



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: June 29, 2020
Time: 1:00 pm
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	1:00 PM - 1:05 PM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	1:05 PM - 1:20 PM	
4.	COMMUNITY INFORMATION MEETING		
	None		
5.	PUBLIC HEARING		
	None		
6.	MINUTES		
6.1	Local Trust Committee Minutes Dated May 25, 2020 (for Adoption)		3 - 10
6.2	Section 26 Resolutions-without-meeting Report Dated June 2020 (attached)		11 - 11
6.3	Advisory Planning Commission Minutes - None		
7.	BUSINESS ARISING FROM THE MINUTES	1:20 PM - 1:30 PM	
7.1	Follow-up Action List Dated June 2020		12 - 13
8.	DELEGATIONS	1:30 PM - 1:40 PM	
8.1	Mayne Island Housing Society		14 - 16
9.	CORRESPONDENCE	1:40 PM - 1:50 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
9.1	Response to Capital Regional District re St. John Point Regional Park		17 - 17

10.	APPLICATIONS AND REFERRALS	1:50 PM - 2:05 PM	
	10.1 MA-DVP-2020.5 (Flowers) - Staff Report (Attached)		18 - 40
11.	LOCAL TRUST COMMITTEE PROJECTS	2:05 PM - 2:25 PM	
	11.1 Land Use Bylaw Technical Review - Staff Report (Attached)		41 - 57
12.	REPORTS	2:25 PM - 2:40 PM	
	12.1 Work Program Reports (attached)		
	12.1.1 <u>Top Priorities Report Dated June 2020</u>		58 - 58
	12.1.2 <u>Projects List Report Dated June 2020</u>		59 - 59
	12.2 Applications Report Dated June 2020 (attached)		60 - 62
	12.3 Trustee and Local Expense Report Dated May 2020 (attached)		63 - 63
	12.4 Adopted Policies and Standing Resolutions (attached)		64 - 67
	12.5 Local Trust Committee Webpage		
	12.6 Chair's Report		
	12.7 Trustee Report		
	12.8 Islands Trust Conservancy Report Dated May 2020 (attached)		68 - 69
13.	NEW BUSINESS	2:40 PM - 3:00 PM	
	13.1 Mayne Island LTC Meeting Procedure Amendment Bylaw No. 179 (for adoption)		70 - 73
	13.2 Advisory Planning Commission Appointments - Discussion		
	13.3 Model Strategy for Antenna Systems APC Referral		
14.	UPCOMING MEETINGS		
	14.1 Next Regular Meeting Scheduled for July 27, 2020 - Electronic Meeting		
15.	TOWN HALL	3:00 PM - 3:15 PM	
16.	CLOSED MEETING		
	None		
17.	ADJOURNMENT	3:15 PM - 3:15 PM	



Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: May 25, 2020

Location: Electronic Meeting (via Zoom Webinar)

Members Present: Dan Rogers, Chair
Jeanine Dodds, Local Trustee
David Maude, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Narissa Chadwick, Island Planner
Warren Dingman, Bylaw Compliance and Enforcement Officer
Maple Hung, Planning Team Assistant, Zoom Host
Pat Todd, Recorder
Justine Starke, Manager SGI Planning, Capital Regional District (CRD)

Public: There were approximately (6) attendees which joined the Zoom Webinar.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:03 p.m. Chair Rogers acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. Chair Rogers outlined the process for an electronic meeting.

2. APPROVAL OF AGENDA

The following amendments to the agenda were presented for consideration:

Added items:

- **13.4 Tourism – “opening island”;**
- **13.5 Advertising; and**
- **16 In-Camera Meeting.**

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

None

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated February 24, 2020

Adopted by Resolutions-without-meeting (RWM).

6.2 Section 26 Resolutions-without-meeting Report Dated May 2020

Received for information.

6.3 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated May 2020

Regional Planning Manager (RPM) Kojima spoke to Item 5, Review of Land Use Bylaw (LUB) and a possible oil spill response facility at Miners Bay.

Chair Rogers explained that Coast Guard is developing a response plan for the SGIs and Miners Bay dock would provide a good location, however no specifics have been identified at this time. The expectation is that it would be supplies/storage.

It is a public dock so a vessel could be located there or possibly a structure on the deck.

Item 2, meeting with CRD has been deferred.

Chair Rogers explained that APC members are unable to hold electronic meetings at this time as they were not included in the Emergency Order.

8. DELEGATIONS

None

9. CORRESPONDENCE

9.1 Larisa Hutcheson, CRD re St. John Point Regional Park

Discussion was held on the CRD response to Local Trust Committee (LTC) letter:

- There are still concerns with the plans for the Park especially parking areas and road access;
- There has been no request for rezoning and CRD seems to have their own definition of Passive Park;
- Parking is needed to minimize impact on neighbourhood;
- Property purchased with community monies and land needs to be preserved; and

- A letter should be sent to CRD explaining the LTC's concerns with the CRD's response.

MA-2020-026

It was Moved and Seconded

that Mayne Island Local Trust Committee ask Chair Rogers to send letter to Capital Regional District detailing concerns regarding parking lot of 20 spaces.

CARRIED

10. APPLICATIONS AND REFERRALS

10.1 MA-DVP-2019.6 (Els)

Planner Chadwick presented the application for a development variance permit (DVP).

Trustee Maude wanted to identity that while the original application cited "error by surveyor" this should not be on public record as the statement does not reflect the reality of the situation.

Trustees support the application if correction is made on public facing documents that may reflect an inaccurate statement of rational for the DVP.

MA-2020-027

It was Moved and Seconded

that Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2019.6(Els) to correct an error made in construction that was not a survey error.

CARRIED

10.2 MA-DVP-2020.3 (Buzza)

Planner Chadwick mentioned that this application is for a further variance of the original variance.

Construction occurred outside of original variance and structure is now over height too.

MA-2020-028

It was Moved and Seconded

that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2020.3(Buzza).

CARRIED

Concern was raised as to CRD Building Inspection and LTC building bylaws and variances.

Staff will add Building Inspection to agenda for meeting with the CRD which is on the on Follow-up Action List. . In addition, email sent from CRD Building Inspection to Planner Richardson regarding the DVP application will be circulated to LTC.

Trustee Maude recused himself and left the meeting room at 2:03 p.m. for the following item due to conflict of interest.

10.3 MA-RZ-2018.1 (Cotton Park)

Planner Chadwick reported that draft bylaws were ready to go to Public Hearing.

RPM Kojima spoke to process of referral to agencies and time required for responses. Trustee Dodds stated concerns regarding taking action without receiving information from First Nations as site is a known burial area.

RPM Kojima informed the LTC that a letter had been sent to First Nations. No response has been received to date and there has been no recent site visit due to travel restrictions.

Chair Rogers reinforced importance of engagement with First Nations.

Justine Starke, CRD, also spoke of CRD's commitment to reconciliation and working together with First Nations. She then raised the Issue of bylaw limits on size of structures and the size of existing structures .

The LTC supported legalizing the present structures.

RPM Kojima noted the need to determine exact square footage of current buildings and suggested that staff come back to LTC with an amendment to Bylaw prior to Public Hearing.

MA-2020-029

It was Moved and Seconded

that a public hearing be scheduled for Mayne Island Local Trust Committee Draft Bylaw 177 cited as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2019" and Mayne Island Local Trust Committee Draft Bylaw 178 cited as "Mayne Island Land Use Bylaw No. 146, 2008. Amendment No. 1, 2019" and there be a clarification of structures square footage currently on site and a site visit be arranged with Lisa Wilcox, Chair Dan Rogers, Parks Commission, Trustee Dodds and CRD representatives.

CARRIED

Trustee Maude rejoined meeting at 2:25 p.m.

10.4 Salt Spring Island Local Trust Committee Bylaw No. 520 Referral

MA-2020-030

It was Moved and Seconded

That Mayne Island Local Trust Committee interests are not affected by Salt Spring Island Local Trust committee Bylaw No 520.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw Technical Review

Planner Kojima reviewed the staff report and spoke to the proposed amendments.

Discussion regarding hazardous substances: storage and disposal; consensus to eliminate from C3 Zone as now addressed by 3.2(2).

Discussion of wharfage/moorage wording, LTC supported retaining current language but could review in future. Direction to include Mayne Inn Dock as TUP expires in June.

Staff will proceed with preparing an amendment bylaw.

MA-2020-031

It was Moved and Seconded

that Mayne Island Local Trust Committee request staff to draft a bylaw to proceed with technical amendments to Land Use Bylaws.

CARRIED

11.2 Groundwater Sustainability Project

William Shulba presented details of groundwater sustainability research project.

Highlights of the presentation:

- Mayne Island recharge potential is quite high;
- Need to balance demands versus inputs;
- Calculation of groundwater availability; and
- Final report will be forwarded to LTCs to determine individual LTC concerns.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated May 2020

Item 3 presented by William Shulba (above). Water is an issue that has been identified on all islands and once the groundwater mapping report is finalized, the LTC can determine further actions.

12.1.2 Projects List Report Dated May 2020

Received for information.

12.2 Applications Report Dated May, 2020

Received for information.

12.3 Trustee and Local Expense Report Dated February 2020

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

Will be updated according to meeting details.

12.6 Chair's Report

Chair Rogers reported on the following:

- The changes in light of virus pandemic – not travelling however after a couple of slow weeks most things are back to “normal” through electronic meetings;
- The 2020/2021 budget has been adjusted from 2% increase to 0% as there have been savings due to circumstances of virus;
- Trust Council will meet electronically; and
- The Trust is developing a safe opening procedure.

12.7 Trustee Report

Trustee Dodds reported on joint meetings with Adam Olsen via Zoom conference to look at issues common to all islands, e.g. BC Ferries and concerns with increased populations come summer.

Trustee Maude reported to the LTC that Child Care Facility has now received funding. Meanwhile there have been issues with BC Ferries overall the island has pulled together.

12.8 Islands Trust Conservancy Report Dated February 2020

Received for information.

13. NEW BUSINESS

13.1 Mayne Island LTC Meeting Procedure Amendment Bylaw No. 179

MA-2020-032

It was Moved and Seconded

that Mayne Island Local Trust Committee Bylaw No. 179, cited as “Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 126, 2004, Amendment No. 1, 2020”, be read a first time.

CARRIED

MA-2020-033

It was Moved and Seconded

that Mayne Island Local Trust Committee Bylaw No. 179, cited as “Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 126, 2004, Amendment No. 1, 2020”, be read a second time.

CARRIED

MA-2020-034

It was Moved and Seconded

that Mayne Island Local Trust Committee Bylaw No. 179, cited as “Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 126, 2004, Amendment No. 1, 2020”, be read a third time.

CARRIED

MA-2020-035

It was Moved and Seconded

that Mayne Island Local Trust Committee Bylaw No. 179, cited as “Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 126, 2004, Amendment No. 1, 2020”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

13.2 Annual Report - Request for Decision

MA-2020-036

It was Moved and Seconded

That Mayne Island Local Trust Committee approve the text as presented for inclusion in the 2019-2020 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

CARRIED

13.3 News Release re Trust Council Reduces 2020/21 Budget

Received for information.

13.4 Tourism

Trustee Dodds spoke of a number of meetings regarding “shutting island down” and the impact on economy and services. She suggested meeting with Chamber of Commerce, community groups and others on how to minimize economic impacts.

Chair Rogers reported that Trust Council is meeting Monday to explore how Trust Areas will re-open to visitors now as lock down is gradually being lifted. There is information from Gabriola that may be of interest/use that he will forward to Trustees.

13.5 Mayne Liner

Trustees engaged in discussions regarding the Mayne Liner not printing IT news releases while Galiano Active Page does.

Chair Rogers and Trustee Dodds will explore this further.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 29, 2020 - Electronic Meeting

15. TOWN HALL

Paula Buchholz questioned receipt of her letter regarding St. John’s Point and CRD developing parking lot.

Chair Rogers stated that letter had been received and there had been a motion earlier in the meeting to write again to CRD regarding parking lot.

Ann Burdett expressed appreciation for the LTC Zoom meeting.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

MA-2020-037

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)(d)(f)(i) for the purpose of considering:

- Bylaw Enforcement

and that the recorder and staff attend the meeting.

CARRIED

Chair Rogers closed the regular meeting for an in-camera session. He mentioned the “Rise and Report” will be deferred to the following LTC meeting on June 29, 2020.

16.2 Recall to Order

None

16.3 Rise and Report

None

17. ADJOURNMENT

By general consent this regular meeting was adjourned at 3:57 p.m.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder

Resolutions Without Meetings Log

Mayne Island

Resolution Number	Action	Date
2020-006	Carried	18-Jun-2020
1. That the Mayne Island Local Trust Committee approve the issuance of Temporary Use Permit application MA-TUP-2020.1. 2. That the Mayne Island Local Trust Committee confirms it has no objection to the Mayne Island Brewing Company expansion for the purposes of Liquor and Cannabis Regulation Branch approval.		
2020-005	Carried	24-Apr-2020
That the Mayne Island Local Trust Committee provide the following statement to the Mayne Island Improvement District for public use, namely "In November of 2019 the Mayne Island Local Trust Committee requested that the Mayne Island Improvement District attempt to establish a garbage service for Mayne Island, as per its mandate, when it was publicly announced that the existing service was ceasing to operate as of January 1, 2020. The Mayne Island Local Trust Committee commends the Mayne Island Improvement District on its efforts in that regard and supports the establishment of a service by the Mayne Island Improvement District that utilizes property on the island that is zoned for waste transfer".		
2020-004	Carried	01-Apr-2020
That the Mayne Island Local Trust Committee business meeting minutes of February 24, 2020, be adopted as presented.		
2020-003	Carried	30-Mar-2020
That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2020.1 (Freigang).		
2020-002	Carried	25-Mar-2020
THAT Mayne Island Local Trust Committee direct staff to prepare an amendment to the Meeting Procedure Bylaw No. 126 that would permit electronic meetings and that once drafted to schedule a special meeting solely to consider readings of the bylaw when feasible.		
2020-001	Carried	17-Mar-2020
THAT the Mayne Island Local Trust Committee, March 30, 2020, regular scheduled business meeting be cancelled.		



Follow Up Action Report

Mayne Island

27-Jan-2020

Activity	Responsibility	Dates	Status
1 Staff to look into meeting with CRD building inspection and Southern LTCs - to be done via zoom.	Narrisa Chadwick	Target: 15-Jun-2020	Completed

24-Feb-2020

Activity	Responsibility	Dates	Status
1 Meeting to be arranged with the Ministry of Transportation and Infrastructure - to be set up by zoom	Narrisa Chadwick	Target: 07-Jul-2020	In Progress
2 Staff to review LUB to determine if there are any barriers for an oil spill response facility in Miners Bay, potentially incorporate changes into LUB technical review	Narrisa Chadwick	Target: 30-Mar-2020	Completed

25-May-2020

Activity	Responsibility	Dates	Status
1 10.1 MA-DVP-2019.6 (Els) permit approved for issuance resolution and close file.	Jas Chonk	Target: 28-May-2020	Completed
2 10.2 MA-DVP-2020.3 (Buzza) permit approved for issuance and close file. Add to agenda for CRD meeting.	Jas Chonk Robert Kojima	Target: 28-May-2020	Completed



Follow Up Action Report

Mayne Island

25-May-2020

Activity	Responsibility	Dates	Status
3 10.3 MA-RZ-2018.1 (Cotton Park) - Resolution adopted to schedule hearing - Staff to clarify size of existing building on site with CRD staff and site visit to be organized with Lisa Wilcox, Mayne Trustees, CRD Parks Commission and CRD First Nations Advisor prior to the scheduling of a public hearing.	Lisa Wilcox Narrisa Chadwick	Target: 15-Jun-2020	In Progress
4 11.1 LUB Technical Review - Recommended changes to be made, prepare draft bylaw.	Jas Chonk Narrisa Chadwick Robert Kojima	Target: 22-Jun-2020	Completed
5 10.4 Saltspring Bylaw 520- interests unaffected	Jas Chonk	Target: 05-Jun-2020	Completed
6 13.1 Bylaw 179 received three readings. Refer to EC.	Jas Chonk	Target: 02-Jun-2020	Completed
7 13.2 Annual report received as presented.	Mike Richards Robert Kojima	Target: 04-Jun-2020	Completed
8 9.1 St John Point Correspondence - Chair to draft response to CRD letter (Maple sent out to CRD for Chair Rogers - done)	Maple Hung	Target: 19-Jun-2020	Completed

The Mayne Island Housing Society: Backgrounder

August 23, 2019

Mayne Island

Mayne Island is part of the Southern Gulf Islands, half way between the British Columbia mainland and Vancouver Island. The community has a full-time resident population of 955 people with approximately 510 full time households. (2016 Census) Of these, 40 households are reported to be rental homes. There is an estimated additional 1000 part time residents of Mayne Island.

The average age of residents on Mayne Island is 65 years. There is a growing population of younger residents, singles, couples and families with a concomitant increase in the number of students in the elementary school, and sufficient numbers of children under 5 years of age to create a daycare centre which opened in September, 2018.

Many community services are provided by volunteers, most of whom are retired seniors. There is an ongoing need for skilled and unskilled labour to provide hospitality services, work in the building trades, professional services, personal services, emergency services and home support services. This need is met by individuals of all ages, volunteering, working independently or commercially.

The larger demographic of people being gainfully employed are younger individuals, couples or those with families whose lower incomes limit their ability to buy homes in their community. The Southern Gulf Islands have one of the highest per capita wealth in the province and lowest per capita working income.

Many seniors have expressed a desire to downsize, reduce their obligations to maintain their homes, and to access the equity in their homes in order to afford personal services, as well as to enter into more community living while remaining on Mayne Island, their chosen community.

The Mayne Island Housing Society also recognizes that there are seniors who are currently renting, and younger folks who do own their own homes.

It is notable that Mayne Island is one of the few Southern Gulf islands that does not have a dedicated seniors housing development, nor any purpose built rental housing. Also notable, is that many other gulf island communities are similarly experiencing housing issues and are looking to build additional community housing to meet their own similar needs.

Mayne Island Housing Society

The precursor group to the Mayne Island Housing Society was known as the Mayne Island Housing Forum (the Housing Forum). Beginning in early 2017, the Housing Forum met regularly and discussed community housing issues, needs and solutions, and has enjoyed a web-based presence since March 2017.

The Mayne Island Housing Society (MIHS) (The Society) incorporated under the Societies Act on April 18, 2018, as a non-profit organization. The purpose of the Society is: "To relieve poverty by providing affordable housing for low or modest income residents of Mayne Island."

MIHS has been granted charitable status through the Canada Revenue Agency, as of August, 2019.

MIHS is the only organization in this community that promotes the development of affordable and accessible housing to meet the needs of residents of the Mayne Island community. In addition to developing community housing, the MIHS provides advocacy and support to individuals and other agencies that would like housing information, and will support those who may be interested in pursuing a separate housing project of their own design, or on a more modest scale, a rental cottage or secondary suite.

The Mayne Island Housing Society currently has 7 directors, 71 members, and 110 recipients of monthly newsletters and other information. The Society held our first Annual General Meeting in February 2019, which was well attended. We are actively recruiting society memberships and consulting members. We have three members consulting with the board.

Additionally, the Mayne Island Housing Society has valuable skills represented on the board and consulting with the board: project management, procurement and contract management, business consultation, social work, community development, public health, engineering and architecture, former Islands Trustee and consultant, building contractor. In addition, we have developed direct access to specialist consultants as needed including: water system operator, realtors, lawyer, accountants, housing consultant, and others when required.

The Mayne Island Housing Society is a not for profit agency run by volunteers. Board members are entitled to reimbursement of expenses incurred while conducting Society business. Expenses are pre-approved for payment or reimbursement. MIHS has been funding operating expenses through contributions from the sale of memberships, as well as a \$10,000 Grant in Aid received from the Capital Regional District (CRD) in July 2018, and January 2019 to assist the Society in completing the various assessments on a building site required for the development of a business case and proposal for capital funding opportunities.

The Housing Initiative

As reported in the Southern Gulf Islands (SGI) Housing Needs Assessment, February 2018, there is a need on Mayne Island for an increased number of affordable and stable rental units, as well as affordable owner occupied housing units. There has been a 30% reduction in the number of rental accommodation over the past 10 years, from 60 homes to 40 homes.

In addition to the SGI Housing Needs Assessment, MIHS administered a Renters Survey, the goal of which was to get a current, point in time picture of the rental situation on Mayne Island. The Renters Survey generated a response rate of 75%. The results of the survey indicated that more than 70% of the renters were paying more than 30% of their income for rent (the definition of affordable housing charge), and 25% were paying more than 50% of their income in rent (this rate is the indicator for

risk of homelessness). Approximately 25% of the rental accommodation is reportedly in need of major repair. The SGI Housing Needs Assessment described the situation as a “crisis” and “dire”.

The Mayne Island Housing Society is moving forward quickly to develop a plan to meet the rental housing needs on Mayne Island. MIHS considers the priority for housing to be purpose built rental accommodation and proposes to build a project of up to 20 homes identified for occupation by singles, couples, families, including seniors. Further, the project is intended to offer units at mixed rental rates (shelter, affordable rates and market rate) to meet the affordability issues of residents as well as the ongoing operational issues of the housing development.

Board members have visited existing housing projects on other gulf islands as well as Vancouver Island, and are exploring different housing models. And MIHS has discussed options with the Islands Trust and has received forgiveness of anticipated rezoning charges. In addition, MIHS has retained a professional housing consultant to prepare the business plan/funding proposals for CMHC seed funding opportunities, as well as capital funding opportunities. We are in the process of looking for funding opportunities and exploring fundraising possibilities.

MIHS is exploring land acquisition options. We are hoping to move forward quickly, and anticipate acquiring a suitable building site(s) through donation or agreement, through transfer of title to the Mayne Island Housing Society.

The Housing Society is engaged in a rigorous community engagement strategy to both inform the community of the initiative and to receive input and feedback. Board members have made presentations to 20 community groups, including volunteer boards of service agencies, elected public officials, and have substantial support from the community and the local Island Trust Committee.

We anticipate having additional public meetings as we proceed in any rezoning process, and as the design process develops.

The operational budget for the year ahead is anticipated to include promotion and publicity, surveys, travel, meetings, documents, printing, administrative costs, rental of community facilities for community consultations, collaboration with community agencies and stakeholders, land surveys, water and septic assessments, and other requirements preparatory for submissions for funding, rezoning applications, site planning, project design, and building permits as time allows.

The current focus of the Mayne Island Housing Society is to acquire suitable land, proceed to funding, and continue ongoing community engagement and collaboration.

The Mayne Island Housing Society board encourages you and your organization to support this initiative and to make Mayne Island a healthier and supportive community for all residents.



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June 9, 2020

File Number: 3026-01 MA LTC
Correspondence

Larisa Hutcheson, P. Eng.
General Manager, Parks and Environmental Service
Capital Regional District
Via Email: lhutcheson@crd.bc.ca

Dear: Ms. Hutcheson,

RE: Mayne Island – St. John Point Regional Park

Thank you for your letter of March 10th, 2020. I realize this reply may seem quite delayed; however with the COVID-19 pandemic occurring shortly after I received the letter, the first time the Mayne Island Local Trust Committee (LTC) had a chance to discuss its contents was at its meeting of May 25th, 2020. I have been asked to briefly respond to your letter. In particular the LTC passed a motion at its business meeting as follows: *That the Mayne Island Local Trust Committee ask Chair Rogers to send a letter to the Capital Regional District detailing concerns regarding a parking lot of 20 spaces.* At the LTC business meeting, trustees expressed the view that the creation of 20 parking spaces was not in keeping of their view of a passive recreation park. This type of “development” seems too extensive for this type of use and consideration of a smaller parking lot would be appropriate. The LTC would ask the CRD to work with the Islands Trust planners and local trustees to modify this proposal so that it is more in keeping with the trustee’s view of appropriate amenity development. We suggest you could contact Planner Narissa Chadwick or Regional Planning Manager Robert Kojima, both of whom are copied on the email forwarding this letter.

Sincerely,

Dan Rogers, Chair
Mayne Island Local Trust Committee

cc: Mayne Island Local Trust Committee MayneIslandLocalTrustCommittee@islandstrust.bc.ca
Robert Kojima, Regional Planning Manager rkojima@islandstrust.bc.ca
Narissa Chadwick, Island Planner nchadwick@islandstrust.bc.ca
Aimee McGowan, Land Use Planner, Agriculture Land Commission aimee.mcgowen@gov.bc.ca
Director Dave Howe, Southern Gulf Islands directorsgi@crd.bc.ca
Carolyn Stewart, Planner, PRMD, Regional Parks, CRD cstewart@crd.bc.ca
Gordon Bednard, Regional Planner, Agricultural Land Commission gordon.bednard@gov.bc.ca
Robert Lapham, Chief Administrative Officer, CRD rlapham@crd.bc.ca

File No.: MA-DVP-2020.5 (Flowers)
(MA- BP-2019.18)

DATE OF MEETING: June 29, 2020

TO: Mayne Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Narissa Chadwick, Island Planner

SUBJECT: Development Variance Application
Applicant: Alex Flowers
Location: 174 Spinnaker Drive

RECOMMENDATION

1. **That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2020.5 (Flowers).**

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for the siting and height regulations for an existing accessory structure on the subject property. The variances will bring the property into conformity with the Mayne Island Land Use Bylaw No.146, 2008 (LUB).

The above recommendation is supported as the variances are minor; potential impacts from granting the variances are also relatively minor, particularly to the most impacted adjacent property; notification to surrounding neighbours has been undertaken and to date staff have received no written responses ; and, lastly, the variances do not challenge the intent of either bylaw provision.

BACKGROUND

The application is the result of a Building Permit referral (MA-BP-2019.18) for a swimming pool (structure) on the property. A Site Survey (Attachment 2.5 and Figure 2) submitted revealed the accessory building ("pool house") that does not meet siting regulations and was constructed without a Building Permit. A stop work order was placed on the building by CRD Building Inspection and the applicants were requested to make an application for a variance.

Upon submitting a complete application, the non-conformity of the building's height was also identified by the surveyor's calculation of height (Attachment 2.6). The application and draft permit was amended to include both variances to the LUB as follows:

- a) Article 5.1 (8) (b) which states that the minimum setback for any building or structure is 3.0 metres (10 feet) from any interior side lot line is varied to permit the siting of an accessory building within 2.22 metres (7.3 feet) of an interior side lot line; and,
- b) Subsection 5.1 (10) which states that the maximum height for any accessory building or structure is 5.0 metres (16.5 feet) is varied to permit an accessory building 5.44 metres (17.8 feet) in height.

The subject building is used as a “pool house” associated with existing pool which is being replaced (Figure 2 and Attachment 2.7). It is intended as a visual and noise screen for the neighbour to the northwest. As the deck on the neighbouring property is relatively high (due to topography) it provides privacy to both properties. There are no windows on the northwest facing wall, and the owners report that their neighbours have spoken positively of the building.

The applicant’s rationale for the proposed variances is to bring the property into compliance.

The owners have submitted an e-mail outlining the circumstances and sequence of construction for the building that is Attachment 3. In summary:

- The accessory building was constructed in the past two years by a hired contractor (previous to the current applicant and contractor).
- They were off-island travelling for work and relied on that the contractor to obtain all permits and approvals, however the building was constructed without any referral to the Islands Trust or obtaining a Building Permit.
- It is assumed that the building was sited in error and constructed over height because the contractor was not relying on a legal survey and did not obtain a Building Permit.
- When the issue was brought to the owner’s attention that contractor was fired and the applicant was hired to make this application and manage/complete the pool project.

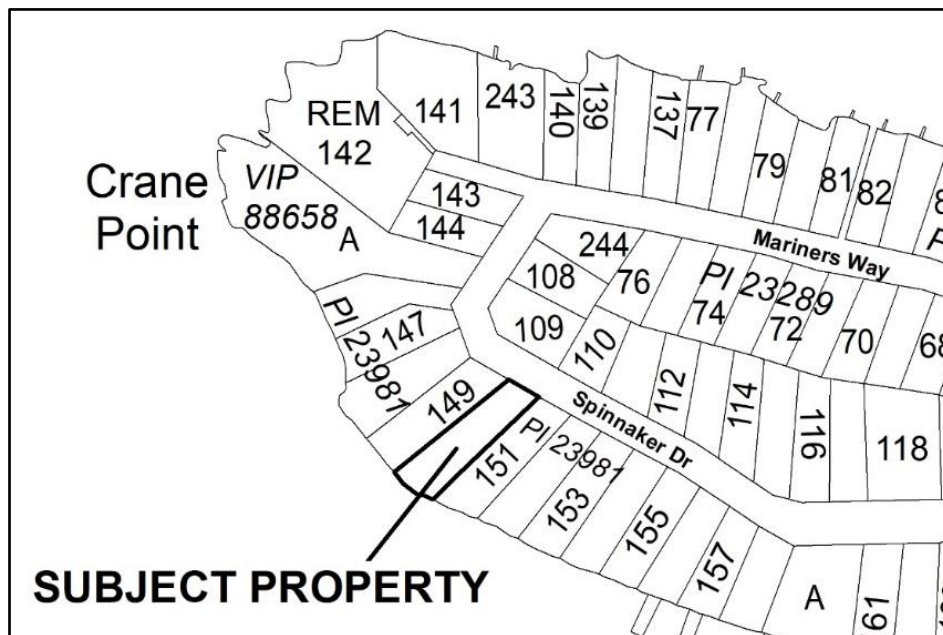
The topography of the property slopes gently from Spinnaker Road down toward the ocean and at the approximate mid point of the property increases in slope significantly toward the top of bank/cliff above the natural boundary of the sea. The subject building is located on the portion where the slope drop. The siting of the building does not impede views from the adjacent properties and incorporates natural rock and cedar complementary to the natural environment and rural character of the island. Staff notes that the raised walkway along the side yard (northwest of the subject building – Attachment 2.8) is temporary and will be removed once construction of the pool is completed.

The owner’s options to obtaining a variance are to alter, move or remove the building all of which would incur a significant cost.

Copies of the notice and draft MA-DVP-2020.5 are Attachment 4 and 5.

Planning staff have not visited the site. All photos in Attachment 2.7 and 2.8 have been supplied by the applicant.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

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

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

Land Use Bylaw:

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

The existing residential use and accessory use of the subject building complies with use and density provisions of the zone on the property.

The proposed variances will bring the existing structures and buildings into conformance with the LUB.

ISSUES AND OPPORTUNITIES

Rationale for the Variances

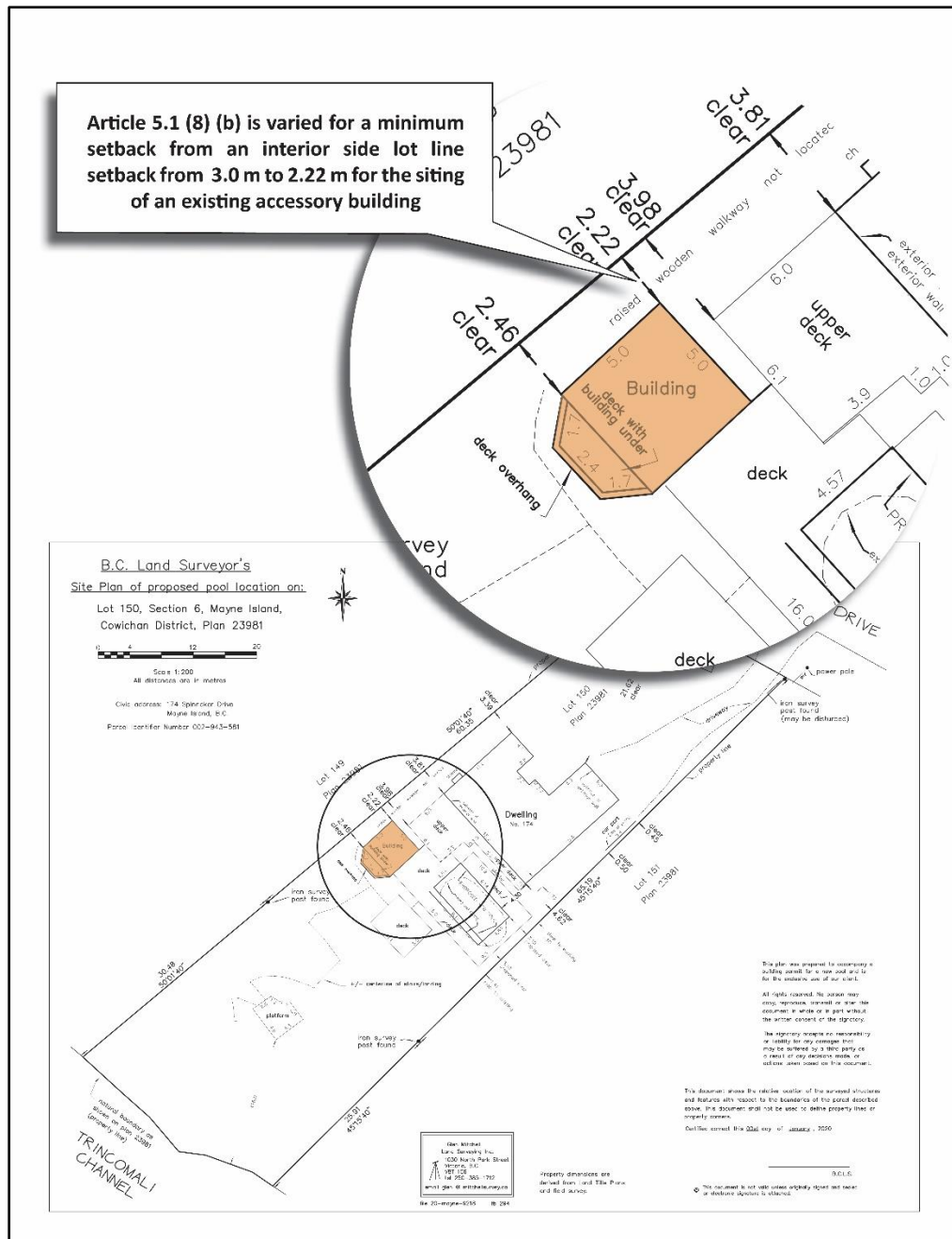
As above, the rationale provided by the owners is to bring the property into compliance with the LUB. They relied on their contractor of the day to obtain all permits and approvals. They only became aware of the infractions when a Building Permit application for the reconstruction of the swimming was made and a required

Site Survey plan revealed the subject building was non-conforming. They have since hired a new contractor (applicant) to remedy the infractions and complete the swimming pool rebuild.

The cost implications of moving, removing or altering the buildings to conform would be significant, with minimal benefit.

Staff is of the opinion that the rationale is supportable.

Figure 2 – Site Plan



Impact on Neighbouring Properties

Given the buildings location on the property, the proposed variances only impact the adjacent neighbouring property to the northwest and the view from the ocean. Those potential impacts would be visual, interruption of views, and privacy. The design of the building and choice of materials and the relatively minor variances help to mitigate impacts and the siting adds to the privacy for both properties.

The owners have reported that the neighbours have indicated that they have been positive about the building, however, at the time of writing, that owner has not responded to the notice so this cannot be verified.

Impacts from the water are also relatively minor, although the height of the water facing wall is significant due to topography. The choice of materials and siting integrates with other development on the property.

Staff is of the opinion that granting the variance would represent minimal impacts to the adjacent properties or from the water.

The Overall Intent of the Regulation being Varied

The overall purpose of the height and interior side lot regulation is to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining privacy.
- Establishing a consistent development pattern within a local area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent height and siting regulations.

Potential Impacts of Granting the Variance

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

Consultation

First Nations

At this time, Development Variance Permit applications related to existing development (no new development is proposed) do not raise concerns related to Local Trust Committee Standing Resolutions on reconciliation.

Circulation/Consultation

DVP Notices were circulated to surrounding property owners and residents (Attachment 4). The notification period ended at 4:30 p.m. on June 17, 2020.

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

Rationale for Recommendation

The recommendation on Page 1 is supported as:

- The proposed variances and potential impacts are both minor, particularly to the most impacted neighbour.
- The design and choice of materials lessens potential impacts.
- Notification to date has generated no written responses.
- The variances do not impact the intent of the bylaw regulation.

ALTERNATIVES

- **Request further information**

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

Recommended wording for the resolution is as follows:

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

- **Amend the Proposed Permit and Approve Issuance**

The LTC may amend the application by removing one or two of the proposed variances and approving issuance.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee amend application MA-DVP-2020.5 (Flowers) by removing the following section(s) _____;and,

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2020.5 (Flowers) as amended.

- **Deny the application**

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DVP-2020.5 (Flowers).

Submitted By:	Phil Testemale, Planner 2	June 18, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	June 18, 2020

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. E-mail correspondence from applicant.
4. Notice
5. Draft MA-DVP-2020.5

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 150, Section 6, Mayne Island, Cowichan District, Plan 23981
PID	002-943-581
Civic Address	174 Spinnaker Drive

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
MA-BP-2019.18	For a swimming pool (Structure)

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as Settlement Residential - SR in the Mayne Island Official Community Plan No. 144, 2007. There are no DPAs designated on the subject property.
Land Use Bylaw	The subject property is zoned as Settlement Residential (SR) in the Mayne Island Land Use Bylaw No. 146, 2008.
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None shown on TAPIS
Sensitive Ecosystems	Islands Trust Ecosystem Mapping database shows Woodland ecosystem on the lower portion of the property (See: Attachment 2.#).
Hazard Areas	Medium and Low Risk Slope Hazard Areas shown on Attachment 2.#
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. There are areas of Archaeological Potential. 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>

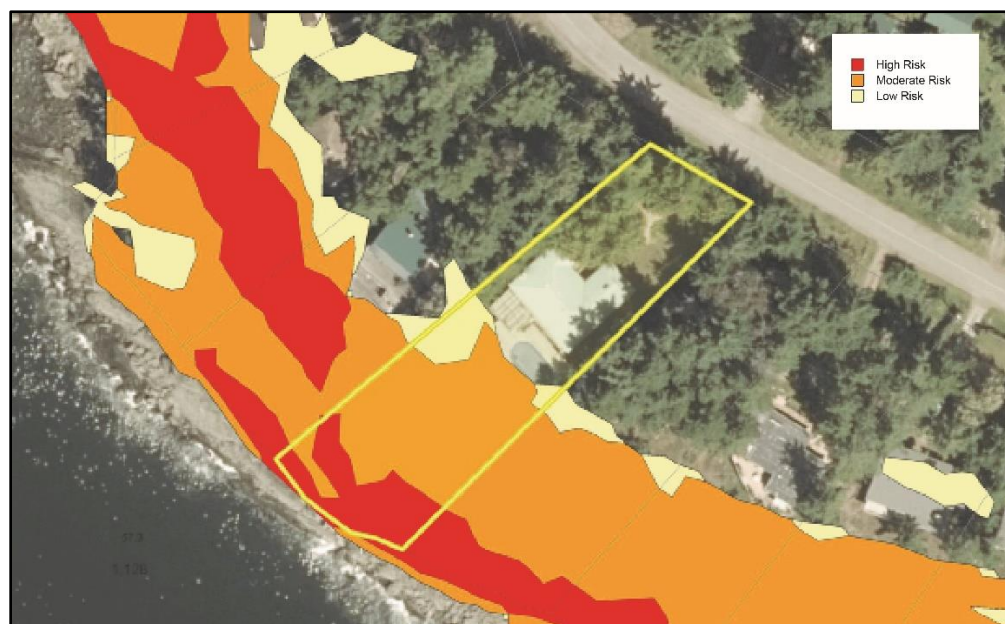
	permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The building has been constructed, therefore any green house gas implications have already occurred. The siting is well above sea level.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Bull Kelp is mapped along the shoreline. Not impacted by application.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

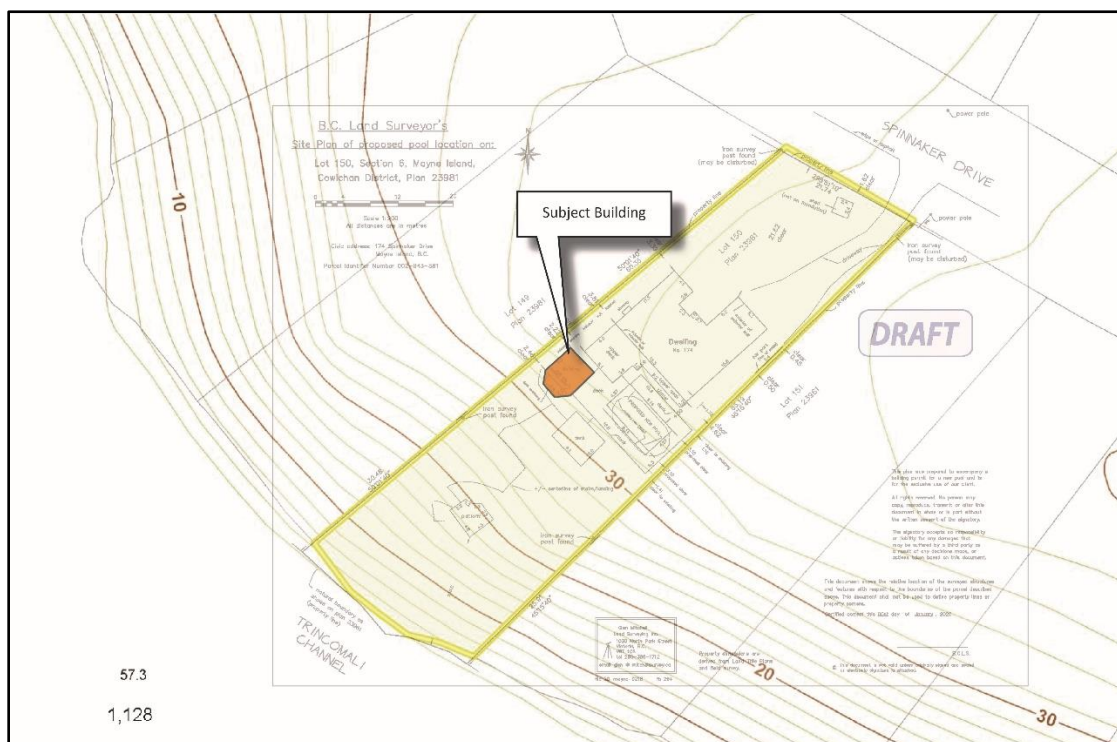
2.1 ORTHOZONING



2.2 STEEP SLOPE HAZARD MAPPING



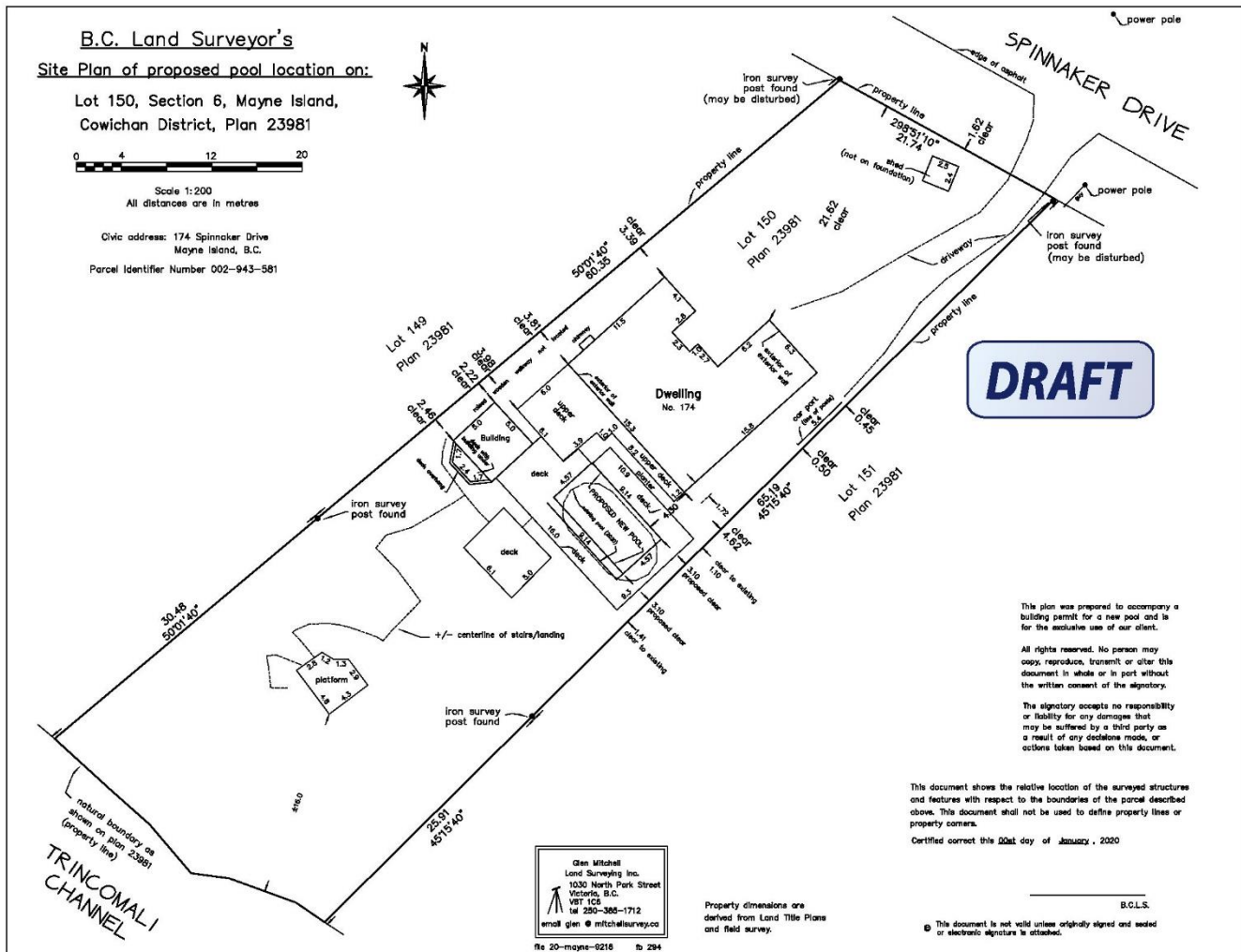
2.3 CONTOURS (TOPOGRAPHY)



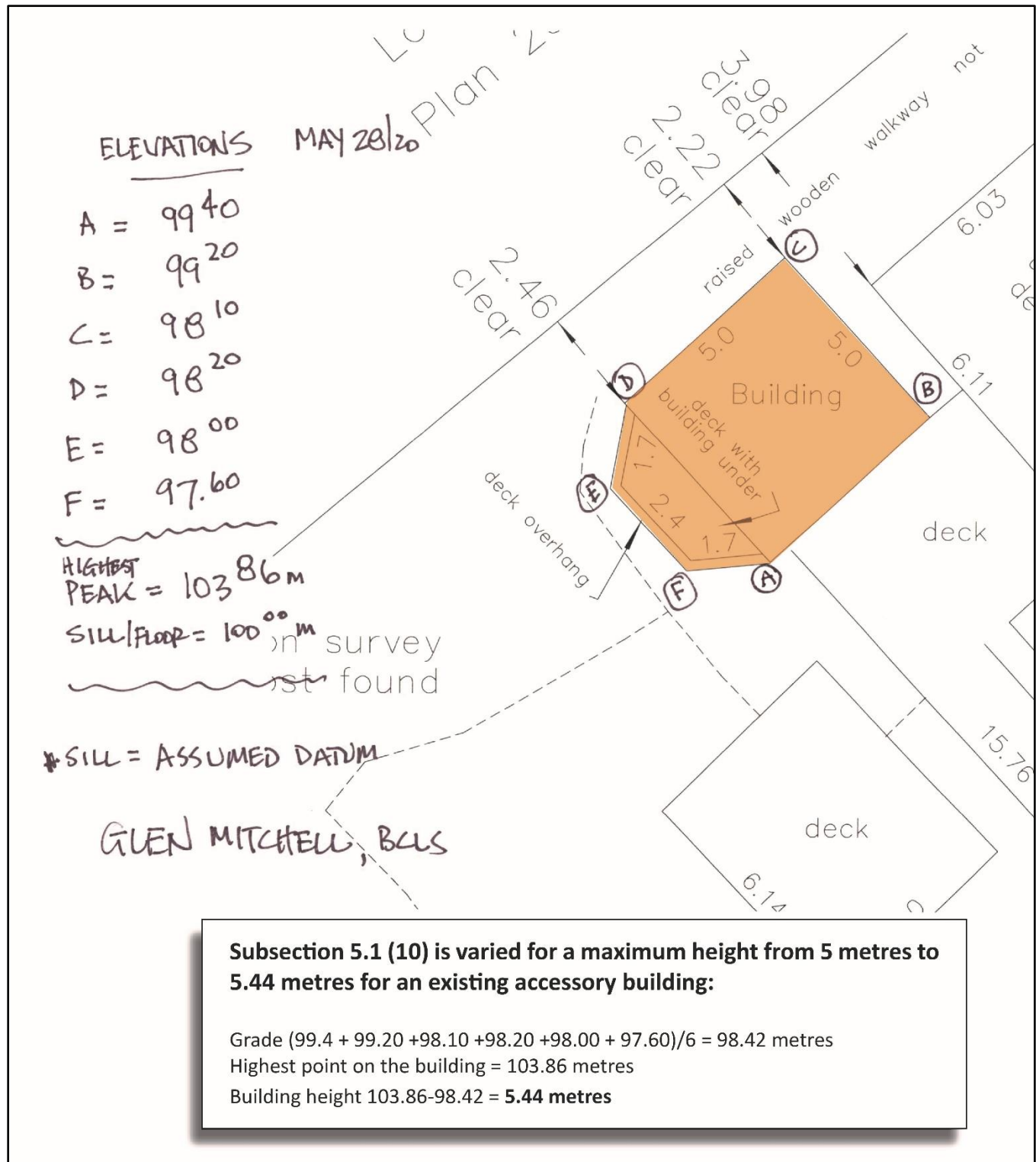
2.4 SENSITIVE ECOSYSTEMS MAPPING



2.5 SITE SURVEY



2.6 SURVEYOR'S HEIGHT CALCULATIONS



2.7 PHOTOGRAPHS



View of Building Northeast



View of Building from Dwelling



View of Building/pool Northeast



Roof of Building Northeast

2.8 PHOTOGRAPHS



Raised Walkway (to be removed)

From: Darren & Mike . <[REDACTED]>
Sent: Tuesday, June 9, 2020 7:00 PM
To: Alex Flowers <[REDACTED]>
Cc: Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: Re: MA-DVP-2020.5 (Flowers)

Good evening Phil,

This pool house was put up over the last couple of years. We're applying for the variance because when we applied for our pool permit we were told that we had to. Unfortunately when we started this project, we hired a contractor by the name of [REDACTED], who we're came to realize either didn't know what he was doing, or simply chose to disregard processes and procedures. Since firing [REDACTED] we have now heard of several horror stories from fellow residents of Mayne Island that he took advantage off. We hired [REDACTED] on the premise that we would manage the project for us while we were travelling for work. We fired him when we realized that he was not only not going through proper channels like permitting - but he also was billing us for things that we would never receive - a [REDACTED] generator for example.

At that point we were left with a building that needed to be completed. As this is our first house we didn't know what else to do but simply try to push forward. From the beginning the building was designed to act as a noise buffer between us and our neighbour, and they've always spoken positively of it. We've put no windows in the building that are facing him. This, combined with the fact that their deck is quite high and very close to us, (just simply due to the natural contour of our lots) means that the building provides a degree of privacy for both of us.

The building in no way impedes their view, and blends into the surroundings as we used natural materials like cedar and rock on the exterior. For these reasons, our neighbour has always said that the building looked great and that they loved what we were doing. To be honest the building project has been a bit of a nightmare for us, as we have gone to great lengths (and expense) to make sure that the building was completed properly and safely. The end result, though, is really nice and I'm sure everyone would agree.

Alex will send along the photos that you've requested as we are not on the island.

Sincerely,

Mike Dreher, Darren Ewert.

On Jun 9, 2020, at 3:48 PM, [REDACTED] wrote:

Hi guys,

Phil needs some info from you guys, I will take some pictures of the building tomorrow to send to Phil, thanks

----- Forwarded message -----

From: Phil Testemale <ptestemale@islandstrust.bc.ca>

Date: Jun. 9, 2020 8:55 a.m.

Subject: RE: MA-DVP-2020.5 (Flowers)

To: "" >

Cc:

Hi Alex,

In order to write a brief staff report for your DVP application – I need you or the owners to answer a few questions:

- When was the building built?
- What is the use of the building?
- What is the rationale for applying for the variance? In cases such as these it is simply to bring the property into conformity with the Bylaw, but you/they may want to add to this (circumstances that led the building to be constructed without a permit, etc.)
- Is there any options to conform by moving or altering the building?
- Could you please provide some photos of the building to provide some context and as we are unable to do a site visit?

Thanks and let me know if you have any questions.

Regards,

Phil

Phil Testemale

Planner 2 – Southern Team

Islands Trust

200-1627 Fort Street

Victoria, BC V8R 1H8

In Victoria 250-405-5170

Enquiry BC Toll-free call 1-800-663-7867

Or from the lower mainland 1-604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustconservancy.ca

Preserving Island communities, culture and environment since 1974



Please consider the environment before printing this email

From: Phil Testemale

Sent: Monday, May 25, 2020 10:14 AM

To: [REDACTED] >

Subject: MA-DVP-2020.5 (Flowers)

Hello Alex,

I have been assigned your application as Gary Richardson has now retired. In order to process this further I require additional information.

Could you please provide the following:

- Verify that the application is for the interior side yard setback for the building circled in red on a copy of the submitted survey plan (attached)?
- That there are no other non-conformities that should be included?
- Please provide scaled and accurate elevation plans for the accessory building with calculations that confirms the building meets the maximum height for an accessory building (5.0 metres). Definition excerpted from Land Use Bylaw as follows:

"Height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls.

<image001.jpg>

Figure 1-1 Illustration of calculation of height

In order to make the cut-off to have the notices delivered to neighbours for the June 29, 2020 LTC meeting, I will need this information by the end of the day on Thursday (May 28). Please contact me with any questions.

Regards,

Phil

Phil Testemale

Planner 2 – Southern Team

Islands Trust

200-1627 Fort Street

Victoria, BC V8R 1H8

In Victoria 250-405-5170

Enquiry BC Toll-free call 1-800-663-7867

Or from the lower mainland 1-604-660-2421

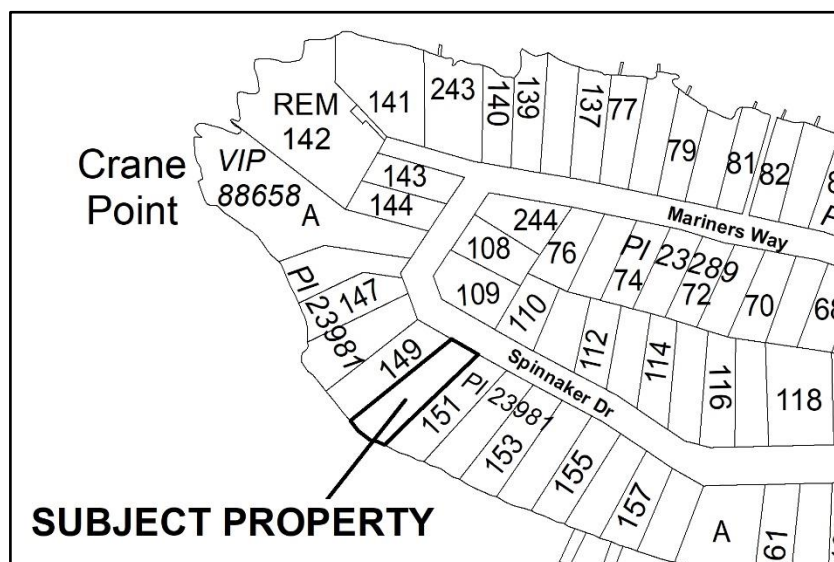
NOTICE
MA-DVP-2020.5
MAYNE ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Mayne Island Land Use Bylaw No. 146, 2008 for an **existing accessory building** by:

- Reducing the minimum setback distance to an interior side lot line from 3.0 to 2.22 metres; and,
- Increasing the maximum allowable height from 5.0 to 5.44 metres.

The variance is required as the accessory building was sited incorrectly and constructed without a Building Permit.

The property is located at **174 Spinnaker Drive** and is legally described as Lot 150, Section 6, Mayne Island, Cowichan District, Plan 23981 (PID: 002-943-581). 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 **June 5, 2020** and continuing up to and including **June 17, 2020**.

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: information@islandstrust.bc.ca before 4:30 pm, **June 17, 2020**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **1:00 p.m., June 29, 2020**.

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



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT MA-DVP-2020.5

To: Michael Dreher and Darren Ewert
c/o Alex Flowers

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

Lot 150, Section 6, Mayne Island, Cowichan District, Plan 23981
(PID: 002-943-581)

2. Mayne Island Land Use Bylaw 146, 2008 is varied as follows:

- a) Article 5.1 (8) (b) which states that the minimum setback for any building or structure is 3.0 metres (10 feet) from any interior side lot line is varied to permit the siting of an accessory building within 2.22 metres (7.3 feet) of an interior side lot line; and,
- b) Subsection 5.1 (10) which states that the maximum height for any accessory building or structure is 5.0 metres (16.5 feet) is varied to permit an accessory building 5.44 metres (17.8 feet) in height.

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

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

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, 2020.

Deputy Secretary, Islands Trust

Date of Issuance

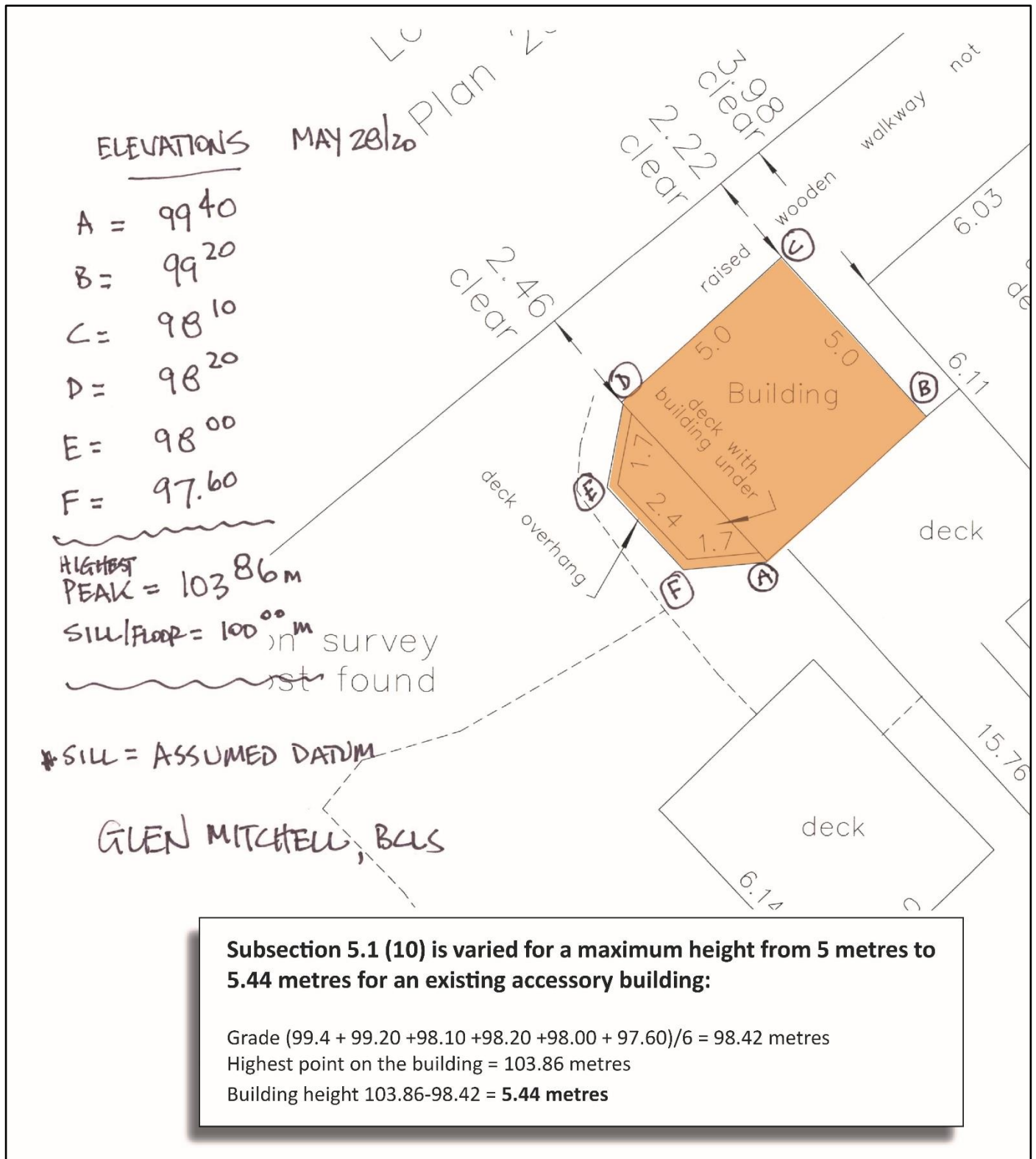
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR , THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE 'A'

© This document is not valid unless originally signed and sealed or electronic signature is attached.

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA -DVP-2020.5

SCHEDULE 'B'



DATE OF MEETING: June 29, 2020
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Salt Spring Island Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Report subject: Mayne Island Land Use Bylaw – Technical Review

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw No. 180, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020” be read a first time.
2. That the Mayne Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 180, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020”, is not contrary to or at variance with the Islands Trust Policy Statement.
3. That the Mayne Island Local Trust Committee request staff to schedule a public hearing for Bylaw No. 180, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020”.

REPORT SUMMARY

To provide an overview of proposed technical amendments to Mayne Island Land Use Bylaw No. 146, 2008 and for the LTC to consider first reading and scheduling of a public hearing for Bylaw No. 180.

BACKGROUND

At the September 30, 2019 meeting the LTC reviewed minor amendments to the LUB with respect to: certain definitions; erroneous cross-references; typographical errors; unclear wording; and outdated references; and gave direction to staff to prepare a draft amending bylaw.

The table in Attachment 1 identifies each proposed amendment and reference to the changes proposed in Draft Bylaw 180 (Attachment 2).

The changes proposed in the Draft Bylaw 180 are summarized as follows:

- Removal of the definition of “concrete” as there are no relevant uses of the word in the LUB
- In definition of “Hall” the words “local government” replace “regional district”.
- Clarification made with respect to the definition of “park, passive recreation” to propose limits on parking, buildings and structures, and the size of signs.

- Typo addressed in definition of “school”
- “Water system facilities owned and operated by a regional district, improvement district or community water utility, including wells, pumphouses, lines, water collection and storage tanks, and septic systems” added to “General Regulations” to be permitted in all zones
- Correction of metric conversion measurement of maximum floor area of accessory retail sales.
- A solid wood fence or brick or stone wall “landscape screen” to be limited to 2 metres (6.6 feet)
- Clarity with respect to the boundary adjustments not facilitating further subdivision.
- Provisions added to the “General Regulations” addressing lot coverage on lots with split zoning.
- Regarding split zoned lots and lot coverage, where different portions of lot area are in different zones with different lot coverage a provision would be added to the general regulations identifying that each zone would be calculated as a separate lot for the purposes of lot coverage.
- Secondary suite map amended to include lots previously understood to be on a community water system.
- Outdated references to the Local Government Act have been updated.
- Zoning change to allow the Mayne Island Resort Dock to be permitted outright (rather than by TUP).
- Amendment to regulation related to the disposal or storage of hazardous or toxic waste so that it does not impede businesses like the building centre.
- Clarity provided to home occupation regulations.
- Finally, in response to potential for oil spill response equipment to use community docks, an amendment to the definition of “community wharf” to extend to provision of emergency services.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The proposed amendments are consistent with the Islands Trust Policy Statement (see Appendix 3 for Islands Trust Policy Statement Checklist).

Official Community Plan:

The proposed amendments are consistent with the Official Community Plan.

Land Use Bylaw:

The proposed amendments are consistent with all other parts of the Land Use Bylaw.

Islands Trust Conservancy:

The proposed amendments do not impact Islands Trust Conservancy interests.

Issues and Opportunities

Consultation

Agencies

The draft bylaw will be referred to the following agencies:

- Ministry of Forests Lands and Natural Resource Operations – Crown Lands and Resources
- The Capital Regional District – Building Inspection
- The Mayne Island Parks Commission
- Galiano Island Local Trust Committee

- Saturna Island Local Trust Committee
- North Pender Island Local Trust Committee

The LTC can identify to staff other agencies they would like the bylaw to be referred to. By resolution the LTC may also refer the draft bylaw to the Advisory Planning Commission.

First Nations

If needed the bylaw will be referred to First Nations as part of the bylaw referral process. All effort should be made within a passive park area to reduce impacts or disturbance to the land to ensure preservation and protection of cultural heritage. Locations defined as passive parks may contain unknown or unregistered archaeological sites, evidence, or heritage.

Rationale for Recommendation

- The amendments would improve the Land Use Bylaw by making technical changes, including clarifying definitions, amending outdated references, typographical errors, unclear wording and mapping corrections.
- The LTC has reviewed the proposed amendments at previous LTC meetings.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. The implications of this alternative are additional staff time and extending the time frame of the project. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that staff.....

2. Hold in abeyance

The LTC may choose to hold the draft bylaw in abeyance pending certain factors or process.

That the Mayne Island Local Trust Committee request that the draft bylaw be held in abeyance pending...

3. Make further revisions to amendments

The LTC may ask staff to make further revisions to the draft bylaw. There are some potential amendments discussed at previous meetings that the LTC had deferred giving direction to proceed with amendments. If there are significant revisions, staff would make the changes and bring the bylaw back for First Reading.

That the Mayne Island Local Trust Committee request staff to make the following changes....

NEXT STEPS

If the recommendations are supported by the LTC staff will:

- Refer the bylaw to the appropriate referral agencies.
- Schedule a public hearing following the close of the referral period.

Submitted By:	Narissa Chadwick, Island Planner	June 16, 2020
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Concurrence:	Robert Kojima, Regional Planning Manager	June 18, 2020
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ATTACHMENTS

1. Table of Amendments
2. Draft Bylaw
3. IT Policy Statement Checklist

ATTACHMENT 1: Table of Amendments

LAND USE BYLAW DEFINITION/SECTIONS	COMMENTS	STAFF RECOMMENDATION	LTC DIRECTION	AMENDING BYLAW REFERENCE
DEFINITIONS				
“Concrete” means all products manufactured from Portland Cement, sand and gravel including ready mix”.	There are no know issues with this definition. One option is to not have a definition in the LUB at all and use the common dictionary definition. There is no recommended wording in the LUB template.	Do not amend.	Remove definition of “concrete”.	2.1
“Hall” means a public assembly building used for recreational, social, charitable, educational, entertainment, and cultural activities, open to the public, and owned or operated by a non-profit group or Regional District for the benefit of the community generally.	Concerns about the word “Regional District” was raised. This definition is consistent with the LUB template. LTCs can’t hold land.	Do not amend.	Amend put “local government” in place of “regional district”.	2.2
“Park, passive recreation” means a park which is retained in its natural state other than for walking and hiking trails and signage.	This definition requires some clarification so that limits of what may be permitted in a “passive recreation park” are very clear. Clear limits need to be put on the type of use that may be permitted, number of parking spaces (if any), roads, size and type of structures, signs and trails.	Amend.	Prepare an amendment for the LTCs consideration.	2.3 & 2.5 & 2.6
Definition of ‘school’ - typo	Typo – definition of school – “doe” should be “does”.	Amend.	Amend	2.4
GENERAL REGULATIONS				

ATTACHMENT 1: Table of Amendments

LAND USE BYLAW DEFINITION/SECTIONS	COMMENTS	STAFF RECOMMENDATION	LTC DIRECTION	AMENDING BYLAW REFERENCE
3.1 Permitted in All Zones	Does not include facilities for water districts – pump houses, storage tanks etc. Could allow as an outright use in all zones or alternatively locate in new zone.	Amend – allow as outright use in all zones.	Amend – allow as outright use in all zones.	2.7
5.9(5) The maximum floor area of accessory retail sales uses is 20m ² (87ft ²).	Metric conversion is incorrect.	Amend.	Amend	2.11
3.7.2 Fences	3.7.2 Allows overheight fences for deer netting, and landscape screening. 3.8((1)(c) allows landscape screens to include solid wood fence or stone wall. 3.7(2) should be amended to exclude 3.8(1)(c) .	Amend – to exclude landscape screen.	Amend	2.9
8.2(d) Exemptions from Average and Minimum Lot Area Requirements (Boundary Adjustments)	Boundary adjustment provisions should be amended to specify that if a boundary adjustment subdivision is carried out that no parcel is increased in area such that it may be further subdivided and/or may not result in additional density.	Amend.	Amend.	2.14
3.10 Split zoned lots and lot coverage	Where different portions of a lot are in different zones with different lot coverage consider adding a provision to the general regulations addressing lots in more than one zone. Each zone would be calculated as a separate lot for purposes of lot coverage.	Amend.	Amend.	2.10

ATTACHMENT 1: Table of Amendments

LAND USE BYLAW DEFINITION/SECTIONS	COMMENTS	STAFF RECOMMENDATION	LTC DIRECTION	AMENDING BYLAW REFERENCE
List of Schedules	Add Schedule D (Secondary Suite Map)	Amend.	Amend.	Administrative, no bylaw amendment required
Local Government Act	Several outdated local government act sections are referenced they should be changed using current references.	Amend.	Amend.	2.15
Mayne Island Resort Dock	Presently a TUP allowing use of dock. Expires in June Dock of limited size should be permitted outright in zoning.	Amend	Amend	2.13 & 2.17
Mount Parke water district	Allow secondary suites on the area identified as Mount Parke water district as the mapping inaccurately includes as a water system.	Amend	Amend	2.18
5(10)(10) the disposal or storage of hazardous or toxic waste.	There was a concern raised that this would prevent the building centre from storing and selling toxic substances.	Amend – general regulation prohibition 3.2(2) now supercedes specific prohibition in C3 without impacting sales.	Amend – but by deleting 5.10(10) in C3 zone	2.12

ATTACHMENT 1: Table of Amendments

LAND USE BYLAW DEFINITION/SECTIONS	COMMENTS	STAFF RECOMMENDAT ION	LTC DIRECTION	AMENDING BYLAW REFERENCE
3.6(2) – Prohibited home occupations. Wording in Section 3.6(2) may cause confusion when read together with 3.6(1). Section 3.6(2) states that: "Without limiting the generality of subsection 3.6(1), the following activities are specifically not permitted as a home occupation: ..." This section suggests that 3.6(1) operates to also prohibit certain home occupations.	Pointed out by legal counsel, deleting "without limiting the generality of subsection 3.6(1)" would address the concern	Amend	Amend	2.8
In response to potential oil spill response facilities being located on public dock	Propose amending 'Community Wharf' definition to extent to include provision of emergency services	Amend		2.16

DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 180

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

The Mayne Island Local Trust Committee, being the 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, 2020”.

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 By deleting the definition of “Concrete” in its entirety.
- 2.2 By deleting the word “Regional District” from the definition of “Hall” and replacing it with “local government.”
- 2.3 By deleting “and signage” from the definition of “Park, passive recreation” and replacing it with “and accessory uses, limited to signage, gravel parking and access driveways, and washrooms.”
- 2.4 By deleting “doe” from the definition of “School” and replacing it with “does.”
- 2.5 By deleting “, and passive recreation parks” from subsection 3.1(2)
- 2.6 By inserting a new subsection 3.1(7) as follows:
 - “3.1(7) Passive recreation park, each park limited to:
 - (a) Hiking and walking trails;
 - (b) Signs not exceeding 1 square metre each;
 - (c) One gravel parking area not exceeding 10 spaces, accessed by a gravel driveway;
 - (d) One set of toilet facilities
 - (e) One storage building, not exceeding a floor area of 10 square metres; and
 - (f) One open-sided shelter, not exceeding 20 square metres of lot coverage.”
- 2.7 By inserting a new subsection 3.1(8) as follows:

- “(8) Water system facilities owned and operated by a regional district, improvement district or community water utility, including wells, pumphouses, lines, water collection and storage tanks, and septic systems. “

- 2.8 Deleting “Without limiting the generality of subsection 3.6(1),” from subsection 3.6(2).
- 2.9 By inserting “not exceeding 2 metres (6.6 feet) in height” following the word “wall” in article 3.8(1)(c) (Landscape Screening).
- 2.10 By inserting a new subsection 3.10(2) as follows:
- (2) If a lot is divided by one or more zone boundaries, lot coverage and maximum floor area must be calculated by reference to the areas of the portions of the lot lying within each zone.
- 2.11 By deleting “20m² (87ft²)” from subsection 5.9(5) and replacing it with “20m² (215 ft²).”
- 2.12 By deleting subsection 5.10(10) in its entirety and replacing with “rescinded.”
- 2.13 By inserting a new row in the table in subsection 5.21(3) in the Water Moorage (W2) zone as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
W2(b)	Area of foreshore fronting Plan VIS 6703 contained within DL 560 and identified as Licence 113232.	Despite 5.21(1) the only uses permitted in this location are: (a) Dock, accessory to the upland uses, and limited to one float not exceeding a size of 36.5 m ² .

- 2.14 Deleting the phrase “no additional lots are created;” from article 8.2(1)(d) and replacing it with “the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment;”
- 2.15 By updating outdated references to the local government act as follows:
- 2.15.1 By deleting the number “946” in Table of Contents page 3 and replacing it with the number “514”.
- 2.15.2 By deleting the number “946” in section 8.4 and subsection 8.4(1) and replacing it with the number “514”.
- 2.15.3 By deleting the number “944” in subsection 8.5(1) and replacing it with the number “512”.
- 2.16 By deleting the phrase “for area residents” from the definition of ‘Community Wharf’ and replacing it with the phrase “and emergency services”

Map Amendments

2.17 Schedule "B" (Zoning Map) is amended by changing the zoning classification of an area of foreshore fronting Plan VIS 6703 contained within DL 560 and identified as License 113232 from W2 to W2(b) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" to Land Use Bylaw No. 146 as are required to effect this change.

2.18 Schedule "D" (Secondary Suites Map) is amended by including the area "being added to where secondary suites are permitted" as shown on Plan No. 2 attached to and forming part of this bylaw.

3. SEVERABILITY

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

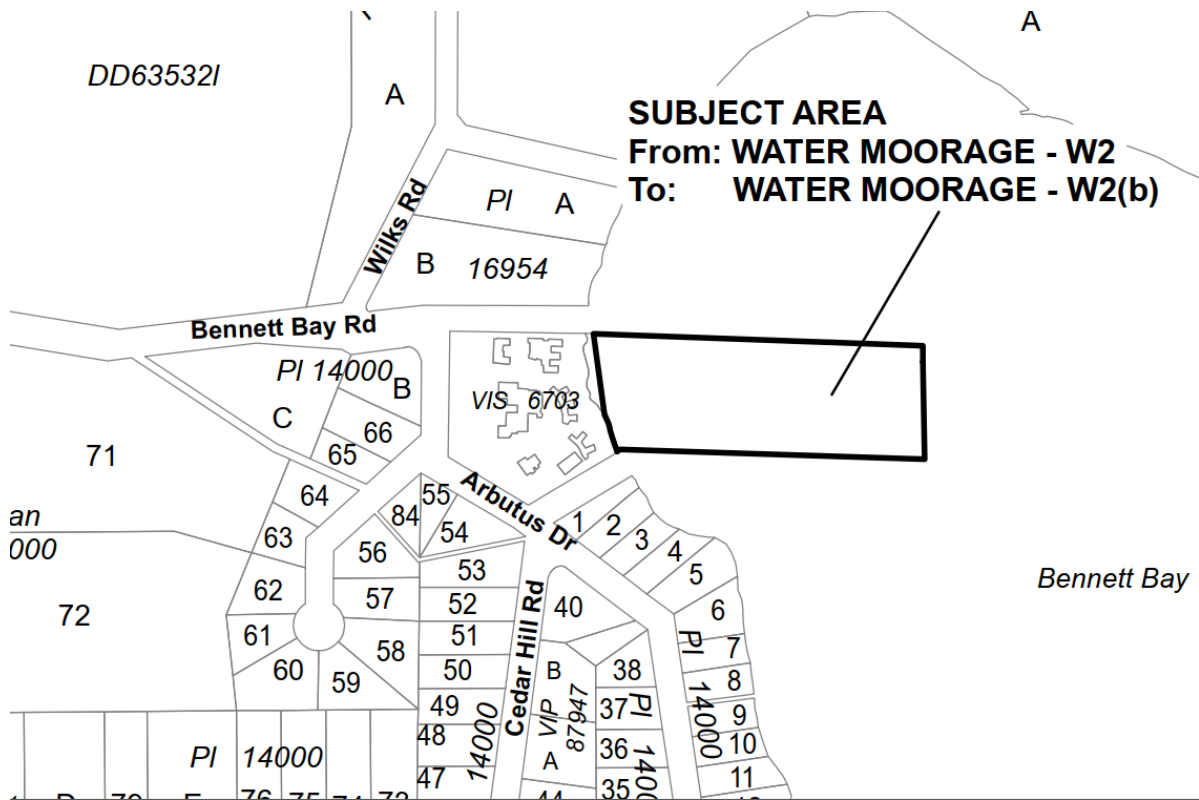
READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____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

CHAIR

SECRETARY

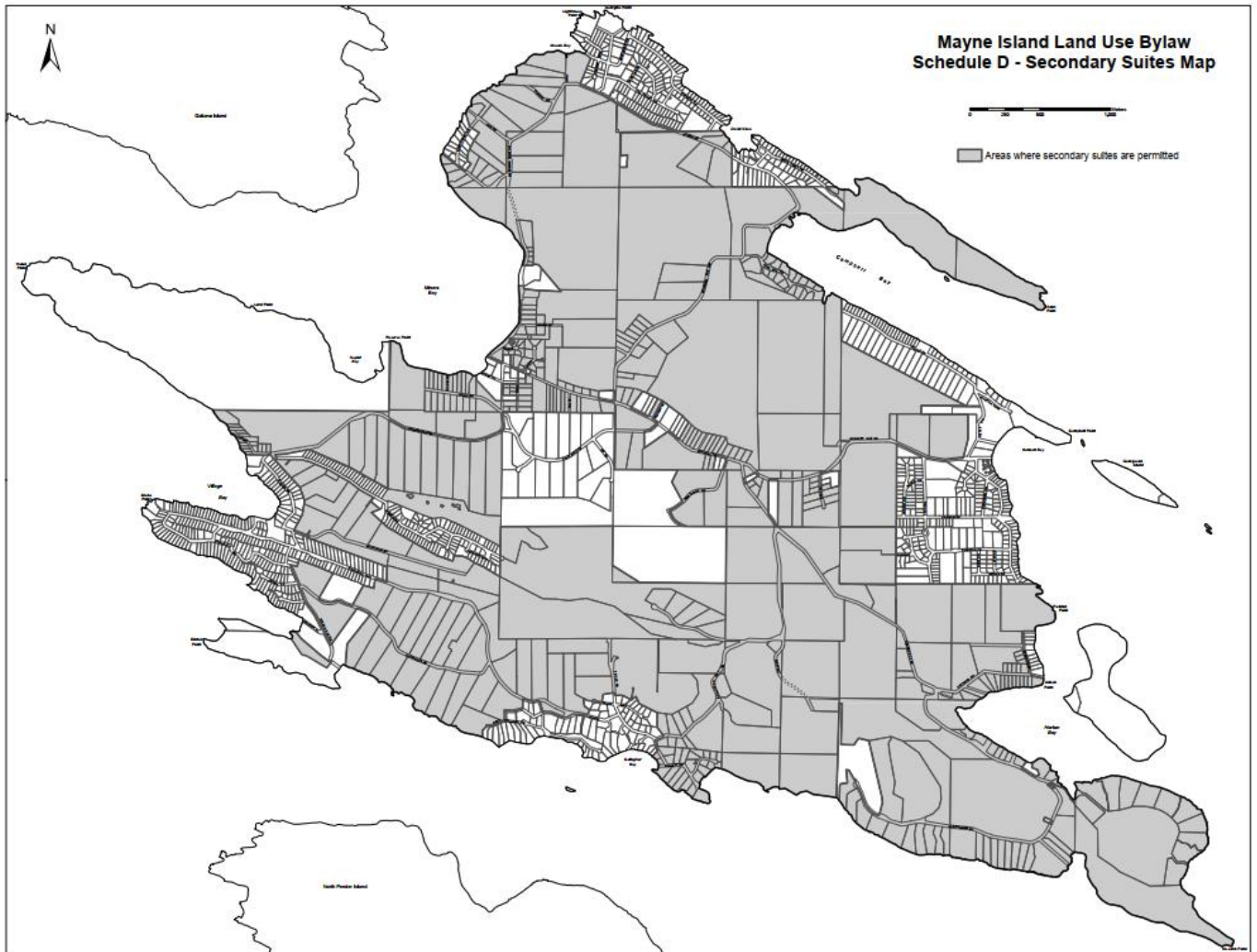
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 180

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 180

Plan No. 2





Islands Trust

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: MA-6500-20-2019

File Name: Mayne Islands LUB Technical
Review

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation

	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
	5.5	Recreation

N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Top Priorities Report

Mayne Island

1. Land Use Bylaw Technical Amendments

Draft Bylaw with technical amendments prepared for June 29, 2020 LTC agenda.

Responsible

Narrisa Chadwick

Dates

Rec'd: 23-Sep-2019

2. Housing Regulations and Policy Review (tiny home initiative)

Initial staff report prepared for Oct 28, 2019 LTC meeting

Further staff report prepared for January 27, 2020 LTC Meeting

Responsible

Brad Smith

Dates

Rec'd: 26-Nov-2018

3. Groundwater Sustainability Project

Update LTC with status of project at Fuly 27, 2020 LTC Meeting.

Responsible

Narrisa Chadwick

William Shulba

Dates

Rec'd: 27-May-2019

Projects Report

Mayne Island

1. *Climate Change Adaptation*

Responsible

Date Received

Consider regulatory changes and implementation of new DPA authority

02-Mar-2009

2. *Waste Management*

Responsible

Date Received

31-Oct-2017

3. *Fallow Deer*

Responsible

Date Received

26-Mar-2018

4. *Cannabis Production - Regulating structures*

Responsible

Date Received

24-Sep-2018

5. *Review of Contractors Yards*

Responsible

Date Received

27-May-2019



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.4	Iredale Architecture	24-Jan-2020	deck renovation and expansion

Planner: Narrisa Chadwick

Planning Status

Status Date: 20-May-2020

Received information from architect. Staff report in process.

Status Date: 11-May-2020

Staff report in process

Status Date: 31-Mar-2020

Awaiting information from property owner confirming date of original building permit.

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.5	Flowers, Alex	01-Apr-2020	174 Spinnaker Drive - Variance for an accessory building in a set back.

Planner: Phil Testemale

Planning Status

Status Date: 19-Jun-2020

Notification completed and application on agenda for June 29th meeting

Status Date: 25-May-2020

E-mail to applicant require elevations to confirm for accessory building only and maximum Height met.

Status Date: 13-May-2020

Fees paid, LTC notified, file given to planner.

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.6	Beardsley Wood, Ross	15-Jun-2020	354 Wood Dale Drive - Variance to to consider the relaxation of the required setback from the front lot line on subject property.

Planner: Phil Testemale

Planning Status

Status Date: 16-Jun-2020

PTA created file, notified LTC, fees received, sent to Planner



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2018.1	Capital Regional District (MIPRC) Planner: Narrisa Chadwick	01-Nov-2018	Application to amend the OCP and LUB to rezone from Rural to Park
Planning Status			
Status Date: 17-Jun-2020 CRD to explore options to measure existing buildings. Site visits with FN focus to be organized when travel ban is lifted.			
Status Date: 25-Apr-2020 Staff report to be prepared for May LTC meeting giving LTC options on how to proceed.			
Status Date: 20-Jan-2020 First Nations have been contacted. Staff to follow-up and obtain First Nations comments.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.1	Brent Mayenburg (Maude) Planner: Narrisa Chadwick	09-Apr-2018	Referral of a subdivision for 3 lots
Planning Status			
Status Date: 22-Apr-2020 Extension of the PLA has been requested			
Status Date: 18-Sep-2019 Waiting for applicant to work through PLA conditions.			
Status Date: 16-May-2019 PLA received from MoTI April 25, 2019.			



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.3	Wey Mayenburg Land Surveying Inc (Peace) Planner: Narrisa Chadwick	16-Oct-2018	Referral of a subdivision to create 2 lots
Planning Status			
Status Date: 12-May-2020 Issues with respect to hydro geologist report require updated report before approval can be considered			
Status Date: 08-May-2020 Applicant requested an extension to the PLA			
Status Date: 20-Jan-2020 10% road frontage waiver request on Jan 27, 2020 LTC agenda.			
File Number	Applicant Name	Date Received	Purpose
MA-SUB-2020.1	Arbutus Bay Estates Ltd. Planner: Phil Testemale	04-Jun-2020	797 Beechwood Drive - Subdivision referral application review for two lots.
Planning Status			
Status Date: 09-Jun-2020 PTA created file, LTC notified, fees received, sent to planner			

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending May 2020

645 Mayne	Invoices posted to Month ending May 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	506.00	0.00	506.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	673.00	0.00	673.00
65210-645	LTC - Local Exp - APC Meeting Expenses	253.00	0.00	253.00
65220-645	LTC - Local Exp - Communications	250.00	70.00	180.00
65230-645	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>1,470.00</u>	<u>70.00</u>	<u>1,400.00</u>
Projects				
73001-645-2005	Mayne OCP/LUB	2,500.00	0.00	2,500.00
73001-645-4100	Mayne Island Housing	3,000.00	0.00	3,000.00
TOTAL Project Expenses		<u>5,500.00</u>	<u>0.00</u>	<u>5,500.00</u>

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) - 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	Carried	24-Sep-2018



Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2017-028 (Standing) 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) 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
2016-055 (Standing) 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

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2012-000 (Standing)	Carried	01-Feb-2012
That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.		
2011-044 (Standing)	Carried	02-May-2011
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.		



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality May, 26 2020

Islands Trust Conservancy Board News

Island Trust Conservancy (ITC) conducted its first public, electronic Zoom meeting as a means of reducing contact during the COVID-19 pandemic. The ITC Board was informed of staff work transitions resulting from the novel virus. All information about ITC's response to COVID-19 is posted to the Islands Trust and Islands Trust Conservancy websites.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards four long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

The ITC Board received the *Climate Projections for Islands Trust Area* report http://www.islandstrustconservancy.ca/media/84991/itc_climateprojectionsreport_final.pdf and approved a Climate Change Project Charter.

ITC staff collaborated with Local Planning Services on the Contiguous Forest Mapping Project. The information was received by Trust Council at its June meeting.

Goal 2 – Strong relationships with First Nations

The ITC Board considered revisions to its Vision Statement to reflect its Reconciliation Declaration. The Board directed staff to bring further revisions to a future meeting and requested that staff also bring the ITC Mission Statement concurrently for consideration.

A/Manager Emmings gave an overview of the staff reconciliation retreat on May 7, 2020 and indicated that staff will meet in the near future to continue to integrate actions into work plans that reflect the Conservancy's commitment to its Reconciliation Declaration.

Goal 3 – Protection of core conservation areas

Property Management

Annual monitoring activities are delayed due to COVID-19. Staff are planning for a reduced monitoring season to accommodate travel restrictions, but visits to most properties will occur.

The ITC Board directed staff to prepare a budget request for the 2021-2022 fiscal year to address management of wildfire risks on ITC conservation properties.

The ITC Board approved nature reserve management plans on Denman Island (see island updates below).

Land Acquisition and Covenants

The ITC Board approved a Natural Area Protection Tax Exemption Program conservation proposal for North Pender Island (see island updates below).

Goal 4 – A strong voice for nature conservation

The ITC Board received a briefing on 30th Anniversary activities. The Islands Trust Conservancy's 30th Anniversary plans will highlight accomplishments and focus on the future and biodiversity.

ITC conservation covenant landowners received the *Caring for Your Conservation Covenant* newsletter and a 'Communications and Engagement Questionnaire'.

ITC, in collaboration with the Coastal Douglas-fir and Associated Ecosystems Partnership (CDFCP), Raincoast Conservation Foundation, and several island conservancies, produced forest ecosystem information sheets for each local trust area. These will be mailed out to 375 owners of forested land in the early summer.

The ITC Board approved its 2019-2020 financial statement and text for its Annual Report and considered a draft agenda for the July 14th ITC / Executive Committee liaison meeting.

Activities by Local Trust Area/Island Municipality

Denman – The ITC Board approved the 2020 updates of the Inner Island Nature Reserve Management Plan and the Lindsay Dickson Nature Reserve Management Plan. The Board also approved the first Valens Brook Nature Reserve Management Plan. Once approved by conservation partners, these will be posted to the Islands Trust Conservancy website at <http://www.islandstrustconservancy.ca/protected-places/caring/>.

The ITC Board approved a \$5,000 Opportunity Fund Grant for the Denman Conservancy Association. Opportunity Fund information is available at <http://www.islandstrustconservancy.ca/initiatives/supporting-local-land-trusts/opportunity-fund-grants/>

Gabriola - Invasive species were managed in Elder Cedar Nature Reserve and one conservation covenant on Gabriola Island.

Galiano - Invasive species were managed in one conservation covenant on Galiano Island.

North Pender – ITC approved a conservation proposal to place a NAPTEP covenant on 3.99 ha on Clam Bay Road, North Pender Island.

Salt Spring - Invasive species were managed in three conservation covenants on Salt Spring Island.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

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Memorandum

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Date	June 5, 2020	File Number	3034-20 LTC Open Meetings – General & X-ref 3900-03
To	Mayne Island Local Trust Committee		
From	Jas Chonk Legislative Clerk Local Planning		
Re	Bylaw No. 179 – Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 126, 2004, Amendment No. 1, 2020		

Mayne Island Local Trust Committee (LTC) Bylaw No. 179 was given three readings on May 25, 2020 and Islands Trust Executive Committee approval on June 3, 2020.

Adoption of a meeting procedure bylaw amendment provides the Mayne Island Local Trustees the opportunity to participate in committee meetings electronically and clarifies who can chair an LTC meeting in the event that the Chair is not present.

Bylaw No. 179 will provide the LTC with flexibility to conduct business electronically when deemed necessary.

The LTC members may use the following resolution if you wish to adopt the bylaw:

Resolution

That Mayne Island Local Trust Committee Bylaw No. 179, cited as “Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 126, 2004, Amendment No. 1, 2020”, be adopted.

pc Robert Kojima, Regional Planning Manager

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 179

A Bylaw to Amend the Mayne Island Local Trust Committee Meeting Procedure Bylaw

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. Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 126, 2004, is amended as follows:

1.1 By deleting section 10 in its entirety and replacing it with the following:

"10. In the event that neither the Chairperson nor the alternate member of the Local Trust Committee appointed by the Chair of the Trust Council is present within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services, or his or her designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson."

1.2 By adding the following new sections after section 16, and by renumbering section 17 and section 18 to become section 30 and section 31 respectively:

"ELECTRONIC MEETINGS

17. A special meeting of the Local Trust Committee to deal with urgent new business may be conducted entirely by means of audio or audio and visual electronic communication facilities if a majority of the members of the Local Trust Committee have agreed by resolution that the meeting may be conducted in this way and provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.

18. An individual Local Trust Committee member who is not at the physical location of a special Local Trust Committee meeting or a regular Local Trust Committee meeting may choose to participate by means of audio or audio and visual electronic communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.

19. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities.

20. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee nor more than three regular meetings in any calendar year.

21. The Local Trust Committee may waive the restrictions in sections 19 and 20 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.

22. Local Trust Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.
23. A member of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.
24. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.
25. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at the place specified in the meeting notice, unless the meeting has been properly closed to the public.
26. For the duration of an electronic meeting that is open to the public, a designated staff member must attend at the place specified in the meeting notice for the public to hear, or watch and hear, the participants.
27. Cell phone or satellite connections may be used for open Local Trust Committee meetings.
28. If communication is lost to one or more electronic participants during a meeting:
 - 28.1 the participant affected will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting and this will be recorded in the minutes;
 - 28.2 if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and
 - 28.3 if, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust Committee members, the meeting will be deemed adjourned and the item under discussion at the time of loss of communication will be added to the next agenda.
29. Any costs of electronic participation in a Local Trust Committee meeting will be borne by the Mayne Island Local Trust Committee."

2. This bylaw may be cited as “Mayne Island Local Trust Committee Meeting Procedure Bylaw No. 126, 2004, Amendment No. 1, 2020”.

READ A FIRST TIME THIS 25TH DAY OF MAY , 2020

READ A SECOND TIME THIS 25TH DAY OF MAY , 2020

READ A THIRD TIME THIS 25TH DAY OF MAY , 2020

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
3RD DAY OF JUNE , 2020

ADOPTED THIS DAY OF , 20

CHAIRPERSON

SECRETARY