



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: February 26, 2024
Time: 1:30 pm
Location: Electronic Meeting

	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 January 29, 2024 (for Adoption)	3 - 9
6.2 Section 26 Resolutions-without-meeting Report - None	
6.3 Advisory Planning Commission Minutes Dated February 13, 2024 (for Receipt)	10 - 12
7. BUSINESS ARISING FROM THE MINUTES	
7.1 Follow-up Action List Dated Feb 2024	13 - 14
8. DELEGATIONS	
9. CORRESPONDENCE	2:00 PM - 2:10 PM
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
9.1 Lee-Ann McKintuck re Dog Park Proposal for BC Ferries	15 - 15
9.2 Adrienne Brown re Vegetation Cutting and Removal on Local Roads	16 - 16
10. APPLICATIONS AND REFERRALS	2:10 PM - 3:00 PM
10.1 MA-DVP-2024.1 (McHugh) - Staff Report (attached)	17 - 31
10.2 MA-LCB-2023.1 (Wittelman) - Staff Report (attached)	32 - 41

10.3	MA-ALR-2023.1 (CRD) - Staff Report (attached)	42 - 50
11.	LOCAL TRUST COMMITTEE PROJECTS	3:00 PM - 3:30 PM
11.1	Land Use Bylaw Review - Staff Report (attached)	51 - 53
12.	REPORTS	3:30 PM - 3:40 PM
12.1	Work Program Reports (attached)	
12.1.1	<u>Active Projects Report Dated Feb 2024</u>	54 - 54
12.1.2	<u>Future Project List Report Dated Feb 2024</u>	55 - 55
12.2	Applications Report Dated Feb 2024 (attached)	56 - 59
12.3	Trustee and Local Expense Report Dated Dec 2023 (attached)	60 - 60
12.4	Adopted Policies and Standing Resolutions (attached)	61 - 65
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 Dated Jan 2024	66 - 67
13.	NEW BUSINESS	3:40 PM - 3:50 PM
13.1	Housing Statute Changes to British Columbia Legislation - Staff Memo (attached)	68 - 82
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting Scheduled for March 25, 2024 at the Agricultural Hall, Mayne Island	
15.	TOWN HALL	3:50 PM - 4:05 PM
16.	CLOSED MEETING - None	
17.	ADJOURNMENT	4:05 PM - 4:05 PM

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: January 29, 2024
Location: Electronic Meeting

Members Present: Tobi Elliott, Chair (electronic)
David Maude, Local Trustee (electronic)
Jeanine Dodds, Local Trustee (electronic)

Staff Present: Narissa Chadwick, Island Planner (electronic)
Charly Caproff, Planner 1 (electronic)
Pat Todd, Recorder (electronic)

Others Present: There were two (2) members of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 1:40 p.m. with apologies for the late start due to technical difficulties. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 13.1 BC Ferries Village Bay Property – Community usage

By general consent, the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS - None

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes Dated November 27, 2023

By general consent the Mayne Island Local Trust Committee meeting minutes of November 27, 2023 were adopted.

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 January 2024

Island Planner Chadwick noted that the Wood Dale item is still in process and that the Agricultural Land Commission application for St. John's Point requires a resolution from the Local Trust Committee.

Discussion:

- Application is for a change in use
- Not exclusion or inclusion within Agricultural Land Reserve
- Small portion of Agricultural Land Reserve to be used as a parking area
- Island Planner Chadwick will bring resolution to next meeting to move application forward

8. DELEGATIONS

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the Local Trust Committee webpage

9.1 Letter of Support for BC Housing Funding Applications for Affordable Housing Projects

Letter of support requested.

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Referral for Draft Bylaw No. 536

MA-2024-001

It was Moved and Seconded,

that Mayne Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Draft Bylaw No. 536.

CARRIED

10.2 MA-LCB-2023.1 (Wittelman)

Island Planner Chadwick reviewed the application. The applicant has applied to the LCRB for a lounge licence. This change would allow them to serve glasses of beer and snacks. No changes to zoning are required and there have been no issues with the business to-date. The Liquor and Cannabis Regulation Branch permitting process requires an effort by the applicant and the local government to provide an opportunity for public engagement.

Applicant added this would allow more flexibility for the business.

MA-2024-002

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff hold a public meeting via Zoom to collect community input on MA-LCB-2023.1.

CARRIED

10.3 MA-RZ-2023.1 (Blaney)

Planner Caproff reviewed the application and progress to-date. It was noted that the applicants are in attendance. The applicants held a community information meeting on November 27th, 2023. Nine emails have been received with concerns or in opposition to application. During the community information meeting, members of the public requested that the applicants identify alternatives to water desalination.

The applicants spoke to their application, and stated that the community information meeting went well and they are looking at water catchment as the most practical option to addressing water concerns. They received good feedback from the meeting. The applicant questioned if rain catchment would be considered as an amenity contribution.

Discussion ensued:

- Significant concerns as to size of proposed development and the amount of area to be covered
- The proposed development would be much larger than what is there now
- Consider shifting to an eco-friendly model instead of a luxury resort model
- The increase from twelve rooms within a guest house to twenty detached units would affect the intensity of use
- Impact on neighbours
- Question of clientele and whether the applicant has done research on the marketability of the concept
- Size of the building allocated for staff housing was questioned
- Long term viability was questioned
- The need for more complete plans was identified

The Designer replied that:

- Applicants have addressed Local Trust Committee requests
- A lot of positive input from community
- Staff accommodation is under consideration
- Cognizant of community concern over the number of trees removed and water issues
- Individual cabins preferred for market
- Request to move forward and fine tune application
- Fewer units could impact the need for amenity – more detailed

The Applicants stated that:

- Cabins considered more accessible than a two storey structure
- Question feasibility of twenty cabins on original footprint
- Need for clear direction from Local Trust Committee
- Units to proceed where structures were – no trees removed
- Question of process – told not to change something mid-process

Discussion ensued:

- Need to identify amenity
- Intentions need to be reflected in application documents

- Address concerns expressed by neighbours
- Clarity of use to determine future required reports
- Interested in working together to move forward
- Clarity as to what will be on ground – more explicit site plan
- Site units away from neighbours
- Question parking for forty vehicles
- Amount of water required for the proposed use
- Support for the development of the property, however need more clarity
- Easement for driveway access is not an amenity contribution
- Current zoning allows for 12 units within a guest house so if the development remains at that number there is no need for an amenity contribution as part of the rezoning process

MA-2024-003

It was Moved and Seconded,

that Mayne Island Local Trust Committee direct staff to proceed with processing application MA-RZ-2023.1 (Blaney).

CARRIED

MA-2024-004

It was Moved and Seconded,

that Mayne Island Local Trust Committee request the applicant prepare design, density and potential amenity options that address community and Local Trust Committee concerns and interests.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw Review

Island Planner Chadwick reviewed the work on the project to date. There were three recommendations to consider.

Discussion ensued:

- Prepared to advance recommendation on Contractor's yards
- Shipping containers and outhouses currently permitted by local bylaws
- Clarity for the public and bylaw enforcement staff
- Seawalls should be identified as another project due to complexity of foreshore issues
- Need for education as to number of accessory buildings allowed and a flyer mail out was considered
- Not enforcing on outhouses or shipping containers
- Erosion problems and cost of development variance permit were issues expressed by the community

MA-2024-005

It was Moved and Seconded,

that Mayne Island Local Trust Committee remove shipping containers, outhouses, and seawalls from the project.

CARRIED

Trustee Maude Opposed

Discussion on the topic size of patios within the setback from the sea ensued:

- Ten square meters is a small area
- Siting within setback impacts foreshore
- Wood better than asphalt or cement for ecological reasons
- Need to protect environment within setback to the sea is part of Islands Trust Policy
- Patio is defined but material of patio is not, so asphalt paving would remain as an option to land owners

MA-2024-006

It was Moved and Seconded,

that Mayne Island Local Trust Committee endorse staff recommendations related to limiting the size of patios in the setback from the sea.

DEFEATED

MA-2024-007

It was Moved and Seconded,

that Mayne Island Local Trust Committee direct staff that patios within the set back to the sea continue to be part of project.

CARRIED

MA-2024-008

It was Moved and Seconded,

that Mayne Island Local Trust Committee refer the topic of contractor yards to the Advisory Planning Commission and request the Advisory Planning Commission provide recommendation by February 22, 2024.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Active Projects Report Dated Jan 2024 - received for information

12.1.2 Future Project List Report Dated Jan 2024 – received for information

12.2 Applications Report Dated January 2024 –

Island Planner Chadwick stated that the Horton Bay application has been closed.

It was noted that the Local Trust Committee recommended that St. John's Point should be considered a conservation resource.

Island Planner Chadwick is waiting on Ministry of Transportation Infrastructure approval of the new drawings of the retaining wall in order to move forward with the application on Georgina Point Road.

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

12.4 Adopted Policies and Standing Resolutions – received for information

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

12.6 Chair's Report

Chair Elliott reported that the Executive Committee met on January 17, 2024. The Chief Administrative Officer, Russ Hotsenpiller, is retiring and a hiring committee has been formed.

12.7 Trustee Report

Trustee Dodds reported a quiet time past few weeks.

Trustee Maude spoke to emails regarding the Oceanwood application. The comments were becoming very personal and he just wanted to make it clear that Local Trust Committee decisions are not based on the personalities of the applicants.

12.8 Electoral Area Director's Report - None

12.9 Islands Trust Conservancy Report - None

13. NEW BUSINESS

13.1 BC Ferries Village Bay property

Discussion:

- A letter on this subject will be on the next meeting agenda
- Property currently being used to house trail building staff under a Temporary Use Permit
- Suggestion has been made to use as an “off leash” dog park
- The area is fenced and the location is perfect
- letter of support from the Chair or Trustees

14. UPCOMING MEETINGS

14.1 Next Regular Electronic Meeting Scheduled for February 26, 2024

15. TOWN HALL - None

16. CLOSED MEETING - None

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:45 p.m.

Tobi Elliott, Chair

Certified Correct:

Pat Todd, Recorder

DRAFT

Mayne Island Advisory Planning Commission Meeting Minutes

Date: February 13, 2024
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

Members Present: Stephen Cropper, Chair
Ian Birtwell
Deb Cleland
Debra Foote
Christie Meers

Regrets/Absent: Liam Bender, Gordon Miller, Aaron Reith, and Chris Roehrig

Staff Present: Lisa Millard, Recorder

Others Present: Trustee Dodds was present and there were no members of the public in attendance.

1. CALL TO ORDER

Chair Cropper called the meeting to order at 7:02 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 November 6, 2023

By general consent the minutes were adopted as presented.

4. BUSINESS ARISING FROM THE MINUTES - None

5. REFERRALS

5.1 Expanding Permission for Contractor Yards

The Advisory Planning Commission (APC) had a general discussion about existing properties that are being used as a contractor yard. The APC then reviewed the regulations and guidelines related to contractor yards on Gabriola and Galiano islands. Discussion ensued and the following points were noted:

- Regulations should become part of the Land Use Bylaw (LUB) versus a Temporary Use Permit (TUP)
- Heavy equipment such as excavators, large trucks such as dump and tow trucks, work trucks and vans, building materials, work equipment, and parts all fall within the category of contractor equipment and supplies
- There is a difference between an industrial lot and a residential lot being used for the purpose of commercial equipment storage
- There is not an issue with equipment or materials stored within a building, but consideration needs to be taken regarding outdoor storage
- Visual buffering and screening are important
- There should be different regulations based on lot size, or a percentage of lot size allowed for contractor yard use
- The contractor must reside on the lot that is being used for storage
- In addition to specific land use bylaw regulations all setback, noise, hours of operation, health, and other related existing regulations must still be adhered to
- A fact sheet with information that will help contractors determine if they are a contractor under the bylaw should be produced and circulated by Islands Trust staff

MA-APC-2024-001

It was MOVED and SECONDED that,

the Mayne Island Advisory Planning Commission recommend that the following items should be addressed within the Land Use Bylaw:

- a) A contractor yard means the use of a residential property for storage of commercial equipment, vehicles, supplies and / or materials on said residential property
- b) The contractor yard must be the principal residence of the contractor
- c) Different size lots should have varying allowances for contractor yard equipment storage
- d) A visual buffer is required
- e) Setbacks for buildings and storage of equipment should be the same as existing building setbacks
- f) Equipment and materials storage can not exceed the size of residential use lot coverage allowances
- g) Storage of commercial equipment needs to take into consideration fitting in with the residential character of the neighborhood
- h) Potential of leaching of undesirable contaminants must be addressed
- i) The operator of the contractor yard must comply with all licensing, health and other applicable regulations of the Province of British Columbia and the Capital Regional District including building inspection, public health, noise, air quality, and water quality regulations, and any other provincial or Capital Regional District regulations that would apply to the property

CARRIED

6. TRUSTEES REPORT

Trustee Dodds reported the following:

- Staff did not agree with the Advisory Planning Commission recommendation that storage containers and outhouses be given a specific definition as they should be considered an accessory structure. Trustee Dodds voted in favour of the staff recommendation against creating these definitions
- The recommendations regarding erosion control will require further discussion
- There are no immediate issues that will be referred to the Commission for consideration

7. NEW BUSINESS - None

8. NEXT MEETING

The next meeting is to be announced.

9. ADJOURNMENT

By general consent the meeting was adjourned at 8:50 pm.

Stephen Cropper, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Mayne Island

29-May-2023

Activity	Responsibility	Dates	Status
1 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

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

29-Jan-2024

Activity	Responsibility	Dates	Status
1 6.1 Minutes Approved	Emily Bryant	Target: 09-Feb-2024	Completed
2 10.1 SSI Bylaw No.536 - Interests Unaffected	Jas Chonk	Target: 09-Feb-2024	Completed
3 10.2 MA-LCB-2023.1 -Schedule online public engagement, respond to referral following public engagement	Emily Bryant Narissa Chadwick	Target: 09-Feb-2024	Completed

Follow Up Action Report

Mayne Island

29-Jan-2024

Activity	Responsibility	Dates	Status
4 10.3 MA-RZ-2023.1 (Blaney) = Proceed with application, Applicant to provide options related to density, design and amenity for discussion at February LTC meeting.	Charly Caproff	Target: 16-Feb-2024	In Progress
5 11.1 LUB Review - Draft bylaws , Education on Accessory Buildings, Send Contractor Yards back to APC, Further discussion needed re: patios	Narissa Chadwick	Target: 16-Feb-2024	In Progress

From: Henry McKintuck <[REDACTED]>

Sent: Wednesday, January 17, 2024 1:33 PM

To: Jeanine Dodds

Subject: Dog Park proposal for BC Ferries

Hi Jeanine,

I am sure you will know the right people at BC Ferries and on Mayne Islands Ferry Advisory Committee to pass along this suggestion.

Some weeks ago someone on Mayne Island asked the question if there was interest in having a dog park. The response was a resounding 'Yes!', the problem has been though, where to find an appropriate property. Then as I was waiting for the ferry at Village Bay terminal, I looked to my right and the perfect place became immediately apparent. The vacant land recently purchased by the Corporation is almost completely fenced, so the additional fencing with a gate, would require a minimal investment, along with a garbage can and doggy do bag dispenser. I believe there is enough interest on Mayne Island in having a safe location for dogs to run and play together that this would prove to be a real asset to the community. There is ample parking nearby, a dog store for treats and even someplace for the humans to pick up a snack.

I understand that in the future this site may be required by BC Ferries to improve there own operations at Village Bay, I see this interim usage as a win/win, this proposal requires no real infrastructure and so the property essentially remains in its current state. If there is anything I can do to further this request please let me know.

Sincerely,

Lee-Ann McKintuck & Billie (the dog)

[REDACTED]

Mayne Island, BC

[REDACTED]

Sent from iPad (sorry about any typo's, seems to have a mind of its own)

From: Adrienne Brown <[REDACTED]>
Sent: Tuesday, January 30, 2024 11:02 AM
To: Jeanine Dodds
Subject: Re: Vegetation Cutting and Removal on Local Roads

Dear Janine,

I am writing to express my grave - and urgent – concern about the contractor who has returned to Mayne Island to cut vegetation on the roadsides.

This maintenance work creates a physical hazard by removing the woody material that provides safety barriers and retains slopes. In the case of Georgina Point Road between the dock and the church it mitigates the danger posed by the eroding cliff by providing a sort of a “guardrail”. When it was cut down several years ago the edge became much more of a hazard. I wrote to the CRD about this edge and received a letter from Francois Laurent in December saying that they are aware of the situation, but do not have the funds to address it at the moment.

I understand the contractor cutting is working for the Province of BC (vs. the CRD), and so appeal to you and the Local Trust Committee to contact the Province immediately and ask that this contractor stop work until the scope of this cutting operation can be redefined.

These plants not only mitigate erosion, they slow runoff so water can recharge groundwater stores, valuable screens and barriers in places (such as Georgina Point Road) the alternative is to build barriers out of wood and metal. In addition to they help the soil and air retain moisture in the case of drought conditions.

Please confirm that you have received this message, and let me know when the LTC has decided how to respond to this issue.

Sincerely,

Adrienne Brown

[REDACTED]

Mayne Island, BC

[REDACTED]

File No.: MA-DVP-2021. 9 (McHugh)
MA-RZ-2020.1 & MA-SUB-
2023.1

DATE OF MEETING: February 26, 2024
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Development Variance Permit Application
Applicant: Emma McHugh
Location: 375 Village Bay Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2024.1 (McHugh).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit for the siting of two existing buildings.

RATIONALE FOR VARIANCE

Granting the variance will:

- Legalize non-conforming portions of an existing accessory building and an existing cabin, both with attached decks, to bring the property in conformity with the Land Use Bylaw.

BACKGROUND

The purpose of the application is to comply with the Land Use Bylaw (LUB) by legalizing portions of the two subject buildings on the property that were sited in error (partially within the interior side yard setbacks) when they were constructed approximately 20 to 30 years ago based on the condition of foundations and piers. There is no new development proposed with this application.

The specific variances are to the **interior side lot setback** provisions of the **Rural (g) Zone** in the Mayne Land Use Bylaw No. 119, 2018 (LUB) as shown in Figure 2 and as follows:

- a) Subsection 5.5 (8)(b) which states that the minimum setback for any building or structure is 3 metres from any interior side lot line is varied to permit:

- i) an existing accessory building with an attached deck within 1.45 metres of an interior side lot line; and,
- ii) an existing cabin with an attached deck within 0.68 metres of an interior side lot line

The subject property is located at **375 Village Bay Road** and was the subject of a rezoning application (MA-RZ-2020.1 - competed) and subdivision application MA-SUB-2023.1 which has met all Islands Trust conditions and is pending finalization and registration with Land Titles. Figure 2 shows the subdivision plan which will create three (3) lots, with one - proposed Lot 3 - being donated to the Mayne Island Affordable Housing Society.

Proposed Lot 1 (1.82 ha/ 4.5 ac) will contain the two subject buildings: a 32.5 m² (350 ft²) accessory (art studio) building with a small, attached deck; and, a 46.5 m² (500 ft²) single storey cabin with a 14 m² (150 ft²) attached deck (Figure 3 and Attachment 2). Proposed Lot 1 also contains a principal dwelling, a second accessory building and a carport, all legally sited. A well, a portion of the driveway as shown on the legal survey and an undetermined amount of fencing encroach on the neighbour's property (Figure 2 and Attachment 2). Those are not part of this application, and will need to be resolved either by easement agreement with the neighbour, relocation or removal.

The applicant has provided a letter explaining the rationale for the variances which includes the age of the buildings, their value and utility and the cost of relocation or dismantling (Attachment 3).

If approved, the variances will be registered on the current parcel (Lot B). Once the subdivision is completed and registered, they will be automatically registered on the title of the new Lot 1.

If the application is denied, the owners could apply to the Board of Variance.

A copy of the Notice and proposed permit MA-DVP-2024.1 (McHugh) are Attachments 4 & 5.

Staff visited the property on February 14, 2024 (Attachment 2)

Figure 1 – Subject Property

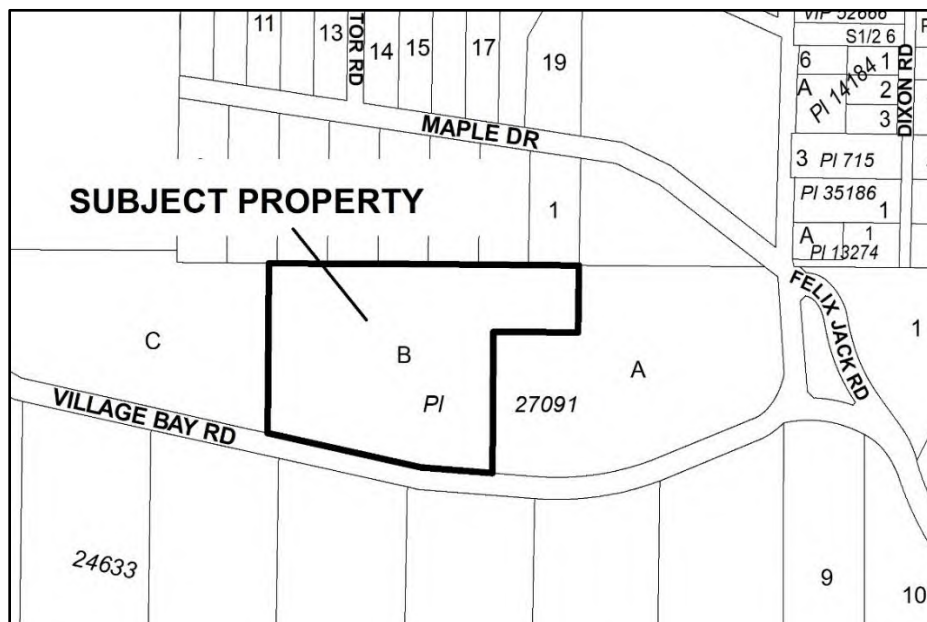
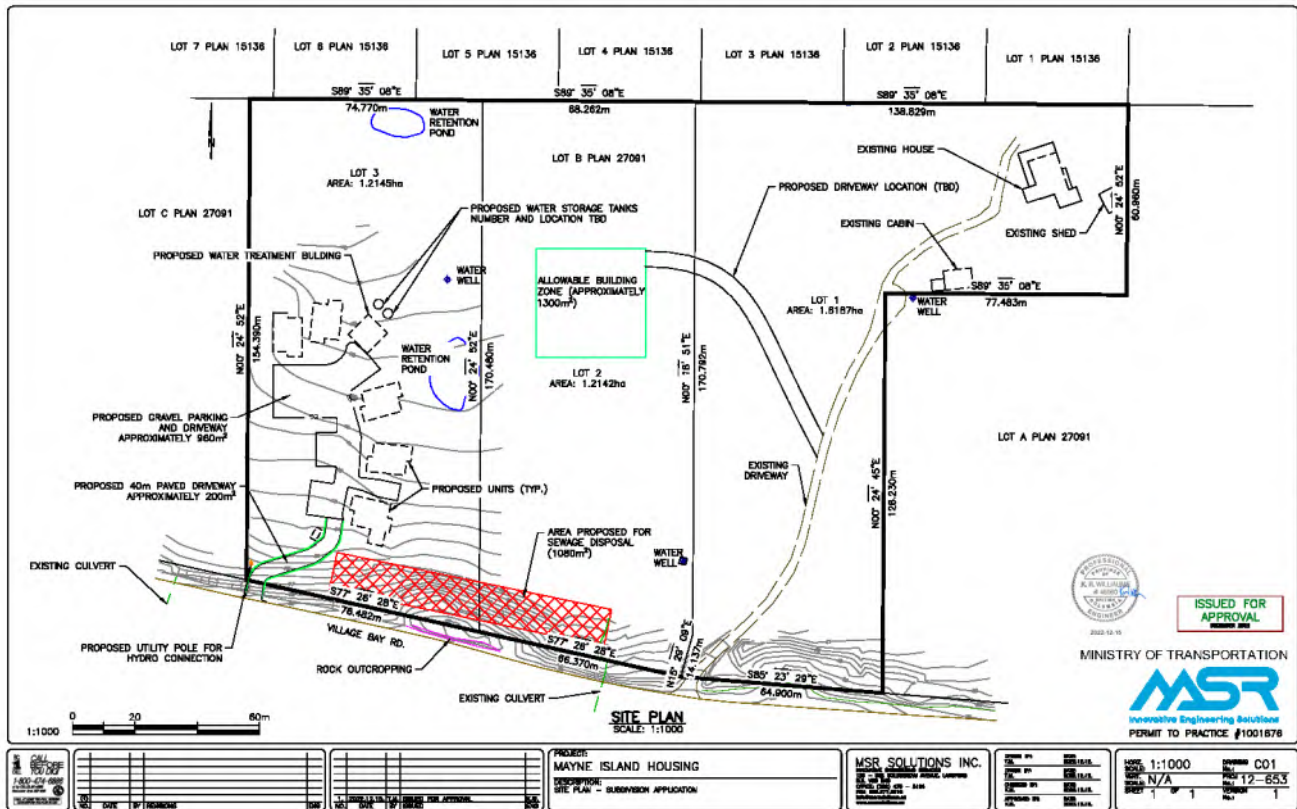


Figure 2 – Subdivision Plan (MA-SUB-2023.1)



ANALYSIS

Policy/Regulatory

Official Community Plan:

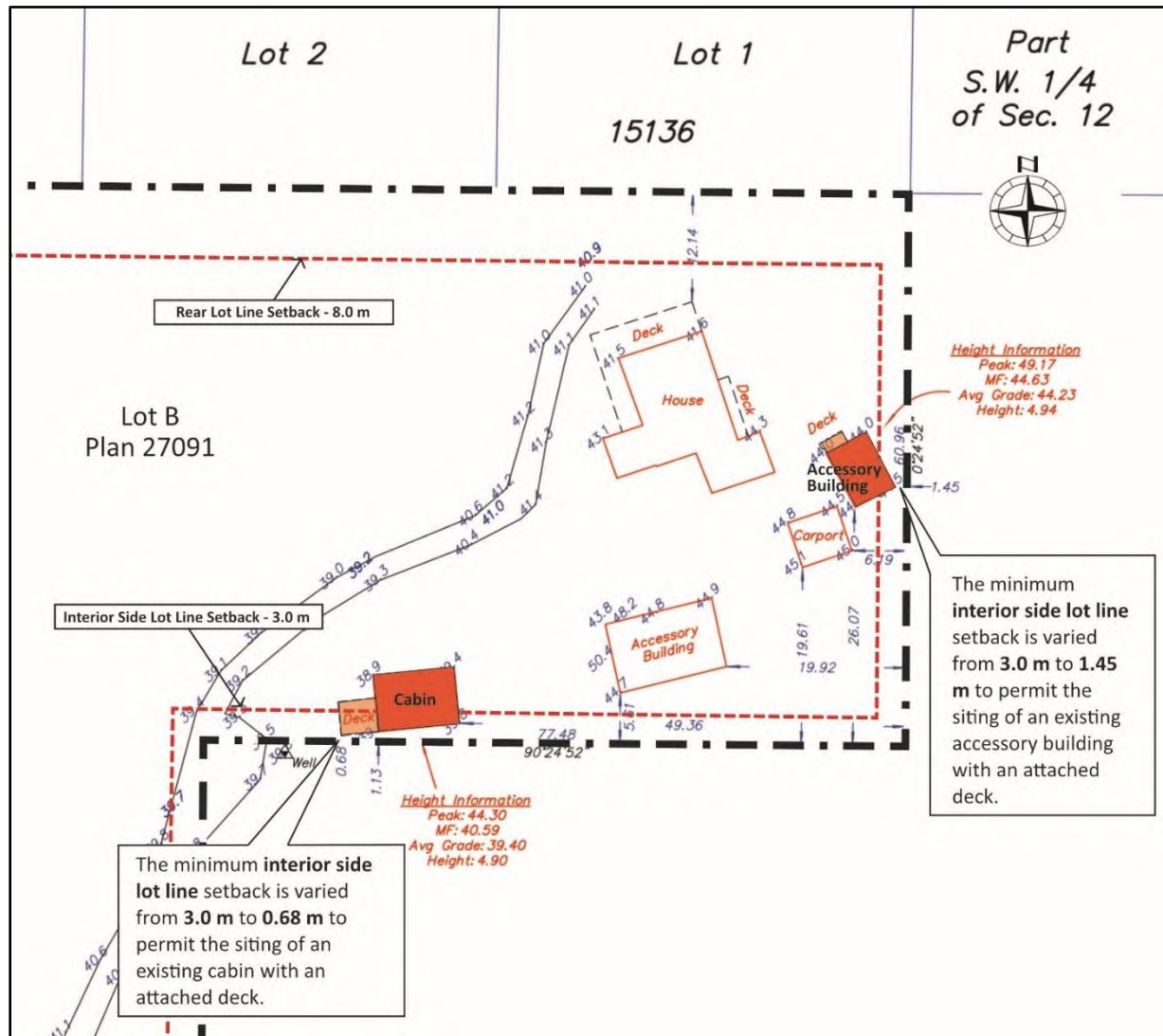
The property is designated **R - Rural** in the Mayne Island Official Community Plan No. 144, 2007 (OCP – Attachment 1).

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

Land Use Bylaw:

The property is zoned as **Rural (Rg)** and **Comprehensive Development Three (CD3)** in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB – Attachment 1). Proposed Lot 1 will be zoned **Rural (Rg)** and all current uses on are permitted. Approval of the variances will bring the property in conformance with the LUB.

Figure 3 – Site Plan (Detail of Variances)



Issues and Opportunities

Impact on Neighbouring Properties

The most impacted neighbour by the proposed variance would be the abutting Lot A to the east. The distances to the dwelling on Lot A to the east is 49 m for the art studio and 84 m for the cabin.

Given the separation distances and the age of the two buildings, the impact on the neighbouring property of approval would be negligible.

The Intent of the Regulation being Varied

The overall purpose of siting regulations are to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.

- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to development by maintaining consistent height and siting regulations.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on February 15, 2024.

At the time of writing, staff have received no submissions in response to notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. There is no new development proposed with this application. As reviewed, the DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* directly to the applicants.

Rationale for Recommendation

Staff is recommending that the resolution on page 1 be supported for the following reasons:

- The rationale for the variance is reasonable.
- The variance is for the non-conforming portions of existing, older buildings.
- Impacts on neighbouring properties and uses from approval of the variances would be negligible.
- The proposed variances do not challenge the intent of the regulation.
- At the time of writing, there has been no response to the notification.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. This should be debated in a regular meeting.

Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DVP-2024.1 (McHugh) for the follows reasons_____.

Submitted By:	Phil Testemale, Planner 2	February 13, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	February 13, 2024

ATTACHMENTS

- 1. Site Context
- 2. Photographs
- 3. Rationale from applicant
- 4. Notice
- 5. Draft Development Variance Permit MA-DVP-2024.1

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091
PID	002-552-256
Civic Address	375 Village Bay Road

LAND USE

Current Land Use	Rural
Surrounding Land Use	Affordable Housing (west - zoned); Settlement Residential (north); Rural (east and south)  <i>Distances to Neighbouring Dwelling</i>

HISTORICAL ACTIVITY

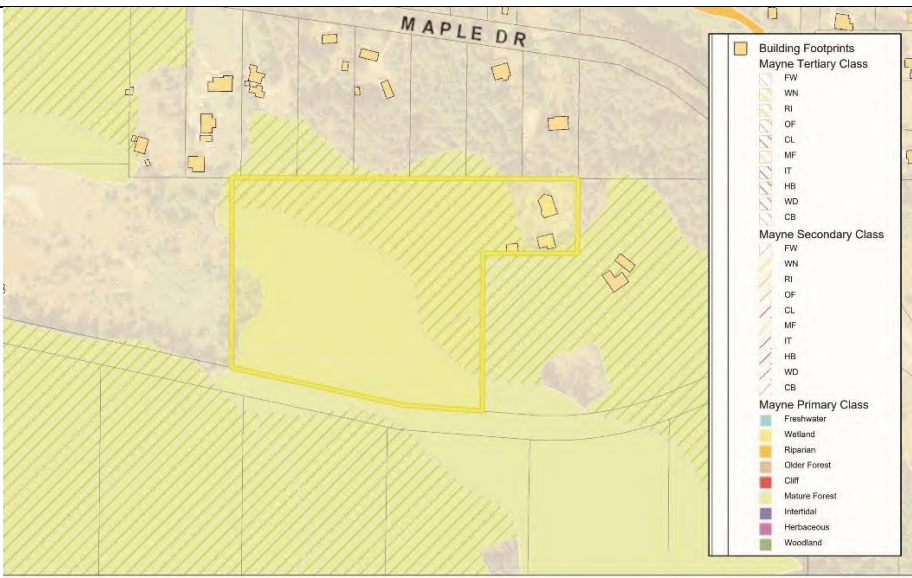
File No.	Purpose
MA-RZ-2020.1	To rezone a portion of property for Affordable Housing (CD3).
MA-SUB-2023.1	3 Lot subdivision to create one CD3 and two (2) Rural lots.

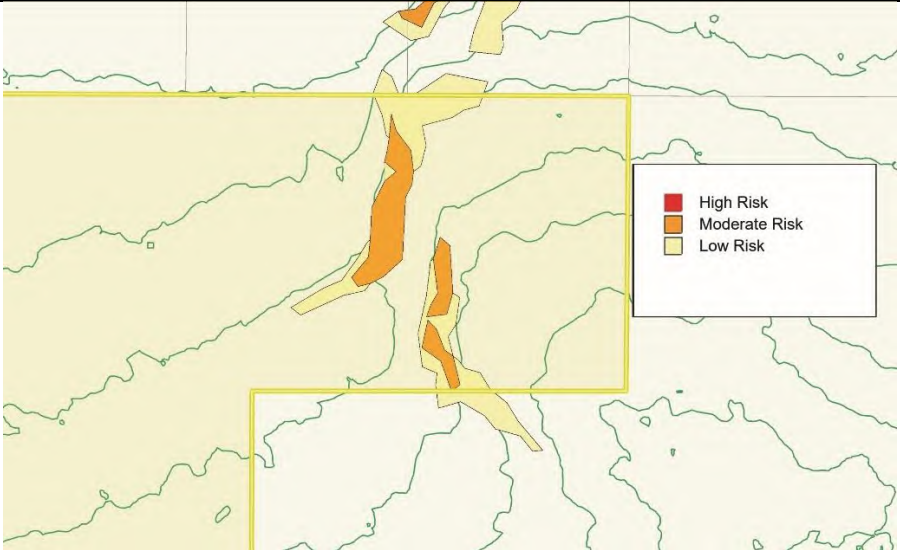
POLICY/REGULATORY

Official Community Plan Designations	The property is designated R - Residential in the Mayne Island Official Community Plan No. 144, 2007 (OCP) There are no Development Permit Applications designated on the subject property.
Land Use Bylaw	The property is zoned as Rural R(g) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB).

	 <i>Zoning Map</i>
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None on TAPIS
Sensitive Ecosystems	 <i>Sensitive Ecosystem Mapping</i>
Hazard Areas	Low and Medium Steep Slope hazard on TAPIS:

	 <i>Contours (2 m) and Steep Slope Mapping</i>
Archaeological Sites	See 'First Nations' in main report. Remote Access to Archaeological Data (RAAD) information indicates no registered archaeological sites or areas of archaeological potential on the property. Through the rezoning and subdivision applications, the owner applicant has been informed and sent the Islands Trust Chance Find Protocol and provincial guidance. Additionally, by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no new development associated with this application. Approval would permit maintaining the two subject buildings thereby avoiding potential GHG emission changes resulting from demolition or relocation.

ATTACHMENT 2 – PHOTOGRAPHS

2.3 PHOTOGRAPHS (CABIN)



2.3 PHOTOGRAPHS (ACCESSORY BUILDING)



We are currently pursuing a variance for two existing structures situated within the setback zones of our property. These structures, a cabin and an art studio, were already in place when my father acquired the property. Importantly, neither of these buildings poses any direct inconvenience to our neighbors, and relocating them is not a feasible option.

We are currently subdividing our expansive ten-acre lot, to donate 3 acres to an affordable housing project. Upon completion, the residence and its adjacent structures, including the cabin and art studio, will occupy a scenic hill on a four-acre lot surrounded by wetlands. The only other flat and dry area on this four-acre parcel is designated as the septic field for the house, rendering it unsuitable for either building.

The prospect of dismantling the existing buildings would incur substantial costs and would be regrettable, considering the potential utility of the cabin as future housing and the studio's role as a clean, dry space for artistic endeavors and supply storage.

In light of these considerations, we are seeking a variance to permit the cabins to remain in their current locations. This request aligns with our commitment to efficient land use and the preservation of valuable structures that could serve important purposes in the future.



NOTICE
MA-DVP-2024.1
MAYNE ISLAND LOCAL TRUST COMMITTEE

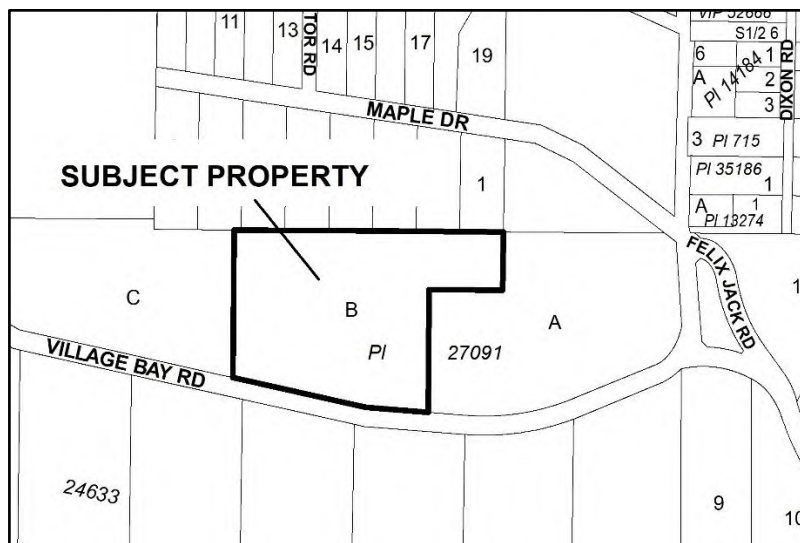
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Mayne Island Land Use Bylaw No. 146 by:

Reducing the minimum interior side lot line setback for two (2) existing buildings to bring the property into compliance with the Land Use Bylaw.

The property is located at **375 Village Bay Road** and is legally described as Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 (PID: 002-552-256).

The property is also the subject of a proposed subdivision application (MA-SUB-2023.1).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 2, 2024** and continuing up to and including **February 15, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **February 15, 2024**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular electronic business meeting starting at **1:30 p.m., February 26, 2024** via zoom.

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

Jas Chonk, Deputy Secretary



Islands Trust

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2024.1**

To: Sean McHugh

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

Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091
(PID: 002-552-256)

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

- a) Subsection 5.5 (8)(b) which states that the minimum setback for any building or structure is 3 metres from any interior side lot line is varied to permit:
- i) an existing accessory building with an attached deck within 1.45 metres of an interior side lot line; and,
 - ii) an existing cabin with an attached deck within 0.68 metres of an interior side lot line.

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

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

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 2024.

Deputy Secretary, Islands Trust

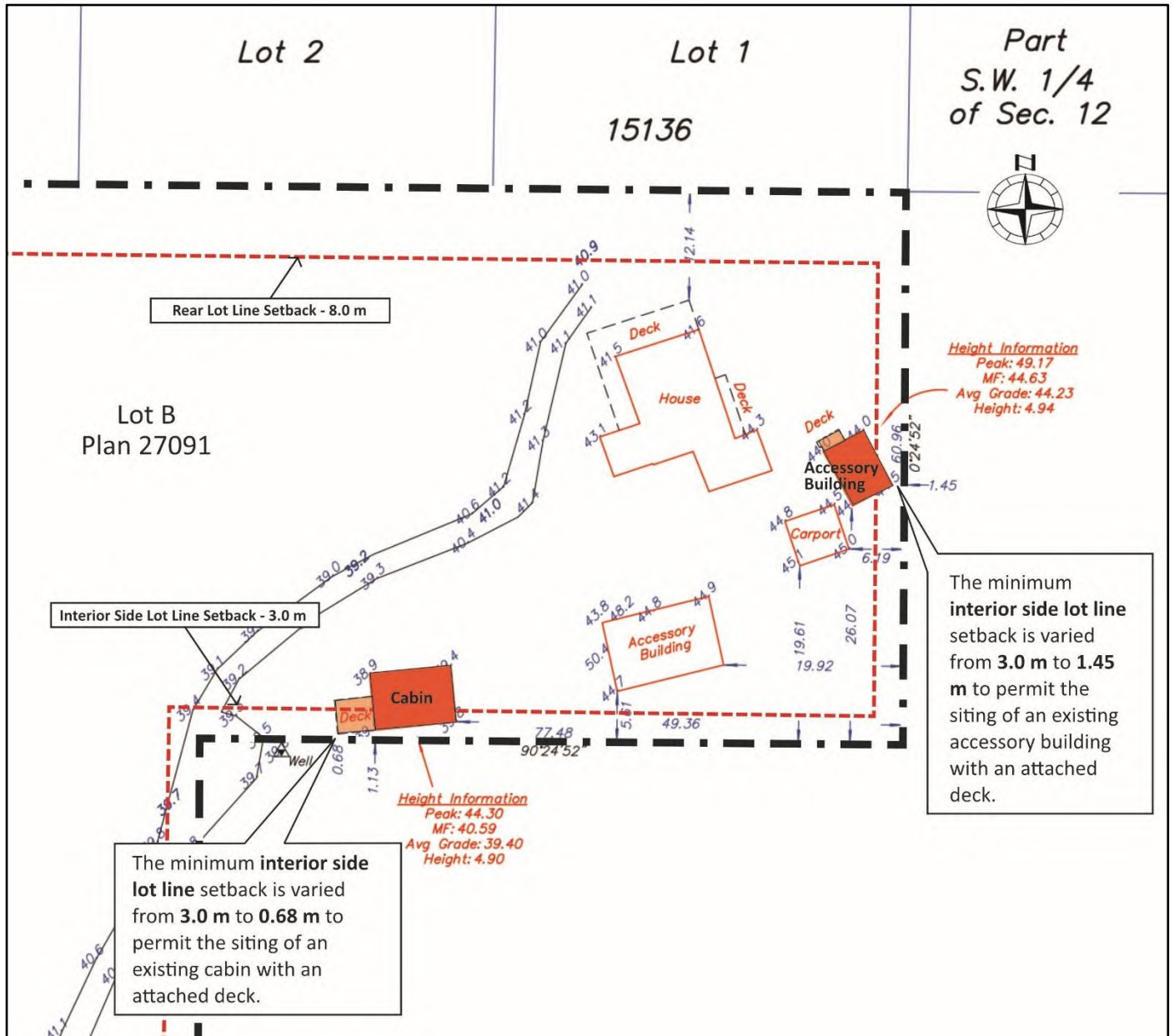
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##ST DAY OF FEBRUARY, 20## THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-2024.1

SCHEDULE 'A'



DATE OF MEETING: February 23, 2024

TO: Mayne Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Liquor & Cannabis Regulation Branch Application for Lounge License
Applicant: Annette Wittelman and Michael Garratt
Location: 490 Fernhill Road, Mayne Island

RECOMMENDATION

1. That the Mayne Island Local Trust Committee direct staff to send a response to the Liquor and Cannabis Regulation Branch regarding the application for a Lounge License for 490 Fernhill Road (Mayne Island Brewing Company) that states:
 - a. The public within the vicinity of the establishment as well as the rest of the Island have been provided opportunity to comment on the application;
 - b. The impacts on nearby neighbours would be negligible (*To be determined based on public feedback*);
 - c. The activity is permitted by zoning;
 - d. The Local Trust Committee recommends the application be approved
2. That the Mayne Island Local Trust Committee direct staff to include a record of information received at the February 23rd 2024 Public Meeting, and any additional public input, with the response to the Liquor and Cannabis Regulation Branch regarding the Mayne Island Brewing Company Lounge License.

REPORT SUMMARY

The Mayne Island Brewing Company has applied to the Liquor and Cannabis Regulation Branch (LCRB) to add a new Lounge License to their Liquor Primary License. As the local government, the Mayne Island Local Trust Committee (LTC) is required to consider the application and provide the LCRB with a written recommendation that includes a review of public input. This staff report will be submitted to the LCRB as a record of public process and LTC support of the application.

BACKGROUND

At their January 29, 2024 regular meeting staff provided background on the Mayne Island Brewery's application to the LCRB identifying the need for public engagement. The following resolution was approved:

"That the Mayne Island Local Trust Committee request staff hold a public meeting via zoom to collect community input on MA-LCB-2023.1".

Following the January 29, 2024 LTC meeting, notice of the public meeting was sent to all neighbours within a 100 metre radius of the property. Notice was also posted on the Mayne Island notice board and email subscribers list. As this staff report was submitted prior to the public meeting being held staff will provide a verbal update at the February 26, 2024 LTC meeting and, at the direction of the LTC, create a memo to the LCRB to accompany the LTC's approval of the referral.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no directive policies relevant to this referral.

Official Community Plan:

The property is designated **SR- Settlement Residential** in the Mayne Island Official Community Plan No.144.

Land Use Bylaw:

The property was recently provided site specific zoning **SR (a)** in the **Settlement Residential (SR)** zone, through a land use bylaw review, to permit the brewery patio and expanded tasting room. The patio and expanded tasting room had previously been permitted under temporary use permit (TUP). Prior to the TUP and rezoning the brewery had operated as a home business. The site specific zoning regulations for SR (a) are identified below.

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
SR (a)	Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702 490 Fernhill Road	(1) in addition to the uses permitted in 5.1 (1) above, an accessory brewery, tasting room and outdoor patio, and accessory food and beverage sales, are permitted in this location, subject to: (a) the maximum floor area of the combined brewing, storage, retail and interior brewery product sampling area is 150m ² (1615 ft ²) (b) the total number of seats for sampling area guests (inside + outside) shall not exceed 46 (c) the accessory brewery, tasting room and outdoor picnic area, and accessory food and beverage sales, must be screened from residential uses on adjoining lots by a landscape screen complying with section 3.8(1)(a).

LCRB Response Requirements:

The following must be considered by the LTC as part of their response to the LCDB:

Location: The brewery is set back from the road and located at a distance from neighbouring properties. The brewery is also located close to the main commercial area.

Person Capacity: As identified in zoning, the seating capacity of the brewery is 46 (12 seats inside and 36 seats outside).

Proposed Operating Hours: The operating hour will vary throughout the year. The applicant indicates that they will not exceed 12pm -8pm throughout the week.

Impact on noise on nearby residents – During previous years of operation noise impact on neighbours has not been an issue.

Impact on the community if approved – The brewery, as a gathering place and place for special events, has had a positive impact on the community and will likely continue to.

Consultation

To gather input from the public, staff scheduled a public meeting to be held on February 23, 2024 (notice included as Attachment 3).

As indicated above, notice of the public meeting was delivered to all neighbours within a 100 metre radius of the property. Notice was also posted on the Mayne Island notice board and email subscribers list. Residents were invited to provide written submissions or attend an online public meeting.

At the time of writing one written comment had been received which supports the application. If any further comments are received they will be brought to the February 26, 2024 LTC meeting. The LTC may make changes to the recommended resolution as need based on public feedback received.

Rationale for Recommendation

The recommended resolutions will provide direction to staff to respond to the LCRB referral related to the application from the Mayne Islands Brewing Company for a Lounge License.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. The LTC should describe the specific information needed and rational for the request.

2. Deny the application

The LTC could choose not support the approval of the application. The LTC will need to describe the reasons why the application should not be approved by the LCDB.

NEXT STEPS

Staff will forward the resolutions to the LCRB.

Submitted By:	Narissa Chadwick, Island Planner	February 12, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	February 13, 2024

ATTACHMENTS

1. Application Details (from Applicant)
2. Site Plans
3. Public Meeting Notice

Lounge Licence Application additional information

#1. Mayne Island Brewing Company was first licensed in Dec 2016 to produce and sell packaged products in the on site store where small tasters were offered free of charge. We are the smallest Brewery in BC and aim to stay small like the Island we serve and wish to protect. Through Covid we applied for a TUP with the Islands Trust and worked with the BCLDB licensing branch to create an outdoor service and seating area - At the Out Door Tasting Room Expansion (TESA) we sold tasting flights and our beer and merchandise product out of the on site store. Since then The Islands Trust has made this TUP into a permanent feature for the Brewery on this property. The BCLDB had us evolve The TESA into a Picnic Area Endorsement in March 2023, which was required to make the TESA permanent. Unfortunately the Picnic Area Endorsement isn't working for us as it has limitations for policing the amounts of beer consumed by patrons as well as how long patrons linger on the premisses taking up seats and parking spaces. We are applying to change our out door Picnic Endorsement and the indoor tasting area and on site store into a Lounge Licence to create a safer to regulate and more user friendly environment for our patrons. We plan to include a food component starting with a Charcuterie Fridge with locally sourced professionally produced and individually prepackaged food like sour dough bread, fresh pretzels, crackers, chips with dips, cheeses, meats and preserves. In this way we will provide light meals to enhance the tasting experience and promote low risk alcohol consumption and add a much needed food service outlet on the island. Hours will be mostly limited to day time hours and we would still provide tasting flights and now include glass sales with the increase of the limits to a few beer servings per person and also be able to serve one other alcoholic option for gluten free patrons. We will continue to serve non alcoholic beverages. The Lounge Licence will help boost our income for it has been difficult to be a viable business that can continue to support a small local workforce and to continue to serve local customers and the year around tourism economy. We will stay within the Island Trust Site Specific Zone SRa Guidelines of 46 seats total indoor and outdoor inclusive.

#2. Buildings on 490 Fernhill Rd.

- car port/out building 9.75 foot high 1020 square foot
- house 15.5 foot high 950 square foot
- brewery 18 foot high 1350 square foot
- 10x10 office 10.5 foot high
- wood shed 8x10 foot and 8.25 foot high

The title search shows that we have a mortgage but this is currently not the case as we have paid off the mortgage 3 years ago but it is the Line of credit that is available should we need it in the future.

*We are asking for an exemption for the requirement of a Site Survey completed by a registered Land Surveyor(BCLS) as we have not been able to locate one although we believe one must exist as Before we purchased the property 17 years ago the former owners purchased the area that is now our driveway from BC Highways.

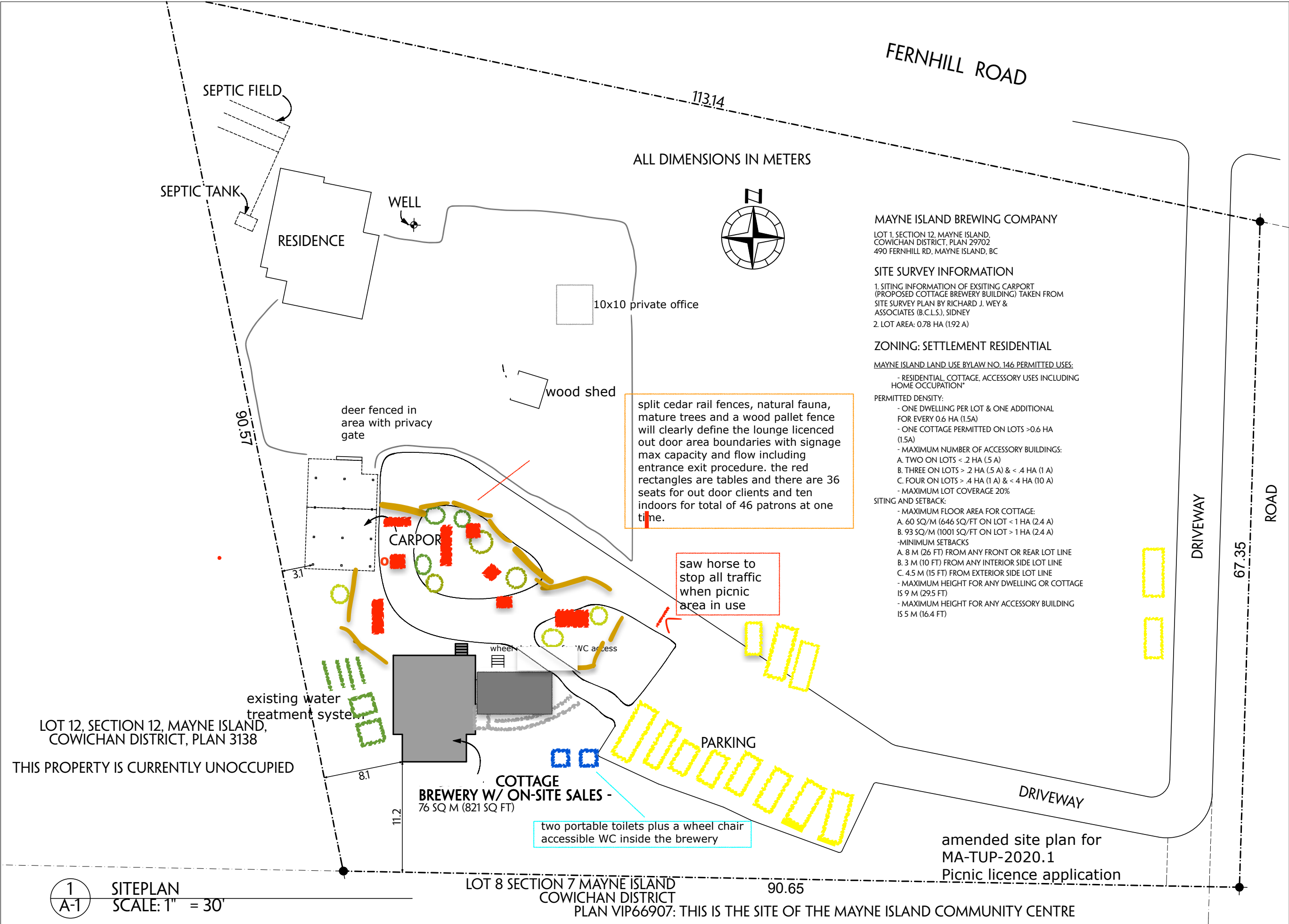
Apologies for the delay in getting you this information- please let me know if there is anything else you might be in need of and thank you for your patience,

Annette Witteman

Mayne Island Brewing Company
490 Fernhill Rd
Mayne Island BC
V0N 2J2

250-526-0711
mayneislandbrewingco@shaw.ca

We at Mayne Island Brewing Company understand that we operate in the area called S,KTAK - (Boat Passage) by the SENĆOTEN speaking peoples, later called Mayne Island by english speaking colonial settlers. The Island lies in the traditional home lands and un-ceded territories of the Straight Salish peoples including the Tsartlip (who have Reserve #6 on the island), the Hul'qumi'num , the Quw'utsun, The Tsawout, The Tseycum, Pauquachin, Songhees, Esqimalt Peoples and others who consider these Islands as their ancestors. We do our best to serve and protect the Island for future generations.



IRVING PITCHER
ARCHITECTS

ROBERT IRVING, ARCHITECT, AIBC
JAMES PITCHER, ARCHITECT, AIBC
613 HORTON BAY ROAD, MAYNE ISLAND, BC V0N 2J2
(250) 539 5225 WWW.IRVINGPITCHERARCHITECTS.COM

PROPOSED COTTAGE
BREWERY L.C.L.B. APPLICATION

MAYNE ISLAND BREWING CO. LTD.
OWNER: MICHAEL GARRATT

490 FERNHILL RD, MAYNE ISLAND, BC V0N 2J2

SITEPLAN

ISSUE DATE:
2/3/2015

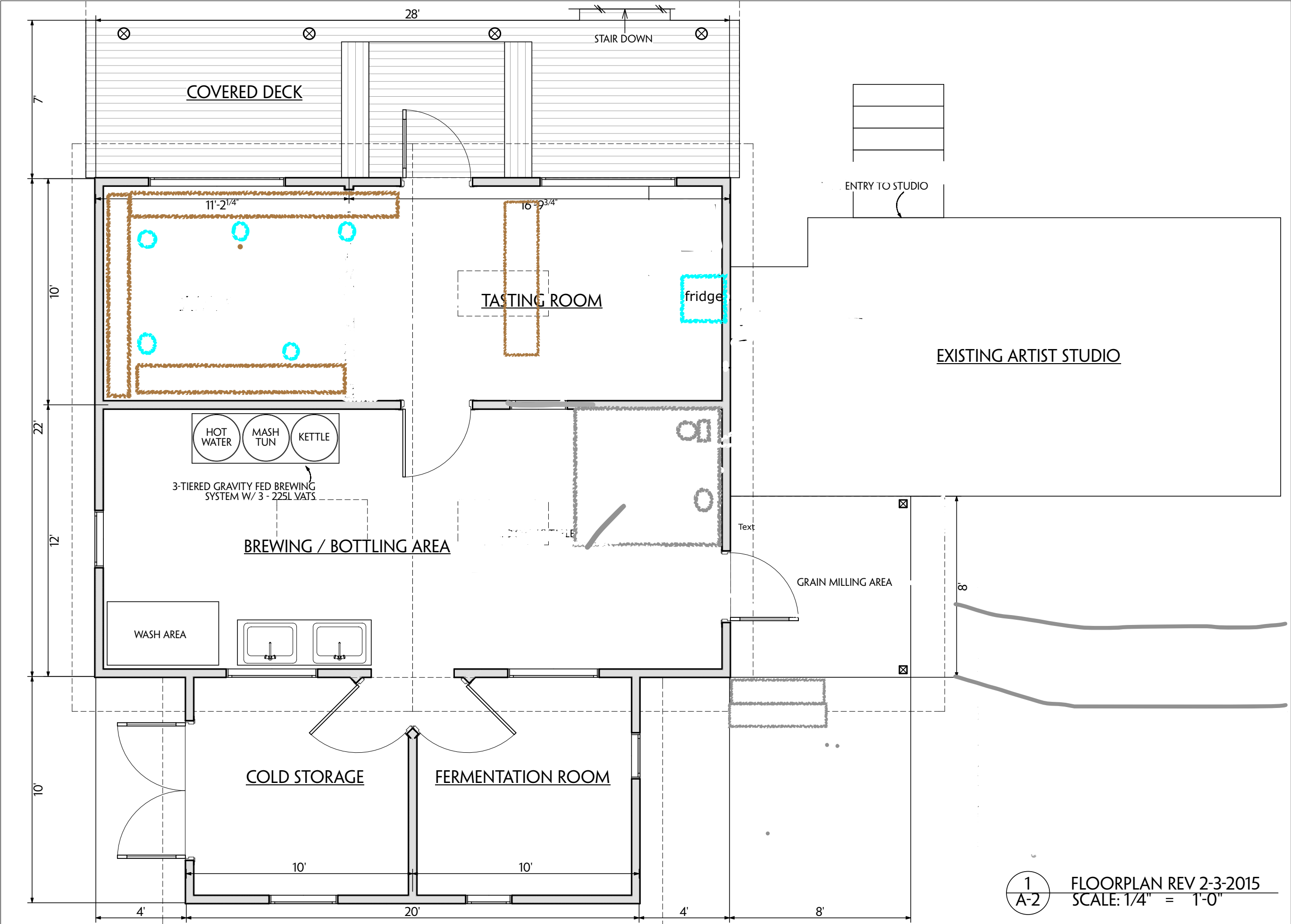
DRAWN:
RAS

CHK:

SHEET NUMBER:

A-1

SCALE: AS NOTED



IRVING PITCHER
ARCHITECTS

ROBERT IRVING, ARCHITECT, AIBC
JAMES PITCHER, ARCHITECT, AIBC
613 HORTON BAY ROAD, MAYNE ISLAND, BC V0N 2J2
(250) 539 5225 WWW.IRVINGPITCHERARCHITECTS.COM

PROPOSED COTTAGE
BREWERY L.C.L.B. APPLICATION

MAYNE ISLAND BREWING CO., LTD.
OWNER: MICHAEL GARRATT

490 FERNHILL RD, MAYNE ISLAND, BC V0N 2J2

FLOORPLAN REV
2-3-2015

ISSUE DATE:
2/3/2015

DRAWN:
RAS

CHK:

SHEET NUMBER:

A-2

SCALE: AS NOTED

MAYNE ISLAND BREWERY
LEGAL DESCRIPTION:
LOT 1, SECTION 12, MAYNE ISLAND,
COWICHAN DISTRICT, PLAN 29702

CIVIC ADDRESS:
490 FERNHILL RD., MAYNE ISLAND, BC.

SITE SURVEY INFORMATION
SITE PLAN INFORMATION FROM LEGAL SURVEY
BY WEY MAYENBURG LAND SURVEYING INC.

LOT AREA:
1.92 ACRES / 0.78 HA

MAYNE ISLAND LAND USE BYLAW No. 146
ZONING: SETTLEMENT RESIDENTIAL (SR) ZONE
PERMITTED USES:

- RESIDENTIAL, COTTAGE, ACCESSORY USES
PERMITTED DENSITY:
- ONE DWELLING PER LOT ON LOTS < 1.5 ACRES
- One lot in Column 2 Column 3
Site-Specific
Zone

(1) In addition to the uses permitted in 5.1 (1) above,
an accessory brewery, tasting room and outdoor patio,
and accessory food and beverage sales, are permitted
in this location, subject to:

(a) the maximum floor area of the combined brewing,
storage, retail and interior brewery product
sampling area is 150m² (1615 ft²)
(b) the total number of seats for sampling area guests
(inside + outside) shall not exceed 46
(c) the accessory brewery, tasting room and outdoor
picnic area, and accessory food and beverage sales,
must be screened from residential uses on
adjoining lots by a landscape screen complying with
section 3.8(1)(a).

IRVING PITCHER
ARCHITECTS LTD

IRVING PITCHER ARCHITECTS LTD
MAYNE ISLAND, BC
TEL: (250) 249-5225
FAX: (250) 249-5226

ALL MEASUREMENTS MUST BE OBTAINED
FROM THE SURVEYOR'S RECORDS AND
NOT BE USED FOR CONSTRUCTION OR
CONSTRUCTION OF THE PROJECT.
THIS DRAWING IS THE PROPERTY OF
IRVING PITCHER ARCHITECTS AND SHALL
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PROJECT:
MAYNE ISLAND BREWERY
MAYNE ISLAND, BC

CLIENT:
MICHAEL GARRETT
ANNETTE WITTEMAN

SHEET TITLE:
LCB LOUNGE ENDORSEMENT
OCCUPANCY CALCULATION

SCALE:
AS NOTED

DATE:
25 JULY 2023

SHEET NO:
L - 1

DATE:
25 JULY 2023

SCALE:
AS NOTED

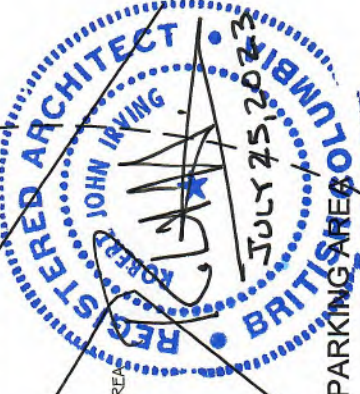
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25 JULY 2023

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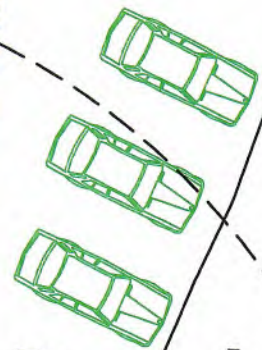
BCBC 2018 NOTE:
ONE UNIVERSAL WASHROOM AND TWO TOILETS
WITH ADDITIONAL HANDWASH STATION MEET THE
REQUIREMENTS OF BCBC TABLE 3.7.2.2.A
50 OCCUPANTS, 25 MALE, 25 FEMALE AND
3.8.3 (ACCESSIBLE WASHROOM)
AND 3.7.2.3 (LAVATORIES)

LOUNGE ENDORSEMENT SUMMARY

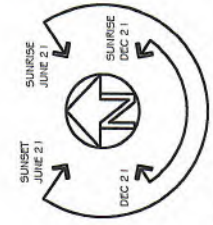
GROUP A, DIVISION 2
OUTDOOR PATIO AREA: 36
COVERED DECK AREA: 4
BREWERY INTERIOR AREA: 12
BREWERY INTERIOR STAFF: 4
TOTAL REQUESTED OCCUPANCY: 50



PARKING AREA



2X PORTABLE TOILETS
AND HANDWASH STATION



1 SITE PLAN
SCALE: 1" = 250'

CARPORT

FENCE / SCREEN OF
LOUNGE OCCUPANCY AREA

FENCE / SCREEN OF
LOUNGE OCCUPANCY AREA

FENCE / SCREEN OF
LOUNGE OCCUPANCY AREA

OUTDOOR / PATIO AREA
GROUP A, DIVISION 2
AREA: 324 SQ. M
(1.25 M2 PER PERSON)
SEATING SHOWN: 36
REQUESTED OCCUPANCY: 36

COVERED DECK
GROUP A, DIVISION 2
AREA: 7 m²
(1.25 M2 PER PERSON)
SEATING SHOWN: 4
REQUESTED OCCUPANCY: 4

BREWERY INTERIOR
GROUP A, DIVISION 2
AREA: 76 m²
(1.25 M2 PER PERSON)
SEATING SHOWN: 12
STAFF: 4
REQUESTED OCCUPANCY: 16

BREWERY STORAGE

RETAIL SALES

BREWERY BLDG.

W.C.

ACCESSIBLE
WASHROOM

ACCESSIBLE RAMP



NOTICE

MAYNE ISLAND LOCAL TRUST COMMITTEE APPLICATION FOR A NEW LOUNGE LICENSE

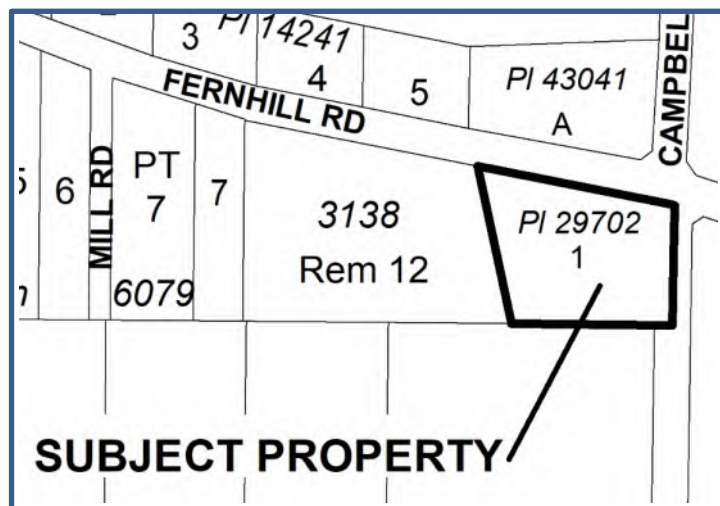
The Mayne Island Brewery has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a new Lounge License.

As local government, the Mayne Island Local Trust Committee (LTC) is required to consider the application and provide the LCRB with a written recommendation.

In order to receive public comment, and to provide an opportunity for the public to ask questions of the applicant, an electronic **Public Open House** via Zoom <https://islandstrust.bc.ca/event/open-house-ma-lcb-2023-1-mayne-island-brewing-490-fernhill-rd/> has been scheduled from **11 am to 12 pm on February 23rd, 2024**.

The Mayne Island Local Trust Committee at its February 26th, 2024 regular LTC meeting will review the application and consider public input.

The property subject to this application is located at 490 Fernhill Road, Mayne Island. The property is currently zoned as site specific zone in the Settlement Residential Area. Current zoning supports a brewery, tasting room and outdoor patio.



The LTC will need to consider the following:

- That there are no issues with zoning
- That the local government is comfortable with the application proceeding
- That the public have been provided the opportunity to provide input on the proposed lounge license

The staff report describing the nature of the application can be found on the Islands Trust website <https://islandstrust.bc.ca/island-planning/mayne/current-applications/> and at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **February 9, 2024** and continuing up to and including **February 21, 2024**.

Written comments concerning the application may be delivered to:

1. the office of the Islands Trust by mail at #200 - 1627 Fort Street, Victoria, B.C. V8R 1H8, e-mail at southinfo@islandstrust.bc.ca, or by Fax (250) 405-5155, prior to **4:30 p.m. February 21, 2024**.

Enquiries and requests for further information should be directed to Narissa Chadwick, Island Planner at 250-405-5189. For Toll Free Access, request a transfer via Enquiry BC (in Vancouver 660-2421 and elsewhere in BC 1-800-663-7867) or email: nchadwick@islandstrust.bc.ca.

The Mayne Island Local Trust Committee will consider a resolution with a recommendation for this application during the regular business meeting on **February 26, 2024**.

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

Jas Chonk, Deputy Secretary

File No.: MA-ALR-2023.1 (CRD)

DATE OF MEETING: February 26, 2024

TO: Mayne Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Agricultural Land Commission Change of Use Application
Applicant: Capital Regional District
Location: St. John Point Park - Lot B, Section 1, Mayne Island, Cowichan District, Plan 2501 (002-918-790)

RECOMMENDATION

1. That the Mayne Island Local Trust Committee support application MA-ALR-2023.1 (CRD) and request staff to forward the application to the Agricultural Land Commission (ALC) for further consideration.

REPORT SUMMARY

The purpose of this report is to consider non-farm use on a property within the Agricultural Land Reserve (ALR). Approval is required from the Agricultural Land Commission (ALC) to allow a non-farm use on small portion of the property that is proposed to be used as a "Park Entrance Hub". This application is related to MA-RZ-2023.2 (CRD) to rezone the portions of the property not in the Agricultural Land Reserve, currently zoned as Rural (R) to something more suitable to park use.

BACKGROUND

Applications by a property owner to the Agricultural Land Commission for non-farm use are submitted to the Islands Trust via the ALC Application Portal. The ALC requires that Local Governments approve the submission of all non-farm use applications by property owners to the ALC. A non-farm use application is not intended to remove the property or portion of property from the ALR. A non-farm use application seeks to gain approval from the ALC for a use that is not permitted outright in the ALR. A resolution from the local government is required before the ALC will proceed with the application. Details related to the CRD's application to the ALC are contained in Attachment 1.

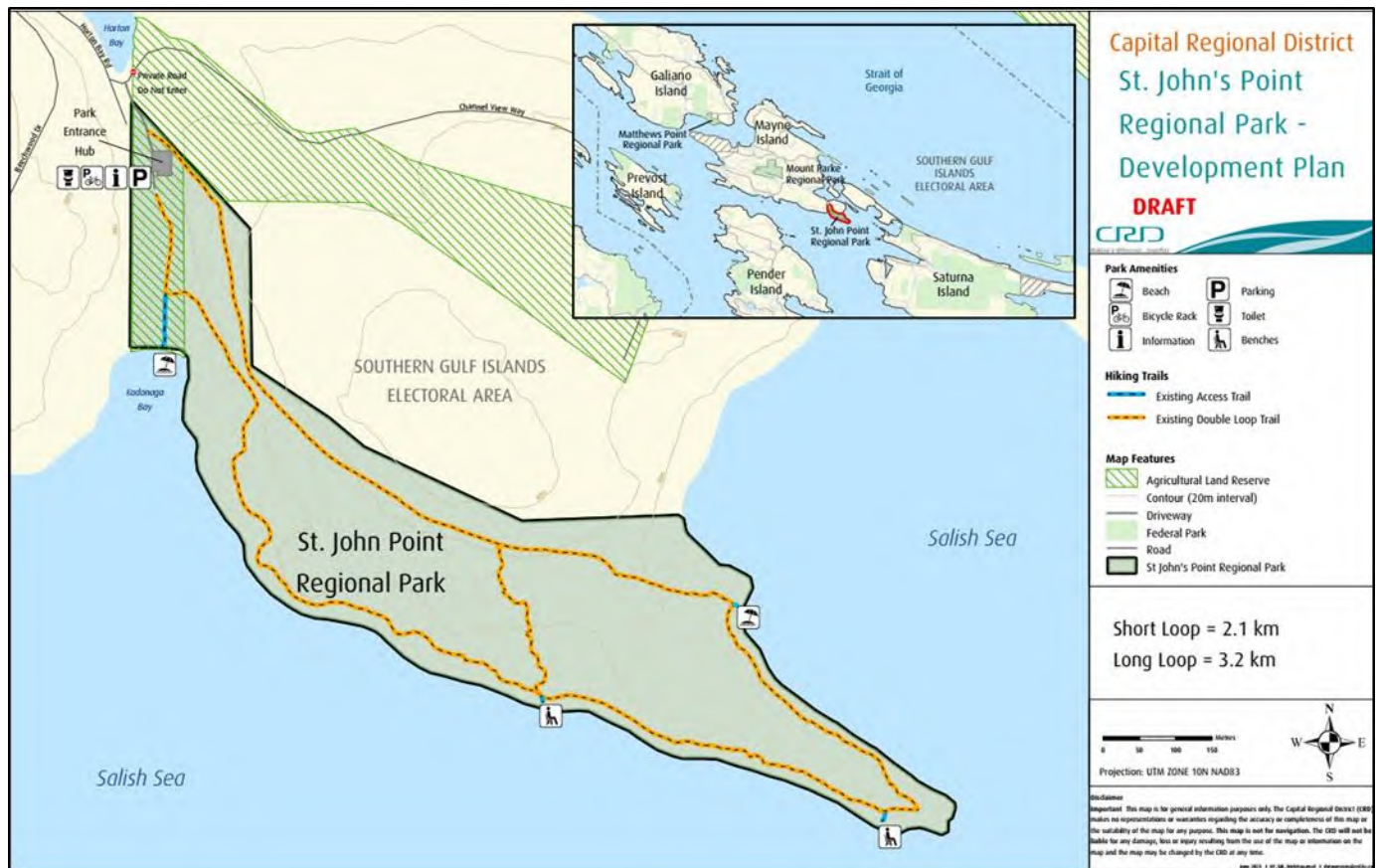
The preliminary report related to the CRD's rezoning application for St. John Point Park (MA-RZ-2023.2 (CRD)) was presented to the LTC at their November 2024 regular meeting. At this time it was identified that the CRD would need to apply for non-farm approval for a portion of the park in the ALR to permit the proposed "Park Entrance Hub". The proposed dimensions of the area are identified below.

Total fill placement area (0.01 ha is 100 m²) 0.07 ha
Maximum depth of material to be placed as fill 0.3 m
Volume of material to be placed as fill 160 m³
Estimated duration of the project. 2 Months

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. There are currently no agriculture uses on the land.

Islands Trust staff and CRD staff spoke with ALC staff regarding the nature of this application. ALC staff indicated that Local Government forwarding of the submission of an application to the ALC for non-farm use does not necessarily indicate LTC support of the use. It signals support for the review of the application. As indicated by ALC staff this application, given the small area involved, is likely to be supported by the ALC. The map below identifies the location of the “Park Entrance Hub” within the ALR.

Map 1: CRD St. John Point Regional Park Development Plan



At there November 2024 regular meeting the LTC passed the following resolution:

“That Mayne Island Local Trust Committee request the application MA-RZ-2023.2(CRD) be amended to consider a site-specific zone within the Resource Conservation Zone”.

ANALYSIS

Policy/Regulatory

The currently policy and regulatory details related to this property are contained in [the November 2024 staff rezoning \(MA-RZ-2023.2 \(CRD\)\) preliminary report](#). Based on the resolution passed at that meeting (see above) the updated OCP and LUB considerations are as follows:

Official Community Plan:

The property is currently designated Rural and Agricultural in the Mayne Island OCP Bylaw No. 144, 2007. The rezoning amendment, conforming to the LTC’s direction, could see the portion of the property currently zoned “Rural” designated under Resource Conservation (RC) in the OCP. The portion of the land in the ALR would remain Agricultural.

The objective of the Resource Conservation designation is:

- to provide a land use designation that may be used to protect special areas in the Mayne Island Local Trust Area, which are considered important for environmental, heritage, recreational or aesthetic reasons.

Land Use Bylaw:

The property is zoned Rural (R) and Agricultural (A). Conforming to the LTC’s direction, the rezoning could result in the area outside of the ALR being a site specific zone in the Resource Conservation (RC) zone and the portion of land within the ALR would be a site specific zone within the Agricultural Zone (A). Alternatively, the property in its entirety could have site specific zoning but will need to permit agricultural uses in the potion within the ALR.

Permitted uses in the Resource Conservation Zone are as follows:

- (a) Conservation areas and ecological reserves;
- (b) Stairs, walkways, footbridges, fences, signs, and utility sheds.

Issues and Opportunities

ALC staff indicate that given the limited size and scope of this application the review will be straightforward and likely not hold up the rezoning process.

Rationale for Recommendation

The area that the CRD is requesting be approved for non-farm use is small (0.07hectare) in size and, having been the site of previous housing, is already disturbed. Given this, the non-farm use will have limited impact to the potential of the remaining ALR land to be used for agricultural purposes in the future. The ALC’s approval of CRD’s non-farm use application will permit the CRD to locate the “Park Entrance Hub” in the ALR.

Alternatives

1. Refuse and do not forward the CRD’s application for non-farm use to the ALC

If this is the direction the LTC would like to take it suggests that the rezoning proposal in its current form would also not be supported. If the LTC chooses this direction they will need to request that the CRD revise their plans for a “Park Entrance Hub” such that it is not located in the ALR lands.

NEXT STEPS

- Staff will send the LTC resolution to the ALC through the ALC application portal.
- The ALC will review the application.

Submitted By:	Narissa Chadwick, RPP, Island Planner	February 12, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	February 14, 2024

ATTACHMENTS

1. CRD’s Application Submission to the ALC



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 69535

Application Status: Under LG Review

Applicant: Capital Regional District

Agent: Capital Regional District

Local Government: Islands Trust Regional District

Local Government Date of Receipt: 10/17/2023

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: The CRD acquired the 27-hectare St. John Point Regional Park property on December 15, 2017, through a partnership with the Mayne Island Conservancy Society. From 2018-2019, Regional Parks undertook a comprehensive management planning process which included ecological studies and a two-phase public engagement process. The CRD Board approved the St. John Point Regional Park Management Plan in December 2019, which guides the management and operation of the park for the next 15 years. Regional Parks is keen to implement the Actions identified within the Management Plan to further the establishment of the park as a protected natural area and amenity for residents of the local community and visitors from across the region.

A short-term action identified within the Management Plan is to develop a Park Entrance Hub in the northwest corner of the property, near the entrance to the park (Action #4). The Hub is to include a park entrance sign, expanded 15-vehicle parking lot, bicycle rack, pump-out toilet building, and visitor information kiosk. The Hub is to be constructed in a previously disturbed area where a now deconstructed home was located. An existing undersized gravel parking area directly to the southwest of the new parking lot location is to be restored to a natural condition.

Regional Parks property is required to conform to the land use regulations of the jurisdictions in which it is located. As a portion of the western side of the property is within the ALR, this area is subject to the regulations within the Agricultural Land Commission Act. Furthermore, as the entire property is located within the Islands Trust Area, it is subject to the regulations of the Mayne Island Local Trust Area.

The proposed Park Entrance Hub is to be constructed within the portion of the property that is within the ALR. While the CRD strives to support the purposes of the ALC, set out in Section 6 of the Agricultural Land Commission Act, this area has been identified as the most suitable location for the Hub due to its relatively flat topography, unnaturalized condition, low ecological value, and close proximity to the entrance to the park. Our understanding is that to allow the proposed Park Entrance Hub to be constructed in this location within the ALR, the CRD must receive approval of a Non-Farm Use application from the ALC. The CRD is therefore submitting the attached Non-Farm Use application for the ALCs consideration.

The CRD has additionally been advised that approval of an OCP and Land Use Bylaw Amendment application by the Mayne Island LTC is further required, as the existing land use designations do not support the development of the Park Entrance Hub. Under the Mayne Island OCP, most of the subject property is designated as Rural (R), and the portion of the property that is within the ALR is designated as Agriculture (AG). Similarly, under the Mayne Island Land Use Bylaw, most of the subject property is designated as Rural (R), and the portion of the property that is within the ALR is designated as Agriculture (A). Under these designations, the development of the Park Entrance Hub is not permitted. The CRD is therefore

submitting an application to the Mayne Island LTC to amend the OCP to designate the entire property as Park (P), and to amend the Land Use Bylaw to zone the entire property as Community and Regional Park (P), to permit the development of the Park Entrance Hub.

Our understanding is that the ALC must first approve the Non-farm Use application prior to the Mayne Island LTC considering the approval of the OCP and Land Use Bylaw Amendment application. We are therefore submitting applications for both approvals concurrently to provide information and assurance to both jurisdictions. It requested that the ALC consider approving the CRDs Non-Farm Use application and OCP and Land Use Bylaw Amendment application to the Mayne Island LTC to further the establishment of St. John Point Regional Park.

Agent Information

Agent : Capital Regional District

Mailing Address :

625 Fisgard Street

Victoria, BC

V8W 1R7

Canada

Primary Phone : (250) 360-3325

Email : kwebber@crd.bc.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type :** Fee Simple

Parcel Identifier : 002-918-790

Legal Description : LOT B, SECTION 1, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 2501

Parcel Area : 27.5 ha

Civic Address :

Date of Purchase : 12/17/2017

Farm Classification : No

Owners

1. **Name :** Capital Regional District

Address :

625 Fisgard Street

Victoria, BC

V8W 1R7

Canada

Phone : (250) 360-3085

Email : lhutcheson@crd.bc.ca

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type :** Fee Simple

Parcel Identifier : 000-080-497

Owner with Parcel Interest : Capital Regional District

Parcel Area : 17.6 ha
Land Use Type : Recreational
Interest Type : Full Ownership

2. **Ownership Type :** Fee Simple
Parcel Identifier : 017-971-195
Owner with Parcel Interest : Capital Regional District
Parcel Area : 31.4 ha
Land Use Type : Recreational
Interest Type : Full Ownership

3. **Ownership Type :** Fee Simple
Parcel Identifier : 028-601-505
Owner with Parcel Interest : Capital Regional District
Parcel Area : 41.8 ha
Land Use Type : Recreational
Interest Type : Full Ownership

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

None.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

Possibly some historic land clearing of an approximately 0.7 ha area on the west-side of the lot that is currently open grassland.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

This lot has been operated by the CRD as a regional park, known as St. John Point Regional Park, since it was acquired in 2017 through a partnership with the Mayne Island Conservancy Society. There was an existing gravel parking area at the northwest end of the park and hiking trails around the perimeter of the park at the time of acquisition that are currently used by park visitors.

Adjacent Land Uses

North

Land Use Type: Residential
Specify Activity : Rural

East

Land Use Type: Residential
Specify Activity : Rural

South

Land Use Type: Other
Specify Activity : Ocean

West

Land Use Type: Residential

Specify Activity : Rural

Proposal

1. How many hectares are proposed for non-farm use?

0.07 ha

2. What is the purpose of the proposal?

The CRD acquired the 27-hectare St. John Point Regional Park property on December 15, 2017, through a partnership with the Mayne Island Conservancy Society. From 2018-2019, Regional Parks undertook a comprehensive management planning process which included ecological studies and a two-phase public engagement process. The CRD Board approved the St. John Point Regional Park Management Plan in December 2019, which guides the management and operation of the park for the next 15 years. Regional Parks is keen to implement the Actions identified within the Management Plan to further the establishment of the park as a protected natural area and amenity for residents of the local community and visitors from across the region.

A short-term action identified within the Management Plan is to develop a Park Entrance Hub in the northwest corner of the property, near the entrance to the park (Action #4). The Hub is to include a park entrance sign, expanded 15-vehicle parking lot, bicycle rack, pump-out toilet building, and visitor information kiosk. The Hub is to be constructed in a previously disturbed area where a now deconstructed home was located. An existing undersized gravel parking area directly to the southwest of the new parking lot location is to be restored to a natural condition.

Regional Parks property is required to conform to the land use regulations of the jurisdictions in which it is located. As a portion of the western side of the property is within the ALR, this area is subject to the regulations within the Agricultural Land Commission Act. Furthermore, as the entire property is located within the Islands Trust Area, it is subject to the regulations of the Mayne Island Local Trust Area.

The proposed Park Entrance Hub is to be constructed within the portion of the property that is within the ALR. While the CRD strives to support the purposes of the ALC, set out in Section 6 of the Agricultural Land Commission Act, this area has been identified as the most suitable location for the Hub due to its relatively flat topography, unnaturalized condition, low ecological value, and close proximity to the entrance to the park. Our understanding is that to allow the proposed Park Entrance Hub to be constructed in this location within the ALR, the CRD must receive approval of a Non-Farm Use application from the ALC. The CRD is therefore submitting the attached Non-Farm Use application for the ALCs consideration.

The CRD has additionally been advised that approval of an OCP and Land Use Bylaw Amendment application by the Mayne Island LTC is further required, as the existing land use designations do not support the development of the Park Entrance Hub. Under the Mayne Island OCP, most of the subject property is designated as Rural (R), and the portion of the property that is within the ALR is designated as Agriculture (AG). Similarly, under the Mayne Island Land Use Bylaw, most of the subject property is designated as Rural (R), and the portion of the property that is within the ALR is designated as Agriculture (A). Under these designations, the development of the Park Entrance Hub is not permitted. The CRD is therefore submitting an application to the Mayne Island LTC to amend the OCP to designate the entire property as Park (P), and to amend the Land Use Bylaw to zone the entire property as Community and Regional Park (P), to permit the development of the Park Entrance Hub.

Our understanding is that the ALC must first approve the Non-farm Use application prior to the Mayne

Island LTC considering the approval of the OCP and Land Use Bylaw Amendment application. We are therefore submitting applications for both approvals concurrently to provide information and assurance to both jurisdictions. It requested that the ALC consider approving the CRDs Non-Farm Use application and OCP and Land Use Bylaw Amendment application to the Mayne Island LTC to further the establishment of St. John Point Regional Park.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

The location of the proposed park entrance hub meets a number of the CRD's criteria for siting park infrastructure. It is a previously-disturbed area where a former landowners cabin was once located, the ground is relatively flat and would require minimal grading, it is in an upland area that has good drainage, it is not an area of archeological or ecological significance, and it is located close to the park's entrance. Much of the park that is outside of the ALR has steep, rocky, poorly-drained, or heavily-forested terrain, rendering it challenging to develop. We believe the chosen location best preserves park values while mitigating impacts to the landscape.

4. Does the proposal support agriculture in the short or long term? Please explain.

The purpose of the proposal is to further the establishment of St. John Point Regional Park. While the primary use of the portion of the property that is within the ALR is regional park and regional park-supporting facilities, the CRD does recognize the property's former agricultural history, particularly that of the Japanese settlers who were forced to leave the property during the Second World War. The St. John Point Regional Park Management Plan includes guidance to recognize this history through interpretive signage located within the park.

The CRD further intends to keep some apple trees which are located directly to the south of the proposed park entrance hub, alongside the trail to Kadonaga Bay, for community use.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

Yes

Proposal dimensions

Total fill placement area (0.01 ha is 100 m²) 0.07 ha
Maximum depth of material to be placed as fill 0.3 m
Volume of material to be placed as fill 160 m³
Estimated duration of the project. 2 Months

Describe the type and amount of fill proposed to be placed.

gravel is to be used to surface the entirety of the proposed vehicle parking area. Max. depth is anticipated to be 300 mm.

Briefly describe the origin and quality of fill.

Clean roadbase will be purchased from a local landscape supply company.

Applicant Attachments

- Agent Agreement - Capital Regional District
- Other correspondence or file information - Toilet Building
- Other correspondence or file information - Development Plan

- Other correspondence or file information - Signage
- Site Photo - Site Photos
- Proposal Sketch - 69535
- Certificate of Title - 002-918-790

ALC Attachments

None.

Decisions

None.

File No.: LUB Minor Amendment
Project

DATE OF MEETING: February 26, 2024
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Review – Patios and Contractor Yards

RECOMMENDATION

1. That the Mayne Island Local Trust Committee refer the discussion of patios in the setback from the sea to the Advisory Planning Commission (APC) for response by March 14th, 2024.
2. That the Mayne Island Local Trust Committee request staff revise the draft bylaw amendments to Bylaw No. 187, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021” in accordance with the APC’s recommendations.

REPORT SUMMARY

This report identifies options for the two remaining LUB topics that are still in need of direction: contractor yard and patios in the setback from the sea.

BACKGROUND

At their January 29, 2024 regular meeting, the LTC discussed a number of items originally identified to be included in the LUB Minor Amendment Project. These items included shipping containers, outhouses, seawalls, patios in the setback from the sea, and contractor yards. The following resolutions were approved:

MA-2024-005

That the Mayne Island Local Trust Committee remove shipping containers, outhouses, and seawalls from the project.

MA-2024-008

That the Mayne Island Local Trust Committee refer the topic of contractor yards to the Advisory Planning Commission and request the APC provide recommendation by February 22.

MA-2024-007

That the Mayne Island Local Trust Committee direct staff to retain patios within the setback to the sea as part of the LUB review project.

ANALYSIS

Contractor yards:

As identified in the January 29th, 2024 staff report, if the LTC wants to include contractor yards as a home occupation there are a number of things to consider. These include: screening, area taken up by the contractor

yard, limits on structures and vehicles etc. The APC reviewed the subject of contractor yards at their February 13th, 2024 meeting. Their recommendations, as indicated in the resolution below, are as follows:

MA-APC-2024-001

It was MOVED and SECONDED that

the Mayne Island Advisory Planning Commission recommend that the following items should be addressed within the Land Use Bylaw:

- a) A contractor yard means the use of a residential property for storage of commercial equipment, vehicles, supplies and / or materials on said residential property;
- b) The contractor yard must be the principal residence of the contractor;
- c) Different size lots should have varying allowances for contractor yard equipment storage;
- d) A visual buffer is required;
- e) Setbacks for buildings and storage of equipment should be the same as existing building setbacks;
- f) Equipment and materials storage can not exceed the size of residential use lot coverage allowances;
- g) Storage of commercial equipment needs to take into consideration fitting in with the residential character of the neighborhood;
- h) Potential of leaching of undesirable contaminants must be addressed; and
- i) The operator of the contractor yard must comply with all licensing, health and other applicable regulations of the Province of British Columbia and the Capital Regional District including building inspection, public health, noise, air quality, and water quality regulations, and any other provincial or Capital Regional District regulations that would apply to the property.

Some of these recommendation, such as the varying allowances for contractor yard equipment storage as it relates to lot size, will need additional details. The LTC may also want staff to explore other considerations. Staff can return with options. Clear direction from the LTC is encouraged prior to staff drafting options.

Rationale for Staff Recommendation

Staff recommend the LTC support the APC recommendations as they consider a number of ways to mitigate the potential negative impacts of contractor yards within residential areas.

Alternatives:

1. Remove contractor yards from the project – If this alternative is chosen the regulations related to contractor yards will remain as is. Contractor yards will be allowed only in designated areas and not as a home business in residential areas.
2. Identify considerations for contractor yards in addition to or instead of the APC recommendations – If this alternative is chosen the LTC will need to provide clear direction to staff regarding what draft regulations should contain.

Patios in the setback from the sea:

The staff recommendation to place a limit on the size of patios, including paving and asphalt, in the setback from the sea was defeated at the January 29th, 2024 LTC meeting. However, the LTC did not provide direction on an alternative. Trustee Maude was in favour of permitting patios in the setback from the sea and Trustee Elliot was opposed to permitting patios in the setback from the sea. Trustee Dodds, while supporting the resolution,

suggested that the limit on size be larger than the staff recommended 10m². Given this impasse, the LTC resolved to keep the topic as part of the project for further discussion.

The relevant information contained in the January 29, 2024 staff report is identified below:

“Following discussion leading to the LTC requesting that patios be permitted in the setback from the sea, the LTC requested staff define type of patio permitted in the setback from the sea.

Patios are currently not permitted in the setback from the sea. The LTC suggested that by permitting patios in the setback from the sea which could be made of wood, there will be less likelihood of property owners using concrete or asphalt paving. Concrete and asphalt paving are currently excluded from the definition of a structure and therefore permitted in the setback from the sea. Staff have cautioned that not placing limitations on what is built in the setback from the sea may be seen a contrary to OCP policies related to foreshore protection as well as related policies in the Islands Trust Policy Statement.

Staff recommend that to reduce foreshore impacts an area limit be placed on “patios” regardless of the material used (including paving and asphalt). The recommendations is as follows:

- Allow patios in the setback from the sea if they do not exceed 10m²
- Restrict the size of paving and asphalt in the setback from the sea to 10m²

Rationale for Recommendation

Staff recommend that the topic be sent to back to the APC for detailed review given that all Trustees have a different opinion on the matter.

Alternatives:

1. Remove patios in the setback from the sea from the project – if this option is chosen patios will continue to not be permitted in the setback from the sea and there will be no limits on size of paving and asphalt in the setback from the sea.
2. Identify an option for patios in the setback from the sea – Staff will require clear direction in order move forward.

NEXT STEPS

- The Topic of patios in the setback from the sea will be referred to the APC
- Staff will draft bylaw amendments
- LTC reviews draft LUB amendment
- Draft Bylaws will be presented to the LTC
- Notice of First Reading circulated (as required).
- Community Information meeting
- Referrals sent out (as needed)
- 1st 2nd and 3rd readings
- Bylaw sent to EC

Submitted By:	Narissa Chadwick, Island Planner	February 13, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	February 13, 2024

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. *Foreshore Education*

Responsible

Date Received

To provide education on foreshore uses and climate change adaptation as a minor LTC project

30-Jan-2023

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
MA-ALR-2023.1	Capital Regional District	17-Oct-2023	LOT B, SECTION 1, HORTON BAY RD: Application for exclusion of land from the Agricultural Land Reserve
Planner: Narissa Chadwick			
Planning Status			
Status Date: 26-Feb-2024 Staff report to LTC			
Status Date: 05-Jan-2024 Planner Chadwick assigned to application.			
Status Date: 22-Dec-2023 fee received			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2023.7	MSR Solutions	12-Oct-2023	340 GEORGINA POINT RD: Application for a variance for siting of a retaining wall in a setback.
Planner: Narissa Chadwick			
Planning Status			
Status Date: 14-Feb-2024 Site visit			
Status Date: 11-Jan-2024 Revised geotechnical report sent to MOTI for review.			
Status Date: 11-Jan-2024 Final report from QEP received.			

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2024.1	McHugh, Emma	08-Jan-2024	375 VILLAGE BAY RD: Application for a variance for siting of two existing structures in a setback.

Planner: Phil Testemale

Planning Status

Status Date: 26-Jan-2024

February 26 Agenda for consideration

Status Date: 26-Jan-2024

Permit and Notice to LC for notification

Status Date: 09-Jan-2024

Fee received

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
MA-LCB-2023.1	Mayne island Brewing Company Ltd	06-Nov-2023	490 FERNHILL RD: Application for a Manufacturing and Lounge License.

Planner: Narissa Chadwick

Planning Status

Status Date: 15-Feb-2024

Staff report to LTC at Feb meeting

Status Date: 15-Dec-2023

Fee received

Status Date: 15-Dec-2023

Planner Chadwick assigned

Applications

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: 15-Jan-2024			
Application to be presented at Mayne Island Jan 29 LTC			
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			

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: 06-Dec-2023			
Applicant to speak with lawyer regarding drafting a restrictive covenant in favour of Mayne Island LTC for water access for lot 2 from lot 3.			
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.			

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

645 Mayne	Invoices posted to Month ending December 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	1,325.98	-855.98
65210-645	LTC - Local Exp - APC Meeting Expenses	333.00	150.70	182.30
65220-645	LTC - Local Exp - Communications	250.00	718.00	-468.00
65230-645	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>1,329.00</u>	<u>2,194.68</u>	<u>-865.68</u>
Projects				
73001-645-4100	Mayne Island Housing	1,000.00	274.09	725.91
73001-645-4130	Mayne LUB Minor Amendments	<u>2,000.00</u>	<u>0.00</u>	<u>2,000.00</u>
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) 5.4 Outhouses that the Mayne Island Local Trust Committee direct Bylaw staff to suspend enforcement on outhouses and that the Bylaw Enforcement Manager be invited to attend a future Local Trust Committee meeting.	Carried	14-Nov-2022
2021-011 (Standing) Advisory Planning Commission - Re-appointments and Expression of Interest Advertisement that the Mayne Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be re-appointed and also advertise for expressions of interest for new commissioners	Carried	25-Jan-2021

Standing Resolutions Log

Mayne Island

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

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

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

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

Standing Resolutions Log

Mayne Island

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

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2017-028 (Standing)	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



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 21st, 2023 and JANUARY 23RD, 2024 BOARD MEETINGS

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

1. ORGANIZATION UPDATES/TEAM

- Trustee Risa Smith was elected Chair of the ITC Board. Trustee Gauvreau was elected Vice-Chair of the ITC Board.
- Trustee Gauvreau was appointed as a representative to the Governance Committee.
- Mike Richards was hired as the new Strategic Fundraising Specialist.
- Aislyn King was hired as the Temporary GIS Technician.
- The ITC Board approved a 2024 meeting schedule.

2. STRATEGIC PLANNING/ADMINISTRATION

- The Islands Trust, Trust Area Services Director provided background on the following:
 - Advised Board members that Trust Council will receive a briefing with the climate change emergency materials, produced in 2019, to support a discussion about further action regarding the climate change emergency.
 - Provided background on the eelgrass mapping project and funding for phase II.
 - Presented a briefing from Trust Council about Islands Trust 50th Anniversary Activities.
 - Noted that Executive Committee will be considering a request to sponsor a Natural Area Protection Tax Exemption Program (NAPTEP) fee.
- Trustee Elliot advised Chair Smith's presentation to Trust Council in September on NAPTEP was well received.
- The Islands Trust Conservancy Board directed staff to review ITC Board policies regarding approval of acquisitions of land, conservation covenants or leases to require that applicants waive confidentiality for the purpose of engagement with First Nations.
- The Islands Trust Director presented a briefing on ITC Mapping and Technical Needs. The Board directed staff to forward the briefing to the Executive Committee for the January 31st meeting.
- The ITC Board recommended to the Islands Trust Council that the 2024-2025 budget include funding for a permanent Protected Areas Manager and selection and implementation of a protected area management database.
- The Trust Area Director presented an update on the Municipal Insurance Association Agreement. Staff are reassessing insurance coverage for the Conservancy, including coverage for volunteers. Staff are reviewing and will report back to the Board on the development risk-management policy.



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

- Trustee Elliot provided updates of interest to the Conservancy from Executive Committee including:
 - The policy statement amendment project which is currently with First Nations for comment in line with Islands Trust commitment to reconciliation. Once comments are in, the Board will be able to provide further review before approval.
 - An invitation to ITC Board members to attend the regular Executive Committee meeting on January 31st.

3. COVENANT AND PROPERTY ACQUISITIONS

- ITC increased the size of the Nighthawk Hill NAPTEP Covenant on North Pender Island by 1 ha.
- ITC registered a revised covenant over Brooks Point Regional Park on South Pender, including expanding the covenant to cover the entire 5.2 ha park.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC's Property Monitoring Specialist presented the ITC Nature Reserves Monitoring Report for 2023. The Board accepted the 2023 report and as appropriate, requested staff explore opportunities to engage the public in nature reserve monitoring.
- ITC's Covenant Management and Outreach Specialist presented the ITC NAPTEP Covenant Monitoring Report for 2023. The Board accepted the 2023 report and directed staff to address violations and ecological concerns as identified in the report.
- The ITC Board endorsed the Operational Plan for the eradication of Fallow Deer from Sidney Island, subject to terms and conditions to mitigate risk of damage to ITC covenant areas.

5. COMMUNICATIONS AND OUTREACH

- ITC issued its Fall 2024 Heron Newsletter available at <https://islandstrust.bc.ca/conservancy/heron-newsletter/>

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved an Opportunity Fund Grant of up to \$7,000 be awarded to Gabriola Land and Trails Trust for costs associated with placing a NAPTEP conservation covenant on a Gabriola property.

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- **Learn more about Islands Trust Conservancy:** <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>

MEMORANDUM

File No.: 400-30
12-RPT-HSNG

DATE OF MEETING: January or February 2024
TO: All Local Trust Committees
FROM: Stefan Cermak, Director
Planning Service
SUBJECT: **Housing Statute Changes to British Columbia Legislation**

PURPOSE

The purpose of this memorandum is for Local Trust Committee's to receive a copy of the Housing Statutes and Regulation Changes to BC Legislation briefings received at Trust Council December 7, 2023 and subsequently updated at Executive Committee December 20, 2023. The Executive Committee recommends that Local Trust Committees consider requesting to opt-in to the provincial's principal residence requirement for short term rental accommodations.

BACKGROUND

On December 7, 2023, Trust Council received a briefing: Housing Statute Changes to British Columbia (Attachment 1). The briefing provided an update and speaking notes on:

- The Short Term Rental Accommodation Act (Bill 35)
- The Housing Statutes (Residential Development) Amendment Act (Bill 44)
- Housing Statutes (Development Financing) Amendment Act (Bill 46)
- Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)
- Speculation and Vacancy Tax Act

On December 20, 2023, the Executive Committee received an update (Attachment 2) to the above briefing as provincial regulations were adopted the same day Trust Council considered the original briefing. After consideration, the Executive Committee carried the following resolution:

"That Executive Committee request staff to forward the housing statutes and regulation changes of BC legislation to local trust committees with a recommended consideration of request for opting in to the short term accommodation regulation for the 2025 intake."

CARRIED

As per the attached briefing:

A sample Local Trust Committee resolution to opt-in to the provincial principle residence requirement may read:

That the [] Local Trust Committee request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [] Local Trust Area and that the [] Local Trust Area be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.

Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024. If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

NEXT STEPS

All Local Trust Committees, to the exception of Ballenas-Winchelsea, meet before the 2024 March Trust Council meeting. Staff will respond to the ministry in one letter that contains all opt-in resolutions immediately following Trust Council in March 2024. Staff will provide the appropriate background information that describes the area and jurisdiction.

Submitted By:	Stefan Cermak Director, Planning Services	January 18, 2024
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ATTACHMENTS

- 1. Attachment 1 - Trust Council Housing Statue Changes to British Columbia Briefing for the meeting December 7, 2023
- 2. Attachment 2 – Executive Committee Housing Statue Changes to British Columbia Briefing Update for the meeting December 20, 2023

To:	Trust Council	For the Meeting of:	December 5, 2023
From:	Stefan Cermak, Director, Planning Services	Date Prepared:	November 15, 2023
SUBJECT:	Housing Statute Changes to British Columbia Legislation		

PURPOSE: To provide Trust Council with an update on recent and upcoming legislative changes regarding provision of housing in British Columbia, and how the legislation may affect the Islands Trust Area and local trust committees.

BACKGROUND:

The British Columbia Government has so far enacted, or is in the process of enacting, five pieces of legislation to increase housing supply throughout BC. They are:

1. ***Speculation and Vacancy Tax Act*** – came into force in on November 27, 2018. The Speculation and Vacancy Tax Regulation was last amended April 3, 2023.
2. ***The Short Term Rental Accommodation Act (Bill 35)*** – received Royal Assent on October 26, 2023 and will be brought into force by Ministerial regulations expected in December 2023.
3. ***The Housing Statutes (Residential Development) Amendment Act (Bill 44)*** - received First Reading on November 6, 2023, and is expected to receive Royal Assent before the end of 2023. This Act will also be brought into force by Ministerial regulations, which are expected in early 2024.
4. ***Housing Statutes (Development Financing) Amendment Act (Bill 46)*** – received First Reading on November 7, 2023, and is expected to receive Royal Assent before the end of 2023.
5. ***Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)*** received First reading on November 8, 2023 and is expected to receive Royal Assent before the end of 2023.

Speculation and Vacancy Tax Act

The *Speculation and Vacancy Tax Act* requires owners in prescribed areas to declare their primary home, and with certain exceptions, would be taxed on homes that they do not occupy as a primary residence. The Act applies to areas specified in the Act (municipalities in the Capital Regional District and Metro Vancouver, as well as seven other municipalities (Abbotsford, Chilliwack, Kelowna, Nanaimo, West Kelowna, Lantzville and Mission)). The Act also includes one unincorporated area, the University Endowment Lands. In April 2023, the list was expanded by Ministerial regulation to include six more municipalities (Duncan, North Cowichan, Squamish, Ladysmith, Lake Cowichan and Lions Bay).

Islands Trust Area and the rest of the Province is excluded from the *Speculation and Vacancy Tax Act* requirements. The Act allows the Minister, by regulation, to add areas to the list of areas to which the *Speculation and Vacancy Tax Act* applies.

The Short-Term Rental Accommodation Act.

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area. Staff understands that the regulations that bring the Act into force will include the ability for any municipality, regional district electoral area or local trust committee area, that are currently not included in the principal residence requirement for a short-term vacation rental, to opt-in. The regulation should address whether opting-out (once in) is something that could be considered, and if so, what the mechanism would be. Staff will know more about this once the regulations are released in December 2023.

The Act requires that platforms that advertise short-term rental accommodations to be registered with the Province. This may help with bylaw enforcement if the Province shares that information with local governments (the Act authorizes disclosure of personal information collected by the province under the authority of the legislation to be disclosed to local governments to support bylaw enforcement).

The Act also allows regional districts to issue business licenses for short-term rental accommodations, and where a business license scheme is in place, that a business license be required for advertising on platforms. The option for business licenses is not open to local trust committees, only regional districts.

The Act also removes legal non-conforming protection for short-term rental accommodation uses.

Action for the Islands Trust is for each local trust committee to consider whether or not it wants to opt-in. Opting-in would mean the Provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).

The Housing Statutes (Residential Development) Amendment Act

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area.

Residential Density Requirements

The Islands Trust Area is excluded by an amendment to the *Islands Trust Act* from the provincially mandated minimum density requirements. Ministerial regulation will establish to which municipalities the minimum density requirements will apply (staff understands that this will be all municipalities over 5,000 population).

The Act also allows the Minister by regulation to add an electoral area to the list on request of a regional district board. It is important to note that local trust committee areas could never be included in the density requirement without an amendment to the *Islands Trust Act*. However, Bowen Island Municipality could be included by Ministerial regulation either by virtue of its population (if the population goes over 5,000 Bowen may be automatically included), or on request of Bowen Island Municipal Council. The Act excludes land that is not on a municipal water or sewer system, is protected or are lots over a certain size.

There is no action required on this for local trust committees.

Housing Needs Reports Amendments

Housing Needs Reports now must include housing needs for 20 years (previously it was 5 years), and the first report is due by December 2028. Transitional provisions in the Act require that an interim report be received before a date to be prescribed by Ministerial regulation, or existing reports be updated by the

prescribed date to reflect the new 20 year horizon and a few other changes to housing needs content requirements.

These reports must then be published as soon as possible to the Islands Trust website, and the requirement to consider them in official community plans is continued. It appears that the mandatory requirement to adopt an official community plan and land use bylaw to reflect the housing needs report does not apply to local trust committees (this appears to apply only to municipal councils). This is a point that needs clarification with Ministry staff.

Action for Islands Trust is to ensure resources and funding is in place to update existing housing needs reports to meet the new requirements so they qualify as transitional, and then plan budget and resources to commission updates to the housing needs reports starting in 2028 and then every five years after that. While it is not mandatory for local trust committees, there should also be a program to ensure that all 20 official community plans are kept up to date reflecting the housing needs reports findings.

Public Hearing Changes

The Act now prohibits public hearings being held for land use bylaw amendments that are consistent with the official community plan and exclusively, or at least 50 per cent, residential. The intent is to allow public comment at the policy level (amendments to official community plans still require public hearings) and to streamline the approval process. There is nothing in the legislation that would prohibit less formal discussions between the local trust committees and Bowen Municipal Council and the community, such as open houses, surveys and community information meetings.

Action for Islands Trust is a change in process for local trust committees when considering land use bylaw amendments that are consistent with the Official Community Plan for residential rezonings, or land use bylaw amendments that contains at least a 50 per cent component of residential. Note that if there is a Official Community Plan amendment as part of the land use bylaw amendment, then a public hearing is required for the amendment to the Official Community Plan.

Housing Statutes (Development Financing) Amendment Act

Amenity Cost Charges

The Act adds a new section to the *Local Government Act* regulating how local governments develop and levy amenity cost charges (ACC), and makes changes to development cost charges and development cost levies (in the Vancouver Charter). The new system provides a framework and regulation on what may be considered as an amenity, who may be required to pay them and who may be exempted, the process to develop an amenity cost charges bylaw, and a reporting requirement. Amenity cost charges are charged at time of subdivision or issuance of a building permit.

Local trust committees are excluded by an amendment to the *Islands Trust Act* from the new ability of local government to levy amenity cost charges. Local trust committees are already exempt from the ability to levy development cost charges. The reason for the exemption is that both of these tools are intended to fund infrastructure improvements related to development, and local trust committee are not responsible for infrastructure.

The new legislation appears to apply to regional districts, and regional districts could, by bylaw, determine to collect amenity cost charges for new construction in the Islands Trust Area.

Housing Statutes (Transit Oriented Areas) Amendment Act

The Act adds a new section to the *Local Government Act* establishing minimum density and height requirements around prescribed transit stations and major bus stops. Regulations will establish which transit stops are included (likely in larger cities) and establish the distance around the stop and the minimum height requirements.

While local trust committees are excluded by an amendment to the *Islands Trust Act*, this is included here to complete the currently known legislative updates to the local government planning legislation.

ATTACHMENT(S):

Speaking Notes – Bill 35 (Short-term Vacation Accommodation) and Bill 44 (Housing Statutes).

FOLLOW-UP:

As requested by the Regional Planning Committee.

As this is new information, staff will update as more information on regulations becomes available. This should be forwarded to Trust Council and all trustees for information and to assist with answering public questions.

Prepared By: David Marlor, Director, Legislative Services

Reviewed By/Date: Robert Kojima, Regional Planning Manager
Stefan Cermak, Director, Planning Services/ November 8, 2023

Backgrounder/Speaking Notes

Bill 44 - Housing Statutes (Residential Development) Amendment Act, 2023 (First Reading version)

Bill 35 - 2023 Short-Term Rental Accommodations Act (Royal Assent)

November 9, 2023

[Bill 44 Housing Statutes \(Residential Development\) Amendment Act, 2023](#)

- The first reading of Bill 44 – 2023 Housing Statutes (Residential Development) Amendment Act, 2023 was on November 1.
- In this Act, "housing unit" means a self-contained dwelling unit
- "local government" includes a local trust committee as defined in section 1 of the *Islands Trust Act*

Minimum Density Requirements

The new provincially mandated minimum residential density requirements added to the planning section (Part 14) of the Local Government Act do not apply to local trust committees by a consequential amendment to the Islands Trust Act. Staff understanding is that this section will also not apply to municipalities under a certain population. The BC Government news release suggests most municipalities with a population under 5,000 people will be exempt; however this will be implemented by regulation. Likely this section will not apply to Bowen Island Municipality based on population. And if it does, would only apply where lots are connected to municipal water and sewage and the legislation excludes specified protected lots or large lots. Staff will need to wait for the regulation to know for sure.

Housing Needs Reports

Changes to the Housing Needs Reports requirements apply to local trust committees and Bowen Island Municipality as follows:

- Housing needs report must be received by December 31, 2028, and then by December 31st every five years after that. A transitional provision in the legislation requires that existing housing needs reports are updated to reflect the new requirements by a prescribed date – that date will be in the forthcoming regulations and will likely be by the end of 2024 or early 2025.
- Housing needs reports must consider five-year and 20-year timelines for expected housing requirements (previously only five years required).
- When developing or amending an Official Community Plan (OCP), the governing body must consider the most recent housing needs report and the OCP must include statements and map designations. The housing needs report should include approximate location, amount, type, and density of residential development that is required to meet anticipated housing needs over a period of 20 years.
- An OCP must now include provisions for 20 years of housing as determined in the housing needs report
- OCPs must be updated within a time period to be prescribed by regulation following receipt of an updated housing report (which will be required once every five years).
- The minimum requirements for housing must be permitted outright in the OCP, not conditional (i.e. cannot require conditions (such as provision of amenities) for the housing to be provided).

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

Public Hearing for Housing Rezoning

The following changes to the public hearing requirements for housing rezoning apply to local trust committees and Bowen Island Municipality:

- Public hearings on proposed zoning bylaws must **not** be held if:
 - an official community plan is in place for that area
 - the bylaw is consistent with the official community plan
 - the purpose of the bylaw is to permit a residential development
 - the residential component of the development accounts for at least half of the floor area of all proposed structures in the development
- Note that notice must be given if a public hearing is not held.

Official Community Plan Adoption

Previously, the decision to adopt an official community plan was discretionary. **Now it is mandatory.** This appears to not apply to the Islands Trust as it states municipal council and a prescribed class of regional districts. This needs to be clarified with Ministry staff but will be obvious once the regulation has been released.

- All municipal councils, board of a regional district, or a board in a prescribed class of regional districts must adopt one or more OCPs.

Bill 35: 2023 Short-Term Rental Accommodations Act

- **Royal Ascent October 26, 2023**– will be brought into force by regulation, which is expected in December 2023.

Registration of Short Term Rental Platforms

- Requires that all platforms advertising short-term rentals must be registered with the Province

Restrictions on Homes that can be used for Short Term Rentals

- For those lands not exempted, legislation requires that the short term rental occurs in the host's residence, or in not more than one accessory dwelling unit.
- Local trust committees are exempted; municipalities under a certain size will be exempted, unless adjacent to a major municipality that is not exempted. Staff not sure if Bowen Municipality will be included or exempted given its proximity to Metro Vancouver.
- Provincial staff have advised that local trust committees will be able to opt-in so that the residence restriction applies. How this happens will be determined by regulation; however, it is likely a resolution of the local trust committee requesting to be removed from the exempted list. The regulation will also indicate how a local trust committees that chooses to opt-in can opt-out in the future.

No Legal Non-Conforming Status

- The legislation removes legal non-conforming status for short-term rentals. This means that if there are any short-term rentals operating and the bylaws change to prohibit them, those short-term rentals cannot continue to operate. Non-conforming use protection will continue to exist for other land uses.

Business Licenses

- The legislation now allows regional districts to require business licenses for short term rentals. This option is not available to local trust committees.

Focus of the Legislation

- The legislation focuses on three key areas:
 - Increasing fines for Municipal Ticket Information (MTI), and strengthening tools for local governments. This is not applicable in all local trust areas, since only three LTCs have MTI bylaws (though those that don't can adopt an MTI bylaw). Bylaw Enforcement Notification ticketing can continue to be used to enforce.
 - Returning more short-term rentals to long-term homes
 - Establishing provincial rules and enforcement
- This proposed legislation will not apply to:
 - Hotels and motels
 - Additional types of properties, for example, timeshares and fishing lodges
 - Communities on First Nations reserve land
 - Modern Treaty Nations will also be exempt but will be able to opt into the legislation, if desired
 - Resort municipalities and mountain resort areas
 - Regional district electoral areas
 - Municipalities of less than 10,000 population, unless adjacent to a larger municipality that is under the regulation (but not an electoral area close to one)

Islands Trust Background:

- Islands Trust is a special-purpose government mandated to preserve and protect over 450 Islands and surrounding waters in the Salish Sea in cooperation with other levels of government
 - Poorly managed growth could threaten the preservation and protection of the Trust Area
- The Islands Trust Council has declared that a housing equity and workforce shortage crisis exists on many of the islands within the Islands Trust Area
 - Strengthening housing affordability is an Islands Trust Council priority
 - Lack of available workforce housing impacts the viability of island businesses, the ability to deliver services, and other aspects of community life such as volunteerism
- Short Term Vacation Rentals (STVR) have been a long standing concern for Islands Trust
 - In 2012, the Salt Spring Island Local Trust Committee was unsuccessful at seeking an injunction via the Supreme Court of British Columbia to restrain a company from using or offering residentially-zoned properties for commercial guest accommodation rather than on individual property owners
- It is recognized that STVRs likely have a positive economic impact on the islands
- While some STVRs are operated legally and responsibly, many are completely unlawful

- The funds generated through the rental of STVRs are also, in many cases, vital to the financial well-being and solvency of the property owner
- Primary concerns with STVRs are around impacts on availability of long-term rental housing, as well as the effect on limited groundwater resources
- Other negative impacts which are frequently mentioned are:
 - Increased noise, traffic and parking concerns
 - Increased fire risk
 - Increased consumption of disposable goods, production of solid waste, and sewage
 - Impacts to community character and cohesiveness
 - Lack of a fair playing field between legal and non-legal STVR operators, as well as regular commercial accommodation such as hotels and motels

Existing Islands Trust Regulations

- Local trust committees have taken a variety of approaches consistent with its each island's individual culture, history, and intensity of tourist use
- The main tools available to LTAs under the *Islands Trust Act* are modifications to the official community plans (OCP) and associated land use bylaws (LUB) to include STVR-specific provisions
 - Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.
- The OCP allows Temporary Use Permits to be issued for limited periods of time, and several islands have created specific guidelines
 - Bowen Island Municipality issues business licenses to operate a Residential Guest Accommodation, as it is incorporated as an island municipality and has more powers than local trust areas
 - There is interest from some islands in advocating to regional districts to institute business licenses for STVRs

Current Islands Trust Enforcement

- Since the 2012 Islands Trust loss in the Supreme Court of BC of a case that would have restrained a rental agent from using or facilitating the use of residential homes for STVRs on Salt Spring Island, Islands Trust has continuously found that accommodation platforms are not cooperative or assistive to bylaw enforcement efforts. In the 2012 case the judge found that the activities of the rental agent did not, on their own, constitute a breach of the land use bylaw.
- Currently, 204 open bylaw enforcement files, with the majority on Salt Spring Island
- There may be 500+ advertisements at any given time for all local trust areas, which must be continually vetted to ensure compliance
- Bylaw staff regularly review and update a database for the known operators
 - Co-op planning students have, at times, reviewed the listings
 - Since 2005, 532 STVR enforcement files have been closed

- During the peak summer season, the majority of bylaw staff resources are for STVRs
- Seven local trust areas have directed proactive bylaw enforcement on STVRs because of concerns about diminishing housing supply
- Bylaw notices (tickets) are issued when contraventions are confirmed. There is a mixed response to ticketing:
 - Some are disputed and there is a good response to negotiating compliance agreements to ensure a cease of unlawful operations
 - For those that have proceeded to adjudication, 90 percent of the tickets are upheld by an adjudicator
 - However, with a \$500.00 limit on bylaw notices penalties, the upscale operations charging \$500-700 per night can treat the penalties as the cost of doing business and makes court action, the next step in enforcement, an expensive choice.
- Enforcement staff note that the clear bylaw language in the Gabriola Island Land Use Bylaw has resulted in less complications and conflicts than have occurred in other local trust areas.
 - The Gabriola Island Land Use Bylaw also explicitly states that you cannot operate without that permit:
 - *B.6.3 Commercial Vacation Rentals*
 - B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee*
- There is currently a trend towards “glamping” operations on larger lots in an effort to maximize the number of rentals:
 - These operations are considered non-permitted campgrounds and it appears to be the next trend for STVRs, as it offers a lower cost for guests
 - These non-permitted campgrounds create a unique challenge because of the risks of improper sewage disposal for a large number of customers, and the threat to neighboring wells

Provincial Statistics

- In British Columbia in June 2023, there was an average of 28,510 short-term rental listings active each day (a year-over-year increase of 17.8%)*
- While the province’s STVR market is dominated by commercial operators*, this may not be the case for the Islands Trust Area
- The top 10% of hosts earned 48.8% of revenue*
- Listings operated by hosts with multiple listings were 48.4% of active listings and 51.7% of total host revenue in June 2023*
- In June 2023, 16,810 housing units were taken off BC’s long-term and shifting to the STVR market*

**Data from The Housing Impacts of Short-Term Rentals in British Columbia’s Regions. A report prepared by researchers from the Urban Politics and Governance research group, School of Urban Planning, McGill University*

BRIEFING

To:	Executive Committee	For the Meeting of:	December 20, 2023
From:	Stefan Cermak, Director, Planning Services	Date Prepared:	December 14, 2023
SUBJECT:	Housing Statute and Regulation Changes to British Columbia Legislation		

PURPOSE:

To provide the Executive Committee with an update on recent and upcoming legislative and regulatory changes regarding provision of housing in British Columbia, and how the changes may affect the Islands Trust area and local trust committees.

Key Takeaways:

- A draft resolution is provided for local trust committees to opt-in to the principal residence requirement for Short Term Rental. Such a resolution needs to be made by March 31, 2024 to take effect by November 1, 2024.
- Local Trust Committees with MTI Bylaws (Gabriola, North Pender, Salt Spring, and Thetis) may amend the penalty fees to \$3,000 per infraction per day. Other LTCs would require MTI bylaws if seeking the extra short term rental disincentive.
- Housing Need Reports Regulations have not been adopted at time of drafting this briefing.

BACKGROUND:

On December 7, 2023, the Islands Trust Council was briefed on five recent and upcoming provincial legislative changes designed to increase housing supply throughout BC. On the same day, the province adopted Orders-In-Council (Regulations) for Bills 35 and 44 (Short Term Rental Accommodation and Housing Statutes (Residential Development) respectively) and released policy documents to assist local governments implement the changes.

1. **The Short Term Rental Accommodation Act (Bill 35)**
 - Received Royal Assent on October 26, 2023
 - NEW regulations (Order in Council) adopted December 7, 2023
2. **The Housing Statutes (Residential Development) Amendment Act (Bill 44)**
 - Received Royal Assent on November 30, 2023
 - NEW regulations (Order in Council) adopted December 7, 2023
3. **Housing Statutes (Development Financing) Amendment Act (Bill 46)**
 - Received Royal Assent on November 30, 2023
 - Does not apply to Local Trust Committees; applies to Bowen Island Municipality
4. **Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)**
 - Received Royal Assent on November 30, 2023

- Does not apply to Local Trust Committees; applies to Bowen Island Municipality
5. **Speculation and Vacancy Tax Act**
- Came into force in on November 27, 2018
 - The *Speculation and Vacancy Tax Regulation* was last amended November 16, 2023
 - Does not apply to properties in the Islands Trust area

The Short-Term Rental Accommodation Act and Regulations.

Materials pertaining to [Bill 35](#) - *Short-Term Rental Accommodation Act* include:

- Order in Council [679](#) – bringing into force specific provisions of the *Short-Term Rental Accommodation Act*, and making a regulation that addresses various details including interpretation, changes to exempt land, and general and specific exemptions.
- A policy guidance [document](#) for local governments detailing the new short-term rental framework including key considerations relating to principal residence requirements, time period regulations, legal non-conforming use, business licensing updates and enforcement responsibilities.
- Properties in the Islands Trust Area are exempt from the principal residence requirement. A local trust committee or Bowen Island Municipality needs a resolution requesting to be removed from the list of exempt land in order to “opt-into” the principal residence requirement. Opting-in would mean the provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).
- A sample LTC resolution to opt-in may read:
 - That the [XX Local Trust Committee] request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [XX Local Trust Area] and that the [XX Local Trust Area] be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.
 - Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024.
 - If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.
- Order in Council [680](#) - increases possible maximum bylaw ticketing fine from \$1,000 to \$3,000 (amends BC Reg 425/2003).
 - The maximum fine that a local trust committee may set for a bylaw ticket has been increased to \$3,000 per infraction per day in accordance with the Community Charter Bylaw Enforcement Ticket Regulation. Note that this has been implemented via “Municipal Ticket Information System Bylaws” (MTI Bylaw) within the Islands Trust Area. The following local trust committees have MTI Bylaws: Gabriola, North Pender, Salt Spring, and Thetis (Table 1).
 - MTI Bylaws have been generally replaced in favour of Bylaw Enforcement Notification (BEN) Bylaws. The maximum Local Trust Committee bylaw notices penalty of \$500 under the Local Government Bylaw Notice Enforcement Act (Bylaw Enforcement Notification (BEN) Bylaws) is overseen by the Ministry of Attorney General and remains unchanged (Table 1).

Table 1 LTCs Enforcement Bylaws and Associated Maximum Permitted Penalty

Local Trust Committee	MTI Bylaw (max: \$3,000 penalty)	BEN Bylaw (max: \$500 penalty)
Ballenas-Winchelsea	N/A	✓
Denman	N/A	✓
Gabriola	✓	✓
Galiano	N/A	✓
Gambier	N/A	✓
Hornby	N/A	✓
Lasqueti	N/A	N/A
Mayne	N/A	✓
North Pender	✓	✓
Salt Spring	✓	✓
Saturna	N/A	N/A
South Pender	N/A	✓
Thetis	✓	✓

- Effective May 1, 2024, the *Short-Term Rental Accommodation Act* removes legal non-conforming protection for short-term rental accommodation uses.

Bill 35, Order in Council 679, and the policy guidance document for local governments will be forwarded to the Regional Planning Committee as per the December 7, 2023 [draft] Islands Trust Council resolution:

“THAT Trust Council request the Regional Planning Committee to evaluate the Short Term Rental Accommodation Act to identify opportunities and challenges for implementation of the act on the management of short term rentals in the Trust Area.”

The Housing Statutes (Residential Development) Amendment Act

Materials pertaining to [Bill 44](#) – *Housing Statutes (Residential Development) Amendment Act* include:

- A Policy [Manual](#) & Site Standards document to guide updates to zoning bylaws, other regulatory bylaws, and policies undertaken to comply with Small Scale Multi-Unit Housing (SSMUH) legislation. In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the SSMUH legislation, a local government must consider any applicable guidelines for SSMUH, including this Policy Manual.
- Order in Council [673](#) – bringing into force specific provisions of the *Housing Statutes (Residential Development) Amendment Act* and making a Local Government Zoning Bylaw Regulation that among other things, prescribes: minimum densities, distances and parcel sizes. The regulation also provides additional details on what constitutes a bus stop, and details exemptions from small-scale multi-family housing requirements. Does not apply to local trust committees.

ATTACHMENT(S):

- Hyperlinks provided to Orders In Council and Policy Manuals

FOLLOW-UP:

Staff will update as more information on regulations becomes available (ex: Housing Needs Reports).
Staff may forward to Local Trust Committees for consideration of opting to the principal residence regulations.

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Reviewed By/Date: