



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: July 29, 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 June 24, 2024 (for Adoption)		3 - 11
6.2	Section 26 Resolutions-without-meeting - None		
6.3	Advisory Planning Commission Minutes - None		
7.	BUSINESS ARISING FROM THE MINUTES		
7.1	Follow-up Action List Dated July 2024		12 - 14
8.	DELEGATIONS	2:00 PM - 2:10 PM	
8.1	Mike Seymour (344 Georgina Point Road DVP Application)		15 - 15
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.	APPLICATIONS AND REFERRALS	2:10 PM - 2:35 PM	
10.1	PLDVP20240067 (Tremblay) - Staff Report (attached)		16 - 50
11.	LOCAL TRUST COMMITTEE PROJECTS	2:35 PM - 3:15 PM	

11.1	Land Use Bylaw Project - Staff Report - Consideration of Adoption (attached)	51 - 58
11.2	Housing Project – 2025-26 Business Case- Staff Report (attached)	59 - 63
11.3	Mayne Island Housing Project - Next Steps - Staff Report (attached)	64 - 69
12.	REPORTS	3:15 PM - 3:30 PM
12.1	Work Program Reports (attached)	
12.1.1	<u>Active Projects Report Dated July 2024</u>	70 - 70
12.1.2	<u>Future Project List Report Dated July 2024</u>	71 - 71
12.2	Applications Report - Verbal Update	
12.3	Trustee and Local Expense Report Dated May 2024 (attached)	72 - 72
12.4	Adopted Policies and Standing Resolutions (attached)	73 - 77
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Electoral Area Director's Report	
12.9	Islands Trust Conservancy Report - None	
13.	NEW BUSINESS	
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting Scheduled for September 23, 2024 at the Agricultural Hall, Mayne Island	
15.	TOWN HALL	3:30 PM - 3:45 PM
16.	CLOSED MEETING - None	
17.	ADJOURNMENT	3:45 PM - 3:45 PM

Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: June 24, 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: Robert Kojima, Regional Planning Manager
Warren Dingman, Bylaw Compliance and Enforcement Manager
Lisa Millard, Recorder (electronic)

Others Present: There were four (4) members 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:

- New Business 14.2 Georgina Point Road water tank concerns

By general consent, the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

A member of the public spoke about Bylaw No. 193 and made the following points:

- They own a property near the Church of St. Mary of Magdalene
- Disagreed that changes in Proposed Bylaw 193 Items 2.27 to 2.31 are minor
- The changes would create a significant increase in density
- A multiple dwelling project cannot be supported by water from existing wells or from rain water catchment
- Urban style apartments are not suitable to the area and the Official Community Plan does not support stacked townhouses on this site
- Three property owners have made submissions opposing this development
- The rezoning bylaws will affect the health, safety, and welfare of the entire community
- Zoning a residential neighbourhood for sixteen additional dwelling units will collapse the water system
- It is not appropriate for this to go forward without public input or a public hearing

A member of the public opposes Bylaw No.193 and stated the following:

- Georgina Point Road traffic can be congested and dangerous
- It is important to look at safe housing locations for young families and seniors
- The rezoning does not comply with the Official Community Plan
- The area lacks adequate water and is unsuited for the density proposed
- Two years ago a report was done that stated Islands Trust did not have a clear understanding of how the current population could be maintained
- The absence of a vision for the entire area must be addressed
- The proposal for seniors housing was done twenty years ago and sustainability studies were not done at that time
- There has been no transparency or accountability for Islands Trust regarding this bylaw
- No one in the neighbourhood was consulted prior to this decision being made
- The Local Trust Committee must stop proposing large urban development that are in opposition to the Official Community Plan
- Many neighbours want deferral of the reading of the bylaw until investigation and considerable contemplation of the long term effects has been undertaken

A member of the public noted that submissions are difficult to find on the website and requested that any related correspondence be posted on the meeting page.

- Chair Elliott stated that correspondence and submissions can be located on the Mayne Island Local Trust Committee website

A member of the public asked at what stage in the process is the bylaw at?

- Chair Elliott replied that the Local Trust Committee has made amendments to the bylaw in previous meetings
- It had been sent to the Advisory Planning Commission for comments
- Referrals had been completed
- It was also noted that this is part of an Local Trust Committee project and not a rezoning application

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 27, 2024 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Strike the words Ultimate Spirit on Page 5 of the Minutes

By general consent the Mayne Island Local Trust Committee meeting minutes of May 27, 2024 were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report - None

6.3 Advisory Planning Commission Minutes - None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated June 2024

It was noted that two letters to the Ministry of Transportation and Infrastructure have not been completed yet.

8. DELEGATIONS - None

9. CORRESPONDENCE

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

It was noted that Trustee Dodds will respond to a recent email received Carl Bunnin.

10. APPLICATIONS AND REFERRALS

10.1 PLTUP20240004 (Orpen - BC Ferries) - Staff Report

Regional Planning Manager Kojima summarized the Staff Report and highlighted the following:

- It is a renewal of the Temporary Use Permit Issued last year for staff or contractor accommodation for the Capital Regional District trail project estimated to be completed in August
- Requesting renewal recommending 1 year

Discussion ensued and Trustees made the following comments:

- Undertaken without a building permit, even though this was a requirement of the previous Temporary Use Permit
- Contractor did not apply for a building permit, as did not believe it was needed because they are mobile units
- Regional Planning Manager Kojima noted that a travel trailer was outside of scope of building code, but a factory built mobile on a foundation or blocks may require an inspection for the foundation blocking
- Regional Planning Manager Kojima further suggested that the applicant contact the Capital Regional District
- There had been an email from the Capital Regional District asking about the permit a year ago
- BC Ferries Representative, Lee Orpen stated he had contacted the Capital Regional District Building Services Department and they said they did not have concerns with it at that point
- The Building Permit matter is within the Capital Regional District jurisdiction, therefore no further action is required from the Local Trust Committee

MA-2024-032

It was Moved and Seconded,

that 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.

CARRIED

10.2 MA-SUB-2023.1 (Brown – MIHS - Staff Report)

Regional Planning Manager Kojima summarized the Staff Report and highlighted the following:

- The site was rezoned a couple years ago
- The conditions of subdivision require a covenant with no development permitted until such time in the future when the lot meets conditions of the Land Use Bylaw regarding water
- The covenant is authorized by the Land Use Bylaw

Discussion ensued and Trustees made the following comments:

- Puts onus on future land owner of lot two
- The applicant in attendance provided the Local Trust Committee with a more current plan
- Mayne Island Housing Society has come to end of the process, and once approved and registered, the final package goes back to the Ministry of Transportation
- The Mayne Island Housing Society confirmed that the land owners have seen and approved the language of the covenant via email
- The Local Trust Committee expect to receive confirmation the land owners have signed off on the draft covenant

MA-2024-033

It was Moved and Seconded,

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

CARRIED

MA-2024-034

It was Moved and Seconded,

that Mayne Island Local Trust Committee designate the Chair of the Local Trust Committee to sign the Covenant.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw Project - Staff Report

Regional Planning Manager Kojima summarized the Staff Report and highlighted the following:

- Amendments were completed over a number of previous meetings
- Notice of first reading was provided
- Referrals have been sent
- Feedback received from three neighbours
- The Local Trust Committee can make further amendments at this stage

Discussion ensued and Trustees made the following comments:

- Trustee Maude flagged item 2.16 on page 33 for discussion
 - Landscape screening requirement of 1.5 metres in height seems low.

- Dodds noted that the size for fences is 6 feet (2 metres) and suggested that the requirement for screening should match that

MA-2024-035

It was Moved and Seconded

that Land Use Bylaw No146, 2008 2.16 (b) be changed to 2.0 metres in height from 1.5 metres.

CARRIED

- Regarding neighbours concerns, the Local Trustee Committee clarified that the zoning will not be changing, as it is already zoned
- Regional Planning Manager Kojima stated that the housing agreement was adopted by bylaw when property was rezoned
- The agreement restricts occupancy by age, has been amended once, and it was adopted by a public hearing process previously
- The housing agreement itself is not subject to a public hearing
- Covenant on title has specific language attached which will have to be changed as it has specific plans attached
- The density is not changing
- Who can stay in the dwellings is regulated by the housing agreement, so changing the age of occupants would need to amend the housing agreement
- Zoning change will allow use to be more flexible
- If a proposal is forthcoming then a public hearing may be required

MA-2024-036

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” as amended be read for the first time.

CARRIED

MA-2024-037

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” as amended be read for a second time.

CARRIED

MA-2024-038

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” as amended be read for a third time.

CARRIED

MA-2024-039

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” as amended be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Trustee Dodds stated that the concerns raised by neighbours are reasonable. Nothing can be built on this property that is outside of the housing agreement and covenant. To change any of that would require a public hearing. This change allows for more flexibility for potential housing. There is still a lot of work to be done before anyone builds on the site.

12. APPLICATIONS AND REFERRALS

12.1 PLTUP20240004 (Orpen - BC Ferries)

The Local Trust Committee revisited the previously discussed application PLTUP20240004. Further discussion ensued about the requirement for a building permit.

MA-2024-040

It was Moved and Seconded,

that Trustee Maude write to the Capital Regional District to clarify the issue of building permit requirement for temporary trailers at the BC Ferries Property constructions site.

CARRIED

13. REPORTS

13.1 Work Program Reports

13.1.1 Active Projects Report Dated June 2024

Received for information.

13.1.2 Future Project List Report Dated June 2024

Thoughts on next future project:

- Foreshore education
- Updating water zones

MA-2024-41

It was Moved and Seconded

that foreshore education and marine zoning be moved to item number one on the future projects list for consideration of future minor projects.

CARRIED

13.2 Applications Report - Verbal Update

Regional Planning Manager Kojima provided a verbal update on the status of current applications.

13.3 Trustee and Local Expense Report - None

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

Received for information.

13.6 Chair's Report

Chair Elliott reported the following:

- Attended the Trust Council meeting on Salt Spring Island
- Toured unregulated trailer parks and various areas of unsafe housing on Salt Spring Island
- Strategic planning session at Trust Council
- Strong support for request to the province to review the government structure of Islands Trust

13.7 Trustee Report

Trustee Dodds reported the following:

- The fallow deer issue was raised during Trust Council
- Fantastic presentation by Adam Olsen about governance
- Noted outgoing Chief Administrative Officer Russ Hotsenpiller and incoming interim CAO Julia Mobbs

Trustee Maude reported the following:

- Trust Council protesters had opportunity to speak
- Highlight was the presentation by Transport Canada on derelict boats
- Campbell Bay Music Festival was a success

13.8 Electoral Area Director's Report - None

13.9 Islands Trust Conservancy Report Dated May 2024

Received for information.

14. NEW BUSINESS

14.1 Denman Island Bylaw No. 61 – Discussion

- Written notice is required forty-eight hours in advance of inspection by Bylaw Enforcement Officers
- Bylaw Compliance and Enforcement Manager, Dingman is working on a Local Trust Committee policy template that would bring all standing resolutions into one document

- Denman Island Local Trust Committee adopted policies to deal with specific issues around notification period, complaints, and giving discretion to Bylaw Officers to close files
- Salt Spring Island Local Trust Committee did not adopt the policy right away and further edits are pending
- A set of policies will come before Mayne Island Local Trust Committee in the coming months and they will have the opportunity amend and edit it for issues they want address.

14.2 Georgina Point Road Water Tank Concerns

The Local Trust Committee discussed the possibility that Islands Trust Staff could access engineer's reports and look for verification that the large number of water tanks on Georgina Point Road have actually been engineered and installed correctly.

MA-2024-042

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff to get clarifications on the water tanks at 340 Georgina Point Road.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for July 29, 2024 at the Agricultural Hall, Mayne Island

Discussion ensued regarding the September meeting date.

MA-2024-043

It was Moved and Seconded

that Mayne Island Local Trust Committee request staff to explore options to change the meeting scheduled for September 23, 2024 to either October 2, 2024 or October 7, 2024.

CARRIED

Discussion ensued regarding July 29 meeting in person or electronic

MA-2024-044

It was Moved and Seconded

that the next Mayne Island Local Trust Committee regular meeting scheduled on July 29, 2024 be changed from in-person to electronic.

CARRIED

The meeting was recessed at 3:10 p.m. for a break reconvened at 3:20 p.m.

16. TOWN HALL

17. CLOSED MEETING (Distributed Under Separate Cover)

17.1 Motion to Close the Meeting

MA-2024-045

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)(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.

CARRIED

The meeting was recessed at 3:20 p.m.

17.2 Recall to Order

The meeting was recalled to order at 3:40 p.m.

17.3 Rise and Report

Chair Elliott rose and reported that the In-Camera Meeting minutes of May 27, 2024 were adopted and the Local Trust Committee discussed bylaw compliance files with staff.

18. ADJOURNMENT

By general consent the meeting was adjourned at 3:41 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 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	Completed
0%	2 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	Completed
0%	3 13.3 LTC letter to DFO re: safety and navigation related to mooring buoys and derelict boats in Horton Bay.	Mike Richards Narissa Chadwick	Target: 14-Jun-2024	In Progress

Follow Up Action Report

Mayne Island

24-Jun-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 6.1 Minutes of May 27 adopted as amended	Emily Bryant	Target: 05-Jul-2024	Completed
0%	2 10.1 PLTUP20240004 (Bc Ferries) - TUP renewed for one year	Jas Chonk Phil Testemale	Target: 05-Jul-2024	Completed
0%	3 MA-SUB-2023.1 (Brown) - S. 219 covenant accepted and Chair designated to sign	Phil Testemale	Target: 05-Jul-2024	In Progress
0%	4 Bylaw 193 -2.16 revised(b) to replace 1.5 m with 2 m - Three readings and referral to EC	Jas Chonk Narissa Chadwick	Target: 05-Jul-2024	Completed
0%	5 That Trustee Maude to write to CRD to confirm building permit requirement for trailers on BC Ferries site		Target: 19-Jul-2024	In Progress
0%	6 That the future projects list be amended to move foreshore education and marine zoning review to #1	Robert Kojima	Target: 24-Jun-2024	Completed
0%	7 Trustee Dodds to respond to Carl bunnin email		Target: 19-Jul-2024	Completed
0%	8 Staff requested to seek clarification regarding whether an engineering report has been provided for water tanks on property subject DVP on Georgina Pt rd	Narissa Chadwick	Target: 19-Jul-2024	Completed
0%	9 Staff requested to explore options for changing Sept meeting to Oct 2 or 7th	Emily Bryant Narissa Chadwick	Target: 26-Jul-2024	In Progress

Follow Up Action Report

Mayne Island

24-Jun-2024

Progress	Activity		Responsibility	Dates	Status
0%	10	Rise and report - in-camera minutes adopted as presented	Emily Bryant	Target: 19-Jul-2024	Completed
0%	11	Change July meeting from in-person to electronic	Emily Bryant Narissa Chadwick	Target: 05-Jul-2024	Completed

File No.: PLDVP20240067 (Tremblay)
PLBP20240008

DATE OF MEETING: July 29, 2024
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Narissa Chadwick, Island Planner
Gillian Nicol, Planning Technician
SUBJECT: Development Variance Permit
Applicant: Marc and Dana Tremblay
Location: 684 Gallagher Bay Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of PLDVP20240067 (Tremblay).

REPORT SUMMARY

The purpose of the report is to consider a retroactive Development Variance Permit for the siting of an accessory building within the rear lot line setback on the subject property.

RATIONALE FOR VARIANCE

Granting the variance will legalize the siting for the accessory building that is located on one of the few level and dry portions of the property. Moving the building would be costly and disruptive to the land and vegetation on the property.

BACKGROUND

The application is the result of a retroactive Preliminary Plan Review (PLBP20240007) that revealed that the existing building was sited in error when moved last year. Granting the variance would bring the property in conformity with the Land Use Bylaw.

The specific variance to the Land Use Bylaw (LUB) is shown in Figure 2 and is specifically as follows:

- a) Article 5.1 (8) (a) which states that the minimum setback for any building or structure is 8 metres (26 feet from any front or rear lot line is varied to permit an existing accessory building with a proposed, attached deck within 3.75 metres (12.25 feet) from the rear lot line.

The subject property is located at **684 Gallagher Bay Road** and is 0.41 ha (1.02 ac) in size. The property is a corner lot that is well treed with cleared areas for the driveway, dwelling and two (2) accessory buildings, including the subject building. The lot slopes uniformly from its height in the east toward the lower portion of Gallagher Bay Road. The subject building has been sited on a relatively flat, small knoll feature in the southwest corner of the property (Attachments 2.1 and 2.3).

The subject building is 15.45m² (166 ft²) in size with a 17 m² (183 ft²) attached deck (Figure 2 and Attachment 2.2). The 1.0 m wide southeast portion of the deck and small stairs have not yet been constructed. The applicant's stated intended use of the building is as a meditation studio.

According to the applicant, the sequence of development on the property is summarized as follows:

- The two (2) accessory buildings were constructed by a previous owner in the 1990s.
- To make room for the dwelling being moved from off-island, both accessory buildings were relocated in May of 2023 without submitting a Preliminary Plan Review or obtaining a Building Permit from the CRD.
- The dwelling was moved from off-island in June of 2023 and sited without submitting a Preliminary Plan Review or obtaining a Building Permit (Survey - Attachment 2.1).
- A Stop Work order was placed on the dwelling by the CRD in August of 2023 after which a Preliminary Plan Review for the dwelling was submitted to the Islands Trust.
- CRD Building Inspection subsequently required Building Permits for the two (2) accessory buildings and Preliminary Plan Review applications were received in May of this year.

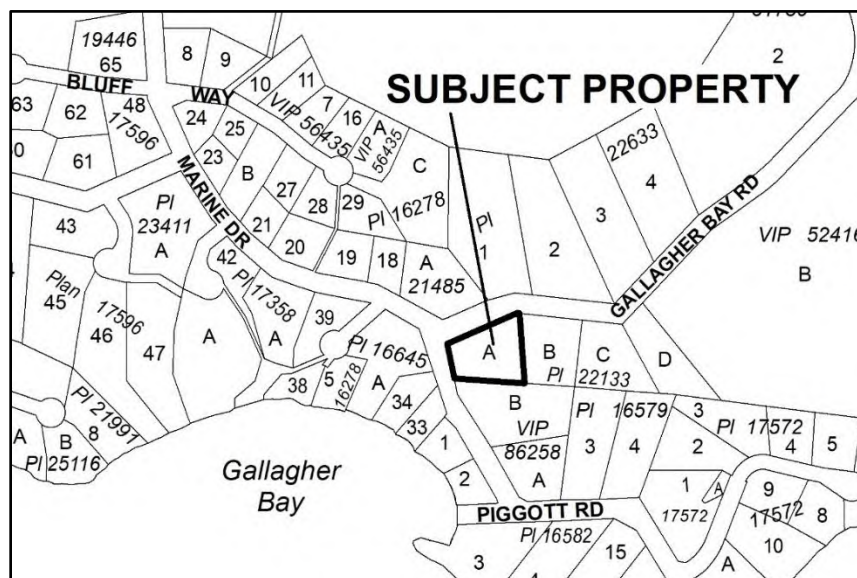
The applicant submitted a letter explaining their rationale in support of the variance as well as the sequence of events and unique circumstances that precipitated the siting error (Attachment 3).

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

A copy of the Notice and proposed permit PLDVP20240067 are Attachments 5 and 6.

Staff visited the property on July 17th (Attachment 2.3)

FIGURE 1 - SUBJECT PROPERTY



Islands Trust



3 18

The overall purpose of the rear lot line siting regulation is to minimize impacts on adjacent properties and the public realm 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 to variance

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

Impact on Neighbouring Properties and the Natural Environment

The most impacted neighbour for the proposed variance is the property to the south. Staff notes that the designation of the rear lot line is the result of the LUB definition of the front lot which is the shortest of all lot lines abutting a public road, in this case the 1.75 line in the northeast corner of the lot. Functionally, the rear lot line could be viewed as an interior side lot line the setback for which is 3.0 m (10 ft.). The approximate distance to the dwelling on the property to the south is 75 m and 40 m to the dwelling across Gallagher Bay Road to the west.

The photos in Attachment 2.3 provide an indication of the visibility of the building from neighbouring properties and the roadway.

Based on the majority support from neighbour properties (below) and the foregoing, the impacts from granting the variance are assessed as low.

Circulation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on July 18, 2024.

At the time of writing, staff have received no submissions in response to notification.

Prior to the notification, a letter in opposition to the variance was received (Attachment 4). That outlined concerns about the safeguarding the interests of other property owners (in general) and the natural environment through compliance with land use regulation. Further comments point to the actions of the applicant with respect to process and not particular impacts from the siting.

The applicant submitted six (6) emails with the application (Attachment 4). All of those state general support for the application.

Any further 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. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly has been sent 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.
- 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, neighbour submission's point to a majority of support, particularly from those most directly affected.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. 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 refuse application PLDVP20240067.

Submitted By:	Phil Testemale, Planner 2	July 18, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	July 18, 2024

ATTACHMENTS

1. Site Context
2. Plans and Photographs
3. Applicant's Rationale
4. Correspondence
5. Notice
6. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT A, SECTION 3, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 22133
PID	003-329-348
Civic Address	684 Gallagher Bay Road
Lot Size	0.41 ha (1.02 ac)

LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	Settlement Residential

HISTORICAL ACTIVITY

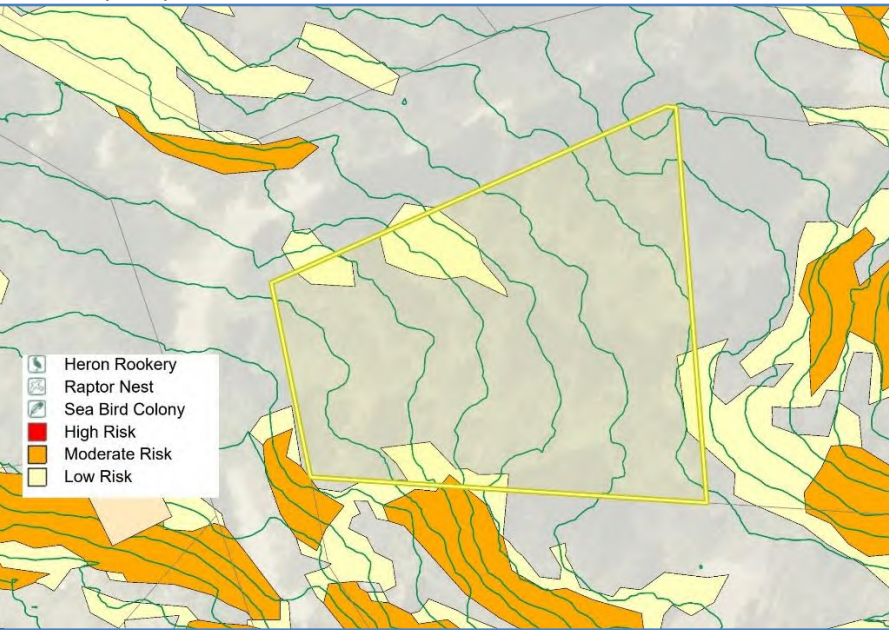
File No.	Purpose
PLBP20240007	Building Permit Accessory Building (Subject Studio)
PLBP20240008	Building Permit Accessory Building (Workshop)
MA-BP-2023.16	Building Permit Dwelling

POLICY/REGULATORY

Official Community Plan Designations	The property is designated SR - Settlement Residential in in the Mayne Island Official Community Plan No. 144, 2007 There are no Development Permits designated on the subject property
--------------------------------------	--

Land Use Bylaw	The property is zoned as Settlement Residential (SR) Zone in the Mayne Island Land Use Bylaw No. 144, 2008.  <i>Zoning Map</i>
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None
Sensitive Ecosystems	None identified on property or nearby.
Hazard Areas	Low Steep Slope Hazard  <i>2 m Contours and Steep Slope Hazard 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. 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	GHG emission changes are linked to allowable density on the property and will not change with approval of the DVP. The subject building has been moved and renovated thereby diverting it from waste stream. The topographical height above datum helps limit potential impacts from climate change.

ATTACHMENT 2 – PLANS & PHOTOGRAPHS

2.1 SURVEY PLAN

Site Plan Of:
Lot A, Section 3, Mayne Island,
Cowichan District, Plan 22133,
P.I.D. 003-329-348



Scale = 1:250

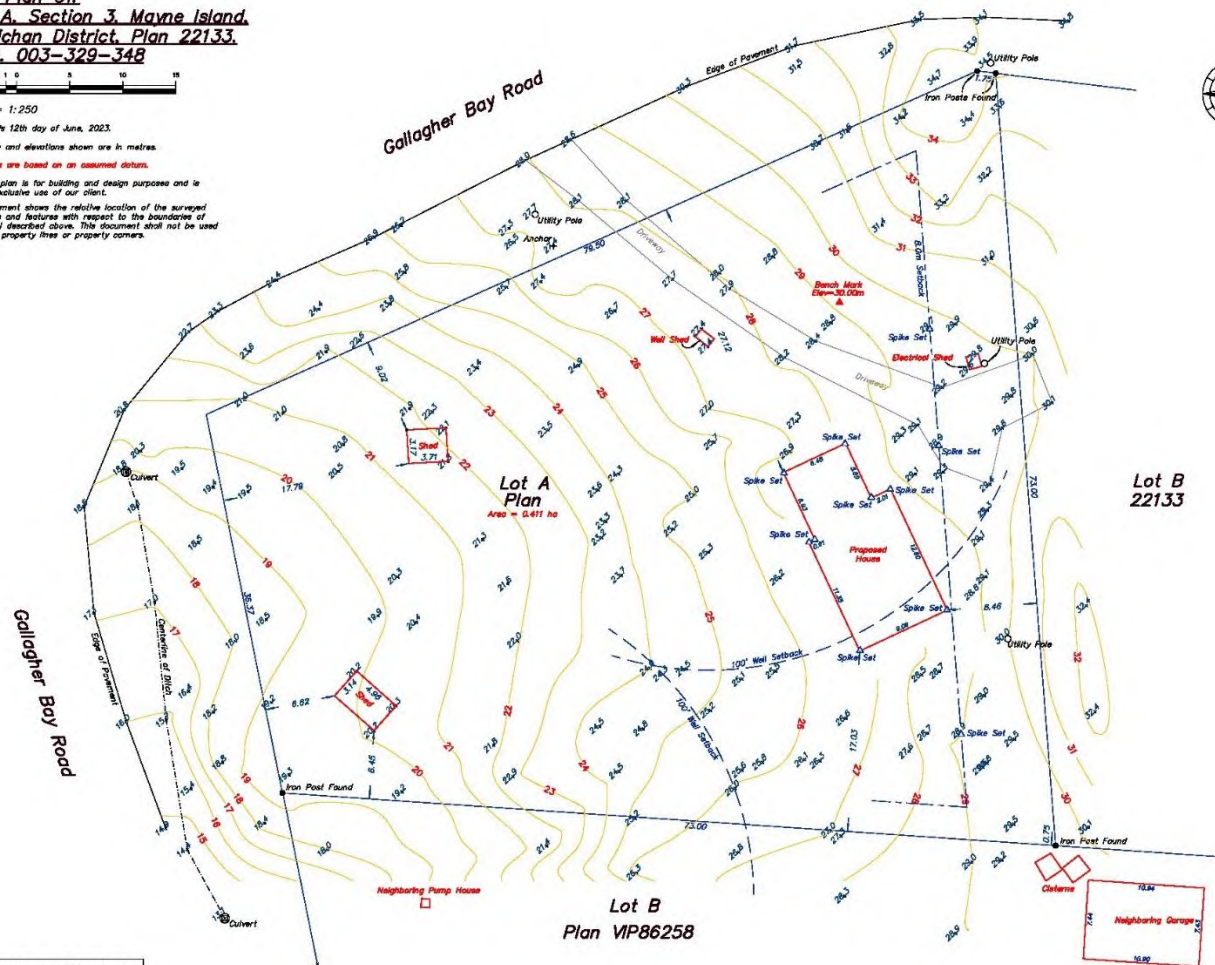
Dated this 12th day of June, 2023.

Distances and elevations shown are in metres.

Elevations are based on an assumed datum.

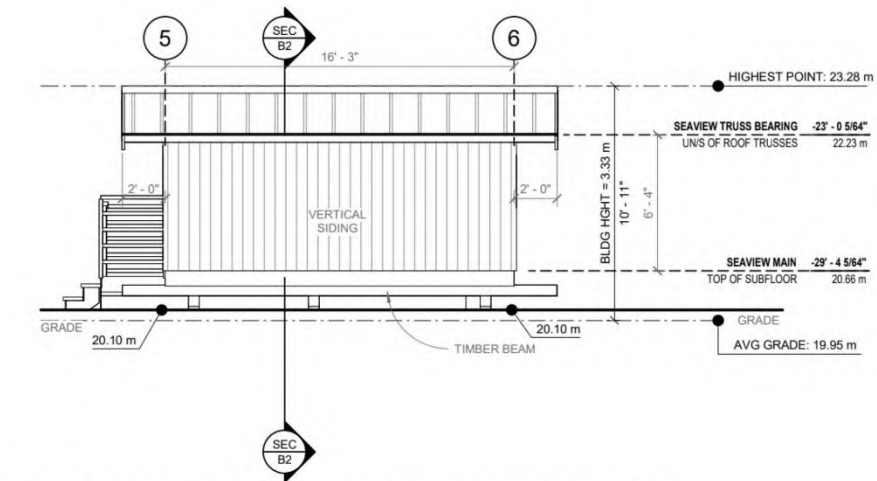
This site plan is for building and design purposes and is for the exclusive use of our client.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.



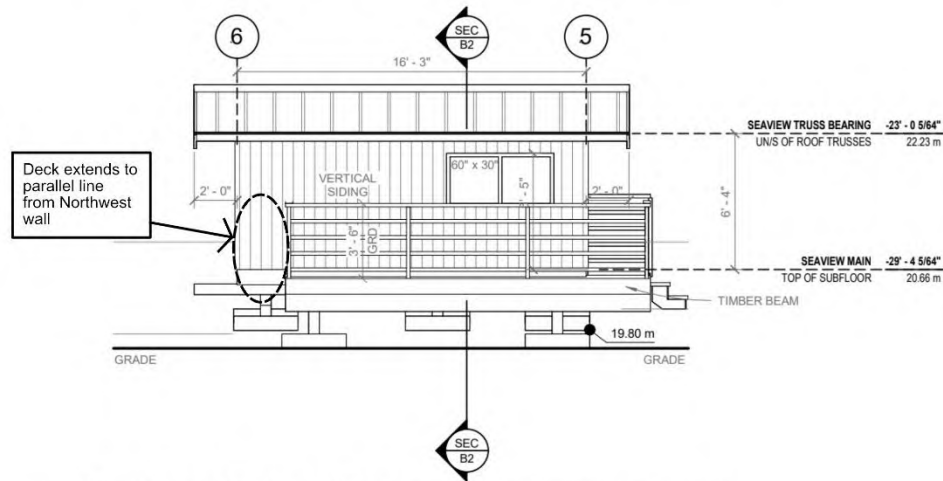
Wey Mayenburg Land Surveying Inc.
 www.weysurveyors.com
 #4-2227 James White Boulevard
 Sidney, BC V8L 1Z5
 Telephone (250) 856-5150
 fax: 250-856-5150

2.2 BUILDING ELEVATIONS



Northeast Elevation

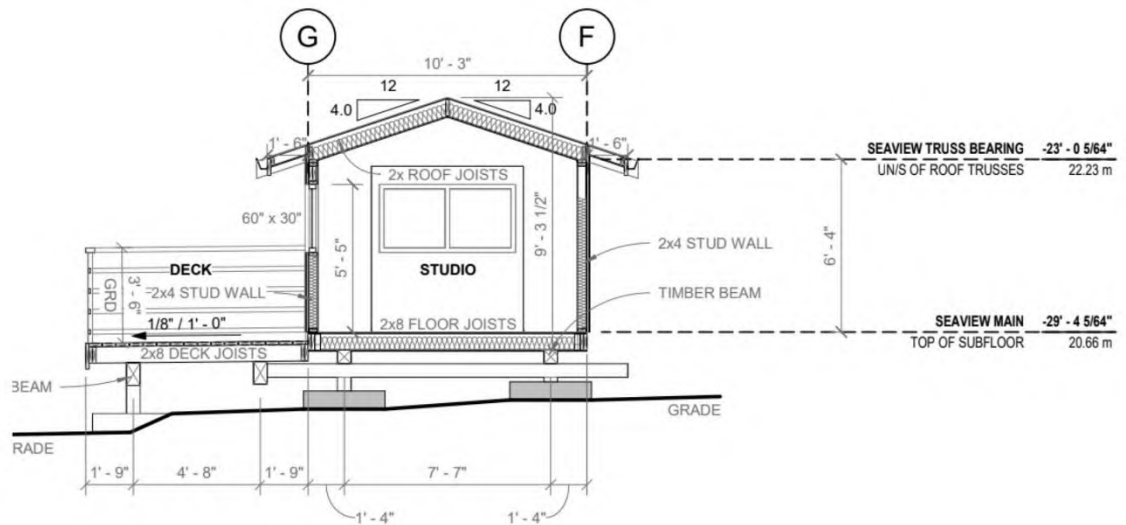
FINISHED GRADE LEVELS SHOW ARE ASSUMED TO BE GRADE CORRECT BASED ON INFORMATION RECEIVED AND ARE TO BE CONFIRMED & DETERMINED ON SITE



Southwest Elevation

FINISHED GRADE LEVELS SHOW ARE ASSUMED TO BE GRADE CORRECT BASED ON INFORMATION RECEIVED AND ARE TO BE CONFIRMED & DETERMINED ON SITE

2.2 BUILDING ELEVATIONS (CONT'D)



Southeast Section View

2.3 PHOTOGRAPHS



Subject Building from Southwest



Subject Building from Northwest



Subject Building from Southeast

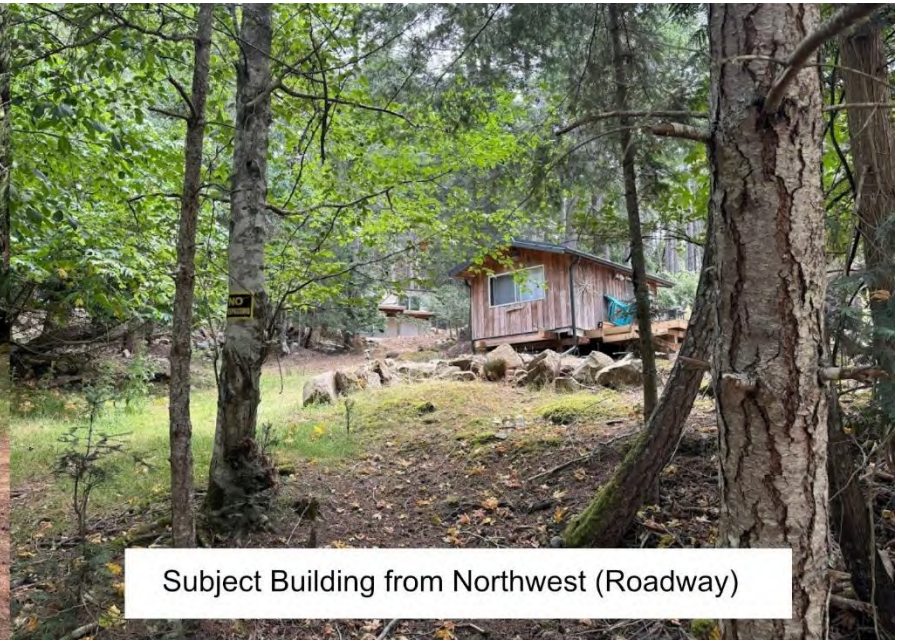


Subject Building from Northeast

2.3 PHOTOGRAPHS (CONT'D)



View from along Rear Property Line



Subject Building from Northwest (Roadway)



Subject Building from Southwest (Roadway)

PLTUP20240067 (Tremblay)
Submission by Marc and Dana Tremblay
July 4, 2024

Please provide a brief rationale in support of your application (the specifics [typically the physical conditions on your property] of the situation that you believe should the LTC should consider when making a decision on the variance application).

This outbuilding has been on this lot for about 32 years. It is somewhat fragile but is in good shape to house a relaxation – meditation studio, with a soothing view down to the ocean, through the trees.

It is located on one of the only somewhat levelled areas on the lot, on a rocky outcrop. The rest of the lot is sloping, and the ground very wet in the rainy season. If we were to move the studio to respect the setback boundary, we would have to bring in an excavator with rock breaker to prepare a different area of the rocky outcrop, which would be very disruptive to the exiting landscape, surrounding habitat and environment.

Please outline the circumstances, or sequence of events, that led to the illegal siting of the building.

After we acquired the lot in February of 2021, we started designing a house to be built on the lot. New construction costs were exorbitant, so we decided to try to buy a “used” house from Nickel Brothers to have it moved to the lot. One of the benefits of buying a used home and moving it is that it is better for the environment. This is achieved by NOT tearing it down and have its remains go to a landfill. We made 4 offers to buy different houses, but Nickel Brothers would always pick other buyers.

Finally, one of our offers was accepted by Nickel Brothers. We only had 4 days to remove the purchase conditions, but more importantly, the house had to be moved within 6 weeks from its location in South Surrey, from the time we removed the conditions. That also meant 6 weeks to prepare the lot move the house to Mayne Island.

This was not ideal for several reasons: 1. the timeline did not allow us to apply for Land Use and Building Permits (to follow proper process); 2. I was undergoing treatment for a serious illness.

Even though the timing was not ideal, we decided to go forward because we thought we may not have another chance to get a Nickel Brothers house to our property.

Preparing the lot to receive the house within the allotted timeframe proved to be a challenge. It had to be done quickly. This included cutting some trees, getting the lot surveyed, excavating an area where the house would sit, and moving the existing outbuildings to another area on the lot.

We hired a worker to prepare the studios to be moved. This included nailing 2x4s to the exterior walls to provide the structures more rigidity. He also attached large 6x6 beams under the structure. The intent was to use the beams to provide additional strength, but also to create skid beams to drag the studios to new locations by the excavator.

We did not have many options as to where the studios could be moved. The only option was to move them down the lot (south-west). One was going to go among the trees (Forest Studio), the other one, the Seaview Studio, could go on the rocky outcrop where it is currently located.

The intended location for the Seaview Studio on the rocky outcrop seemed quite far away from Gallagher Bay Road, so I assumed it was well outside the required setback to the front of the lot.

As for the side of the lot (side to neighbours Paul Stone and Julie Brown), I took time to measure the distance to the lot line and I was satisfied that the studio would fall outside of the required setbacks, so the excavator dragged the Seaview studio to this new location. At that time, we believed the siting of the studio was compliant with the Land Use Bylaws.

During planning and construction of the main residence, we were led to believe that the “front” of the lot was south-west boundary of the lot.

Through the process of applying for this Development Variance Permit, Islands Trust informed us that the “Front” of the lot is actually located at the north-east corner of the lot (interestingly, this was misinterpreted all along by Wey Mayenburg, Islands Trust or the CRD during the permitting application process for the main residence), which meant that the proper setback to our neighbours to the south is actually 8 m, so the studio is encroaching on the setback to the “back” of the lot, what we believed to be the “front” of the lot. In other words, where the studio sits now respects the setback to Gallagher Bay Road, but not to our neighbours’ property.

We have had a chance to discuss this with them, and they are not concerned that the studio is located too close to the lot line (we attached a support letter to our application).

Please identify what alternatives you have explored before making a DVP application, and why those are, in your opinion, not feasible or practical.

We explored moving the studio, however, it is already sitting on concrete cement pads on the best possible place on the rocky outcrop. Moving it would require disturbing the environment and local habitat more and placing it where the ground is significantly wetter in the rainy season. Since our immediate

neighbours do not object to the current location of the building, leaving it where it is currently seems to be the most practical solution.

In addition, moving it would require significant additional financial resources, which are earmarked for finishing our main residence, including a 1-bedroom rental suite that we are hoping to rent out this fall. Since Mayne Island is desperate for additional rental suites, we believe this is the most beneficial and feasible solution for us, and for the Mayne Island community.

We would normally ask to confirm that you have spoken to neighbours about your application, however, I note that you have included numerous letters of support with your application, including from the most impacted neighbour to the south (Brown/Stone). Therefore this is not necessary.

Please provide any other relevant information in support of your application.

I am still recovering from my last medical treatment. I feel that my plate is full with finishing the main house and the rental suite, without having to plan and coordinate moving the studio when all our immediate neighbours are ok with where it is located.

Thank you for your consideration.

From: Gabrielle Scorer <[REDACTED]>

Sent: Thursday, July 18, 2024 9:53 PM

To: SouthInfo <SouthInfo@islandstrust.bc.ca>

Cc: Gabbi <[REDACTED]>; Phil Testemale <ptestemale@islandstrust.bc.ca>; Jas Chonk <jchonk@islandstrust.bc.ca>

Subject: Fwd: Mayne Local Trust Committee Correspondence - Not in support of 684 Gallagher Bay Road Development Variance

To Whom it May Concern:

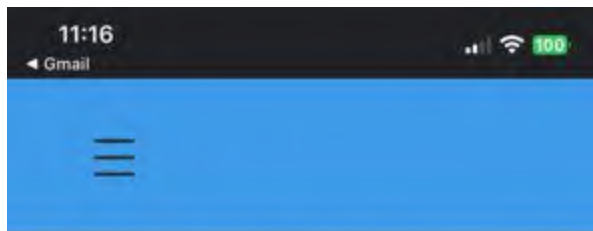
I have recently learned of an application made for a Development Variance permit for 684 Gallagher Bay Road, Mayne Island, by property owners Marc and Dana Tremblay for their "Seaview Studio" building.

My understanding is that there are property development rules and application and permitting requirements in place to protect the land and the interests of property owners. I believe the rules are in place to ensure a process is followed prior to developing property so that all of these interests are safeguarded.

The owners of 684 Gallagher Bay Road (the "Grove") have chronicled their development of this lot on a web blog - google The Grove Mayne Island.



The owners of the property have intentionally not complied with permitting processes, calculating that they would save money by paying penalties rather than comply with permitting processes. They say so explicitly in their blog:

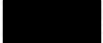


Marc S. Tremblay 
Jun 11, 2023 • 3 min



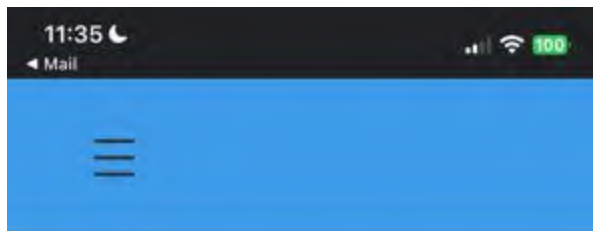
Can you dig it?

Updated: May 8

With the trees and logs out of the way,  started excavating where the house will sit.

Normally, excavation starts once the building permit is issued, but the quick house delivery timeline meant we needed to dig first, bring the house over, then apply for the building permit. We didn't have a choice, really, storing the house for months would have cost tens of thousands more, and asking for forgiveness is often easier than permission, right?





Building permits are expensive. The fee is based on the value of the build. In our case, the fee was \$6,135 for the permit itself, plus a “penalty” in the same amount for having “started the work” before the building permit was issued.

Arguably, we didn’t really start the work before the permit was issued...

Yes, we cut some trees, and yes, we excavated the area where the house was going to be positioned, but you don’t need a building permit to dig a hole on your property. You don’t need a permit to cut trees, and we did zero work on the house itself.

But, according to some documents from the CRD, you do need a building permit if you excavate the land in order to build a house. We think it’s



We knew that we could face a penalty if we moved the house to our lot before the building the permit was issued, but we didn't have a choice if we wanted to get this specific house. As a reminder, the developer wanted it removed from where it sat for 45 years within 6 weeks of us making an offer on it.

Plus, we did the math! We calculated that paying the penalty, if slapped with it, was cheaper than paying for temporary storage in Sidney and moving the house twice.

As soon as we got the building permit, our amazing contractor, [REDACTED], ordered supplies to start building the footings for the foundation. Part One of the construction work was kicked off!

He started by dropping plumb lines and taking height measurements in relation

The owners were subject to a “stop work” order early in the process but by then, the house was on site. And as planned, they saved the money which would have been spent storing the house if they had followed the rules.

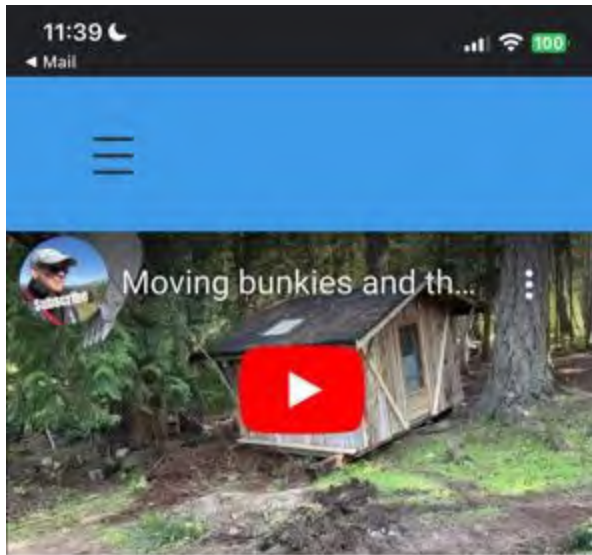
The owners of the property also chose to move the structure which is the subject of the variance application from its original location to the current non compliant location. The owners had a survey of their property at the time. This is also described in the blog. They acknowledge that after moving the structure they now need to apply for building permits, which they describe as “the hard work” still to be done. Not surprisingly, in the variance application they say they would prefer not to move the structure from where they placed it before obtaining the permit.



The final step will be for [REDACTED] to come re-survey the lot. They surveyed it a couple of years ago, right after we purchased the property, but we need to do it again.

They'll mark the set-back line to make sure we respect the distance required to the back lot line, 3 meters, and they will set-up stakes to identify where the house corners should be, in the excavated hole. Once that's done, it's [REDACTED] job to line up the house as close to the house corners as possible, then support it with big wooden blocks, 11 feet in the air.

Even though [REDACTED] moved tons of dirt and rocks this week, we're not done digging. Once the house is in position and the sewerage engineer finalizes the design for the septic system, he'll be back to work on that, but that's several



The Bunkies made it to their new spots with little damage. Some of the cedar siding on one of them got damaged, which is relatively easy to fix, and we ripped off a portion of the roof overhand off the other, but we needed to replace it anyway because it was dry-rotted. And the hard work isn't done: we still need to apply for building permits, build proper footings and level them and secure the deck.

Next up, [REDACTED]
[REDACTED] one of Mayne
Island's expert tree fallers, will cut trees

The property owners had their property survey before they moved the two bunkies and placed the one at issue within the set back. After moving the bunkies and placing them at their desired locations, the property owners noted that the hard work was still to be done - obtaining the permits.

The property owners now seek a variance permitting their structure to remain where they put them, within the required set back. It is apparent that the property owners are once again relying on their strategy that "Asking for forgiveness is often easier than permission, right?"

Yours truly,

Gabrielle Scorer

From: Gregory Calder [REDACTED]
Subject: Re: Support for a Development Variance Permit
Date: May 28, 2024 at 12:03 PM
To: Marc Tremblay [REDACTED]

GC

To Whom It May Concern:

We are the owners of [REDACTED], Mayne Island. We are neighbours to Marc and Dana Tremblay of 684 Gallagher Bay Road. We write to advise that we have no objection to the granting of a Development Variance Permit so that the Tremblays do not have to move their shed which we understand to be located 1.38 meters too close to their lot line. Please feel free to contact us if there is any further input required in our support of their request for a Development Variance Permit. Respectfully,
Greg and Anne-Marie Calder
[REDACTED]

On Tue, May 28, 2024 at 11:40 AM Marc Tremblay <[REDACTED]> wrote:

Dear Piggott Bay and Gallagher Bay neighbours,

We are Marc and Dana Tremblay and we own the 'Grove', the corner lot where the [REDACTED] house was moved last June.

After [REDACTED] request, it's our turn to ask for your support for a Development Variance Permit.

Before [REDACTED] delivered the house last June, we had a very small window to prepare the lot for its arrival. This included moving two sheds that had been on the lot for over 30 years.

One of the sheds was moved to the lower part of the lot. It sits on top of a rocky plateau. As you drive down the road towards the water, you can see it through the trees on the left.

Just before moving it, I measured the required setback to our neighbours to the south, but because Gallagher Bay Road seemed so far away (it's about 20 metres - 66 feet - from Gallagher Bay Road), I didn't even think to measure the required 8 metres to the lot line. I thought we were well outside the required 8-metre setback.

Well, it's not...

Seaview Studio, as we call it, currently sits at 6.62 metres away from the lot line (also located on the rocky outcrop), so we are 1.38 metres too close to it, or 4.5 feet. The studio is already sitting on cement footings, on the best place possible spot on this rocky outcrop, so moving it 5 feet back is not something we would like to undertake.

Islands Trust has told us that we need to apply for a Development Variance Permit and that letters of support from neighbours would help our case to leave the studio where it is.

If you have a few minutes and would like to support our application, we'd appreciate it if you could send us an email message. It can be short and sweet...

Your message could say that:

- you do not object to the Seaview Studio being about 5 ft too close to the lot line
- you support our application for this Development Variance Permit to leave the Seaview Studio in its current location

Please include your name and address in your message.

if you have any questions or require additional information, please don't hesitate to email or call me.

Thank you, and we look forward to hosting you at our open house once our house is completed (or close to completion)!

Regards,

Marc and Dana Tremblay
[684 Gallagher Bay Road](#)
[REDACTED]

From: Haig Armen [REDACTED]
Subject: Support letter for a Development Variance Permit
Date: May 28, 2024 at 11:18 PM
To: Marc Tremblay [REDACTED]



Hello Marc,
I am writing this letter in support of your development of the studio cabin on your lot. My wife Tamar and I do not object to the Seaview Studio being about 5 ft too close to the lot line. We are in full support of the application for this Development Variance Permit to leave the Seaview Studio in its current location.

Good luck with resolving this issue

All the best
Haig Armen
Tamar Haytayan

Neighbours at [REDACTED]

From: Ingrid Marsh [REDACTED]
Subject: Re: Support for a Development Variance Permit
Date: May 31, 2024 at 7:07 AM
To: Marc Tremblay [REDACTED]

IM

Jim and I are neighbours of Mark Tremblay, [REDACTED]. We are writing to support his request for a Development Variance Permit on his property. We have no problem with this request. Sincerely Ingrid and Jim Marsh
Sent from my iPad

On May 28, 2024, at 11:40 AM, Marc Tremblay <[REDACTED]> wrote:

Dear Piggott Bay and Gallagher Bay neighbours,

We are Marc and Dana Tremblay and we own the 'Grove', the corner lot where the [REDACTED] house was moved last June.

After [REDACTED] request, it's our turn to ask for your support for a Development Variance Permit.

Before [REDACTED] delivered the house last June, we had a very small window to prepare the lot for its arrival. This included moving two sheds that had been on the lot for over 30 years.

One of the sheds was moved to the lower part of the lot. It sits on top of a rocky plateau. As you drive down the road towards the water, you can see it through the trees on the left.

Just before moving it, I measured the required setback to our neighbours to the south, but because Gallagher Bay Road seemed so far away (it's about 20 metres - 66 feet - from Gallagher Bay Road), I didn't even think to measure the required 8 metres to the lot line. I thought we were well outside the required 8-metre setback.

Well, it's not...

Seaview Studio, as we call it, currently sits at 6.62 metres away from the lot line (also located on the rocky outcrop), so we are 1.38 metres too close to it, or 4.5 feet. The studio is already sitting on cement footings, on the best place possible spot on this rocky outcrop, so moving it 5 feet back is not something we would like to undertake.

Islands Trust has told us that we need to apply for a Development Variance Permit and that letters of support from neighbours would help our case to leave the studio where it is.

If you have a few minutes and would like to support our application, we'd appreciate it if you could send us an email message. It can be short and sweet...

Your message could say that:

- you do not object to the Seaview Studio being about 5 ft too close to the lot line
- you support our application for this Development Variance Permit to leave the Seaview Studio in its current location

Please include your name and address in your message.

if you have any questions or require additional information, please don't hesitate to email or call me.

Thank you, and we look forward to hosting you at our open house once our house is completed (or close to completion)!

Regards,

Marc and Dana Tremblay
684 Gallagher Bay Road
[REDACTED]

From: Patti Bacchus [REDACTED]
Subject: Support for DVP - 684 Gallagher Bay Road
Date: June 4, 2024 at 8:48 AM
To: Marc Tremblay [REDACTED]



To Whom it May Concern:

I am the owner of the home at [REDACTED].

I am writing this message in support of my neighbour's Development Variance Permit Application for the "Seaview Studio" at 684 Gallagher Bay Road.

I do not object to its proximity (a few feet "too close") to the lot line and I support the DVP application to permit the studio to stay in its present location.

Patti Bacchus
[REDACTED]
[REDACTED]
[REDACTED]

From: Paul Stone [REDACTED]
Subject: Development Variance Permit
Date: May 30, 2024 at 9:24 AM
To: Marc Tremblay [REDACTED]



Marc. Only too happy to provide this in support of your Development Variance Permit application.

As owners - Paul Stone and Julie Brown - of the lot [REDACTED] the property in question we fully support the Development Variance Permit application by Marc and Dana Tremblay.

We have absolutely no objections to the Seaview Studio in its current location.

Thank you.

Paul Stone and Julie Brown
[REDACTED]

[REDACTED]
[REDACTED]

From: Philip Foster [REDACTED]
Subject: Re: Support for a Development Variance Permit
Date: June 3, 2024 at 1:30 PM
To: Marc Tremblay [REDACTED]

PF

Hi Marc,

Lee and I, as neighbours, are writing to support your application for a variance permit that would allow your "seaview studio" to stay where it is. The distance that it would need to be moved to comply with the current setback requirements will not, in our opinion, make any difference to the aesthetics of its placement (it's a cute little structure and just fine where it is).

Regards,

Philip Foster and Lee Saxell

[REDACTED]
Mayne Island
[REDACTED]
[REDACTED]

Sent from my iPhone

On May 28, 2024, at 11:40 AM, Marc Tremblay <[REDACTED]> wrote:

Dear Piggott Bay and Gallagher Bay neighbours,

We are Marc and Dana Tremblay and we own the 'Grove', the corner lot where the [REDACTED] house was moved last June.

After [REDACTED] request, it's our turn to ask for your support for a Development Variance Permit.

Before [REDACTED] delivered the house last June, we had a very small window to prepare the lot for its arrival. This included moving two sheds that had been on the lot for over 30 years.

One of the sheds was moved to the lower part of the lot. It sits on top of a rocky plateau. As you drive down the road towards the water, you can see it through the trees on the left.

Just before moving it, I measured the required setback to our neighbours to the south, but because Gallagher Bay Road seemed so far away (it's about 20 metres - 66 feet - from Gallagher Bay Road), I didn't even think to measure the required 8 metres to the lot line. I thought we were well outside the required 8-metre setback.

Well, it's not...

Seaview Studio, as we call it, currently sits at 6.62 metres away from the lot line (also located on the rocky outcrop), so we are 1.38 metres too close to it, or 4.5 feet. The studio is already sitting on cement footings, on the best place possible spot on this rocky outcrop, so moving it 5 feet back is not something we would like to undertake.

Islands Trust has told us that we need to apply for a Development Variance Permit and that letters of support from neighbours would help our case to leave the studio where it is.

If you have a few minutes and would like to support our application, we'd appreciate it if you could send us an email message. It can be short and sweet...

Your message could say that:

- you do not object to the Seaview Studio being about 5 ft too close to the lot line
- you support our application for this Development Variance Permit to leave the Seaview Studio in its current location

Please include your name and address in your message.

if you have any questions or require additional information, please don't hesitate to email or call me.

Thank you, and we look forward to hosting you at our open house once our house is completed (or close to completion)!

Regards,

Marc and Dana Tremblay

[REDACTED]
[REDACTED]



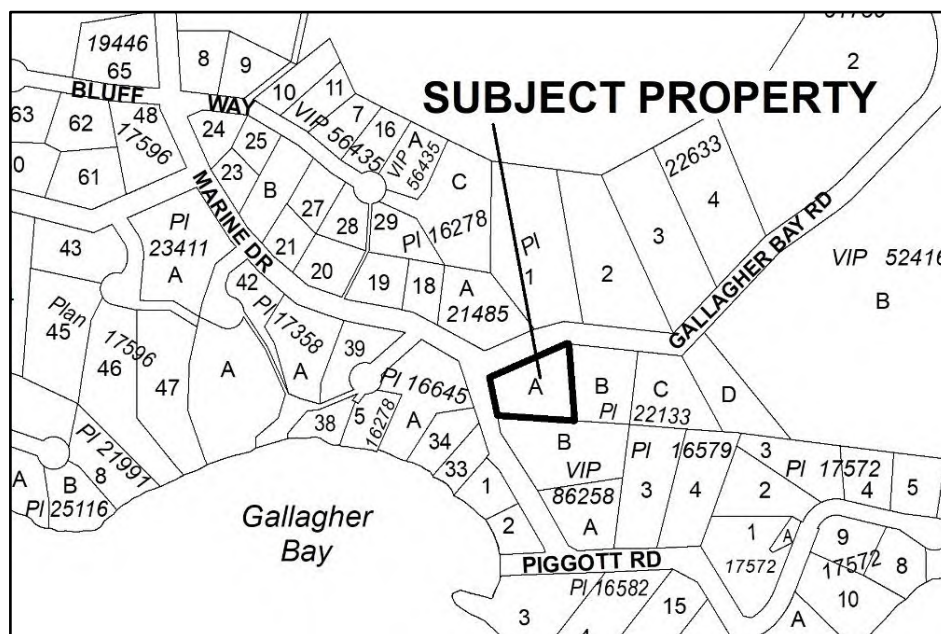
NOTICE
PLDVP20240067
MAYNE ISLAND LOCAL TRUST COMMITTEE

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 rear yard setback regulation for an existing accessory building with a proposed, attached deck.

The property is located at **684 Gallagher Bay Road** and is legally described as LOT A, SECTION 3, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 22133 (PID: 003-329-348).

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 **July 5, 2024** and continuing up to and including **July 18, 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, **July 18, 2024**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:30 p.m., July 29, 2024** at the **Mayne Island Agricultural Hall**, 430 Fernhill Road, on Mayne Island.

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

Jas Chonk, Deputy Secretary



Islands Trust

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
PLDVP20240067**

To: Dana and Marc Tremblay

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

LOT A, SECTION 3, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 22133
(PID: 003-329-348)

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

- a) Article 5.1 (8) (a) which states that the minimum setback for any building or structure is 8 metres (26 feet from any front or rear lot line is varied to permit an existing accessory building with a proposed, attached deck within 3.75 metres (12.25 feet) from the rear lot line.

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

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

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

Deputy Secretary, Islands Trust

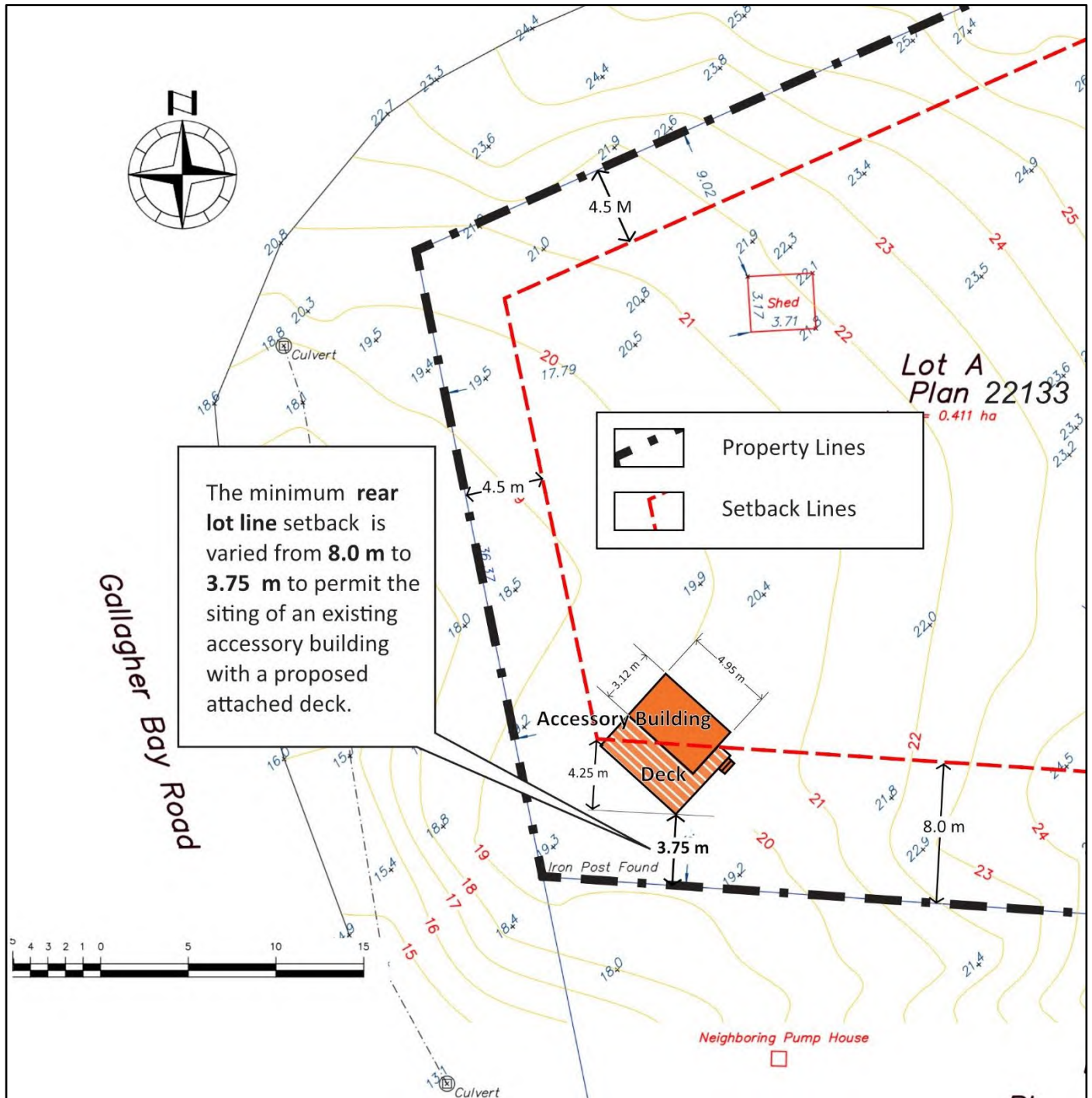
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE
PLDVP20240067

SCHEDULE 'A'

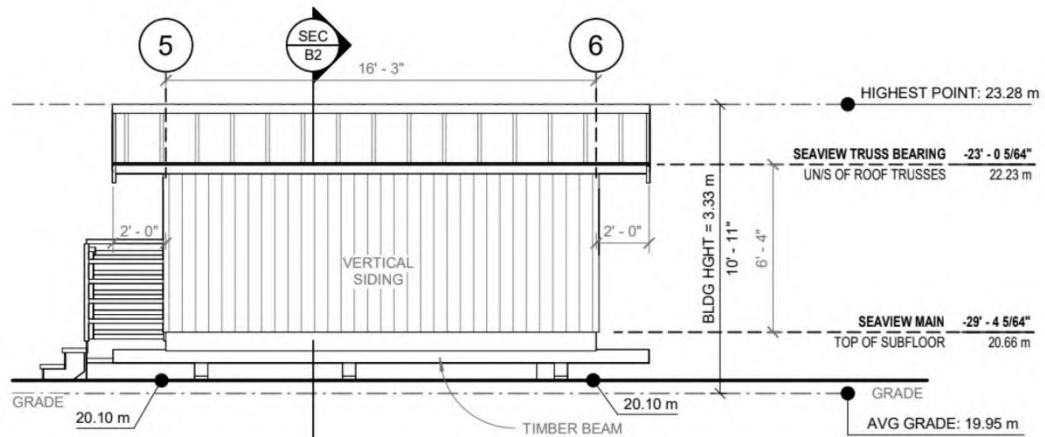
Site Plan



MAYNE ISLAND LOCAL TRUST COMMITTEE
PLDVP20240067

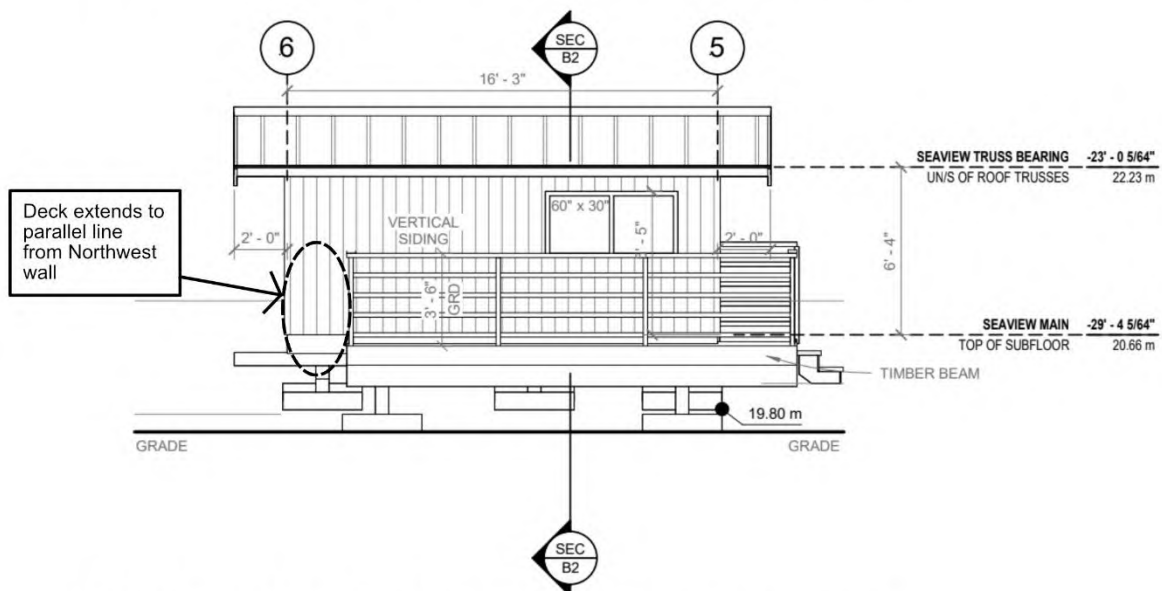
SCHEDULE 'B'

Elevation Plans



Northeast Elevation

FINISHED GRADE LEVELS SHOW ARE ASSUMED TO BE GRADE CORRECT BASED ON INFORMATION RECEIVED AND ARE TO BE CONFIRMED & DETERMINED ON SITE



Southwest Elevation

FINISHED GRADE LEVELS SHOW ARE ASSUMED TO BE GRADE CORRECT BASED ON INFORMATION RECEIVED AND ARE TO BE CONFIRMED & DETERMINED ON SITE

Section Plan



DATE OF MEETING: July 29, 2024
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Approval of Bylaw 193

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw no.193 cited as “Mayne Island Official Plan Bylaw No. 144, 2007, Amendment No.1, 2023”, be adopted.

PURPOSE

The purpose of this report is to present Bylaw 193 to the Mayne LTC for consideration of Final Adoption. The bylaw was approved by the Executive Committee on July 3, 2024.

BACKGROUND

Background related to the bylaw, including staff reports, is available on the Islands Trust website:
<https://islandstrust.bc.ca/island-planning/mayne/projects/>

Bylaw No. 193 includes a number of amendments to the Mayne Islands Land Use Bylaw No. 146, 2008. These amendments include: setback changes, minor changes to site specific zoning, creation of site specific zoning for properties with existing temporary use permits, and expansion of permissions for contractor yards

ALTERNATIVES

1. **Proceed no further**

That the Mayne Island Local Trust Committee proceed no further with Bylaw no.193 cited as “Mayne Island Land Use Bylaw No.146, 2008, Amendment No.1, 2023”.

Submitted By:	Narissa Chadwick, Island Planner	July 10, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	July 16, 2024

ATTACHMENTS

1. Bylaw 193

\\islandstrust.local\DFSMain\EDM\12 Long Range Planning\08 MA\6500 LTC Work Program\20 Projects (P)\2023 LUB Minor Amendment\Staff Reports\2024_07_27\MA_LTC_2024_07_27 - LUB_OCP Amendments (memo).docx

PROPOSED

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 by a landscape screen not less than 2m 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.

- 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 and family 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.

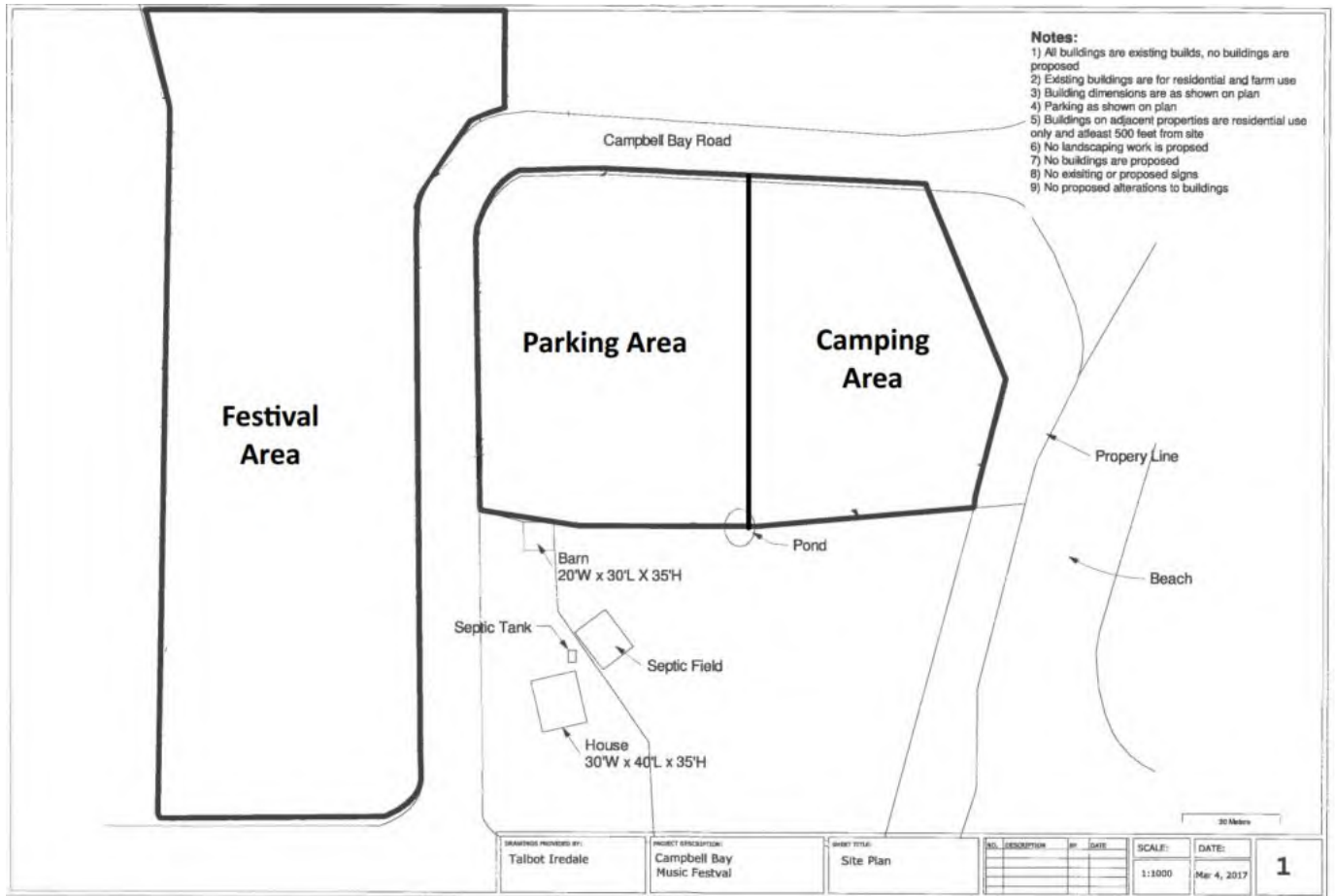
READ A FIRST TIME THIS	24 TH	DAY OF	JUNE	2024.
READ A SECOND TIME THIS	24 TH	DAY OF	JUNE	2024.
READ A THIRD TIME THIS	24 TH	DAY OF	JUNE	2024.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	3 RD	DAY OF	JULY	2024.
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

Mayne Island Local Trust Committee
Bylaw No. 193

Plan 1



DATE OF MEETING: July 29, 2024
TO: Mayne Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Mayne Island Housing Options Project (Phase 2) – Business Case

RECOMMENDATION

1. **That the Mayne Island Local Trust Committee endorse the attached business case for the Mayne Island Housing Options Project (Phase 2) for fiscal year 2026 and that staff forward the business case to the relevant committees and to Trust Council.**

REPORT SUMMARY

This report attaches a draft business case for the allocation of funding and staff resources for the completion of the LTC's Housing Options Project for the next fiscal year.

BACKGROUND

The LTC has initiated phase 2 of the Mayne Island Housing Options Project this year. This project is a Major Project supported by a business case, approved for up to \$10,000 this fiscal year. As the project is not scheduled to be completed within the current fiscal year (FY2025), a business case for the next fiscal year (FY2026) will need to be approved by Trust Council. LTCs are advised to endorse any business cases by July in order to have them reviewed by the Regional Planning Committee and by the Financial Planning Committee in their October and November meetings. The Financial Planning Committee's recommendations on the business case would then be considered at the December Trust Council for inclusion in the budget for the following fiscal year.

ANALYSIS

The Mayne Island LTC's first phase of the Housing Project resulted in the implementation of Flexible Housing zoning, allowing additional units within a maximum combined floor area, on some smaller lots. The current phase of the project focusses on further bylaw amendments to support an increased variety of housing options, including consideration of extending secondary suite areas, density bonus for donating lots for affordable housing, and extending the flex housing area.

Staff are proposing a budget for fiscal year 2026 of \$8,000 to complete the project by the end of next year. This would be for the costs of any on-going engagement and consultation, public hearing, communications, along with a legal contingency. This is consistent with funding the timeline in the project charter.

Rationale for Recommendation

Staff are of the opinion that the project as outlined in the business case is feasible, subject to the availability of planning staff and funding from Trust Council. The alternative would be to focus on specific bylaw amendments as LTC minor projects.

ALTERNATIVES

- 1. Request further information**
The LTC may request further information prior to making a decision. Staff advise that deferring endorsement of the business case may result in committee deadlines being missed.
- 2. Revise the business case**
If the LTC wishes to revise some aspects of the business case, staff recommend that direction be given to make changes and to forward to the relevant committees with the revisions.
- 3. Not Proceed with the Project**
The LTC may choose to not proceed with the project.
- 4. Proceed with the initiative as a Minor Project**
The LTC may request that staff report back with options to proceed with the balance of the project as a Minor Project.

NEXT STEPS

If the business case is endorsed, staff will forward it to the Regional Planning Committee and Financial Planning Committee for consideration.

Submitted By:	Robert Kojima, Regional Planning Manager	July 15, 2024
---------------	--	---------------

ATTACHMENTS

- 1. Business Case



Islands Trust

**Budget Funding Request
Short-Form Business Case**

Completion of this form initiates a request to the management team, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Requested by:

Mayne Island Local Trust Committee

Department:

Planning Services

Name of Request:

**Mayne Island Housing Options Project
(Year 2 of project)**

\$ Value of Request (indicate by fiscal year and total if project is multi-year):

FY 2026: \$8000

FY 2025: \$10,000

Budget Source (select all that apply):

- ☐ **Specific Project Funding** (select all that apply)
- ☐ Third Party Contractors
 - ☐ Staff Travel Expense
 - ☐ Staff Overtime Expense
 - ☐ New Staff Member – Temporary for project
 - ☐ Computer Hardware/Software

☐ **Furniture & Equipment**

☐ **Computer Hardware/Software/Supplies**

☐ **New Staff Resources** (see Staff Costing Tool)

☐ **Permanent**

☐ **Temporary**

Temp Duration: _____

☒ **Other – please describe: _community engagement, First Nations engagement, public hearing, legal contingency**

Date of Submission to Finance:

Funding Required for (date range): Apr 2025 to Dec 2025

TIE TO ISLANDS TRUST GUIDING DOCUMENTS:

Islands Trust Council [Strategic Plan 2018-2022](#). Objective: Strengthen Housing Affordability Throughout the Islands Trust Area. In June 2023, [Islands Trust Council amended the Strategic Plan](#) to:

- “Prioritize elements of the strategic plan that support land use decision making”, and
- “Update the strategic initiatives related to housing to focus on projects that will develop healthy, resilient island communities by employing two lenses: mitigating and adapting to the effects of climate change, and managing growth by cultivating equitable, inclusive and resilient communities and the natural environment.”

ISSUE/OPPORTUNITY: This on-going project (current phase commenced May 2024) is intended to address the need for an increase in housing options. The Mayne Island LTC has been engaged in reviewing housing options for the past four years. This request is to support the continuation of the current phase of the Mayne Island housing project. This phase includes First Nations and community consultation, and OCP and LUB updates to increase housing options.

The first phase of this project supported the Islands Trust's Strategic Plan Goal to "Strengthen housing affordability throughout the Trust Area" by:

- Contributing to the creation of a Trust Wide Housing Toolkit
- Amending the Mayne bylaws to permit flexible housing, and providing a model for other bylaws
- Demonstrating the value of suitable land analysis contributing to suitable land analysis being done for all Trust Area to contribute to their housing project

Phase 2 (current phase) would support the Islands Trust's Strategic Plan Goal to "Strengthen housing affordability throughout the Trust Area" by:

- Utilizing the Islands Trust Housing Toolkit
- Amending Mayne OCP and LUB to permit further housing options, specifically expanded secondary suites areas, expanded flex housing areas and density bonuses for land for affordable housing
- Contributing to the design of more model bylaws for housing
- Supporting the CRD's Gulf Islands Housing Strategy actions related to increasing housing options
- Demonstrating the value of partnership building with non-profits and the Capital Regional District in the development of housing

PROJECTED RESULTS/DELIVERABLES: The project will include exploring and implementing LUB and OCP amendments to support actions identified in the Draft Housing Action Plan for the following:

- Expanded opportunities to build Secondary Suites and Accessory Dwelling Units
- Increased Opportunities for Non Profit Housing Development
- Permitting Alternative Housing Approaches
- Reducing Ecological Footprint of New Builds

In the 2025 fiscal year work involves First Nations and community consultation, evaluation of options and bylaw drafting. The proposed FY2026 request (\$8,000) would fund any further engagement, the bylaw process, including a public hearing, communications materials, and includes a small contingency for a legal opinion.

RISK ASSESSMENT: There are several contingencies that could negatively affect the project outcome or deliverables:

1. Lack of staff resources: the regional planning team may not be able to support the project due to other on-going projects or staff shortages
2. First Nations' capacity and timing may not align with project timelines
3. The LTC may choose to not proceed with amendments
4. Costs may exceed the budget due to consultation or other factors

ALTERNATIVES CONSIDERED:

Option 1: Staff time and funding are not be allocated to the project: under this alternative the project does not proceed to the bylaw phase, or the LTC considers completing the work as a 'minor project'

Option 2: Reduced funding: This may limit the ability to complete the project in the next fiscal.

CRITICAL SUCCESS FACTORS: Near term success if relevant amendments to the OCP and LUB are adopted. Longer term success would be measured through improvements to housing options, accessibility and affordability.

RECOMMENDED OPTION: The recommended option is to fund the second year of the project as a Major LTC Project at the requested amount of \$8,000 for the coming fiscal year. This provides sufficient funding to complete the bylaw phase with continued project management by a Regional Planning Team planner.

COST/BENEFIT ANALYSIS:

Quantitative Analysis: \$8,000 for fiscal year 2025

- Consultation (First Nations, partners, community, communications) - \$2,000
- Public hearing - \$2,000
- Communications - \$2,000
- Legal Contingency - \$2,000

Qualitative Analysis: project would contribute to and benefit from efficiencies associated with similar projects in other LTAs.

PURCHASING PROCEDURE: N/A

PROPOSED IMPLEMENTATION STRATEGY:

Early engagement with First Nations - COMPLETED	June 2024
Engage partners (eg. Habitat for Humanity, CRD, MIHS) - COMPLETED	June 2024
LTC review of analysis, issues and opportunities – ON-GOING	Sept-Dec. 2024
Community Consultation as needed – ON-GOING	Sept – Dec 2024
Bylaw Drafting	Jan – March 2025
Bylaws Readings/ Referrals/ Public Hearing	April – Sept 2025
OCP Amendments to EC/Province	October 2025
Final Adoption	TBD

STAFF RESOURCING:

0.25 FTE Regional Planning Team Project Manager

0.10 FTE Planning Team Support (RPM)

0.10 Other support (Admin, communications, mapping, SIRA)

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION: N/A

Requested by (Committee or Business unit): Mayne Island Local Trust Committee

Prepared by (name, title)/date: Narissa Chadwick, Island Planner

Reviewed by (name, title)/date: Robert Kojima, Regional Planning Manager

File No.: 2023 Housing Options –
Phase2

DATE OF MEETING: July 29, 2024
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Mangers
SUBJECT: Mayne Island Housing Project – Next Steps

RECOMMENDATION

1. That the Mayne Island Local Trust Committee request staff apply to the second round of CMHC's Housing Accelerator Fund (HAP) using the previous application material.

REPORT SUMMARY

The purpose of this report is to:

- Request that the LTC consider several specific actions in the Action Plan
- Seek specific direction on the previously requested CIM
- Recommend that the LTC apply for the next round of the housing accelerator fund

BACKGROUND

At the May 27, 2024 meeting the Mayne Island LTC endorsed the project charter for Phase 2 of the Housing Options Project and the related Mayne Island Housing Action Plan. Staff was requested to schedule a community information meeting in the fall. The related resolutions are as follows:

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.

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.

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff schedule 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.

UPDATE AND ANALYSIS

Since the May meeting, staff have advanced work on the suitable land analysis and drafted a follow up letter to First Nations. The suitable land analysis for Mayne Island will be available by September to be reviewed during an LTC meeting or a special meeting.

Action Plan

As indicated in the Mayne Island Housing Action Plan Implementation Table (see Attachment 1), there are several actions where staff are seeking specific direction. Related questions are as follows:

Does the LTC wish to engage water service districts before expanding permission for secondary suites and ADUs in water service areas?

Does the LTC wish to consider permitting further residential uses on the school district properties? Would you like to engage the school district in this conversation?

Does the LTC want to remove the action related to pre-zoning for manufactured/mobile/tiny home parks from the housing action plan as there are no currently identified potential locations?

Community Information Meeting

The Mayne LTC should confirm the focus of the community information meeting to be scheduled in the fall. To help inform the public about the project and support project momentum staff are suggesting the following topics for the CIM:

- An overview of the project
- An overview of the different elements contributing to housing affordability (eg. land ownership arrangements, zoning considerations, funding)
- Clarity on the role of the Local Trust Committee (OCP policies and LUB regulations)
- Opportunity for community members to discuss creating a land trust
- Opportunity for community members to identify interest in donating land to a not for profit organization (Habitat for Humanity has indicated that they are willing to come and speak if there is interest)
- Discussion of bylaw amendment options to help facilitate the donation of land in areas where subdivision is not currently permitted

Are there specific groups in the community that the LTC would like to invite to the CIM?

Is October a good time to organize the CIM?

What time of the week and what time of the day would the LTC like to hold the meeting?

The Mayne Island LTC had discussed opening up the event to other Islands. This is possible with all community information meetings, it is a matter of advertising it broadly. However, staff suggest that the CIM remain focussed on Mayne's housing projects.

Elements of this CIM (eg. presentation on different elements contributing to affordable housing) can be used in a larger more regional workshop on housing.

CMHC Accelerator Second Round Funding

CMHC recently announced a new funding round for the housing accelerator fund (HAF) that is available for previous applicants who were not approved in the 2023 application window. The application window has reopened and will close September 13, 2024.

Given that the application that was put together for Mayne Island in collaboration with the CRD was very focused and would help kick start the CRD rural housing program with Mayne Island as a pilot, staff is recommending the LTC reapply using the previous application material. The previous application focussed on providing development incentives for the development of accessory dwelling units and a pre-development and capital investment fund for non profit developers of multi-unit affordable housing.

Rationale for Recommendation

With further specific direction, staff will undertake stakeholder consultation and report back with amendment options.

CMHC Application - The reapplication to the CMHC Housing Accelerator Fund will require very little time on the part of staff if the previous application material is used. The project will continue on as identified in the attached Mayne Island Housing Action Implementation Table regardless if the funding is received or not. If it is received, the CRD will be taking on the role of administering the funding.

ALTERNATIVES

1. Do not request staff to apply for the second round of CMHC funding

The LTC may choose not to use staff resource to support a second application. Staff identify that given that the previous application was very focussed the staff time needed to reapply would be limited.

NEXT STEPS

If the staff recommendations are supported:

- Staff will undertake targeted stakeholder engagement
- Staff will draft options for consideration by the LTC
- Staff will schedule the CIM
- Staff will submit an application for CMHC HAF funding

Submitted By:	Narissa Chadwick, RPP, Island Planner	July 17, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	July 17, 2024

ATTACHMENTS

1. Mayne Island Housing Action Implementation Table

Mayne Island Housing Action Implementation Table

Blue = Items to be addressed a part of the Mayne Island Housing Options Project

Green = Items being address at Trust Wide level or requiring partnership with other level of government

ACTION	Status/Staff Comments	Timing
Goal 1: Update information to Inform housing project - INFORMATION		
Update Housing Needs Assessment	To be coordinated for whole Trust Area	By March 2025
Workshop with LTC on Suitable Land Analysis (SLA)	To be scheduled	By July 2024
Goal 2: Incorporate First Nations Interests in Land Use Decision Making – RECONCILIATION		
Identify FN Interests with respect to housing options and impacts	Letter sent fall 2023, staff to follow up	Letter by July 2024
Goal 3: Diversifying Housing Options – LAND-USE		
3.1 Expand opportunities to build Secondary Suites and Accessory Dwelling Units		
Require worker housing for significant commercial rezonings	OCP - minor	Winter 2025 – Analysis/Engagement
Support Strata subdivision of accessory dwelling units in suitable areas	OCP – minor unless controversial	
Expand secondary suites permission in suitable areas	LUB- water service areas.	Summer/Fall 2025 – Bylaw reading
Permit ADUs on smaller lots	OCP/LUB- Using suitable land analysis (SLA) is encouraged	
Expand flexible housing regulations		
3.2 Expand Residential Use Permission and Permission for Multi Unit Development		
Allowing rezoning for non-market housing in all land use designations (including school properties, parks, community service)	OCP/LUB- Zones to be identified. This can include allowing additional units on the school board property.	Winter 2024 – Analysis/Engagement
Proactively rezoning existing land zoned for multiple dwellings	LUB- increase flexibility of use where identified	Summer/Fall 2025 – Bylaw readings
3.3 Increase Alternative Housing Options		
Permit rezoning for modular home villages	OCP - to provide flexibility	Winter 2024 – Analysis/Engagement
Developing TUP guidelines for tiny homes	OCP - guidelines will make it easier to provide TUPs for tiny home	
Pre-zoning for manufactured/mobile/tiny home parks	OCP/LUB – This will require identifying locations	Summer/Fall 2025 – Bylaw readings
Increasing building height to increase residential potential in commercial and other suitable areas	LUB – specific locations will need to be identified	
Goal 4- Minimize Environmental Impact –LAND-USE		
4.1 Utilize Available Data for Informed Decision Making		
Use suitable land analysis to identify areas more suitable for additional density	Suitable land analysis if in process	Winter 2024 – Analysis/Engagement
4.2 Protect and Preserve Ecosystems and Freshwater Resources:		
Require freshwater cisterns for all new builds	LUB – implement model used in other LUBs	Winter 2024 – Analysis/Engagement
Update potable water requirements for subdivision	LUB – model recently implemented in North Pender LUB	Summer/Fall 2024 – Bylaw readings
Prohibit groundwater fed swimming pools	LUB – minor amendment	
Reviewing lot coverage with potential to establish paved surface maximums	LUB – minor amendment	
Establish floor area maximums where appropriate	LUB- this is beyond flex housing and maximum combined floor area	

ACTION	Status/Staff Comments	Timing
Goal 5: Increase Opportunities for Non Profit Housing – LAND-USE and PARTNERSHIP		
5.1 Increase Permission for housing if it is Built and/or Managed by Not for Profit of Government Entity		
Permitting non-profit housing in most OCP designations	The LTC may want to consider organizing a CIM to focus specifically on land use changes that will help facilitate the donation of land. This CIM could be the first step in a process to identify land owners who would be interested in donating land. A community group/special APC could be formed to help explore donation opportunities.	Summer 2024 -CIM
Permitting rezoning for subdivision provided there is a donation of a lot for affordable housing.		
Permit reduction of min parcel size to facilitate land for donation to NGO/Govt		
Designating suitable land to permit rezoning for subdivision in exchange for lots donated for affordable housing (to be secured with covenant)		
Proactively rezone to facilitate subdivision resulting in donation of land		
5.2 Develop Partnerships to Build Housing		
Consider opportunities for grants to support the development of accessory dwelling units (secondary suites, coach houses, cottage, garden suites)	This is work to be done in collaboration with the CRD staff as it supports their Southern Gulf Islands Housing Strategy.	ongoing
Consider a housing agreement program for private landowners developing rental options		
Explore options for NGO involvement	Engage Habitat for Humanity	Summer 2024
5.3 Securing Land Donation to Not for Profit Housing		
Identify properties with potential for donation for affordable housing	This work could be done with help from a Mayne Island community organization.	Start Summer/Fall 2024
Goal 6 – Advocate for Senior Government Support – ADVOCACY		
6. 1 Secure Financial and Policy Support for Water Access and Septic System Development		
Advocate to province for additional revenue to support housing	Item in Trust wide Housing Action Plan	TBD
Advocate to Island Health to support waste disposal alternatives		
Advocate to Province re: funding support to island based water service districts		
6.2 Secure Financial Support to Build Housing		
Apply for funding where appropriate and available	This can be done in partnership with the CRD where appropriate	TBD
6.3 Encourage Implementation of the CRD’s Southern Gulf Islands Housing Strategy (SGIHS)		
Advocate to the CRD for funding to be directed toward the Implementation of the SGIHS. The LTC may consider advocating with the CRD to support additional funding being allocated to SGIHS implementation	There is currently very limited funding supporting the implementation of the SGIHS.	TBD

Mayne Island Housing Action Implementation Timetable

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

RPT – Regional Planning Team

IS- Information Systems

TC – Trust Council

SFWS – Senior Freshwater Specialist

CRD – Capital Regional District

Objective/Actions	Summer 2024	Fall 2024	Winter 24/25	Spring 2025	Fall 2025	Responsibility/ Partners
Goal 1: Update information to Inform housing project - INFORMATION						
Needs Assessment	To be undertaken at Trust Wide level					RPT
Suitable Land Analysis	To be undertaken at Trust Wide level					RPT, SFWS, IS, IP
Goal 2: Incorporate First Nations Interests						
Identify FN Interests	Letter follow up	Ongoing Engagement				RPT
Goal 3: Diversifying Housing Options						
All Related Objectives		Analysis/Engagement		Bylaw Readings		RPT
Goal 4: Minimize Environmental Impact						
All Related Objectives		Analysis/Engagement		Bylaw Readings		RPT
Goal 5: Increase Opportunities for Non Profit Housing						
Increasing permissions for housing if it is for not for profit/gov't	CIM	Analysis/Engagement		Bylaw Readings		RPT
Develop Partnerships	Habitat reconnect	Ongoing				RPT, Habitat for Humanity, CRD
Secure land donation	Begin to explore	Ongoing				RPT, LTC, community
Goal 6: Advocate for Senior Government Support						
All Related Objective		Could be included as policies in OCP.				LTC, TC
Encourage SGIHS implementation	Letter to CRD					TC

Active Projects Report

Mayne Island

1. *Housing Options Project - Phase 2*

Activity:

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*

Activity:

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 and Marine zoning*

Responsible

Date Received

To provide education on foreshore uses and climate change adaptation and review policy
and zoning regulations for foreshore and marine uses

24-Jun-2024

Islands Trust
LTC EXP SUMMARY REPORT F2025
Invoices posted to Month ending May 2024

645 Mayne	Invoices posted to Month ending May 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,820.00	0.00	1,820.00
65210-645	LTC - Local Exp - APC Meeting Expenses	300.00	0.00	300.00
65220-645	LTC - Local Exp - Communications	1,000.00	386.00	614.00
TOTAL LTC Local Expense		<u>3,120.00</u>	<u>386.00</u>	<u>2,734.00</u>
Projects				
73001-645-4100	Mayne Island Housing	10,000.00	0.00	10,000.00
73001-645-4130	Mayne LUB Minor Amendments	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>12,000.00</u>	<u>0.00</u>	<u>12,000.00</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) 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