



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: June 24, 2024
Time: 1:30 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

			Pages
1.	CALL TO ORDER	1:30 PM - 1:30 PM	
2.	APPROVAL OF AGENDA	1:30 PM - 1:35 PM	
3.	TOWN HALL AND QUESTIONS	1:35 PM - 1:50 PM	
4.	COMMUNITY INFORMATION MEETING - None		
5.	PUBLIC HEARING - None		
6.	MINUTES	1:50 PM - 2:00 PM	
6.1	Local Trust Committee Minutes Dated May 27, 2024 (for Adoption)		4 - 10
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 June 2024		11 - 11
8.	DELEGATIONS		
9.	CORRESPONDENCE		
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>			
10.	APPLICATIONS AND REFERRALS	2:00 PM - 2:40 PM	
10.1	PLTUP20240004 (Orpen - BC Ferries) - Staff Report (attached)		12 - 18
10.2	MA-SUB-2023.1 (Brown – MIHS - Staff Report (attached)		19 - 25
11.	LOCAL TRUST COMMITTEE PROJECTS	2:40 PM - 3:10 PM	

11.1	Land Use Bylaw Project - Staff Report (attached)	26 - 38
12.	REPORTS	3:10 PM - 3:20 PM
12.1	Work Program Reports (attached)	
12.1.1	<u>Active Projects Report Dated June 2024</u>	39 - 39
12.1.2	<u>Future Project List Report Dated June 2024</u>	40 - 40
12.2	Applications Report - Verbal Update	
12.3	Trustee and Local Expense Report - None	
12.4	Adopted Policies and Standing Resolutions (attached)	41 - 45
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 May 2024	46 - 47
13.	NEW BUSINESS	3:20 PM - 3:40 PM
13.1	Denman Island Bylaw No. 61 - Discussion	
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting Scheduled for July 29, 2024 at the Agricultural Hall, Mayne Island	
15.	TOWN HALL	3:40 PM - 3:55 PM
16.	CLOSED MEETING (Distributed Under Separate Cover)	
16.1	Motion to Close the Meeting	
	That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(f)(g) for the purpose of considering:	
	(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;	
	(g) litigation or potential litigation affecting the municipality;	
	AND that the recorder and staff attend the meeting.	
16.2	Recall to Order	

16.3 Rise and Report

17. ADJOURNMENT

3:55 PM - 3:55 PM

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: May 27, 2024
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

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

Staff Present: Narissa Chadwick, Island Planner
Lisa Millard, Recorder (electronic)

Others Present: There was one (1) member of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 1:30 p.m. Chair Elliott acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 13.2 Georgina Point Road Construction
- 13.3 Derelict Vessels

By general consent, the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

A member of the public made the following comments:

- Has owned property in the Horton Bay area for over thirty (30) years
- There are numerous mooring buoys, floats, and derelict vessels in the bay
- The same person that allowed his boats to sink in the bay now has another boat there
- This boat was initially tied to the sunken boats, then the owner moved it to a neighbours float, and when given notice to vacate the float, it was moved to the neighbours mooring buoy
- This boat is now taking on water and there is concern it will sink
 - A Trustee replied with the following comments:
 - Mooring buoys have become a problem throughout British Columbia
 - The jurisdiction to regulate the buoys lies with the federal government
 - Part of the problem is the high expense of removing and disposing of derelict boats

- Action is not taken unless the boats or buoys are deemed a hazard to navigation or a risk to public safety
- The Bylaw Enforcement Officer is aware of the scale of the problem
- There have been multiple bylaw notices given to remove floats

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes Dated March 25, 2024 (for Adoption)

By general consent the Mayne Island Local Trust Committee meeting minutes of March 25, 2024 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 May 2024

- February 26, 2024 Activity 1 that the Local Trust Committee write a letter to the Ministry of Transportation and Infrastructure (MOTI) regarding roadside brush clearing can be removed because this concern will be addressed through staff to staff taskforce meetings

Discussion ensued regarding the September 25, 2024 Activity 1 Wooddale zoning.

MA-2024-023

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff to provide a report with regard to Wooddale enforcement issues.

CARRIED

8. DELEGATIONS - None

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS - None

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Housing Review Project - Staff Report

Island Planner Chadwick summarized the Staff Report and highlighted the following:

- Mayne Island has been working on housing since 2019 and is now moving into the second phase of the project
- The focus has been on how to provide the opportunity for additional small units on lots without increasing lot coverage

- This has resulted in a flexible housing regulation which permits additional units within a maximum overall floor area
- The next phase of the project will allow the Local Trust Committee to look at other opportunities to expand flexible housing options

Discussion ensued and the following concepts and considerations were noted:

- Opportunity to identify land that might be donated to a not-for-profit housing society such as Habitat for Humanity
- Explore land sharing options such as co-ownership and stratas
- CoHo BC specializes in writing co-ownership agreements
- Co-ownership, co-housing, land donation, and other options could be a focus of a community forum which could be planned to be held in late fall 2024

MA-2024-024

It was Moved and Seconded,

that Mayne Island Local Trust Committee endorse the project charter for the Mayne Island Housing Options Project Phase 2 as presented at the May 27th, 2024 Mayne Island LTC regular meeting.

CARRIED

MA-2024-025

It was Moved and Seconded,

that Mayne Island Local Trust Committee endorse the Mayne Island Housing Action Plan as presented at the May 27th, 2024 Mayne Island Local Trust Committee regular meeting.

CARRIED

MA-2024-026

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff organize a Community Information Meeting in the fall of 2024 to introduce the Housing Action Plan and have focussed discussion related to increasing opportunities for the development of not for profit housing.

CARRIED

11.2 Land Use Bylaw Project - Staff Report

Island Planner Chadwick summarized the staff report and noted the following:

- The Local Trust Committee supported not going to a public hearing for Draft Bylaw 193 as it is not required
- Referrals have been sent out and most of the replies received to date indicated that interests are unaffected

Discussion ensued and Trustees made the following comments:

- Item 2.16 (d) indicates that the exterior area allowed for the storage of vehicles, equipment, and materials may not exceed 350ft² on lots less than 5 acres and this seems inadequate based on the lot size and the community can provide feedback on this
- Item 2.16 (b) specifies that vehicles and equipment storage must be screened from residential uses on adjoining lots and this should be amended by stating storage

should be screened from residential uses as this ensures that all views are screened including those from the roadway

- Item 2.16 (f) states that contractor vehicles may be operated on the property from 8:00 a.m. to 8:00 p.m. Monday to Saturday and this should be changed to be the same hours of operation that are allowed within the Capital Regional District
- Site specific regulations for the school board property, S1 (b) show that an accessory dwelling unit for the accommodation of school staff is permitted and this should be changed to state staff and family
- It was noted that three (3) letters from the public were received regarding the proposed change to housing at the church property and it was clarified that a total of sixteen (16) units are still allowed however there is now the possibility for a larger makeup of residents in addition to seniors

MA-2024-027

It was Moved and Seconded,

that Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No.146, 2008, Amendment No.1, 2023’ is not contrary or at variance with the Islands Trust Policy Statement.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Active Projects Report Dated May 2024

Received for information.

12.1.2 Future Project List Report Dated May 2024

Updates have been outlined in Item 7.1.

12.2 Applications Report Dated May 2024

Island Planner Chadwick stated that the Ministry of Transportation and Infrastructure (MOTI) had requested engineered drawings of the retaining wall at 340 Georgina Point Road which were received. Then MOTI requested new drawings which were also received. MOTI has identified that inadequacies remain. MOTI is working with the applicant on the requirements necessary for approval.

12.3 Trustee and Local Expense Report Dated March 2024

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No changes at this time.

12.6 Chair's Report

Chair Elliott reported the following:

- Has attended a number of meetings
- The Bylaw Enforcement Review Project identified that there will be a policy manual developed for each Local Trust Committee which would replace standing resolutions
- An implementation plan for the Freshwater Balance Project will be presented in the fall
- There will be a Committee of the Whole meeting at the end of May for the purpose of discussion on the Islands Trust Draft Policy Statement and this will be followed by a public engagement process
- The Chief Administrative Officer (CAO) Hiring Committee has secured an executive search firm for an external search for the next CAO and they have developed an interim plan for an internal candidate

12.7 Trustee Report

Trustee Dodds reported the follows:

- Attended a meeting with Capital Regional District staff and did a walkthrough of the Glen Echo parkland
- She attended a meeting at the request of the Mayne Island Conservancy which met with Member of Legislative Assembly, Adam Olsen, to discuss an Ultimate Spirit grant they received from the Victoria Foundation
- She attended an online meeting hosted by the Capital Regional District which discussed marine issues
- She attended an online meeting with Ministry of Transportation and Infrastructure staff which focused on improving communications with Local Trust Areas

Trustee Maude reported the following:

- Mayne Island had two substantive community meetings and each of the points that came from those meetings were adopted into the Policy Statement
- There were many stakeholders present at the meeting with the Capital Regional District which focussed on marine issues
- The meeting with the Ministry of Transportation and Infrastructure allowed for an informal communication protocol to be established

12.8 Electoral Area Director's Report - none

12.9 Islands Trust Conservancy Report Date April 2024

Received for information.

13. NEW BUSINESS

13.1 2023/24 Annual Report - Request for Decision

The following amendments are to be made to the Mayne Island section of the 2023/24 Annual Report:

1. Change the first sentence to "The Mayne Island Local Trust Area comprises Mayne Island and twenty associated islands including Curlew and Georgeson Islands."

2. Change the second sentence to “The Mayne Island Local Trust Area is located within the territory of many First Nations whose peoples have cared for these lands and waters since time immemorial.”
3. Add to the following sentence to the end of the third paragraph: The fallow deer introduced to Mayne Island continue to impact the ecosystem and devastate the understory.

MA-2024-028

It was Moved and Seconded,

that Mayne Island Local Trust Committee approves the attached text as amended for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

13.2 Georgina Point Road Construction

Discussion ensued.

MA-2024-029

It was Moved and Seconded,

that Mayne Island Local Trust Committee draft a letter to the Ministry of Transportation and Infrastructure, and the property owner of 340 Georgina Point Road, expressing grave concerns regarding safety and slope stability of the property.

CARRIED

13.3 Derelict Vessels

Discussion ensued.

MA-2024-030

It was Moved and Seconded,

that Mayne Island Local Trust Committee write to Member of Parliament Elizabeth May and Member of Legislative Assembly Adam Olsen to express concern over the handling of derelict boats becoming navigation hazards and the matter of public safety in Horton Bay.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 24, 2024 at the Agricultural Hall, Mayne Island

15. TOWN HALL

A member of the public stated that the derelict and sunken boats in Horton Bay are of great interest to children in the neighbourhood and therefore there is concern for public safety.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

MA-2024-031

It was Moved and Seconded,

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

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

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

AND that the recorder and staff attend the meeting.

CARRIED

The regular meeting was recessed at 3:23 pm and reconvened at 3:34 pm.

16.2 Recall to Order

16.3 Rise and Report

Chair Elliott reported that Carly Bilney has been appointed as Secretary of the Mayne Island Advisory Planning Commission and that the in camera minutes of March 25, 2024 were adopted.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:35 p.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Mayne Island

26-Feb-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 9.1 Trustee Dodds to draft letter to BC Ferries regarding community use of their property (possible dog park)	Emily Bryant Narissa Chadwick	Target: 15-Mar-2024	In Progress

27-May-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 7.1 LTC request staff to provide update on follow-up regarding Wood dale enforcement issue	Warren Dingman	Target: 07-Jun-2024	Completed
0%	2 11.1 Project charter and action plan endorsed. CIM to be held by October to include sharing options for "land-sharing". Update needed to project charter to remove July CIM.	Narissa Chadwick	Target: 14-Jun-2024	In Progress
0%	3 11.2 Minor amendments requested (2.16 b,f) 2.14 (\$1 (b)	Narissa Chadwick	Target: 11-Jun-2024	Completed
0%	4 12.1.2 Update future projects list	Narissa Chadwick	Target: 07-Jun-2024	Completed
100%	5 13.1 Annual report approved as amended	Narissa Chadwick Robert Kojima	Target: 07-Jun-2024	Completed
0%	6 13.2 LTC letter to MOTI and property owner of 340 Georgina Point Road expressing concern safety and slope stability.	Narissa Chadwick	Target: 07-Jun-2024	In Progress
0%	7 13.3 LTC letter to DFO re: safety and navigation related to mooring buoys and derelict boats in Horton Bay.	Emily Bryant Narissa Chadwick	Target: 14-Jun-2024	In Progress

File No.: PLTUP20240004 (Orpen – BC Ferry Services)

MA-TUP-2023.1 (BC Ferry Services Inc.)

DATE OF MEETING: June 24, 2024

TO: Mayne Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Renewal of Temporary Use Permit

Applicant: Lee Orpen – BC Ferries

Location: 487 Letour Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of renewal Temporary Use Permit PLTUP20240004 (Orpen - BC Ferry Services Inc.) for a period of one (1) year.

REPORT SUMMARY

The purpose of the report is to consider a renewal Temporary Use Permit (TUP) for workforce housing of up to six Ramida Construction employees on a residential zoned lot. The renewal will allow for the use to continue in compliance with the Land Use Bylaw (LUB).

BACKGROUND

The TUP for the temporary workforce housing use was issued for the property in 2023 (MA-TUP-2023.1) for one (1) year, and expired on May 31, 2024. The staff report and attachments for that application are available as part of the May 29, 2023 LTC agenda package (pp. 33-45) here: <https://islandstrust.bc.ca/document/mayne-ltc-regular-meeting-agenda-17/>

Ramida Construction has been contracted by the Capital Regional District (CRD) to complete the Mayne Island Regional Trail. The trail is nearing completion, however, it has taken longer to complete than previously estimated (February 2024). The new estimate of the end of August, 2024. The current application would renew the permit for a period of one (1) year to allow the work to be completed.

The rationale for the renewal is to continue to allow the continued provision of on-site temporary employee housing until the completion of the project.

The BC Ferries owns the property, 487 Letour Road, and has provided the vacant lot to be used for temporary housing as there are limited accommodations on Mayne Island. The property is 0.9 hectares (2.23 acres), zoned

Settlement Residential (SR), and is adjacent to the Village Bay ferry terminal where the regional trail begins. The housing avoids the need for taxing and expensive ferry commutes by the construction crew; trips are taxing on crew members and can add additional project expense and delay (i.e. ferry costs and cancelled/missed ferries). The proposed use is unchanged and would continue to occur from Monday to Friday consisting of the following:

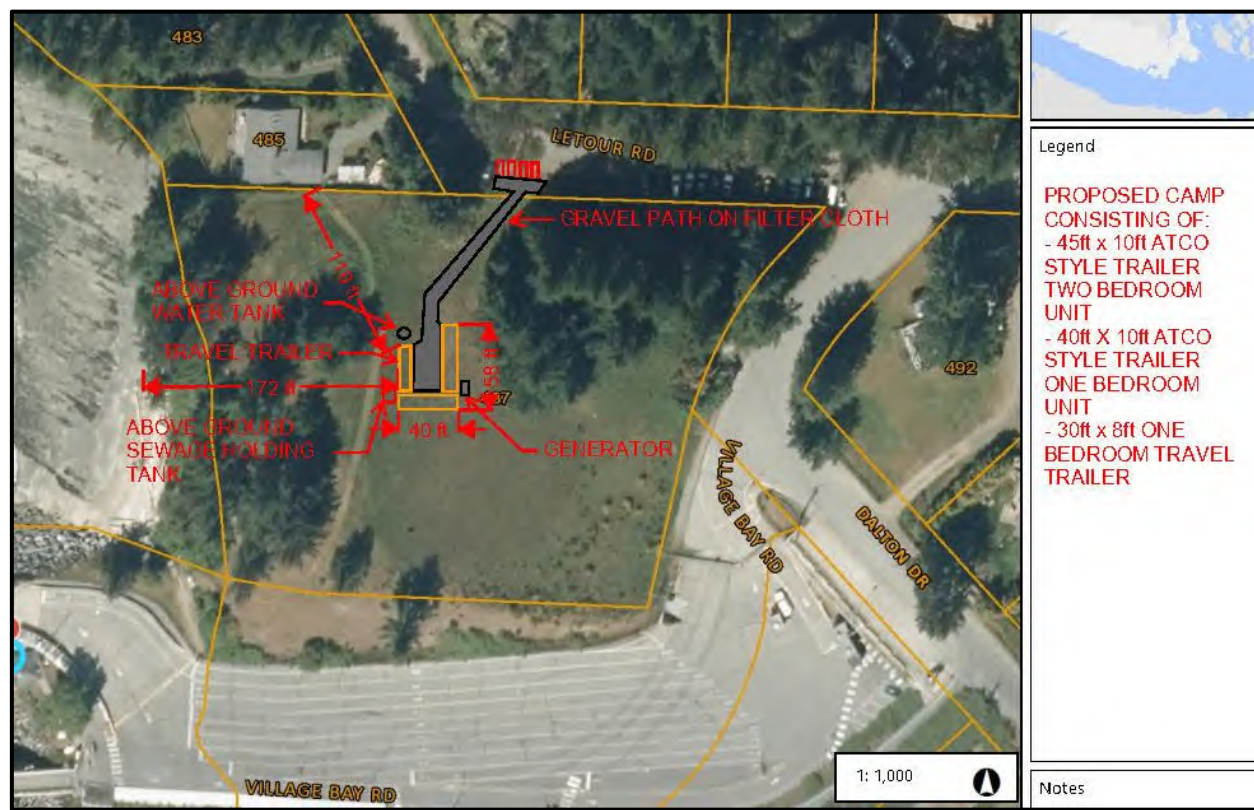
- a 45' x 10' two-bedroom trailer,
- a 40' x 10' one-bedroom trailer, and a
- 30' x 8' travel trailer.
- An above ground water tank with 3800 litres (836 gallons) and a water holding truck available on-site with a storage capacity of 35,000 litres (7700 gallons).
- Above ground sewage holding tank meeting the Public Health Act regulations are also proposed.

An agreement between BC Ferries and Ramida is in place ensuring that the land is returned to existing conditions upon completion of the construction.

Staff notes that there is no neighbour notification required with a TUP renewal application for a TUP and that the LTC cannot change any condition of the permit. Their only discretion is to set the timeframe of the renewal TUP. If the LTC opts to change any condition(s), then further notification to neighbouring property owners would need to be undertaken at the cost to the applicant and a time delay.

A copy of proposed renewal Temporary Use Permit PLTUP20240004 is Attachment 1.

Figure 1 – Site Plan



ANALYSIS

Policy/Regulatory

Official Community Plan:

The renewal temporary use permit is generally consistent with section 2.9 of Mayne Island OCP Bylaw No. 144.

There are no Development Permit Areas on the property.

Land Use Bylaw:

The property zoned **Settlement Residential (SR)** in the Mayne Island Land Use Bylaw (LUB) No. 146. The renewal of the TUP will allow the use to continue on the property in compliance with the LUB.

Issues and Opportunities

Staff contacted BC Ferries to confirm that they have complied with the conditions of the TUP over the past year and the number of temporary buildings, structures and equipment is consistent with above. They confirmed that on June 14, 2024.

The Islands Trust has not received any complaints about the uses in the past year.

Consultation

Statutory Requirements

As above, there is no statutory notification required for a TUP renewal application, as the permit conditions are unchanged from the original.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation, and information on the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* compliance directly to the applicants was sent to the applicants with the original application.

Rationale for Recommendation

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

- The rationale is reasonable.
- The proposed TUP valid period is short.
- TUP conditions will ensure impacts are minimal.
- Supports the development of an active transportation path.
- Provides workforce housing where housing availability is limited.

ALTERNATIVES

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

1. Renew for a different time period

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

That the Mayne Island Local Trust Committee approve renewal application PLTUP20240004 (Orpen - BC Ferry Services Inc.) for a period of ____year(s).

2. Request further information

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

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

3. Deny the application

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

That the Mayne Island Local Trust Committee deny application PLTUP20240004 (Orpen - BC Ferry Services Inc.) 1 for the following reasons

Submitted By:	Phil Testemale	June 14, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	June 14, 2024

ATTACHMENTS

- 1. Draft Renewal Temporary Use Permit



**MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
PLTUP20240004 (Orpen/BC Ferry Services Inc.)**

Renewal of MA-TUP-2023.1

487 LETOUR ROAD

To: BC Ferry Services Inc.

1. This Permit applies to the land described below:

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

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

a) Temporary workforce housing

3. and is subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

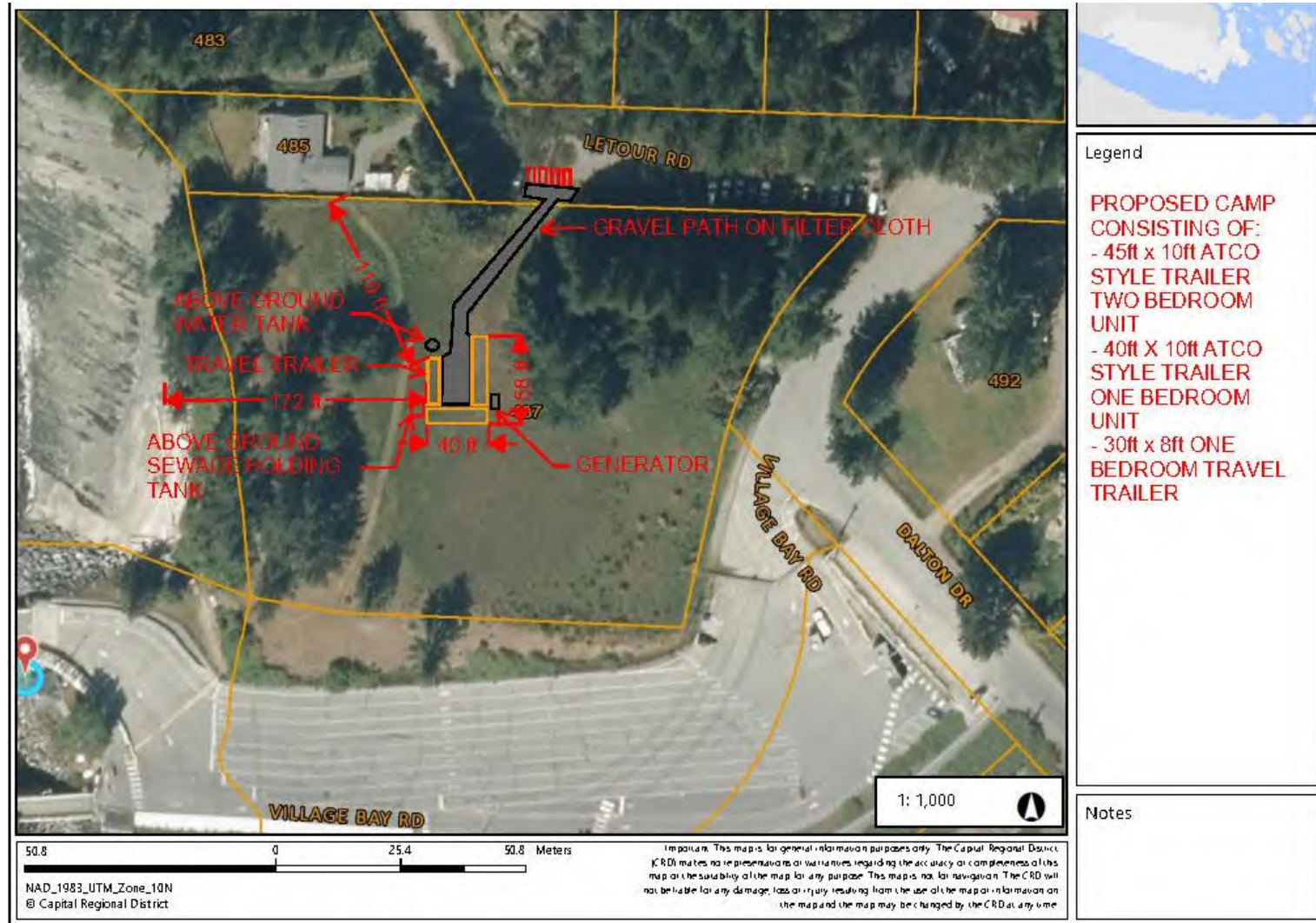
Deputy Secretary, Islands Trust

Date Issued

MAYNE ISLAND LOCAL TRUST COMMITTEE

PLTUP20240004

SCHEDULE 'A'



File No.: MA-SUB-2023.1 (Brown)
(MA-RZ-2020.1 [MIHS])

DATE OF MEETING: June 24, 2024
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Report subject: Acceptance of Section 219 Covenant
Applicant: David Brown / Mayne Island Housing Society
Location: 375 Village Bay Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee accept the Section 219 Covenant that is Attachment 1 to this report for MA-SUB-2023.1 (Brown).
2. That the Mayne Island Local Trust Committee designate the Chair of the Local Trust Committee to sign the Covenant

REPORT SUMMARY

The purpose of the report is to present a draft Section 219 Covenant for acceptance by the Local Trust Committee (LTC) and to designate the Chair to sign the covenant, allowing subdivision application MA-SUB-2023.1 to be finalized.

BACKGROUND

The subject property was the subject of MA-RZ-2020.1 by the Mayne Island Housing Society (MIHS) for their affordable housing project. The current subdivision application will create three (3) Lots, Lot 3 of which will be donated to MIHS by the owner of the land, the McHugh family (Figure 2).

The applicants are nearing completion of their subdivision conditions. Proof of potable water is one of the outstanding Islands Trust conditions, more specifically for proposed Lot 2 which does not have a drilled well. Article 8.11 2) (b) of the Mayne Island Land Use Bylaw 146 Subdivision Regulations permit a subdivision to be approved on a Lot without a well provided that a Section 219 Covenant is registered on Title as follows:

- (2) Where the certification referred to in subsection 8.11(1) cannot be made, the approving officer may nonetheless approve the subdivision in the following circumstances:
 - (a) where the applicant provides a community water system complying with the requirements of this bylaw; or

- (b) where the applicant grants a s. 219 covenant to the LTC and to the CRD restricting the development of the subdivision to the buildings, structures and uses in respect of which a certification has been made under subsection 8.11(1).

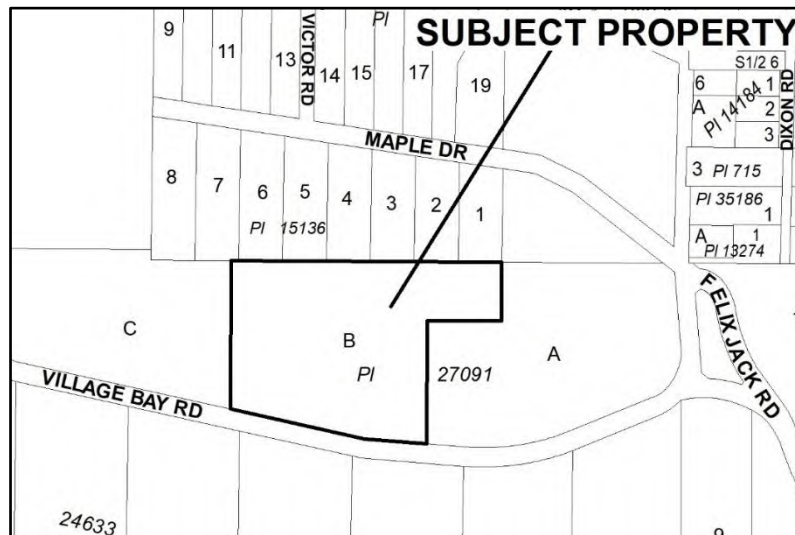
MIHS, acting on behalf of the owners of the land, are proposing that a S. 219 Covenant be granted in favour of the Mayne Island LTC and the CRD. The drafted covenant is Attachment 1 and is consistent with the LUB requirement (above).

The covenant would enable the MIHS to defer and transfer the cost to a future landowner of drilling and certifying a new well on proposed Lot 2, or providing an easement to a shared well on a neighbouring lot (presumably Lot 3).

At the time of writing, the McHugh's legal counsel have not reviewed the most recent, attached version of the covenant. However, staff anticipates that this will be confirmed by the time of the LTC meeting and will report accordingly.

With the acceptance and signing of the Covenant, the Islands Trust can provide final approval to the Ministry of Transportation and Highways.

Figure 1 – Subject Property



ANALYSIS

Official Community Plan:

The property is designated **R-MR – Rural – Multi-Family Residential** and **R – Rural**. There are no Development Permit Areas designated on the property.

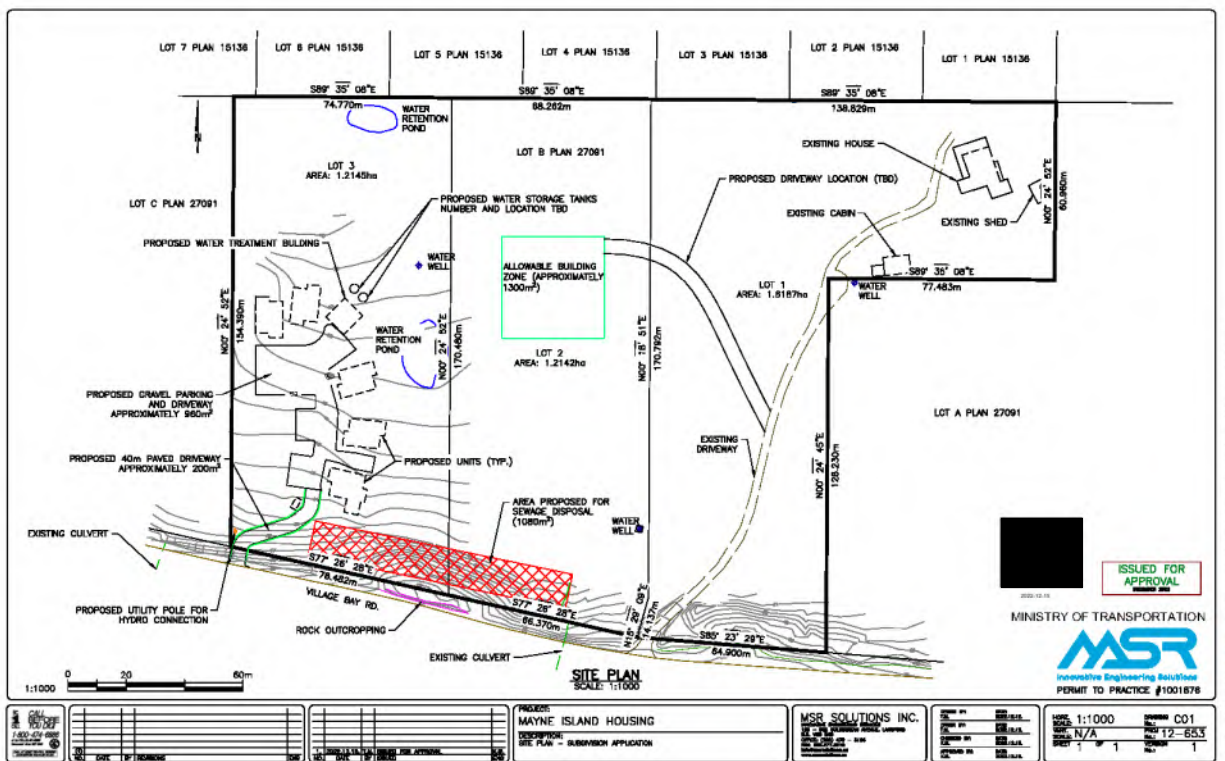
Land Use Bylaw:

The property is split-zoned **Community Development 3 (CD3 – proposed affordable housing Lot 3)** and site specific **Rural (R[g] – Lots 2 and 1)** in the LUB.

Consultation

There are no applicable statutory consultation requirements with the request.

Figure 2 - Subdivision Layout Plan



Rationale for Recommendation

The recommendations on page 1 are supported as the rationale for the request is reasonable and accepting the covenant will enable the finalization of the subdivision.

ALTERNATIVES

1. Request further information

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

That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust the following information: _____

Submitted By:	Phil Testemale, Planner 2	June 14, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	June 14, 2024

ATTACHMENT

- Draft of Section 219 Covenant.

PART 2 - TERMS OF INSTRUMENT

LOT 2 WATER SUPPLY

SECTION 219 COVENANT

This Agreement dated for reference _____ is between:

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

(the “**Grantor**”)

AND:

MAYNE ISLAND LOCAL TRUST COMMITTEE, a corporation under
the *Island Trust Act*, R.S.B.C. 1996, c. 239, having an office at
Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(the “**Local Trust Committee**”)

AND:

CAPITAL REGIONAL DISTRICT, of
625 Fisgard Street, Victoria, British Columbia, V8W 1R7

(“**CRD**”)

(the Local Trust Committee and CRD are each a “**Grantee**” and together the
“**Grantees**”)

GIVEN THAT:

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

PID: 002-552-256

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

(the “**Land**”);

- B. The Grantor proposes to subdivide and develop the Land for residential use.
- C. The Grantor wishes to grant to the Grantees a covenant under s. 219 of the *Land Title Act* (British Columbia) to regulate the use of the Land to restrict the development of Lot 2 until water supply standards are met.

NOW THEREFORE, in consideration of the payment of \$2.00 by the Local Trust Committee to the Grantor (the receipt and sufficiency of which is acknowledged by the Grantor), and in

consideration of the promises exchanged below, the Grantor covenants and agrees with the Local Trust Committee in accordance with s. 219 of the *Land Title Act* (British Columbia) as follows:

Definitions

1. In this Agreement:
 - (a) “**Land**” has the meaning ascribed in Recital A and, for clarity, includes the parcels for Lots 1, 2 and 3 into which it is subdivided by any means and any parcel into which the Land is consolidated;

Approvals

2. Where this Agreement requires the approval of the Local Trust Committee, approval may be given by the Islands Trust’s Regional Planning Manager, Southern Team and must, if given, be in writing.

Lot 2 Water Supply

3. No building or structure shall be constructed or developed on Lot 2 until the Owner of Lot 2 has submitted to the Local Trust Committee and received written confirmation that the terms are satisfactory to the Local Trust Committee, either:
 - (a) written certification under seal of an engineer or a professional hydrogeologist with experience in groundwater hydrology that there is, in respect of each building, structure, or use of land permitted on Lot 2, an available supply of potable water that meets or exceeds the amounts set out in the Mayne Island Land Use Bylaw, if a well is proposed for the Lot 2 water supply; or
 - (b) an easement in favour of Lot 2 for water supply purposes, a section 219 covenant in favour of the Local Trust Committee for water supply purposes, and written certification under seal of an engineer or a professional hydrogeologist with experience in groundwater hydrology that there is, in respect of each building, structure, or use of land permitted on both Lot 2 and the lot to supply water to Lot 2, an available supply of potable water that meets or exceeds the amounts set out in the Mayne Island Land Use Bylaw, if water from a well on another lot is proposed for the Lot 2 water supply.

No Effect on Laws or Powers

4. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land except as expressly set out herein;
 - (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;

- (c) affect or limit any enactment relating to the use or subdivision of the Land;
- (d) relieve the Grantor from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

- 5. The Grantor is only liable for breaches of this Agreement caused or contributed to by the Grantor or which the Grantor permits or allows. The Grantor is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Grantor is liable only for breaches of this Agreement which occur while the Grantor is the registered Grantor of any interest in the Land and then only to the extent of that interest.

No Liability in Tort

- 6. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

- 7. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Grantor in this Agreement constitutes a personal covenant and also a covenant granted under s. 219 of the Land Title Act (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and the parcels for Lot 2 into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

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

Waiver

- 9. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

- 10. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest

of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

11. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

12. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Execution Using Form C

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

File No.: 2023 LUB Minor
Amendments

DATE OF MEETING: June 24, 2024
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Senior Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Minor Amendments – Bylaw Readings

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2023” be read for the first time
2. That the Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2023” be read for a second time.
3. That the Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2023” be read for a third time.
4. That the Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

This report presents Draft Bylaw 193, provides a summary of referral responses, identifies consistency with the Islands Trust Policy Statement and recommends consideration of first, second and third readings.

BACKGROUND

The Mayne Island Local Trust Committee’s Official Community Plan (OCP) and Land Use Bylaw (LUB) minor amendments project was launched with a project charter in July 2023. Since then the Mayne LTC has focused on LUB amendments only. Direction to draft bylaws was provided via resolution at the LTC’s November 27th, 2023 regular meeting. Since that meeting, the LTC has identified and discussed a number of topics and made two referrals to the Advisory Planning Commission. At their March 25th 2024 meeting the following resolutions were approved:

MA-2024-020

That Mayne Island Local Trust Committee request staff to send referrals related to Bylaw No.193, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023” to all relevant agencies, and First Nations with changes as discussed.

MA-2024-019

That, pursuant to Local Government Act s. 464(2), the Mayne Island Local Trust Committee resolves to not hold a public hearing for Bylaw No.193, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023” and that staff give notice of First Reading in accordance with s.467 of the Local Government Act.

At their May 24th, 2024 regular meeting the LTC passed the following resolution:

MA-2024-027

That the Mayne Island Local Trust Committee Bylaw No. 193 cited as “Mayne Island Land Use Bylaw No.146, 2008, Amendment No.1, 2023’ is not contrary or at variance with the Islands Trust Policy Statement.

The LTC also requested some minor amendments which are identified in the summary of amendments chart (Attachment 1) and in track changes in the draft bylaw (Attachment 2).

The purpose of bylaw No.193 is to make minor and technical amendments to the Mayne Island Land Use Bylaw No. 146, 2008. The bylaw includes: setback changes, minor changes to site specific zoning, creation of site specific zoning for properties with existing temporary use permits, expansion of permissions for contractor yards.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Bylaw No.193, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023” is consistent with the Islands Trust Policy Statement.

Official Community Plan:

Bylaw No.193, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023” is consistent with the Official Community Plan (OCP).

Land Use Bylaw:

Bylaw No.193, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023” is consistent with other parts of the Land Use Bylaw.

Islands Trust Conservancy :

The proposed amendments do not impact the Islands Trust Conservancy interests.

Consultation

In accordance with regular statutory requirements, a public hearing is typically required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. This would occur after draft bylaws have received at least first reading. Public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing.

In this case, where land use bylaw amendments are consistent with the OCP, under *Local Government Act* s. 464 (2), the LTC has decided to not hold a public hearing. In keeping with the legislation, notice was given prior to presenting the bylaw to the LTC for First Reading.

The bylaw was referred to the agencies and First Nations identified below. The Snuneymuxw, Tsawwassen and Ts’uubaa-asatx indicated that there interests were unaffected. At the time of writing this report no further

responses were received from other Nations. The Campbell Bay Musicfest Society indicated support for the amendments. The Ministry of Municipal Affairs, Island Health and the Ministry of Transportation and Infrastructure (MOTI) indicated that their interests were unaffected. MOTI pointed out that they would like to ensure that Islands Trust Bylaw officers work with MOTI to avoid the issue of Derelict Vehicles getting moved from private property into the MOTI right of way and that a Special Event Permit be submitted from the Campbell Bay Musicfest Society for review and approval prior to any event taking place.

At the time of writing this report, feedback was received from 3 neighbours of the property currently zoned “Senior Citizens Housing Comprehensive Development One (CD1) Zone”. Letters received expressed concern regarding a potential increase in population on the lot leading to a potential increase in impact to the land and concerns related to freshwater water availability and traffic congestion. There was no other feedback received.

Agencies

Ministry of Municipal Affairs	Campbell Bay Musicfest Society
Ministry of Transportation & Infrastructure	Islands Trust – Bylaw Enforcement
CRD – Building Inspection	Galiano Island Local Trust Committee
CRC – Regional Parks and Community Services	North Pender Island Local Trust Committee
Island Health	Saturna Island Local Trust Committee
Mayne Island Fire Rescue	South Pender Island Local Trust Committee
Mayne Island Agricultural Hall Society	Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes	Pauquachin First Nation	Tsartlip First Nation
Halalt First Nation	Penelakut Tribe	Tsawout First Nation
Lake Cowichan First Nation	Semiahmoo First Nation	Tsawwassen First Nation
Lyackson First Nation	Snuneymuxw First Nation	Tseycum First Nation
Malahat First Nation	Stz’uminus First Nation	WSANEC Leadership Council

Rationale for Recommendation

The Mayne Island LTC has had the opportunity to discuss the content of the draft bylaw over the past year, this has included consideration of APC recommendations.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. The LTC will need to identify to staff the information they require. This option will result in deferring reading until after the required information is provided.

2. Make amendments to the bylaw prior to moving through to third reading

The LTC may make additional changes to the bylaw before giving readings. If the proposed changes are consistent with the OCP and/or do not require additional research, the LTC may make further changes and then giving readings to the bylaw.

3. Defer further reading

The LTC could choose to defer further reading in order to take time for further consideration and contemplation.

NEXT STEPS

If the staff recommendations are supported:

- Staff will forward Bylaw 193 to the Executive Committee
- Once approved by the Executive Committee, Bylaw 193 will come back to the LTC for final approval

Submitted By:	Narissa Chadwick RPP, Island Planner	June 4, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	June 11, 2024

ATTACHMENTS

1. Summary of Amendments
2. Draft Bylaw No.193

Attachment 1 – Summary of Amendments

Highlighted amendments are those that were added or changed and the May 27, 2024 LTC meeting

TOPIC	#	Draft Amendment
Animal shelter	2.1	Definition of “animal shelter” added
Permitted Livestock	2.2 2.6	Definition of livestock changed to indicate “livestock” can include more than those animals currently listed.
Personal Watercraft	2.3 2.7	Reference to “rental or sale of personal watercraft” deleted from list of prohibited uses.
Permit poultry in residential areas	2.5	Permission to have poultry in all zones added.
Removal of permission for paving and asphalt from the setback from the sea	2.7	Amendment made to prohibit concrete and asphalt paving in setback from the sea
Woodsheds in Setbacks	2.9 2.11	Added permission for “structures used exclusively for storing fire wood, that are open on at least one side and do not exceed 100ft ² /10m ² ” in setbacks
Patios in setback from the sea	2.8 2.10	Permission for “wooden patios up to 30m ² (323ft ²)” in setback from sea added.
Adding contractor yards to home occupation	2.13 2.14 2.15 2.16	Contractor yards recognized as home occupation. Regulations specific to contractor yard as home business drafted. 2.16 (b) “from residential uses adjoining lots” removed to focus on screening in all directions 2.16 (f) changed to adhere more closely to CRD noise bylaw as follows: Contractor vehicles and equipment may only be operated before the hours of 7:00 am (8 am on Saturdays, Sundays or Holidays) or after 7:00 pm
Derelict boats and trailers	2.17 2.18 2.19 2.20	Changes made in order that derelict boats and trailers on properties will be regulated in the same way as derelict cars.
Permitting Vet Clinic in zoning	2.22	Vet clinic permitted at 500 Felix Jack Road as well as animal shelter
Permitting musicfest in zoning	2.22 2.23	Musicfest permitted at 327 Campbell Bay Road (with attached plan).
Permitting Teacherage (453 Deacon)	2.24	“and family” added to site specific regulation
Agricultural Society Lands Setbacks	2.24	Change setback for 430 and 437 Fernhill Road to 0.
Permitting Thrift Store	2.24	Permitting Thrift Store and other Agricultural Society uses
Limiting lot coverage in resources conservation zone	2.25 2.26	Removing density and specifying “one” utility shed
Increasing the flexibility of housing type on Church lands	2.27 2.28 2.29	Changing “Senior Citizen” housing to “Seniors and Multi-family Residential” and 8 duplexes to 16 units.
Bennett Estate (Naylor Road)	2.32	Change to site specific zone to allow all uses throughout CD2 zone.

DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 193

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008,” is amended as follows:

2.1 Section 1.1 – Definitions is amended by inserting:

“Animal Shelter” means a facility operated by a not-for-profit organization devoted to the welfare, protection and human treatment of stray, abandoned, abused and owner surrendered domestic and companion animals.

2.2 Section 1.1 – Definitions is amended by inserting:

“Livestock” means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, horses, goats, sheep, hogs, llamas, and alpacas.

2.3 Section 1.1 – Definitions is amended by deleting the definition for “Personal watercraft” in its entirety.

2.4 Section 1.1 – Definitions is amended by deleting the definition of “contractor yard” and replacing it with ““contractor yard” means the use of land, buildings, or structures for the storage of materials, equipment, or vehicles for a building, construction, landscaping business, or other trades and services.”

2.5 Section 3.1 – Permitted in All Zones, Subsection 3.1 is amended by adding “(9) the raising of poultry excluding roosters”.

2.6 Section 3.2 – Prohibited in All Zones, Subsection 3.2(1) is amended by deleting “cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus” and replacing it with “livestock”

2.7 Section 3.2 – Prohibited in All Zones, Subsection 3.2(3) is deleted in its entirety and the following subsections re-numbered.

- 2.8 Section 3.3 – Siting and Setback Regulations, Subsection 3.3(3) is amended by adding “and for the purposes of this subsection paved parking areas or similar surfacing, concrete and asphalt paving, or similar surfacing of the land are “structures” after “(e) stairs or walkways required to access the foreshore or a permitted dock”.
- 2.9 Section 3.3 – Siting and Setback Regulations, Subsection 3.3(2) is amended by adding “structures used exclusively for storing fire wood, that are open on at least one side and do not exceed 108ft²/10m² in area” after “height,” and before “or utility shed”.
- 2.10 Section 3.3 – Siting and Setback Regulation, Subsection 3.3(3) is amended by adding “(f) wooden patios up to 30m² (323ft²) in area”.
- 2.11 Section 3.3 – Siting and Setback Regulation, Subsection (4) is amended by adding “(f) wooden patios up to 30m² (323ft²) in area”.
- 2.12 Section 3.3 – Siting and Setback Regulations, article 3.3(6)(a) is amended by deleting “area less than 3 metres in width” and replacing it with “of 3.0 metres or less.”
- 2.13 Section 3.6 Home Occupation Regulations, Subsection 3.6(1) is amended by adding “(l) contractor yards”.
- 2.14 Section 3.6 Home Occupation Regulations, Subsection 3.6(3) is amended by adding “or contractor yard” after “agricultural” and before “use”.
- 2.15 Section 3.6 Home Occupation Regulations, Subsection 3.6(5) is amended by adding “On properties with home occupations other than contractor yards” before “There may be no”.
- 2.16 Section 3.6 Home Occupation Regulations is amended by adding “(13) The following additional regulations apply to contractor yards as a home occupation:
 - (a) No vehicles, equipment or materials may be stored within a setback area;
 - (b) Vehicles, equipment and material storage must be screened ~~from residential uses on adjoining lots~~ by a landscape screen not less than 1.5m in height and complying with the provisions of Section 3.8;
 - (c) The area used for the storage of vehicles, equipment, and materials, in combination with all other buildings and structures, may not exceed the maximum permitted lot coverage;
 - (d) The total exterior area used for the storage of vehicles, equipment, and materials may not exceed 32.5m² (350ft²) on lots of less than 2 hectares (5 acres);
 - (e) The storage of a maximum of one contractor vehicle is permitted on lots smaller than 0.5ha (1 acre); and
 - (f) Contractor vehicles and equipment may only be operated before the hours of 7:00 am (8 am on Saturdays, Sundays or Holidays) or after 7:00 pm. ~~on the property from 8:00am to 8:00pm Monday to Saturday.”~~

- 2.17 Section 3.14 – Derelict Vehicles, is amended by inserting, “Boats and Trailers” in the section title.
- 2.18 Section 3.14 – Derelict Vehicles, Subsection 3.14(1) is amended by inserting after “one” “of the following: trailer, boat, or” before “unlicensed motor vehicle” and replacing “the vehicles” with “they”.
- 2.19 Section 3.14 – Derelict Vehicles, Subsection 3.14(2) is amended by inserting, “boats” after “trailers” and before “or”.
- 2.20 Section 3.14 Derelict Vehicles, Subsection 3.14(3) is amended by inserting, “boat or trailer” after “motor vehicle,” and before “parts or scrap”.
- 2.21 Section 5.5 Rural (R) Zone, Subsection 5.5(14) Site-Specific Zone R(c) is amended by deleting “Lot 1, Section 8, Mayne Island Cowichan District, Plan VIP70074 and” and “500 and.”
- 2.22 Section 5.5 Rural (R) Zone, Subsection 5.5(14) is amended by inserting two new rows in the table as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (h)	Lot 1, Section 8, Mayne Island, Cowichan District, Plan VIP70074 500 Felix Jack Road	(1) In addition to the uses permitted in 5.5(1) above, community water storage and distribution facilities, and a veterinarian clinic and animal shelter accessory to the veterinarian clinic are permitted in this location, subject to: (a) The maximum floor area of indoor animal shelter space is 47m² (500ft²) (b) Outdoor animal shelter space fully enclosed by fencing. (c) The maximum number of animals housed by the animal shelter is 30.
R (i)	Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587 327 Campbell Bay Road	(1) In addition to the uses permitted in 5.5(1) above, a music festival is permitted in this location, subject to: (a) Camping and occupancy of recreational vehicles is restricted to the area designated as ‘Camping Area’ on Schedule 5.5(a). (b) The owner must provide on-site parking for a minimum of two hundred (200) vehicles on the property in the areas designated as ‘Day Parking’ and ‘Overnight Parking’ on Schedule 5.5(a).

2.23 Section 5.5 Rural (R) Zone, Subsection 5.5(14) is amended by inserting Plan 1, attached to and forming part of this bylaw, as 'Schedule 5.5(a)' following the table.

2.24 Section 5.14 Community Service (S1) Zone is amended by inserting four new rows into the table as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
S1 (b)	Lot 6, Section 8 and 11, Mayne Island, Cowichan District, Plan 8200	(1) In addition to the uses permitted in 5.14(1) above, one accessory dwelling unit for the accommodation of school staff <u>and family</u> is permitted as a principal use
S1 (c)	Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126 437 Fernhill Road	(1) In addition to the uses permitted in 5.14(1) above, a thrift store, archive, museum storage, and fall fair activities are permitted in this location. (2) Despite 5.14 (3), front, rear, exterior and interior side lot line setbacks are 0 metres (0 feet)
S1(d)	Lot 9, Section 12, Mayne Island Cowichan District, Plan 3138	(1) Despite 5.14 (3), front, rear, exterior and interior side lot line setbacks are 0 metres (0 feet)
S1 (e)	Lot 16, Section 12, Mayne Island, Cowichan District, Plan 715 430 Fernhill Road	(1) Despite 5.14 (3), front, rear, exterior and interior side lot line setback are 0 metres (0 feet)

2.25 Section 5.19 Resource Conservation (RC) Zone, Subsection (1)(b) is amended by adding "one" after "and" and before "utility" and removing the "s" from "shed".

2.26 Section 5.19 Resource Conservation (RC) Zone, Subsection 5.19 (2) is amended by removing "Density (2) The maximum lot coverage is 5%".

2.27 Section 4.1 (1) Senior Citizens Housing Comprehensive Development One (CD1) Zone, is amended by deleting "Senior Citizens Housing" and inserting "Housing" after "Comprehensive Development One".

2.28 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone, is amended by deleting "Senior Citizens Housing" and inserting "Housing" after "Comprehensive Development One" in the section title.

2.29 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone is amended by replacing "The purpose of Senior Citizens Comprehensive Development One Zone is to provide for and regulate the development of housing for senior citizens in one

location in a comprehensive manner” with “The purpose of the Housing Comprehensive Development One Housing Zone is to provide for, and regulate, the development of multiple units of attached and detached housing, including housing for seniors and affordable housing, in a concentrated area”.

- 2.30 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone, Subsection 5.25(1)(a) is amended by replacing “Senior citizen residential use” with “residential use”.
- 2.31 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone, Subsection 5.25(2) is amended by replacing “A maximum of eight duplexes, containing two dwellings each to “16 dwelling units”.
- 2.32 Section 5.26 Comprehensive Development Two (CD2) Zone, is amended by deleting subsection 5.26(17), subsection 5.26(18), and removing “Schedule 5.26 (a) CD2 zone”.
- 2.33 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 1, Section 8, Mayne Island, Cowichan District, Plan VIP70074 from “R” to “R(h)”.
- 2.34 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587 from “R” to “R(i)”.
- 2.35 Schedule “B” – Zoning Map, is amended by changing the zoning of Lot 6, Section 8 and 11, Mayne Island, Cowichan District, Plan 8200 from “S1” to “S1 (b)”.
- 2.36 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126 from “S1” to “S1(c)”.
- 2.37 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 9, Section 12, Mayne Island Cowichan District, Plan 3138 from “S1” to “S1(d)”.
- 2.38 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 16, Section 12, Mayne Island, Cowichan District, Plan 715 from “S1” to “S1 (e)”.

3. SEVERABILITY

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

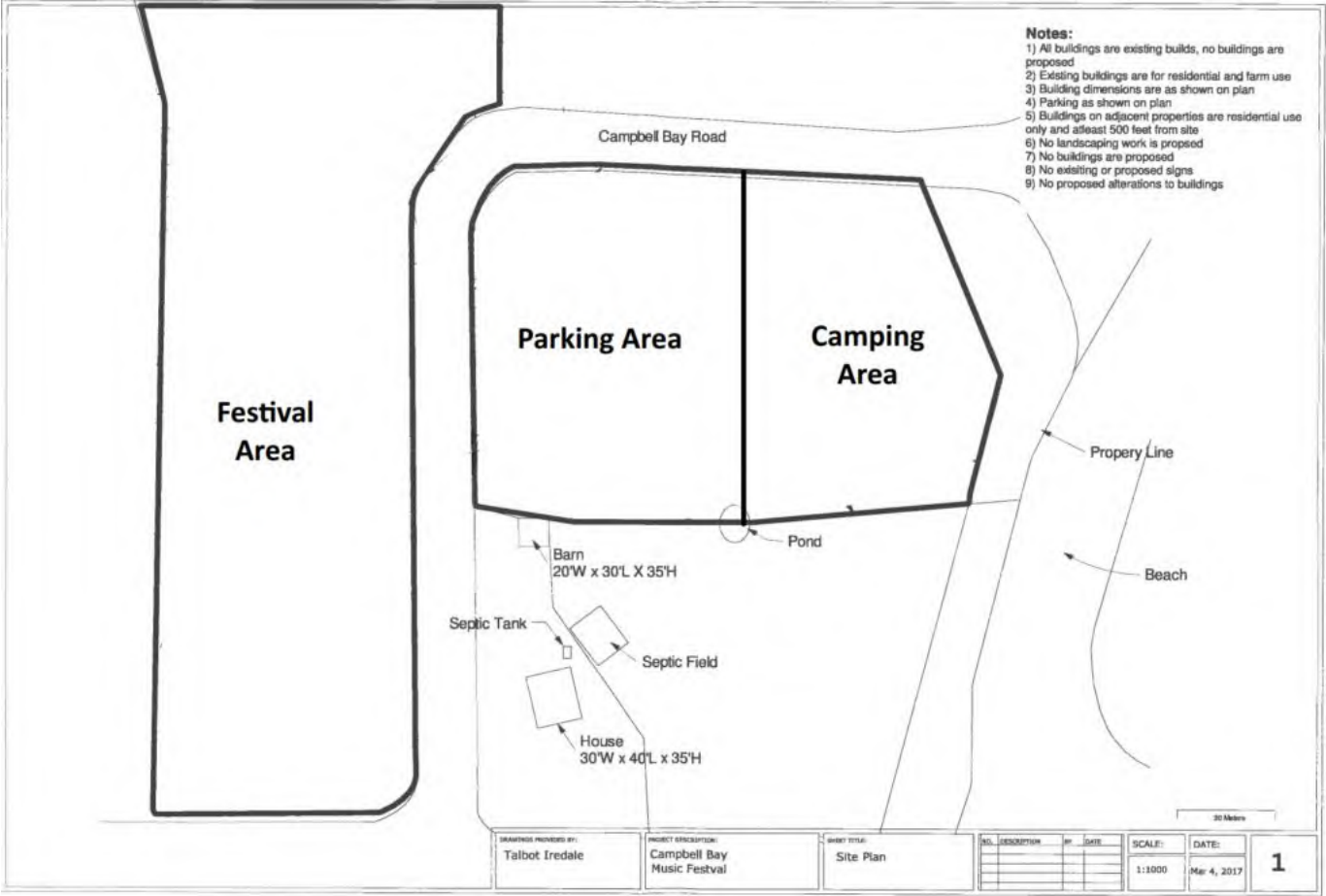
READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____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

CHAIR

SECRETARY

Mayne Island Local Trust Committee
Bylaw No. 193

Plan 1



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



Standing Resolutions Log

Mayne Island

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

Standing Resolutions Log

Mayne Island

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

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

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

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

Standing Resolutions Log

Mayne Island

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

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2017-028 (Standing) 13.3 Short Term Vacation Rentals (STVR) Enforcement Policy - Staff Report That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR): a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement: i) they are advertised on the internet, newspapers or other media; ii) they are not managed by an owner of the USTVR property who lives on Mayne Island; iii) more than one dwelling on the lot is simultaneously made available for USTVR; iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers; v) there are issues related to health and safety on the property; vi) there is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the USTVR; vii) the owner of the property uses more than one property on Mayne Island as a USTVR. b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	26-Jun-2017
2017-027 (Standing) 13.2 Bylaw Enforcement Policy, Unlawful Dwelling - Staff Report That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	26-Jun-2017

Standing Resolutions Log

Mayne Island

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



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MAY 28TH, 2024 BOARD MEETING

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

1. ORGANIZATION UPDATES/TEAM

- Manager Emmings notified the Islands Trust Conservancy (ITC) Board that the posting for a board member vacancy is live and has been broadly distributed. The posting closes June 7th, 2024.
- The ITC Board was introduced to Emily McLean, ITC's summer co-op student.
- Manager Emmings notified the ITC Board of her temporary appointment as Manager with the BC Conservation Data Centre from June 10th, 2024 to September 16th, 2025.
- Director Frater informed the ITC Board that Carolyn Stewart will be Acting Manager for ITC starting June 17th, 2024 until January 16th, 2025.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board considered the 2024/25 Work Plan and approved the following:
 - Extension of the Regional Conservation Plan by two years until December 2029.
 - Rescind resolution ITC-2020-030: "That the ITC Board direct staff to complete an ITC Reconciliation Action Plan that incorporates actions in Goal 2 of the Regional Conservation Plan" to ensure that steps towards Reconciliation are informed by First Nations engagement for the ITC Plan.
 - Prioritization of: Goal Two of the Regional Conservation Plan related to strengthening relationships with First Nations; components of Goal One related to knowledge, information, and data management of ITC properties; and, components of Goal Three related to ongoing management of ITC protected areas.
 - Removal of the current Climate Change Impacts Project from the ITC Work Plan.
 - Exploration of climate change projects and research to address the climate emergency in ITC protected areas once ITC has a new Property Management Team Lead.
- The ITC Board approved the Audited Financial Statements for the 2023/24 fiscal year, and referred the statements to Islands Trust Council for information.
- The ITC Board directed staff to prepare an ITC budget request, including budget allocation for \$220,000 associated with the Species at Risk Program.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received updates on negotiations for four conservation covenants and two acquisitions.



4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board directed staff to delay work on nature reserve management plans until an approved ITC Plan from the Minister of Municipal Affairs is received.
- The ITC Board directed staff to continue work on a Risk Assessment Policy through a phased approach that includes public safety with reference to the BC *Occupier Liabilities Act*, and identification of properties that would benefit from a core policy of conservation and environmental management.

5. COMMUNICATIONS AND OUTREACH

- ITC issued its Spring 2024 Heron Newsletter available at <https://islandstrust.bc.ca/conservancy/heron-newsletter/>.
- The ITC Board approved the ITC Annual Report text for approval by Trust Council and submission to the Minister of Municipal Affairs.
- The ITC Board directed staff to develop communications materials for stakeholders and the public with regards to the updated ITC Work Plan and elements of the Regional Conservation Plan (2017-2029).

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC issued its 2023/24 Impact Report available at <https://islandstrust.bc.ca/conservancy/our-impact/>.
- The ITC Board approved an Opportunity Fund Grant for the Bowen Island Conservancy.

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

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