



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: November 27, 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 September 25, 2023 (for Adoption)		4 - 13
6.2	Section 26 Resolutions-without-meeting Report - None		
6.3	Advisory Planning Commission Minutes Dated November 6, 2023 (for Receipt)		14 - 19
7.	BUSINESS ARISING FROM THE MINUTES		
7.1	Follow-up Action List Dated Nov 2023		20 - 21
8.	DELEGATIONS		
9.	CORRESPONDENCE		
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>			
10.	APPLICATIONS AND REFERRALS	2:00 PM - 3:00 PM	
10.1	Saturna Island Local Trust Committee Referral for Proposed Bylaws 140 and 141 (for Response) (attached)		22 - 24
10.2	North Pender Island Local Trust Committee Referral for Draft Bylaw No. 234 (for Response) (attached)		25 - 27

10.3	MA-TUP-2023.3 (Haq) - Staff Report (attached)	28 - 40
10.4	MA-RZ-2023.1 (Blaney) - Staff Report (attached)	41 - 48
10.5	MA-RZ-2023.2 (CRD) - Staff Report (attached)	49 - 113
11.	LOCAL TRUST COMMITTEE PROJECTS	3:00 PM - 3:30 PM
11.1	Land Use Bylaw Review - Staff Report (attached)	114 - 128
12.	REPORTS	3:30 PM - 3:40 PM
12.1	Work Program Reports (attached)	
12.1.1	<u>Active Projects Report Dated Nov 2023</u>	129 - 129
12.1.2	<u>Future Project List Report Dated Nov 2023</u>	130 - 130
12.2	Applications Report Dated Nov 2023 (attached)	131 - 134
12.3	Trustee and Local Expense Report Dated Sept 2023 (attached)	135 - 135
12.4	Adopted Policies and Standing Resolutions (attached)	136 - 140
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	3:40 PM - 3:55 PM
13.1	Bylaw Enforcement Notice Policy Options - Staff Report (attached)	141 - 143
14.	UPCOMING MEETINGS	3:55 PM - 4:00 PM
14.1	Draft 2024 LTC Meeting Schedule (attached) (for approval)	144 - 144
15.	TOWN HALL	4:00 PM - 4:15 PM
16.	CLOSED MEETING (Distributed Under Separate Cover)	

16.1 Motion to Close the Meeting

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

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT

4:15 PM - 4:15 PM

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: September 25, 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: Narissa Chadwick, Island Planner
Charly Caproff, Planner 1 (electronic)
Warren Dingman, Bylaw Compliance and Enforcement Manager (electronic)
Pat Todd, Recorder

Others Present: Shauna Huculak, Capital Regional District (CRD) Archaeology Manager, First Nations Relations (electronic)
Justine Starke, CRD Manager, Southern Gulf Islands Service Delivery (electronic)
Paul Brent, CRD Electoral Area Director for the Southern Gulf Islands
There were sixteen (16) members of the public present.

1. CALL TO ORDER

Chair Elliott 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. Chair Elliott read from a section of the Policy Amendment Project called "Truth Precedes Reconciliation" by Lisa Wilcox. She stressed the importance of stewardship of the lands and water for future generations. She stated that Islands Trust is committed to doing better at forming interconnected relationships with First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 13.3 New Business Discussion of lot line changes

By general consent, the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Tim Mackie: spoke to the Oceanwood application:

- Questioned the amenity zoning guidelines
- Noted the opportunity to provide some affordable housing.
- Believed it was too early to turn down application and would like to explore possibilities

Carsten Peterson: noted that the Oceanwood application mentions staff housing, but clarification is needed. Would the housing be available to Oceanwood staff and/or general population?

Speaker: was concerned about running out of water. They wanted to know if the Islands Trust is looking at retention options e.g. reservoir.

- Water is addressed through Capital Regional District (CRD) Building Permits
- CRD Electoral Area Director Brent noted that rainwater catchment is included in the building permit, but it is not specific about what to do with it
- The majority of housing on Mayne Island has already been built
- Education is critical
- Could consider adding requirements for how rainwater is to be used to land use bylaw changes

Marc Tremblay:

- Is currently building a secondary suite
- Water catchment bylaw is ambiguous
- Issue is enforcement
- Not clear is the water needs to be potable
- Encouraged Islands Trust to identify what to do with water

Speaker: observed that there needs to be flexibility about how the rainwater is used if the LTC were to change the bylaws about rainwater catchment requirements.

Thomi Glover: requested clarification from LTC about the statement regarding Mayne Island being “built out”. The speaker asked for more clarification beyond water issue for Air BnBs and secondary suites, as they increase density.

Local Trust Committee (LTC) has strong policies as to Short Term Vacation Rentals. The LTC advised that questions or complaints regarding legality of Air BnBs should go to Bylaw Enforcement.

Tim Mackie: spoke to the Statistics Canada information in agenda package:

- Mayne Island third most dense
- At build out, yet need more housing
- Official Community Plan (OCP) to identify where builds could occur
- Flexible Housing Initiative allows for more accommodation with smaller foot prints

- Island Planner Chadwick noted that the Suitable Land Analysis Initiative will produce data that can help identify areas that would be suitable for higher density
- Work being done Trust wide
- The project will be moving forward in the spring
- Working with the CRD to apply for the housing accelerator fund

John Glover: asked whether the LTC could look at Oceanwood for flex housing

- The Oceanwood site is zoned commercial, so it is not an ideal location
- Flex housing should be near community resources

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Mayne Island Local Trust Committee Regular Meeting Minutes Dated July 31, 2023

The following amendments to the minutes were presented for consideration:

- Pg. 6 third bullet, second point: change Saturna to Galiano
- Pg. 6 12.9 to read: Chair Elliott reported that Risa Smith is the new Chairperson for the Board of Islands Trust Conservancy, Lisa Gauvreau (Trustee Galiano) was elected as the 2nd. Trustee to the Board and Charles Kahn is the new ministerial appointee. Linda Adams is no longer on the Board.

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 September 2023

Island Planner Chadwick noted that Wood Dale discussion has been added as an agenda item.

- Letter to RCMP (16.3) to be removed
- New Sergeant
- Many issues are civil disagreements not legal and it is felt that RCMP are aware of concerns and issues.

8. DELEGATIONS

8.1 Shauna Huculak re CRD's Archaeology Policy and Practices

CRD Manager Justine Starke introduced Archaeology Manager Shauna Huculak and expressed appreciation for opportunity to present to the LTC.

Presentation Points:

- Taught by First Nations families and communities

- CRD 2020 Heritage Protection Policy was adopted to reduce risks and harms to archeological sites within the CRD
- Huculak provides training to staff and contractors which helps to identify previously unknown sites
- In the case of “Chance finds” Huculak will notify First Nations, Province, and register site
- Helps Southern Gulf Islands teams to:
 - Develop and refine guidelines
 - Identify sites
 - Work co-operatively with First Nations
 - Minimize impact
 - Heritage management
 - Develop best practices and stewardship
 - Promote awareness and protection of areas
- Part of the CRD’s commitment to reconciliation
- Meets with First Nations communities regularly
- Gulf Islands have some of the most pristine archaeological sites in province
- Here to help
- Currently involved in pathway realignments, stairways, identifying resources, and field visits with First Nations

A question was raised about the alignment of Islands Trust and CRD Policy.

Islands Trust has CRD Policy and work is underway to bring together. Both parties are talking and sharing best practises.

Trustee Dodds referred to a Tour of Cotton Park Provided by Starke and Huculak and reported on her: increased understanding of the Archaeological Act; increased understanding of why it is important not to disturb the shoreline area; importance of education.

The province organized an inventory of middens in the 1970s. There are sites online for Planners and Archaeologists to refer to, however the information may be dated. The location of sensitive sites is kept quiet to prevent being destroyed by public.

Currently updating Heritage Conservation Act.

LTC raised a concern about how to work effectively with many Nations with individual structures and levels of trust. Huculak emphasized that it is Important to bring forward each project to First Nations. The CRD has a First Nations Relations page on website for information.

There was a discussion about the removal of danger trees in Cotton Park. LTC proposed that arborists exercise more caution in the future.

The public can find more information on the First Nations Relations page on the CRD website.

LTC expressed appreciation for presentation and information received.

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1 MA-RZ-2023.1 (Blaney)

Planner Caproff reviewed the rezoning application for the property known as Oceanwood. Staff received a letter from the Village Point Improvement District, which raised concerns about the potential water demand. Mayne Island Parks and Recreation Commission have not been consulted to date.

The applicants spoke to the steps taken to-date:

- Planning on water catchment
- Looking at desalination
- Expectation is that proposed dwellings would lessen water demand of the past
- Barn is designated as a community space for events, commercial kitchen, and possible café or restaurant
- Spoke with one of two neighbours bordering the property and believed they were fine with it
- The other neighbour had begun a petition within neighbourhood which expressed opposition, so they felt not further consultation was needed.

The property owner's designer Robert Blaney spoke to:

- Plan is for small buildings, private and less intrusive to land than large existent buildings.
- Interested in providing housing for staff
- Have implemented desalination plants in the past
- Have been using rainwater collection for toilets in other properties they've worked on

Discussion:

- Planner Caproff provided the applicants with information and options on the amenity contribution requirement of their application prior to the LTC meeting
- The LTC believed it was too early in the process to decline the application
- The LTC advocated for the applicant hosting their own community Information meeting to help the LTC understand what the community wants
- With regards to the applicant's plans for the Barn, the LTC was not convinced that Mayne island needs another community space and restaurant
- The LTC emphasized the position that Mayne Island needs affordable housing
- The LTC advised the applicant that the existing plan with regard to water will not get approved at the provincial or Trust Council level
- The LTC supports new development on the Oceanwood property
- The owners of the property stated that they have no intention of putting affordable housing on the property

- The applicant agreed that they will need to meet with the water association and come up with a plan to mitigate the community's concerns about water usage
- The LTC encouraged the applicant to consider engaging with first nations at this early stage in the process

MA-2023-047

It was Moved and Seconded,

that Mayne Island Local Trust Committee request that prior to proceeding further, the applicant consult with surrounding neighbours, host a Community Information Meeting, provide their feedback to the Local Trust Committee for consideration, identify additional options for amenity contribution and water management, and explore archaeological potential.

CARRIED

10.2 MA-DVP-2023.5 (Girouard)

Planner Caproff spoke to the application for a height variance. One neighbour was opposed. Islands Trust supports the application due to the challenging site topography.

Applicant Robert Begrand attended the meeting and reviewed the existent Bylaw issues.

Chair Elliott expressed appreciation for the Green Shore Plan.

MA-2023-048

It was Moved and Seconded,

that Mayne Island Local Trust Committee approve issuance of MA-DVP-2023.5 (Girouard).

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw Review

Island Planner Chadwick reviewed the Bylaw document. There was consensus that the report be forwarded to the Advisory Planning Commission (APC).

Discussion:

- OCP changes requires approval from the Province, which makes it a slower process, while Land Use Bylaw (LUB) changes can be completed more quickly
- Housing Project will require OCP and LUB review and changes
- Some items need further discussion
- Important that analysis of proposed changes have context
- Discussion and consultation with First Nations will occur with Housing Project
- There was some debate about the definition of a seawall and whether LUB changes could address issues of seawall siting
- Island Planner Chadwick proposed that issues related to foreshore sustainability could be addressed by the Regional Planning Committee
- The LTC considered whether the LUB should specify appropriate uses for rainwater catchment.

- Appropriate use of rainwater could be decided by the CRD or it could be included in the housing project
- Island Planner Chadwick encouraged the LTC to provide a deadline for the APC to provide feedback
- With the expected timelines, the draft bylaw amendments are to come back to LTC end of January or February

MA-2023-049

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff to refer to the Advisory Planning Committee the September 25, 2023 staff report, with the exception of those items beyond the scope of the project, and request that the Advisory Planning Commission provide recommendations no later than November 13, 2023.

CARRIED

MA-2023-050

It was Moved and Seconded,

that 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 land in the Upland zone at the end of Wooddale Drive that the Capital Regional District has identified as "surplus land".

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Active Projects Report Dated Sept 2023 - Received for information

12.1.2 Future Project List Report Dated Sept 2023 - Received for information

12.2 Applications Report Dated Sept 2023 – Received for information

12.3 Trustee and Local Expense Report Dated July 2023 – Received for information

12.4 Adopted Policies and Standing Resolutions – Received for information

12.5 Local Trust Committee Webpage – will be update at conclusion of meeting

12.6 Chair's Report

Chair Elliott spoke of the recent Union of British Columbia Municipalities (UBCM), held in Vancouver. Of significant interest was Shared Path of Reconciliation. MLA Olsen and key members of staff were in attendance. Noted discussions as to how best to meet principles and parameters of Provincial laws. Islands Trust hosted a breakfast with focus on building relationships. Islands Trust Council starts September. 26 on Pender Islands. Trust Council's focus will be on "setting a vision" and the values of the community.

At 4:00 pm. Chair Elliott left the meeting temporarily and Trustee Dodds assumed Chair.

12.7 Trustee Report

Trustee Maude stated UBCM was very interesting. He had the opportunity to speak with Minister of Highways and Minister of Health regarding issues on Mayne Island.

Trustee Dodds reported on the draft management plan for fallow deer. The focus of the plan is on education. Carl Olsen, a lead hunter on Sidney Island, gave a lot of practical advice. The next meeting is on October 2, 2023. The committee is looking to engage Tsartlip Band.

Trustee Dodds stated that there have always been water issues and the biggest problem is aging infrastructure. Trustee Dodds added that if water districts would allow secondary suites and charge for 2 hookups, it would be a better way of managing water issues than the LTC regulating rainwater usage.

12.8 Electoral Area Director's Report

CRD Electoral Area Director Brent stated that there was \$2,750,000.00 for affordable housing and Galiano received a large portion of these funds. Regarding the presentation from Archeological Manager Huculak, Director Brent added that Shauna knows the balance between importance of archaeological sites and current existence.

12.9 Islands Trust Conservancy Report - None

13. NEW BUSINESS

13.1 Census Infographics – received for information

13.2 Wooddale Drive

Island Planner Chadwick explained that Islands Trust has been talking to the CRD about the building permit process. There was an agreement made that water district to make sure there are no water hookups where they should not be happening.

Discussion:

- Noted that plans are still underway for a meeting of various agencies and jurisdictions
- There is a need to identify specific issues
- Need for CRD Building Permit office to speak with water district regarding water hook-ups
- Province allowed subdivision – look at changing zoning

Planner Chadwick's interpretation of the Local Government Act is that there isn't any specific liability related to the existence of the zoning and the decision to not enforce in that area. CRD Electoral Area Director Brent commented that the CRD just passed a policy of non-enforcement on recreational vehicles that use a quick-connect setup to access services.

MA-2023-051

It was Moved and Seconded,

that Mayne Island Local Trust Committee ask staff to explore changing the residential zoning on Wood Dale Drive within the classified Red Zone.

13.3 Lot Lines

The LTC initiated a discussion on a situation where two neighbours purchase an empty lot and spilt the land, thereby reducing the density. There was a question as to whether this situation would allow for a second accessory building. Planner Chadwick advised that this would have to be addressed with site-specific zoning. The LTC agreed that further discussion required.

Chair Elliott rejoined meeting at 4:20 pm.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for October 30, 2023 at the Agricultural Hall, Mayne Island

15. TOWN HALL

Jacquie Burrows: spoke to the previously discussed rezoning application and stated that there was no petition and their information on the application was collected online. There have been discussions between neighbours. The proposal is vague and needs more detail.

John Glover: added to the discussion about the rezoning application. They believe the information presented is questionable, particularly the number of parking spaces.

16. CLOSED MEETING

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.

The meeting was closed at 4:35 pm. for LTC to go In-Camera.

16.2 Recall to Order

The regular LTC meeting was recalled to order at 4:57 pm.

16.3 Rise and Report – no reports

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:58 pm.

Tobi Elliott, Chair

Certified Correct:

Pat Todd, Recorder

DRAFT

Mayne Island Advisory Planning Commission Meeting Minutes

Date: November 6, 2023
Location: St. Mary Magdalene Church
360 Georgina Point Road, Mayne Island, BC

Members Present: Stephen Cropper, Chair
Ian Birtwell
Aaron Reith
Christie Meers
Gordon Miller

Regrets/Absent: Debra Cleland, Deb Foote, Chris Roehrig and Liam Bender

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

Others Present: Trustee Dodds and Trustee Maude. There were no members of the public.

1. CALL TO ORDER

Chair Cropper called the meeting to order at 7:00 p.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. APPROVAL OF MINUTES

3.1 Advisory Planning Commission (APC) minutes of Sept. 6, 2022

Amendments for consideration:

Page 2 – first bullet under discussion – change John to Sean

Motion regarding LTC Fees Bylaw #185 – to read:

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee approval of the structure as recommended by the Trust Council.

CARRIED

By general consent the minutes were adopted as amended.

4. BUSINESS ARISING FROM THE MINUTES - none

5. REFERRALS

5.1 MA-2023-049 – Staff report of Sept. 25, 2023

Planner Chadwick stated the purpose of the report is to provide options and recommendations on the items identified by the Local Trust Committee (LTC) to include in the 2023 Land Use Bylaw (LUB) Minor Amendment Project. Items are grouped as technical amendments, amendments to zoning of specific properties and amendments requiring further analysis/discussion.

Technical Amendments - discussion

- Shipping Containers: clarification needed in respect to regulation

MA-2023-001

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend further definition of shipping containers and a number allowed on a site.

CARRIED

- Livestock: currently restricted to certain types

MA-2023-002

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the addition of a definition of livestock similar to North Pender Island and that 3.2 (1) be amended 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) livestock and more than one horse.

CARRIED

- Personal Watercraft: suggestion is to remove

MA-2023-003

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the removal of 3.2 (3) definition of “personal watercraft”.

CARRIED

- Definition of Motor Vehicle: need to regulate derelict boats on land as well as trailers, RVs and vehicles.

MA-2023-004

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the following:

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 they are stored within a permitted building, (2) the wrecking or storage of derelict or abandoned vehicles, trailers, boats or their 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.

CARRIED

Amendments related to Zoning of Specific Properties – discussion

- Bennett Estate: zone is divided into A and B – residential use only permitted in B

MA-2023-005

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend removing designation of A and B and allowing all uses throughout CD2 Zone.

CARRIED

- Church Property: currently zoned for “Senior Citizens Housing” – zone could be made more flexible to accommodate all affordable housing. Property would still have Housing Agreement and Covenant registered on title which restrict occupancy to Seniors.

MA-2023-006

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend changing the zoning to expand housing options.

CARRIED

- Thrift Store: property zoned Settlement Residential – currently Temporary Use Permit (TUP) in place to allow for operation.

MA-2023-007

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend creating a site specific zone in the settlement residential zone.

CARRIED

- Vet Clinic: property zoned settlement residential – clinic permitted through a TUP

MA-2023-008

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the addition of Vet Clinic to permitted uses within this specific site.

CARRIED

- Campbell Bay Music Festival: currently allowed on agricultural site through a TUP

MA-2023-009

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend creating a site specific zoning in the rural zone specific to conditions within existent Temporary Use Permit.

CARRIED

Amendments Requiring Further Analysis/Discussion

- BC Ferries Property: currently zoned settlement residential. TUP in place permitting temporary housing for workers. Area could be used to support other community interests in future. Suggested to rezone to link with terminal.

APC supported staff recommendation to remove from the LUB technical review and to initiate discussion with BC Ferries about the types of uses they would support and to encourage an application for rezoning.

- Seawall: no definition of seawall in LUB: seawall considered a structure which is 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, importance of erosion protection, use of natural materials, limitations

MA-2023-010

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission request staff to develop a definition of seawall detailing location withing the setback. height and materials, specific to erosion protection.

CARRIED

- **Height of Accessory Buildings within SR Zoning:** limited applications for variance

MA-2023-011

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend acceptance of staff recommendation for no change at this time.

CARRIED

- **Mooring Buoys:** lack of clarity regarding what is permitted. Currently mooring buoys are not permitted in the Water Protection Zone (W1) According to recent legal opinion Islands Trust can regulate – identified as a large project to develop regulations.

MA-2023-012

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the Mayne Island Local Trust Committee create a long term project to develop regulations regarding mooring buoys.

CARRIED

- Wood Sheds within Setbacks: needs definition

MA-2023-013

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend staff develop a clear definition of a wood shed that specifies size and type of structure.

CARRIED

- Outhouses: enforcement issues – considered an accessory building – IT enforcement as to size and siting – regulated by the Sewerage System Regulation (which does not consider a privy to be a sewerage system) administered by Islands Health.

MA-2023-014

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the Mayne Island Local Trust Committee permit outhouse structures.

CARRIED

- Agricultural Society Lands Setbacks: existent buildings are legal non-conforming located within setbacks.

MA-2023-015

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend setbacks be changed to zero.

CARRIED

- Patios in Setback from the Sea: patios are not permitted in the setback from the sea. Wooden platforms considered structures under the LUB (concrete and asphalt paving are excluded)

MA-2023-016

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend adding “patios” to 3.3(3) after “except”.

CARRIED

- Expanding Permission for Contractor Yards: contractor yard use as a home business is limited – would require consideration of impacts and how potential impacts could be mitigated.

MA-2023-017

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the Mayne Island Local Trust Committee identify parameters for regulations for a contractor yard.

CARRIED

6. TRUSTEES REPORT

Noted: Open House for proposed Oceanwood development on November 24, 2023. There is the possibility that new owners of Springwater may come forward with a Development Permit Application. Mooring buoys will be a significant project. New legislation is coming forward regarding Short Term Vacation Rentals. Currently are allowed as a Home Occupation if adjacent to residence.

7. NEW BUSINESS

Ian Birtwell informed the APC that he is planning to leave the island so will be stepping down from the APC. He expressed how much he had enjoyed his time with Commission: learning more about the island -meeting the other participants.

Trustees expressed appreciation for his long time service on the Commission.

Chair Cropper noted his valuable contributions over the years and added his appreciation.

8. NEXT MEETING – to be announced

9. ADJOURNMENT

By general consent the meeting was adjourned at 9:00 pm.

Stephen Cropper, Chair

Certified Correct:

Pat Todd, Recorder

Follow Up Action Report

Mayne Island

29-May-2023

Activity	Responsibility	Dates	Status
1 12.1 Housing Options - Ssend 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

31-Jul-2023

Activity	Responsibility	Dates	Status
1 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	Completed

25-Sep-2023

Activity	Responsibility	Dates	Status
1 13.2 Wooddale - Explore changes to zoning in red zone.	Narissa Chadwick	Target: 14-Feb-2022	In Progress
2 6.1 July 31, 2023 minutes approved as amended.	Emily Bryant	Target: 06-Oct-2023	Completed

Follow Up Action Report

Mayne Island

25-Sep-2023

Activity	Responsibility	Dates	Status
3 10.1 MA-RZ-2023.1 (Blaney) - Request applicant identify options for amenity contribution, archaeological impacts and water management, and engage the community before proceeding with other aspects of the application.	Charly Caproff Narissa Chadwick	Target: 11-Dec-2023	In Progress
4 10.2 MA-DVP-2023.5 (Girouard) Issue DVP.	Charly Caproff Jas Chonk	Target: 13-Oct-2023	Completed
5 11.1 2023 LUB Minor Amendment Project - Staff to refer staff report to APC for review. APC requested to respond by November 12, 2023. Rezoning of CRD surplus land to be added to Housing Options Project.	Emily Bryant Narissa Chadwick	Target: 16-Oct-2023	Completed

BYLAW REFERRAL FORM

Island: Saturna Island Local Trust Area Bylaw No.: 140/141 Date: October 27, 2023

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

APPLICANTS NAME / ADDRESS:

100/101 Payne Rd and 201 Harris Road

PURPOSE OF BYLAW:

Amendments would be made to the Saturna Island Official Community Plan Bylaw No. 70, 2000 (OCP) and the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) to rezone the parcel located at 100/101 Payne Road to allow for an additional dwelling density to be added. Currently, the shared property has a single primary dwelling and an accessory cottage which are lived in by separate families, and these families are now seeking to separate their financial/property obligations to ensure their estate planning is properly taken care of.

The density for the additional dwelling is to be transferred from the parcel located at 201 Harris Road, which has been arranged through a private agreement between the property owners. As the additional proposed density is to be transferred from another parcel on Saturna, there is no net increase in overall density. In addition, three (3) densities would be removed from the Harris Road property and transferred to the Community Amenity Density Reserve (CADR) for potential future use by the LTC in meeting land conservation objectives. The transfer of these three (3) densities to the CADR is voluntary at the request of the property owner.

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

100/101 Payne Road: Lot 1, Section 18, Saturna Island, Cowichan District, Plan 6417
201 Harris Road: Lot 1, Section 5, Saturna Island, Cowichan District, Plan 25360

SIZE OF PROPERTY AFFECTED:

100/101 Payne Road: 1.69 ha
201 Harris Rd: 14.4 ha

ALR STATUS:

A portion of the
100/101 Payne Rd
property is located
in the ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

100/101 Payne Road: Rural
201 Harris Road: Rural, Watershed

OTHER INFORMATION:

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

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

BSmith

(Signature)

Name: Brad Smith

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

This referral has been sent to the following agencies:

Government Agencies

Parks Canada
Ministry of Transportation and Infrastructure

Regional Agencies

CRD, Planning and Protective Services, Building Inspection
CRD, Integrated Water Services (Lyall Harbour – Boot
Cove Water System)
Island Health

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
Mayne Island Local Trust Committee
South Pender Island Local Trust Committee

First Nations

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

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

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

Saturna Island Local Trust Area
(Island)

(Signature)

(Date)

140/141
(Bylaw Number)

(Name and Title)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

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

Island: North Pender Island Local Trust Area Bylaw No.: 234 Date: November 9, 2023

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

APPLICANTS NAME / ADDRESS:

Pender Islands Housing Society (PIHS), #7-5719 Canal Road Pender Island, BC V0N2M1

PURPOSE OF BYLAW:

The purpose of draft Bylaw No. 234 is to make amendments to the North Pender Island Land Use Bylaw No. 224 (LUB) to permit multi-family dwellings within the Community Housing 1 (CH1) zone.

Currently, the LUB limits the permitted use within the CH1 zone to only two-family dwellings. The property owner and non-profit housing provider, the Pender Islands Housing Society (PIHS), is seeking to broaden their options for construction of affordable housing units. No changes to density are being considered, only the number of permitted dwelling units allowed in each building.

Additional background, including the preliminary staff report and draft Bylaw No. 234 are located at:
<https://islandstrust.bc.ca/island-planning/north-pender/current-applications/>

GENERAL LOCATION:

North Pender Island Local Trust Area

LEGAL DESCRIPTION:

LOT 1, SECTION 11, PENDER ISLAND, COWICHAN DISTRICT, PLAN 45713

SIZE OF PROPERTY AFFECTED:

1.43 hectares

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Community Service

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/north-pender/projects/> under the heading "Land Use Bylaw Review".

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

BSmith

(Signature)

Name: Brad Smith

Title: Island Planner

Tel: 250-405-5194
Contact Email: bsmith@islandstrust.bc.ca
Info:

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Federal Agencies

n/a

Provincial Agencies

Ministry of Municipal Affairs & Housing

Ministry of Forests - Water Protection Branch

Non-Agency Referrals

None

Regional Agencies

Capital Regional District – Building Inspection

Capital Regional District – Planning & Protective Services

Adjacent Local Trust Committees and

Municipalities

Mayne Island Local Trust Committee

Saturna Island Local Trust Committee

South Pender Island Local Trust Committee

Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Snuneymuxw First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

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

North Pender Island Local Trust Area
(Island)

(Signature)

(Date)

234
(Bylaw Number)

(Name and Title)

(Agency)

File No.: MA-TUP-2023.3 (HaQ)
(MA-TUP-2021.3)

DATE OF MEETING: November 27, 2023
TO: Mayne Island Local Trust Committee
FROM: Bruce Belcher, Planner 1
Southern Team
SUBJECT: Renewal of Temporary Use Permit for STVR
Applicant: Farheen HaQ
Location: 752 Seaview Road, Mayne Island

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of renewal Temporary Use Permit MA-TUP-2023.3 (HaQ) for a period of three (3) years.

REPORT SUMMARY

The purpose of the report is to consider a **renewal** Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

BACKGROUND

The TUP for the STVR use was issued for the property in 2021 (NP-TUP-2021.3) for two (2) years. The Staff report and attachments for the initial application are available as part of the November 22, 2021 LTC agenda package (pp.113-127) available here: <https://islandstrust.bc.ca/document/mayne-island-ltc-agenda-package-november-22-2021/>

The renewal will allow for the STVR use to continue in compliance with the Land Use Bylaw (LUB). The dwelling is a 93 m² (1000 ft² – approx.) dwelling with two (2) bedrooms located at 752 Seaview Road. The maximum guest capacity is six (6) guests, operating for a maximum of thirty (30) days between May and September, and thirty (30) days between October and April. The use is part-time and secondary to the continued use of the property by the owner, and friends and family.

Since the original application was issued, staff have not received any complaints regarding the use of the property. There have been no changes to the property since the 2021 permit was issued. The applicant's rationale is to continue to comply with land use regulations and that the use is to help with maintenance costs and upkeep for the property.

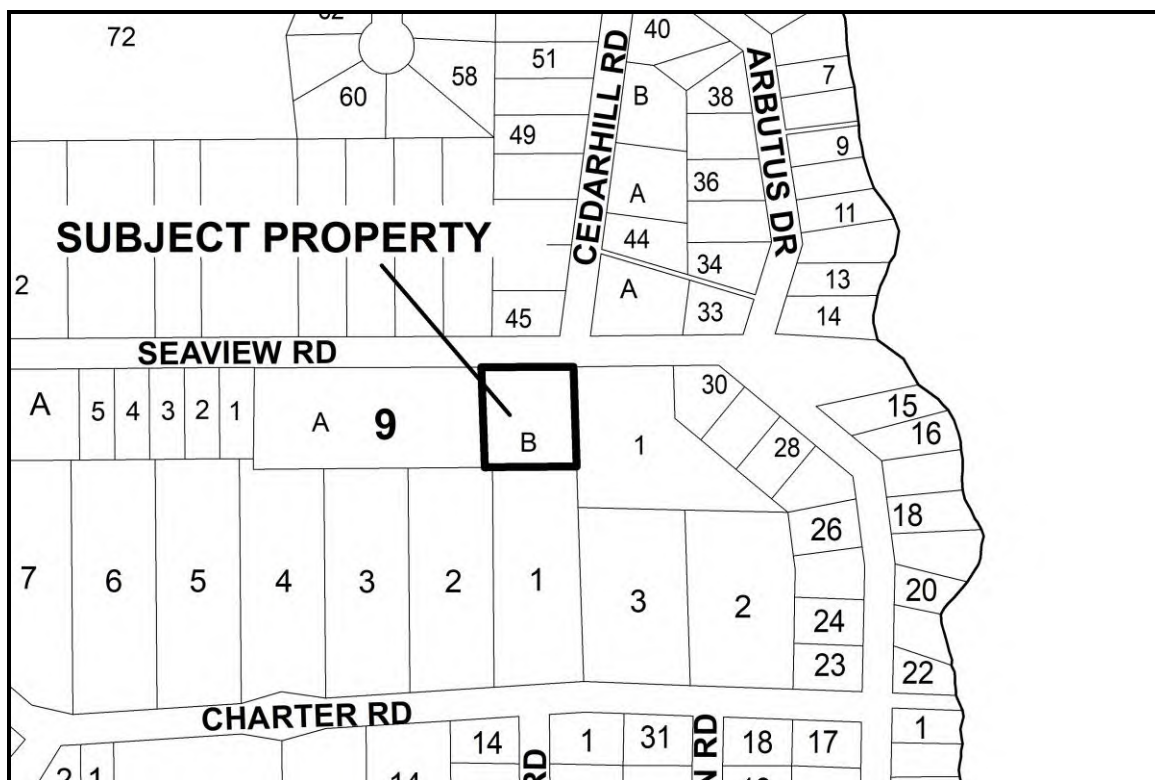
Specific File Activity:

The TUP application was initially reviewed by the Local Trust Committee on July 19, 2021.

The following is a summary of key resolutions and file activity that have occurred for this application since the initial report on July 19th, 2021 to the Local Trust Committee:

- The LTC referred the application to the APC at its July 19, 2021 regular meeting.
- The APC held a meeting on September 8, 2021.
- The LTC deferred the permit requesting more information and options from staff regarding controls to water use, clarification of on-island management, and enforcement of conditions at its September 27, 2021 regular meeting.
- The LTC amended the permit and issued it at the November 22, 2021 regular meeting.

Figure 1: Location of subject property



ANALYSIS

Official Community Plan:

The property is designated as **SR (Settlement Residential)** in the Mayne Island Official Community Plan No. 144, 2007 (OCP).

The OCP currently outlines a general objective and guidelines for TUPs in Section 2.9 of the OCP. The objective is

2.9.1 Permits for temporary uses may be issued: for short term uses; or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses

The application and proposed permit as drafted (Attachment 1) conforms to those guidelines.

There are no designated Development Permit Areas (DPAs) on the subject property.

Land Use Bylaw:

The property is zoned as **Settlement Residential (SR)** in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB).

The current residential use of the property conforms to the LUB. The STVR is an illegal use without obtaining a TUP.

TUP Conditions

The TUP conditions have the objective to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, provide the ability to enforce compliance of the TUP.

The proposed permit is included as Attachment 1. As a renewal, the permit can either be approved or denied, not altered.

Rationale for recommendation

In summary, the recommendations on page 1 are supported as:

- The rationale for the use is reasonable;
- There have been no complaints about the STVR since the TUP was issued in 2021;
- The proposed time period of three (3) years is a reasonable time-frame as no outstanding issues have become present since the TUP was issued in 2021; and
- The permit provides conditions consistent with OCP guidelines to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

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

ALTERNATIVES

1. Renew for a different time period

The LTC may opt to approve the renewal for a shorter period. Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee approve renewal application MA-TUP-2023.3 for a period of _____ year(s).

2. 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 for renewal application MA-TUP-2023.3 submit to the Islands Trust the following _____.

3. Deny the application

The LTC may deny the application and proceed no further.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny renewal application MA-TUP-2023.3.

Submitted By:	Bruce Belcher, Planner 1	November 6, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	November 7, 2023

ATTACHMENTS

1. Site Context
2. Draft Permit MA-TUP-2023.3

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT B, SECTION 9, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 27798
PID	000-625-281
Civic Address	752 Seaview Road

LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	Settlement Residential

HISTORICAL ACTIVITY

File No.	Purpose
MA-TUP-2021.3	Temporary Use Permit application

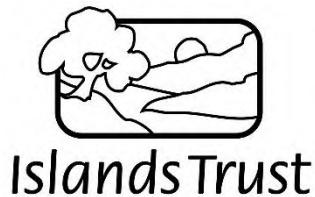
POLICY/REGULATORY

Official Community Plan Designations	The property is designated Settlement Residential (SR) in the Mayne Island Official Community Plan No. 144, 2007 (OCP) There are no designated Development Permit Areas (DPAs) on the subject property and no development activity is proposed.
Land Use Bylaw	The property is zoned as Settlement Residential (SR) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB).
Other Regulations	
Covenants	FB408103 (CRD - Use and maintenance of rainwater treatment system – BP)
Bylaw Enforcement	MA-BE-2021.3 - STVR use

SITE INFLUENCES

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

	<i>Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no development associated with this application therefore GHG emission changes resulting from approval limited to increased automobile travel from renters. Property is high bank with possible climate change induced hazards associated with climate change.



MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2023.3 (HaQ)
Renewal of MA-TUP-2021.3 (HaQ)

752 Seaview Road

To: Leapfrog Solutions Incorporated, Inc. No. 629071
c/o Farheen HaQ

1. This Permit applies to the land described below:

Lot B, Section 9, Mayne Island, Cowichan District, Plan 27798
(PID: 000-625-281).

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

- a) a Short Term Vacation Rental within the Dwelling Unit.

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

3. and is subject to the following conditions:

- a) the maximum number of days the short term vacation rental use is permitted between May 1 to September 30 in a calendar year is a total of thirty (30) days;
 - b) the maximum number of days the short term vacation rental use is permitted between October 1 to April 30 in a calendar year is a total of thirty (30) days;
 - c) the property owner or either one of two contact persons be available on Mayne Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and the two island contact persons must be posted at the entrance to the house with the permit information and provided to guests upon arrival;
 - d) the property owner or Short Term Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the name and contact number of property owner and the two island contact persons must be provided, and a copy of the temporary use permit;
 - e) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
 - f) the property owner, Short Term Vacation Rental operator or contact person shall post a sign with contact and permit information at the entrance to the property;
 - g) the property owner or Short Term Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;

- h) the guest information provided to guests must include the statement attached to this permit as Schedule 'A' that acknowledges First Nations territorial rights and cultural history on Mayne Island and the surrounding waters and include links to resources on reconciliation;
 - i) pets should be kept under control at all times;
 - j) the owner must provide parking for a minimum of two (2) vehicles on the property;
 - k) outdoor lighting must not be directed onto surrounding properties;
 - l) a maximum of one unilluminated and wooden sign not exceeding a total sign area of 0.4 square metres advertising the Short Term Vacation Rental is permitted. The sign must be located on the lot occupied by the Short Term Vacation Rental use;
 - m) the maximum number of guests is limited to six (6) persons.
 - n) the maximum number of bedrooms is two (2);
 - o) camping and occupancy of recreational vehicles are prohibited;
 - p) all outdoor fires are prohibited;
 - q) the rental or provision of motorized personal watercraft is prohibited;
 - r) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer or any other person designated by the Islands Trust to administer this Permit is authorized to enter, at any reasonable time, the property for the purpose of inspecting and determining whether the conditions, prohibitions and requirements of the Permit are being met;
 - s) the property owner, Short Term Vacation Rental operator, or contact person shall confirm the water street valve is closed after the departure of each rental guest when the property is to be vacant for more than 48 hours;
 - t) Campbell-Bennett Bay Improvement District Bylaw No. 76 attached to this permit as Schedule 'B', shall be clearly posted in the dwelling;
 - u) that an application for renewal include hydro and water meter readings for the term of the TUP; and,
 - v) that water conservation information be provided to guests and signs be posted at all water sources.
4. This permit is valid for three (3) years and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 2023.

Deputy Secretary, Islands Trust

Date Issued

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2023.3
SCHEDULE 'A'

FIRST NATIONS

Welcome to our home which is located in the treaty lands and waters of the Snuneymuxw First Nation. Snuneymuxw First Nation has called Gabriola Island home for over 10,000 years and their creation stories go back to time immemorial. The Snuneymuxw People speak Hul'qumi'num and the word welcome is nanut kwu and to have a good day is 'uy'skweyul.

Gabriola Island is a place where the Snuneymuxw People lived and utilized the lands and waters; gathering camas plants, using cedar for clothing and homes, and creating fish weirs and clam gardens. Gabriola Island has many cultural places and was a gathering place for many Coast Salish Peoples throughout the Salish Sea.

The Snuneymuxw First Nation was forcibly removed from Gabriola Island beginning in the 1850s and moved to small reserves located around Nanaimo, only two uninhabited tiny reserves are on Gabriola Island. In 1854 the Crown and Snuneymuxw First Nation signed a pre-Confederation treaty which was supposed to protect their lands and waters. Unfortunately, it has been systematically undermined and the impacts of residential school to language, culture, and family ties continue to this day.

In this context, the Snuneymuxw First Nation is today revitalizing their language, reconnecting with the lands and waters of Gabriola and the Salish Sea, and practicing their culture. We all have a role in reconciliation and we ask you to please be respectful of the treaty lands and waters of the Snuneymuxw People as you enjoy your visit to our home and Gabriola Island.

To learn more about the Snuneymuxw visit <https://www.snuneymuxw.ca/welcome> and to learn about reconciliation visit the National Centre for Truth and Reconciliation <https://nctr.ca/map.php>.
Huy ch q'u (thank you).

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2023.3
SCHEDULE 'B'

CAMPBELL-BENNETT IMPROVEMENT DISTRICT
BY-LAW NO.72

A By-law for regulating the distribution and use of water and prescribing penalties for non-compliance with the regulations.

The Trustees of Campbell-Bennett Bay Improvement District enact as follows:

1. In this By-law, unless the context otherwise requires:

- a. "Trustees" shall mean the Trustees of the District or their duly authorized representatives.
- b. "Water" shall mean water conveyed through the works operated or maintained by the District.
- c. "Works" shall mean anything capable of or useful for diverting, storing, measuring, or conveying, conserving, retarding, confining or using water.

Service Connections

2. Immediately after the completion of any works, and before such works or any part thereof has been covered or concealed, the Trustees shall be not that such works are ready for inspection. The works shall not be covered until they have been inspected, tested under pressure, and accepted in writing by the Trustees

Turn Off and Turn On

3. Consumers who wish to have their water service discontinued shall give the Trustees fourteen (14) days notice. The service shall be cut off at the end of the month succeeding the termination of the notice. Before the service is again renewed, the tenant or occupant shall pay to the District the prescribed turn-on charge for the renewal of the service.

4. The Trustees may order the water to be turned off to any premises where tolls have been owing to the District for ninety (90) days or longer

5. Trustee Right of Access

- a. The Trustees shall have right of access to all parts of a persons property or premises at all reasonable hours for the purpose of inspecting or testing any works, fittings or appliances related to the use of water use of water, or for the purpose of installing, removing, repairing, reading or inspecting meters.

- b. No person shall obstruct or prevent the Trustees from carrying out any of the provisions of this by law

District's Works

6. No person except the Trustees shall open, shut, adjust, draw water from, or tamper with any of the Districts works.
7. No person shall obstruct at any time or in any manner the access to any hydrant, valve, stop-cock or other fixture connected with the District's works, and should any person so obstruct access to any said fixture by allowing accumulation of surface water around it or by placing thereon or near thereto any structure or material, the Trustees may remove such obstruction at the expense of the offending person.
8. When a landowner request that any of the District's works situated within an easement in favour of the District be moved or relocated, the entire cost of moving or relocating the said works shall be borne by the landowner unless other arrangements are agreed upon in writing by both parties.
9. No person to whose premises water is supplied shall make, or permit to be made, any additional connection to his service of either temporary or permanent nature, for the purpose of supplying water to another building, or house trailer on his, or any other property without permission of the Trustees.
10. No person shall interconnect any portion of works on private property which are supplied by the District with an external source of water, such as a well.
11. The property owner shall be responsible for the safekeeping, maintenance, repair and replacement of all service pipes and plumbing systems from the outlet of the District's curb stop or standard waterworks valve at his property line and shall protect them from frost or other damage, and shall promptly repair frozen, leaky or imperfect pipes or fixtures.

Water Use Regulations

12. Where, in the opinion of the Trustees, the quantity of water being used or the rate at which it is being used from time to time, through any service is in excess of that contracted for or otherwise considered adequate, the District may take such measures as are considered necessary to limit the supply to said service. These measures may include the installation of a meter, partially closing the controlling curb stop or standard waterworks valve, regulating the rate and time at which

water may be used, and establishing special charges for water used in excess of a stipulated quantity or rate. The cost of any measure deemed necessary by the Trustees under this section shall be paid by the owner or owners concerned.

- a. The Trustees may limit the amount of water used by any service in the interests of efficient operation of the District's works and equitable use of water.

13. The Trustees may, at any time, substitute a metered service for an un-metered service to any premises. Each dwelling shall have a meter separate from any other dwelling, in a position approved by the Trustees. All meters shall be the property of the District.

14. No owner or occupant of any premises supplied with water by the District shall sell, dispose of, or give away water, or permit the same to be taken away or applied for the benefit of other persons or premises, except by permission of the Trustees.

15. No person shall use water for garden sprinkling, car washing, boat washing, filling swimming pools, garbage disposal, or for any other purpose whatsoever forbidden by the Trustees apart from the basic domestic requirements of the property served; and no booster pump or water-using appliance containing a booster pump shall be connected to any service supplied from the works to the District.

16. Where the owner or occupant of any premises supplied with water by the District leaves the island for forty-eight (48) hours or more, the water must be turned off at the property line. Should failure to shut off the water result in a loss of water in the system due to frozen, leaky or imperfect pipes or fixtures, the Trustees or any person acting for the Trustees may immediately turn off the water in order to prevent further loss of water.

Liability of District

17. The District does not guarantee a specific pressure or a continuous supply of water quality to meet the special requirements of individual users. The District reserves the right to interrupt water service at any time for the purpose of making repairs or alterations to the works. If service is to be interrupted for more than four consecutive hours, due notice shall be given to those water users affected.

Penalties

18. The Trustees may, on 24 hours written notice, turn off the supply of water to any person in default of the requirements of this bylaw. The person in default shall

not be entitled to receive any further water from the District until such person has remedied the default. It shall be unlawful for any person whose water has been turned off, pursuant to this section, to turn such water on again or take any water from the District's works until such time as the Trustees turn the water on again.

19. Every person who disobeys or fails to comply with any provision of this bylaw shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00).

20. This bylaw hereby repeals Bylaw No. 17 registered on April 29, 1971 and Bylaw 32 registered on August 27, 1976.

21. This Bylaw may be cited as the "Water Distribution Regulation Bylaw".

INTRODUCED and given first reading by the Trustees on the 26th day of October 1996.

RECONSIDERED and finally passed by the Trustees on the 26th day of October 1996.



Chairman of the Trustees

Secretary of the Trustees

I hereby certify under this seal of the Campbell-Bennett Bay Improvement District that this is a true copy of By-law No. 72 of the said District duly passed by the Trustees on the 26th day of October, 1996.



Secretary of the Trustees.

(Reproduced from copy sealed and registered on 17th February 1997 by the Deputy Inspector of Municipalities)

DATE OF MEETING: November 27, 2023
TO: Mayne Island Local Trust Committee
FROM: Charly Caproff, Planner 1
Southern Team
SUBJECT: Proposed Rezoning of 630 Dinner Bay Road

PURPOSE

To update the Mayne Island Local Trust Committee (LTC) on application MA-RZ-2023.1 for the Oceanwood property.

The applicant is seeking to amend Mayne Island Land Use Bylaw No. 146, 2008 by rezoning the existing Country Guest House Commercial (a) – C5(a) zone to allow for twenty (20) tourist accommodation units with a total floor area of 1068 m² (8999 ft²), four (4) accessory buildings, and an accessory dwelling unit (“staff accommodations”) exceeding the permitted maximum floor area of 140 m² (1507 ft²) at 916 m² (9860 ft²) (Attachment 1). This application was presented to the LTC at the September 25 meeting. Prior to the meeting, staff repeatedly requested that the applicant and owners speak with neighbours and provide feedback to the LTC for their consideration. This was not completed. Staff interpreted that the application as proposed would be inconsistent with subsection 2.4.2.6 of the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP) as the proposed amenity would not be consistent with the proposed density increase. For these reasons, staff recommended proceeding no further with the application. The LTC made the following resolution at the September 25th meeting:

MA-2023-047

It was Moved and Seconded,

that Mayne Island Local Trust Committee request that prior to proceeding further, the applicant consult with surrounding neighbours, host a Community Information Meeting, provide their feedback to the Local Trust Committee for consideration, identify additional options for amenity contribution and water management, and explore archaeological potential.

CARRIED

Following the September 25th meeting, staff contacted the applicant regarding next steps. No response was received. Staff followed-up with the applicant on October 10th, providing the LTC resolution, deadlines to submit information for either the October or November LTC meetings, and told the applicant if they intended to resume the application in 2024, that staff would inform the LTC at the November meeting. No response has been received. See Attachment 2 for reference. If no response is received from the applicant by mid-January, then staff will report back with a recommendation that the LTC proceed no further with the application. Alternatively, the LTC can resolve to proceed no further at any point.

Submitted By:	Charly Caproff, Planner 1	November 16, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	November 16, 2023

ATTACHMENTS

1. Attachment 1: Site Plan
2. Attachment 2: E-mails to the applicant

ATTACHMENT 1 – MAPS, PLANS, PHOTOGRAPHS

1.1 AERIAL VIEW



1.2 SITE PLAN



1.3 SITE VISIT JULY 17, 2023





From: Charly Caproff
Sent: Tuesday, October 10, 2023 3:07 PM
To: 'Robert Blaney'
Cc: 'Darren & Mike .'; Narissa Chadwick
Subject: RE: LTC follow-up

Hi Robert,

Just following up again. Here is the resolution from the September LTC meeting:

MA-2023-047

It was Moved and Seconded,

that Mayne Island Local Trust Committee request that prior to proceeding further, the applicant consult with surrounding neighbours, host a Community Information Meeting and provide their feedback to the Local Trust Committee for consideration and identify additional options for amenity contribution, water management and explore archaeological potential.

CARRIED

Below are the next Mayne Island meeting dates:

- **October 30**
- **November 27**

Please let me know if you intend to bring feedback and additional information (as specified above) for the LTC to consider at one of the upcoming meetings. If October 30, I would need to receive by October 16 for agenda preparation. If November 27, I would need to receive by November 13. If you have any questions, feel free to reach out. If you plan to revisit this application in the new year, I will let LTC know at the November meeting.

Thanks,

Charly Caproff

Planner 1

Islands Trust | T 250 538-5602

From: Charly Caproff
Sent: Monday, September 25, 2023 4:30 PM
To: 'Robert Blaney' <[REDACTED]>
Subject: LTC follow-up

Hi Robert,

I look forward to receiving additional project information and surrounding neighbourhood feedback as was discussed at LTC today. When available please provide a timeline so I know which LTC meeting I should anticipate to be presenting. If anything is unclear please make sure to give me a call or send me an email.

Regards,

Charly Caproff

Planner 1

Islands Trust | T 250 538-5602

DATE OF MEETING: November 27, 2023

TO: Mayne Island Local Trust Committee

FROM: Bruce Belcher, Planner 1 and Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Rezoning application – preliminary report
Applicant: Mike Macintyre (Capital Regional District)
Location: LOT B, SECTION 1, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 2501

RECOMMENDATION

1. That the Mayne Island Local Trust Committee proceed with application MA-RZ-2023.2 (CRD).

REPORT SUMMARY

The purpose of this report is to provide background on proposed rezoning MA-RZ-2023.2 (CRD) and seek direction from the Mayne Island Local Trust Committee (LTC) to proceed or not proceed with the application.

The application would amend the Mayne Island Official Community Plan (OCP) No. 144, 2007 to change the land use designation of the property from Rural (R) and Agriculture (AG) to Park (P). The application would also amend the Mayne Island Land Use Bylaw (LUB) No. 146, 2008 by rezoning the property from Rural (R) and Agriculture (A) to Community and Regional Park (P) to further the establishment of St. John Point Regional Park.

BACKGROUND

The Capital Regional District (CRD) acquired the 27-hectare property in December of 2017 through a partnership with the Mayne Island Conservancy Society. The CRD undertook a comprehensive management planning process from 2018-2019 including ecological studies, a two-phase public engagement process resulting in the Initial Public Participation Report (Attachment 1), and resulting in the St. John Point Regional Park Management Plan (Attachment 2), which guides the management and operation of the park for the next 15 years.

The management plan identifies the short-term action to develop a Park Entrance Hub in the northwest corner of the property near the entrance. The Hub would include a park entrance sign and visitor information kiosk, an expanded 20-vehicle parking lot, a bicycle rack, and a pump out toilet building (Attachment 3). This Entrance Hub would be constructed in a previously disturbed area where a home was located. The existing undersized gravel parking area would be restored to a natural condition.

St. John's Point Park currently has passive park status. In section 3.1(7) of the Mayne Island LUB a passive recreation park is permitted in all zones. A passive park is defined as a park limited to hiking and walking trails with signs not exceeding 1 square metre each and no other uses including driveways and parking lots. The development of the proposed Park Entrance Hub does not conform to this regulation due to the proposed parking lot construction. The CRD is submitting the rezoning application to amend the OCP and LUB so that the development of the Park Entrance Hub is compliant.

Due to a portion of the property being zoned agricultural and designated within the Agricultural Land Reserve (ALR) it is required that the Agricultural Land Commission (ALC) approve the non-farm use of the land for the Park Entrance Hub prior to the rezoning application approval (see Attachment 3 for details related to Park Entrance Hub). The CRD has begun the application process with the ALC to receive non-farm use approval.

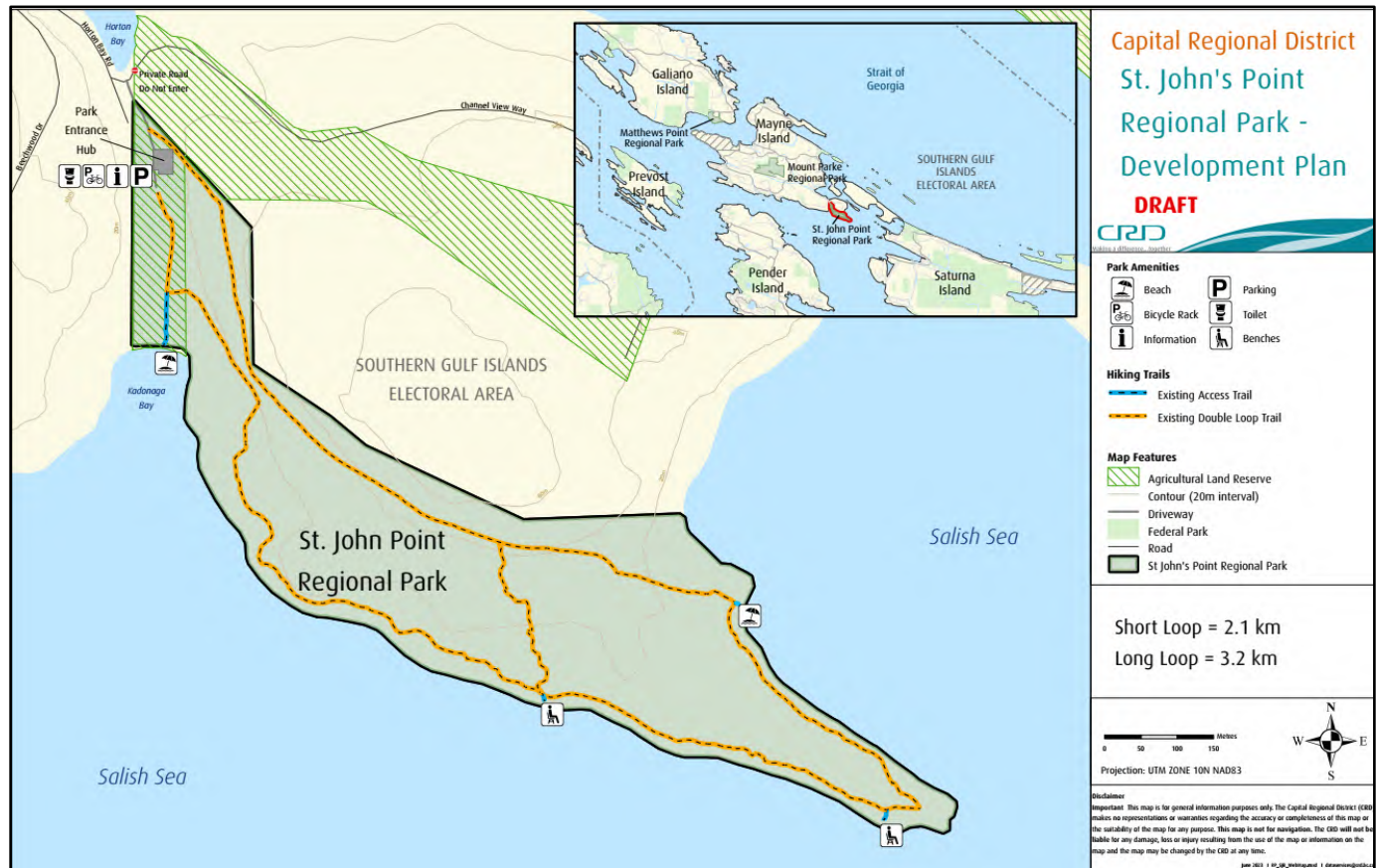


Figure 1: Site Plan

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Relevant sections of the ITPS include:

5.5 Recreation

5.5.1 It is Trust Council's policy that recreational activities in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.

Official Community Plan:

The property is designated Rural and Agriculture in the Mayne Island OCP Bylaw No. 144, 2007. The objectives of the two designations are:

Rural:

1. to provide for low density rural settlement options which are sensitive to the Island's carrying capacity and rural environment, and
2. to ensure compatibility of the rural use with adjoining land uses.

3. to support flexible housing approaches while preserving and protecting rural character and freshwater sustainability.

Agriculture:

1. to recognize and protect the ability to farm except as it may be limited in residential areas outside of the ALR,
2. to identify and protect land suitable for agricultural uses,
3. to retain farmland as part of the rural landscape,
4. to give high priority toward encouragement of food production and horticulture in the Mayne Island Trust Area,
5. to recognize the extra burden of transportation costs by supporting local farm-gate sales, and
6. to support efforts to increase local agricultural self-sufficiency.

The amendment would see the property designated under Regional Parks in the OCP. This is the current designation for the CRD's Mount Parke property. The objectives of this designation are:

1. to support education, aesthetics, recreation and spiritual values of the park system, and
2. to protect the natural system from degradation by public use of land.

There are no Development Permit Areas on the subject property.

Land Use Bylaw:

The property is zoned Rural (R) and Agricultural (A). The applicant is seeking a rezoning to the Community and Regional Park (P) zone to make the proposed Park Entrance Hub construction compliant with the LUB which the current zoning restricts. Relevant regulation:

Section 3.1, Siting and Setback Regulations: (7) Passive recreation park, each park limited to hiking and walking trails and signs not exceeding 1 square metre each. No other uses including driveways and parking lots are permitted.

Community and Regional Park (P) Zone permitted uses:

Section 5.17, Permitted Uses: (1) (a) Parks; (b) Accessory uses, buildings and structures

"Park" means a publicly owned lot which is used or intended to be used for the recreation and enjoyment of the public and may be developed with recreational facilities or may be retained in its natural state.

Issues and Opportunities

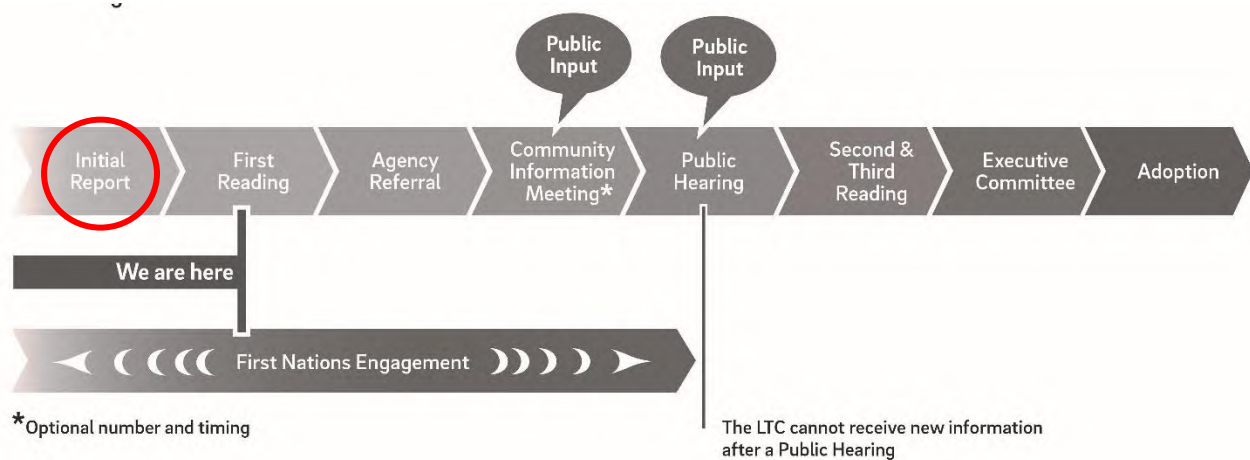
Public Engagement and Input

The CRD completed a public engagement process in 2018 to identify issues and opinions expressed by community members. This includes consultation with community members outlined in the Initial Public Participation Report (Attachment 1). Letters of support from the Mayne Island Conservancy, BC Ambulance Service, and Mayne Island Fire Rescue have also been received and are included as Attachment 4 of this staff report.

Consultation

Public notification or consultation is not required for a preliminary report to the LTC for a potential rezoning. Should the LTC decide to proceed with the application, given that an OCP amendment is needed, a public hearing will be required. It is normal practice to hold at least one Community Information Meeting (CIM) in advance of the public hearing.

Timeline



Agencies

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

Staff have conducted a desktop review that indicates there are multiples archaeological sites as well as significant archaeological potential on the property. Therefore, the CRD should seek clarification on the location of the development site, 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:

- Since its acquisition by the CRD in 2017, the property has been actively used as a park attracting both on and off island users. The rezoning will bring into compliance the existing parking lot and supports the

much needed expansion of parking (as indicated in the letters of support the lack of parking has led to visitors parking on the road which potentially impedes emergency response) as well as the building of a toilet building, bike parking and a park sign.

- The applicants have provided community consultation results, letters of support from local agencies, and a comprehensive management plan with the rezoning application (see Attachments 1, 2 and 4).

ALTERNATIVES

1. Request further information before proceeding

The LTC will need to specify the information they require.

2. Place application in abeyance until the Agricultural Land Commission (ALC) approves the non-farm use of the land for the Park Entrance Hub

As indicated above, the applicant has submitted an application to the Agricultural Land Commission for approval of non farm use. While all the work required for the rezoning can be done prior to the approval by the LTC, the rezoning cannot be approved until ALC approval is received.

3. Do not proceed

Staff caution that if the LTC decides not to proceed safety concerns related to parking on Horton Bay road will continue to be an issue.

NEXT STEPS

If the recommendation are supported:

- Staff will move forward with processing the rezoning application

Submitted By:	Bruce Belcher, Planner 1 Narissa Chadwick, RPP, Island Planner	November 15, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	November 16, 2023

ATTACHMENTS

1. Initial Public Participation Report
2. St. John Point Regional Park Management Plan
3. Plans, Photographs
4. Letters of Support
5. Site Context

Mt. Parke and St. John Point Regional Parks Management Planning Process

Initial Public Participation Report

Capital Regional District December 2018



Mt. Parke Regional Park



St. John Point Regional Park Reserve

Capital Regional District | Regional Parks
490 Atkins Avenue, Victoria, BC V9B 2Z8
T: 250.478.3344 | www.crd.bc.ca/parks

CRD
Making a difference...together

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Mt. Parke

Executive Summary

The Mount Parke and Saint John Point (Mt. Parke and St. John Point) regional parks management planning project was initiated by the Capital Regional District (CRD) Board in September 2018. Since both parks are located on Mayne Island, engagement for each was conducted simultaneously. The initial round of public engagement was held in October and November 2018 to gather information and ideas to help develop the draft plans. The following report summarizes this initial engagement process and the input received.

The public engagement process included opportunities for involvement from First Nations, key stakeholders and the public. The four W̱SÁNEĆ Nations (Tsartlip, Tsawout, Tseycum and Pauquachin) were each invited to participate in this project. Meetings were held with representatives of the Mayne Island Parks and Recreation Commission, which manages a community park adjacent to Mt. Parke, and the Mayne Island Conservancy Society, which undertakes restoration activities at both parks through Partners in Parks Agreements and which holds a conservation covenant on St. John Point lands. Letters were sent to the Mayne Island Local Trust Committee (Island Trust) which is responsible for local land use planning, and to Environment and Climate Change Canada which has certified the park lands as ecologically sensitive through the Ecological Gifts Program as part of the land acquisition.

The public were invited to provide input through an online comment form for each park. Letters were sent to park neighbours and an email was sent to BC Marine Trails, based on a previously expressed interest in St. John Point Regional Park, notifying them of the project and the opportunity to provide input. Eighty-two (82) respondents provided initial input online—47 regarding St. John Point and 35 regarding Mt. Parke.

Some general messages heard through this initial round of engagement included:

- Keep the parks natural. A key goal should be protecting the environment.
- Mount Parke is fine as it is.
- Hiking was the activity noted by most as desired at both sites.

Purpose of this Report

The purpose of this report is to summarize the initial public participation process used and the responses received.

The Public Engagement Process

A media release, announcing that the CRD was initiating planning for Mt. Parke and St. John Point, was issued following the September 2018 CRD Board meeting.

A project webpage was posted on the CRD website in September 2018. It provides information about the two parks and about the planning process. An initial input form for each park was added on the project webpage October 1, 2018 seeking public input and local knowledge on a variety of questions. In particular, opinions were requested about what the main management goals should be and what issues needed to be addressed through the management plan. The comment forms were available on the CRD website between October 1 and November 13, 2018.

Signs were installed at entrances to both parks and posters were put up at various island bulletin boards and at the Regional Parks office in October to alert park users and the public about the project, how they could get more information and how to provide input.

An ad was placed in the October and November issues of The Mayneliner publication on Mayne Island.

Letters were sent to four First Nations in October, providing information about the project, inviting their involvement in the planning process and offering a presentation/meeting if desired. **Letters** were sent to key government agencies based on their interests relating to the parks. The Mayne Island Local Trust Committee was notified of both park management planning processes while Environment and Climate Change Canada was informed of the St. John Point project, based on the fact that a portion of the St. John Point acquisition was recognized as an Ecological Gift through the federal program of the same name. Lastly, **letters** were also sent to neighbours in close proximity to the two parks to alert them to the park planning projects.

Meetings were held with representatives of Mayne Island Conservancy Society, which holds a conservation covenant on St. John Point lands and undertakes restoration programs at both Mt. Parke and St. John Point through Partners in Parks Agreements, and with representatives of the Mayne

Island Parks and Recreation Commission, which manages Plumper Pass Community Park adjacent to Mt. Parke.



St. John Point

Summary of What We Heard

First Nations

To-date, the four First Nations have not provided input through the initial phase of the management planning process. The draft management plans will be provided to them for review and comment when they are developed and staff will continue to follow up with First Nations representatives.

Public

Eighty-two (82) respondents provided initial input online—47 regarding St. John Point and 35 regarding Mt. Parke. In general, the majority of people noted that the parks should be kept natural and a key goal should be protecting the environment.

St. John Point

For St. John Point, the 47 individuals were very engaged and provided over 200 comments.

With respect to management goals, the top suggestions related to:

- Protecting the environmental and natural features (20 comments)
- Developing an official trail system (19 comments)
- Developing basic facilities, such as adequate parking (16 comments) and
- Signing the park (10 comments)

A recurring suggestion was to keep it simple by providing a few well marked designated trails with strategic viewpoint stops and facilities. A smaller number of respondents suggested goals relating to addressing invasive species (5 comments), and the need to provide access/use for diverse groups (4 comments).

When asked what activities were appropriate for St. John Point Regional Park, the top responses were:

- Walking/hiking (44 comments)
- Accessing the beach (41 comments)
- Picnicking (39 comments)

A few people suggested camping (5 comments), walking a dog (3 comments), horseback riding (2 comments), mountain biking or cycling (2 comments), and bird watching and flying a kite (1 each). Note, four (4) respondents specifically opposed camping being provided at the park.

Fifty-two (52) comments were provided regarding issues to be addressed in the St. John Point management plan. Many previously mentioned themes arose, such as:

- Lack of signage (11 comments)
- Impact of invasive species (6 comments)
- Limited parking (5 comments)
- Waste and damage to arbutus trees (4 comments each)
- Lack of facilities (3 comments)
- Fire hazards (3 comments) and
- Lack of clear boundary markings (3 comments)

General comments provided ranged from information regarding the beauty of the park and its importance to the respondent (19 comments), the need for good access road conditions and parking (11 comments), good trail design and availability (10 comments), the desire to keep the park in its current state with minimal changes (9 comments), and the need for signage (7 comments), to offering potable water (2 comments) and concerns regarding fires (1 comment).



St. John Point

Mt. Parke

With respect to Mt. Parke, the 35 individuals contributed approximately 140 comments. The greatest number of comments relating to management goals suggested the management plan should include goals relating to:

- Protecting the environment and natural features of the park (12 comments)
- Maintaining the existing trail system (11 comments)
- Minimal intervention and keeping the park the way it is (11 comments)

Smaller numbers suggested goals relating to more operational aspects: signage (4 comments), walkways and trails (4 comments), providing garbage bins (4 comments), reducing erosion (3 comments), providing educational opportunities (3 comments), dog management (2 comments), and developing mountain biking opportunities (1 comment).

Many people felt that there were no issues at Mt. Park and nothing needed to be changed. The issues identified as needing to be addressed in Mt. Parke's management plan included:

- Damage to the trails, tree roots and the environment (6 comments)
- Trail maintenance, including water drainage and erosion (5 comments)
- Signage - either too much, not enough, or concerns with how signs were installed (4 comments)
- Inadequate parking (3 comments)
- Safety (3 comments)
- Off-leash dogs (3 comments)
- Need to develop mountain biking opportunities (1 comment)



Mt. Parke

General comments relating to Mt. Parke often related to the beauty and uniqueness of the park and its importance to respondents (13 comments). Others noted the need for formal signage about direction, ecological value of the park, safety and education (4 comments) and the need for places to sit to enjoy the forest and the viewpoint (3 comments).

Key Stakeholders

The Mayne Island Conservancy Society (the conservancy) has a close working relationship with the CRD through a Partners in Parks Agreement for restoration at both parks and through the acquisition of St. John Point. The Mayne Island Parks & Recreation Commission, another CRD entity, manages Plumper Pass Community Park adjacent to Mt. Parke and a small park near St. John Point. Staff met with three Conservancy representatives and with two Commission representatives about the management needs for both parks. Key comments are noted below.

St. John Point

- The wildflower area along the east side of the point needs protection – keep the trail up on the rocks for least disturbance. CRD may want to use barriers (e.g., cedar fencing) to demarcate the trail in this area. The conservancy representatives will identify other particularly sensitive sites in the field with CRD staff and will help identify ways to reduce impacts.
- Setting up a park steward program, as in other regional parks, would be good for monitoring and reporting to the CRD.
- Most of the park could be a Natural Area zone with the Environmental Protection zone being used on key areas.
- Follow up with federal Ecological Gifts Program representative for key wording for the context section and expectations relating to the park.
- Identify the Partners in Parks Agreement in the management plan.
- The loop trail should be the main opportunity. A short loop should be developed to the first viewpoint/chair location. A short loop was used by the Conservancy and community members when fundraising for the park acquisition was on-going.
- Kadonaga Bay is the official name of the south facing bay.
- Orchard trees from the Japanese agricultural time exist on-site (cherry, pear and three to four apple). The conservancy representatives would like to see these, or some of them, kept as part of the Japanese heritage.
- Points for the vision might include: conservation, low impact walking, day-use stop for boats at both/either bay, the park is a microcosm of human and ecosystem history of the Gulf Islands.
- The conservancy and others may be interested in providing interpretive programs.
- There may be issues around traffic – be sure people know not to park on the adjacent strata road.

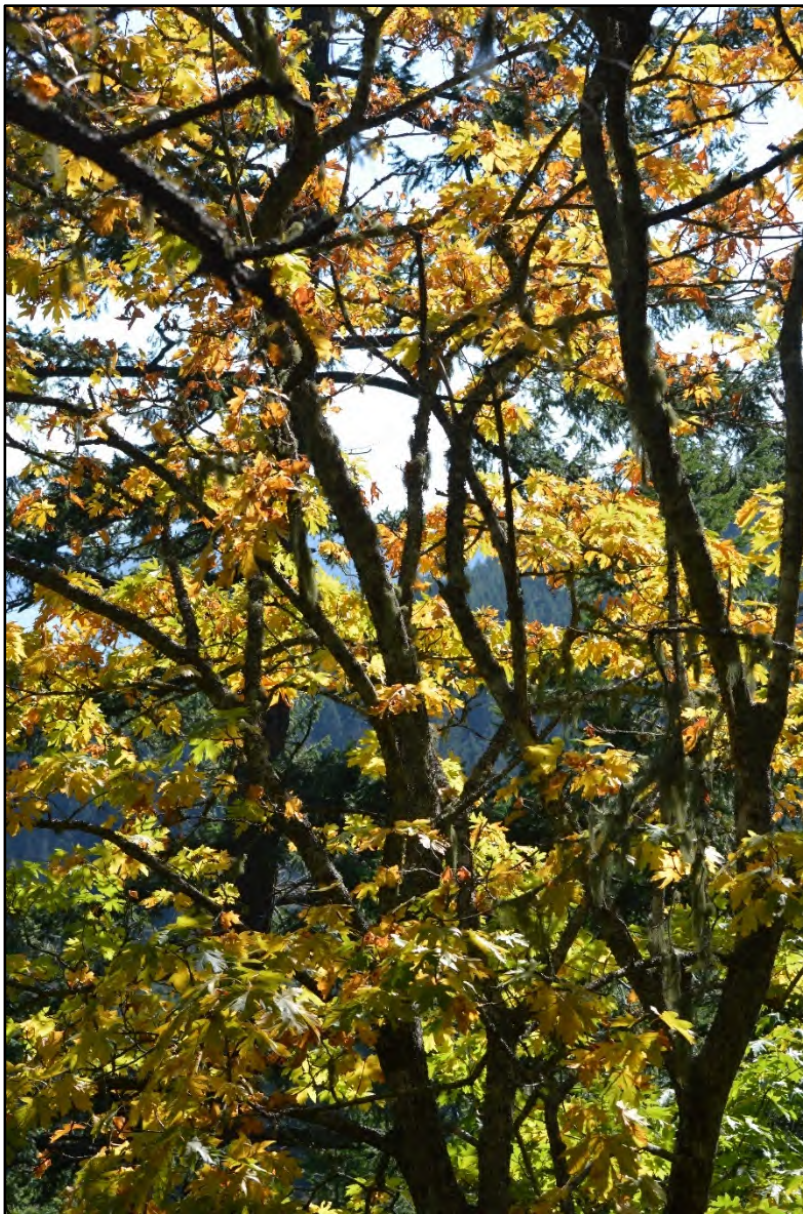
- Hyper abundant deer, both black tail and fallow, are an issue – consider contacting the deer management committee and/or developing strategies for reducing deer.
- Lots of locals with dogs use the park – some issues exist with dogs off leash.
- The viewpoint is a key destination. Do not remove chairs unless they are replaced with new chairs or a bench.
- Picnic tables at Kadonaga Bay beach area would be OK idea.
- Need to determine what the plan is for the former agricultural area – re-naturalize, maintain a portion open for picnic tables, or fully open for active use.
- Former house and woodshed area could provide parking lot area.
- A marina is being built at Anson Road (about ½ km from park) in spring 2019. It will have a picnic site and washroom. It may draw more use to the park.

Mt. Parke

- The interpretive sign by Kim Road and on the ridge could be updated.
- Developing a consolidated access/trailhead with information kiosk and park signage would be good idea, particularly at Kim Road access.
- Parking on road allowances seems fine.
- Erosion/water drainage is an issue along a portion of the Halliday Ridge Trail (on the east side, up from the junction). Some trail maintenance work is needed but the trail system is ok as is.
- A ‘shortcut’ trail on ridge should be shut down because it is very close to a steep drop off.
- Mention the Partners in Parks Agreement in the management plan.
- Possible vision points might be: heavily used by visitors and residents; best access trail for low mobility users (Lowland Nature Trail); accessible to all (even school and day care use it); viewpoint; central location/easily accessible from village; it’s a gem on island; low-impact park; protecting environment/allowing walking; breathtaking view; highest point on island; longest trail system on island.
- Consider land acquisition – properties linking the two parks. This could be a goal.
- Deer management is an issue.
- An archaeological assessment should be undertaken.
- The conservancy and others may want to provide nature walks/interpretive programs.
- Community groups want to develop a cross-island trail, which would connect to Halliday Ridge Trail by Horton Bay Road/Gallagher Road and continue on to the village.

Conclusion

Eighty-seven people were directly engaged and provided suggestions and ideas through this initial participation process. All comments received have been reviewed and considered as staff have been drafting the management plans for St. John Point and Mt. Parke regional parks. When draft plans are completed, a second round of public engagement will occur to gauge support for the plans and gather further comments before finalizing them for approval.

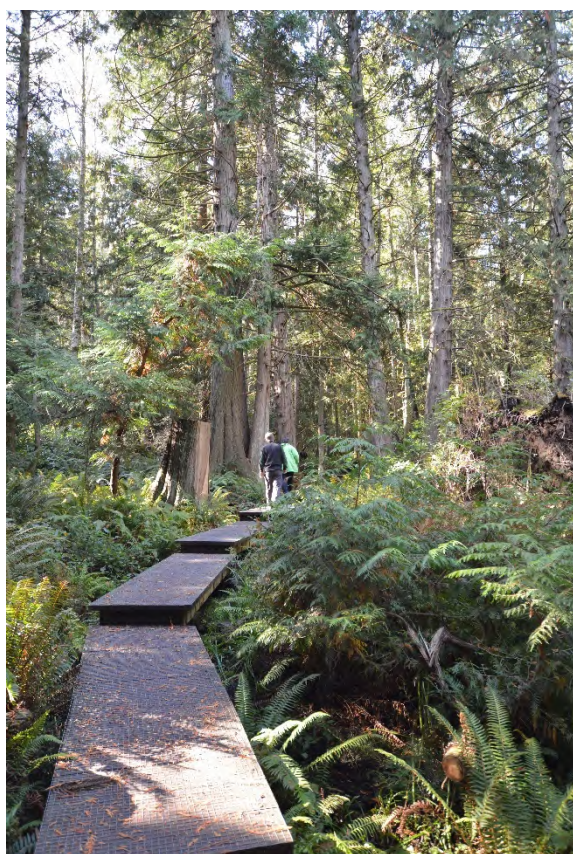


Mt. Parke

Mt. Parke and St. John Point Regional Parks Management Planning Process

Draft Management Plans – Public Participation Report

Capital Regional District | June 2019



Mt. Parke Regional Park



St. John Point Regional Park Reserve

Capital Regional District | Regional Parks
490 Atkins Avenue, Victoria, BC V9B 2Z8
T: 250.478.3344 | www.crd.bc.ca/parks

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St. John Point

Executive Summary

The Mt. Parke and St. John Point regional parks management planning project was initiated by the Capital Regional District (CRD) Board in September 2018. Since both parks are located on Mayne Island, engagement for each was conducted simultaneously. The engagement process included opportunities for involvement from First Nations, key stakeholders and the public.

The initial round of public engagement was held in October and November 2018 to gather information and ideas to help develop the draft management plans. A public participation report on the first round of engagement was provided for information to the Parks & Environment Committee in February and to the CRD Board in March 2019.

Following the release of the draft management plans, a second round of engagement was held in May and June 2019 to provide additional opportunities for First Nations and public review and comment. This report summarizes the second round of engagement and the input received.

The four W̱SÁNEĆ Nations (Pauquachin, Tsartlip, Tsawout and Tseycum) were each provided copies of the draft management plans and invited to meet with CRD staff to discuss them. Follow up in person and by phone was undertaken. To date, no responses have been received from any of the W̱SÁNEĆ Nations.

The draft management plans were sent to the Mayne Island Parks and Recreation Commission (which manages a community park adjacent to Mt. Parke), the Mayne Island Conservancy Society (which undertakes restoration activities at both parks through Partners in Parks Agreements and which holds a conservation covenant on St. John Point lands) and the Mayne Island Local Trust Committee (Island Trust) (which is responsible for local land use planning). The St. John Point draft management plan was sent to Environment and Climate Change Canada, which certified St. John Point lands as ecologically sensitive through the Ecological Gifts Program as part of the land acquisition, and to the Agricultural Land Commission because two hectares of the park reserve is designated as Agricultural Land Reserve. Comments were received from three stakeholder organizations.

The CRD hosted a public information booth at the Mayne Island Saturday Market that attracted approximately 70 people and an open house at the Mayne Island Community Centre that had 18 people attend. The public were invited to provide input through an online comment form for each park. Letters were sent to park neighbours to apprise them of opportunities for input. Thirty-four comment forms were completed online.

There was a high level of support for the management plans (60-80% on different sections). Some general messages heard from the public through the second round of engagement included:

St. John Point

- The conservation focus is the most important aspect
- Concern exists regarding providing picnic tables and the potential to draw fires, camping and large groups to the park
- Concern exists regarding enforcement (potential for inadequate enforcement)
- Some interest in developing the beach access at Kadonaga Bay for easy kayak launching
- Some desire for stronger fallow deer management wording to be included

Mt. Parke

- Support for keeping the park natural and permitting low impact uses
- Desire for sustainable trails and the management plan to include trail specifications
- Desire for continued land acquisition around the park
- Concern about park-private land boundaries and desire for boundaries to be marked, so public does not use private land
- Concern about climate change and tree die back and desire for tree replacement

Purpose of this Report

The purpose of this report is to summarize the public participation process used, particularly for the second round of engagement, and the responses received relating to the draft management plans.

The Public Engagement Process

Notifications

A media release announcing that the CRD was seeking input on the draft management plans for Mt. Parke and St. John Point was issued following the May 2019 CRD Board meeting.

The project webpage was updated on the CRD website in May 2019. It provided information about the two parks, about the planning process, and included the draft plans and a comment form for each of the parks. The comment forms included questions on the level of support for the various sections of the management plans, as well as opportunities to provide additional information through an open-ended question. The comment forms were available on the CRD website between May 9 and June 9, 2019.

Updated project signs were installed at the entrances to both parks and posters advertising the public engagement opportunities were put up at various island locations and at the Regional Parks office.

Ads were placed in the *Mayneliner* publication on Mayne Island and in Black Press publications in greater Victoria in May and June alerting the public to the opportunity to review and comment on the draft management plans.

Letters, providing an update about the project and offering to meet with them, and the draft management plans were hand delivered to four First Nations in May. Follow up in person and by email was undertaken by the CRD First Nations Relations Division.

Letters and draft plans were sent to key government agencies based on their interests relating to the parks. The Mayne Island Local Trust Committee, Mayne Island Parks and Recreation Commission, and Mayne Island Conservancy Society were notified of both park management planning processes. In addition, Environment and Climate Change Canada and the BC Agricultural Land Commission were informed of the St. John Point planning process, since St. John Point was recognized as an Ecological Gift at the time of acquisition through a federal program and a portion of the property is designated provincially as Agricultural Land Reserve.

Lastly, letters were sent to neighbours in close proximity to the two parks to alert them of the draft management plans and the various opportunities to provide input.

Engagement Opportunities

An information booth was hosted at the May 18, 2019 opening day of the Mayne Island Saturday market. Approximately 70 people visited the booth and spoke with Regional Parks staff. Take-away reminder cards, with the webpage address and comment period noted, were handed out to approximately 50 people.

An evening open house was hosted at the Mayne Island community centre on May 28, 2019. Eighteen people attended between 6:00 and 8:30 pm and in-depth conversations were had between staff and many of the attendees.

The online comment form was available through the project webpage on the CRD website for one month (May 9-June 9, 2019). In addition to the comments received at the market booth and open house, 34 respondents provided comments online.

Additionally, three written submissions were received by mail/email and one phone conversation between staff and a representative from an interested organization was held.

It is estimated that 90-95 people participated in this round of engagement in some fashion.

Summary of What We Heard

First Nations

No responses to the request for meetings and no comments were received from any of the four W̱SÁNEĆ Nations that were provided copies of the draft management plans and invited to meet with CRD staff to discuss the draft management plans. Regional Parks Division remains open to working with any of the W̱SÁNEĆ Nations on park planning and management as and when there is interest expressed by the Nations. The CRD will continue their efforts to strengthen relationships with and seek involvement from First Nations.

Public

Online Comments

Thirty-four respondents provided comments online: 20 regarding St. John Point and 14 regarding Mt. Parke. In general, in response to the St. John Point draft management plan the majority of people supported the proposed vision (75%), management goals (80%), park zoning (65%), park

development concept (60%) and management actions (60%). Similarly, in response to the Mt. Parke draft management plan, the majority of people supported the proposed vision (71%), management goals (71%), park zoning (71%), park development concept (64%) and management actions (64%).

Individual comments received to an open-ended question seeking specific comments about the draft management plans are summarized as follows:

St. John Point

- Support for the conservation classification, recognition of the ecological importance and sensitivity of the property (four individuals)
- Desire to keep park as primitive as possible with minimal facilities (two individuals)
- Support for bike racks at parking area (three individuals) and desire for year-round parking for at least 20 vehicles (two individuals)
- Desire for easy kayak launching being created at Kadonaga Bay (two individuals)
- Desire for mobility-impaired adaptations on north trail leg to easterly beach
- Desire for signage to alleviate concerns regarding unwanted public access to adjacent private lands
- Desire for agricultural land reserve area to be recognized as a meadow, agricultural use to be interpreted and not to allow this area to become reforested
- Desire for a toilet by the easterly bay and closer to Kadonaga Bay than at parking lot (two individuals)
- Concerns regarding providing picnic tables/picnic site and group functions potentially increasing risk of fire, camping, garbage, and partying (four individuals)
- Concerns regarding increasing numbers of fallow (non-native) deer and the need for clear deer management direction in the management plan (three individuals)
- Concerns regarding climate change and impacts on trees
- Concern regarding potential marine damage from boats anchoring in the bays
- Concerns regarding access road width

Mt. Parke

- Support for keeping the park natural and use low impact
- Clarification of forest type and use of radar station/helipad as lookout (note: outside of regional park).
- Desire for additional land acquisition

- Desire for park boundaries by private lands to be marked to dissuade visitors from walking/camping on private lands
- Desire for sustainable trail specifications and ensuring trails are maintained in sustainable manner (e.g., steepness, trail surfacing, water runoff)
- Concerns about climate change causing tree die back and desire for replacement trees

Market Booth and Open House Comments

Approximately 70 people attended the May 18 market booth and 18 people attended the May 28 open house. Most of the individuals indicated they would provide official comments through the online comment form. In general, the following types of comments were received at these two in-person sessions:

St. John Point

- Appreciation was expressed that archaeological research would be undertaken.
- More detailed information was provided on the Japanese family that owned the property.
- Desire for bike racks at the park entrances (be sure they are noted in the plans).
- Desire for kayak accessibility at Kadonaga Bay, in particular for launching from the park.
- Recognize the former agricultural landscape as a meadow. It is well used as a wildlife corridor (mink, otter use it). Need meadows, as well as forest, in the island environment.
- Next-door neighbours will be impacted by all the use.
- Wildlife, such as heron, are being impacted by visitors and dogs. Dogs are chasing wildlife in and into the water. Ensure dogs are on-leash.
- The proposed picnic tables will attract camping, fires and stoves, garbage and constant noise and will diminish the conservancy aspect of the protected area. Take these out of the plan – they are not provided in other conservation parks managed by CRD.
- Leave the picnicking to social parks rather than conservation parks.
- Don't allow large groups at this park. They should be going to more appropriate island parks (Dinner Bay, Georgina Point).
- Need to protect the area more as a conservancy than a park.
- What is process if someone is camping illegally? – there is no RCMP or CRD enforcement on island. We are worried about after hours use.
- Put property boundary signs up so public doesn't access the adjacent strata development, particularly by/from the east-facing beach.

Mt. Parke

- Root heave/trail compaction is a problem along the trail from Montrose Road and is particularly a problem for seniors using the park. This should be fixed. Extend/build more boardwalk all the way to the toilet building.

Other Comments

- Concerns were expressed regarding the width of the public road and the volume of traffic expected on the public road. Concerns regarding the use of the property as a park rather than for individual residential use. Concern that busloads of visitors will be coming to the park along a narrow road.
- Dogs under control is favourable to dogs on-leash (shows requirement for owner to take responsibility and manage their dogs). Some people will not adhere to dogs on-leash requirement.
- Information was provided regarding the Kadonaga and Sasaki families and the Eddy family's acquisition of the property and use of the land to provide more accurate context for the St. John Point management plan.
- Concern about parking on-site, given a 1990s court case relating to the Channel View strata development that precluded further development at the east end of Horton Bay Road. Concern relating to on-street parking along Horton Bay Road.
- Concern regarding increased traffic on Horton Bay Road, a narrow, single lane roadway.
- We are excited about the CRD's proposed approach to managing the St. John's Regional Park, as outlined in the Draft Management Plan.
- Put signage indicating which way the trails go (so hikers do not go on adjacent private lands), especially at the proposed east facing beach where we already experience numerous occasions of hikers continuing to walk along the beach and cut up through our property toward Channel View Way.
- Concern about over population of deer, especially non-natives, and the impact on vegetation.
- St. John Point is well situated as a site from which to base some ocean canoeing courses. It would be good to allow paddlers to camp at St John Point. The bay is suitable for landings and the field above would be suitable to small tents that paddlers use. The only requirement would be a toilet. Running water would be desirable but not essential.

- The BC Marine Trails Association would like camping to be provided at St. John Point to alleviate marine safety concerns with existing distances between camping areas along their marine trails in the southern Gulf Islands.

Key Stakeholders

Key comments received from the stakeholders are noted below.

- The Mayne Island Local Trust Committee had no concerns about the management plans in general. One trustee voiced concern regarding the issue of fallow deer not being adequately addressed and questioned the lack of First Nations input.
- The Mayne Island Conservancy Society discussed the draft management plans on June 14 at a board meeting and staff will provide a written submission before June 30.
- Environment and Climate Change Canada staff have confirmed they intend to provide comments by June 30.

Conclusion

A number of key stakeholders and approximately 90-95 people were engaged through this second round of participation, and many provided comments on the draft management plans. The majority of respondents supported the draft management plans as presented, with some noting concerns and/or providing comments and suggestions for improvements. All comments received will be reviewed and considered as Regional Parks staff finalize the management plans for St. John Point and Mt. Parke Regional Parks.

St. John Point Regional Park Management Plan

Capital Regional District | November 2019



Capital Regional District | Regional Parks
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Acknowledgements

The Capital Regional District (CRD) would like to acknowledge and thank the Mayne Island Conservancy Society for its significant contribution to the establishment of this park, the development of the draft management plan, and ongoing park restoration efforts. The CRD also acknowledges the input and assistance provided by federal Environment and Climate Change Canada staff and provincial Agricultural Land Commission staff. The ideas and suggestions provided by many members of the public helped in the creation of this management plan—the CRD appreciates your involvement.

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Cover photo of St. John Point Regional Park courtesy of the Mayne Island Conservancy Society.

1 Executive Summary

St. John Point is one of six regional parks in the Southern Gulf Islands. It is a 26-hectare waterfront property located on the southeast tip of Mayne Island that was acquired in December 2017, through a partnership with the Mayne Island Conservancy Society. The park has been held in 'park reserve' status since its acquisition, and given the potential for significant impacts from unmanaged use, a management plan has been developed.

The park has been certified as environmentally sensitive under the federal Ecological Gifts Program of Environment and Climate Change Canada. Recognizing its relatively high ecological integrity, the park is classified by the Capital Regional District (CRD) as a regional conservation area. A small portion of the park, approximately 2 hectares, is designated by the Province of BC as Agricultural Land Reserve (ALR). A Section 219 (*Land Title Act*) conservation covenant, held by the Mayne Island Conservancy Society, covers all of the park land except the ALR. As required by the covenant, the management plan must ensure protection of the natural and cultural values of the park while allowing compatible opportunities for the public to enjoy those values.

The Southern Gulf Islands are part of the traditional territory of several Coast Salish Nations. St. John Point area is noted as a deer drive area in *Saltwater People*, a resource book for the Saanich Native Studies Program. WJOLÉLP (Tsartlip Nation) has reserve lands at Helen Point on Mayne Island at the west end of Active Pass and were contacted, along with the SṠÁUTW (Tsawout), WŚIKEM (Tseycum), and BOŖÉĆEN (Pauquachin) First Nations, to seek their involvement in the management plan development.

A two-phase public engagement process was undertaken. In addition to First Nations, federal, provincial and regional government agencies, key stakeholders and the public were invited to provide initial input before a draft management plan was developed and to provide comments on the draft plan. Meetings were offered to First Nations, other government agencies and key stakeholders. A market booth at the Mayne Island Farmers Market and an open house at the Mayne Island Community Centre were held to provide face-to-face opportunities for discussion with the public. All input received has assisted in the development of this management plan.

The draft vision for St. John Point Regional Park is:

"St. John Point Regional Park is widely recognized as a significant conservation area. People understand the natural and cultural values of the park and support ongoing stewardship efforts. It is a place where local residents and visitors connect with nature, experience the forest and coastal environments,

refresh themselves through the beauty and tranquility of the site, and learn about the area’s natural and cultural history.”

This draft management plan includes a park vision, management goals and management statements, park zoning, as well as management actions to guide ongoing management, development, and use of the park. The final approved management plan will guide the management and operation of the park for at least the next 15 years.

Some of the priority management actions for St. John Point include:

- Continue the existing Partners in Parks agreement with the Mayne Island Conservancy Society for ongoing park restoration.
- Remove infrastructure associated with former landowners that is not needed for park operations or visitors.
- Create a park entrance hub, including a 10-20 car parking lot, toilet building, visitor information kiosk and trailhead.
- Undertake an archaeological assessment of areas where trails and other visitor facilities are proposed.
- Formalize a double-loop hiking trail, including two designated viewpoints with benches. Routing of the trail will focus on safety and protection of key natural and cultural features.
- Formalize two designated beach accesses (at Kadonaga Bay and at the east-facing bay).



South-side, central viewpoint area. Photo credit: Toby Snelgrove

2 Introduction and Context

The Southern Gulf Islands are part of the traditional territory of several Coast Salish Nations, and First Nations peoples have lived on and regularly used the lands and waters in these islands. Today, WJOLÉLP (Tsartlip Nation) has reserve lands on Mayne Island at Helen Point at the west end of Active Pass, known as S,ƷƑAK in the SENĆOŦEN language, and surrounding waters were used for hunting, fishing, gathering food and medicines, and other cultural practices for millennia. St. John Point, known as ƑÁWEN, was an area identifier for the coho salmon that were fished in the area. The Point was also noted in the book *Saltwater People*¹ as a deer drive area. These areas continue to be of importance to the WJOLÉLP (Tsartlip), SƐÁUTW (Tsawout), WSƆKEM (Tseycum), and BOŖÉĆEN (Pauquachin) First Nations.

The CRD manages and operates 34 regional parks/park reserves and 3 regional trails. Regional parks help secure the region's biodiversity and quality of life by establishing, in perpetuity, a system of natural lands. Regional parks protect the region's natural systems, provide ecosystem services (e.g., clean air and water, critical habitat), and offer compatible outdoor recreation and education opportunities. Regional parks are integral to creating a human connection with nature—fostering appreciation and respect—and maintaining a vibrant regional community.

St. John Point Regional Park (hereinafter St. John Point) is one of six regional parks/park reserves in the Southern Gulf Islands (Map 1). These island parks protect a variety of landscapes within the Coastal Douglas-fir zone and provide opportunities for residents and visitors to experience, learn about and appreciate important natural areas. They also help maintain the natural character of the island communities.

St. John Point is 26 hectares (64 acres) and is located on the southeast side of Mayne Island (Map 2). It was acquired in December 2017 through a collaborative process with the Mayne Island Conservancy Society (Mayne Conservancy), the American Friends of Canadian Land Trusts (AFCLT), Environment and Climate Change Canada (Ecological Gifts Program), and the former landowners. Fifty-four percent of the property acquisition cost was contributed by Mayne Conservancy and AFCLT through community fundraising (cash). In addition, the landowners made a donation through the federal Ecological Gifts Program. The Mayne Island Local Trust Committee supported the land acquisition due to its high ecological values and the regional park classification as a regional conservation area is in keeping with the intent of the Islands Trust zoning allowing passive recreation parks in all zones.

¹ Dave Elliot Sr., *Saltwater People* (Saanich: School District 63, 1990)

The Ecological Gifts Program provides income tax incentives for Canadians with ecologically sensitive land to protect nature and leave a legacy for future generations through donations. To be eligible for an ecological gift donation, the lands must be certified as ecologically sensitive based on national criteria. St. John Point has been certified through this program as being ecologically sensitive. Once donated, alterations to or dispositions of the ecological gift lands are only to be made with prior written authorization from the federal minister of the Environment and Climate Change.

The mission of the AFCLT organization is to partner with Canadian conservation organizations and American owners of environmentally and ecologically significant lands in Canada to protect natural lands, clean water, abundant habitat and quality of life for citizens of both countries. Two of the former owners of the St. John Point lands are Americans, hence the assistance from this organization was of great benefit.

The Mayne Conservancy was a key partner in the park acquisition and holds a conservation covenant on St. John Point. The CRD must uphold the covenant requirements. The intent of the covenant is to conserve the natural and cultural values of the land, ensure that uses of the land are consistent with conservation of those values, and prevent any uses that will impair the values. The covenant restricts the types of uses that can occur within the park. In line with the intent of the covenant and through a Partner in Parks agreement with the CRD, the Mayne Conservancy undertakes ongoing natural area restoration work in the park, such as non-native and invasive plant removal.

The park property has relatively high ecological integrity. It is noted for its Coastal Douglas-fir ecosystems and rugged bedrock outcrops (Map 3). More than 50% of the property has mature forest representing several sensitive ecosystems, including arbutus woodlands, coast bluff/cliffs and rocky herbaceous outcrops. Two red-listed ecological communities, Douglas-fir/dull Oregon-grape and Douglas-fir/Alaska oniongrass, and relatively intact examples of three additional red-listed ecosystems: Douglas-fir/salal, Douglas-fir/arbutus, grand fir/dull Oregon-grape, and grand fir/three-leaved foamflower occur in the park. Along the shoreline, the park provides access to two beaches. Additional information about the park's natural environment is provided in Appendix 1.

In 1974, approximately 2 hectares of the property was designated by the Province of BC as Agricultural Land Reserve (ALR), through the Agricultural Land Commission (Commission). The ALR section of the park runs in a rectangular swath between Kadonaga Bay and Horton Bay Road (Map 4). The purpose of the Commission is to preserve the agricultural land reserve, encourage farming of the agricultural land reserve, and encourage local government, First Nations, and government to accommodate farm uses of lands within the ALR through their plans, bylaws and policies.

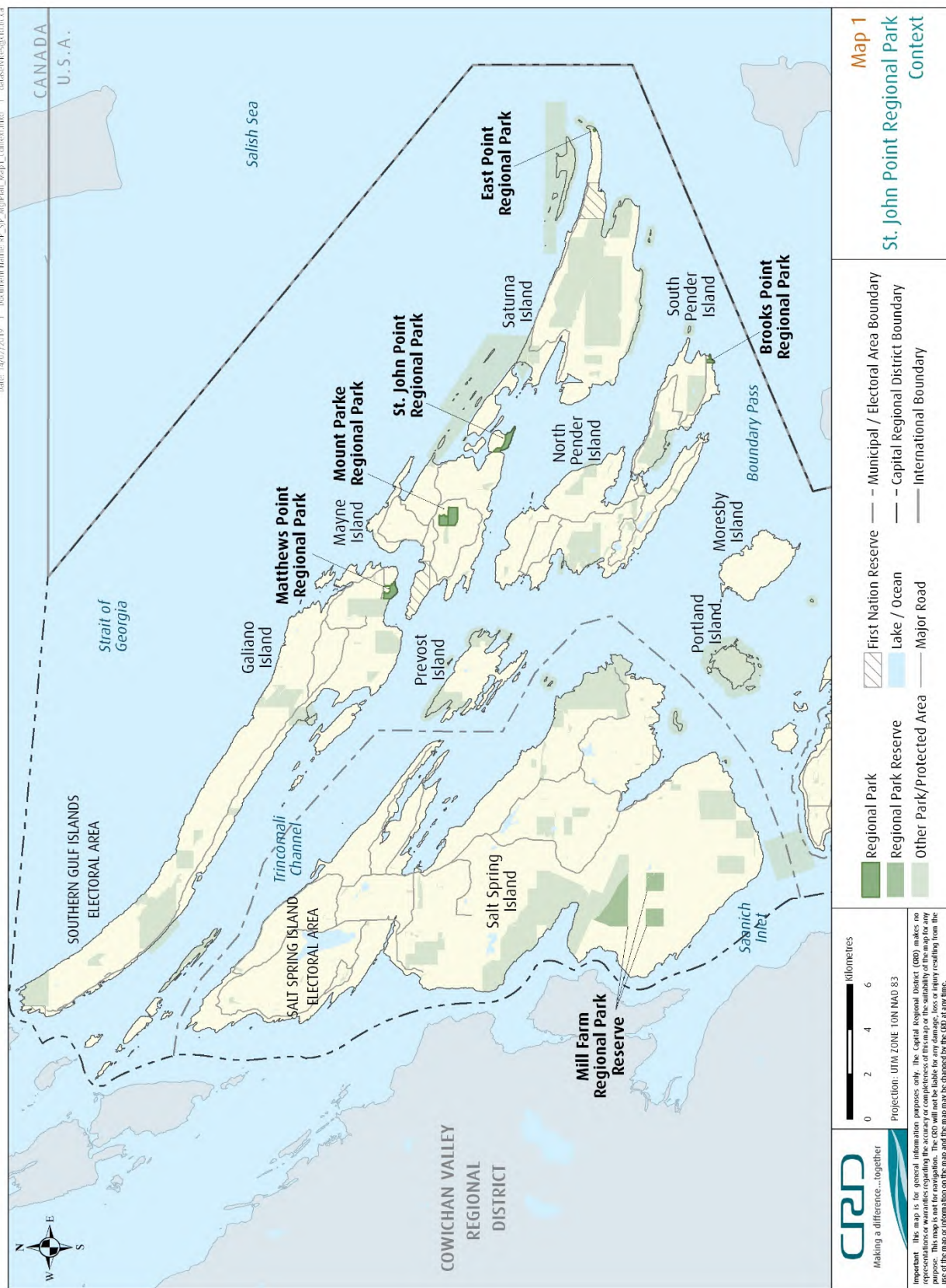
The contemporary history of the site begins in 1890 when a Crown Grant was given to James Campbell. In 1903, Goan Kadonaga, a Japanese settler, purchased Section 1 (167 acres/67.58 ha), which included the current park property. In 1921, Section 1 was subdivided into two lots; the north and larger part was given to the eldest son in the Kadonaga family and the southern portion was given to a nephew in the Sasaki family. The properties were farmed by the families until 1942, when, during the Second World War, the two properties were forfeited to the federal Secretary of State. A small area on the west side of the park is a remnant of a former agricultural area that contained orchard trees and meadows. Between 1955 and 2017, the property was owned by members of the Eddy family and was used as a recreational/vacation property. The Eddy family built a residence and several outbuildings and did some logging on the property. As noted above, in 1974 a portion of the property was designated as ALR.

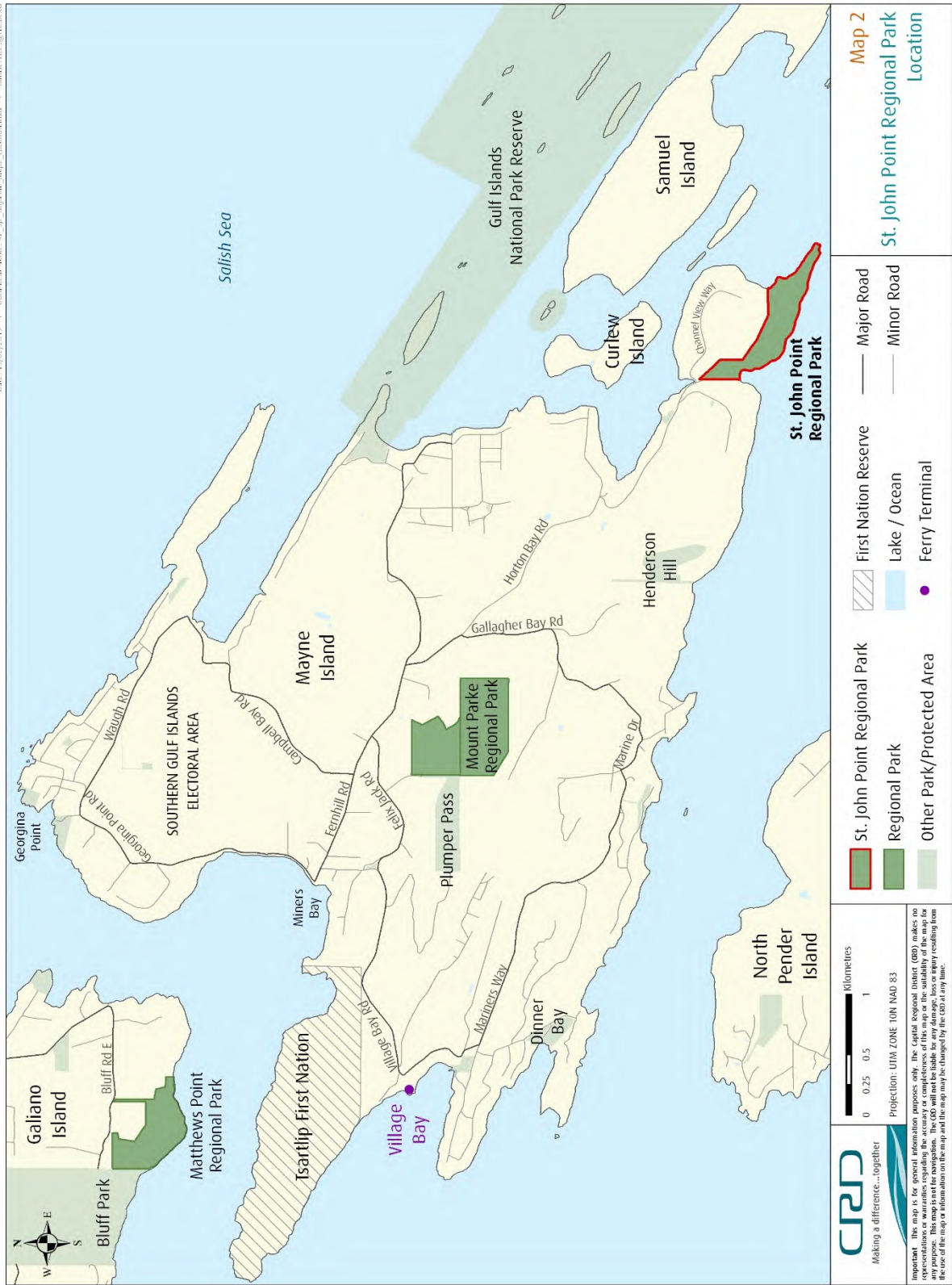
Over the years, Mayne Island community members recognized the significance of the property and began the effort to have the property protected. That community effort was ramped up in 2017 when a collaborative effort was initiated among the CRD, Mayne Conservancy, Ecological Gifts Program, AFCLT, and the landowners to facilitate the purchase and sale of the property. A community-led financial pledge program was undertaken and members of the Sasaki family contributed believing that protection of the property is important for both its natural values and to preserve its history as a touchstone for future generations. The lands were transferred to the CRD for regional park purposes in December 2017. At the same time, a conservation covenant, held by the Mayne Conservancy, was registered on the park lands, with the exception of the ALR portion, to ensure the longer term conservation of ecological values.

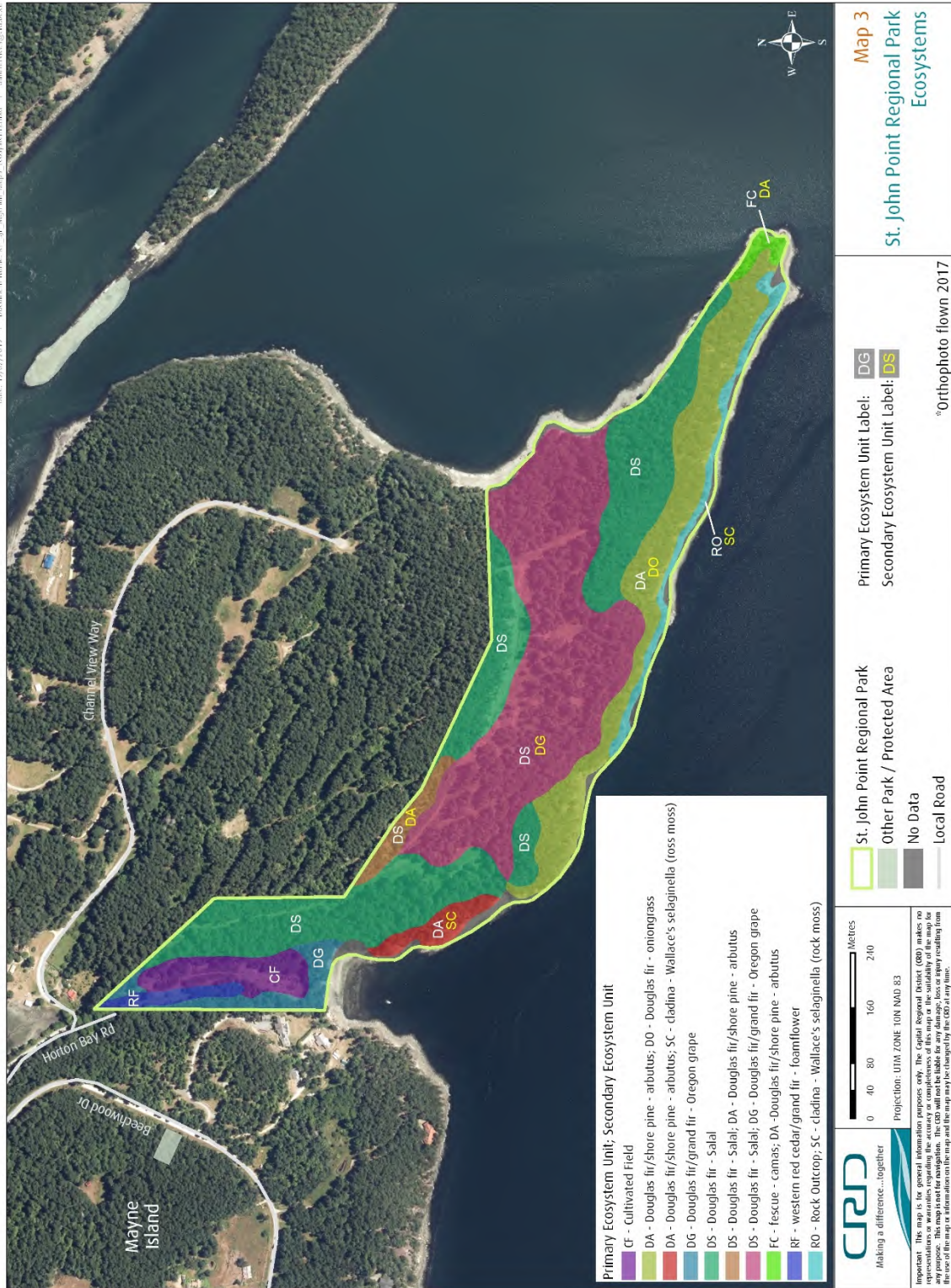
This park management plan provides management direction for at least 15 years. The management plan provides specific direction for St. John Point, such as a park vision, goals, management statements, and actions based on the features and values of the park and input from the public. A summary of the engagement process for this management plan is provided in Appendix 2.



East-facing beach









3 Strategic Direction

3.1 Park Classification

The regional park classification system provides a method of distinguishing the different roles that individual parks play in achieving the overall purpose of regional parks. Each regional park is classified based on its management focus. Four regional park classifications exist: wilderness area; conservation area; natural area; and recreation area. Although protection and recreation occur in all regional parks, these classifications indicate the primary purpose of the park.

Based on the ecological values at St. John Point, and in line with the federal recognition of St. John Point as an ecologically sensitive area (through the Ecological Gift Program), this park is classified as a regional conservation area. The conservation area classification is used to protect regionally significant natural areas that contain sensitive and threatened ecosystems. Outdoor activities will be permitted in a regional conservation area provided they have minimal impact on the natural environment. In most cases, the main activity will be hiking and generally only basic facilities will be provided, such as parking, toilets, trails, and signage.

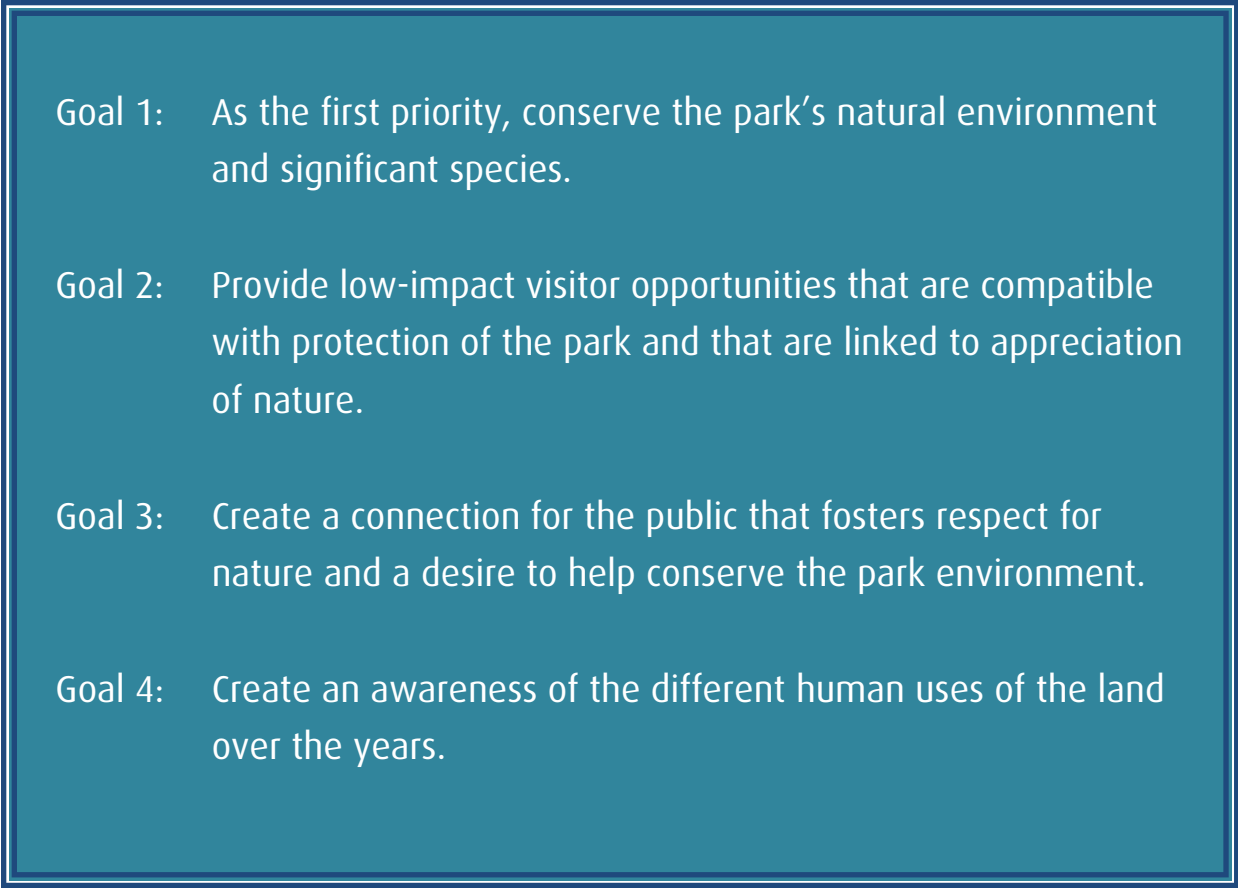
3.2 Vision for St. John Point Regional Park

The vision for a park must be compatible with the park's classification. The purpose of the vision is to express the desired end state; where CRD wants to be in 15-20 years. The draft vision for St. John Point is:

"St. John Point is recognized as a significant conservation area. People understand the natural and cultural values of the park and support ongoing stewardship efforts. It is a place where local residents and visitors connect with nature, experience the forest and coastal environments, refresh themselves through the beauty and tranquility of the site, and learn about the area's natural and cultural history."

3.3 Management Goals

Flowing from the vision, goals set the desired outcomes one wants to achieve. The goals will lead toward the long-term vision. The goals for St. John Point are:

- 
- Goal 1: As the first priority, conserve the park's natural environment and significant species.
 - Goal 2: Provide low-impact visitor opportunities that are compatible with protection of the park and that are linked to appreciation of nature.
 - Goal 3: Create a connection for the public that fosters respect for nature and a desire to help conserve the park environment.
 - Goal 4: Create an awareness of the different human uses of the land over the years.

3.4 Management Statements

Along with the park classification, vision and goals, the following statements provide more detailed direction for park management and decision-making. They guide the development of actions for the park, as well provide direction for decision-making on items that may arise in the future that are not specifically addressed within this management plan.

Environmental Conservation

- Conservation of the natural environment will be given first priority in decision-making.
- A park restoration program is important to continue through a Partners in Parks agreement with the Mayne Island Conservancy Society or another appropriate group or agency. Considerations need

to be given to the long-term effects of climate change on the park and how natural environments can adapt.

- The CRD will ensure that visitor facilities are located and developed in ways that respect the conservation needs of key ecosystems and species. Before new development is undertaken the CRD will check for significant species. Barriers may be used to manage visitor use and protect significant areas that are susceptible to disturbance.
- To protect the ecological integrity, dogs must be on-leash in the park and no cycling or equestrian activities will be permitted in the park.
- The CRD may participate in provincially-endorsed wildlife management programs related to non-native wildlife species affecting the park ecosystems (e.g., Fallow deer). When completed, the CRD will consider how the Mayne Island Fallow Deer Management Strategy impacts or is applied within regional parks on the island.
- In line with the CRD's Climate Action Plan, management of the park environment will contribute to long-term climate change goals and the protection of important ecosystem services, such as carbon sequestration.
- The Mayne Island Conservancy Society should monitor the conservation covenant annually and report to the CRD on the observations and state of the covenant, including photo documentation.

Agricultural Land Reserve

- Minimize disturbance to the Agricultural Land Reserve lands by ensuring any developments in the area impact less than 10% of the area.
- To preserve the ALR and minimize potential impact of public access between the park entrance and Kadonaga Bay, maintain a mowed walking area.
- Seek Commission approval for non-farm uses and locate those uses in the previously disturbed area where the former landowner's residential buildings and outbuildings were located.

Cultural Heritage

- The CRD will acknowledge and highlight the past and present human relationships with the land as a way to promote public respect for the various human connections with the park lands.
- If sensitive cultural heritage exists on site, measures will be taken to protect them from negative impacts from park infrastructure or visitor use.
- In recognition of past and present use by Coast Salish Nations in this area, the CRD will work collaboratively with First Nations to understand First Nations values in this area and to collect

additional cultural heritage information, and will work to consider and incorporate First Nations interests in cultural heritage management initiatives within the park.

- Consideration will be given to how best to recognize the history of Japanese settlers that owned and worked the lands and the effect of the Second World War on them.

Visitor Opportunities

- Park facilities will be kept to a minimum.
- The CRD will focus visitor opportunities on appreciation and enjoyment of the natural values of the park, particularly the values of the Coastal Douglas-fir forest and the forest-shoreline interface.
- Low-impact, day-use activities, such as walking, scenery viewing, and picnicking will be the mainstay of the park offer. Minimal ancillary facilities and services, such as parking, signage, a toilet, and a small number of benches or tables will be provided to support the visitor experience.
- To maintain a positive visitor experience, protect neighboring private lands, as well as protect the ecological integrity of the park, dogs must be on-leash while in the park.
- Before providing any new activity, the CRD will assess its compatibility with this management plan and the protection of natural values, including consideration of potential impacts.
- Prior to any development being initiated on site, the CRD will check with Ecological Gifts Program staff regarding requirements for authorization from the Minister of Environment and Climate Change or his/her delegate.
- Educational information about the park's natural and cultural values may be provided in a variety of ways, including the CRD website, park signage, or interpretive programs by non-profit groups through a CRD permit.



Seaside juniper shrubs on St. John Point

3.5 Park Zoning

Within the park, specific management zones may be used to address use, development, and management more specifically, based on ecological sensitivities. The regional park zoning system provides six different zones that can be used as appropriate within each park. In St. John Point, three zones apply, as follows:

Environmental Protection Zone provides the highest level of protection. Its objective is to protect ecologically significant areas through long-term science-based land stewardship. Typically, this zone is applied to areas with rare or endangered species and ecosystems that require the highest degree of protection or monitoring. Low impact nature trails may be considered, but if needed, visitor use may be restricted. In St. John Point Regional Park, this zone is largely along the sensitive shoreline areas and includes mossy rock outcrops, dry Douglas-fir/arbutus woodlands and fescue camas meadows, as illustrated on Map 5.

Natural Environment Zone is used for easily accessible natural areas where outdoor activities can take place in conjunction with protection of natural features. Hiking, viewpoints, picnic areas, and open fields may be typical in this zone. The central core, or spine, of the park falls within this zone, including the cultivated fields within the agricultural land reserve and a mix of Douglas-fir, grand fir and western red cedar forest with salal and Oregon-grape dominating the understory, as illustrated on Map 5.

Park Services Zone is used for key areas where support services will be focused. Generally, this zone covers areas where natural values are less significant and landscape modification for park service needs will be minimally impactful. Parking, visitor orientation, toilets, storage and operations buildings are permitted within this zone. This zone covers the entrance, parking and staging area of the park in the vicinity of the former homestead area, as illustrated on Map 5.



View in St. John Point Regional Park



4 Development Concept

The overall development concept for St. John Point is to keep the park largely in a natural state, with minimal and consolidated visitor facilities and services. A low-impact, double-loop trail will provide the primary means for the public to experience the park and together with the Kadonaga Bay beach access, will offer short, medium and longer walking opportunities. Park trails will be routed in ways that protect sensitive natural and cultural values. Two beach access points will be maintained (Kadonaga Bay and the east-facing beach by the north-easterly boundary) and two viewpoints with benches will provide opportunities for the public to sit and enjoy the coastal environment. To limit potential impacts, vehicle and bike parking and other visitor services, such as a park sign, toilet and trailhead information kiosk, will be consolidated by the park entrance and where the former landowner's cabin and other outbuildings existed. Further, vegetation, fencing or rock barriers and/or signage may be used in key areas to clarify designated trail routes and limit use in inappropriate areas. The CRD will provide awareness and education messaging through signage.

The CRD will approach First Nations, particularly the Tsartlip First Nation, regarding the possible use of ƐÁWEN Trail as the name for the perimeter trail and will approach the Sasaki family regarding the possible use of Sasaki Trail for the beach access trail to Kadonaga Bay.

Park restoration is envisioned to be an ongoing program through the Partners in Parks agreement with the Mayne Island Conservancy Society and the CRD. Key areas within the park will be restored by removing introduced, invasive plants and planting native species. Additional restoration projects may be considered in the future through the agreement (e.g., wetland or meadow restoration). The Mayne Island Conservancy Society may identify specific prescriptions for invasive plant species of concern and use an early detection rapid response approach for management of invasive plants in the park. Opportunities for public involvement in park stewardship may be provided through this restoration work or existing CRD programs.

5 Management Actions & Implementation

The St. John Point Management Plan comes into effect upon its approval by the CRD Board and continues to apply until a new or updated plan is approved by the Board.

5.1 Proposed Actions & Anticipated Timeframe

The table below identifies and prioritizes the proposed management actions. Implementation of the proposed management actions will be undertaken subject to availability of staff and financial

resources. Generally, it is anticipated that short-term actions will be addressed in the first five years after approval of the management plan (2020-2025). Actions that are spatially-based are illustrated on Map 6.

Proposed Action	Desired Outcome	Anticipated Timeframe
1. Continue the existing Partners in Parks agreement with the Mayne Island Conservancy Society for ongoing park restoration.	Conserve the park's natural environment and significant species.	Ongoing
2. Provide input to the development of a Mayne Island Fallow Deer Management Strategy, as it relates to the regional park.	Consider implications and application to regional parks.	Short term
3. Remove infrastructure associated with former landowners that is not needed for park operations or visitor needs.	Make space for needed park services.	Short term
4. Seek Agriculture Land Commission and Environment and Climate Change Canada approval to create a park entrance hub in the vicinity of the former landowner's cabin and outbuildings. Notes: The hub will include a park sign at entrance, 20 vehicle parking area, bicycle rack, a single (pump-out) toilet building, a visitor information kiosk, a trailhead and small existing storage building, if required. The information kiosk should include information about the First Nations history in the islands, Japanese history of the site, the park acquisition partnerships, and the park's natural values.	Park services are located in an already-disturbed area of the park.	Short term

Proposed Action	Desired Outcome	Anticipated Timeframe
Agricultural Land Commission approval of non-farm development in the ALR is required in advance of development.		
5. Undertake an archaeological assessment of areas of the park where trails and facilities are proposed.	Park infrastructure is not impacting significant cultural heritage features.	Short term
6. Formalize a double-loop hiking trail around the park. Notes: Two designated viewpoints with benches will be developed along the south portion of the trail, one just south of St. John Point/steep-sided bay and one centrally located on the south side trail where the existing informal viewpoint is. The north side trail leg, along a former logging road between the parking area and the east-facing beach, will be a double-track (wider) section allowing for two people to walk side-by-side. The remainder of the trail system will be single-track width (single file). The trail creating the short loop will begin at the central viewpoint on the south side and cross through the forest to the north side trail leg. In formalizing the trail route, particular focus will be given to ensuring it is located for safety and to protect environmental and cultural values. Barriers will be used as needed to manage visitor use in key areas.	Low-impact visitor opportunities that are compatible with park values are available.	Short term
7. Formalize two designated beach accesses (at Kadonaga Bay and at the east-facing bay). Notes: In formalizing the Kadonaga Bay beach access, consideration will be given to if kayak launching can be	Low-impact visitor opportunities that are compatible with the park values are available.	Short term

Proposed Action	Desired Outcome	Anticipated Timeframe
accommodated (e.g., ramp, no railing).		
8. Approach First Nations regarding using ȚÁWEN Trail as the name of the perimeter trail and approach the Sasaki family regarding using Sasaki Trail as the name for the beach access trail to Kadonaga Bay.	Recognize the First Nations and Japanese connections to this land.	Short term
9. Sign the park trails.	Ease of wayfinding within the park.	Short term
10. Request that the Mayne Island Local Trust Committee update the zoning of the property, to park, when it undertakes a comprehensive or administrative zoning bylaw update.	To recognize the regional park land with park zoning.	Short term
11. Consider and promote volunteer opportunities in the park.	A connection is fostered between the public and the park through volunteerism.	As available

5.2 Implementation Monitoring

The CRD will plan for and monitor implementation of management actions through annual work planning and five-year service planning processes. If unexpected circumstances, significant issues, or critical new information arise that warrant substantive changes to the management direction, a plan amendment may be considered. Public consultation will be held for substantive amendments and all amendments must be approved by the CRD Board.

Prior to initiating a full management plan update, an evaluation of the current plan will be undertaken that will consider:

- if the strategic direction adequately addressed major issues and management considerations that have occurred.
- if the strategic direction is still relevant.
- to what extent the management actions were implemented and if any outstanding actions are still relevant.
- what changes or additions might be needed to provide appropriate direction for the future.



Appendix 1: Background Information

History of the Park

First Nations

The Southern Gulf Islands are within the traditional territories of several Coast Salish First Nations. The W̱SÁNEĆ people (Saanich), part of the Coast Salish Nation, are also known as saltwater people. Dave Elliott Sr., of the Tsartlip Nation, said in his book *Saltwater People*, that the sea was very important to their way of life. Because there were no rivers in the Tsartlip traditional territory they went to the sea to get salmon. Sandy beaches provided clams and crabs; rocky beaches offered mussels, sea urchins and seaweed. Waterfowl could be found on mud flats and marshy beaches. On the islands, high rocky shores were the best places for camas to grow. Their bulbs were dug for food during the summers. The abundant forests provided many food plants like berries, fern roots, and nettle leaves and medicines were made from plants like Oregon-grape, Indian Consumption plant and yarrow. W̱SÁNEĆ peoples hunted elk, deer and some smaller mammals for the meat and fur hides. His book goes on to say that during April and May men would hunt deer and elk.

Mayne Island, is known as S,ƷƷAK in the SENĆOŦEN language, which means “pass” or “narrows”. St. John Point, known as ƷÁWEN, was an area identified for the coho salmon that were fished in the area and was likely a location for processing fish, sun-dried or smoked, at easily accessible bays. The point was also noted, in the book *Saltwater People*, as a deer drive area. The WJOLƷLP (Tsartlip Nation) has reserve lands on Helen Point at the west end of Active Pass on Mayne Island. They and other W̱SÁNEĆ Nations continue to use the marine and terrestrial resources in the Gulf Islands and continue to have ties to both Mayne Island and the park.

Contemporary History

Based on research conducted by the Mayne Island Conservancy Society, the history of the park lands is as follows. An initial Crown Grant was provided to James Campbell in 1890. In 1903, Goan Kadonaga purchased Section 1 (which includes the park property) for a farming operation. In 1921, Section 1 was subdivided into Lots A and B by the Kadonaga family. Lot A (103 acres/42 ha) was transferred to the eldest son of the Kadonaga family and Lot B (64 acres/26 ha), the park property, went to a nephew in the Sasaki family. Farming was the main uses of the properties at that time and some remnant orchard trees (apple, pear and cherry) remain on the land today. Selective forest harvesting was carried out for buildings and firewood. In 1942, the properties were forfeited to the federal Secretary of State during the Second World War when Japanese residents were forcibly relocated away from the coast. In the 1950s, the property was acquired by the Eddy family as a recreational property. The family built

a modest cabin and several outbuildings for dining and sleeping. Several water wells were also established on site. In 1974, a small portion of the site (approximately 2 ha) was registered as part of the provincial Agricultural Land Reserve. In the late 1980s, the subsurface rights were forfeited to the Crown. In the early 2000s, some small scale, selective forest harvesting was undertaken by the Eddy family. The main logging road constructed for this purpose remains today as an access road and informal trail along the north side of the property. St. John Point was acquired for regional park purposes in December 2017 through a collaborative process with the Mayne Island Conservancy, the American Friends of Canadian Land Trusts, Ecological Gifts Program, and the former landowners. Through community fundraising, the Mayne Island Conservancy and American Friends of Canadian Land Trusts contributed 54% of the purchase costs. In addition, the Ecological Gifts Program was used by the landowners to donate part of the property value to assist in protecting this significant natural area.

Ecological Information

St. John Point Regional Park lies within the Coastal Douglas-fir biogeoclimatic zone, which is characterized by Douglas-fir forests. Ecosystems have been described by B.A. Blackwell and Associates in 2004 and by the Mayne Island Conservancy in 2016 and 2017. From this work, 14 different sub-communities were identified, within five main plant associations. According to the BC Conservation Data Centre (2016) all four of the forested ecological communities are red-listed (i.e., they are endangered or threatened and are considered to be at risk of being lost provincially).

Douglas-fir - salal (DS)

This is the most abundant ecological community at St. John Point Regional Park. Generally, the canopy is dominated by Douglas-fir with varying components of western red cedar and arbutus. In some areas the forest is young, second growth (50-80 years) while in other areas a mature forest exists with most trees being 100 years old. Common shrub species include salal, dull Oregon-grape, hairy honeysuckle, sword fern and oceanspray.

Douglas-fir/shore pine - arbutus (DA)

This community is present on very dry bedrock ridges with thin soil. The canopy is composed of varying amounts of arbutus and Douglas-fir with some Garry oak present. In some dry ridgetop areas, arbutus makes up nearly 100% of the canopy. Sparse patches of salal, hairy honeysuckle and dull Oregon-grape are scattered throughout, though heavily browsed by deer. The herbaceous layer is variable with Alaska oniongrass common, as well as miner's lettuce, Pacific sanicle, cleavers, and hairy bittercress, rattlesnake plantain, and small-flowered nemophila. Along the northeast edge, seablush, broad-leaved stonecrop, nodding onion, hooker's onion, western trumpet honeysuckle, mountain sweet cicely,

purple peavine and fawn lily can be found. In some areas, trees are approximately 70 years old while in other areas many trees are more than 250 years old with no sign of logging.

Douglas-fir/grand fir - dull Oregon-grape (DG)

This community is found in a relatively pristine section toward the eastern end of the park. The canopy is co-dominant with grand fir and western red cedar with a trace of red alder. Sword fern is most common in the shrub layer.

Red cedar/grand fir - three leaved foamflower (RF)

This community is present in small patches within second growth forests on moist swales with deep soil. Grand fir, western red cedar, and Douglas-fir make up the canopy, while the understory is made up of sword fern, stinging nettle and vanilla leaf. Old growth elements are evident although previous logging activities can be seen in old cut stumps. English holly is present in minor amounts. A single wet area in the northeast corner of the park is dominated by slender rush and common rush with a partial canopy of Douglas-fir, western red cedar, and English hawthorn present. The water regime in this wet area has been heavily modified by nearby road and residential construction.

Fescue - camas (FC)

This non-forested community is found at the eastern tip of the property. This site is flat to steeply sloping with thin soils over bedrock with open grown Douglas-fir and Garry oak woodland. Seaside juniper (approximately 40 individuals) is scattered throughout. The site contains some of the largest juniper in the Southern Gulf Islands. Native wildflowers are present (great camas, hooker's onion, seablush, fawn lily, chocolate lily, broad-leaved stonecrop, nodding onion, Pacific sanicle, miner's lettuce, and small-leaved montia) but the area is dominated by exotic grasses such as sweet-vernal grass, hedgehog dog-tail, and soft brome.

Surveys by the Mayne Island Conservancy Society at St. John Point resulted in identification of 140 vascular plants, including 93 native species and 47 exotic species. This includes 6 ferns and allies, 104 herbaceous species (grasses and forbs), 21 shrubs, and 9 trees. Eighty bryophyte species, including 74 mosses and 6 liverworts (hepatics) were observed on the property. Only one species of bryophyte is native. The BC Conservation Data Centre has identified Texas toadflax, found in two locations, as red-listed (endangered) and seaside juniper as blue-listed (of conservation concern).

Fifty-six animal species have been observed in the park, including 47 bird species, 6 mammal and 4 invertebrate species. Three of these species (fallow deer and black and brown slugs) are exotic/introduced. Hyper-abundant deer populations, both native and exotic, are causing browse problems inside and outside of the park.

Appendix 2: Summary of the Engagement Process

The initial engagement process for the St. John Point Regional Park management planning process took place in October-November 2018 and the CRD sought input from First Nations, other government agencies, key stakeholders and the public before the drafting of the management plan was initiated. An additional round of engagement was undertaken in May-June 2019 to seek input and comments on the draft management plan. When the draft management plan was released, a project booth was staffed at the Mayne Island Saturday market and an open house was held at the Mayne Island Community Centre and a survey questionnaire was available online to assist the public in providing comments. All comments received were considered in development this plan. More specifically, the following aspects were included in the overall engagement process.

First Nations

- Letters sent to the Tsartlip, Tsawout, Tseycum, and Pauquachin First Nations introducing the project and seeking their interest in participating in the project. CRD staff followed up with each Nation and meetings were scheduled with the Tsawout First Nation but were later cancelled by the Nation due to other commitments. No suitable alternate date could be found to hold the meeting. A second round of letters were sent, with copies of the draft management plan, and offers were made to meet to discuss the plan and hear their input. Follow-up was undertaken in person or by phone or email but no input was received through the engagement process.

Other Government Agencies

- Given that the park land has been certified as environmentally sensitive “ecogift” under the federal Ecological Gifts Program, a letter was sent to Environment and Climate Change Canada inviting participation in the planning process. A phone conversation and a meeting were held with key staff to discuss the Ecological Gift Program requirements and key sections of the draft management plan. Comments were received in both rounds of engagement.
- Given the Agricultural Land Reserve designation on a portion of the park land, discussions were held with key staff of the Agricultural Land Commission prior to the draft plan and a letter and the draft plan was provided for comment in the second round of engagement. Comments were provided in both rounds of engagement.
- An email was sent to Islands Trust staff outlining the project and anticipated planning process and inviting input from the Mayne Island Local Trust Committee. Comments were received in both rounds of engagement.

Key Stakeholders

- Letters were sent to park neighbours along Channel View Way and a portion of Beachwood Drive in both rounds of engagement. Several neighbours attended the open house held on Mayne Island and comments were received on the draft management plan from some neighbours.
- Staff met with representatives of the Mayne Island Conservancy Society in the first round of engagement to discuss the park and receive comments and members of the Conservancy also provided comments on the draft management plan.
- Staff met with representatives of the Mayne Island Parks and Recreation Commission in the first round of engagement. They noted their interests relate more to Mt. Parke Regional Park than St. John Point, although they did provide a few comments relating to St. John Point. No comments were received on the draft management plan.

Public

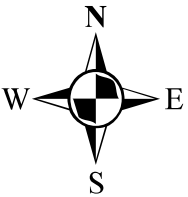
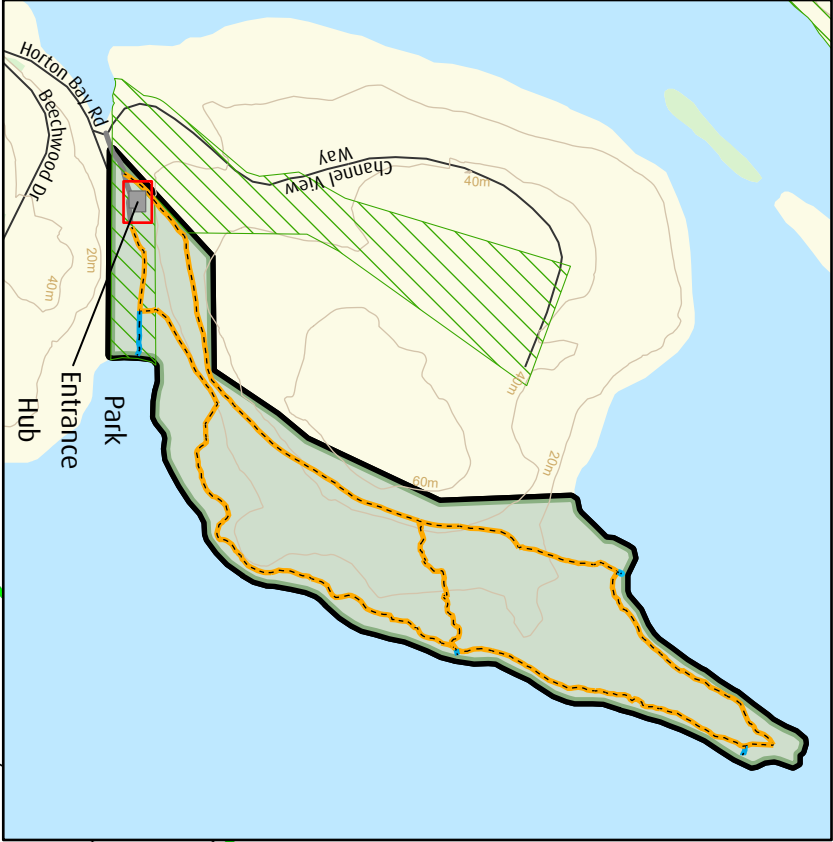
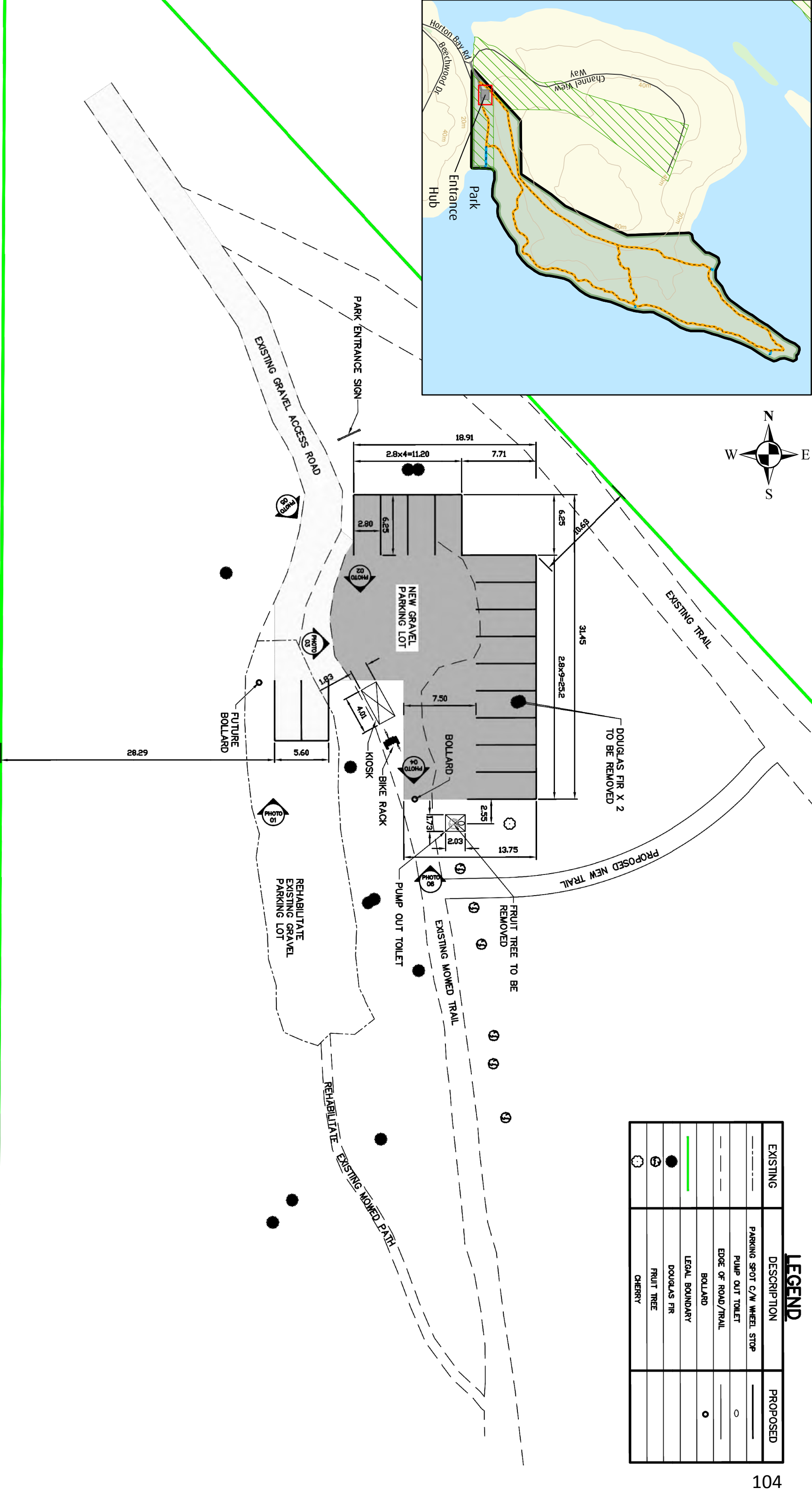
- Information about the park and the planning process was posted on the CRD website throughout the planning process. An initial input form, seeking information about the park and peoples' interests for its management was online in October and November 2018. Input received assisted in the development of the draft management plan.
- An ad was placed in the *Mayneliner* to notify island residents of the project, the online input forms, and how to get a copy of the draft management plan.
- Posters were put up around the community notifying residents about the project and how they could provide input.
- A sign was installed in the park notifying park users on various stages of the project.
- Social media notices were posted throughout the project.



View over east-facing beach

LEGEND

EXISTING	DESCRIPTION	PROPOSED
	PARKING SPOT C/W WHEEL STOP	
	PUMP OUT TOILET	
	EDGE OF ROAD/TRAIL	
	BOLLARD	
	LEGAL BOUNDARY	
	DOUGLAS FIR	
	FRUIT TREE	
	CHERRY	



Making a difference...together



Projection: UTM ZONE 10N NAD83

Disclaimer This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. **This map is not for navigation.** The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

Agricultural Land Reserve

Property Line

Federal Park

St John's Point Regional Park

Access Trail

Double Loop Trail

Road

Driveway

St. John Point Regional Park
Proposed Park Entrance Hub

St. John Point Regional Park Site Photos

(see photo markers in Site Plan drawing)



PHOTO 01: Taken from existing parking lot facing north.



PHOTO 02: Taken from north end of proposed parking lot facing south.

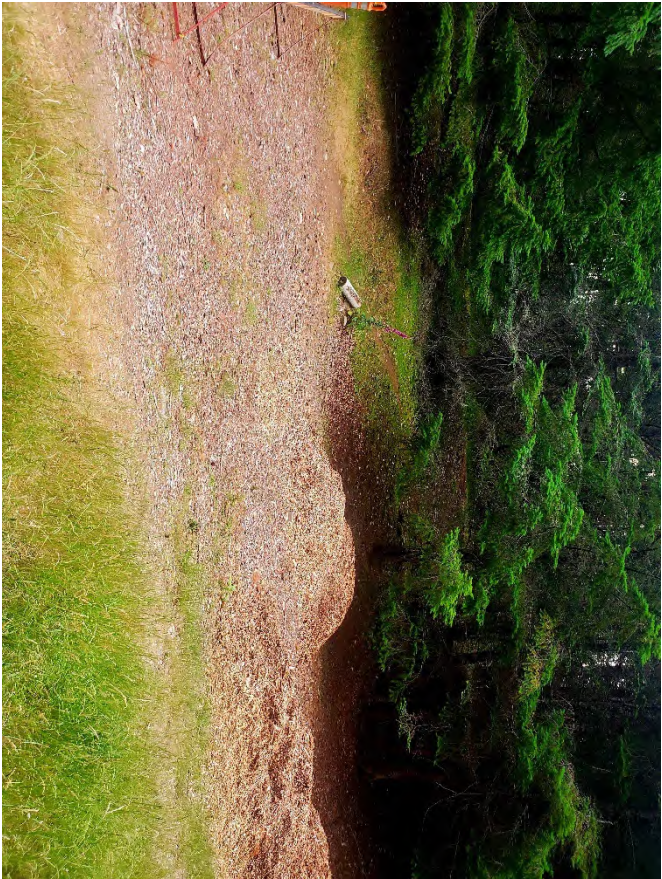


PHOTO 03: Taken from west end of proposed parking lot facing east.

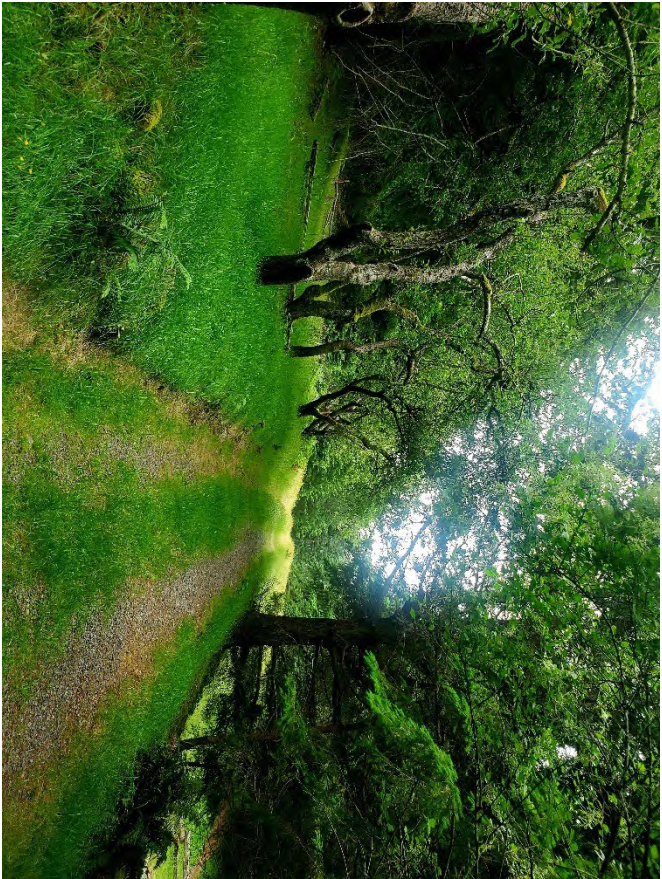


PHOTO 04: Taken from south end of proposed parking lot facing south.



PHOTO 05: Taken from north end of proposed parking lot facing south.



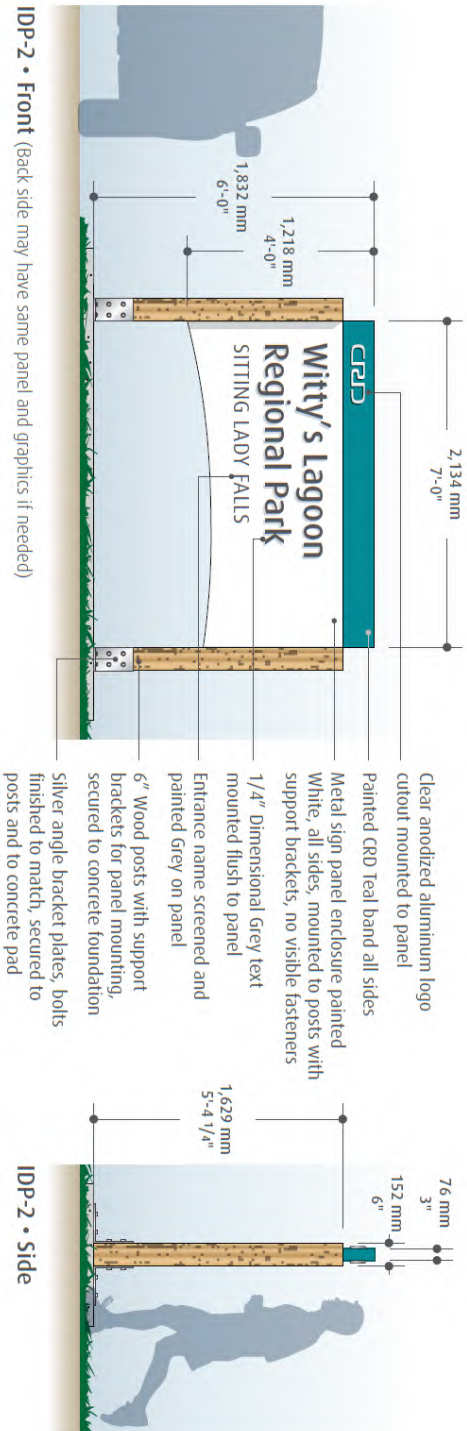
PHOTO 06: Taken from south end of proposed parking lot facing north.



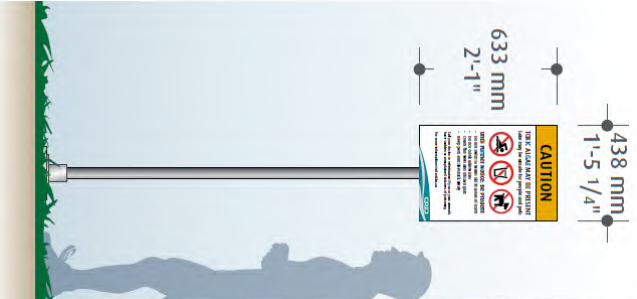
St. John Point Regional Park Proposed Signage

There are four types of signs proposed for use at St. John Point Regional Park. The below drawings illustrate the CRD’s sign design standards. Actual sign content will be specific for this park.

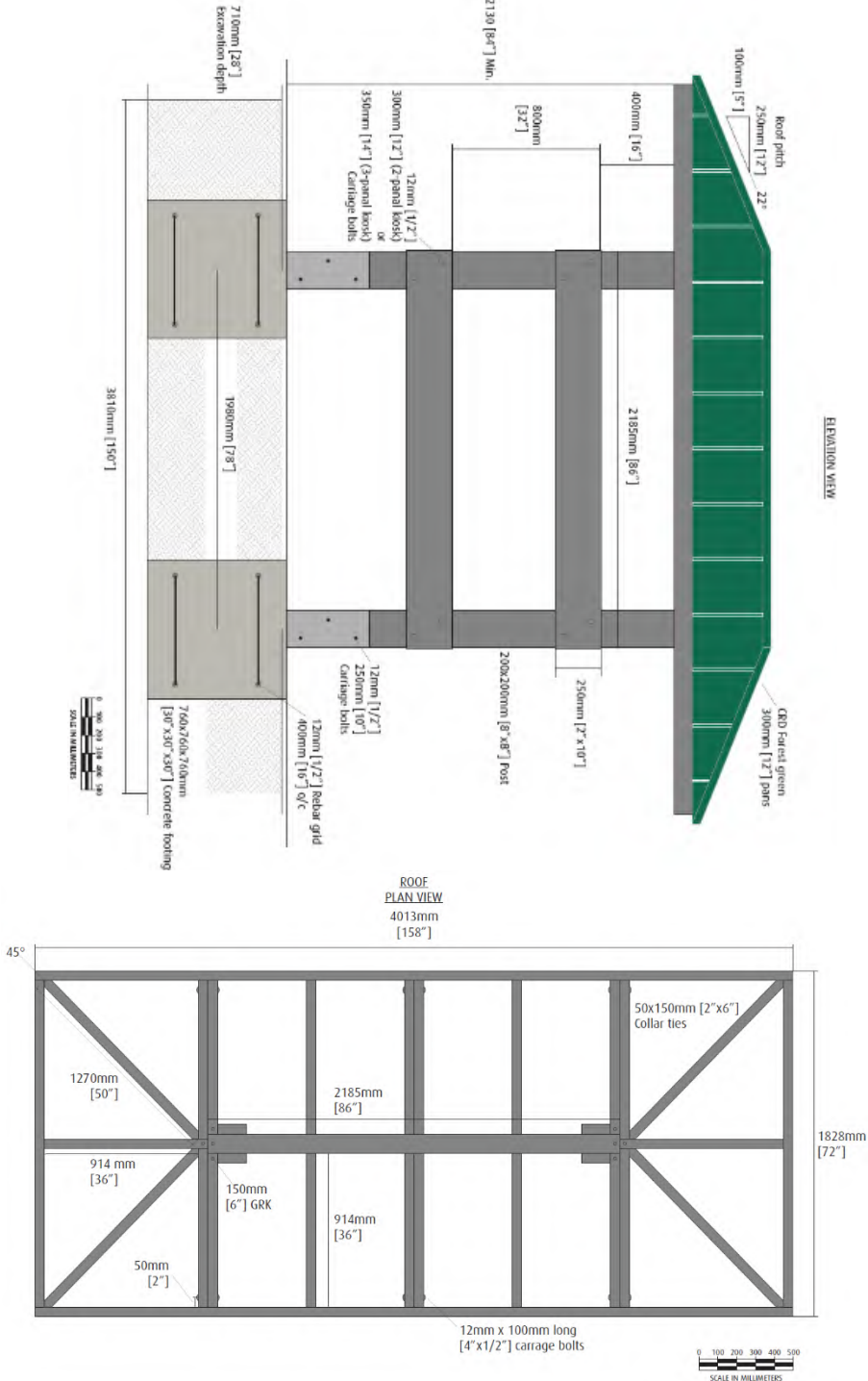
1. PORTAL IDENTIFICATION SIGN (AT PARK ENTRY)



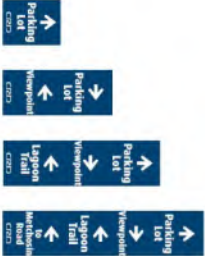
3. REGULATORY SIGNAGE (AT PARK ENTRANCE HUB)



2. INFORMATION KIOSK (AT PARK ENTRANCE HUB)



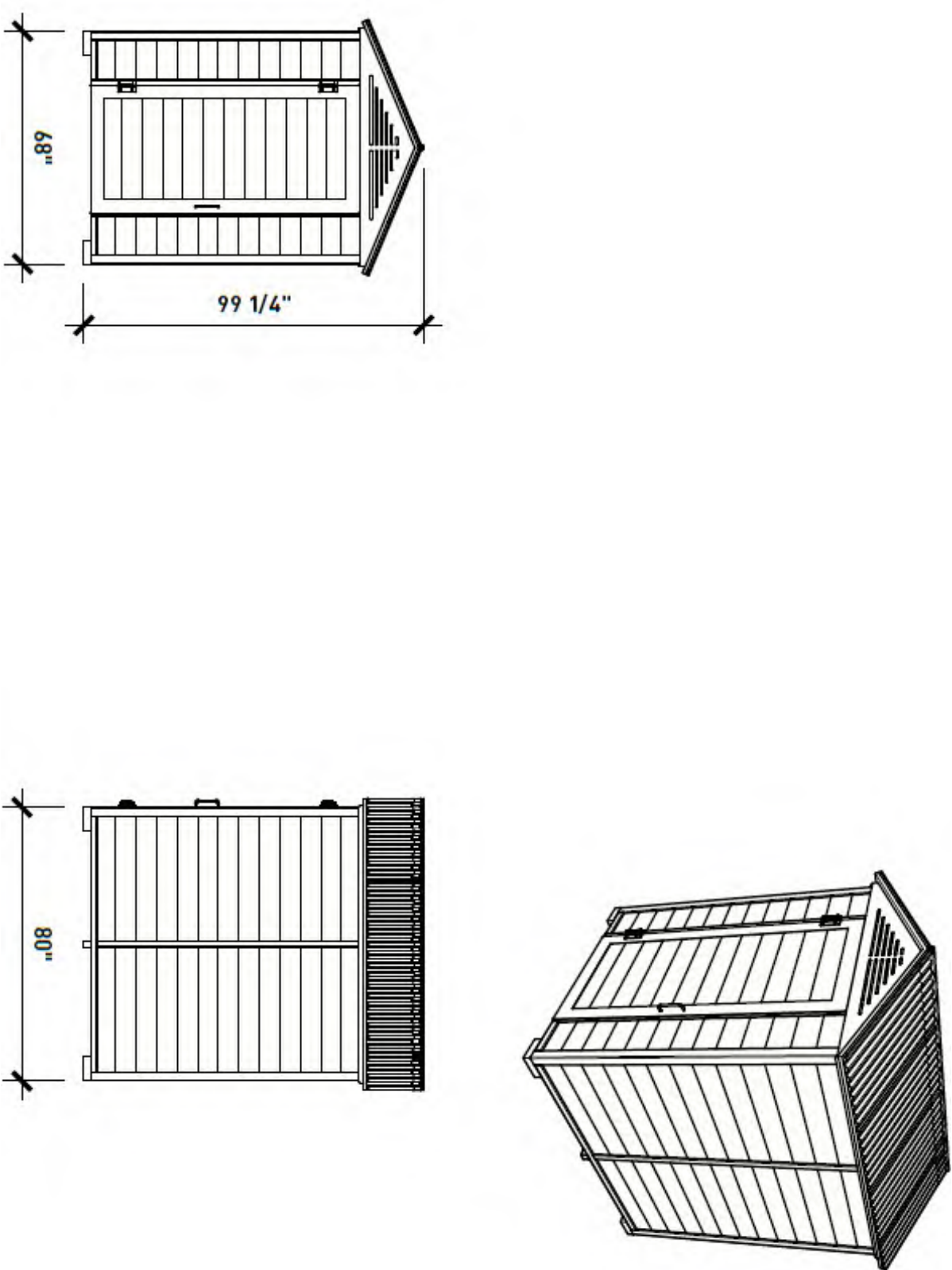
4. DIRECTIONAL SIGNAGE (THROUGHOUT PARK)



D-1	Regional Park - Directional
Application	To be installed in regional parks to provide visitors with way-finding information in three ways: 1. Trail Identifiers - installed at trailheads to identify the trail. 2. Directional Trail Signs - installed at trailheads to identify the trail. 3. Destinations w/Distance Signs - installed at trail intersections to identify and provide distances to key destinations. At times, trails may be identified as key destinations with distances provided.
Sign Specifications	Directional signs are available in 4 sizes 80x103mm, 80x190mm, 80x270mm and 80x345mm and provide a maximum of four messages.
Posts/Fasteners	To be mounted on standard 4x4" posts, 4, #8 1.5" stainless steel panhead metal screws and 4, #8 nylon washers.

St. John Point Regional Park Proposed Toilet Building

A single pump-out underground tank toilet building is to be built on site. It is wheelchair accessible. Materials include low maintenance recycled plastic lumber (grey colour), with a translucent roof.



Grey



Mike MacIntyre | Manager, Planning & Development

Regional Parks | Capital Regional District
490 Atkins Ave., Victoria, BC V9B 2Z8

March 16, 2022

Re. parking at St. John Point Regional Park

Dear Mike,

As the CRD Parks applies to the Islands Trust for the rezoning of St. John Point Regional Park, I am writing this letter of support on behalf of the Mayne Island Conservancy Society.

As you are well aware, the Mayne Island Conservancy is intimately involved with the new park and holds a covenant on the land not in the ALR. This park has become very popular over the last four plus years of its existence and parking has been an issue right from the beginning. We are in full support of the concerns of the Channelview Strata residents adjacent to the park, that the road into that strata must be kept clear for emergency vehicles both for the residents' sake as well as the Park's, should there be an emergency in the park itself. The road is the only access for the Channelview residents which makes it even more essential that it be kept clear. The turnabout at the end of Horton Bay Road now has two small 'no parking' signs but visitors continue to use it on busy weekends and this can inhibit access for emergency vehicles.

The CRD Management Plan for St. John Point, November 2019, states in the Executive Summary under priority management actions that there be established a 10 to 20 car parking lot. Later, on page 18 a 'Proposed Action' is to create a park hub including 20 vehicle parking area and a bicycle rack. From our experience over the past 4 years, we definitely support there be 20 spaces, not somewhere between 10 and 20. And, with more people on bicycles, especially e-bikes, we would encourage a large bicycle rack or several smaller ones.

We have some other ideas about dealing with overflow traffic such as posting signs that indicate overflow parking be on Beechwood Drive, not Horton Bay Road, but this is something to be dealt with Highways.



If there is anything more the Conservancy can do to support your rezoning application, please let me know.

Sincerely,

Malcolm Inglis, President

c.c. Jeanine Dodds, Trustee for Mayne Island
David Maude, Trustee for Mayne Island

October 25, 2020

Mayne Island Local Trust Committee:

To Whom It May Concern:

As Unit chief on Mayne Island for the BC Ambulance Service, I have a few concerns about the availability and number of parking spaces allotted to the new park at St John's Point. This past summer there have been numerous times when the car/trucks from visitors to the park have spilled over onto the road turnaround area at the end of Horton Bay Rd. This made it quite difficult for anyone coming to the end of the road to turn around.

From an ambulance perspective, trying to thread our way through cars parked on both sides of the road access into the park, could potentially delay our response time or even block access. Another potential issue is that when the current parking spaces at the park have been full, vehicles have been observed parking on the old logging road above the current parking area in the park. This road, which could be used for the fire and/or ambulance access further into the park in case of emergency (medical or fire), would have been inaccessible to us on that day.

The popularity of this park is steadily increasing, which makes it even more critical that more parking spaces and larger parking area (for turnaround within the park) be addressed. The current lack of sufficient parking space within this beautiful park will only become worse as more people discover St John Point Park and the park becomes more popular.

Barb Edwards
Unit chief, 104
BC Ambulance Service
Mayne Island
250 5390167



Mayne Island Fire Rescue

Serving Our Community with pride

June 27 2023

Jeff Leahy, Senior Manager
CRD Regional Parks

This correspondence is to express MIFR's support for the CRD's rezoning and OCP amendment application to the Mayne Island Local Trust Committee to enable implementation of the CRD's approved St. John Point Regional Park Management Plan.

Our concern is that there is an inadequate parking area inside the park to accommodate the park's visitors. Because of the inadequate parking inside the park, visitors have been parking at the intersection of Horton Bay road and Channel View Way. Local residents have reported as many as fifteen vehicles parked at this intersection because of the lack of suitable vehicle accommodation in the park.

The roadway in this area is essentially a single lane to accommodate traffic from two directions and the vehicles parked on the shoulder take up part of the travel portion of the road.

This a concern for Mayne Island Fire Rescue because these vehicles would impede the response of our apparatus in the event of an emergency.

This roadway also acts as the only evacuation route from residents on Channel View Way.

Mayne Island Fire Rescue would like to see the development of a suitable parking area inside the park to accommodate its users, and so we support any changes to the OCP and rezoning required that will allow for the actions in the Management Plan.

Fire Chief Kyle Stobart

Mayne Island Fire Rescue

MAYNE ISLAND FIRE RESCUE

520A FELIX JACK ROAD
MAYNE ISLAND, B.C. • VON 2J2
PHONE: (250)539-5156
email: sderousie@mayneid.ca
Web Site: www.mayneislandfire.com

ATTACHMENT 4 – SITE CONTEXT

LOCATION

Legal Description	LOT B, SECTION 1, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 2501
PID	002-918-790
Civic Address	-

LAND USE

Current Land Use	Rural (R), Agricultural (A)
Surrounding Land Use	Water Protection (W1), Water Moorage (W2)

HISTORICAL ACTIVITY

File No.	Purpose
MA-SUB-2001.1	Bare land strata proposal to create 6 strata lots
MA-SUB-2005.6	Creating 6 new lots

POLICY/REGULATORY

Official Community Plan Designations	The property is designated Rural (R), and Agriculture (AG) in the Mayne Island OCP Bylaw No. 144, 2007
Land Use Bylaw	Property is zoned Rural (R), and Agricultural (A)
Other Regulations	Portion of lot is in ALR
Covenants	CA6516979: Granted to Mayne Island Conservancy Society
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.
Species at Risk	N/A
Sensitive Ecosystems	Herbaceous, Mature Forest, Woodland
Hazard Areas	High, Moderate, Low risk steep slopes
Archaeological Sites	Staff have conducted desktop review that indicates there is archaeological potential and multiple known archaeological sites on the subject property. Therefore, the land owners should seek clarification on the location of any sites of development, review the provincial archaeological branch website, and be guided by the Islands Trust Chance find Protocol.
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Sediment Shoreline - Boulder/Cobble Rock Shoreline - Sea Cliff Rock Shoreline - Low Rock/Boulder Sediment Shoreline - Pebble/Sand



File No.:
12_08_6500_20_2023 OCP
and LUB Minor
Amendments

DATE OF MEETING: November 27, 2023

TO: Mayne Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: LUB Minor Amendment with APC Feedback

RECOMMENDATION

- 1. That the Mayne Island Local Trust Committee request staff to prepare draft amendments to Bylaw No. 187, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021” in accordance with the staff report dated November 27, 2023 and any further direction from the LTC provided at the November 27, 2023 LTC meeting.**

REPORT SUMMARY

The purpose of this report is to provide staff review of the Advisory Planning Committee (APC)’s recommendations regarding amendments to Mayne Island’s Land Use Bylaw and to seek direction from the LTC to move forward with drafting bylaw amendments.

BACKGROUND

The LUB minor amendments project is projected to receive first reading by the spring of 2024. At their May, June and July 2023 meetings, the LTC identified and discussed topics to include in the project. The project charter was adopted at the July 2023 meeting and the list of options to address was amended at that time. Relevant resolutions passed at the LTC’s September 25, 2023 and follow up actions are identified below.

MA-2023-050

It was Moved and Seconded,

that 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 land in the Upland zone at the end of Wooddale Drive that the Capital Regional District has identified as “surplus land”.

Islands Trust staff have discussed this with CRD staff. As the CRD is yet to delineate the boundaries of a potential residential area staff recommend that this action be addressed as part of the Mayne Island’s housing project.

MA-2023-049***It was Moved and Seconded,***

that Mayne Island Local Trust Committee request staff to refer to the Advisory Planning Commission the September 25, 2023 staff report, with the exception of those items beyond the scope of the project, and request that the Advisory Planning Commission provide recommendations no later than November 13, 2023.

The APC held a meeting on November 6, 2023 to review the proposed amendments to the LUB. Their feedback was received on November 13th, 2023. Their feedback and staff response is identified in the table below.

ANALYSIS

TOPIC: CURRENT BYLAW/APPROACH	RECOMMENDATIONS/OPTIONS	
<u>Shipping Containers</u> 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: <i>"Shipping containers are a permitted accessory use on a lot subject to the following:</i> <i>(a) On a lot less than 0.8 ha (2 acre) in area, a maximum of one (1) shipping container is permitted.</i> <i>(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.</i> <i>(c) On a lot with an area greater than 1.2 ha (3 acres), a maximum of three (3) shipping containers are permitted".</i>	
	APC Comments: • Include definition of shipping containers • Define # allowed	Staff Response: • Definition can be drafted • LTC needs to identify # to be allowed on each size of lot
<u>Permitted Livestock</u> 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, buildings 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: <i>"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</i> 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;	
	APC Comments: Staff recommendation supported	
<u>Personal Watercraft</u> Issue: There have been no issues with personal watercraft, no need to regulate Current Regulation: . 3.2 Prohibited in All Zones (except where expressly permitted) (3) The rental or sale of personal watercraft;	Removal of definition of "personal watercraft" Removal of 3.2 (3)	
	APC Comments: Staff recommendation supported	
<u>Definition of Motor Vehicle</u> Issue: Need to regulate derelict boats on land as well as trailers, RVs and vehicles	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.
	APC Comments: Staff recommendation supported

The APC supported all the options related to technical changes to zoning on specific properties and the rezoning of properties to permit uses that are currently permitted through temporary use permit. These are identified below.

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
<u>Church Property</u> (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.
<u>Thrift Store</u> (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.
<u>Vet Clinic</u> (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.
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The amendments below were identified by staff in the September 25, 2023 as requiring further analysis and discussion.

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. APC Comments: Staff Recommendation Supported
Definition of Seawall 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 “<i>amend its bylaws to allow erosion protection structures to be regulated through development permits</i>” and (b) “<i>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</i>”. 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.
APC Comments: Request staff to develop a definition of a seawall detailing location within the setback – height and materials specific to erosion protection	Staff Response: Erosion control in the foreshore can be very site specific contributing to variations in what could be consider a seawall structure. Given this, defining seawall will be challenging and have limited value. The OCP encourages case by case regulation of erosion protection structures through development permits. Staff recommend this continue to be the approach. Effectively addressing the problem of erosion control in a way that considers impacts on the foreshore environment requires a more comprehensive approach.
Height of Accessory Buildings in SR Issue: Volume of DVP applications Current Regulation: In zones excluding Rural and Agricultural “ <i>The maximum height for any accessory building or structure is 5 metres (16.5 feet)</i> ”.	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.
APC Comments: Staff Recommendations Supported	
Mooring Buoys 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.
APC Comments: That the LTC create a long term project to develop regulations regarding mooring buoys	Staff Response: If the LTC was to permit mooring buoys a regulatory approach would need to be developed. This would require staff resources to implement. This could be added to the future projects list.
Woodsheds in Setbacks Issue: Perceived volume of applications Current Regulation: woodsheds are not permitted in setbacks	Over the past 5 years there have been 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) <i>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.</i> 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.
APC Comments: Recommends staff develop a clear definition of a woodshed that specifies size and type of structure	Staff Response: If the LTC supports permitting woodsheds in setbacks, staff recommends that size and type of structure be defined. LTC should request staff identify options in draft bylaw.
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.
APC Recommendation: Permit outhouse structures	Staff Response: Outhouses are considered accessory structures and regulated as such, so are already permitted. If the LTC would like them to be considered differently than other structures (eg. allowed in setbacks,

	allowed in addition to other accessory buildings) staff could include this in the draft amendments.
<u>Agricultural Society Lands Setbacks</u> (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.
APC Comments: Recommends setbacks be change to zero	Staff Response: As above. Maintaining existing setbacks will enable the LTC to regulate setbacks through DVP application process.
<u>Patios in Setback from the Sea</u> Issue: Patios are not permitted in the setback from the sea Current Regulation: <i>““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 maximum height of 45 cm above natural grade and may not have walls, railings or a roof”.</i> “3.3 (2)” permits patios in the setback areas. “3.3 (3)” does not exempt patios from the setback form the sea.	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 <i>““Structure” means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water but does 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”.</i> 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) <i>“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:”</i> 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 <i>“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”.</i> 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.
APC Recommendations: Allow patios in the setback from the sea	Staff response: As indicated above, allowing “patios” in the setback from the sea would permit structures of unlimited area along the foreshore, and may be seen as contrary to OCP policies related to foreshore protection as well as the related Islands Trust Statement Directive Policy.

<u>Expanding Permission for Contractor Yards</u> Issues: Contractor yard use as a home business is limited. Current regulations: <i>“Contractor's yard” means the use of land for the storage of materials and equipment used by a building contractor or subcontractor”</i> 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.
APC Recommendations: The Local Trust Committee identify parameters for regulations for a contractor yard	Staff response: LTC should identify specifics to be included in the draft bylaws or request staff report back with options.

Issues and Opportunities

Consultation and Referrals

As indicated in the project charter, staff are recommending a community information meeting be held prior to first reading of the bylaws.

The draft bylaw containing all the requested amendments, will be sent to relevant agencies, including First Nations, for review prior to first reading. A list of those to be consulted will be provided in the next staff report accompanying the draft bylaws.

Timeline

As indicated in the updated Project Charter (see Attachment 1):

Deliverable/Milestone	Date
Project Charter Endorsed	July 2023
Staff review of proposed LUB amendments	July – October 2023
APC review of proposed LUB amendments	October 2023
Draft LUB amendments reviewed by LTC	January – February 2024
Community Information Meeting	February 2024
LTC review community comments and consider further changes	March – April 2024
Referrals	April 2024
Consideration of First Reading	April – May 2024
Second and Third Readings, referral to EC	June 2024
Consideration of Adoption	September 2024

Rationale for Recommendation

Requesting staff draft bylaws now will support the efficient movement of this project toward First Reading in the spring of 2024.

Alternatives

- 1. Request further information**
The LTC may request further information prior to making a decision. Staff caution that this will likely impact the timing of the project.

- 2. Refer to the APC**
The LTC may refer the staff report to the APC for further recommendations. In this case the LTC should specify what they would like feedback on. Staff caution that this will likely impact the timing of the project.

- 3. Request changes to proposed amendments**
The LTC will need to provide specific details related to the changes they would like to make to the recommendation above in order for staff to be able to draft the corresponding amendment.

- 4. Request additional amendments**
The LTC may propose additional amendments. In this case, if staff are requested to draft bylaws, the additional amendment will be included in the draft to be presented to the LTC at the next regular LTC meeting.

NEXT STEPS

If the recommendation is supported.

- Draft bylaws will be presented to the LTC
- Staff will schedule a community information meeting
- LTC will review community comments and consider further changes
- Bylaws will be sent out for referral
- Bylaws will be presented for first reading
- Second and Third Readings, referral to EC
- Consideration of bylaw adoption

Submitted By:	Narissa Chadwick, Island Planner	November 14, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	November 14, 2023

ATTACHMENTS

- 1. Revised Project Charter
- 2. APC Minutes

Mayne Island OCP and LUB Minor Amendments – Project Charter

Mayne Island LTC

Date: November 27, 2023

Purpose: This project is intended to provide targeted amendments to the Mayne Island Land Use Bylaw No. 146, 2008 .

Background: This project was initiated by the Mayne Island Local Trust Committee (LTC) at its June 2023 LTC meeting. The project will include a number of zone changes to address community interest and other issues.

Objectives

- Targeted updates to the LUB

In Scope

- Staff review of minor amendments proposed by Local Trust committee.
- Community Consultation
- First Nations consultation
- Amendments to the LUB

Out of Scope

- Substantive amendments to regulations in the LUB
- Amendments to OCP policies

Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed	July 2023
Staff review of proposed LUB amendments	July – October 2023
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Consideration of Adoption	September 2024

Project Team

Narissa Chadwick, Island Planner	Project Manager
Emily Bryant, Planning Assistant	Admin Support
Jackie O’Neil, GIS Technician	GIS Support
RPM Approval: <i>Robert Kojima</i> Date: June 2, 2021	LTC Endorsement: Resolution Date: July 31, 2023

Budget

Budget Sources: LTC Project Budget (Fiscal 2020-2021)		
Fiscal	Item	Cost
2021-22	Open House/CIM	\$500
2021-22	Advertising, communications and materials	\$500
2021-22	Contingency (legal, additional public/stakeholder meetings etc)	\$2000
	Total	\$3000

Mayne Island Advisory Planning Commission Meeting Minutes

Date: November 6, 2023
Location: St. Mary Magdalene Church
360 Georgina Point Road, Mayne Island, BC

Members Present: Stephen Cropper, Chair
Ian Birtwell
Aaron Reith
Christie Meers
Gordon Miller

Regrets/Absent: Debra Cleland, Deb Foote, Chris Roehrig and Liam Bender

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

Others Present: Trustee Dodds and Trustee Maude. There were no members of the public.

1. CALL TO ORDER

Chair Cropper called the meeting to order at 7:00 p.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. APPROVAL OF MINUTES

3.1 Advisory Planning Commission (APC) minutes of Sept. 6, 2022

Amendments for consideration:

Page 2 – first bullet under discussion – change John to Sean

Motion regarding LTC Fees Bylaw #185 – to read:

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee approval of the structure as recommended by the Trust Council.

CARRIED

By general consent the minutes were adopted as amended.

4. BUSINESS ARISING FROM THE MINUTES - none

5. REFERRALS

5.1 MA-2023-049 – Staff report of Sept. 25, 2023

Planner Chadwick stated the purpose of the report is to provide options and recommendations on the items identified by the Local Trust Committee (LTC) to include in the 2023 Land Use Bylaw (LUB) Minor Amendment Project. Items are grouped as technical amendments, amendments to zoning of specific properties and amendments requiring further analysis/discussion.

Technical Amendments - discussion

- Shipping Containers: clarification needed in respect to regulation

MA-2023-001

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend further definition of shipping containers and a number allowed on a site.

CARRIED

- Livestock: currently restricted to certain types

MA-2023-002

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the addition of a definition of livestock similar to North Pender Island and that 3.2 (1) be amended 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) livestock and more than one horse.

CARRIED

- Personal Watercraft: suggestion is to remove

MA-2023-003

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the removal of 3.2 (3) definition of “personal watercraft”.

CARRIED

- Definition of Motor Vehicle: need to regulate derelict boats on land as well as trailers, RVs and vehicles.

MA-2023-004

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the following:

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 they are stored within a permitted building, (2) the wrecking or storage of derelict or abandoned vehicles, trailers, boats or their 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.

CARRIED

Amendments related to Zoning of Specific Properties – discussion

- Bennett Estate: zone is divided into A and B – residential use only permitted in B

MA-2023-005

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend removing designation of A and B and allowing all uses throughout CD2 Zone.

CARRIED

- Church Property: currently zoned for “Senior Citizens Housing” – zone could be made more flexible to accommodate all affordable housing. Property would still have Housing Agreement and Covenant registered on title which restrict occupancy to Seniors.

MA-2023-006

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend changing the zoning to expand housing options.

CARRIED

- Thrift Store: property zoned Settlement Residential – currently Temporary Use Permit (TUP) in place to allow for operation.

MA-2023-007

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend creating a site specific zone in the settlement residential zone.

CARRIED

- Vet Clinic: property zoned settlement residential – clinic permitted through a TUP

MA-2023-008

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the addition of Vet Clinic to permitted uses within this specific site.

CARRIED

- Campbell Bay Music Festival: currently allowed on agricultural site through a TUP

MA-2023-009

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend creating a site specific zoning in the rural zone specific to conditions within existent Temporary Use Permit.

CARRIED

Amendments Requiring Further Analysis/Discussion

- BC Ferries Property: currently zoned settlement residential. TUP in place permitting temporary housing for workers. Area could be used to support other community interests in future. Suggested to rezone to link with terminal.

APC supported staff recommendation to remove from the LUB technical review and to initiate discussion with BC Ferries about the types of uses they would support and to encourage an application for rezoning.

- Seawall: no definition of seawall in LUB: seawall considered a structure which is 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, importance of erosion protection, use of natural materials, limitations

MA-2023-010

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission request staff to develop a definition of seawall detailing location withing the setback. height and materials, specific to erosion protection.

CARRIED

- **Height of Accessory Buildings within SR Zoning:** limited applications for variance

MA-2023-011

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend acceptance of staff recommendation for no change at this time.

CARRIED

- **Mooring Buoys:** lack of clarity regarding what is permitted. Currently mooring buoys are not permitted in the Water Protection Zone (W1) According to recent legal opinion Islands Trust can regulate – identified as a large project to develop regulations.

MA-2023-012

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the Mayne Island Local Trust Committee create a long term project to develop regulations regarding mooring buoys.

CARRIED

- Wood Sheds within Setbacks: needs definition

MA-2023-013

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend staff develop a clear definition of a wood shed that specifies size and type of structure.

CARRIED

- Outhouses: enforcement issues – considered an accessory building – IT enforcement as to size and siting – regulated by the Sewerage System Regulation (which does not consider a privy to be a sewerage system) administered by Islands Health.

MA-2023-014

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the Mayne Island Local Trust Committee permit outhouse structures.

CARRIED

- Agricultural Society Lands Setbacks: existent buildings are legal non-conforming located within setbacks.

MA-2023-015

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend setbacks be changed to zero.

CARRIED

- Patios in Setback from the Sea: patios are not permitted in the setback from the sea. Wooden platforms considered structures under the LUB (concrete and asphalt paving are excluded)

MA-2023-016

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend adding “patios” to 3.3(3) after “except”.

CARRIED

- Expanding Permission for Contractor Yards: contractor yard use as a home business is limited – would require consideration of impacts and how potential impacts could be mitigated.

MA-2023-017

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the Mayne Island Local Trust Committee identify parameters for regulations for a contractor yard.

CARRIED

6. TRUSTEES REPORT

Noted: Open House for proposed Oceanwood development on November 24, 2023. There is the possibility that new owners of Springwater may come forward with a Development Permit Application. Mooring buoys will be a significant project. New legislation is coming forward regarding Short Term Vacation Rentals. Currently are allowed as a Home Occupation if adjacent to residence.

7. NEW BUSINESS

Ian Birtwell informed the APC that he is planning to leave the island so will be stepping down from the APC. He expressed how much he had enjoyed his time with Commission: learning more about the island -meeting the other participants.

Trustees expressed appreciation for his long time service on the Commission.

Chair Cropper noted his valuable contributions over the years and added his appreciation.

8. NEXT MEETING – to be announced

9. ADJOURNMENT

By general consent the meeting was adjourned at 9:00 pm.

Stephen Cropper, Chair

Certified Correct:

Pat Todd, Recorder

Active Projects Report

Mayne Island

1. *Housing Options Project - Phase 2*

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

Responsible

Narissa Chadwick

Dates

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

2. *Minor LUB Review*

Minor updates to LUB

Responsible

Narissa Chadwick

Dates

Rec'd: 29-May-2023

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

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2023.7	MSR Solutions	12-Oct-2023	Application for a variance for siting of a retaining wall in a setback.

Planner: Narissa Chadwick

Planning Status

Status Date: 09-Nov-2023

Final drawings of wall and updated site plan received.

Status Date: 30-Oct-2023

Geotechnical report received. Waiting for Geotechnical drawings.

Status Date: 26-Oct-2023

Meeting with IT, MOTI and CRD re: Application

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: 25-Sep-2023

LTC are proceeding with the application following greater details of the amenity contribution and community information meeting with surrounding neighbours.

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

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2023.2	Capital Regional District	04-Oct-2023	To change the zoning from Rural to Park in the OCP and to change the zoning from Rural to Community Regional Park in the LUB, so that it may be further developed for regional park use.

Planner: Narissa Chadwick

Planning Status

Status Date: 27-Nov-2023

Preliminary report presented to LTC

Status Date: 09-Nov-2023

IT staff connected with CRD staff

Status Date: 27-Oct-2023

Payment received

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.

Applications

Subdivision

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.			
File Number	Applicant Name	Date Received	Purpose
MA-SUB-2023.3	Drope, Jocelyn and John	08-Nov-2023	
Planner: Bruce Belcher			
Planning Status			
Status Date: 10-Nov-2023			
Fee received			
Status Date: 10-Nov-2023			
Planner Belcher assigned			
Status Date: 09-Nov-2023			
Fee Requested			

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2023.3	Leapfrog Solutions Inc	04-Oct-2023	Renewal of a temporary use permit for a short term vacation rental
Planner: Bruce Belcher			
Planning Status			
<u>Status Date:</u> 13-Oct-2023			
Planner Belcher assigned to application			
<u>Status Date:</u> 12-Oct-2023			
Payment received			
<u>Status Date:</u> 10-Oct-2023			
Fee requested			

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending September 2023

645 Mayne	Invoices posted to Month ending September 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	297.00	0.00	297.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	470.00	1,071.47	-601.47
65210-645	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-645	LTC - Local Exp - Communications	250.00	508.00	-258.00
65230-645	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>1,329.00</u>	<u>1,579.47</u>	<u>-250.47</u>
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		<u>3,000.00</u>	<u>274.09</u>	<u>2,725.91</u>

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		

Standing Resolutions Log

Mayne Island

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

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

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

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

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2018-049 (Standing)	Carried	24-Sep-2018
Cannabis Retail Referrals - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee		

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2017-028 (Standing)	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) 12.4 Adopted Policies and Standing Resolutions (attached) that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.	Carried	27-Jun-2016
2012-000 (Standing) Special Occasion Liquor License Referrals That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.	Carried	01-Feb-2012
2011-044 (Standing) Options for adopting In Camera Minutes that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public.	Carried	02-May-2011

DATE OF MEETING: September 25, 2023
TO: Mayne Island Local Trust Committee
FROM: Warren Dingman, Bylaw Compliance & Enforcement Manager
Local Planning Services
SUBJECT: Bylaw Enforcement Notice Policy Options

RECOMMENDATION

1. That the Mayne Island Local Trust Committee request the Bylaw Compliance & Enforcement Manager prepare a bi-annual staff report on all compliance and enforcement files with completed investigations prior to proceeding to issuance of a BVN with a penalty.

REPORT SUMMARY

The recommendation is that the Bylaw Compliance & Enforcement Manager prepare a bi-annual report for the Local Trust Committee so that they may consider which types of files should be prioritized to proceed to enforcement actions such as the issuance of a Bylaw Violation Notice or to legal action.

BACKGROUND

The LTC requested that Bylaw Compliance & Enforcement Manager prepare a staff report regarding enforcement options for Mayne Island after concerns were raised about the use of Bylaw Violation Notices under the Bylaw Enforcement Notification (BEN) Bylaw.

ANALYSIS

The use of the BEN system has been effective in moving multiple files to compliance and closure, and across all of the Local Trust Areas, the use of Bylaw Violation Warning Notices is highly effective in getting property owners to comply with regulations, and it is the single best enforcement tool that bylaw officers have in their compliance toolbox. At present, Bylaw Officers use Bylaw Warning Notices (BWN) to give deadlines for compliance, and then issue a Bylaw Violation Notice (BVN), with a penalty, if compliance deadlines are missed. The majority of the BVNs are issued without consultation with the Bylaw Compliance & Enforcement Manager, but the more serious or complex contraventions are reviewed with the Manager before the BVN is issued.

Those subject to enforcement raise concerns about the use of the BEN system and the lack of review or oversight by a screening officer or elected officials. The *Local Government Bylaw Notice Enforcement Act* does not formally authorize a screening officer to pre-screen bylaw notices; they are only authorized to review disputed bylaw notices, which have already been issued.

Currently, Trustees have limited involvement with the enforcement process, and this complies with the following guidelines from the ***Ombudsperson Bylaw Enforcement Best Practices Guide for Local Governments and the role of Council in the Enforcement Process***:

“As discussed in previous sections, council establishes overall priorities for enforcement, enacts bylaws, and adopts bylaw enforcement policies and standards of conduct for bylaw enforcement staff. Council may also provide direction on specific types of bylaw enforcement issues. For example, council may direct its enforcement staff to prioritize enforcement of certain bylaws, or to issue warnings rather than tickets for specific categories of violations.

Within this framework, everyday enforcement decisions are delegated to staff. Defining and maintaining separation between council and front-line enforcement staff is essential to an administratively fair bylaw enforcement system. It is important for council members to be aware of how their own actions can affect the fairness of an enforcement process. This means that while council sets policy and provides general direction on enforcement priorities, its individual members should not become directly involved in enforcement action by directing enforcement against specific residents, groups or businesses, or by directing that enforcement action not occur in a particular circumstance. Rather, individual enforcement decisions should be made by delegated bylaw enforcement staff or contractors.”

The adopted *Mayne Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No 156, 2011*, authorizes Bylaw Officers to issue BVNs and delegates individual enforcement decisions to Bylaw Officers. However, while individual Trustees should not be involved in enforcement decisions, the Local Trust Committee can prioritize the work of Bylaw Officers and ultimately decide if certain regulations are going to be enforced. It is within the authority of the LTC to prioritize enforcement based on available resources, and the need to consider the public interests in any enforcement action as stated by the Ombudsperson. The LTC may wish to establish a policy for warnings to be issued for all violations before bylaw notices with penalties are issued. They may also exercise their discretion and close files in accordance with Trust Council Policy 5.5.1.

Staff would not recommend removing or drastically limiting use of the BEN system as that would restrict bylaw officers' enforcement options and increase the amount of time involved in addressing individual bylaw matters on the agenda of the Local Trust Committee, increase the number of violations that languish unresolved, and increase legal costs if those matters must be resolved by civil claim in BC Supreme Court.

ENFORCEMENT OPTIONS

1. The Local Trust Committee request regular reporting from the Bylaw Compliance & Enforcement Manager so that the LTC can review and prioritize enforcement and enforcement resources

This would ensure the LTC is updated and reviews enforcement files regularly, and that the LTC can prioritize enforcement of specific types of violations and can close individual files. This avoids the LTC having to request reports and updates from the Bylaw Compliance and Enforcement Manager on an *ad hoc* basis. Bylaw enforcement staff would only issue Warning Notices until after a file has been reported to the LTC in a regular update.

2. Maintain the current BEN system that delegates Bylaw Officers to issue violation notices.

This is the status quo approach.

3. **The Local Trust Committee adopt a policy that only warning notices be issued by Bylaw Officers and that violation notices only be issued after review by the Regional Planning Manager and approval by the Bylaw Compliance & Enforcement Manager.**

This option would involve planning staff reviewing violations prior to issuance of a penalty. This would result in regular review of violations by planning staff prior to issuance of penalties, potentially allowing for earlier consideration of variances or other planning options.

4. **The Local Trust Committee adopt a policy that would establish criteria for issuance of bylaw violation notices.**

This option would involve the LTC identifying only certain types of violations for ticketing (e.g. buildings and structures in setbacks, etc.) This would require further consideration of the criteria by the LTC.

5. **Rescind the current BEN Bylaw and pursue bylaw enforcement through civil claims in BC Supreme Court.**

This option is not recommended as the BEN system has proved effective at resolving most violations, is cost effective and avoids litigation.

RATIONALE FOR RECOMMENDATION

Regular reporting of open bylaw enforcement files will allow the Local Trust Committee to review enforcement files prior to issuance of a penalty, prioritize areas of enforcement, potentially close files, and establish a cycle of regular reporting.

ALTERNATIVE RECOMMENDATION

The following alternative resolution is available:

1. **That the Mayne Island Local Trust Committee receive this report for information only.**

Submitted By:	Warren Dingman, Bylaw Compliance & Enforcement	September 15, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	September 15, 2023



Islands Trust

DRAFT

Mayne Island Local Trust Committee 2024 Regular Meetings

The Mayne Island Local Trust Committee will be meeting to consider land use applications, bylaws, correspondence, and various community planning topics.

~~The Mayne Island Local Trust Committee has adopted the following dates for its 2024 meeting schedule.~~
Meetings are subject to change. Please visit the Islands Trust website for up-to-date schedule information.

DATE		TIME	LOCATION
Monday	January 29	1:30 p.m.	Mayne Island Agricultural Hall 430 Fernhill Rd
Monday	February 26	1:30 p.m.	Mayne Island Agricultural Hall 430 Fernhill Rd
Monday	March 25	1:30 p.m.	Mayne Island Agricultural Hall 430 Fernhill Rd
Monday	May 27	1:30 p.m.	Mayne Island Agricultural Hall 430 Fernhill Rd
Monday	June 24	1:30 p.m.	Mayne Island Agricultural Hall 430 Fernhill Rd
Monday	July 29	1:30 p.m.	Mayne Island Agricultural Hall 430 Fernhill Rd
Monday	September 23	1:30 p.m.	Mayne Island Agricultural Hall 430 Fernhill Rd
Monday	October 28	1:30 p.m.	Mayne Island Agricultural Hall 430 Fernhill Rd
Monday	November 25	1:30 p.m.	Mayne Island Agricultural Hall 430 Fernhill Rd

The proposed meeting agenda is generally available one week prior to the meeting and may be obtained at the Islands Trust office or on our website.

Please note that correspondence received from the public may become part of a meeting agenda that is published online.

VISIT OUR WEBSITE: <https://islandstrust.bc.ca/location/mayne/>
CONTACT US AT [250-405-5151](tel:250-405-5151) OR: southinfo@islandstrust.bc.ca