Mayne Island Local Trust Committee
Regular Meeting Agenda

Date:	September 25, 2023
Time:	1:30 pm
Location:	Mayne Island Agricultural Hall 430 Fernhill Road, Mayne Island, BC

			Pages
1.	**CALL TO ORDER**	1:30 PM - 1:30 PM	
2.	**APPROVAL OF AGENDA**	1:30 PM - 1:35 PM	
3.	**TOWN HALL AND QUESTIONS**	1:35 PM - 1:50 PM	
4.	**COMMUNITY INFORMATION MEETING - None**		
5.	**PUBLIC HEARING - None**		
6.	**MINUTES**	1:50 PM - 2:00 PM	
	6.1 Local Trust Committee Minutes Dated July 31, 2023 (for Adoption)		4 - 11
	6.2 Section 26 Resolutions-without-meeting Report - None		
	6.3 Advisory Planning Commission Minutes - None		
7.	**BUSINESS ARISING FROM THE MINUTES**		
	7.1 Follow-up Action List Dated Sept 2023		12 - 14
8.	**DELEGATIONS**	2:00 PM - 2:15 PM	
	8.1 Shauna Huculak re CRD's Archaeology Policy and Practices		
9.	**CORRESPONDENCE**		
	Correspondence received concerning current applications or projects is posted to the LTC webpage		
10.	**APPLICATIONS AND REFERRALS**	2:15 PM - 3:00 PM	
	10.1 MA-RZ-2023.1 (Blaney) - Preliminary Staff Report (attached)		15 - 51
	10.2 MA-DVP-2023.5 (Girouard) - Staff Report (attached)		52 - 72

11.	**LOCAL TRUST COMMITTEE PROJECTS**	3:00 PM - 3:30 PM	
	11.1	**Land Use Bylaw Review - Staff Report (attached)**	73 - 81
12.	**REPORTS**	3:30 PM - 3:50 PM	
	12.1	**Work Program Reports (attached)**	
	12.1.1	Active Projects Report Dated Sept 2023	82 - 82
	12.1.2	Future Project List Report Dated Sept 2023	83 - 83
	12.2	**Applications Report Dated Sept 2023 (attached)**	84 - 86
	12.3	**Trustee and Local Expense Report Dated July 2023 (attached)**	87 - 87
	12.4	**Adopted Policies and Standing Resolutions (attached)**	88 - 92
	12.5	**Local Trust Committee Webpage**	
	12.6	**Chair's Report**	
	12.7	**Trustee Report**	
	12.8	**Electoral Area Director's Report**	
	12.9	**Islands Trust Conservancy Report - None**	
13.	**NEW BUSINESS**	3:50 PM - 4:10 PM	
	13.1	**Census Infographics - Briefing (for information) (attached)**	93 - 100
	13.2	**Wooddale Drive - Discussion**	
14.	**UPCOMING MEETINGS**		
	14.1	**Next Regular Meeting Scheduled for October 30, 2023 at the Agricultural Hall, Mayne Island**	
15.	**TOWN HALL**	4:10 PM - 4:25 PM	
16.	**CLOSED MEETING (Distributed Under Separate Cover)**		
	16.1	**Motion to Close Meeting**	

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

- *Adoption of In-Camera Meeting Minutes Dated July 31, 2023*
- *Bylaw Enforcement Policy Options*

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT 4:25 PM - 4:25 PM

Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: **July 31, 2023**
Location: **Mayne Island Agricultural Hall**
430 Fernhill Road, Mayne Island, BC

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

Staff Present: **Stefan Cermak, Director of Planning Services**
Charly Caproff, Planner 1
Pat Todd, Recorder

Others Present: **Paul Brent, Capital Regional District (CRD) Electoral Area Director for the Southern Gulf Islands**
There were four (4) members of the public present.

1. CALL TO ORDER

Chair Elliot called the meeting to order at 1:30 p.m. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations. Introduced Capital Regional District Director (CRD) Paul Brent.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 13.3 New Business: CRD Archeologist - correspondence

By general consent, the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Pat Todd noted the recent passing of Rich Tamboline who had been an islander for 39 years, CRD Director for 1 term, LTC Trustee for 2 terms, and long time Chair of the Advisory Planning Commission (APC).

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes Dated June 26, 2023

The following amendments to the minutes were presented for consideration:

- Change the last sentence: to add Addie Elliott as one of three carvers on Page 5 of minutes, 13.7 in Trustee Maude's report.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report - None

6.3 Advisory Planning Commission Minutes - None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated July 2023

- Discussion regarding Bylaws 181 and 183 status
- Wood Dale Drive – seeking legal opinion on red zone

8. DELEGATIONS - none

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1 Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral

MA-2023-040
It was Moved and Seconded,
that the Mayne Island Local Trust Committee interests are unaffected by Saturna Island Local Trust Committee SA-ALR-2023.1 application.

CARRIED

Discussion regarding inter-island referrals and Policy of Trust Council:

- Planner could assess if there might be an impact
- Director Cermak added Trust Policy is specific for zoning changes and LTC notification

10.2 MA-DVP-2023.6 (Lafond)

Planner Caproff reviewed the application for a variance regarding maximum square footage of a cottage. Proposed building has a small footprint (relative to the size of the lot), is adequately screened, not visually intrusive and meets all other zoning regulations. One neighbour is opposed.

Discussion:

- No increase in density
- Not against Official Community Plan (OCP)
- Parcel is over 22 acres
- Well removed from neighbours
- Well thought out plan
- Allows for intergenerational living situation

MA-2023-041
It was Moved and Seconded,
that the Mayne Island Local Trust Committee approve issuance of MA-DVP-2023.6 (LaFond).

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 OCP/LUB Minor Amendments

Reviewed the approval process: if adopted, the changes will be sent to the Executive Committee (EC), if approved by the EC they will be referred to the Ministry of Municipal Affairs.

Discussion:

- The LTC intends to evaluate the height of accessory buildings not the size
- Trustee Maude asked if the zoning of the Wood Dale Drive red zone could be changed to restrict people from living in the rock fall area
    - Legal opinion forthcoming
    - Requested a meeting with CRD water district and bylaw enforcement
    - Staff recommended that issues related to the red zone should not be added to the work program for OCP/LUB review. The LTC could revisit this issue as a separate matter
- Trustee Maude proposed a change to allow wood sheds within set backs
    - Discussed definition of accessory buildings
    - Water tanks and storage allowed
    - Define which structures should be permitted within setbacks
- Personal water craft are defined within the Land Use Bylaw (LUB), but is this necessary? Trustee Maude proposed that the LTC consider deregulating
- Hornby OCP bylaw notes that if someone is planning a major rezoning, they are to speak with their neighbours first. Trustee Dodds would like to include something like this in the Mayne Island bylaw
- First nations acknowledgement
- BC Ferries property is currently under a temporary use permit, as the property is currently zoned residential
    - No application to date regarding rezoning to Commercial or split zone
    - Correct zoning for B.C. ferries commercial use, and for “potential community use”

MA-2023-042
It was Moved and Seconded,
that the Mayne Island Local Trust Committee approve the Project Charter, as amended for the 2023 Mayne Island Official Community Plan and Land Use Bylaws Minor Amendments Project.

CARRIED

11.2 Housing Options Project

Discussion

- Moving into phase 2
- Application for Housing Acceleration Fund is in progress
- Should LTC approve the business case, it will be forwarded to EC for approval to finalize
- Budget is sufficient
- A lot of work already completed

MA-2023-043
It was Moved and Seconded,
that the Mayne Island Local Trust Committee endorse the attached business case for the Mayne Island Housing Options |Phase 2) and that staff forward the business case to the relevant committees and to Trust Council.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Active Projects Report Dated July 2023 – to be updated

12.1.2 Future Project List Report Dated July 2023

Discussion:

- Question of including Wood Dale Drive
- Foreshore education communications package
  - Lot of interest in clarifying authority and uses with regards to shoreline protection
  - Existing literature from executive committee package can be used
  - Interest in doing a mail out
  - 400 lots on waterfront
  - Information package should cover what you can and cannot do and help property owners understand their impact on the ocean
  - Major and Minor Projects have already been identified
  - Can be taken on by regional planning committee instead
  - Trust wide issue
  - Work with Mayne Island Conservancy – would they do brochure?

12.2 Applications Report Dated July 2023 – received for information

12.3 Trustee and Local Expense Report Dated May 2023 – received for information

12.4 Adopted Policies and Standing Resolutions – received for information

12.5 Local Trust Committee Webpage – will be updated upon conclusion of meeting

12.6 Chair's Report

Chair Elliott reported on:

- Attended a meeting with Conservancy and EC. There will be a second meeting to discuss First Nations Liaison and Bylaw referrals process. Spoke of adding an ecologist or biologist to staff to help with land use planning
- Active with Culturally Committed, an organization with a focus on providing culturally safe health care to indigenous peoples
- Lasqueti OCP review undertaken by community. Interesting process
- The Housing Tool is a valuable resource and on line now.
    - There was some discussion about the need to look at rural vs. urban solutions and funding needed from the provincial government
- Letters have been drafted for First Nations leaders and governments. Need to set up meetings and build face to face interaction.

12.7 Trustee Report

Trustee Maude spoke to the recent passing of a number of individuals:

- Rich Tamboline
- Pat Carney (resident of Saturna Island, Past Senator) who was instrumental in the island obtaining heritage preservation status for the lighthouse
- Pat Gasston, active in the Church and many community organizations
- Glen McLeod, island Realtor and very active in community
- John Bianchin, another well known figure on Mayne Island

Trustee Dodds met recently with Sargeant Lee, RCMP Detachment, and they discussed:

- The mandates of LTC and CRD
- Discussed problem areas and issues such as speeding and drinking and driving
- Sargent Lee is encouraging officers to spend time on the detachment islands to increase visibility.

Trustee Dodds also reported on the Fallow Deer management plan:

- A comprehensive Management Plan has been developed and will be going to CRD soon and possibly Provincial Agencies
- Looking for funding from Ministry of Wildlife. Important to work with First Nations as partners
- Encouraged by Chair Elliott to forward document to IT Conservancy

12.8 Electoral Area Director's Report

Director Brent spoke of the focus on housing:

- Difficult for rural areas to qualify for existent programs
- Looking at legislation to permit trailers and RVs for housing, which is happening anyway.
- Interested in building on a smaller scale
- Galiano had a number of cabins donated which are being moved to the island for housing

- CRD Building Inspection creating higher costs, need to work with the province on this
- Current message to Province is to be more flexible

Chair Elliot spoke to a pending letter to CRD Director Brent which would address the siting and use permitting process used on Denman and Hornby Islands. So far, the LTC has received a lot of support from the other southern gulf islands to explore these building alternatives.

- CRD Director Brent acknowledged the request
  - Mayne Island could be a pilot project
  - All islands supportive except Saturna at this time
  - Item will go before Executive Secretary tomorrow

12.9 Islands Trust Conservancy Report

Chair Elliott reported there is a new board member and Lisa Smith is the current Chair.

13. NEW BUSINESS

13.1 Mayne Island LTC Freedom of Information and Protection of Privacy Bylaw No. 192

MA-2023-044
It was Moved and Seconded,
that the 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 adopted.

CARRIED

13.2 Bylaw Enforcement

Trustee Maude summarized a point raised by Bylaw Enforcement during a Denman Island LTC Meeting. The LTC could adopt an enforcement policy that requires Bylaw Officers to seek approval from the LTC before pursuing legal action, including the use of bylaw notices.

Director Cermak reviewed the current process:

- Noted majority comply
- With the current policy, If the property owner disputes a fine during the adjudication process, the LTC would be approached by Bylaw officers to ask whether they want to continue to pursue the matter
- Could amend Schedule A to change the point at which the LTC is brought into the bylaw enforcement notification process
- Staff could report back to the LTC as to options

Discussion:

- Greater Involvement in Bylaw enforcement could complicate interpretations of infractions objectively vs. subjectively. The current process avoids conflict of interest
- Trustee Maude proposed that bylaw officers could approach the LTC before issuing a ticket
- Email notification would be easiest
- Review options to modify the Bylaw Enforcement Notification (BEN) Bylaw
  - Case by case resolution
  - Summarize issues and submit options for solutions
  - Simplest option is to eliminate BEN except for Short Term Vacation Rentals
- Director Cermak recommended retaining as many bylaw enforcement options as possible

MA-2023-045
It was Moved and Seconded,
that the Mayne Island Local Trust Committee request staff to provide a report in regards to consider adopting an enforcement policy that requires Bylaw staff to seek approval of all legal action, including the use of Bylaw notices.

CARRIED

Chair Elliott added that a number of issues may be addressed through the LUB amendments. Chair Elliot was hesitant to ask staff to prepare further reports.

13.3 CRD Archaeologist - Correspondence

MA-2023-046
It was Moved ad Seconded,
that the Mayne Island Local Trust Committee invite Shauna Huculak to participate in person, or by zoom, in a regular Local Trust Committee meeting to present information regarding the Capital Regional District archaeological policy and practices

CARRIED

Trustee Dodds met with the CRD regarding Cotton Park and had a discussion regarding trees. The archaeological review was very informative. They felt it was important to balance efforts. There are other parks with archaeological significance.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for September 25 at the Agricultural Hall, Mayne Island

15. TOWN HALL

Rachel (DVP applicant) expressed appreciation for efforts of LTC and found the meeting very educational. It was nice to hear what's happening on island.

16. CLOSED MEETING

16.1 Motion to Close Meeting at 3:20 pm.

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

- Adoption of In-Camera Meeting Minutes Dated March 27, 2023 and May 29, 2023
- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

Regular LTC recalled at 3:32 pm.

16.3 Rise and Report

Chair Elliott reported on adoption of minutes for March 27, 2023 and May 29, 2023.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:33 pm.

_____

Tobi Elliott, Chair

Certified Correct:

_____

Pat Todd, Recorder

Islands Trust

Print Date: September 15, 2023

Follow Up Action Report

Mayne Island

26-Sep-2022

	Activity	Responsibility	Dates	Status
1	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

27-Mar-2023

	Activity	Responsibility	Dates	Status
1	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

29-May-2023

	Activity	Responsibility	Dates	Status
1	12.1 Housing Options - apply to CMHC HAF with draft action plan actions, develop business case for 2024/25, send letter to FN re: housing project.	Narissa Chadwick	Target: 16-Jun-2023	In Progress
2	14.3 Siting and Use Permits - letter from LTC Chairs to be sent to the CRD regarding the feasibility of siting and use permits over building permits on the southern gulf islands (David Maude)	Narissa Chadwick	Target: 15-Jun-2023	In Progress

26-Jun-2023

	Activity	Responsibility	Dates	Status

Follow Up Action Report

Mayne Island

26-Jun-2023

	Activity	Responsibility	Dates	Status
1	11.1 MA-RZ-2020.1 (MIHS) Bylaws 181 and 183 adopted.	Jas Chonk	Target: 30-Jun-2023	Completed
2	14.1 Wooddale - legal opinion/question re: liability in red zone	Narissa Chadwick	Target: 14-Jul-2023	In Progress

31-Jul-2023

	Activity	Responsibility	Dates	Status
1	6.1 Minutes of June 26th adopted as amended	Emily Bryant	Target: 25-Aug-2023	Completed
2	10.1 - SA-ALR-2023.1 - interests unaffected	Brad Smith Jas Chonk	Target: 25-Aug-2023	Completed
3	11.1 - OCP/LUB Minor amendments project - Project Charter approved with noted amendments	Narissa Chadwick	Target: 01-Sep-2023	Completed
4	11.2 Housing Project: Business case approved and staff to forward to committees	Narissa Chadwick Robert Kojima	Target: 01-Sep-2023	Completed
5	13.1 Mayne FOI bylaw No 192 adopted	David Marlor	Target: 01-Sep-2023	Completed

Follow Up Action Report

Mayne Island

31-Jul-2023

	Activity	Responsibility	Dates	Status
6	13.2 - Bylaw Enforcement: staff requested to provide a report on options for enforcement policy that would require bylaw enforcement staff to seek approval for BEN notices	Warren Dingman	Target: 22-Sep-2023	In Progress
7	13.3 - LTC to invite CRD Archaeologist Shauna Huculak to a regular LTC meeting	Narissa Chadwick	Target: 01-Sep-2023	Completed
8	16.3 In-camera rise and report: In-camera minutes of March 27th and May 29th adopted	Emily Bryant	Target: 01-Sep-2023	Completed
9	10.2 MA-DVP-2023.6 (Lafond)- Permit approved as presented. Issue permit, update TAPIS, close file.	Charly Caproff Jas Chonk	Target: 01-Aug-2023	Completed

STAFF REPORT

File No.: MA-RZ-2023.1 (Blaney)

DATE OF MEETING:	September 25, 2023
TO:	Mayne Island Local Trust Committee
FROM:	Charly Caproff, Planner 1 Salt Spring Island Team
COPY:	Robert Kojima, Regional Planning Manager
SUBJECT:	Rezoning application – preliminary report Applicant: Robert Blaney (Robert Blaney Design Inc.) Location: 630 Dinner Bay Road

RECOMMENDATION

1. **That the Mayne Island Local Trust Committee proceed no further with application MA-RZ-2023.1 (Blaney).**

REPORT SUMMARY

The purpose of this report is to provide background on the proposed bylaw amendment and seek direction from the Mayne Island Local Trust Committee (LTC) regarding whether to proceed with application MA-RZ-2023.1 (Blaney) or to proceed no further.

The application would amend the Mayne Island Land Use Bylaw No. 146, 2008 by rezoning the existing site-specific zone, Country Guest House Commercial (a) – C5(a) to support twenty (20) tourist accommodations with a total floor area of 1068m^2 (8999ft^2), four (4) accessory buildings, and an accessory dwelling unit ("staff accommodations") exceeding the permitted maximum floor area of 140 m^2 (1507 ft^2) at 916 m^2 (9860 ft^2).

Staff consider that the application as proposed is inconsistent with subsection 2.4.2.6 of the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP) as the proposed amenity contribution would not be appropriate for the proposed density increase. Also, the applicants have not provided neighbourhood feedback for the project as was requested by the LTC.

Due to the aforementioned, staff recommend that the Mayne Island LTC proceed no further with the application.

BACKGROUND

The waterfront property is 4.13 ha (10.21 ac) in area and operated as a country guest house and restaurant. The infrastructure for the former Oceanwood Country Inn, which includes a guest house with 12 tourist accommodation units, a restaurant, an accessory building, and an accessory dwelling unit, are still on the property. Additional site information, plans and photos can be found as Attachments 1 and 2. The Mayne Island LTC adopted Bylaw No. 88 on October 25, 1994, increasing the number of permitted tourist accommodation units from eight (8) to twelve (12) in the Country Guest House –B (CGH-B) zone.

The permitted density for CGH-B was:

18.B.2 Permitted Density

i) One guesthouse containing up to 12 tourist accommodation units and one restaurant per lot 4 hectares (9.88 acres) or more.
ii) One residential dwelling unit is permitted per lot.
iii) The floor area of the guesthouse must not exceed 836 sq. metres (9000 sq. ft.).
iv) The seating area of the restaurant must not exceed 56 sq. metres (603 sq. ft.) of floor area.
v) The floor area of the dwelling unit must not exceed 140 sq. metres (1507 sq. ft.).
vi) Four buildings or structures accessory to permitted uses are permitted.
vii) Lot coverage must not exceed 10% of the lot.

Bylaw No. 88 was replaced by Bylaw No. 148 in 2009 and the property was now zoned Country Guest House Commercial 5(a) – C5(a). There were no changes to the permitted number of tourist accommodation units:

Column 1	Column 2	Column 3
Site-Specific Zone	**Location Description**	**Site Specific Regulations**
C5(a)	Lot 22, Sections 5 And 6, Mayne Island, Cowichan District, Plan 29750 630 Dinner Bay Road	(1) In addition to the uses permitted in 5.12(1), Riding Stables, are also permitted in this location. (2) The maximum number of tourist accommodation units is 12 and the maximum floor area of a guest house use is 836 m^2 (9000 ft^2). (3) The maximum floor area of an accessory restaurant use is 56 m^2 (603 ft^2). (4) The maximum floor area of an accessory dwelling unit is 140 m^2 (1507 ft^2)

Table 1. C5(a) site specific zoning for 630 Dinner Bay

A rezoning and OCP amendment application (MA-RZ-2012.1) was submitted to Islands Trust in 2012, which proposed to rezone from C5(a) to Senior Citizen Housing Comprehensive Development 3 – CD3. The application proposed to retain the existing twelve (12) units and restaurant within the guest house, adding ten (10) additional units for either tourist accommodation or residential use, ten (10) seniors residential units, and three (3) staff accommodation units. The application was withdrawn in 2015. Concerns raised by neighbours, some who were in support of the previous rezoning, included:

- Issues with water quality and quantity;
- Proximity of the property's well to well No. 15, part of the Village Bay Improvement District water system;
- Whether senior citizen housing could be considered a community amenity in exchange for additional density;
- Septic system capacity; and
- Off-street parking and potential for traffic congestion

The current owners propose to increase the total tourist accommodation floor area to 1069 m^2 (11500 ft^2), creating twenty (20) detached units. The accessory dwelling unit is proposed to be relocated north of the easement access (E79236) and the floor area increased from 140 m^2 (1507 ft^2) to 916.02 m^2 (9860 ft^2) for staff accommodations. According to the owners, the existing septic tank, located at the southeast section of the lot near the ocean, would be relocated to approximately where the eight (8) parking stalls and 'grass area' are shown on the site plan (Attachment 2). The owners would not operate a restaurant, but propose to allow food trucks, catering, and/or a

pop-up café within the building labelled as 'Accessory – Barn/Communal.' According to the owners, the intent is for the property to be a luxury style resort.

The proposed community amenities are summarized in a letter provided by the applicant (Attachment 3). They propose to offer community access to the proposed 'Communal Facility' and a nature trail through the property, north of the easement. Although the letter states neighbour feedback has been provided as part of the application, this has not been provided to staff. Staff have repeatedly requested that the applicant and owners speak with neighbours and provide this feedback to the LTC for their consideration. To the planner's knowledge, there was an attempt to organize an informal meeting at the property in early September, but as minimal notice was provided, the neighbours were unable to attend. Staff met with the applicant on September 6 and requested that a summary be provided of all efforts to engage with neighbours. This was to be provided to staff by September 8th but at the time of writing is still outstanding.

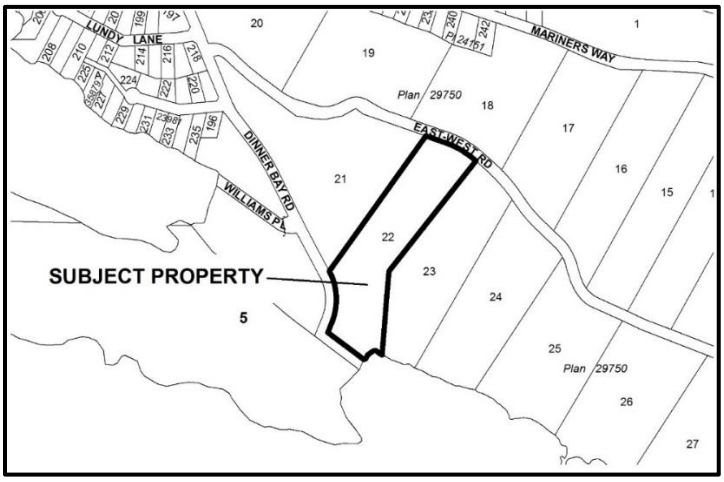


Fig 1. Subject Property

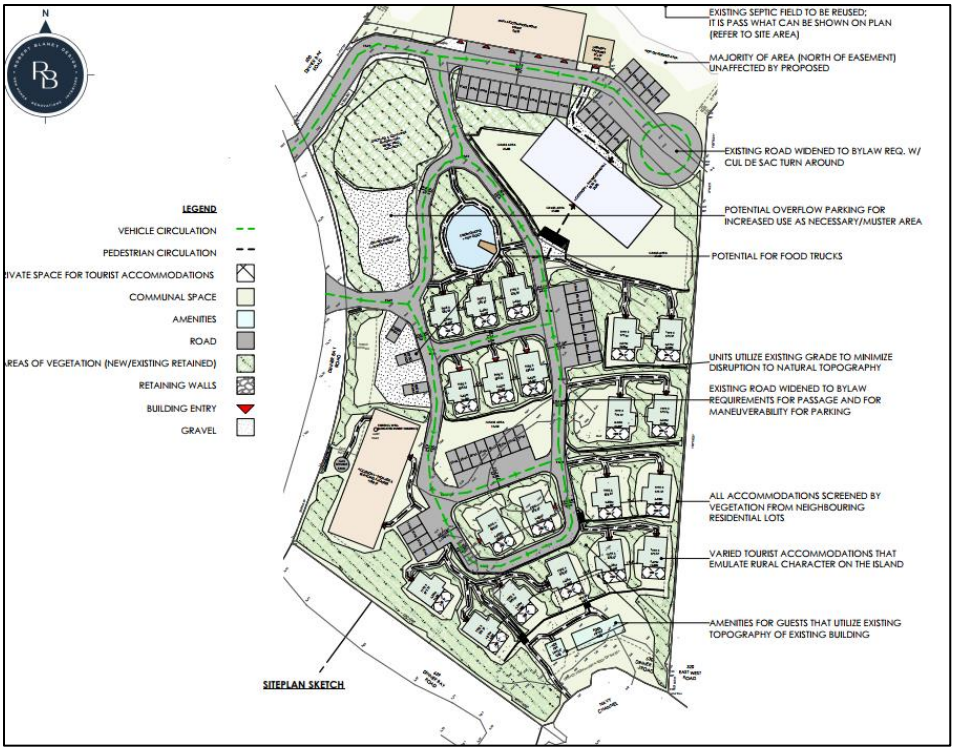


Fig 2. Site Plan

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Relevant sections of the ITPS include:

5.2 Growth and Development

5.2.2 Trust Council holds that tree cover on the islands is of great importance and should be preserved.

5.7 Economic Opportunities

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan:

The property is designated Visitor Accommodation in the Mayne Island OCP Bylaw No. 144, 2007. The objectives of the Visitor Accommodation designation are:

1. to ensure a supply of accommodations that are safe and offers a healthy environment,
2. to disperse accommodations in quiet natural settings having the least impact on the quiet rural character of the Mayne Island Trust Area,
3. to ensure all accommodations can be adequately serviced, and
4. to ensure all restaurants are at an appropriate scale to service residents and visitors

During the site visit the owners stated that they would be regrading the waterfront area of the property to reduce slope steepness and to reduce stormwater runoff. The existing guesthouse has significant water damage due to

surface runoff, insufficient drainage pipes, and the slope of the upper deck. The owners intend to demolish the existing guest house and construct detached units, citing health concerns raised during the COVID-19 pandemic. The property is located in a well-treed area and the owners state that they will retain trees to ensure that the development is screened from neighbours. The proposed staff accommodations would likely be visible to the adjacent neighbours to the west. Professional reports would need to be received from the applicant to confirm that adequate servicing is provided. No rainwater storage systems have been proposed, which under subsection 2.10.4 of the OCP, the LTC should require through registration of a legal agreement where increased density is proposed. It is not known whether the combination of proposed food trucks, catering, and a pop-up café would be at an appropriate scale to service guests and visitors. It is unclear whether the proposed development would align with the community character of Mayne Island.

As additional density is proposed, the application is subject to the Amenity Zoning Guidelines. The applicant states that by providing community access to an accessory building on the property, this satisfies Subsection 2.10.2 x), *the provision of community space in a commercial building.* The applicant has not provided any additional detail regarding the proposed space and how building access will benefit Mayne Island residents. The applicant states that by providing access to a nature trail, this satisfies the following under Section 2.10.2:

i) the provision of land for preservation of unique natural environments and sensitive areas,
ii) the provision of land to preserve forests, watersheds and wetlands,
iii) the provision of land for community park or public open space, and
vii) the provision of easements or rights of way for utilities or trails,

No details have been provided as to the extent of the trail. No land is proposed to be dedicated for park or conservation land as part of the application. The easement (Attachment 4) is specifically to allow the neighbour to access their property (Figure 3) and is not intended to be utilized as a right of way access for recreational use. It is unclear where the trail would be accessed, what it would access and if this would impact the easement access for Lot 23.

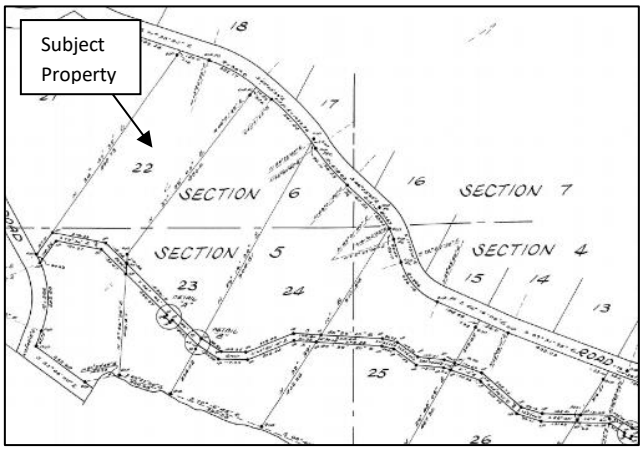


Fig 3. Plan 3076 Right of Way Plan

Staff accommodations could be viewed as an amenity contribution, if affordable housing was provided for staff in compliance with 2.10.2 xi). No details have been provided regarding the number of staff that could live in the proposed accessory dwelling unit and if rent would be below market rate.

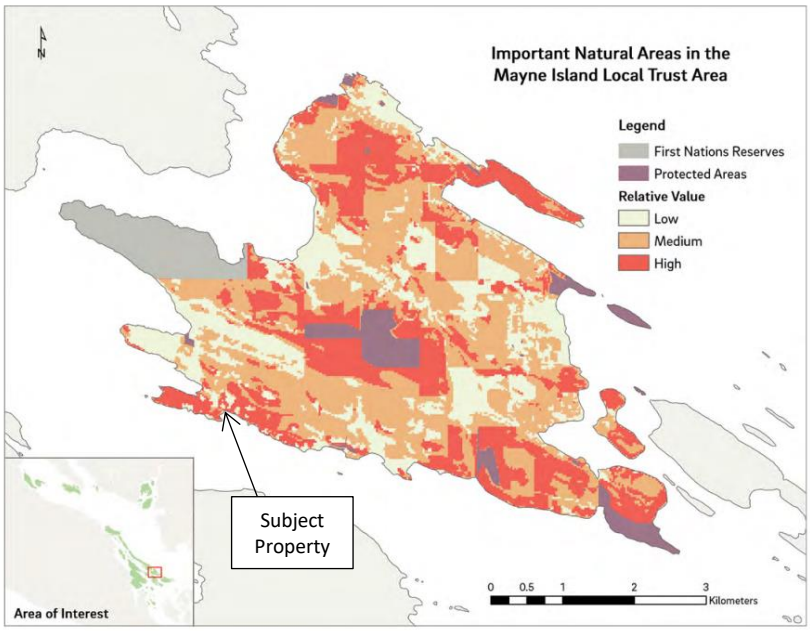
Land Use Bylaw:

The property is zoned Country Guest House Commercial 5(a) – C5(a). The applicant is seeking a rezoning, amending the existing zone to allow for 20 tourist accommodation units with a total floor area exceeding 836 m^2 (9000 ft^2) and an accessory dwelling unit exceeding 140 m^2 (1507 ft^2).

Islands Trust Conservancy:

There are no Islands Trust Nature Reserves or Covenant Areas on the property or adjacent to the property. Regional Conservation Plan mapping shows that the property has pockets of high value natural areas (Figure 4).

Islands Trust Conservancy sensitive ecosystem mapping shows that there are mature forest and woodland sensitive ecosystems on the property (Attachment 2).



Biodiversity on small islands and islets may be of higher value than indicated due to challenges with connectivity and contiguity analyses where no protected areas exist. When considering conservation value of smaller islands and islets, please refer to Islands Trust Conservancy Biodiversity Composition analysis from the Islands Trust Conservancy Spatial Decision Support System.

Fig. 4 Important natural areas, Mayne Island

Issues and Opportunities

The applicant and owners do not appear to have meaningfully engaged with neighbours and have not provided their feedback prior to this meeting. For the previous application, MA-RZ-2012.1, impacts to well water were raised as a concern. The property is in an area with high risk for aquifer vulnerability to saltwater intrusion from development (Figure 4).

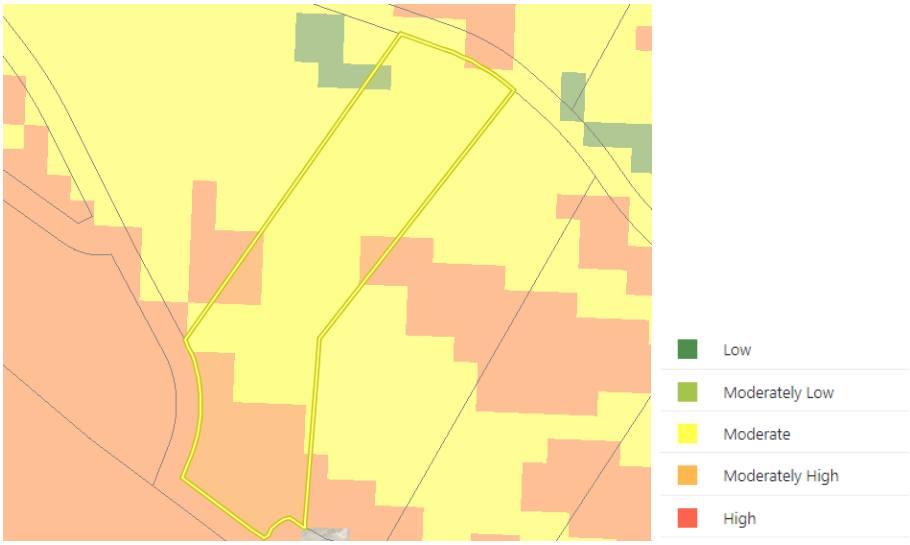


Fig. 3 Aquifer vulnerability to saltwater intrusion for 630 Dinner Bay Road

The density increase proposed is less than 10 additional dwelling units, consistent with subsection 2.10.3 of the OCP. The amenity contributions proposed are, in the opinion of staff, inappropriate, insufficient and lack detail (e.g. how Mayne Island residents would benefit from access to the Communal Space/Barn).

Correspondence

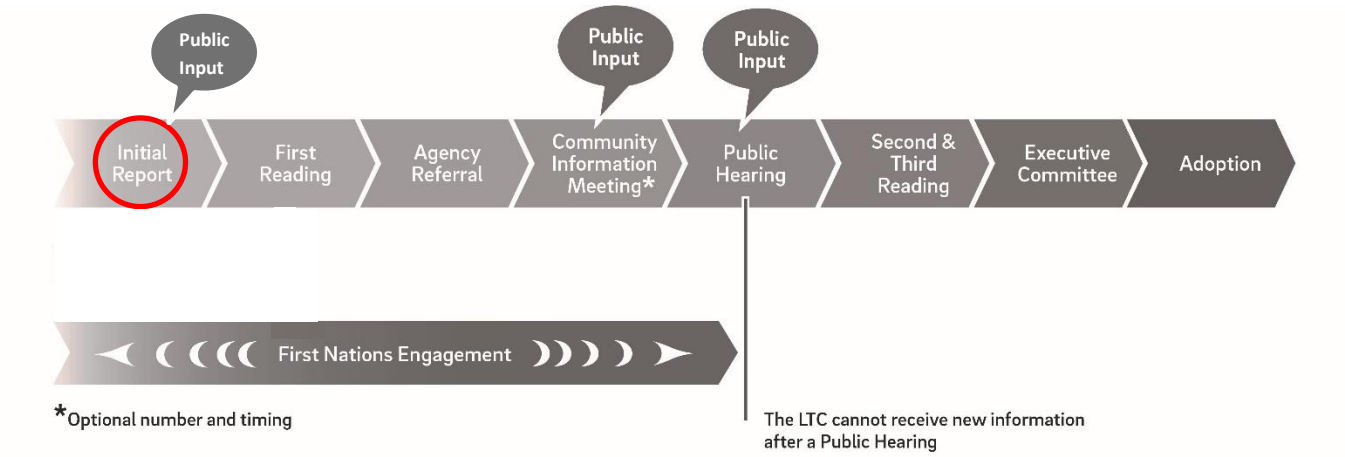
One submission in opposition to the application was received from the Village Point Improvement District (VPID) which can be found as Attachment 5. VPID is concerned that the proposed density would increase water demand for the property and potentially impact an adjacent well. According to them, this well supplies up to 43% of the water supply for their water treatment plant. The letter has been circulated to the Mayne Island LTC.

Consultation

Statutory Requirements

Public notification is not required for a preliminary report to the LTC for a potential rezoning. Should the LTC decide to proceed with the application, then a public hearing is required. It is normal practice to hold at least one Community Information Meeting (CIM) in advance of the public hearing.

Timeline



Agencies

If applicable, once draft bylaw is prepared it will be referred to relevant agencies.

First Nations

As identified in the provincial Consultative Area Database (CAD), the property is within the traditional territories of the following First Nations:

- Semiahmoo First Nation
- Halalt First Nation
- Lake Cowichan First Nation
- Stz'uminus First Nation
- Lyackson First Nation
- Penelakut Tribe
- Tsawout First Nation
- Tsawwassen First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Pauquachin First Nation

If the LTC decides to proceed with the application, meaningful engagement between the Islands Trust and these First Nations will be required.

Staff have conducted desktop review that indicates there is archaeological potential on the property and an archaeology site in proximity to the property. Therefore, the land owners should seek clarification on the location of any sites in relation to development, review the provincial archaeological branch website, and be guided by the Islands Trust Chance Find Protocol.

Rationale for Recommendation

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

- The applicants have not provided neighbourhood feedback and the suggested amenity contribution is not considered appropriate for the density increase proposed.

ALTERNATIVES

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

1. **Proceed with the application following neighbour consultation**

   The LTC may wish to require consultation with neighbours to ensure that there is community support for the application. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. This includes requesting that the applicant provide the following professional reports:

   - Groundwater Assessment report;
   - Water management and treatment report;
   - Septic tank and field assessment;
   - Environmental and sensitive ecosystem report (restoration works may be required for work within the mature forest sensitive ecosystem);
   - Arborist report; and
   - Renderings, building, and elevation plans

   Note: this is not an exhaustive list – additional reports may be required.

   Recommended wording for the resolution is as follows:

   That the Mayne Island Local Trust Committee request that prior to proceeding further, that the applicant consult with surrounding neighbours and provide their feedback to LTC for consideration. Should the aforementioned be completed, the applicant is requested to submit the following professional reports and plans:

   - Groundwater Assessment report;
   - *Water management and treatment report;*
   - *Septic tank and field assessment;*
   - *Environmental and sensitive ecosystem report (restoration works may be required for work within the mature forest sensitive ecosystem);*
   - *Arborist report; and*
   - *Renderings, building, and elevation plans*

2. **Request further information**

   The LTC may receive further information prior to making a decision.

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Charly Caproff, Planner 1	September 14, 2023

Concurrence:	Robert Kojima, Regional Planning Manager	September 14, 2023

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Applicant Purpose Letter
4. Access Easement Plan 3076 RW
5. Correspondence

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 22, SECTIONS 5 AND 6, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 29750
PID	000-085-928
Civic Address	630 DINNER BAY RD

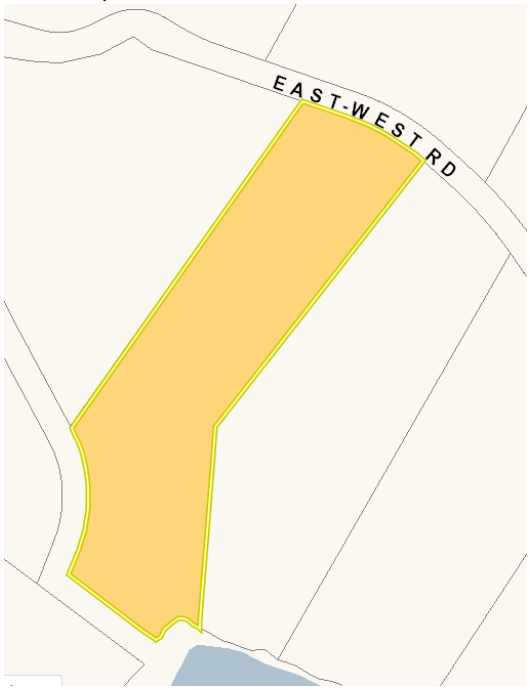
LAND USE

Current Land Use	Tourist accommodation (not in current operation)
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

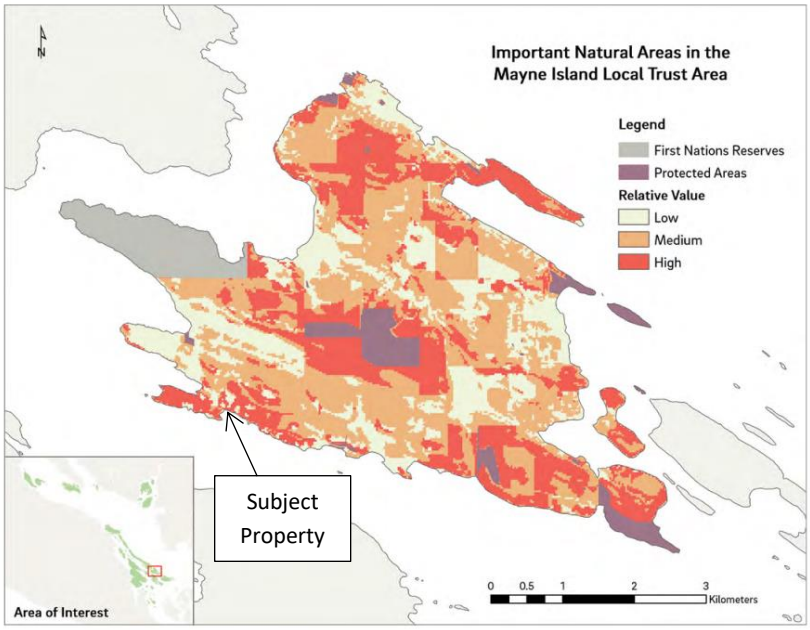
File No.	**Purpose**
MA-RZ-1994.2	Density increase for proposed Inn
MA-RZ-2012.1	Rezoning and OCP amendment – withdrawn

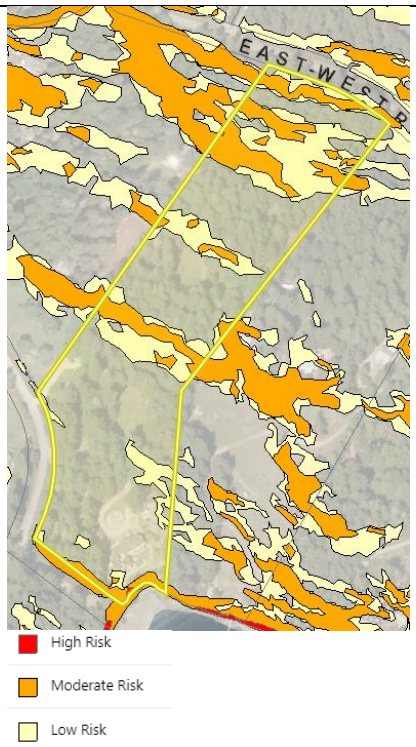
POLICY/REGULATORY

Official Community Plan Designations	The property is designated Visitor Accommodation in the Mayne Island OCP Bylaw No. 144, 2007. The entire property is within the Visitor Accommodation DPA (Section 2.8 of the OCP): 

Land Use Bylaw	The property is zoned Country Guest House Commercial 5(a) – C5(a)
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

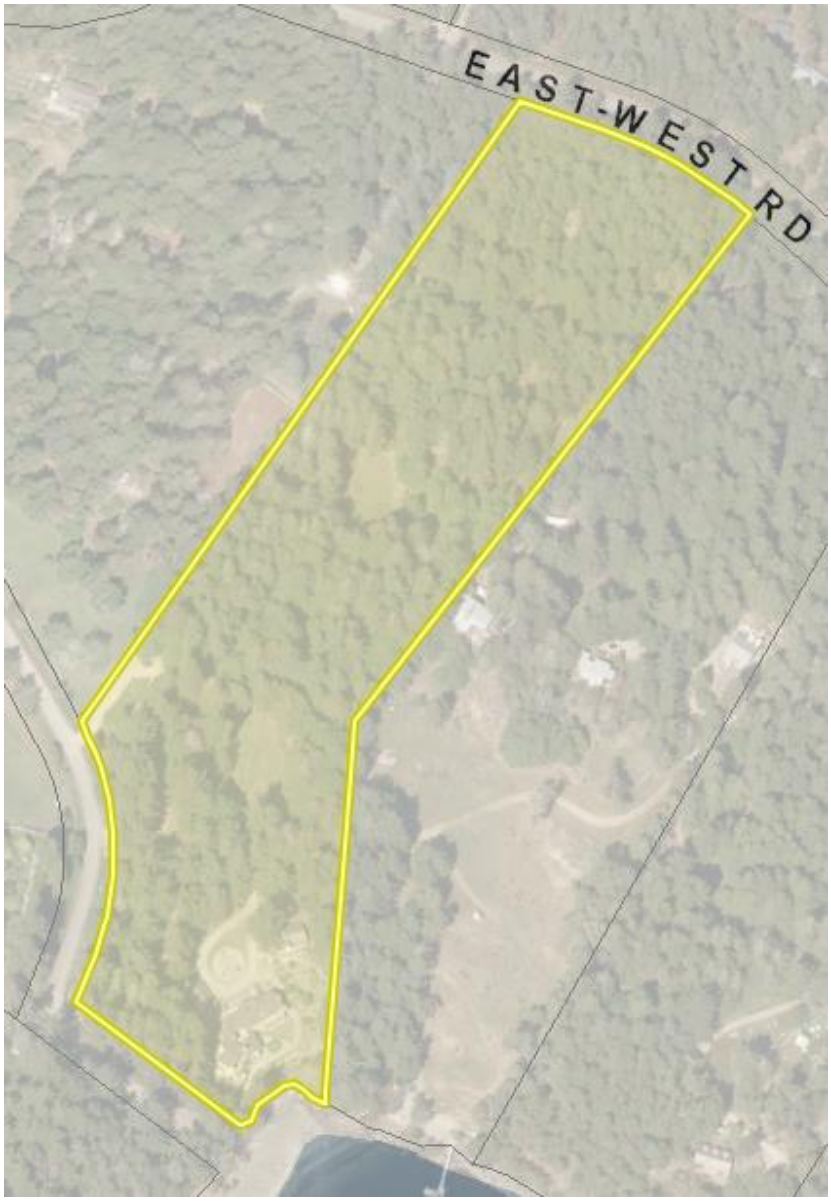
SITE INFLUENCES

Islands Trust Conservancy	There are no Islands Trust Nature Reserves or Covenant Areas on the property or adjacent to the property.
Regional Conservation Plan	Regional Conservation Plan mapping shows that the property has pockets of high value natural areas. 
Species at Risk	N/A
Sensitive Ecosystems	

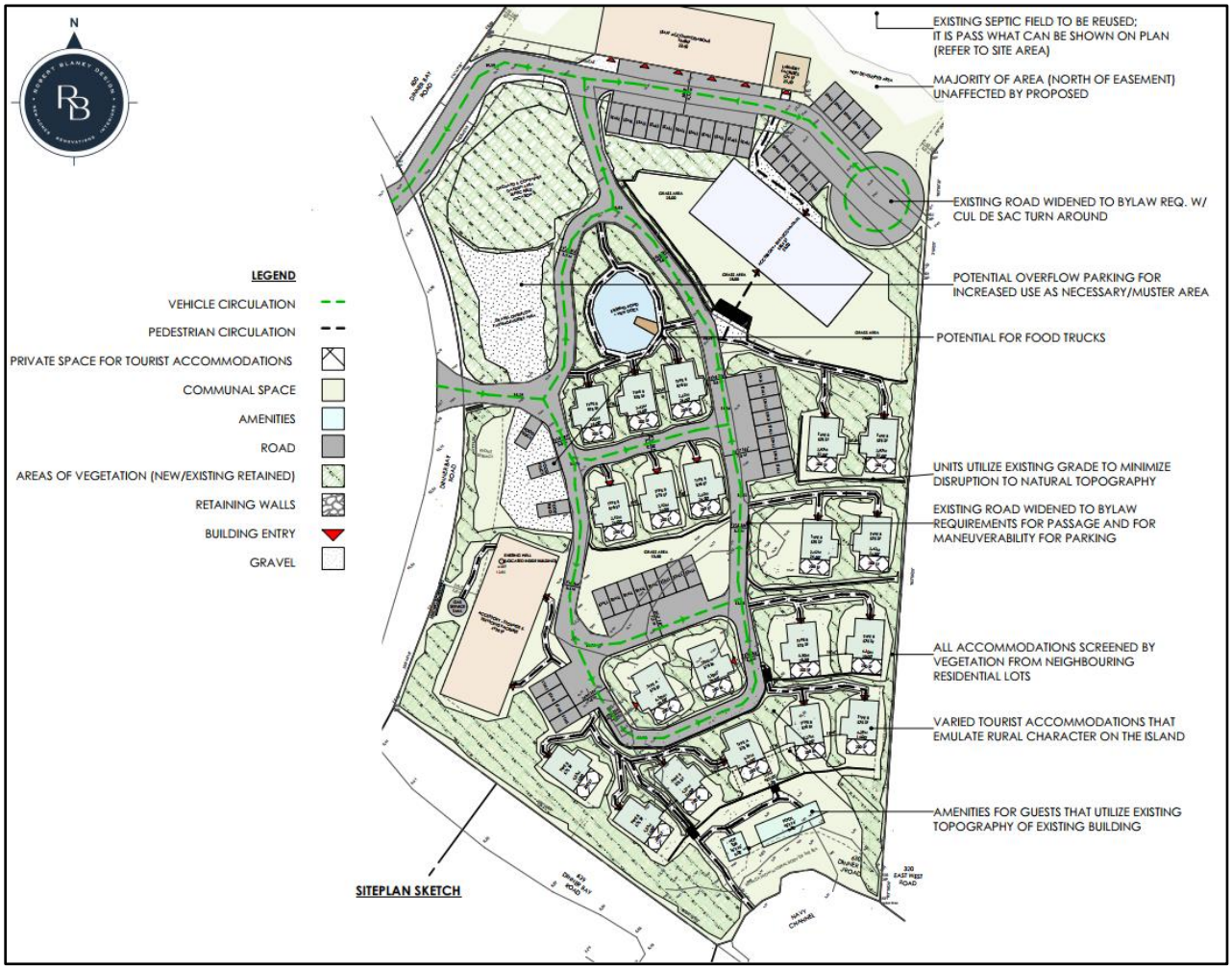
Hazard Areas	
Archaeological Sites	Staff have conducted desktop review that indicates there is archaeological potential on the property and an archaeology site in proximity to the property. Therefore, the land owners should seek clarification on the location of any sites in relation to development, review the provincial archaeological branch website, and be guided by theIslands Trust Chance Find Protocol.
Climate Change Adaptation and Mitigation	Unknown at this time, finalized design and servicing plans would need to be received.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Eelgrass meadow in Navy Channel

ATTACHMENT 2 – MAPS, PLANS, PHOTOGRAPHS

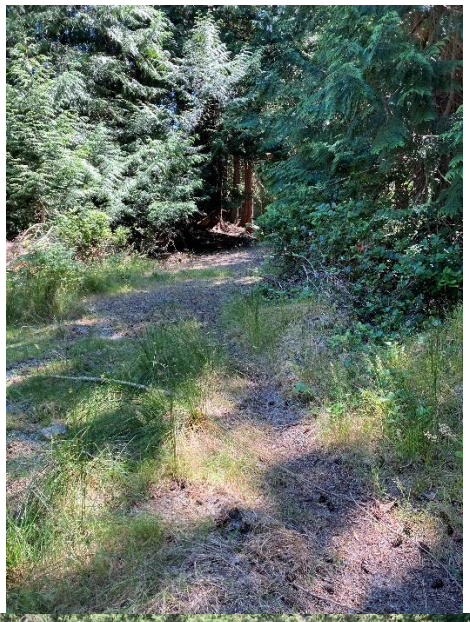
2.1 AERIAL VIEW



2.2 Site Plan



2.3 Site Visit July 17, 2023



ROBERT BLANEY DESIGN INC.

[redacted]

WWW.ROBERTBLANEYDESIGN.COM

September 8, 2023
Rezoning Letter for the Island Trust Committee
630 Dinner Bay Road

The existing property is currently zoned as a Commercial Zone(C5a) with a well known Country Guest House (Oceanwood Inn) for Visitor Accommodation (OCP - VA). There is currently a 3 bedroom accessory dwelling unit used by the resident owners, a guest house with 12 tourist accommodations and an accessory garage. The owners would like to propose changes to the site specific zone regulations that will allow temporary housing for seasonal visitors to the Island with supporting amenities for these tourists as well as housing for the staff. Specifically to revise the permitted uses and density to allow an increase of Tourist Accommodations Units to 20 from the existing 12, an increase of allowable accessory buildings on site from 4 to 5 and allow Tourist Accommodations Units to be their own separate cabins instead of within a Guest House. The proposed buildings are differently styled Cabins for these Tourist Accommodations, Housing for staff, a Service Facility, a Laundry Facility, a Gym Facility and Communal Facility. In addition, the owners would like to provide community amenity for use of the neighbourhood. Specifically, community access to the proposed Communal Facility as well as a nature hike trail through the untouched parcel north of the existing easement. Access through the easement will be provided for the community to reach these amenities on site. The proposal will not request changes in allowable lot coverage, setbacks, parking requirements or request increased floor area for the tourist accommodations. Furthermore, the development would be isolated at the south portion of the property. The intent is to provide an updated form to the original Oceanwood Inn while addressing the needs of tourists of this day.

Once reviewed and approved, the clients would like to begin development quickly. The plan would be to remove existing buildings, prepare services to accommodate the proposal and begin a staged approach to the construction of the new structures.

Looking at the site in a clockwise fashion, it is adjacent to Rural zoning on the NW side of the property to the East side of the property, the South PL is rural residential and the West PL is Park. Neighbouring properties' buildings are far set back from the site, and are mostly residential cottages screened by existing trees and fencing. Neighbours have been asked for feedback and have been attached with this application.

The proposal follows the spirit of the OCP and is based on the existing bylaws. This proposal addresses concerns regarding the pressure of seasonal housing for tourists on the island by providing accommodations for them on an underutilised property. By providing 20 Tourist

Accommodation Units via separate smaller structures, the impact on the existing environment is diminished in comparison to a larger structure such as a guest house. Smaller cabins will also emulate the rural community setting of the existing neighbourhood and can disperse these accordingly to minimise privacy impacts on the neighbourhood. The request to increase allowable accessory buildings is to ensure these new accommodations are adequately serviced with appropriate amenities. The concern of affordable housing is also addressed via staff housing structures to maintain operations. Furthermore, the development is envisioned to follow the smart growth principle outlined in the OCP by providing tourist housing opportunities within walking distance of local attractions such as the Japanese Memorial Park and the shore, a small community within a rural area and preserving large swathes of the property while providing amenities for the use of this community

E79236

Substitute for form C

Date Feb 25 1976

Declared value $ 1.00

Please merge N/A

Tel No.

Nature of Interest Easement

Property Lot 1 DL 526

Applicant [redacted]

Solicitor

Gowlings

Gowlings St.

Vancouver 1, B. C.

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E79971
E79972
E79973

EASEMENT OF RIGHT OF WAY

THIS AGREEMENT made the 23rd day of February, 1976.

BETWEEN:

GULF LAND CORPN. LTD., a body corporate, having an office and place of business at 1701 West Broadway, Vancouver, British Columbia

Inc. No.: 74,837

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

GULF LAND CORPN. LTD., a body corporate, having an office and place of business at 1701 West Broadway, Vancouver, British Columbia

Inc. No.: 74,837

(hereinafter called the "Grantee")

OF THE SECOND PART

WHEREAS the Grantor is the registered owner of those parcels or tracts of lands described on Schedule "A" hereto (hereinafter called the "servient lands");

AND WHEREAS the Grantee is the registered owner of those parcels or tracts of land described on Schedule "B" hereto (hereinafter called the "dominant lands");

AND WHEREAS the Grantor has agreed with the Grantee

Land Registry Act
CERTIFICATE OF REGISTRATION
9 day of April 1976
at the time
Registrar of the Vancouver

2

to grant an Easement of Right of Way over those portions of the servient lands in favour of those portions of the dominant lands all as respectively set out in Schedule "C" hereto (hereinafter sometimes called the "Rights of Way");

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises and of the sum of One ($1.00) dollar of lawful money of Canada and of other lawful consideration, now paid by the Grantee to the Grantor, the receipt whereof is hereby acknowledged by the Grantor;

(1) The Grantor does hereby grant unto the Grantee, its agents, invitees and workmen, forever, in common with the Grantor and all others having or who may hereafter acquire a similiar right, for the benefit of each of those respective portions of the dominant lands and appurtenant thereto Easements of Right of Way for purposes of ingress and egress, with or without vehicles, connected with the use and enjoyment of said respective portions of the dominant lands over those respective portions of the servient lands, all as shown and more particularly described on Schedule "C" hereto, subject to the reservations, limitations, provisos and conditions expressed in the original grant from the Crown, and subject to the following terms and conditions.

(2) The Grantor and the Grantee covenant not to erect any physical structures over the said Rights of Way nor to interfere with the use thereof by the Grantee or Grantor respectively.

(3) The Grantor or the owner for the time being of the servient lands shall pay all taxes and assessments in connection with the ownership of the fee simple thereof.

(4) The Grantee shall maintain the said Rights of

3

Way and in particular shall pay for all costs of removing trees and constructing roads or ditches thereon and shall do nothing thereon that constitutes a nuisance or interference with the enjoyment of the servient lands.

(5) Wherever the singular or masculine is used throughout this Agreement the same shall be construed as meaning the plural or feminine or body corporate or politic where the context or the parties hereto so require, and where a party is more than one person, all covenants shall be deemed to be joint and several.

(6) This Agreement shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Seals in the presence of their proper Officers the day and year first above written.

THE COMMON SEAL of GULF LAND CORPN. LTD. was duly affixed in the presence of:

[redacted]

President

THE COMMON SEAL of GULF LAND CORPN. LTD. was duly affixed in the presence of:

[redacted]

President

4

THIS IS SCHEDULE "A" ATTACHED TO THE EASEMENT OF RIGHT OF WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23rd DAY OF February. 1976

In the Gulf Islands Assessment District, Mayne Island Improvement District, Province of British Columbia, and more particularly known and described as;

Lots 22, 23, 24, 25, 28, 29, 31 and 32, Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, Plan 29750 .

5

THIS IS SCHEDULE "B" ATTACHED TO THE EASEMENT OF RIGHT OF WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23rd DAY OF February, 1976.

In the Gulf Islands Assessment District, Mayne Island Improvement District, Province of British Columbia, and more particularly known and described as;

Lots 23, 24, 25, 26, 27, 29, 29 and 31, Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, Plan 29750 .

6

THIS IS SCHEDULE "C" ATTACHED TO THE EASEMENT OF RIGHT OF WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23rd DAY OF February. 1976.

The Easements granted by the grant to which this Schedule is attached shall be construed so that the grant is made in favour of those portions of the dominant lands described under the column entitled "dominant lands" over those portions of the servient lands under the corresponding column entitled "servient lands"

DOMINANT LANDS		SERVIENT LANDS
Lot 23	over	Lot 22
Lot 24	over	Lots 22, 23
Lot 25	over	Lots 22, 23, 24
Lot 26	over	Lots 22, 23, 24, 25
Lot 27	over	Lots 28, 29, 31, 32
Lot 28	over	Lots 29, 31, 32
Lot 29	over	Lots 31, 32
Lot 31	over	Lot 32

all of which Lots are situated in the Gulf Islands Assessment District, Province of Br'.ish Columbia and are within Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, Plan as shown outlined in red on Plan R.W., a print of which is attached hereto.

7

WE, VICTORIA MORTGAGE CORPORATION LTD., a body corporate, (Inc. No. 74,837), 990 Blanshard Street, Victoria, British Columbia, and RAY THOMAS BRYANT, Solicitor, 620 View Street, Victoria, British Columbia, holders of the following Mortgages;

First Mortgage No. D67102 as extended by E72691 in favour of Victoria Mortgage Corporation Ltd.,

Second Mortgage No. D95579 as extended by E72692 in favour of Ray Thomas Bryant, and

Third Mortgage No. E31426 as extended by E72693 in favour of Ray Thomas Bryant,

hereby consent to the granting by Gulf Land Corpn. Ltd. of an Easement to Gulf Land Corpn. Ltd. charging the following lands;

In the Gulf Islands Assessment District, Province of British Columbia, and more particularly known and described as;

Those portions of Lots 22, 23, 24, 25, 28, 29, 31 and 32 of Sections 4, 5, 6 and 7, Mayne Island, Cowichan District, Plan 29750,

and hereby join in said grants and give priority to the Grantee named thereunder over ou said Mortgages.

DATED at Victoria, Briti h Columbia, this 10th day of September 1976.

THE COMMON SEAL of VICTORIA MORTGAGE CORPORATION LTD. was duly affixed in the presence of:

[redacted]

SIGNED, SEALED AND DELIVERED by the said RAY THOMAS BRYANT in the presence of:

Name [redacted]

Address L. J. Parr, 620 View Street, Victoria, B.C.,

Occupation Secretary

[redacted]

Ray Thomas Bryant

8

Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 10th day of September, 19 76, at Victoria, in the Province of British Columbia, [redacted] (~~whose identity has been proved by the evidence on oath of~~ , who is) personally known to me, appeared before me and acknowledged to me that he is the director of Victoria Mortgage Corporation Ltd., and that he is the person who subscribed his name to the annexed instrument as director of the said Victoria Mortgage Corporation Ltd. and affixed the seal of the Victoria Mortgage Corporation Ltd. to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at Victoria in the Province of British Columbia, this 10th day of September one thousand nine hundred and seventy-six.

[redacted]

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

For Maker

I HEREBY CERTIFY that, on the day of September, 19 76 at Victoria, in the Province of British Columbia, Ray Thomas Bryant (~~whose identity has been proved by the evidence on oath of~~ who is) personally known to me, appeared before me and acknowledged to me that he is the person mentioned in the annexed instrument as the maker thereof, and whose name is subscribed thereto as party, that he knows the contents thereof, and that he executed the same voluntarily, and is of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at Victoria in the Province of British Columbia, this day of September in the year of our Lord one thousand nine hundred and seventy-six.

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

NOTE—Where the person making the acknowledgment is personally known to the Officer taking the same, strike out the words in brackets.

Form No. 32. Affidavit for Witness. Victoria Book & Stationery Co., Ltd., Victoria, B.C.

LAND REGISTRY ACT

FORM R.
(*Section 57 (a).*)

Affidavit for Witness

To Wit:

I, Jennifer Jane Fern, of the City of Victoria, in the Province of British Columbia, make oath and say:—

1. I was personally present and did see the within instrument duly signed and executed by RAY THOMAS BRYANT the part Y thereto, for the purpose named herein.

2. The said instrument was executed at Victoria, B.C.

3. I know the said part y, and that he is of the full age of twenty-one years.

4. I am the subscribing witness to the said instrument and am of the full age of sixteen years.

Sworn before me at the City of Victoria in the Province of British Columbia, this 13th day of September 19 76

[redacted]

A Commissioner for taking Affidavits for British Columbia

10

WE, VICTORIA MORTGAGE CORPORATION LTD., a body corporate, (Inc. No. 74,837), 990 Blanshard Street, Victoria, British Columbia, and RAY THOMAS BRYANT, Solicitor, 620 View Street, Victoria, British Columbia, holders of the following Mortgages;

First Mortgage No. D67102 as extended by E72691 In favour of Victoria Mortgage Corporation Ltd.,

Second Mortgage No. D95579 as extended by E72692 In favour of Ray Thomas Bryant, and

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hereby consent to the granting by Gulf Land Corpn. Ltd. of an Easement to Gulf Land Corpn. Ltd. charging the following lands;

In the Gulf Islands Assessment District, Province of British Columbia, and more particularly known and described as;

Those portions of Lots 22, 23, 24, 25, 28, 29, 31 and 32 of Sections 4, 5, 6 and 7, Mayne Island, Cowichan District, Plan 29750,

and hereby join in said grants and give priority to the Grantee named thereunder over our said Mortgages.

DATED at Victoria, British Columbia, this 10th day of September 1976.

THE COMMON SEAL of VICTORIA MORTGAGE CORPORATION LTD. was duly affixed in the presence of:

[redacted]

director

SIGNED, SEALED AND DELIVERED by the said RAY THOMAS BRYANT in the presence of:

[redacted]

Name [redacted]

Address J. L. Perry, 620 View Street, Victoria, B.C.

Occupation Secretary

[redacted]

Ray Thomas Bryant

11

Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 10th day of September, 19 76, at Victoria [redacted] ~~(whose identity has been proved by the evidence on oath of~~ , who is) personally known to me, appeared before me and acknowledged to me that he is the director of Victoria Mortgage Corporation Ltd., and that he is the person who subscribed his name to the annexed instrument as director of the said Victoria Mortgage Corporation Ltd. and affixed the seal of the Victoria Mortgage Corporation Ltd. to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at Victoria in the Province of British Columbia, this 10th day of September one thousand nine hundred and seventy-six.

[redacted]

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

For Maker

I HEREBY CERTIFY that, on the day of September, 19 76 at Victoria, in the Province of British Columbia, Ray Thomas Bryant ~~(whose identity has been proved by the evidence on oath of~~ who is) personally known to me, appeared before me and acknowledged to me that he is the person mentioned in the annexed instrument as the maker thereof, and whose name is subscribed thereto as part Y, that he knows the contents thereof, and that he executed the same voluntarily, and is of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at Victoria in the Province of British Columbia, this day of September in the year of our Lord one thousand nine hundred and seventy-six.

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

NOTE—Where the person making the acknowledgment is personally known to the Officer taking the same, strike out the words in brackets.

Form No. 32. Affidavit for Witness.

12

Victoria Book & Stationery Co., Ltd., Victoria, B.C.

LAND REGISTRY ACT

FORM R.

(*Section* 57 (*a*).)

Affidavit for Witness

To Wit:

I, Jennifer Jane Pern, of the City of Victoria, in the Province of British Columbia, make oath and say:—

1. I was personally present and did see the within instrument duly signed and executed by KAY THOMAS BRYANT the part Y thereto, for the purpose named therein.

2. The said instrument was executed at Victoria, B.C.

3. I know the said part y , and that he is of the full age of twenty-one years.

4. I am the subscribing witness to the said instrument and am of the full age of sixteen years.

Sworn before me at the City of Victoria in the Province of British Columbia, this 13th day of September, 19 76

[redacted]

[redacted]

A Commissioner for taking Affidavits for British Columbia

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THIS IS SCHEDULE "C" ATTACHED TO THE EASEMENT OF RIGHT OF WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23RD DAY OF FEBRUARY 1976.

The Easements granted by the grant to which this Schedule is attached shall be construed so that the grant is made in favour of those portion of the dominant lands described under the column entitled "dominant lands" over those portions of the servient lands under the corresponding column entitled "servient lands".

DOMINANT LANDS		SERVIENT LANDS
Lot 23	over	Lot 22
Lot 24	over	Lots 22, 23
Lot 25	over	Lots 22, 23, 24
Lot 26	over	Lots 22, 23, 24, 25
Lot 27	over	Lots 28, 29, 31, 32
Lot 28	over	Lots 29, 31, 32
Lot 29	over	Lots 31, 32
Lot 31	over	Lots 32

all of which portions of the servient lands are situated in the Gulf Islands Assessment District, Province of British Columbia, and are within Sections 4, 5, 6, and 7, Mayne Island, Cowichan District, shown on a subdivision of Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, shown outlined in red on a Subdivision Pain of Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, shown by Ralph B. Turner, B.C.L.S., a print of which is attached, and as shown outlined in red on Plan of Right of Way sworn to by Ralph B. Turner, B.C.L.S., January 26, 1976, a print of which is attached.

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THIS IS SC .EDULE "B" ATTACHED TO THE EASEMENT OF RIGHT OF WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23RD DAY OF FEBRUARY 1976.

In the Gulf Islands Assessment District, Mayne Island Improvement District, Province of British Columbia, and more particularly known and described as;

Lots 23, 24, 25, 26, 27, 28, 29, 31 and 32, Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, shown on a subdivision of Sections 3, 4, 5, 6 and 7, Mayne Island, Cowichan District, shown outlined in red on a Subdivision Plan of Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, sworn to by Ralph B. Turner, B.C.L.C., December 4, 1975, a print of which is attached.

15

E79967

E79968
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E79972

E79973

THIS IS SCHEDULE "A" ATTACHED TO THE EASEMENT OF RIGHT OF WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23RD DAY OF FEBRUARY 1976.

In the Gulf Islands Assessment District, Mayne Island Improvement District, Province of British Columbia, and more particularly known and described as;

Lots 22, 23, 24, 25, 28, 29, 31 and 32, Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, shown on a subdivision of Sections 3, 4, 5, 6 and 7, Mayne Island, Cowichan District, shown outlined in red on a Subdivision Plan of Sections 3, 4, 5, 6 and 7, Mayne Island, Cowichan District, sworn to by Ralph B. Turner, B.C.L.S., December 4, 1975, a print of which is attached.

01S

F.B. Job No M-2455-12-R/W-2

RIGHT-OF-WAY PLAN THROUGH PORTIONS OF SECTIONS 4, 5, 6 AND 7, MAYNE ISLAND COWICHAN DISTRICT.

FOR WATER DISTRIBUTION PURPOSES.

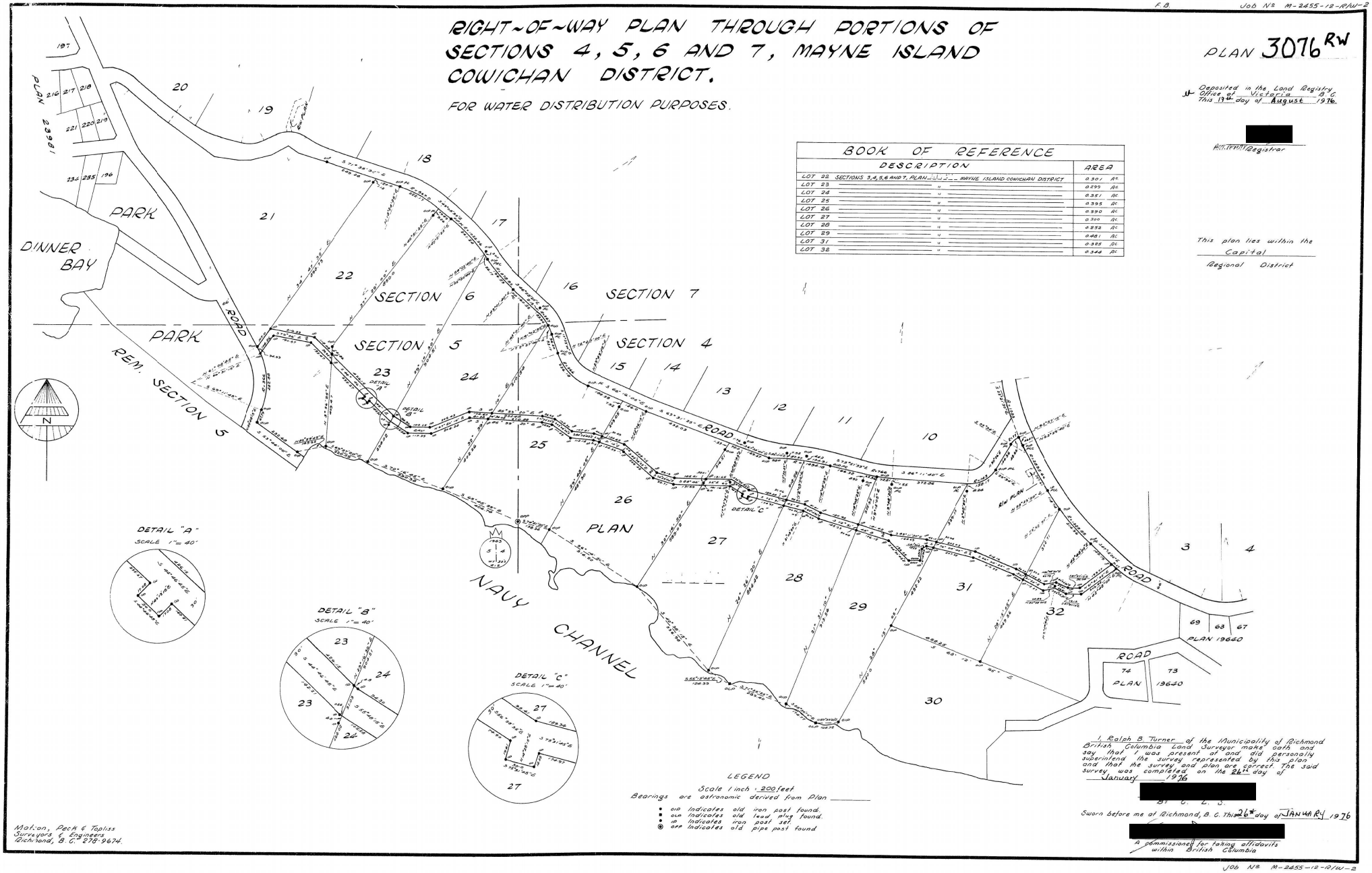
PLAN 3076 RW

Deposited in the Land Registry Office at Victoria B.C. This 19th day of August 1976.

[redacted]
Registrar

This plan lies within the Capital Regional District

BOOK OF REFERENCE		
DESCRIPTION		AREA
LOT 22	SECTIONS 3,4,5,6 AND 7, PLAN ——— MAYNE ISLAND COWICHAN DISTRICT	0.301 AC
LOT 23	"	0.299 AC
LOT 24	"	0.351 AC
LOT 25	"	0.395 AC
LOT 26	"	0.390 AC
LOT 27	"	0.300 AC
LOT 28	"	0.252 AC
LOT 29	"	0.401 AC
LOT 31	"	0.325 AC
LOT 32	"	0.344 AC



LEGEND
Scale 1 inch = 200 feet
Bearings are astronomic derived from Plan ———
• oip Indicates old iron post found.
• ocp Indicates old lead plug found.
• ip Indicates iron post set.
◉ opp Indicates old pipe post found

I, Ralph B. Turner of the Municipality of Richmond British Columbia Land Surveyor make oath and say that I was present at and did personally superintend the survey represented by this plan and that the survey and plan are correct. The said survey was completed on the 26th day of January 1976

[redacted]
B. C. L. S.

Sworn before me at Richmond, B.C. This 26th day of JANUARY 1976

[redacted]
A Commissioner for taking affidavits within British Columbia

Motion, Peck & Topliss
Surveyors & Engineers
Richmond, B.C. 278-9674.

Job No M-2455-12-R/W-2

Village Point Improvement District

[redacted]

September 14, 2023

Dear Trustees Dodds and Maude:

I am writing to you on behalf of the Village Point Improvement District. As I'm sure you know, we supply water and sewer services to households in the southwest corner of Mayne Island, including Mariners Way, Spinnaker Drive, Lundy Lane, Leighton Lane, Wood Dale Drive, Merryman Drive, Dinner Bay Road, and Dalton Drive. Our water treatment plant supplies potable water to **239** households in this area. The plant is supplied by water from six wells in our district.

It has recently come to our attention that the new owners of the property at the end of Dinner Bay Road, known as "The Oceanwood", are applying for permission to redevelop the property. Our understanding is that they are proposing to demolish the existing structures on the property and redevelop up to 20 individual units (cabins) for short-term rental. If this were to occur, it would likely result in a substantial increase in water demand for this property, which would presumably be met by the owners drilling at least one additional well.

One of the wells that supplies water to our treatment plant is on the property adjacent to the Oceanwood property. This well is vitally important to us – it supplies as much as **43%** of our water most days. It is also, of our six wells, the one that is closest to the ocean. We are acutely aware of the potential risks of a salt-water incursion into this well, and restrict the amount of time that the pump runs each hour to mitigate this risk. **Consequently, we are deeply concerned about the increased risk to our well that would result from additional wells being drilled and operated on an adjacent property.**

When the Islands Trust considers this redevelopment proposal, we urge you to take these concerns into consideration.

Yours sincerely,

[redacted]

Michael Jones, Chair
Village Point Improvement District, Board of Trustees

Cc: Paul Brent, CRD

STAFF REPORT

File No.: MA-DVP-2023.5 (Girouard)

DATE OF MEETING:	September 25, 2023
TO:	Mayne Island Local Trust Committee
FROM:	Charly Caproff, Planner 1 Southern Team
COPY:	Robert Kojima, Regional Planning Manager
SUBJECT:	MA-DVP-2023.5 (Girouard) Applicant: Louise Girouard Location: 750 Steward Drive

RECOMMENDATION

1. **That the Mayne Island Local Trust Committee approve issuance of MA-DVP-2023.5 (Girouard).**

REPORT SUMMARY

The purpose of this report is for the Mayne Island Local Committee (LTC) to consider development variance application MA-DVP-2023.5 which is seeking to vary the maximum height of an accessory building, 5 metres (16.5 feet), to allow for construction of a new accessory building ("Workshop") that is 7.14 metres (23.4 feet) in height.

In summary the above recommendation for the issuance of the variance is supported as: the proposed building is overheight due to the steep slope; the proposed building is well screened from adjacent neighbours; the elevation facing Steward Drive meets height regulations; work has commenced to address impacts to the foreshore and bank; and the accessory building meets other relevant zoning regulations.

RATIONALE FOR VARIANCE

The subject property has a steep grade (Figure 2), creating challenging development conditions. In order to construct the accessory building, cutting into the bank is required. The west elevation, facing in the direction of Steward Drive, would meet the permitted accessory building height of 5.0 metres (16.5 feet). The south elevation, facing in the direction of the studio and dwelling, is two storeys with a sliding door entrance at the lower level.

BACKGROUND

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

The property is 0.87 ha (2.14 ac) and located at 750 Steward Drive. The property is zoned Settlement Residential. In 2022 the owners received a stop work order from Capital Regional District (CRD) for an accessory building ("Studio"). The owners applied for a preliminary plan review with Islands Trust where staff determined that the two accessory buildings, the Studio and Workshop, did not conform to land use regulations. During the initial site visit on October 25, 2022, it was discovered that land alteration had occurred on the foreshore in an area where there is archaeological material. Staff also raised concerns regarding bank alterations that may result slope destabilization. At that time a Bylaw Enforcement file was opened for structures within the natural boundary of the sea, MA-BE-2022.10. After discussing with the applicants, the applicants chose to proceed in two separate applications, the first being for the partially constructed accessory building ("Studio") subject to a stop work order as it would be damaged by inclement weather. The variance for the Studio (MA-DVP-2022.2) was approved at the January 2023 LTC meeting. The second application for the additional accessory building ("Workshop") is now proceeding as the applicant has commenced work to mitigate damage to the foreshore and bank. These measure include:

- Retaining an individual experienced with green shore plans to provide recommendations for revegetation and slope stability in late April 2023. The owner submitted photos of planting on the slope on August 29, 2023 (Attachment 1).

- The owner received a *Heritage Conservation Act* compliance notice on April 23, 2023 following a site investigation by the Ministry of Forests, Compliance and Enforcement Branch (CEB). The investigation was closed due to owner compliance with the Stop Work Order, the owner retaining an archaeological consultancy firm to address impacts, and detailed review of relevant legislation. Any improvements within the area containing archaeological material will require Archaeology Branch issued permits.

There are two bylaw enforcement files are currently open for the property – one for structures located within the natural boundary of the sea (MA-BE-2022.10), mentioned previously, and another for two floats anchored in Horton Bay (MA-BE-2023.1). These bylaw enforcement files are not related to this application for the proposed accessory building ("Workshop").

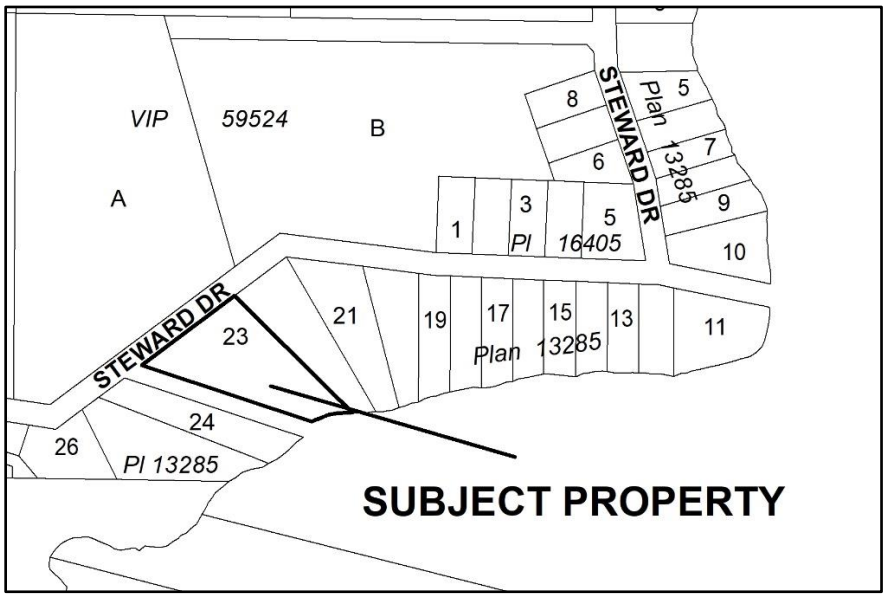


Fig. 1 Subject Property

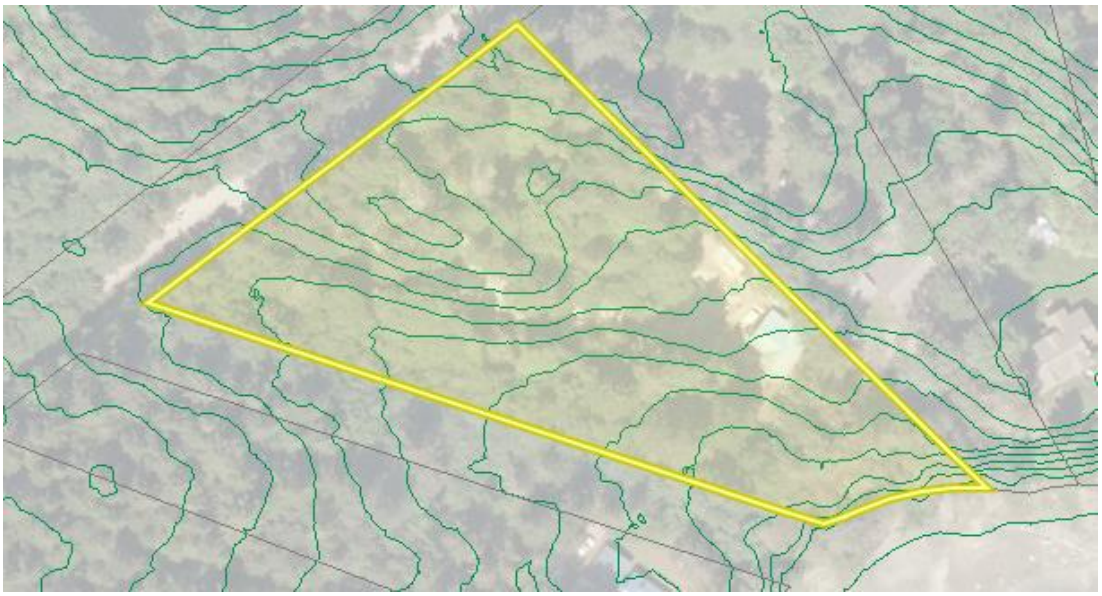


Fig. 2 – 2m contour lines for the subject property

The updated site plan provided by the applicant shows additional structures that have been added to the property since the previous variance application in 2022 (Figure 3). The siting of these buildings has not been confirmed by survey and are not part of this variance request.

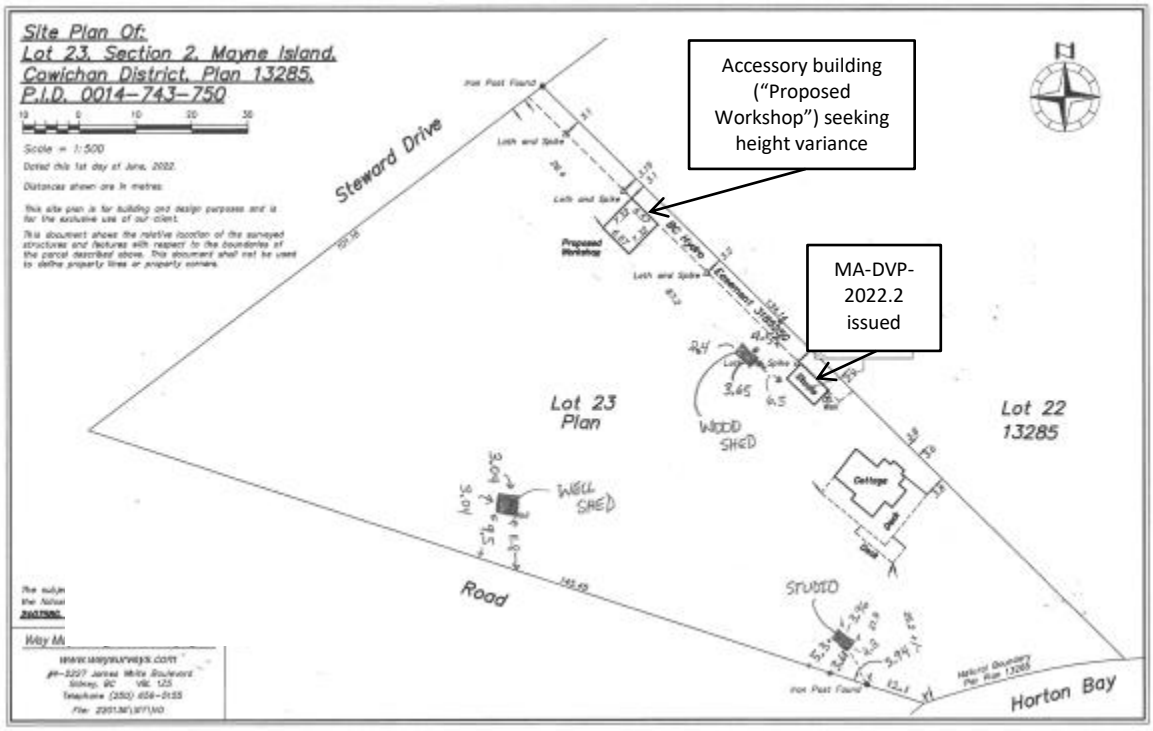


Fig. 3 – Revised site plan showing all buildings and structures on property. Accessory buildings 'Well Shed', 'Wood Shed', and the 'Studio' nearest the natural boundary of the sea have not been verified by survey.

ANALYSIS

Policy/Regulatory

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

Official Community Plan (OCP)

The property is designated Settlement Residential (SR) in the Mayne Island Official Community Plan No. 144, 2007 (OCP). There are no specific OCP policies or principles in conflict with the variance request.

Land Use Bylaw (LUB)

The property is zoned Settlement Residential (SR) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB). Subsection 5.1(10) of the LUB states the maximum height for any accessory building or structure is 5 metres (16.5 feet). In this case, the proposed accessory building is 7.14 m (23.4 feet) in height. As described previously the rationale for the variance is that due to the steep slope of the property, the owners were required to cut into the slope for the building design. The west elevation, which faces Steward Drive, is 5 metres (16.5 feet).

The number of accessory buildings is permitted, as utility sheds and woodsheds are exempted from subsection 5.1(4)(c).

<u>Potential impacts of granting the variance</u>

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 considered minor as the elevation facing the road meets height regulations, it is sited in a vegetated area, the design is not visually intrusive and is consistent with existing form and character on the property. As described, the property has a steep grade from the road frontage towards the foreshore, which is why the owners cut into the slope for the building construction.

Circulation

DVP notices were circulated to surrounding property owners and residents on September 1, 2023. The notification period will end on September 13, 2023. At the time of writing the report, one written submission has been received in opposition to the application from a nearby neighbour. The submission states that the variance request is excessive and raises concerns regarding activity on the property (Attachment 6). Any submissions received after the agenda is published will be sent to the LTC prior to the September 25th meeting and will be raised by the planner at that meeting.

First Nations

There is a registered archaeological site and areas of archaeological potential on the site. Should archaeological material be encountered during development, all work should cease and the BC Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Rationale for Recommendation

A potential impact of granting the variance is that the overheight building could impact the view of neighbouring dwellings. Given that the proposed workshop meets other applicable zoning regulations, is sited where there is a vegetative screen, and the elevation facing the road meets height regulations, the recommendation on page one (1) is supported. A concern has been raised by a nearby neighbour, but no complaints have been received from adjacent neighbours.

ALTERNATIVES

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

1. **Request further information**

   The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

   That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust ….

2. **Deny the application**

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

   That the Mayne Island Local Trust Committee refuse application MA-DVP-2023.5 (Girouard).

Submitted By:	Charly Caproff, Planner 1	August 29, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	August 30, 2023

ATTACHMENTS

1. Slope stability work (email)
2. Site Context
3. Maps, Plans, Photographs
4. Notice
5. Development Variance Permit MA-DVP-2023.5 (Girouard)
6. Correspondence

From: Robert Begrand <[redacted]>
Sent: Monday, August 28, 2023 6:24 PM
To: Charly Caproff
Cc: GiGi Girouard
Subject: FW: ForeShore Pics

Hi Charly,
Please find attached Fore Shore Pics of;
20 plants total – planted in top soil, fertilized and watered.

We planted deer retardant plants;
Lavender
Boxwood
Dwarf Spurge
Salvia

These plants provide a strong root bed for soil retention.

Thanks,
Rob and Louise.

.

ATTACHMENT 2 – SITE CONTEXT

LOCATION

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

LAND USE

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

HISTORICAL ACTIVITY

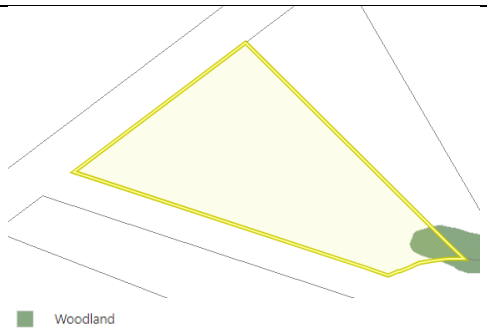
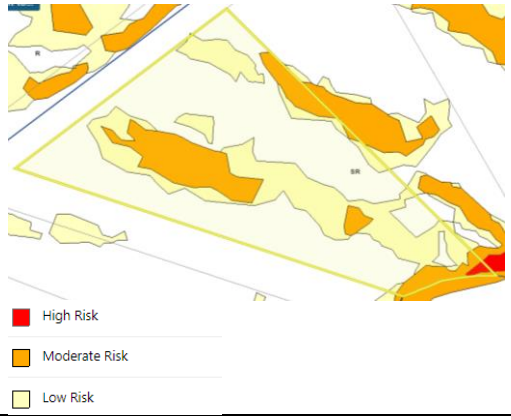
File No.	**Purpose**
MA-BP-2022.22	Construction of an accessory building ("Studio") – closed
MA-BP-2022.20	Construction of an accessory building – pending
MA-DVP-2022.2	DVP for siting of an accessory building ("Studio") – issued

POLICY/REGULATORY

Official Community Plan Designations	Mayne Island OCP No. 144, 2007 – Settlement Residential (SR)
Land Use Bylaw	Mayne Island LUB No. 146, 2008: The subject property is zoned Settlement Residential (SR)
Other Regulations	N/A
Covenants	There is no covenant registered on the property
Bylaw Enforcement	MA-BE-2022.10 – structures in the foreshore area. Active. MA-BE-2023.1 – two floats in marine area

SITE INFLUENCES

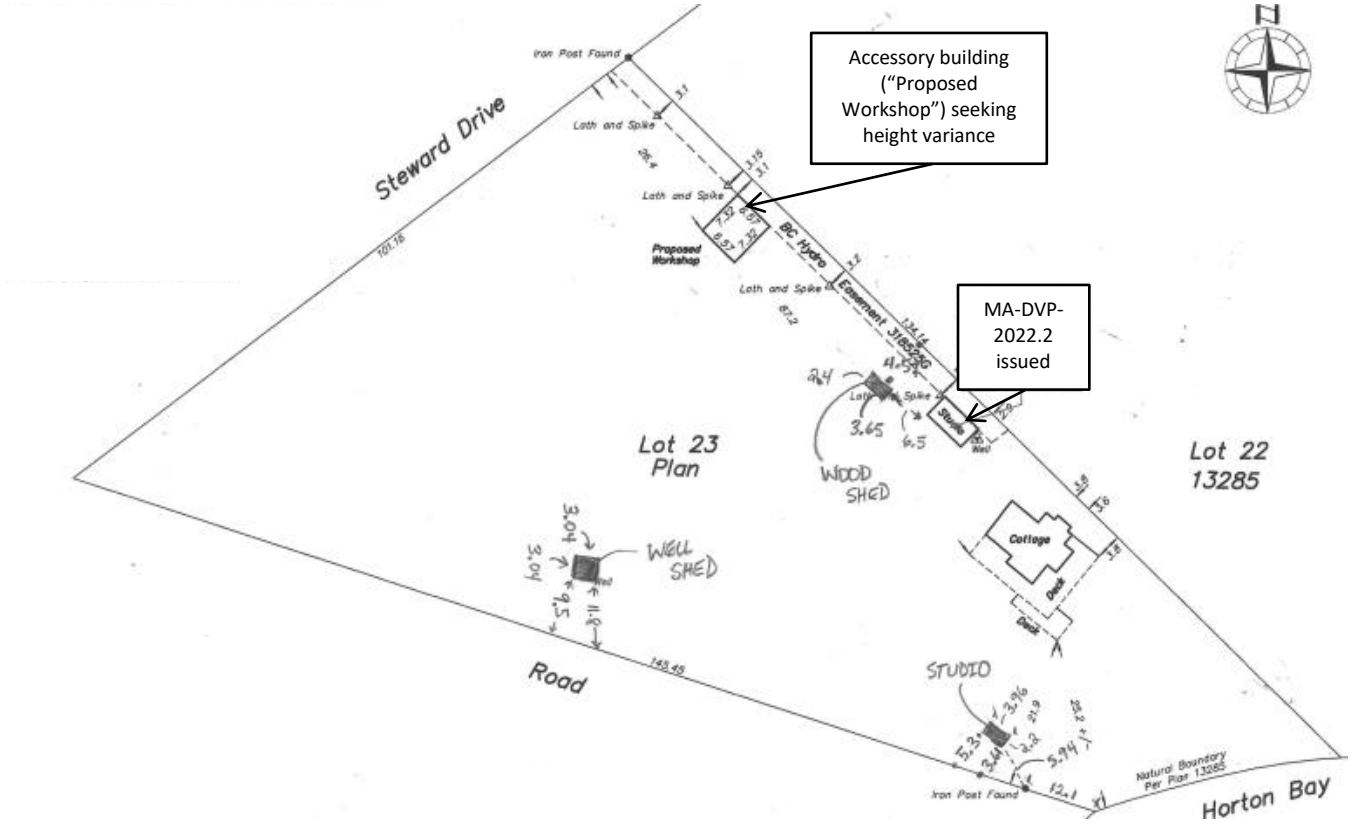
Islands Trust Conservancy	The proposal has no implications for the Islands Trust Conservancy.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	Woodland

	
Hazard Areas	Mapping indicates areas of high, moderate, and low risk steep slope on the property 
Archaeological Sites	Mapping indicates an archaeological site on the property. If archaeological material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Low Rock/Boulder

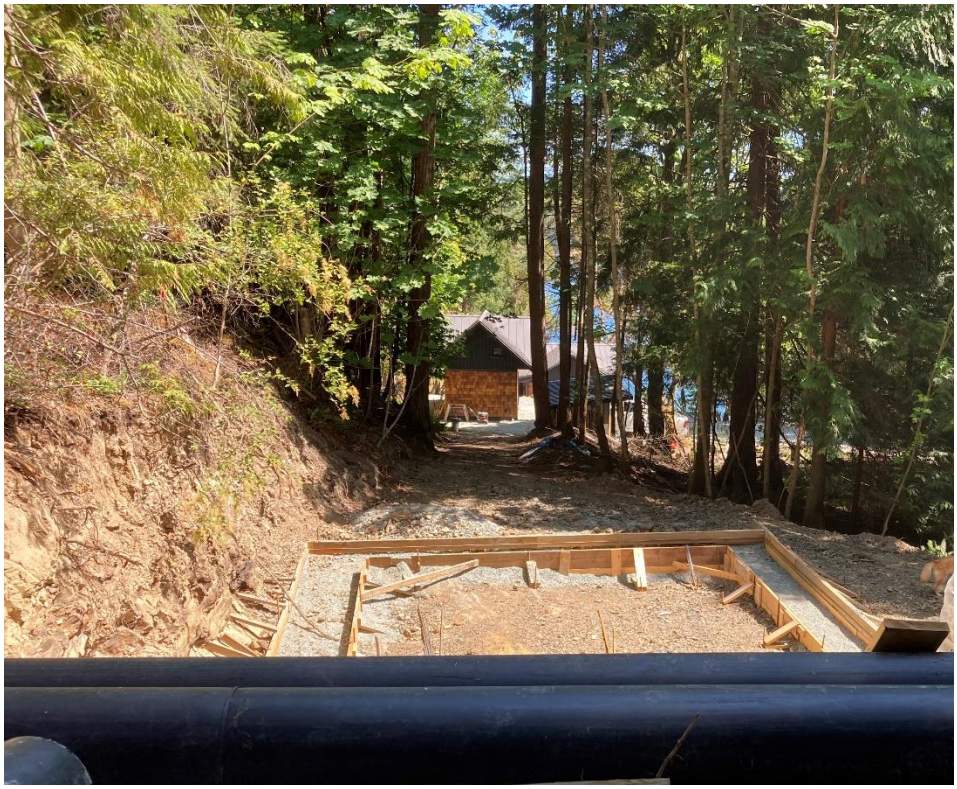
ATTACHMENT 3 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

3.1 AERIAL VIEW

3.2 SITE PLAN



3.3 Site Visit July 14, 2023



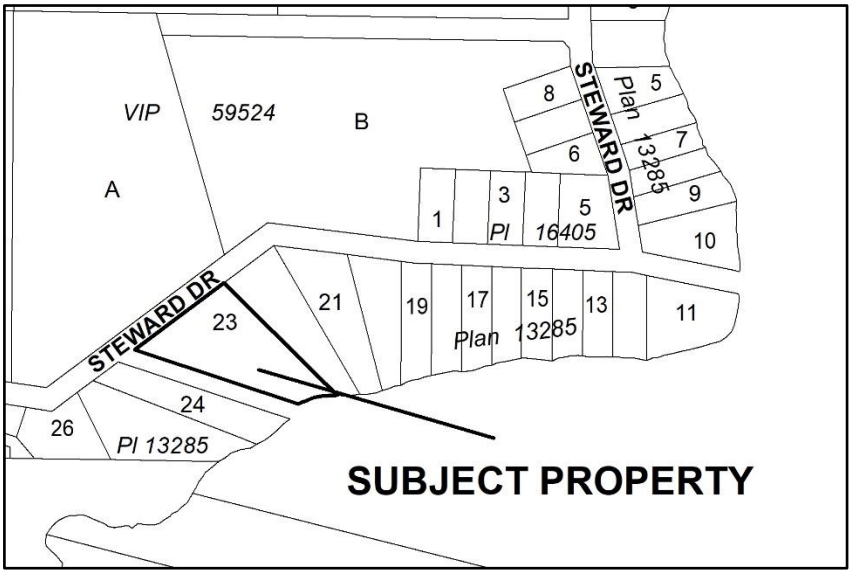
NOTICE
MA-DVP-2023.5
MAYNE ISLAND LOCAL TRUST COMMITTEE

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, 2008 by:

- Increasing the 5.0 metre (16.5 feet) accessory building height for the proposed accessory building ("workshop") to 7.14 metres (23.4 feet).

The property is located at **750 STEWARD DR** and is legally described as LOT 23, SECTION 2, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 13285 (PID: 004-743-750).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, 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 **September 1, 2023** and continuing up to and including **September 13, 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) 538-5602, 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 before 4:30 pm, **September 13, 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., September 25th, 2023** at the **Mayne Island Agricultural Hall**, 430 Fernhill Road, on Mayne Island.

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

Jas Chonk, Deputy Secretary

Islands Trust

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2023.5

To: Robert Begrand & Louise Girouard

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

   LOT 23, SECTION 2, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 13285 (PID: 004-743-750)

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

   a) Subsection 5.1(10) which states that the maximum height for any accessory building or structure is 5 metres (16.5 feet) is varied to permit the construction of an accessory building ("workshop") that is 7.14 metres (23.4 feet) in height.

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

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

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

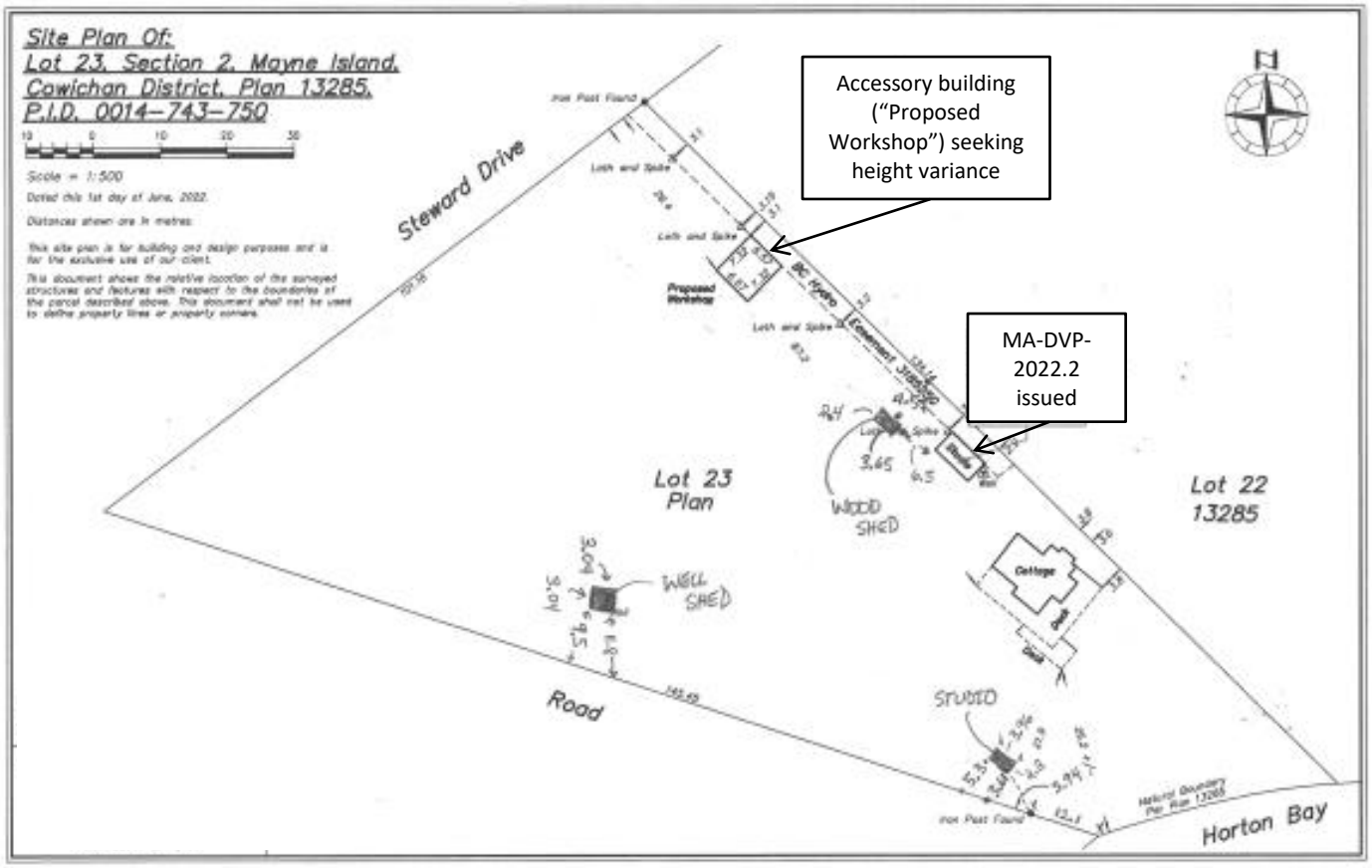
_____
Deputy Secretary, Islands Trust

_____
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.

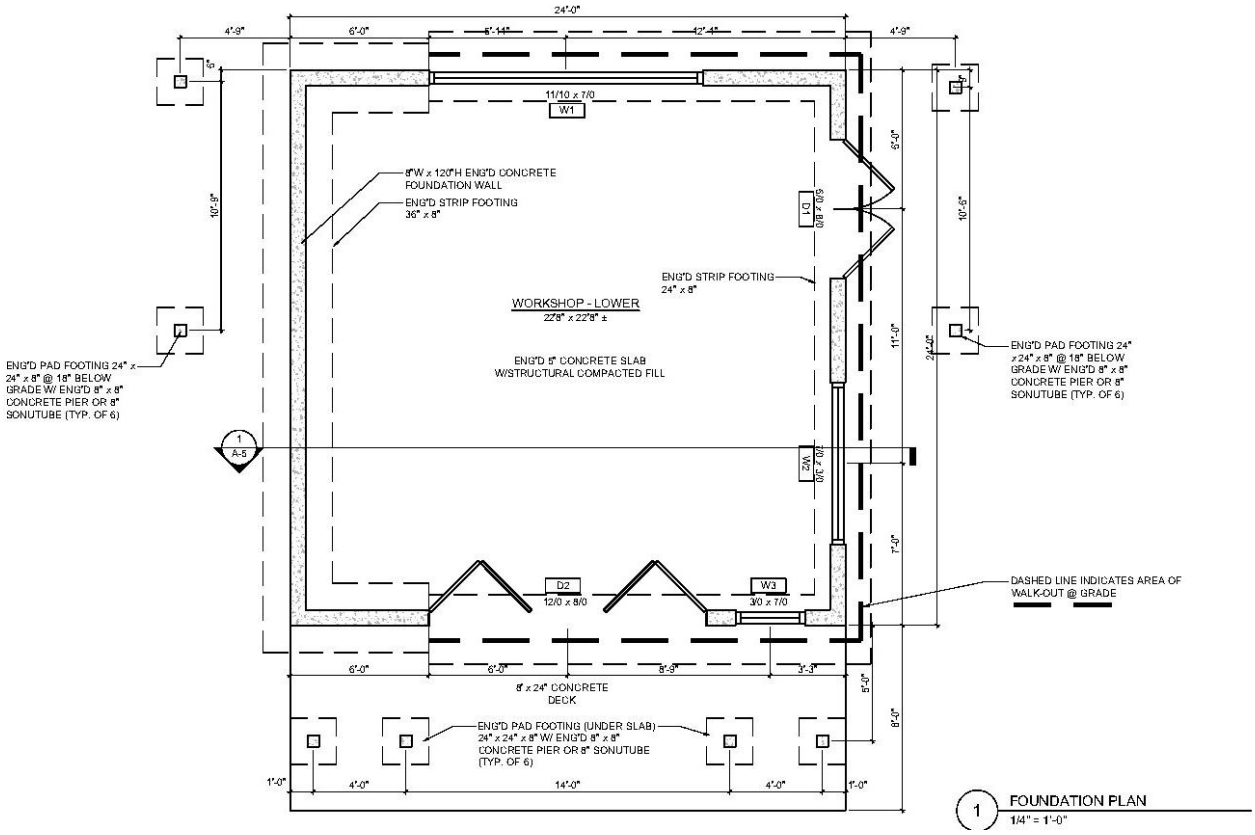
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2023.5

SCHEDULE 'A'

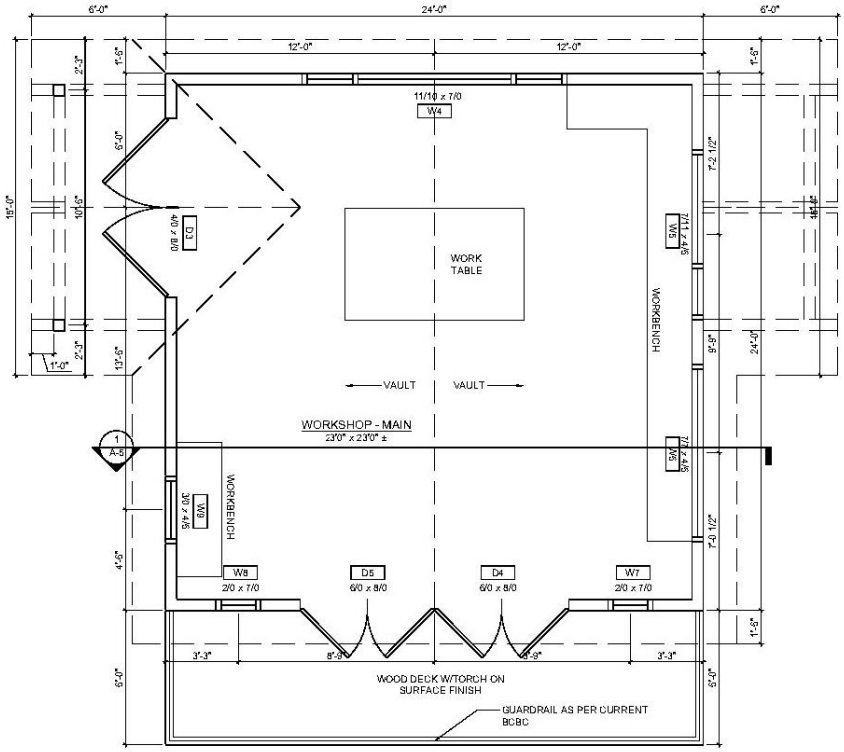


MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2023.5

SCHEDULE 'B'

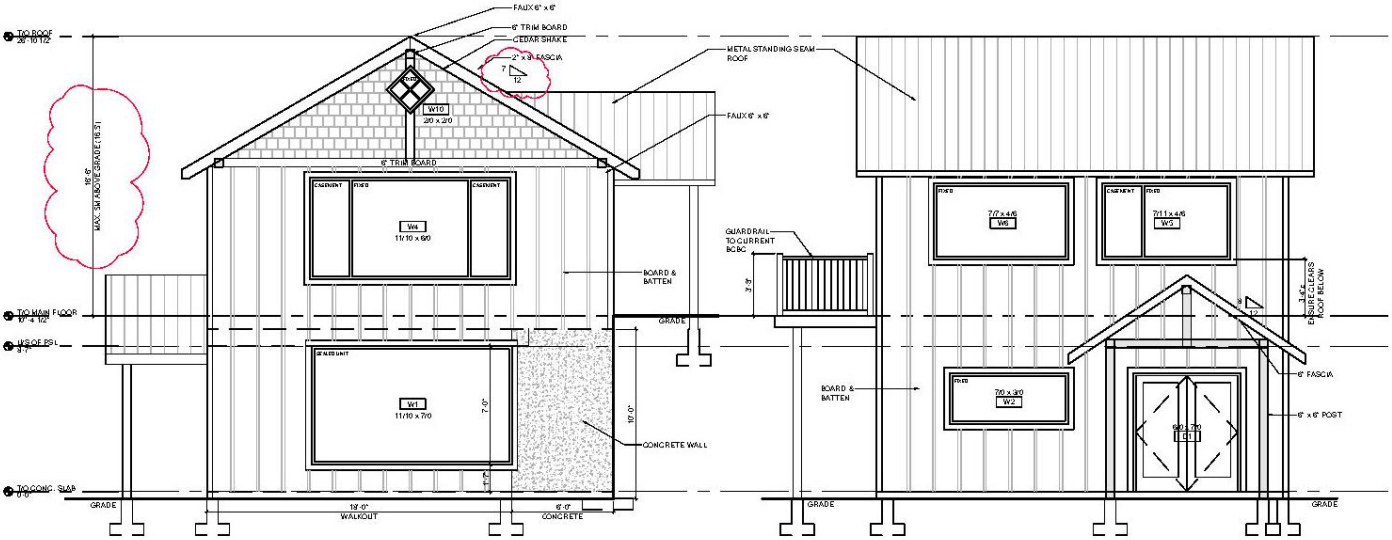


1 FOUNDATION PLAN
1/4" = 1'-0"



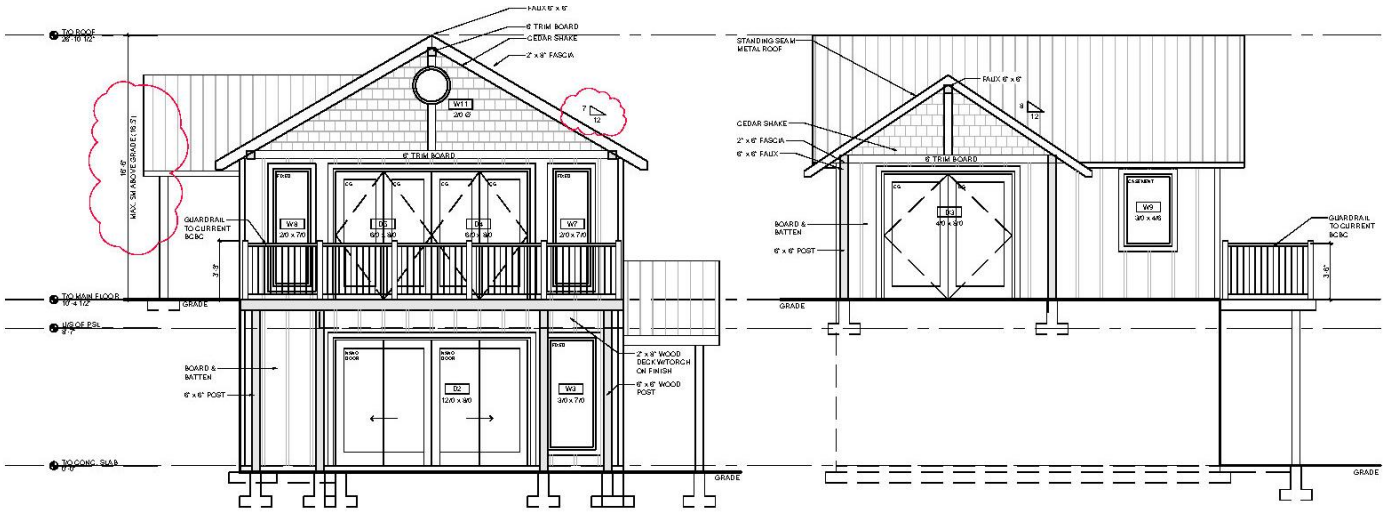
1 FLOOR PLAN
1/4" = 1'-0"

SCHEDULE 'B' Cont.



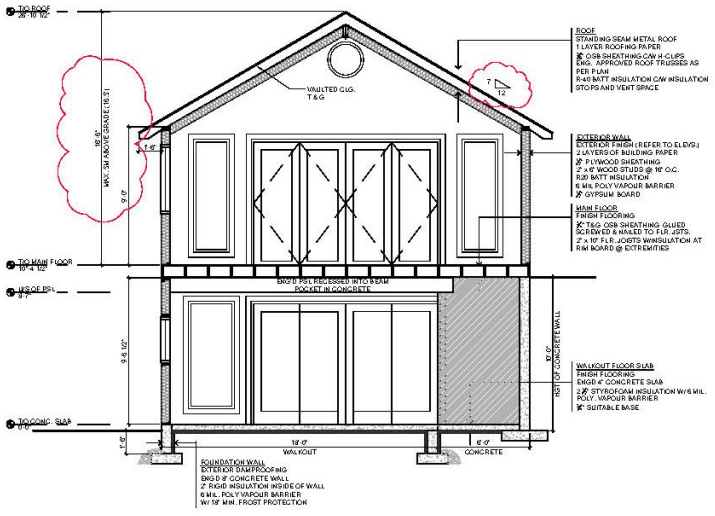
1 NORTH ELEVATION
3/16" = 1'-0"

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



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

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



1 WORKSHOP - SECTION
3/16" = 1'-0"

From: Rick Pawluk <[redacted]>
Sent: Tuesday, September 12, 2023 8:30 PM
To: Charly Caproff <ccaproff@islandstrust.bc.ca>
Subject: MA-DVP-2023.5

Hello Charly,

I understand that neighbourly disputes are not resolved through the variance process but this is not a neighborly dispute. This person is the king of variance seekers and not just on this property. A variance was granted on the first outbuilding and the owner came to the council meeting begging forgiveness and asking for leniency in that the structure he was going to build was exposed to weather. You folks granted him permission to continue with a protectionary roof but he pretty much carried on and completed all work in the building without hesitation. Secondly, there has been no attempt to update the permit status on the main building on the property which was extensively renovated without approved building permits. Lastly, the variance request is excessive in that they are asking for an additional seven feet in height. This particular design to attain street level parking has AIRBNB written all over it. The hottest topic of discussion on this island has everything to do with water conservation these days and short term rentals exacerbate the problem. I really don't care if council approves this project or not but the design seems like a bit of a bluff (as past history with the owner suggests) but your bylaws folks are going to take the heat when this proves not to be a "workshop".

Rick Pawluk

[redacted]

STAFF REPORT

File No.: 2023 LUB Minor Amendments

DATE OF MEETING:	September 25, 2023
TO:	Mayne Island Local Trust Committee
FROM:	Narissa Chadwick, Island Planner Southern Team Southern Team
COPY:	Robert Kojima
SUBJECT:	2023 LUB Minor Amendment Project

RECOMMENDATION

1. **That the Mayne Island Local Trust Committee request staff to prepare a bylaw to amend the Land Use Bylaw in accordance with the staff report dated September 25th, 2023 and any further direction from the LTC provided at the September 25th, 2023 LTC meeting.**

2. **That the Mayne Island Local Trust Committee request staff to refer to the Advisory Planning Committee (APC) the September 25, 2023 staff report and request that the APC provide recommendations on "Expanding Permission for Contractor Yards" and that the APC report back by November 10th, 2023.**

3. **That the Mayne Island Local Trust Committee request staff to add to the Mayne Islands Local Trust Committee's Housing Options Project rezoning , to permit multiple dwelling units, of the portion of the Capital Regional District's (CRD) land in the Upland zone at the end of Wooddale Drive that the CRD has identified as "surplus land" .**

REPORT SUMMARY

The purpose of this report to provide options and recommendations on the items identified by the LTC to include in the 2023 LUB Minor Amendment Project. These items are divided into: Technical Amendments, Amendments to Zoning of Specific Properties, and Amendments Requiring Further Analysis/Discussion. The report also reviews items previously considered for this project but which are out of scope.

BACKGROUND

The LUB minor amendments project is projected to reach first reading by the end of the 2023/24 fiscal year. At their May, June and July 2023 meetings, the LTC identified and discussed topics to include in the project. The project charter as adopted at the July 2023 meeting and the list of options to address was amended at that time.

ANALYSIS AND RECOMMENDATIONS

Technical Amendments

The technical amendments identified below address the need to clarify provisions in the LUB.

TOPIC: CURRENT BYLAW/APPROACH	**RECOMMENDATIONS/OPTIONS**
Shipping Containers **Issue:** Clarity needed with respect to regulating shipping containers. **Current Regulation**: Shipping containers are accessory structures and are regulated as such.	**Permission could be more explicit like in South Pender's LUB:** "*Shipping containers are a permitted accessory use on a lot subject to the following:* *(a) On a lot less than 0.8 ha (2 acre) in area, a maximum of one (1) shipping container is permitted.* *(b) On a lot 0.8 (2 acres) or greater in area, but less than 1.2 ha (3 acres) in area, a maximum of two (2) shipping containers are permitted.* *(c) On a lot with an area greater than 1.2 ha (3 acres), a maximum of three (3) shipping containers are permitted*". The LTC will need to decide if they would like to adopt the same approach or something different.
Permitted Livestock **Issue:** List of livestock permitted is restricted to certain types of livestock. **Current Regulation**: *3.2 Prohibited in All Zones " For certainty, the following uses, buildigns and structures are prohibited in any zone, except where expressly permitted in Part 5: (1) In all zones except the R and A zones, the keeping on a lot having an area of less than 2000m2 (0.5 acres) of cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus and more than one horse;*	**North Pender Example:** "*livestock" means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, horses, goats, sheep, hogs, llamas, and alpacas* **Option:** Add definition of livestock similar to North Pender definition and amend 3.2 (1) as follows: 3.2 Prohibited in All Zones *(1) In all zones except the R and A zones, the keeping on a lot having an area of less than 2000m2 (0.5 acres) ~~of cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus~~ livestock and more than one horse;*
Personal Watercraft **Issue:** There have been no issues with personal watercraft, no need to regulate **Current Regulation:** .	Removal of definition of "personal watercraft" Removal of 3.2 (3)

3.2 Prohibited in All Zones (except where expressively permitted) *(3) The rental or sale of personal watercraft;*	
<u>Definition of Motor Vehicle</u> **Issue:** Need to regulate derelict boats on land as well as trailers, RVs and vehicles **Current Regulation:** *3.14 Derelict Vehicles* *Lots under 1 acre/ 0.4 hectares shall not be used for:* *(1) the storage of more than one unlicensed motor vehicle, unless the vehicles are stored within a permitted building;* *(2) the wrecking or storage of derelict or abandoned vehicles, trailers or other discarded machinery or equipment; and* *(3) the storage of detached or salvaged motor vehicle parts or scrap, unless the parts are stored within a permitted building that is completely enclosed.*	**Motor Vehicle Act Definition of Motor Vehicle** :"motor vehicle" means a vehicle, not run on rails, that is designed to be self-propelled or propelled by electric power obtained from overhead trolley wires, but does not include mobile equipment, a motor assisted cycle or a regulated motorized personal mobility device; The definition of Motor Vehicle appears to include RVs as they are self-propelled. This definition does not include trailers or boats. **Option:** 3.14 Derelict Vehicles, Boats and Trailers Lots under 1 acre/ 0.4 hectares shall not be used for: (1) the storage of more than one of the following: unlicensed motor vehicle, trailer or boat, unless ~~the vehicles~~ they are stored within a permitted building; (2) the wrecking or storage of derelict or abandoned vehicles, trailers, boats, or other discarded machinery or equipment; and (3) the storage of detached or salvaged motor vehicle, boat or trailer parts or scrap, unless the parts are stored within a permitted building that is completely enclosed.

<u>Amendments Related to Zoning of Specific Properties</u>

The proposed options for amendments identified below are related to technical changes to zoning on specific properties and rezoning of properties to permit uses that are currently permitted through temporary use permit.

PROPERTY/ISSUE	OPTIONS/RECOMMENDATIONS
<u>Bennett Estate</u> (Naylor Road) **Issue:** CD2 zone is divided into A and B Areas. Residential use only permitted in B. 	Remove Areas A and B and allow all uses throughout CD2 zone. This will provide more flexibility for the development of housing. Currently in "A" - (a) Tourist accommodation; (b) Retail sales; (c) Restaurant; (d) Offices, including financial services and travel agencies; (e) Personal services; (f) Medical and dental clinics; (g) Employee housing; (h) Accessory dwelling units; (i) Accessory uses, buildings and structures.

	Currently in "B" - (a) Residential; (b) Uses, buildings and structures accessory to residential use
Church Property (360 Georgina Point Road) **Issue:** Property is currently zoned for "Seniors Citizens Housing". Zoning could be made more flexible to accommodate all affordable housing that is not seniors housing exclusively Property would still have Housing Agreement and Covenant registered on title which restrict occupancy to Seniors.	LTC can make technical changes to language related to use. However the existing housing agreement and covenant would still restrict the type of housing and occupancy. If property is proposed to be developed for affordable housing that is not seniors the Housing Agreement and Covenant can be amended with the consent of the property owner. By changing the zoning the LTC is signally support for amending the housing agreement and covenant at a later date. The housing agreement and covenant will have to be changed in cooperation with the property owner.
Thrift Store (437 Fernhill Road) **Issue:** Property is zoned settlement residential. Use was permitted through TUP in 2021.	The LTC can make the temporary use permanent by creating a site specific zone in the settlement residential zone. Staff will follow up with the property owner to see if there is interest in an amendment to make the use permanent.
Vet Clinic (500 Felix Jack Road) **Issue:** Property is zoned settlement residential. Use was permitted through TUP in 2022.	The LTC can make the temporary use permanent by creating a site specific zone in the settlement residential zone. Staff will follow up with the property owner to see if there is interest in an amendment to make the use permanent.
Campbell Bay Musicfest (327 Campbell Bay Road). Property is zoned rural. The original TUP permitting an annual music festival was issued in 2017 and renewed in 2022.	The LTC can make the temporary use permanent by creating a site specific zoning in the rural zone. Staff will follow up with the property owner to see if there is interest in an amendment to make the use permanent.

Amendments Requiring Further Analysis/Discussion

The amendments discussed below would require further analysis and discussion. In some cases staff has recommended no change be made to the LUB. In other cases further analysis, potentially involving the APC, is recommended.

TOPIC: CURRENT BYLAW/APPROACH	ANALYSIS/RECOMMENDATION
BC Ferries Property (487 Letour rd) **Issue:** Property is currently zoned settlement residential. Property has TUP permitting temporary housing for workers. Area could be used to support other community interests in the future.	This is more than a simple technical amendment as it would require discussions with the property owners (BC Ferries) and the community about the types of uses the property could support and an OCP amendment. **Staff Recommendation:** Remove from LUB technical review and initiate discussion with BC Ferries about the kinds of uses they would support. Encourage an application for rezoning or add to list for future OCP/LUB update.

<u>Definition of Seawall</u> **Issue:** There is no definition of seawall in the LUB. Property owners sometimes take measures to protect property from erosion. Greater certainty over what types of approaches are permitted may be useful. **Current Regulation**: A seawall would be considered a structure. Structures are not permitted in the setback from the sea without a variance, nor on the foreshore without a rezoning.	Issues related to shoreline protection should be part of a shoreline review and may require OCP amendment, including the development of a shoreline DPA. The Mayne OCP 4.2.1.2 (a) permits the LTC to *"amend its bylaws to allow erosion protection structures to be regulated through development permits" and (b) "consider on a case by case basis applications from property owners to provide protection of existing structures from foreshore erosion in situations where the erosion protection works will not disrupt natural coastal processes".* The Galiano Shoreline DPA identifies hard structures related to the shoreline protection as including rock (rip rap) revetments, gabions, concrete groins, retaining walls or bulkheads and seawalls. **Staff Recommendation:** the LTC could address shoreline protection and potential development of a shoreline DPA as a major project.
<u>Height of Accessory Buildings in SR</u> **Issue:** Volume of DVP applications **Current Regulation:** In zones excluding Rural and Agricultural *"The maximum height for any accessory building or structure is 5 metres (16.5 feet)".*	In the past five years there have been four applications for development variance permits related to the height of accessory buildings outside the rural and agricultural zones (where permitted height is higher). In all cases the variance did not exceed 6 metres. The LTC could consider permitting an increase in the height of accessory buildings in zones outside rural and agricultural. However, consideration of impacts such as visual and environmental should be considered. **Staff recommendation:** Make no change at this time. As there are on average less than one DVP related to height of accessory building a year, changing the bylaw is not necessary to address workload. If a change is considered it should not exceed 6 metres as all applications for DVP in the last 5 years were less than 6 metres. As Mayne Island has the second highest number of DVPs (37 in the last 5 years)in the Southern Islands (with Salt Spring being the highest) the LTC may want further analysis and identification of options to address the volume of applications.
<u>Mooring Buoys</u> **Issue:** Lack of clarity regarding what is permitted **Current Regulation**: Mooring buoys are not permitted in the Water Protection Zone (W1)	The LTC could choose to permit mooring buoys in the Water Protection Zone (W1). However, unless some kind of regulatory approach is designed to limit the number of buoys providing outright permission for mooring buoys in W2 could lead to a proliferation. **Staff recommendation:** Make no changes to the bylaw with respect to mooring buoys. This provides the opportunity to enforce if there are issues.
<u>Woodsheds in Setbacks</u> **Issue:** Perceived volume of applications **Current Regulation**: woodsheds are not permitted in setbacks	Over the past 5 years there have be 5 applications for development variance permits related to sheds in setbacks. It is not clear how many of these are woodsheds. **Option:** *3.3 (2) No building or structure, except a fence, a patio, utility line, navigational aid, water storage tank not exceeding 3 metres (10 feet) in height,*

	woodshed, or utility shed, may be constructed, reconstructed, moved, extended or located within the setback areas established in the regulations in Part 5 of this Bylaw. **Staff recommendation**: Make no change at this time. As the number of applications for sheds is limited, there does not appear to be a need to permit woodsheds in setbacks. The application for DVP provides an opportunity to consider the impacts. If the LTC would like exempt woodsheds from setbacks a size maximum should be identified.
Outhouses **Issue:** Enforcement issues related to outhouses. **Current Regulation**: Outhouse is considered an accessory structure and is regulated as such.	Currently any Islands Trust initiated enforcement related to outhouses is limited to size and siting. They are currently permitted as accessory buildings. Provincial regulation could be enforced by Island Health (see below). Outhouses, also known as a 'privy', are regulated by the Sewerage System Regulation administered by Island Health. The intent of the regulation is to regulate sewerage systems for residential use of a maximum size. The Sewerage System Regulation prior to 2004 did include, by definition, a privy to be a sewerage system. However the current Sewerage System Regulation, adopted in 2004, does not consider a privy to be a 'sewerage system'. The Regulation defines a sewerage system as "a system for treating domestic sewage that uses one or more treatment methods and a discharge area, but does not include a holding tank or a privy"; therefore, a privy is not a permitted use for a sewerage system. **Staff recommendation:** Make no change.
Agricultural Society Lands Setbacks (430, 437 Fernhill Rd) **Issue:** Concerns with setbacks	Buildings on this property that are currently located in setbacks are legally non-conforming because of their existence pre-bylaws. A DVP was recently approved to permit the deck on the Thrift Store to extend into the setback from the front lot line. **Staff recommendation**: Make no change. A DVP can be applied for to address any future desired variance to setback regulations. As the Mayne Island Agricultural Society is a non profit society providing benefit to the community the application fee can be waived by the Islands Trust Executive Committee. As this is a highly trafficked area it will be useful to the LTC to retain the ability to decide on variances to existing setbacks on a case by case basis.
Patios in Setback from the Sea **Issue:** Patios are not permitted in the setback from the sea **Current Regulation:** *""Patio" means a horizontal developed area constructed directly on the ground, which can be attached or detached from a building. A patio may not exceed a*	The topic of wooden patios came up with respect to the DVP application (MA-DVP-2020.6 (Beardsley)). Given that wooden platforms were considered structures under the LUB, the platform on the property in question which was in the front yard setback had to be removed. This raised questions with Trustees at the July 27, 2020 meeting related to the definition of "structure" which includes wooden platforms/patios, but excludes concrete and asphalt paving. As the defined in the LUB *""Structure" means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water but does*

maximum height of 45 cm above natural grade and may not have walls, railings or a roof". "3.3 (2)" permits patios in the setback areas. "3.3 (3)" does not exempt patios from the setback form the sea.	*not include septic fields, septic tanks, sewage absorption fields, wells, underground water storage tanks and related appurtenances below ground, paved parking areas or similar surfacing, concrete and asphalt paving, or similar surfacing of the land".* During the last LUB review staff recommended not amending the bylaw to exclude low level stand-alone decks ("patios") from the definition of structure. This could result in this type of structure being built to any size and anywhere on a lot including in the setback from the sea, potentially having negative impacts on neighbours and the environment. The bylaw was amended to include a definition for "patio" and permit "patios" in setbacks but not in the setback from the sea. **Option:** If the LTC would like to permit patios in the setback from the sea the bylaw could be amended to add "patios" to the list of items under 3.3 (3) *"3.3 (3) No building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of the sea except:"* **Staff recommendation**: Make no changes. The shoreline is a sensitive ecosystem. Permitting patios in the setback from the sea may be seen as contrary to OCP policies related to foreshore protection as well as Island Trust Policy Statement Directive Policy "*3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes"*. Property owner can apply for a DVP if they are wanting to extend patios into the setback from the sea. This process provides the opportunity for impacts to be assessed. Allowing patios in setbacks outright will mean that the size, unless specified, cannot be regulated. If the LTC would like to consider this topic further, staff recommend it be referred to the APC for review.
<u>Expanding Permission for Contractor Yards</u> **Issues:** Contractor yard use as a home business is limited. **Current regulations:** *""Contractor's yard" means the use of land for the storage of materials and equipment used by a building contractor or subcontractor"* Currently permitted in the Commercial 3 (C3) Zone only.	Including contractor yards as a home business would require consideration of impacts and how potential impacts could be mitigated. Things to consider include: amending the use, the area a contractor yard could take up on a lot, setbacks, what size of lots could accommodate contractor yard, if there should be restricted uses, which uses should be indoors only and other issues that may impact neighbours and the surrounding area. **Staff recommendation**: If the LTC would like to consider this topic further staff recommend it be directed to the APC for consideration of where the expansion of contractor yards would be appropriate and the conditions under which permission for contractor yards could be expanded.

Items Beyond the Scope of this Project

The three items below were identified by the LTC as items to be considered for this minor amendments project. However, staff recommend that they be excluded as out of scope.

Lot line adjustments between neighbours
This issue is about addressing concerns related to the boundary adjustment process. Boundary adjustments follow the same process as subdivisions. As this process is outside the Islands Trust's jurisdiction it is beyond the scope of this project.

First Nations Acknowledgement in OCP
While staff support this as much needed action, staff recommend that the current project focus on LUB amendments only as there is interest in substantially completing the project by the summer. The housing project will involve both OCP and LUB amendments as well as First Nations (FN) engagement. This will be an opportunity to involve FNs in the review of the previously drafted FN acknowledgement at the same time as the proposed amendments related to housing.

Statement in OCP Requiring Applicants for Rezoning to consult with Neighbours
Staff recommends that this be considered along with the OCP amendments related to housing to increase efficiency with process which includes Provincial approval. The LTC can also consider, as a minor project, updating their Development Procedures Bylaw No. 83 to include this as a minor project. The LTC could also request rezoning applicants undertake this on a case-by-case basis when the preliminary report is considered.

Rezoning of CRD Surplus Lands
The Capital Regional District (CRD) recently acquired a large parcel of land adjacent to their Mt. Parke property. This parcel is zoned as Upland. The CRD has identified a portion of this land as "surplus land". This land is located at the end of Wooddale Drive and could be easily serviced by the CRD water system. Given this, it could be a potential location for multi-family or clustered housing. The LTC had identified the rezoning of this parcel to be of interest for the LUB review. As it will also require a change to the OCP Land Designation and because the CRD is still in the process of surveying the land staff recommend that it be added to the Housing Options Project. Passing the related recommended resolution will facilitate the initiation of discussion with the CRD related to this rezoning.

Timeline

Staff review of proposed LUB and OCP amendments	July – October 2023
Draft LUB and OCP amendments reviewed by LTC	October – November 2023
Community Information Meeting	January 2024
LTC review community comments and consider further changes	February – March 2024
Consideration of First Reading	April 2024
Referrals	April – May 2024
Public Hearing, Second and Third Readings, referral to EC, Minister (OCP)	June 2024
Consideration of Adoption	September 2024

Rationale for Recommendation

Recommendations reflect staffs interest in supporting an efficient process that will enable the project to arrive at first readying by April 2024.

ALTERNATIVES

1. **Request further information**

   The LTC could request further information on any of the recommendations identified above.

2. **Request alternative amendments**

   The LTC could request amendments alternative to what has been presented by staff.

3. **The LTC's request regarding APC's involvement could be different from staff recommendation**

   The LTC could choose not to send the application to the APC. The LTC could request the APC's focus on issues beyond those suggested by staff.

NEXT STEPS

If staff recommendations are supported:

- Staff will send staff report to the APC for review
- Staff will draft supported amendments
- Staff will return with additional options for discussion as requested

Submitted By:	Narissa Chadwick, Island Planner	September 11, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	September 13, 2023

Islands Trust

Print Date: September 15, 2023

Follow Up Action List

Active Projects Report

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	Narissa Chadwick	Rec'd: 30-Jan-2023 Target: 31-Mar-2025

2. *Minor LUB Review*	Responsible	Dates
Minor updates to LUB	Narissa Chadwick	Rec'd: 29-May-2023

Islands Trust

Print Date: September 15, 2023

Follow Up Action List

Future Projects Report

Mayne Island

1. *Groundwater Implementation*	Responsible	Date Received
Will wait until Galiano has completed project		30-Nov-2020

2. *Housing Implementation*	Responsible	Date Received
Connecting with water service providers regarding flexible housing and secondary suites		05-May-2022

3. *LTC Rezoning Project*	Responsible	Date Received
327 Campbell Bay rezoning (to be part of Housing Options project)		05-May-2022

4. *Foreshore Education*	Responsible	Date Received
To provide education on foreshore uses and climate change adaptation as a minor LTC project		30-Jan-2023

5. *LUB Amendments*	Responsible	Date Received
To undertake targeted amendments to LUB, including: ·contractor yards ·setbacks for patios and other structures LTC to initiate as a minor project following community consultation on Housing Options		30-Jan-2023

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2023.5	Girouard, Louise	31-May-2023	750 STEWARD DR: Application for a variance for siting of a workshop in a setback.

Planner: Charly Caproff

Planning Status

Status Date: 29-Aug-2023

Notice and draft permit sent to Jas. Draft staff report sent to RPM for review.

Status Date: 17-Jul-2023

Outstanding issues remain after site visit on July 14, 2023. Application to be removed from the agenda for July 31, 2023.

Status Date: 06-Jul-2023

Draft permit and notice submitted to admin

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2023.1	Robert Blaney Design Inc.	17-May-2023	630 DINNER BAY RD: Application for rezoning to amend the OCP to permit temporary housing for seasonal visitors (both tourists and staff).

Planner: Charly Caproff

Planning Status

Status Date: 14-Sep-2023

To be presented at September 25 LTC

Status Date: 21-Jul-2023

preliminary report withdrawn from July 31 LTC -- applicant will provide amenity contribution proposal and neighbourhood feedback in advance of next LTC

Status Date: 30-May-2023

Planner Charly Caproff assigned.

Applications

Subdivision

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

Planner: Narissa Chadwick

Planning Status

Status Date: 22-Apr-2020
Extension of the PLA has been requested

Status Date: 18-Sep-2019
Waiting for applicant to work through PLA conditions.

Status Date: 16-May-2019
PLA received from MoTI April 25, 2019.

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

Planner: Charly Caproff

Planning Status

Status Date: 30-Aug-2023
Spoke with Dana (MOTI) on the phone - confirmed proof of water can be obtained from Lot 2. Lot 3 is satisfied with the well report from the RZ. Email is in correspondence folder dated 2023-08-30

Status Date: 22-Aug-2023
When the final plan of subdivision is completed, BC Hydro would like for the document to be sent to them prior to registration. Please see 'Correspondence' folder for more information.

Status Date: 18-Aug-2023
Asked applicant status of referral response conditions. Contacted MOTI to clarify their proof of water requirements.

Applications

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: 18-Aug-2023
PLR received

Status Date: 19-Jun-2023
Referral Response sent to MOTI

Status Date: 25-May-2023
Requested Easement title charge information.

Islands Trust

LTC EXP SUMMARY REPORT F2024

Invoices posted to Month ending July 2023

645 Mayne	Invoices posted to Month ending July 2023	Budget	Spent	Balance
65000-645	LTC "Trustee Expenses"	297.00	0.00	297.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	470.00	706.61	-236.61
65210-645	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-645	LTC - Local Exp - Communications	250.00	368.00	-118.00
65230-645	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		1,329.00	1,074.61	254.39
Projects				
73001-645-4100	Mayne Island Housing	1,000.00	274.09	725.91
73001-645-4130	Mayne LUB Minor Amendments	2,000.00	0.00	2,000.00
TOTAL Project Expenses		3,000.00	274.09	2,725.91

Print Date: September 15, 2023

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2022-012 (Standing)	**Carried**	**14-Nov-2022**
5.4 Outhouses that the Mayne Island Local Trust Committee direct Bylaw staff to suspend enforcement on outhouses and that the Bylaw Enforcement Manager be invited to attend a future Local Trust Committee meeting.		
2021-011 (Standing)	**Carried**	**25-Jan-2021**
Advisory Planning Commission - Re-appointments and Expression of Interest Advertisement that the Mayne Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be re-appointed and also advertise for expressions of interest for new commissioners		

Islands Trust

Standing Resolutions Log

Mayne Island

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

that the Mayne Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:
Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and
Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:
a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of
current projects and advocacy activities;
b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;
d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;
e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2018-049 (Standing)	**Carried**	**24-Sep-2018**

Cannabis Retail Referrals

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:

o Name of the applicant and a description of the proposal in general terms
o The location of the proposed establishment and the subject site
o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
o How public comments may be submitted to the local trust committee

Islands Trust

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2017-028 (Standing)	**Carried**	**26-Jun-2017**

13.3 Short Term Vacation Rentals (STVR) Enforcement Policy - Staff Report

That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR):

a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement:

i) they are advertised on the internet, newspapers or other media;

ii) they are not managed by an owner of the USTVR property who lives on Mayne Island;

iii) more than one dwelling on the lot is simultaneously made available for USTVR;

iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers;

v) there are issues related to health and safety on the property;

vi) there is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the USTVR;

vii) the owner of the property uses more than one property on Mayne Island as a USTVR.

b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

2017-027 (Standing)	**Carried**	**26-Jun-2017**

13.2 Bylaw Enforcement Policy, Unlawful Dwelling - Staff Report

That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists:

1.1. There is a complaint from an immediate neighbor; or,

1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.

2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2016-055 (Standing)	**Carried**	**27-Jun-2016**
12.4 Adopted Policies and Standing Resolutions (attached) that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.		
2012-000 (Standing)	**Carried**	**01-Feb-2012**
Special Occasion Liquor License Referrals That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.		
2011-044 (Standing)	**Carried**	**02-May-2011**
Options for adopting In Camera Minutes that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public.		

BRIEFING

To:	Mayne Island Local Trust Committee	**For the Meeting of:**	September 25th, 2023
From:	Trust Area Services	**Date Prepared:**	July 19, 2023
SUBJECT:	**Census infographics**		

PURPOSE: To provide local trust committees with infographics regarding trends in local trust areas and the Islands Trust Area.

BACKGROUND: Trust Area Services staff contracted Statistics Canada to provide a set of infographics for both the Trust Area and local trust areas/Bowen Island (see attached).

To develop the infographics, there was a need for Statistics Canada to undertake geocoding and custom tabulations of past Census years as local trust area Census boundaries have shifted through the decades. This work completes efforts that began in 2016 to identify trends in the Trust Area and improve Census data sets for the Islands Trust Area.

ATTACHMENTS:

1. 2021 Census Infographics – Mayne Island Local Trust Area
2. 2021 Census Infographics – comparisons across the Trust Area

FOLLOW-UP: These products will inform work throughout the Islands Trust including land use planning, communications, and advocacy. They can be found under the Trend Monitoring webpage on the website, and staff plan to feature the infographics on Islands Trust social media.

Since production of the infographics, planning staff have identified that it would be helpful to also seek an infographic showing the trend in number of dwellings in each jurisdiction over time. Staff intend to order this additional data set and associated infographics at a cost between $275 and $457 before applicable taxes.

Prepared By: **Clare Frater, Director, Trust Area Services**

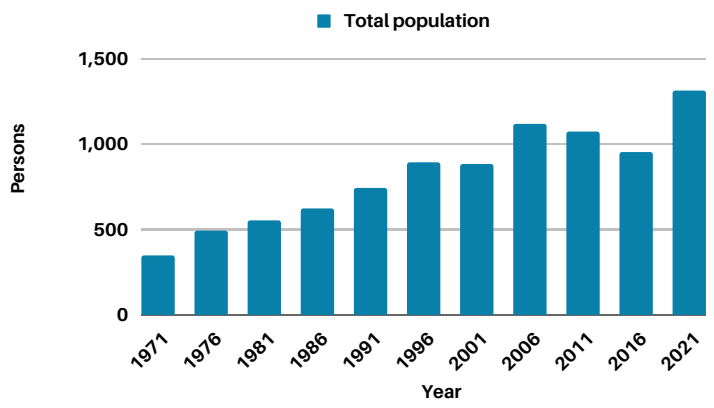
Reviewed By/Date: Robert Kojima, Regional Planning Manager, July 25, 2023

2021 Census Profile

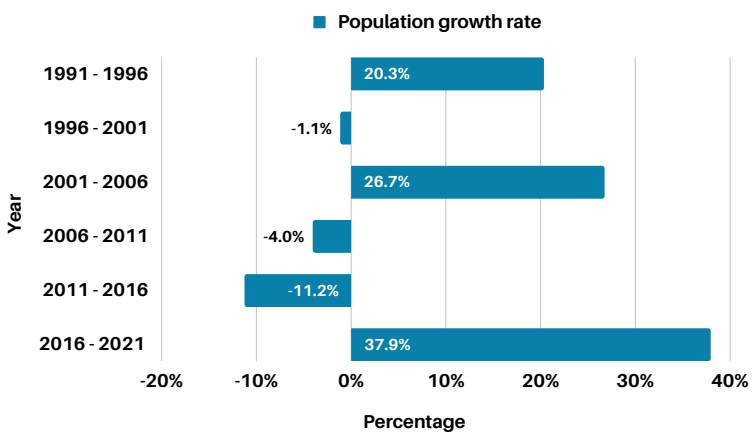
Mayne Island Local Trust Area

Total population

The total population of Mayne Island Local Trust Area was 1,310 in 2021.



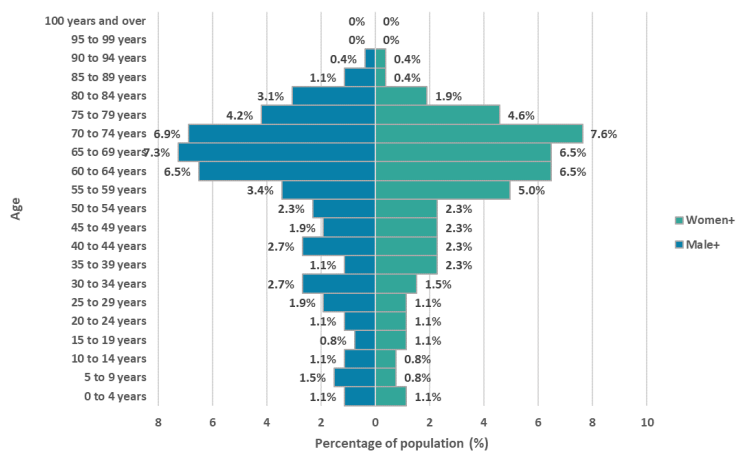
Total population growth rate



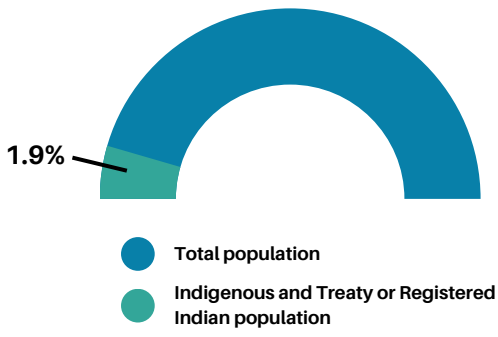
Between 1991 and 2021 the population of Mayne Island Local Trust Area grew by 77.0%.

Total population by gender, 2021

The median age of Mayne Island Local Trust Area was 62.8 in 2021.

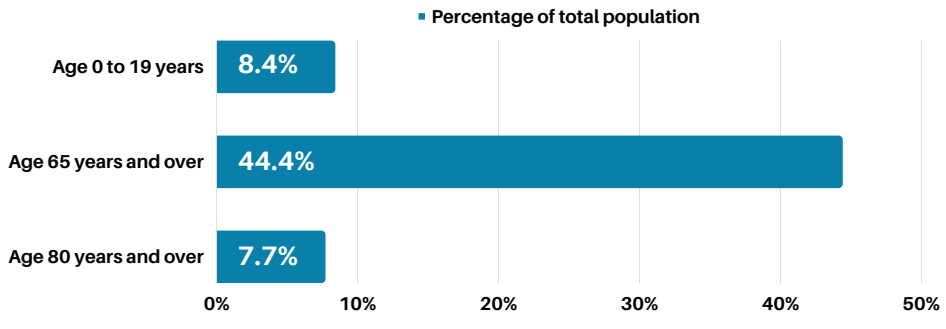


Population by Indigenous and Registered or Treaty Indian status, 2021

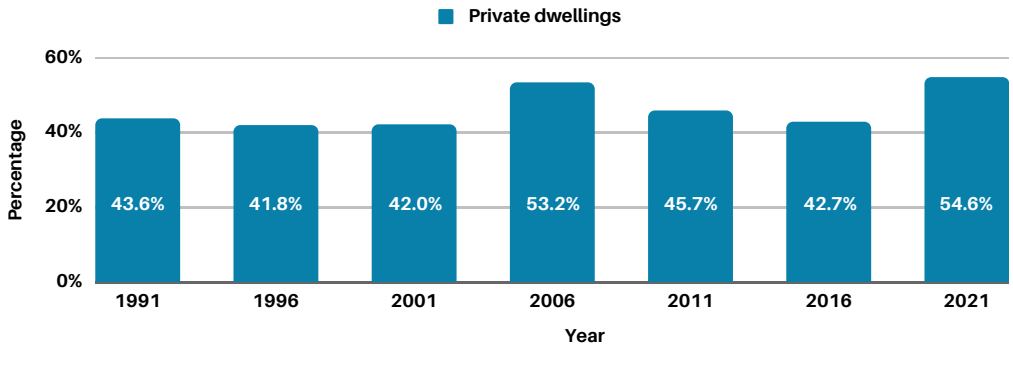


In 2021, 1.9% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1971 Census, Saturna Island Local Trust Area split into Mayne Island Local Trust Area and Saturna Island Local Trust Area by using the 1976 population and dwelling proportion.
- 1981 Census, about five-sixthes of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

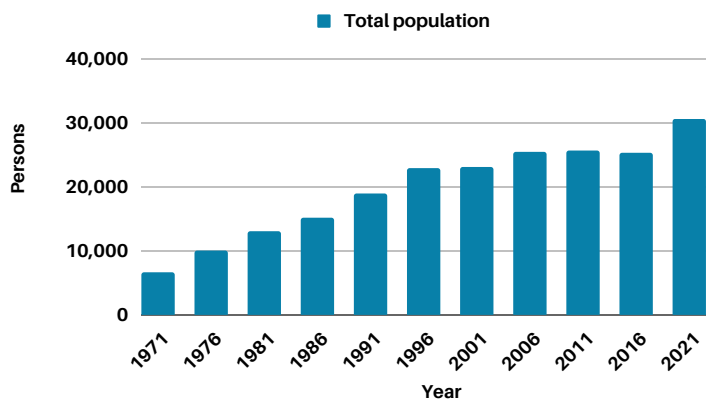
Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

2021 Census Profile

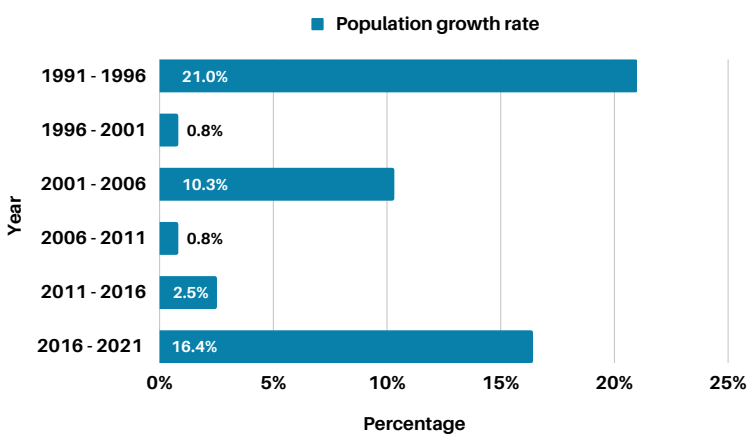
Islands Trust Area

Total population

The total population of Islands Trust Area was 30,510 in 2021.



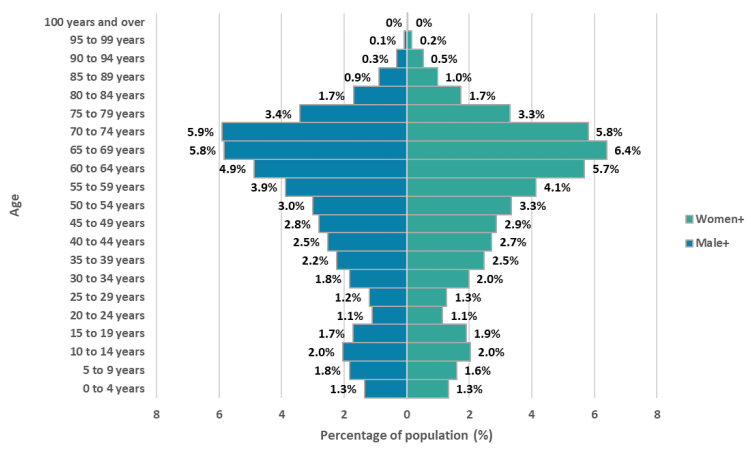
Total population growth rate



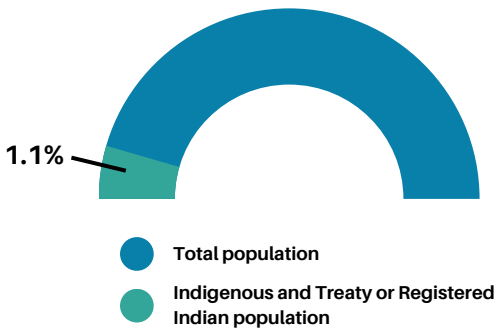
Between 1991 and 2021 the population of Islands Trust Area grew by 61.7%.

Total population by gender, 2021

The median age of Islands Trust Area was 58.8 in 2021.

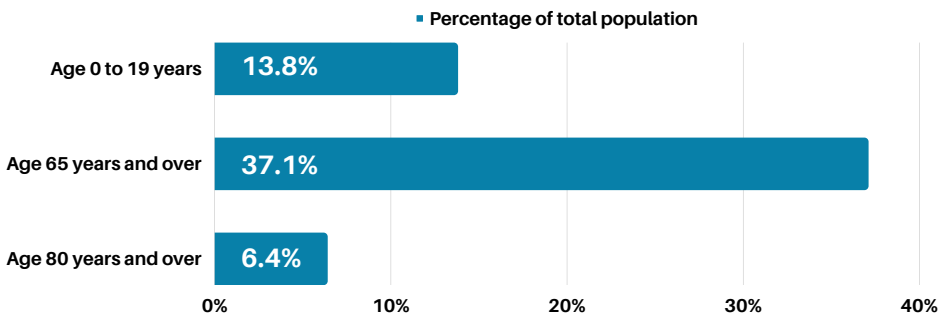


Population by Indigenous and Registered or Treaty Indian status, 2021

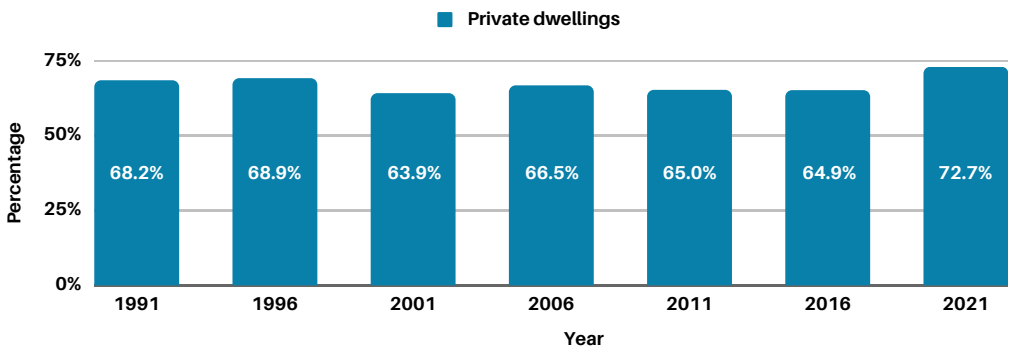


In 2021, 1.1% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1981 Census, about five-sixthes of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

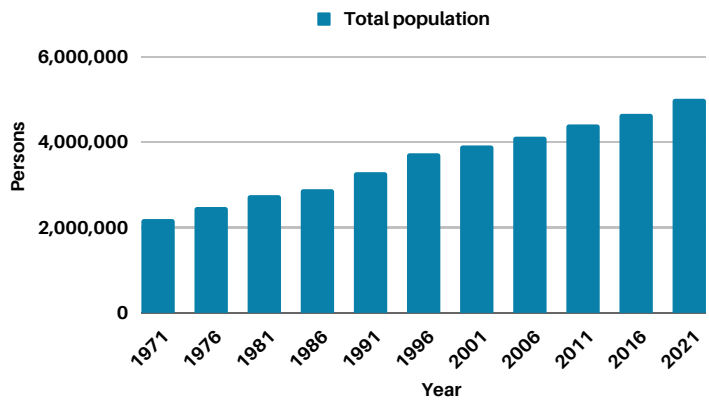
Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

2021 Census Profile

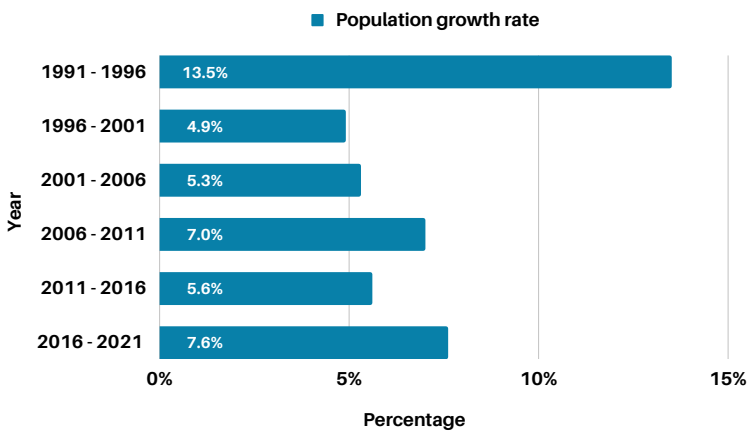
British Columbia

Total population

The total population of British Columbia was 5,000,875 in 2021.



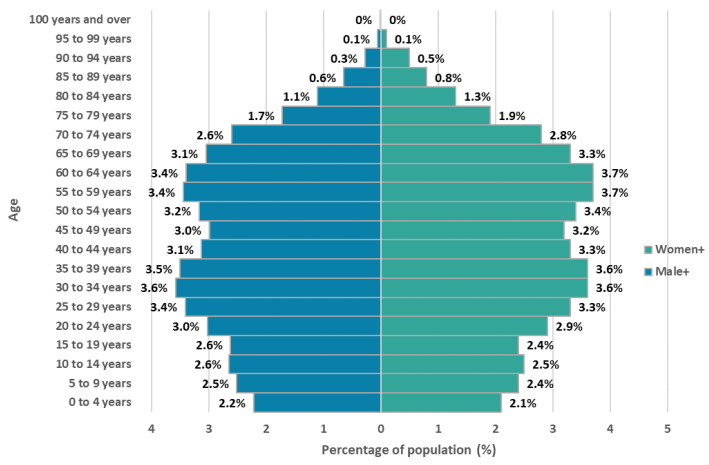
Total population growth rate



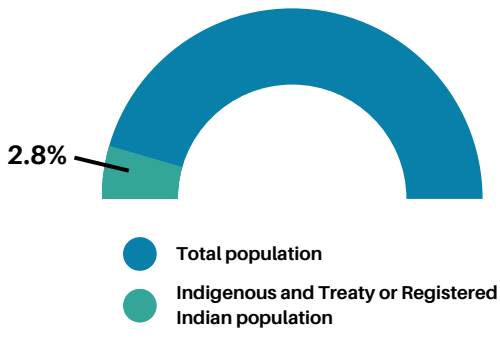
Between 1991 and 2021 the population of British Columbia grew by 52.4%.

Total population by gender, 2021

The median age of British Columbia was 42.8 in 2021.

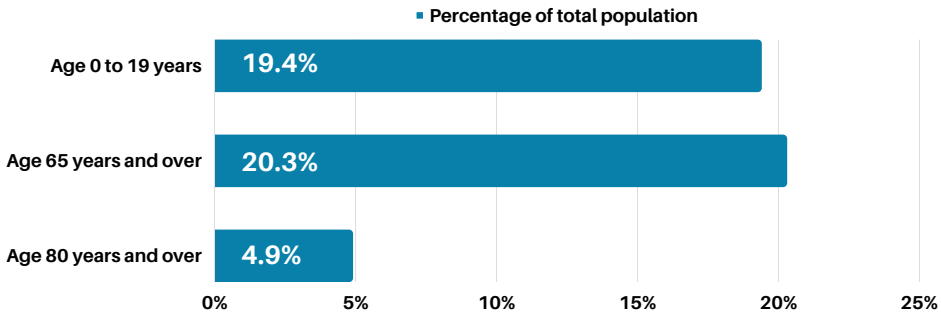


Population by Indigenous and Registered or Treaty Indian status, 2021

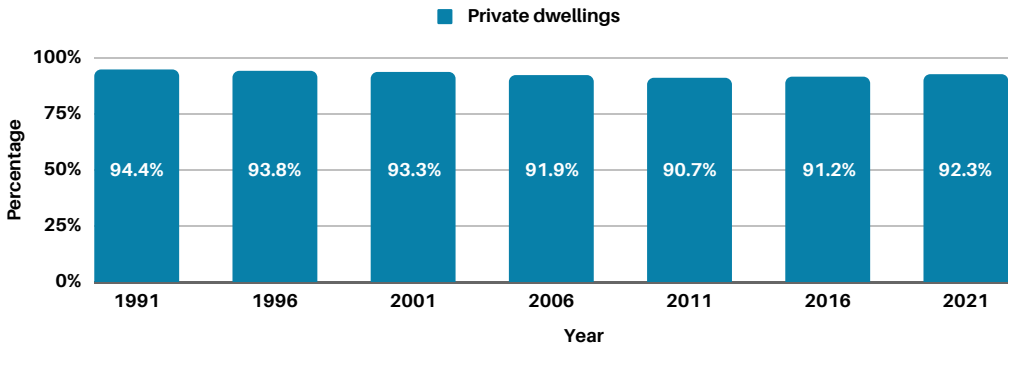


In 2021, 2.8% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Note:

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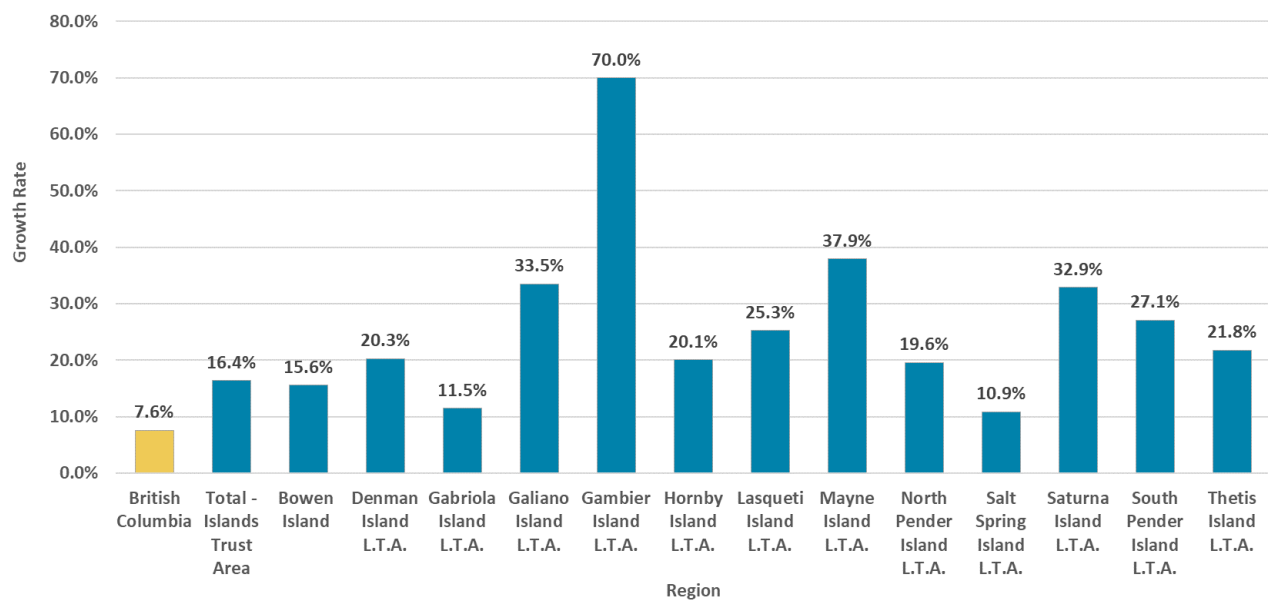
Sources: Statistics Canada, Census of Canada, 1971, vol. I, part 2, table 14, (Catalogue 92-716) ;Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

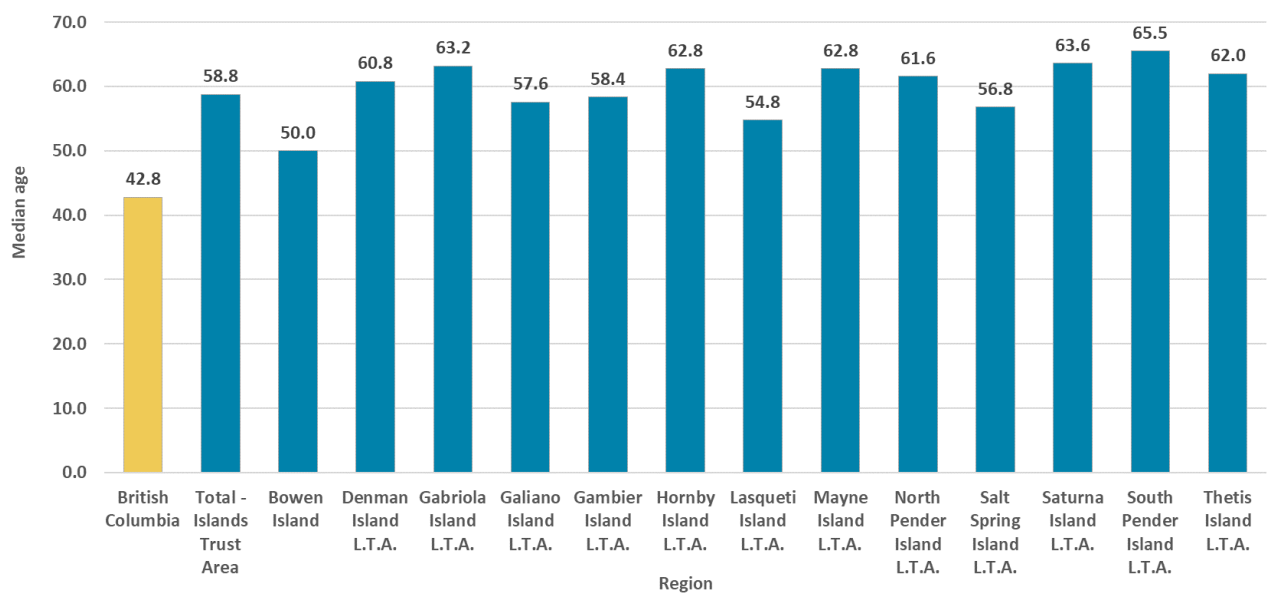
Islands Trust Area Census Profile 2021

People

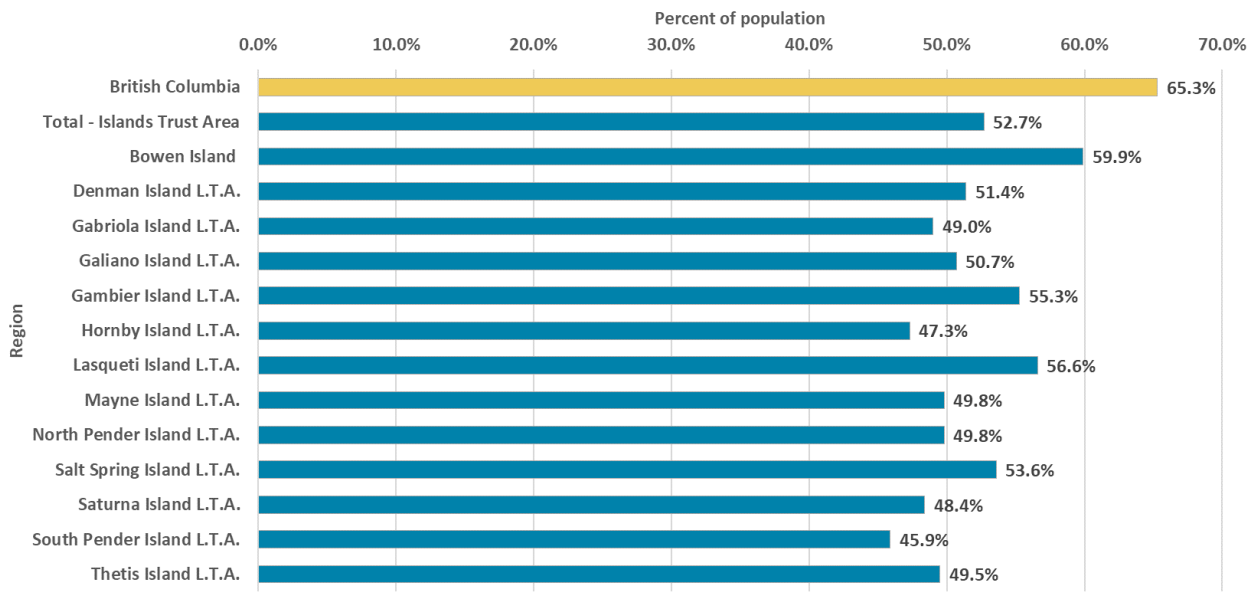
Population growth rate, 2016 to 2021



Median age of population, 2021

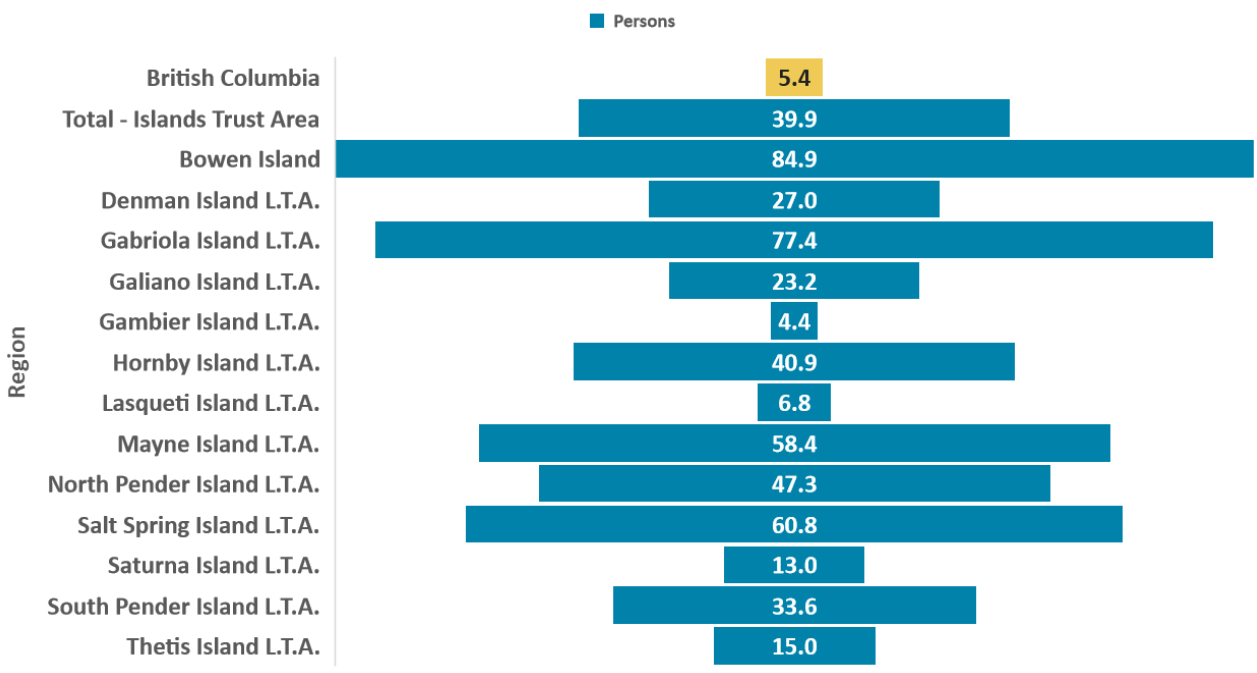


Working age population, 2021*



*Working age is 15 to 64 years old

Population density per square kilometer, 2021



Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
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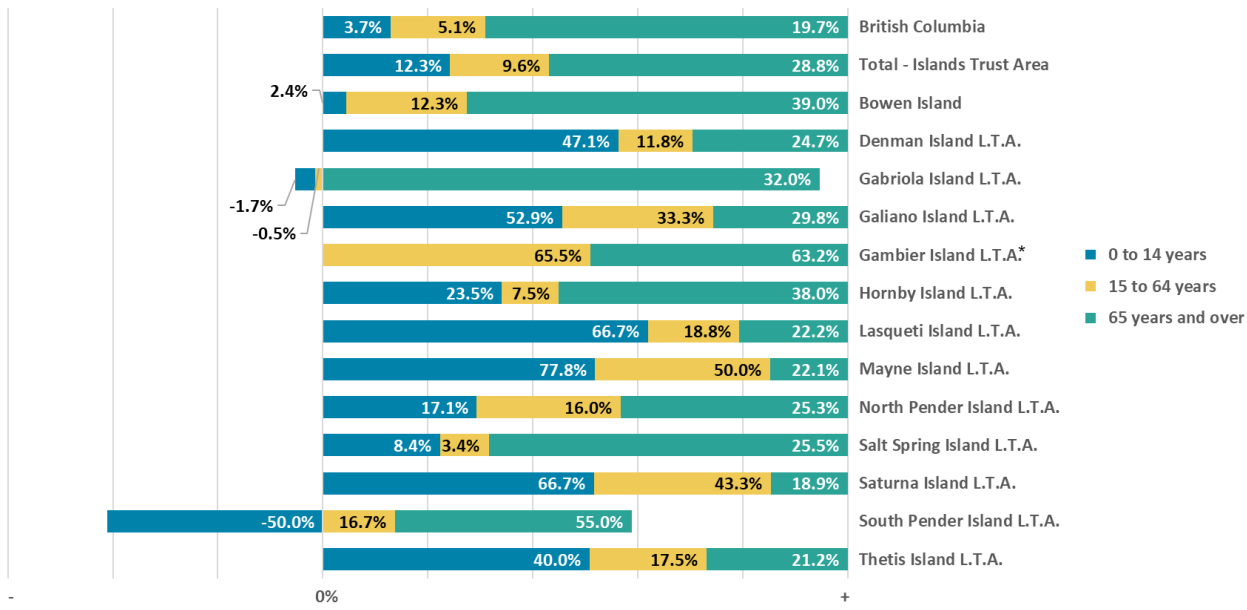
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data

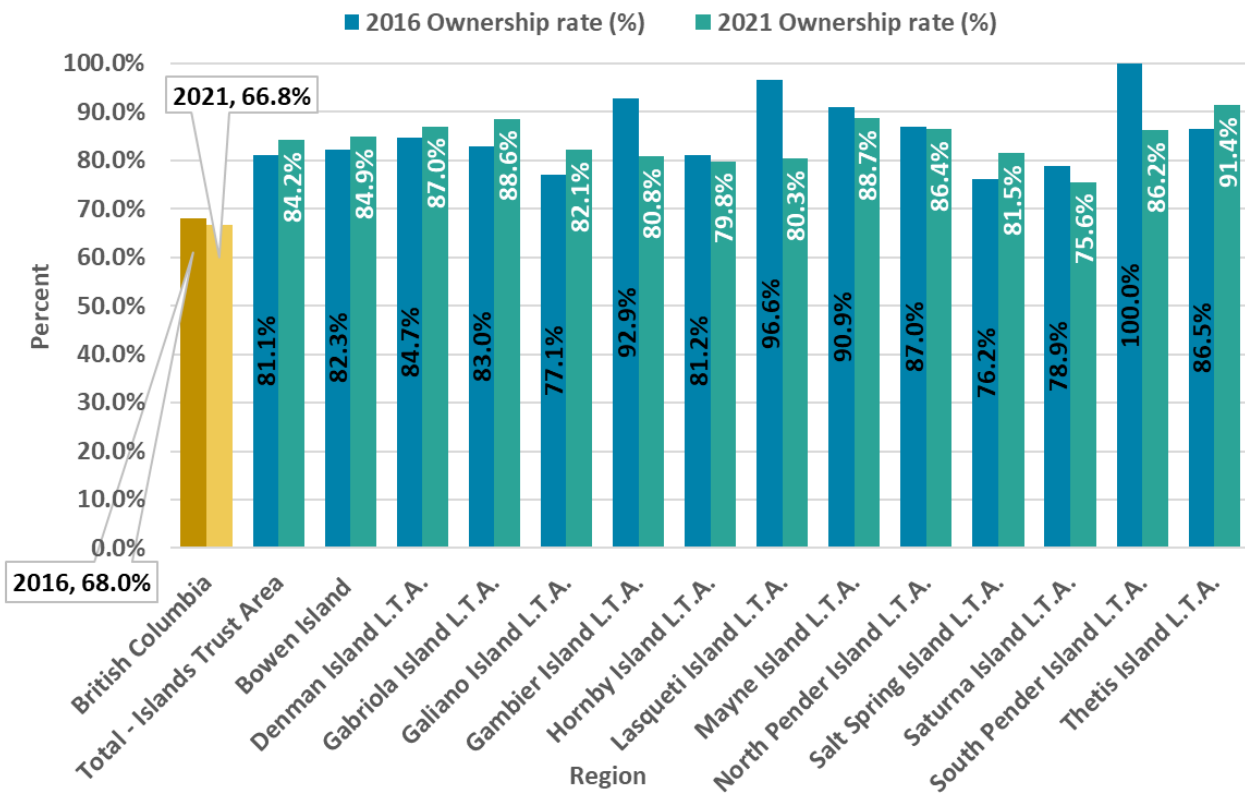
Population change by broad age group, 2016 to 2021



*The population change of 0 to 14 years age group was 250.0% in Gambier Island.

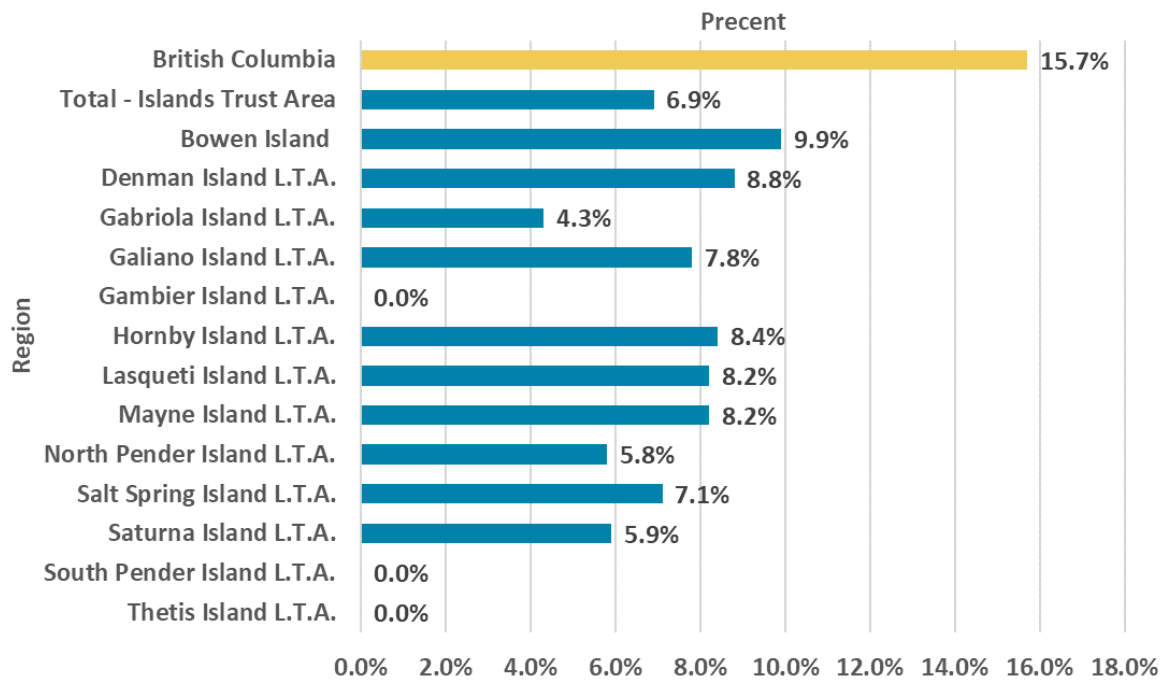
Dwelling

Homeownership rate, 2016 and 2021*

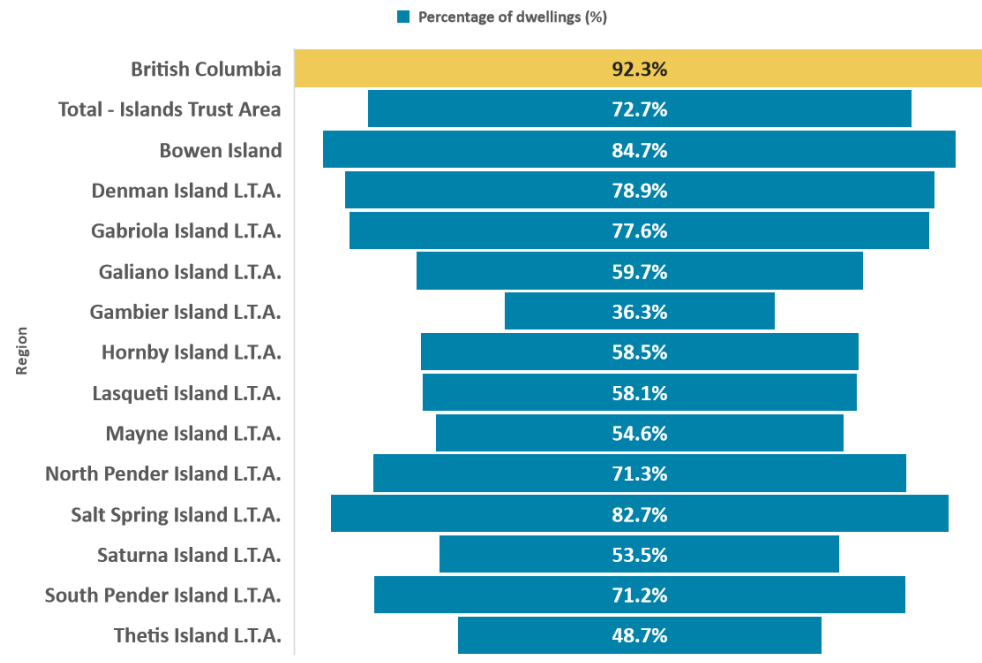


*Owner household refers to a private household where some member of the household owns the dwelling, even if it is still being paid for.

Homeownership rate among 25 to 39 year olds, 2021



Percentage of dwellings occupied by usual residents, 2021



Notes:

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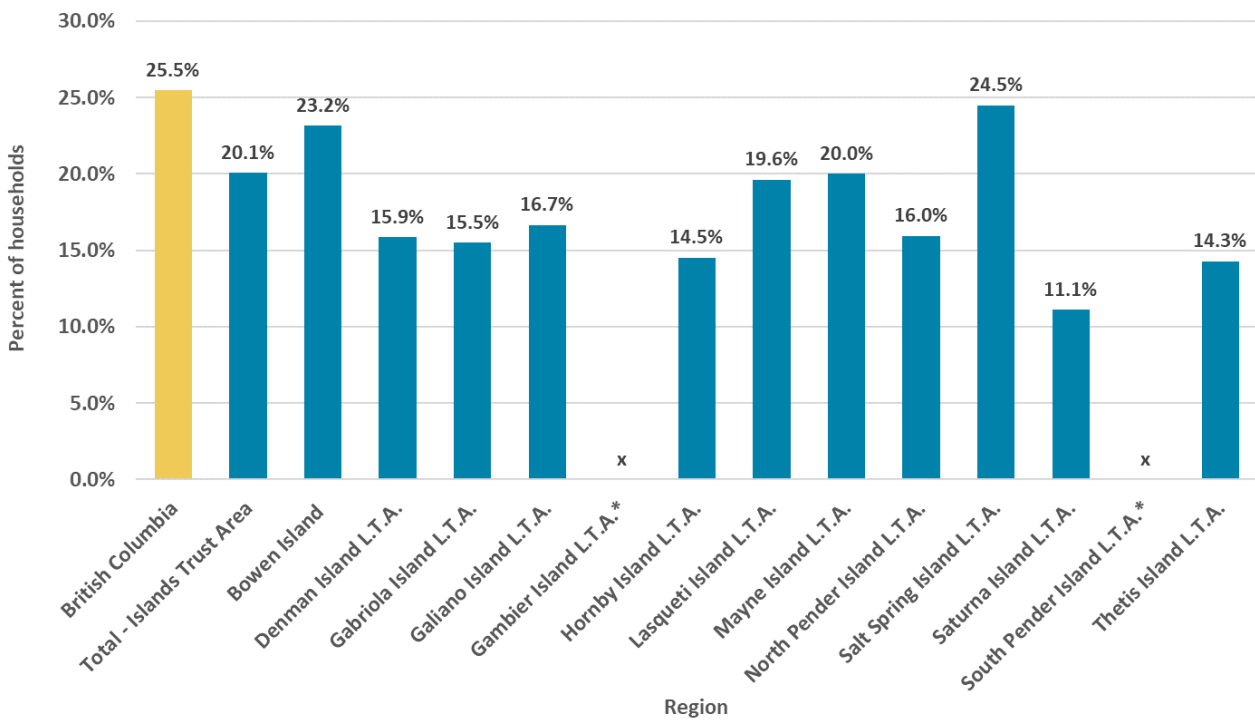
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data

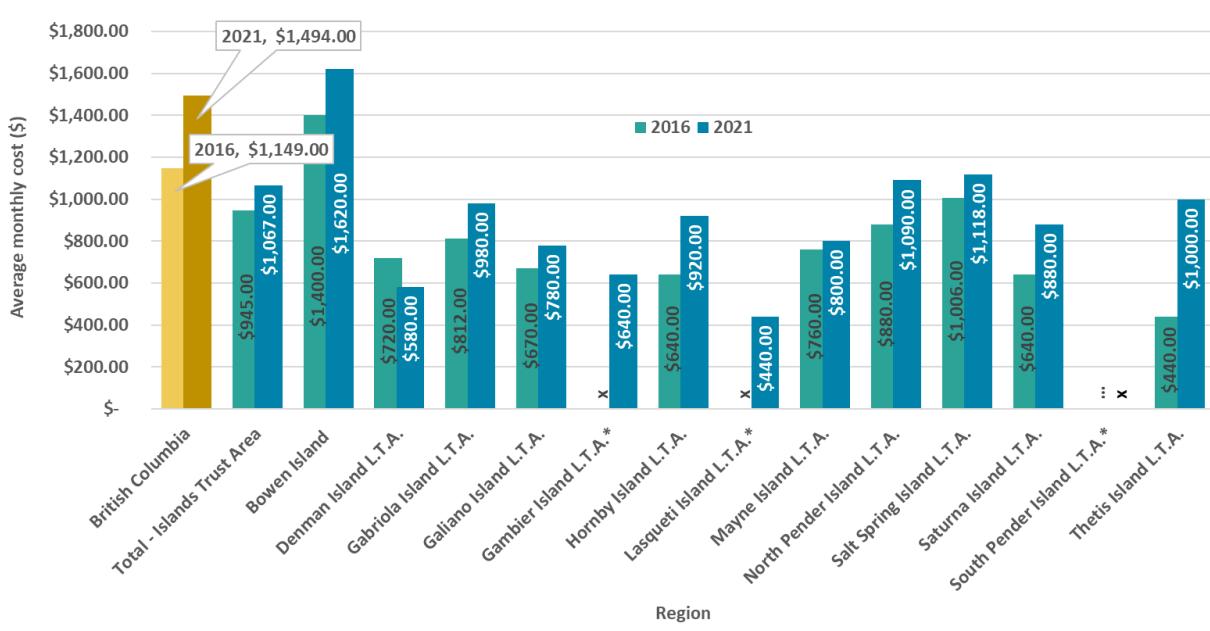
Percentage of households that spend 30% or more of income on shelter costs, 2021[1]



*Data for Gambier Island Local Trust Area and South Pender Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act.

1. Total - Owner and tenant households with household total income greater than zero, in non-farm, non-reserve private dwellings by shelter-cost-to-income ratio.

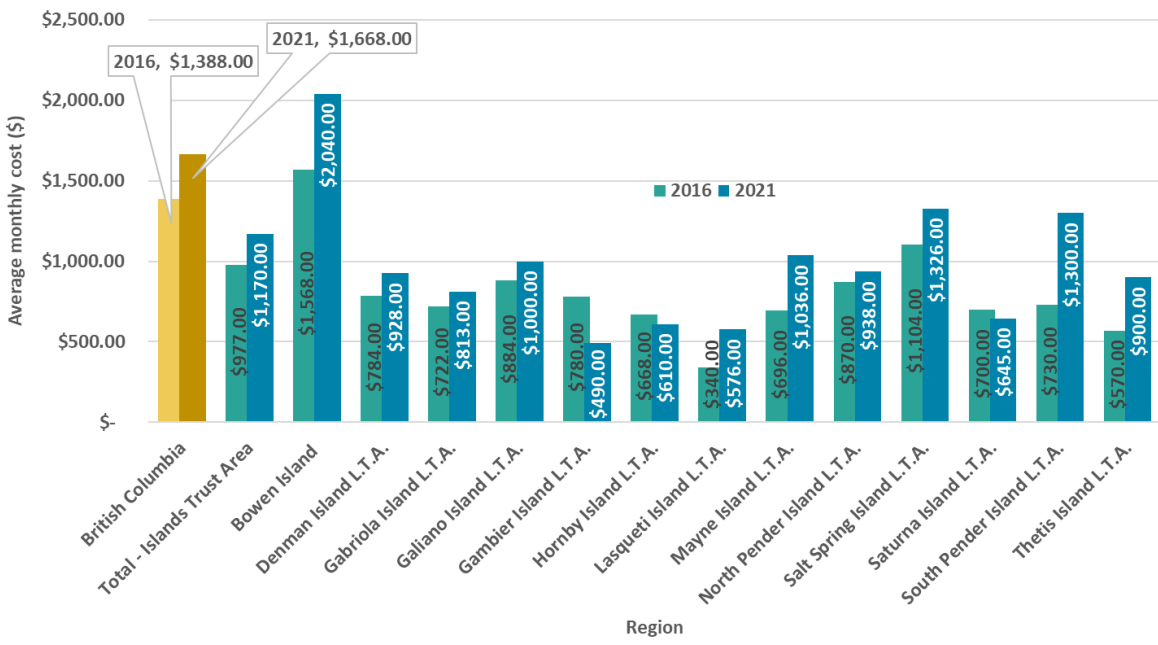
Average monthly shelter cost for renters, 2016 and 2021



Average monthly shelter costs for renters increased by 30.0% in B.C. while the Islands Trust Area saw an increase of 12.9%.

*2016 Census data for Gambier Island Local Trust Area and Lasqueti Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act. 2016 Census data for South Pender Island Local Trust Area not applicable (...). 2021 Census data for South Pender Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act.

Average monthly shelter cost for owners, 2016 and 2021



Average monthly shelter costs for owners increased by 20.2% in B.C. while the Islands Local Trust Area saw an increase of 19.8%.

Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
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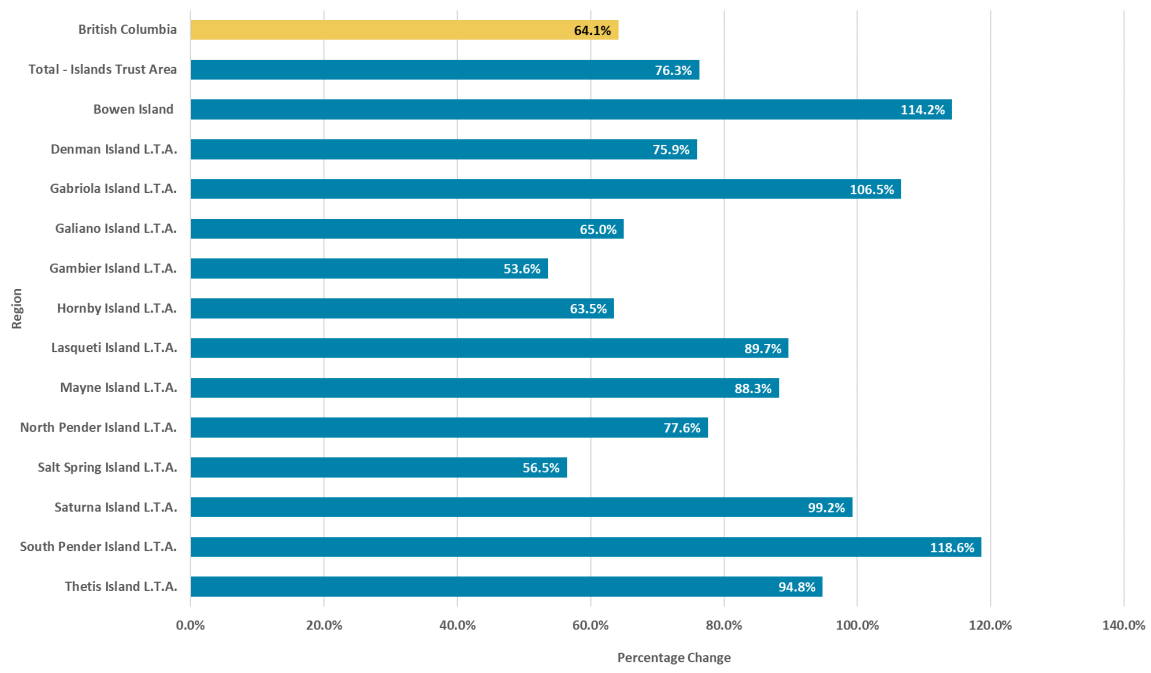
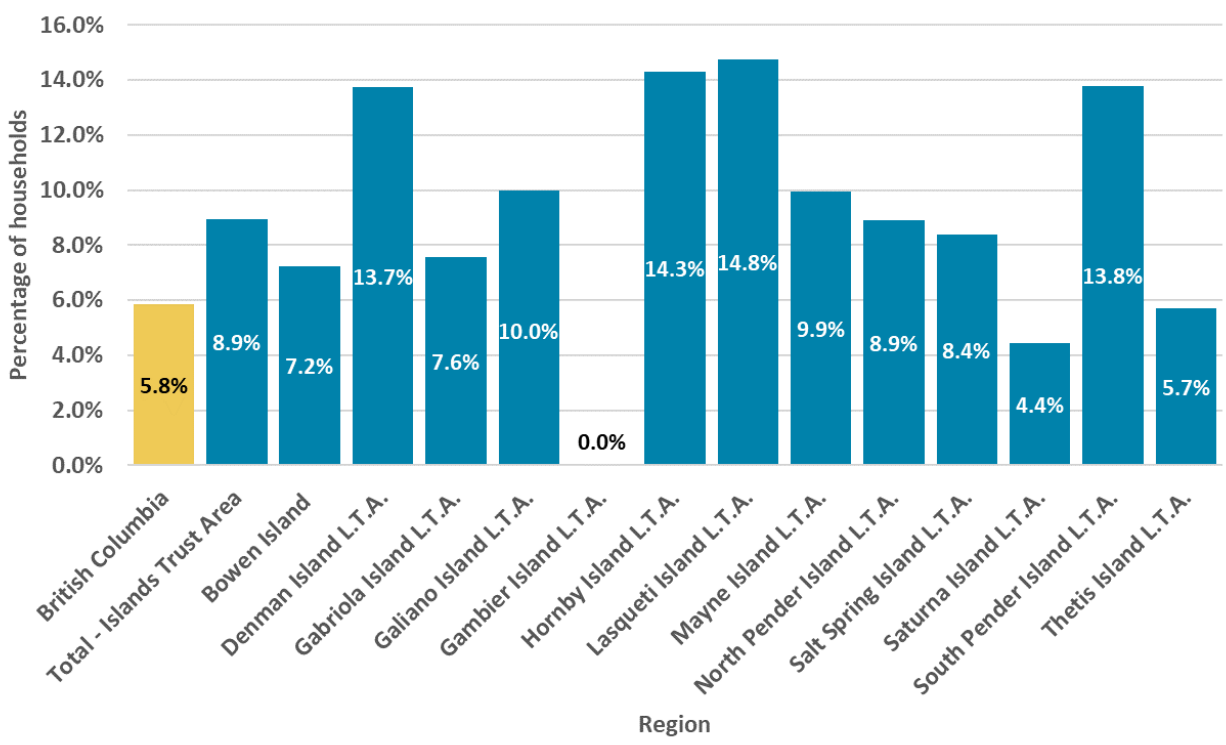
Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data

Percentage change in private dwellings occupied by usual residents, 1991 to 2021



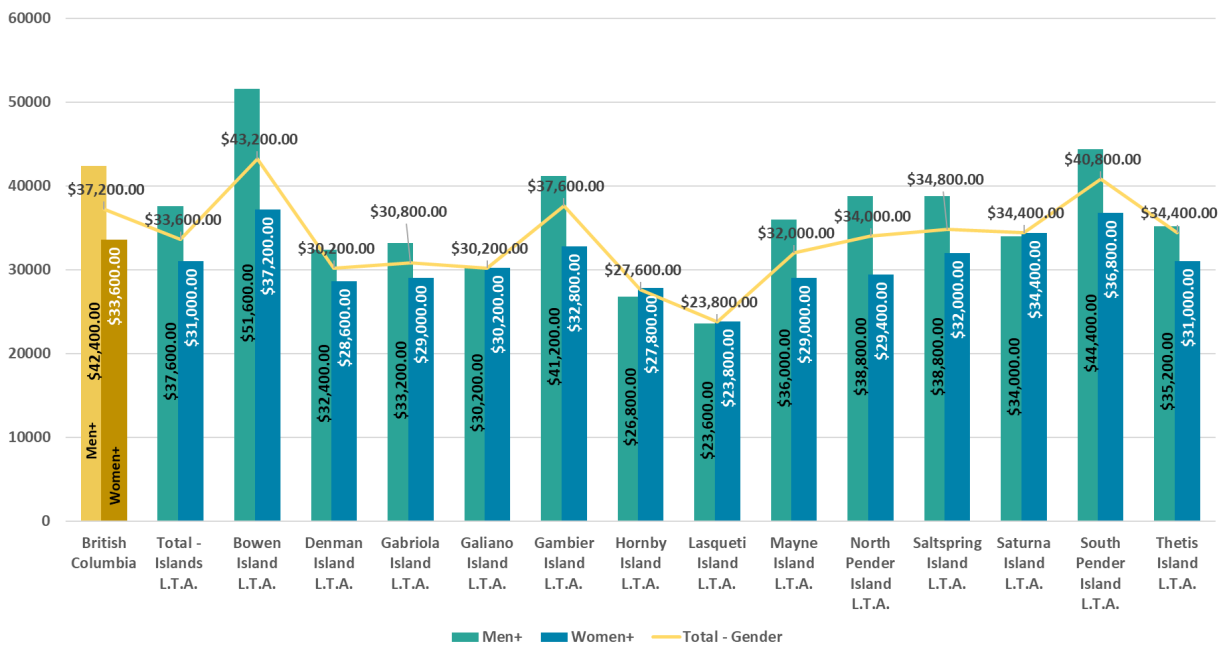
Percentage of households with inadequate housing, 2021*



*Housing is considered adequate when it isn't in need of major repairs. Major repairs include defective plumbing or electrical wiring, or structural repairs to walls, floors, or ceilings.
https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-research/core-housing-need/identifying-core-housing-need

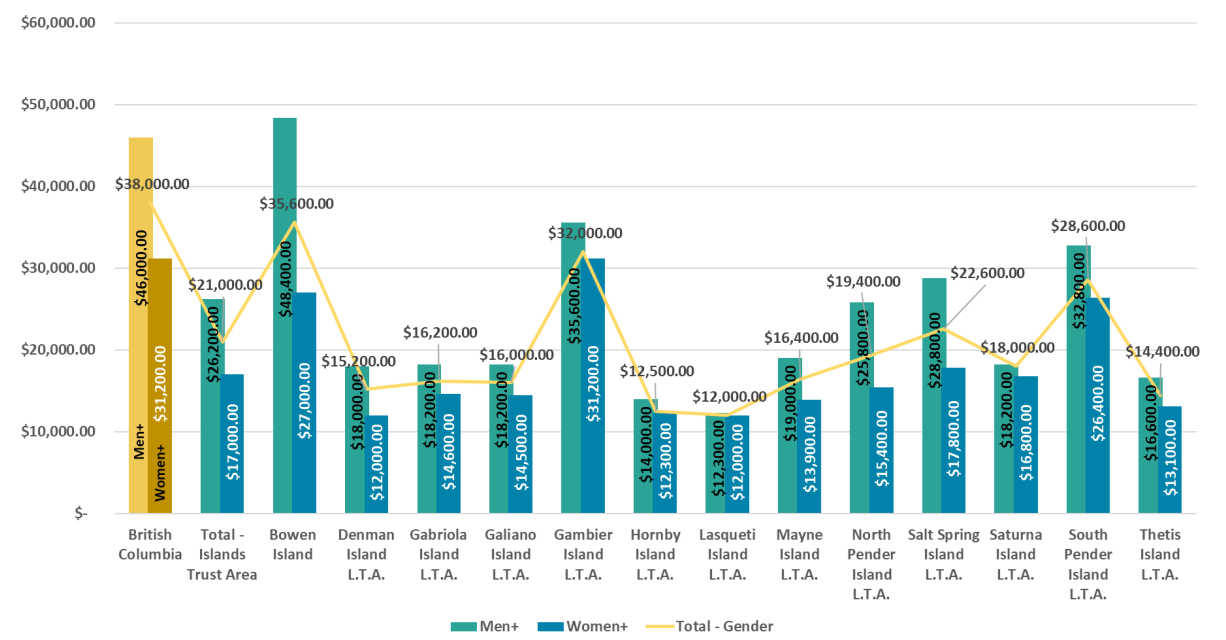
Income

Median after-tax income, 2020*



*For the 2021 Census, the reference period for income data is the calendar year 2020, unless otherwise specified.

Median employment income, 2020*



*For the 2021 Census, the reference period for income data is the calendar year 2020, unless otherwise specified.

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