by the Capital Regional District (CRD) to complete the Mayne Island Regional Trail. BC Ferries owns the property, 487 Letour Road, and has offered the vacant lot to be used for temporary housing until the end of February 2024 as there are limited accommodations on Mayne Island. The property is 0.9 hectares (2.23 acres), zoned Settlement Residential (SR), and is adjacent to the Village Bay ferry terminal where the regional trail begins. During the site visit on May 2, 2023 the project lead stated that daily ferry trips are taxing on crew members and can add additional project expense and delay (i.e. ferry costs and cancelled/missed ferries). The proposed use would occur from Monday to Friday, with three temporary dwellings placed on a skid to eliminate ground disruption. The dwellings would consist of: a 45' x 10' two-bedroom trailer, a 40' x 10' one-bedroom trailer, and a 30' x 8' travel trailer. An above ground water tank with 3800 litres (836 gallons) and water holding truck available on-site with a storage capacity of 35,000 litres (7700 gallons) and above ground sewage holding tank meeting the Public Health Act regulations are also proposed. An agreement with BC Ferries would be in place ensuring that the land is returned to existing conditions.

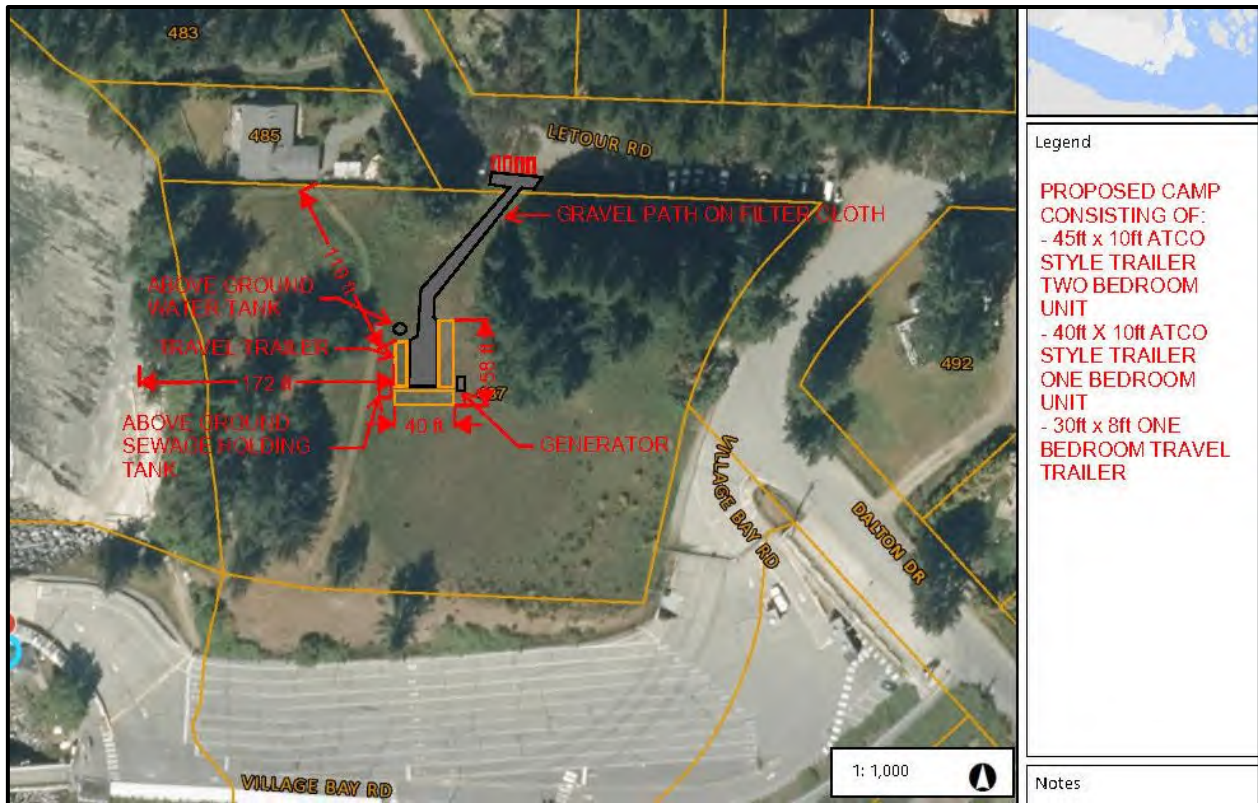


Fig. 1 – Proposed site plan

## ANALYSIS

### Policy/Regulatory

#### *Islands Trust Policy Statement:*

**5.3.7** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.

The proposed use is to support temporary housing for employees constructing a 2.3 km bike and pedestrian trail between Village Bay and Miners Bay village, encouraging active transportation. The site is located close to the regional trail, reducing dependency on private automobile and ferry use to get to the project location.

#### *Official Community Plan:*

The temporary use permit is generally consistent with section 2.9 of Mayne Island OCP Bylaw No. 144. See attached TUP guidelines (Attachment 3).

There are no Development Permit Areas on the property.

#### *Land Use Bylaw:*

The property is 0.9 ha (2.23 ac) in area, allowing for one dwelling unit and one cottage per lot. The proposed two trailers and proposed travel trailer would exceed the permitted density, requiring a TUP. The proposed travel trailer would meet subsection 3.9(1) (a) (b) requirements in the Mayne Island Land Use Bylaw (LUB) No. 146.

## Issues and Opportunities

The property is adjacent to the Village Bay ferry terminal, which receives commuter traffic during operating hours. The temporary use would allow for greater density than is permitted for a SR zoned lot, however the employees will only be on-site from Monday to Friday and the use is short in duration (until February 2024). The impacts of the proposed temporary use would be minor in nature because the proposed workforce housing is not located near setbacks, an agreement is in place to establish the property to existing conditions once work is complete, the temporary dwellings are relatively small and are intended for use during the work week. In addition the temporary use supports an initiative that provides a benefit to the community.

## Circulation

DVP Notices were circulated to surrounding property owners and residents on May 5, 2023. The notification period will end on May 17, 2023. The version of draft permit circulated did not have the proposed site plan attached as Schedule A. The site plan has been added for LTC consideration of issuance (Attachment 5).

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.

Staff conducted a site visit on May 2, 2023.

## First Nations

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.

## Rationale for Recommendation

The recommendation on page one (1) is supported as:

- The proposed use is short in duration and the impacts are minimal;
- Supports the development of an active transportation path; and
- Provides workforce housing where housing availability is limited

## 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. Amend the TUP and Approve Issuance as Amended**

The LTC may opt to amend the proposed permit by adding further restrictions. Recommended wording for the resolution is as follows:

*That the Mayne Island Local Trust Committee amend MA-TUP-2023.1 by adding ....*

**3. Deny the application**

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

*That the Mayne Island Local Trust Committee deny application MA-TUP-2023.1 for the following reasons ....*

Submitted By:	Charly Caproff, Planner 1	May 5, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	May 17, 2023

**ATTACHMENTS**

- 1. Site Context
- 2. Maps, Plans, Photographs
- 3. TUP Guidelines
- 4. Notice
- 5. Draft Temporary Use Permit

## ATTACHMENT 1 – SITE CONTEXT

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### LOCATION

Legal Description	LOT 42, SECTION 6, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 22057
PID	003-306-283
Civic Address	487 LETOUR RD

### LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	Settlement Residential, Transportation Service, Commercial 1

### HISTORICAL ACTIVITY

File No.	Purpose

### POLICY/REGULATORY

Official Community Plan Designations	Mayne Island OCP No. 144, 2007 - Settlement Residential (SR)
Land Use Bylaw	Mayne Island LUB No. 146, 2008 – Settlement Residential (SR)
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	MA-BE-2020.7 – unrelated to the owner and property (overflow parking)

### SITE INFLUENCES

Islands Trust Fund	N/A
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	Adjacent to SAR Southern Resident Orca habitat
Sensitive Ecosystems	Seasonally flooded
Hazard Areas	Low, medium, and high risk steep slope along west and south property boundaries.
Archaeological Sites	Archaeological potential on subject site. Applicant has been informed of the Heritage Conservation Act and IT chance find protocol.
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	Eelgrass habitat and forage fish spawning habitat mapped nearby

# ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

## 2.1 AERIAL VIEW



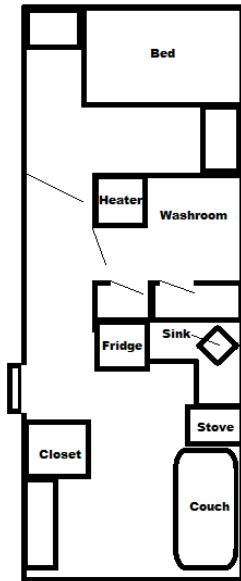
## 2.2 SITE PLAN



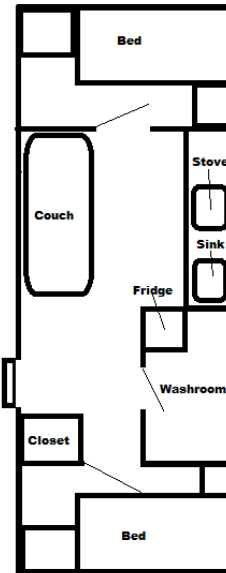
### 2.3 SITE VISIT MAY 2, 2023



## 2.4 BUILDING PLANS



2006 Arctic Well site



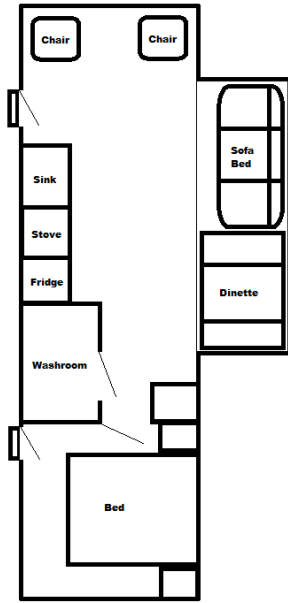
2004 Gemco Well site



2006 ARCTIC WELLSITE - TRAILER



2004 GEMCO WELLSITE - TRAILER



2007 Fleetwood Mallard



2007 FLEETWOOD MALLARD – TRAVEL TRAILER

## ATTACHMENT 3 – TEMPORARY USE PERMIT GUIDELINES

Guideline	Complies	Comments
2.9.1.1 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.	Yes	<b>Staff Comments:</b> Proposed use will cease February 2024.
2.9.1.2 Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.	Yes	<b>Staff Comments:</b> Complies
2.9.1.3 Permitted uses should not preclude or compromise future permitted uses on the affected lot.	Yes	<b>Staff Comments:</b> Leasee entering agreement with property owner (BC Ferries) to return site to existing conditions once the TUP expires.
2.9.1.4 Uses should not be allowed if they conflict with any ongoing planning policies or programs.	Yes	<b>Staff Comments:</b> Complies
2.9.1.5 Sand and gravel removal and processing, and asphalt plants shall be subject to a permit if they exceed 50 truck loads in any given year.	N/A	<b>Staff Comments:</b>
2.9.1.6 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.	Yes	<b>Staff Comments:</b> - Screening is already established - Proposed siting is in center of lot and not in proximity to minimum lot line setbacks - Adequate area on site, gravel path proposed - Agreement between parties to restore property to existing conditions (vacant lot)
2.9.1.7 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.	Yes	<b>Staff Comments:</b> Proposed use will occur Monday – Friday until February 2023. A maximum of 6 employees would use the site for workforce housing.
2.9.1.8 Review of applications should include consideration of smart growth principles.	Yes	<b>Staff Comments:</b> Adjacent to ferry terminal and work site.



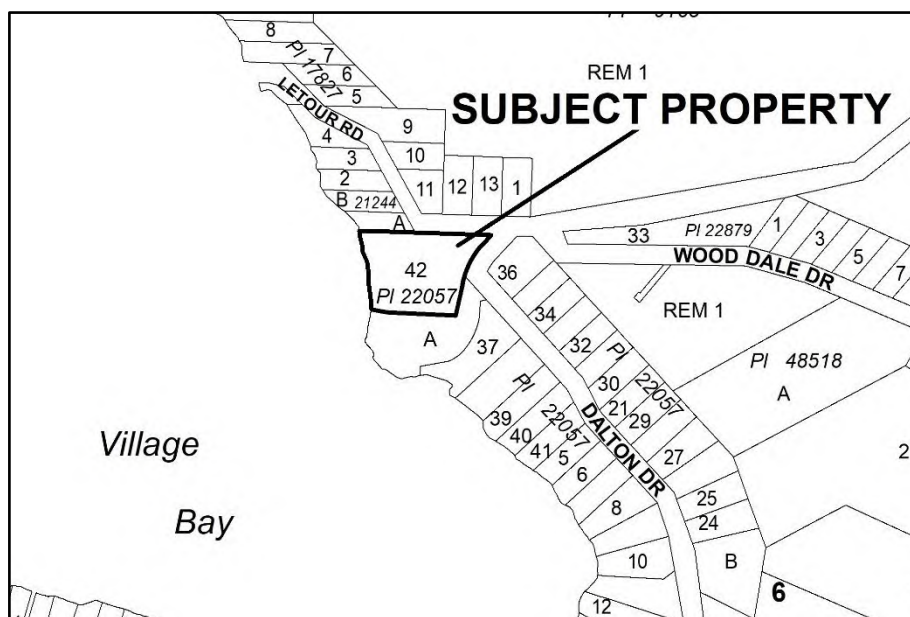
**NOTICE**  
**MA-TUP-2023.1**  
**MAYNE ISLAND LOCAL TRUST COMMITTEE**

**NOTICE** is hereby given pursuant to Section 494 of the *Local Government Act* that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to LOT 42, SECTION 6, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 22057 (PID: 003-306-283). This property is located at 487 Letour Road.

The purpose of the temporary use permit is to provide temporary workforce housing for a maximum of six (6) employees.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would be issued for one (1) year and the owner may apply to the LTC to have it renewed once for an additional three (3) years.

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, 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 **May 8, 2023** and continuing up to and including **May 19, 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 1 at (250) 405-5172, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) before 4:30 p.m., **May 19, 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., May 29<sup>th</sup>, 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



# PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE  
 TEMPORARY USE PERMIT  
 MA-TUP-2023.1 (BC Ferry Services Inc.)

487 LETOUR ROAD

To: BC Ferry Services Inc.

1. This Permit applies to the land described below:

LOT 42, SECTION 6, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 22057 (PID: 003-306-283).

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

a) Temporary workforce housing

3. and is subject to the following conditions:

a) All buildings structures related to the temporary use are required to be removed from the property prior to expiry of the permit;

b) A maximum of three temporary dwellings are permitted for a maximum of six (6) employees, consisting of:

i. A 45' x 10' two-bedroom trailer

ii. A 40' x 10' one-bedroom trailer

iii. A 30' x 8' one-bedroom travel trailer

c) Installation of an above ground water tank with a storage capacity of 3800 litres (836 gallons) and a water holding truck available on-site with a storage capacity of 35,000 litres (7700 gallons) and;

d) A sewage holding system that is consistent with the provisions of the *Public Health Act*.

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

4. This permit is valid for **one (1)** year from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.

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 ##<sup>TH</sup> DAY OF MONTH, 202#.**

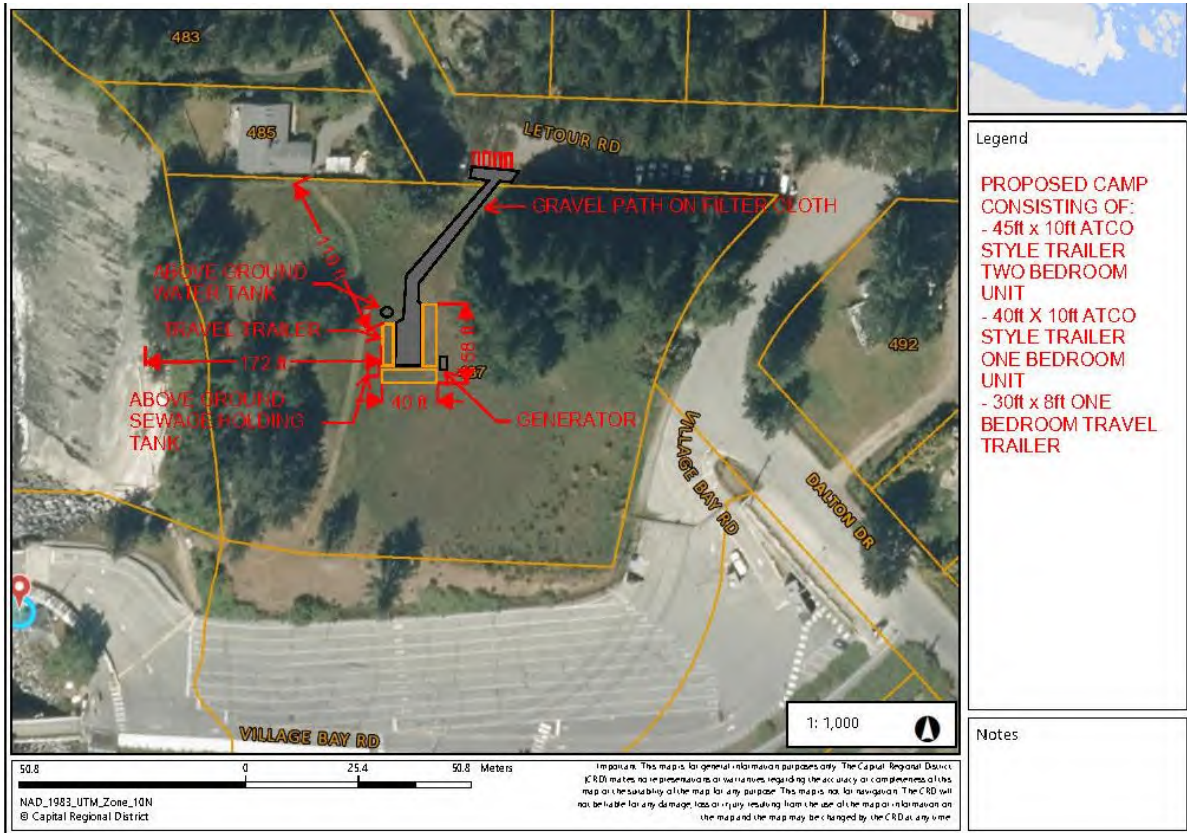
\_\_\_\_\_  
 Deputy Secretary, Islands Trust

\_\_\_\_\_  
 Date Issued

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-TUP-2023.1

SCHEDULE 'A'



PROJ



File No.: MA-TUP-2023.2 (Costello & Baker)  
(MA-TUP-2020.2)

DATE OF MEETING: May 29, 2023  
TO: Mayne Island Local Trust Committee  
FROM: Charly Caproff, Planner 1  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Temporary Use Permit renewal for STVR  
Applicant: Daniel Costello & Amber Baker  
Location: 538 Arbutus Drive

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Temporary Use Permit application MA-TUP-2023.2 (Costello & Baker)

## REPORT SUMMARY

The purpose of the report is to provide a summary of the application and a recommendation for renewal of a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

## BACKGROUND

The TUP renewal is for an existing STVR, which was issued March 30, 2021. The single story dwelling is 145 m<sup>2</sup> (1,563 ft<sup>2</sup>) with two (2) bedrooms. The property is 0.13 ha (0.33 ac) in size located at 538 Arbutus Drive. There is no construction or land alteration associated with this application. The applicants state they have fully complied with the conditions of the previously issued permit, MA-TUP-2020.2 and are now seeking a three (3) year term.

The use will be part-time for a maximum of 90 days in a calendar year and secondary to the continued use of the property by family and friends. According to the applicant both direct neighbours have provided positive feedback, sharing that guests have been respectful and quiet. To date no complaints have been received. According to the applicant guests have enjoyed visiting the local farmer's market, brewery, and eateries/bakeries and one guest decided to purchase a property on Mayne Island following their stay.

### Specific File Activity:

The TUP application was initially reviewed by the Local Trust Committee on January 25, 2021.

The following is a summary of key resolutions and file activity that have occurred for this application since the last report on January 25, 2021 to the Local Trust Committee:

- The LTC referred the application to the APC at its January 25, 2021 regular meeting.

- The APC held a meeting on February 18, 2021.
- The LTC amended the permit and issued it at the March 29, 2021 regular meeting.

## **ANALYSIS**

### **Issues and Opportunities**

#### ***Compliance (previous TUP)***

As the use has been previously permitted, staff contacted the applicants with the same questions for a renewal, specifically, asking for confirmation that:

- that the owners have complied fully with all conditions over the valid period of your TUP, and if not which condition have not complied with and the reason;
- that all contacts are current and if they were updated that those have been supplied to neighbours; and,
- indicate any changes to the STVR use or use of the property in general that may be relevant to the TUP.

The applicant confirmed that they have complied with the TUP conditions, that contacts are current, and no changes have occurred to the STVR use or use of the property in general. Staff conducted a site visit on May 2, 2023 (Attachment 2).

#### ***Applicant's Rationale***

The stated rationale for the proposed temporary use is that it supports the maintenance of the dwelling and is a financially sustainable option for the family, who have owned the property for over 20 years. When the owners first applied for a TUP, they had considered long-term rental, but this would prevent continued regular use by the family.

Staff considers the rationale as reasonable.

#### **Rationale for Recommendation**

The recommendation on page 1 are supported as:

- The rationale for the use is reasonable;
- There have been no complaints about the STVR since the TUP was issued in 2021; and
- The permit would provides conditions consistent with guidelines to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

As a renewal, the LTC can approve issuance of the permit for any period up to three years, but cannot alter the conditions.

## **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. Deny the application**

The LTC may deny the application and proceed no further.

Recommended wording for the resolution is as follows:

*That the Mayne Island Local Trust Committee deny Temporary Use Permit application MA-TUP-2023.2 (Costello & Baker).*

Submitted By:	Charly Caproff, Planner 1	May 4, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	May 8, 2023

**ATTACHMENTS**

1. Site context
2. Map, plans, photos
3. Draft permit MA-TUP-2023.2

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

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

### LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	Settlement Residential

### HISTORICAL ACTIVITY

File No.	Purpose
MA-TUP-2020.2	TUP for STVR use (approved).

### POLICY/REGULATORY

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

### SITE INFLUENCES

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

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

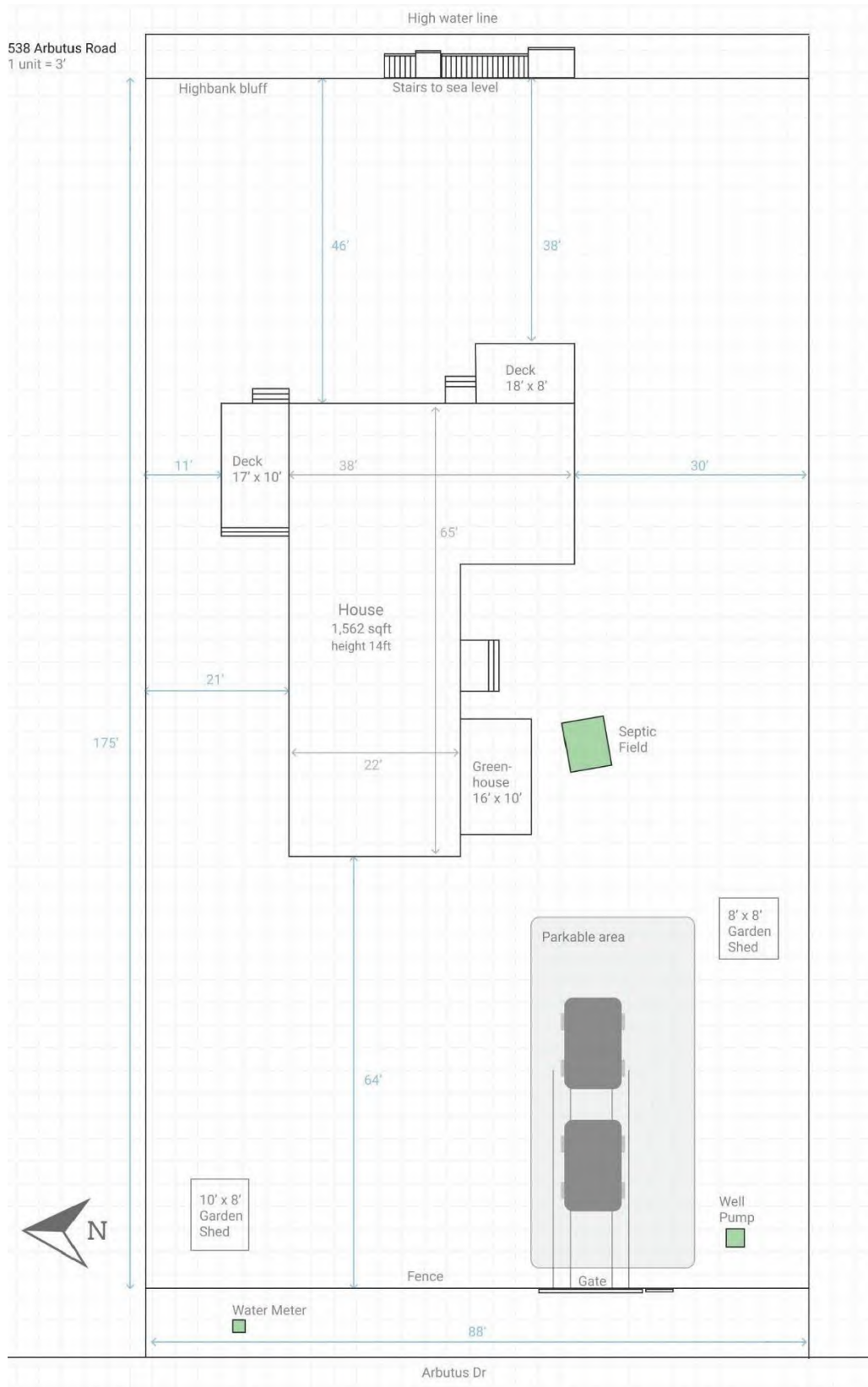
## ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

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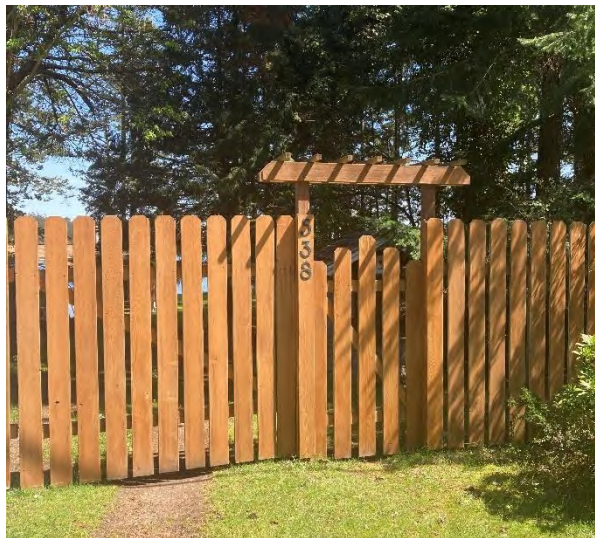
### 2.1 AERIAL VIEW



## 2.2 SITE PLAN



### 2.3 PHOTOGRAPHS FROM SITE VISIT – MAY 2, 2023





Islands Trust

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
TEMPORARY USE PERMIT  
MA-TUP-2023.2 (Costello & Baker)**

**538 Arbutus Drive**

To: Amber Baker and Daniel Costello

1. This Permit applies to the land described below:  
  
Lot 17, Section 9, Mayne Island, Cowichan District, Plan 14000,  
(PID: 004-448-154).
2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:
  - a) a Short Term Vacation Rental within the Dwelling Unit.
3. and is subject to the following conditions:
  - a) the maximum number of days the short term vacation rental use is permitted between May 1 to September 30 in a calendar year is a total of sixty (60) days;
  - b) the maximum number of days the short term vacation rental use is permitted between October 1 to April 30 in a calendar year is a total of thirty (30) days;
  - c) the property owner or either one of two contact persons be available on Mayne Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and the two island contact persons must be provided to guests upon arrival;
  - d) the property owner or Short Term Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the name and contact number of property owner and the two island contact persons must be provided, and a copy of the temporary use permit;
  - e) the property owner or Short Term Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
  - f) pets should be kept under control at all times;
  - g) the owner must provide parking for a minimum of two (2) vehicles on the property;
  - h) outdoor lighting must not be directed onto surrounding properties;
  - i) a maximum of one unilluminated and wooden sign not exceeding a total sign area of 0.4 square metres advertising the Short Term Vacation Rental is permitted. The sign must be located on the lot occupied by the Short Term Vacation Rental use;
  - j) the maximum number of guests is limited to eight (8) persons with the exception that the maximum number of guests is temporarily limited to five (5) for the duration that the Provincial Emergency Health Order for COVID 19 remains in effect;
  - k) the maximum number of bedrooms is two (2);
  - l) camping and occupancy of recreational vehicles are prohibited;

- m) all outdoor fires are prohibited;
  - n) the rental or provision of motorized personal watercraft is prohibited;
  - o) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer or any other person designated by the Islands Trust to administer this Permit is authorized to enter, at any reasonable time, the property for the purpose of inspecting and determining whether the conditions, prohibitions and requirements of the Permit are being met;
  - p) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
  - q) the property owner, or Short Term Vacation Rental operator, must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
  - r) that an application for renewal include hydro and water meter readings for the term of the TUP; and,
  - s) that water conservation information be provided to guests and signs be posted at all water sources.
4. This permit is valid for three (3) years from May 29, 2023 and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

**AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS XX<sup>TH</sup> DAY OF MONTH, YEAR.**

\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
Date Issued



DATE OF MEETING: May 29, 2023  
TO: Mayne Island Local Trust Committee  
FROM: Narissa Chadwick, Island Planner  
Southern Team  
COPY: Robert Kojima  
SUBJECT: Housing Action Plan

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee request staff prepare and submit an application to Canadian Mortgage and Housing Corporation's (CMHC) Housing Accelerator Fund (HAF) to support the Housing Options project.
2. That the Mayne Island Local Trust Committee endorse the actions and implementation options identified in the draft Mayne Islands Housing Action Plan and direct staff to refine these actions and options as required to suit the needs of CMHC's HAF application process.
3. That the Mayne Island Local Trust Committee request staff develop a business case for the implementation of the Mayne Island Housing Action Plan that supports the concurrent implementation of all actions.
4. That the Mayne Island Local Trust Committee request staff send a letter to relevant First Nations to ask how they would like to be engaged in housing action plan initiatives.

## REPORT SUMMARY

The purpose of this report is to present the Mayne Island LTC with a draft Housing Action Plan for the Housing Options Project and applying for Canadian Mortgage and Housing (CMHC)'s Housing Accelerator Fund (HAF). Background on the CMHC funding and requirements, an explanation of why Mayne Island is well positioned to apply for the funding and details on setting housing targets (required for the CMHC funding application) is provided.

## BACKGROUND

At the March 27, 2023 meeting the Mayne Island LTC endorsed staff's recommendations to:

1. **Schedule a community information meeting on housing options.** A community information meeting was scheduled on May 29<sup>th</sup> prior to the regular LTC meeting.
2. **Endorse the recommended next steps leading to the development of a business case for 2024/25 supporting the Mayne Islands Housing Options Project.** The recommended next steps included:

organization of a CIM related to housing option, development of a housing options project plan (this has become the Housing Action Plan) and development of a business case.

Since the March 27, 2023 LTC meeting, the Canadian Mortgage and Housing Corporation announced the launch of the Housing Accelerator Fund. Staff have been connecting with CMHC staff to better understand the details of the funding program. Details on the program are provided below.

### CMHC's Housing Accelerator Fund

CMHC's HAF provides funding for building housing and other housing supports (e.g. supportive infrastructure). Applications are evaluated based in large part on local governments' ability to create additional potential for increasing housing units through land use policy and regulation changes.

The funding calculation is based on a housing target. The housing target is the number of additional dwelling that could be created based on actions taken as part of the action plan coupled with the funding provided by CMHC above what would be estimated as the natural increase in the number of dwellings (the baseline). The number of building permits issued by September 2027 will be the measure of success

The housing target must reflect at least a 1.2% increase in the total growth of dwellings for each year of the program. The base calculation of funding is \$20,000 per unit. Additional funding is provided for rental, accessory dwelling units and affordable projects. If a local government does not reach their target but effectively moves forward with the initiative in their action plan they will receive 75% of their funding. Details on what this could look like for Mayne is identified later in this report.

In addition to a housing target, to be eligible for the funding an updated needs assessment and housing action plan is required. The funding application window will open in June 2023 and be open for 45 days.

## **ANALYSIS**

### The Opportunity for Mayne Island

Mayne is well positioned to apply for this funding for a number of reasons:

1. **The LTC has been working on housing for the past four years.** Under CMHC's program any actions taken after April 2022 can be considered part of the action plan submitted to them in the application. This enables Mayne to include the implementation of the Flexible Housing Project as an action. Targets can include potential uptake in the Flexible Housing pilot area and in areas where the LTC may want to expand flexible zoning. The MIHS rezoning can also be considered part of a project with targets being set based on the additional units that could be created. There are a number of other actions in the draft Housing Action Plan that increase the potential for additional dwelling units to be built.
2. **The Mayne Island community has been engaged in housing project discussions over the past term.** Over the course of the flexible housing project a number of community meetings were held. The community also engaged in discussions related to housing need through the Mayne Islands Housing Society rezoning process. Most recently a community meeting was held with Habitat for Humanity. As a result of all these discussions the LTC has developed an understanding of the need of the community related to housing. The implementation of the Housing Action Plan will include further community engagement.

3. **The rate of growth of dwellings meets CMHC’s required minimum.** The average annual growth in the number of dwellings on Mayne has been 15-16 per year which is a dwelling growth rate of 1.25%. CMHC’s required minimum is 1.2%. If growth in dwelling units continues as it has, the 1.2% required minimum will be achieved without any addition. However, targets for additional growth in dwellings will be required in order to receive funding.
4. **There are clear opportunities for the distribution of funds.** As the Islands Trust cannot provide funding directly to non profit organizations or private landowners. Staff have been discussing with the CRD the opportunity to support their Southern Gulf Islands Housing Strategy by directing the bulk of any funding received toward the development of the CRD’s Housing strategy, including a program to subsidize the development of accessory dwelling units. The Mayne LTC and staff is also in conversation with Habitat for Humanity. If funding is received, staff will explore opportunities to support Habitat’s work on Mayne Island.
5. **The LTC was well on the way to developing a Housing Action Plan.** [The March 27, 2023 Housing Project Options Staff report](#) provided the LTC with a list of housing options for discussion. The LTC endorsed options that were suitable. These options have informed the actions and initiatives contained in Mayne Island’s Housing Action Plan.
6. **Staff propose to complete a preliminary updated needs assessment.** For the purposes of the funding application to CMHC, staff will do a preliminary updated needs assessment based on the 2021 Stats Canada data and some analysis based on recent survey work done by the Mayne Islands Housing Society. Mayne Island be included in the new housing needs assessments required Trust Wide in fiscal year 2024/25.

Housing Targets and Estimated Funding

As identified above, the CMHC HAF application will require a 3 year housing target above the estimated natural growth in dwellings (baseline). Funding will be based on the target set. CMHC have identified that if the local government does not make their target they will still receive 75% of the total funding if they demonstrate they are moving forward on their actions.

The table below identifies a potential target for Mayne Island. While the target of 36 units in the next 3 years may seem ambitious, there are a number of factors that could contribute to reaching this target. These factors include: the opportunity to work with Habitat for Humanity in developing affordable ownership housing, the development of a program through the CRD to supplement the building of accessory dwelling units and the province’s introduction of forgivable loans of up to \$40,000 to support the development of secondary suites.

Existing Estimated Annual Growth in Dwellings based on 2016-2020 data	Proposed Targeted Increase	Estimated funding \$20,000 (+additional for affordable, ADU etc.)	75 % of funding
15 per year	12 units x 3 years = 36 units	36 x ~\$20,000 = \$720,000 + (~\$400,000) = ~1,000,000 total	\$750,000

The funding amounts are estimates. As a number of the estimated units will fall into CMHC’s top-up and affordable housing bonus category it is possible that the funding amount will be more than \$720,000 based on a target of 36 units.

### Proposed Action Areas and Related Incentives

At the March 27, 2023 LTC regular meeting staff introduced a list of OCP and Land Use Bylaw amendment options to be considered by the LTC as possible considerations for the housing options projects. The draft Housing Action Plan identifies three action areas into which initiative supporting these options fit. To meet the requirements of the funding application, small communities are required to have five action areas. The draft Mayne Islands Action Plan contains seven action areas. These action have been described in ways that can be understood by the community and maintain familiar messaging. For the purposes of the CMHC funding application, staff may be describing the actions slightly differently. However, the intent will remain the same and nothing that is not contained in the draft Mayne Islands Housing Action Plan will be added.

The goals and actions contained in the Mayne Island Housing Action Plan (see Appendix 1) are identified in the table below.

Table 1: Housing Action Plan Goals and Actions

<b>Goal 1 - Balancing housing interests with preserve and protect mandate: Identifying WHERE to put housing</b>
Action 1: Suitable Land Analysis
<b>Goal 2 – Increasing Housing Options: Permitting WHAT can be build</b>
Action 2: Expand opportunities to build Secondary Suites and Accessory Dwelling Units
Action 3: Increase Opportunities for Non Profit Housing Development
Action 4: Permit Alternative Housing Approaches
Action 5: Reduce Ecological Footprint of New Builds
<b>Goal 3 – Developing Partnerships to Build Housing: HOW to get housing built</b>
Action 6 - Accessory Dwelling Unit Incentive Program
Action 7 – Developing Partnerships with Not For Profit Housing Providers

The LTC can choose to remove or amend some of the actions in the Action Plan. The LTC can also request additional actions be added. Endorsement of the actions and initiatives in the Action Plan would provide staff with the support to include identified actions and initiatives in the application for CMHC funding, but would not preclude additional items being added to the Action Plan at a later date.

Staff anticipate the development of a Trust Wide Housing Strategy as well as updated housing related Policy Statement support. If this is the case some additional amendments will be made to the introduction sections of the Action Plan to align with the Trust Wide strategic directions.

### The Housing Action Plan Implementation Business Case

The next step in the Housing Options project is the development of a business case. It will be necessary to forward a business case to Trust Council for the 2024/25 fiscal year whether funding is received from CMHC or not. If funding is received, the business case will focus on the allocation of regional planning tem staff time to support the funded program. If funding is not received, the business case will include staff time and a budget request.

The LTC should provide direction on undertaking all actions concurrently or separately. Moving forward with all actions concurrently would mean consultation and engagement that considers all the actions together. It will also involve a single bylaw amendment process. Targeted engagement on some topics can still be integrated into this approach. This approach is likely to take less time unless there are issues with a specific initiative requiring

additional research, engagement or legal work. Moving forward with the actions separately will mean separate engagement processes and separate bylaw amendment processes. This approach will likely take more time.

If Trust Council does not support the allocation of funding or staff time to the implementation of Mayne’s Housing Action Plan the LTC can still choose to move forward with specific indicatives as minor projects to be undertaken by the Island Planner.

## **RATIONALE FOR RECOMMENDATION**

***Recommendation 1: That the Mayne Island Local Trust Committee request staff submit an application to Canadian Mortgage and Housing Corporation’s (CMHC) Housing Accelerator Fund (HAF).***

- The Mayne LTC is well positioned to apply to the HAF based on the reasons previously identified in this report.

***Recommendation 2: That the Mayne Island Local Trust Committee endorse the actions and implementation options identified in the draft Mayne Islands Housing Action Plan and direct staff to refine these actions and options as required to suit the needs of CMHC’s HAF application process.***

- The LTC has had substantial engagement with the community related to housing over the past four years.
- The Mayne Islands Housing Action Plan actions and implementation options are informed by the list of policy options provided in the March 27, 2023 staff report.
- Staff will need to refine the language used to describe some of the actions in a way that suits the language used by CMHC (eg. the use of “missing middle” to describe actions related to ADUs)

***Recommendation 3: That the Mayne Island Local Trust Committee request staff develop a business case for the Implementation of the Mayne Island Housing Action Plan that supports the concurrent implementation of all actions.***

- Developing a business case is the next step in moving forward the Housing Options project.
- Supporting the concurrent implementation of all action is likely to be more efficient.

***Recommendation 4: That the Mayne Island Local Trust Committee request staff send a letter to relevant First Nations to ask how they would like to be engaged in housing action plan initiatives.***

- Sending a letter to First Nations at this point will provide an opportunity for responses to inform the implementation of the project.

## **ALTERNATIVES**

### **1. Don’t apply to CMHC for housing accelerator funding**

If the LTC decides not to pursue housing accelerator funding there will be no funding available to subsidize building. However, a similar amount of staff time will be required to support the implementation of actions.

### **2. Make Amendments to the draft Housing Action Plan**

The LTC can choose to add, amend or remove any of the goals, actions or initiatives identified in the Housing Action Plan. The LTC should keep in mind that if they are going to support an application to CMHC a minimum of five actions will be required.

### **3. Develop a business case that supports the implementation of actions separately**

Staff have recommended that the business case support the concurrent implementation of actions as it is likely to be more efficient. The LTC may choose not to support this approach.

**NEXT STEPS**

If the LTC supports staff recommendations:

- Staff will submit an application to CMHC for HAF funding based on the action and initiatives in the draft Mayne Island Housing Action plan.
- Staff will draft a business case.
- Staff will send a letter to relevant First Nations.

Submitted By:	Narissa Chadwick, Island Planner	May 11, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	May 11, 2023

**ATTACHMENTS**

1. Draft Mayne Island Housing Action Plan

# MAYNE ISLAND HOUSING ACTION PLAN (DRAFT MAY 2023)

## Why Develop a Housing Action Plan For Mayne Island?

The traditional approach to land use planning on the Islands in the Islands Trust Area has resulted in zoning that has almost exclusively supported the development of single family dwellings limiting housing options. Lack of housing inventory and increasing property values in recent years have made purchasing and renting existing housing stock less accessible for those currently living on Mayne Island who do not own property.

The limitation of housing options has been a key concern on Mayne Island for over a decade. Over time a number of steps have been taken to address housing needs on Mayne Island. These steps have included: permitting secondary suites in all dwellings (excluding those in water services areas), permitting year round living in recreational vehicles, permitting rezoning for seniors housing and multi-family rental housing; increasing the max floor area for cottages and permitting apartments above commercial; and the introduction of flexible housing. Flexible housing permits an additional dwelling or dwellings within a maximum total floor area of all dwelling in a pilot area identified to be most suitable for a potential increase in intensity of residential land use.

While efforts to meet housing needs on Mayne Island have resulted in land use policy and regulatory support for a mix of housing options there is more that can be done. The Action Plan identifies a number of policy and regulatory options associated with seven action areas. These initiatives would enable an increase in the diversity of housing in suitable areas. Implementing these options will require clear direction and focus. This Mayne Island Housing Action Plan is designed to provide this focus.

Mayne Island’s Housing Action Plan compliments the Capital Regional District’s Southern Gulf Islands Housing Strategy and would be aligned with strategic action related to addressing housing need trust wide.

## Housing for Who?

A diversity of housing options are needed for seniors, families and workers who do not currently own properties as well as seniors who own properties on the island but would like to downsize. The housing that is needed for Mayne Island falls within the shaded area on the spectrum of housing need in the table below.

**Table 1: Spectrum of Housing Need**

Short-Term Accommodation	Affordable Housing		Market Housing	
Emergency Shelter and Transitional	Affordable or Below market rental	Affordable and Below Market Ownership	Market Rental Housing	Single Detached Market Housing

Information provided by: [The 2018 Housing Needs Assessment for the Southern Gulf Islands](#), [2021 Statistics Canada Census Data](#), and the [Capital Regional Districts’s 2022 SGI Housing Market Analysis Report](#) identify that the primary housing need on Mayne Island is for rental and market housing that is affordable and

attainable low to middle income households. As defined by BC Housing “housing is considered affordable when 30 per cent or less of your household’s income goes toward paying for your housing costs”. Census statistics reveal that about 28% of households on Mayne Island are spending more than 30% of their income on housing According to 2021 Statistics Canada data.

Recent surveys undertaken by the Mayne Island Housing Society for their proposed rental housing indicates that while there are some families in need of affordable housing there are a significant amount of seniors looking for alternative housing options. About 55% of the population are 60+. While there are some seniors who are seeking affordable housing options, there are others that currently own homes and are looking to downsize and age in place. Based on this it can be assumed that there would be interest in some market rental housing. Market rental may also be required in multi-family developments to offset non market units as has been the case with BC Housing funded projects.

There are a number of individuals providing valuable services to the community whose living conditions are not ideal. The full year rental market is limited and insecure. There are households that are only able to rent for part of the year from non-residents who use their properties in the summer.

Updating needs assessments for the Islands Trust Area is a priority for the 2024/25 fiscal year. This will provide additional understanding of housing need that may not be captured by the preliminary update for Mayne to be attached to this action plan.

## Housing Action Plan Goals

The housing actions and related initiatives for Mayne Island fall under three key goals. These goals with related actions and specific policy and regulatory options are identified below.

### **Goal 1: Balancing housing needs with the preserve and protect mandate: Identifying WHERE to put housing**

This goal requires understanding **WHERE** additional density and intensity of land use will have the least negative impact on the land. Suitable locations are those that have reliable potable water, are outside of sensitive ecosystems, and are located close to community services and amenities. Location suitability also considers First Nations interests.

#### Action 1: Suitable Land Analysis

Suitable land analysis will help to identify locations appropriate for expanding flexible housing and other initiatives to permit additional housing units and supporting multi-family housing rezoning applications. This action builds on work already done through the Flexible Housing Project which looked at the use of groundwater availability mapping and other data to determine areas where an increase in housing would have the least potential negative impact. Mayne Island will be able to benefit from work being done at a Trust Wide level to gather other data that can be used to identify suitable land.

Related policy amendment:

OCP – Include schedule maps identifying land suitable for increases in housing

## **Goal 2: Increasing Housing Options: WHAT can be built**

This goal focuses on **WHAT** kind of development should be supported through changes to land use policies and regulations. Permitting, through amendments to Official Community Plan (OCP) policies and to zoning, the ability to build a mix of housing in a diversity of locations (using housing agreements where feasible), is the strongest tool LTCs have to support housing affordability. This can increase the potential for property owners, non profit and government organizations to build units that address housing need. Suitable land analysis should be considered with all land use initiatives.

### Action 2: Expand opportunities to build Secondary Suites and Accessory Dwelling Units

This action supports implementing and expanding the ability for private landowners to provide rental and ownership options by permitting increases in the number of accessory dwelling units (ADU) that can be built on single lots and enabling strata ownership of smaller dwelling units created. Policy and regulatory changes related to this action are:

- OCP - Requiring worker housing for all commercial rezoning.
- OCP - Supporting strata subdivision of accessory dwelling units in suitable areas
- LUB- Expanding secondary suites in suitable areas
- LUB - Expanding permission for ADUs on smaller lots
- LUB - Expanding flexible housing regulation to more areas, which allows additional dwellings with a combined maximum floor area

### Action 3: Increase Opportunities for Non Profit Housing Development

One of the biggest impediments to building housing that is affordable is the cost of land. This action area focusses increasing the opportunity for land to be donated for the building of affordable housing by a not for profit organization. The policy and regulatory options related to this action are:

- OCP – permitting non-profit housing in most OCP designations
- OCP - Permitting rezoning for limited subdivision provided there is a donation of a lot for affordable housing.
- OCP – Designating suitable land to permit rezoning for subdivision in exchange for lots donated for affordable housing (to be secured with covenant)
- OCP – Allowing rezoning for non-market housing in all land use designations (including school properties, parks, community service)
- LUB - Allow smaller lot subdivisions for non profit affordable housing
- LUB – Rezoning existing land zoned for multiple dwellings to address housing need

### Action 4: Permit Alternative Housing Approaches

This action area supports unique approaches to increasing housing supply by increasing permission to live in alternative dwellings and in areas where dwellings are not currently permitted. This action also includes requiring workforce housing for commercial/institutional and industrial rezoning. Policy and regulatory options related to this action are:

- OCP – Permitting rezoning for modular home villages
- OCP - Developing TUP guidelines for tiny homes
- LUB – Allowing more zones to have some measure of housing outright
- LUB – Pre-zoning for manufactured/mobile/tiny home parks
- LUB – Increasing building height to increase residential potential in commercial and other suitable areas

### Action 5: Reduce Ecological Footprint of New Builds

This action focusses on reducing the impact of new builds on groundwater and reducing lot coverage. Bylaws developed for North Pender Island and Galiano Island can be used as reference.

- LUB - Require freshwater cisterns for all new builds
- LUB- Update potable water requirements for subdivision
- LUB - Establish floor area maximums where appropriate
- LUB - Prohibit groundwater fed swimming pools

### **Goal 3: Developing Partnerships to Build Housing : HOW to get housing built**

Once the policies and regulations are in place to enable housing options, **HOW** the housing will be built will be dependent on private land owners, government agencies and not for profit organizations. Housing, no matter how small the dwelling, is expensive to build. Reducing the cost and barriers to building a diversity of housing on the island is multi faceted given the number of jurisdictions involved in different aspects of housing from subdivision approvals to building code to regulating drinking water and sewage (see chart in Appendix X).

As a land use authority, the Mayne Island LTC has the opportunity to apply for CMHC Housing Accelerator Funding that could be directed to support the costs to build. Subsidizing private land owners to develop smaller units and subsidizing the predevelopment costs and some of the development costs of non profits building multi family housing on Mayne could go a long way in facilitating the creation of affordable ownership and rental units. As the Islands Trust governance model does not allow for the direct transfer of funds to private landowners or not for profit organizations, if the Mayne LTC receives funding to build housing it will need to partner with another government agency. The two actions below identify partnership building opportunities that are related specifically to directing funding and developing partnerships to build housing.

### Action 6 - Accessory Dwelling Unit Incentive Program

This program is supported by the CRD's Gulf Islands Housing Plan and is currently in development. There is potential for this program to be expedited if Mayne LCTC is successful in receiving CMHC funding through the Housing Accelerator Fund. If this is the case, Mayne Island will be a pilot for a future roll out to other Islands as other funding becomes available. This action would involve the following:

- Providing grants to support the development of accessory dwelling units (secondary suites, coach houses, cottages, garden sites)
- Developing a housing agreement program for private landowners developing rental options

### Action 7 – Developing Partnerships with Not For Profit Housing Providers

There are limited opportunities to partner with Not for Profit Housing providers and funders as the small scale of housing development suitable for the Islands is not a key focus for these organizations. Habitat for Humanity is one organization that focuses on smaller scale affordable ownership housing for families and could be a good match for Mayne Island. Given this, working with Habitat for Humanity to identify options for donated land and help to facilitate partnerships and supports to build Habitat homes will likely be a priority for the Mayne Island LTC.

**Implementation**

The table below identifies the anticipated timing for the implementation of the actions in the Housing Action Plan as well as responsibilities.

**Table 2: Housing Action Plan Implementation**

<b>ACTION</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>Responsibility/ Partnersl</b>
<b>Goal 1 - Balancing housing interests with preserve and protect mandate: Identifying WHERE to put housing</b>					
Action 1: Suitable Land Analysis	To be undertaken at Trust Wide level				RPT, SFWS, IS, IP
<b>Goal 2 – Increasing Housing Options: Permitting WHAT can be build</b>					
Action 2: Secondary Suites/ ADUs		Goal will be to complete these action by the end of term (November 2026).  Timing will depend on approach taken (concurrent action implementation or separated). It will also depend on Trust Council support of business case (bc) allocating funding and staff time.			RPT, Island Planner
Action 3: Increasing Non Profit Housing Opportunities					
Action 4: Housing Alternatives					
Action 5: Reduce Ecological Footprint of New Builds					
<b>Goal 3 – Developing Partnerships to Build Housing: HOW to get housing built</b>					
Action 6 – ADU Incentive Program	Development and Implementation of Program. Implementation will depend on funding and CRD.				RPT, CRD
Action 7 – Partnerships with Not For Profit Housing Providers	This action focusses primarily on the exploring the potential for Habitat for Humanity to build housing on Mayne Island. This work is currently in progress.				RPT, Habitat

- RPT – Regional Planning Team
- SFWS – Senior Freshwater Specialist
- IS – Information Systems
- CRD – Capital Regional District

## Mayne Island

### 1. *Housing Options Project - Phase 2*

#### Responsible

#### Dates

Continuation of Housing Options Project

- To define scope of project through community consultation, LTC deliberation
- Business case to be developed for submission by September 2023

Rec'd: 30-Jan-2023

Target: 31-Mar-2025

## Mayne Island

<b>1. Groundwater Implementation</b>	Responsible	Date Received
Will wait until Galiano has completed project		30-Nov-2020
<b>2. Housing Implementation</b>	Responsible	Date Received
Connecting with water service providers regarding flexible housing and secondary suites		05-May-2022
<b>3. LTC Rezoning Project</b>	Responsible	Date Received
327 Campbell Bay rezoning ( to be part of Housing Options project)		05-May-2022
<b>4. Foreshore Education</b>	Responsible	Date Received
To provide education on foreshore uses and climate change adaptation as a minor LTC project		30-Jan-2023
<b>5. LUB Amendments</b>	Responsible	Date Received
To undertake targeted amendments to LUB, including: <ul style="list-style-type: none"> <li>·contractor yards</li> <li>·setbacks for patios and other structures</li> </ul> LTC to initiate as a minor project following community consultation on Housing Options		30-Jan-2023



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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MA-DVP-2023.3	Irving Pitcher Architects Ltd.	03-Apr-2023	177 CHERRY TREE LANE: Application for a variance for siting of a building in a setback.
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Planner: Charly Caproff

Planning Status

**Status Date:** 04-May-2023

Draft staff report sent to RPM for review

**Status Date:** 27-Apr-2023

Notice and draft permit sent to Legislative Clerk

**Status Date:** 24-Apr-2023

Contacted applicant for the following:\n- Rationale for siting the carport within 2.15 m of the front lot line\n- Date that the carport was constructed

Rezoning

File Number	Applicant Name	Date Received	Purpose
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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)
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Planner: Narissa Chadwick

Planning Status

**Status Date:** 04-May-2023

Bylaw 181 approved by Minister.

**Status Date:** 28-Apr-2023

Documents sent to MIHS to facilitate signing of land owner.

**Status Date:** 30-Mar-2023

Lawyer finalizing form Cs following cancelling of mortgage title.



**Subdivision**

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

**Planning Status**

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**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.

File Number	Applicant Name	Date Received	Purpose
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MA-SUB-2023.1	Mayne Island Housing Society	17-Jan-2023	375 Village Bay Road - Referral of subdivision application for 3 new lots.
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**Planner:** Charly Caproff

**Planning Status**

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**Status Date:** 03-Mar-2023  
Referral response sent to MOTI

**Status Date:** 02-Mar-2023  
Site visit conducted

**Status Date:** 06-Feb-2023  
Planner Charly Caproff assigned.



**Subdivision**

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2023.2	Ryder, Harriet	05-May-2023	513 WAUGH RD: Referral of a boundary adjustment subdivision application.

**Planner:** Bruce Belcher

**Planning Status**

**Status Date:** 10-May-2023

Planner Bruce Belcher assigned.

**Status Date:** 09-May-2023

Requested fee from applicant.

**Status Date:** 08-May-2023

Folder created in EDM.

**Temporary and Industrial Use Permit**

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2023.1	British Columbia Ferry Services Inc	06-Apr-2023	487 LETOUR RD: Application for a temporary use permit to add 3 modular units to provide accommodation for 4-6 workers.

**Planner:** Charly Caproff

**Planning Status**

**Status Date:** 05-May-2023

Draft staff report sent to RPM for review.

**Status Date:** 28-Apr-2023

Draft TUP submitted to RPM for review

**Status Date:** 18-Apr-2023

Planner Charly Caproff assigned.



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2023.2	Amber Baker & Dan Costello	20-Apr-2023	538 ARBUTUS DR: Application for Renewal of a temporary use permit for a short term vacation rental.

Planner: Charly Caproff

Planning Status

**Status Date:** 04-May-2023  
Draft staff report sent to RPM for review.

**Status Date:** 24-Apr-2023  
Planner Charly Caproff assigned.

**Status Date:** 20-Apr-2023  
File created in EDM.

**Islands Trust**  
 LTC EXP SUMMARY REPORT F2023  
 Invoices posted to Month ending March 2023

645 Mayne	Invoices posted to Month ending March 2023	<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	1,804.34	-633.34
65210-645	LTC - Local Exp - APC Meeting Expenses	333.00	548.51	-215.51
65220-645	LTC - Local Exp - Communications	250.00	770.00	-520.00
65230-645	LTC - Local Exp - Special Projects	276.00	61.50	214.50
TOTAL LTC Local Expense		<u>2,030.00</u>	<u>3,184.35</u>	<u>-1,154.35</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	1,457.55	42.45
TOTAL Project Expenses		<u>2,500.00</u>	<u>3,603.54</u>	<u>-1,103.54</u>



## Standing Resolutions Log

### Mayne Island

Resolution Number	Action	Date
<b>2022-012 (Standing)</b> <b>5.4 Outhouses</b> 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.	<b>Carried</b>	<b>14-Nov-2022</b>
<b>2021-011 (Standing)</b> <b>Advisory Planning Commission - Re-appointments and Expression of Interest Advertisement</b> 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	<b>Carried</b>	<b>25-Jan-2021</b>

**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
<p><b>2018-049 (Standing)</b></p> <p><b>Cannabis Retail Referrals</b></p> <ul style="list-style-type: none"> <li>- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.</li> <li>- 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.</li> <li>- The public consultation process shall be determined by the local trust committee after initial review of the proposal.</li> <li>- 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:               <ul style="list-style-type: none"> <li>o Name of the applicant and a description of the proposal in general terms</li> <li>o The location of the proposed establishment and the subject site</li> <li>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.</li> <li>o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application</li> <li>o How public comments may be submitted to the local trust committee</li> </ul> </li> </ul>	<p><b>Carried</b></p>	<p><b>24-Sep-2018</b></p>

**Standing Resolutions Log**

**Mayne Island**

Resolution Number	Action	Date
<p><b>2017-028 (Standing)</b></p> <p><b>13.3 Short Term Vacation Rentals (STVR) Enforcement Policy - Staff Report</b></p> <p>That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR):</p> <p>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:</p> <ul style="list-style-type: none"> <li>i) they are advertised on the internet, newspapers or other media;</li> <li>ii) they are not managed by an owner of the USTVR property who lives on Mayne Island;</li> <li>iii) more than one dwelling on the lot is simultaneously made available for USTVR;</li> <li>iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers;</li> <li>v) there are issues related to health and safety on the property;</li> <li>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;</li> <li>vii) the owner of the property uses more than one property on Mayne Island as a USTVR.</li> </ul> <p>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.</p>	<p><b>Carried</b></p>	<p><b>26-Jun-2017</b></p>
<p><b>2017-027 (Standing)</b></p> <p><b>13.2 Bylaw Enforcement Policy, Unlawful Dwelling - Staff Report</b></p> <p>That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists:</p> <ul style="list-style-type: none"> <li>1.1. There is a complaint from an immediate neighbor; or,</li> <li>1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.</li> </ul> <p>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.</p>	<p><b>Carried</b></p>	<p><b>26-Jun-2017</b></p>

**Standing Resolutions Log**

**Mayne Island**

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

## **Mayne Island Local Trust Committee**

The Mayne Island Local Trust Committee (MALTC) held seven regular business meetings in the 2022/23 fiscal year, as well as three Community Information Meetings, one special meeting and three public hearings.

Work for this period focused on advancing the MALTC priorities of making minor amendments to the Land Use Bylaw and the Official Community Plan and adopting Flexible Housing policies and regulations.

From April 1, 2022 to March 31, 2023, the MALTC received and considered applications for five development variance permits, one temporary use permit and one rezoning application. During the same time period staff also reviewed 24 building permit referrals.

The MALTC also adopted a new fee bylaw, and bylaws which support an affordable housing proposal.



## REQUEST FOR DECISION

**To:** Mayne Island Local Trust Committees **For the Meeting of:** May 29, 2023  
**From:** David Marlor, Director, Legislative Services **Date Prepared:** March 30, 2023  
**SUBJECT:** Freedom of Information and Protection of Privacy Bylaw

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### RECOMMENDATION:

1. That Mayne Island Local Trust Committee Bylaw No. 192, cited as “Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 192, 2023”, be read a first time.
2. That Mayne Island Local Trust Committee Bylaw No. 192, cited as “Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 192, 2023”, be read a second time.
3. That Mayne Island Local Trust Committee Bylaw No. 192, cited as “Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 192, 2023”, be read a third time.
4. That Mayne Island Local Trust Committee Bylaw No. 192, cited as “Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 192, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**DIRECTOR OF PLANNING SERVICES COMMENTS:** The draft Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

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### 1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

### 2 BACKGROUND:

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated.

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of Information and Protection of Privacy Bylaw, and passed the following resolution:

*That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.*

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

**3 IMPLICATIONS OF RECOMMENDATION**

**ORGANIZATIONAL:**

Minimal staff time to update material on the website.

**FINANCIAL:**

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

**POLICY: N/A**

**IMPLEMENTATION/COMMUNICATIONS:**

Staff would update the Islands Trust website with the new bylaws.

**FIRST NATIONS:**

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

**OTHER:**

There are no other implications of the recommendation.

**4 RELEVANT POLICY(S): N/A**

**5 ATTACHMENT(S):**

**1. Mayne Island Local Trust Committee Bylaw No. 192**

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**Alternative:**

1. That Mayne Island Local Trust Committee Bylaw No. 192, cited as “Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 192, 2023” be amended and be read a first, second and third time. In this case, any amendments not consistent with the model would be reviewed by the Executive Committee to ensure they do not cause a financial burden to the organization.

2. That this report be referred back to staff for additional information.

Submitted By:	David Marlor, Director, Legislative Services	March 30, 2023
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# DRAFT

## MAYNE ISLAND LOCAL TRUST COMMITTEE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY BYLAW NO. 192

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A Bylaw to designate the head of the Mayne Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

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### GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the Mayne Island Local Trust Committee the authority to designate a person as the head of the Mayne Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the Mayne Island Local Trust Committee the authority to set any fees the Mayne Island Local Trust Committee requires to be paid under section 75 of the Act,

THE MAYNE ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

### Citation

- 1. This bylaw may be cited as "Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 192, 2023".

### Definitions and Interpretation

- 2. In this Bylaw:

"Act"	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
"Commercial Applicant"	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
"Head"	means the person designated under Section 3 of this Bylaw as the head of the of the Mayne Island Local Trust Committee for the purposes of the Act.
"Request"	means a request for information under Section 5 of the Act.
"Records"	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

**Designation of Head**

- 3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the Mayne Island Local Trust Committee for the purposes of the Act.
- 4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

**Policies and Procedures**

- 5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

**Fees**

- 6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

**Interpretation**

- 7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

**Repeal**

- 8. "Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 87, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME 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

**Mayne Island Local Trust Committee  
Freedom of Information and Protection of Privacy  
Bylaw No. 192 - Schedule 'A'**

**Schedule of Maximum Fees**

Item	Description of Services	Fees
1	(a) Application Fee	\$10.00 (non-refundable)
	(b) An applicant's request for his/her own personal information is not subject to any fees.	
2	For applicants other than commercial applicants:	
	(a) for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
	(b) for producing a record manually	\$7.50 per ¼ hour
	(c) for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
	(d) for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
	(e) for shipping copies	actual costs of shipping method chosen by applicant
	(f) for copying records	
	(i) floppy disks	\$2 per disk
	(ii) CDs and DVDs, recordable or rewritable	\$4 per disk
	(iii) computer tapes	\$40 per tape, up to 2 400 feet
	(iv) microfiche	\$3 per fiche
	(v) microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
	(vi) microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
	(vii) photographs, colour or black and white	\$5 to produce a negative
		\$12 each for 16" x 20" photograph
		\$9 each for 11" x 14" photograph
		\$4 each for 8" x 10" photograph \$3 each for 5" x 7" photograph
	(viii) photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
	(ix) dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(x) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(xi) scanned electronic copy of a paper record	\$0.10 per page
	(xii) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
	(xiii) slide duplication	\$0.95 each
	(xiv) audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
	(xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2	the actual cost to the public body of providing that service



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Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

**April 11, 2023**

**To: Mayne Island Local Trust Committee**

This letter is in response to the email of Tuesday, January 31, 2023 on the subject of Siting and Use Permits options.

The Saturna Island Local Trust Committee (LTC) supports exploring this option with the Capital Regional District (CRD). Building permits are costly and can cause delays. Its adds complexity to the process. A different process may encourage economical housing choices on the islands, which we all agree is sorely needed.

In consideration of this position, at the February 16, 2023 Saturna Island LTC meeting, the LTC passed the following resolution:

**SA-2023-05**

**It was MOVED and SECONDED,**

that Saturna Island Local Trust Committee write a letter of support to Mayne Island Local Trust Committee Chair to investigate implementation of Siting and Use Permits and their ask of Capital Regional District to discontinue use of building permits within Local Trust area.

**CARRIED**

Please add our voice to the request to CRD,

Thank you for moving this forward,

**Saturna Island Local Trust Committee**

CC: North Pender Island Local Trust Committee  
South Pender Island Local Trust Committee  
Galiano Island Local Trust Committee  
Paul Brent, SGICRD Director