



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: September 28, 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 July 27, 2020 (for Adoption)		4 - 11
6.2	Section 26 Resolutions-without-meeting Report - None		
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 September 2020		12 - 13
8.	DELEGATIONS		
9.	CORRESPONDENCE	1:30 PM - 1:40 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
9.1	Letter from Capital Regional District re St. John Point Park (Attached)		14 - 14
9.2	Arbutus Bay Estates Ltd. re Variance LUB Bylaw Subdivision - Staff Memo (Attached)		15 - 18

10.	APPLICATIONS AND REFERRALS	1:40 PM - 2:40 PM
10.1	MA-DVP-2020.4 (Iredale) - Staff Report (Attached)	19 - 34
10.2	MA-DVP-2020.7 (Cochrane) - Staff Report (Attached)	35 - 55
10.3	MA-DP-2020.1 (CRD - Anson Dock) – Staff Report (Attached)	56 - 89
10.4	MA-RZ-2018.1 (CRD - Cotton Park) - Staff Report (Attached)	90 - 108
10.5	Saturna Island Local Trust Committee Bylaw No. 132 Referral (Attached)	109 - 113
10.6	Galiano Island Local Trust Committee Bylaw No. 275 Referral (Attached)	114 - 118
11.	LOCAL TRUST COMMITTEE PROJECTS	2:40 PM - 3:40 PM
11.1	Update on Southern Gulf Islands Groundwater Sustainability Strategy - Staff Memo (Attached)	119 - 120
11.2	Land Use Bylaw Technical Review – Staff Report (Attached)	121 - 137
11.3	Mayne Island Housing Regulation and Policy Review – Staff Report (Attached)	138 - 146
12.	REPORTS	3:40 PM - 3:50 PM
12.1	Work Program Reports (attached)	
12.1.1	<u>Top Priorities Report Dated September 2020</u>	147 - 147
12.1.2	<u>Projects List Report Dated September 2020</u>	148 - 148
12.2	Applications Report Dated September 2020 (attached)	149 - 153
12.3	Trustee and Local Expense Report Dated July 2020 (attached)	154 - 154
12.4	Adopted Policies and Standing Resolutions (attached)	155 - 158
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Islands Trust Conservancy Report Dated July 2020	159 - 160
13.	NEW BUSINESS	3:50 PM - 4:00 PM
13.1	Communication on Short Term Vacation Rentals (Attached)	161 - 161

14. UPCOMING MEETINGS

That in accordance with *Ministerial Order M192 – Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 – 2020*, Mayne Island Local Trust Committee cannot conduct public in-person meetings at this time because the meeting venues traditionally used have limited access or do not meet the legislated requirements for the protection of the community, trustees and staff; and

Therefore in order to meet the principles of openness, transparency, and accessibility, meetings of the Mayne Island Local Trust Committee will be held electronically over the period August 26 to October 31, 2020, will be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

14.1 Next Regular Meeting Scheduled for October 26, 2020 - Electronic Meeting

- | | | |
|-----|----------------|-------------------|
| 15. | TOWN HALL | 4:00 PM - 4:15 PM |
| 16. | CLOSED MEETING | |
| | None | |
| 17. | ADJOURNMENT | 4:15 PM - 4:15 PM |



Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: July 27, 2020
Location: Electronic Meeting (via Zoom Webinar)

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

Staff Present: Narissa Chadwick, Island Planner
Maple Hung, Planning Assistant (Zoom Webinar Host)
Phil Testemale, Island Planner
Pat Todd, Recorder

Public: There were approximately twenty-four (24) members of the attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:00 p.m. Trustee Dodds welcomed everyone to the meeting and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted as presented.

3. TOWN HALL AND QUESTIONS

Chair Rogers noted that a number of letters had been received and read by the Local Trust Committee (LTC) regarding the Affordable Housing Application. There will be an opportunity for participants to speak to the application under Item 10.2.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated June 29, 2020

By general consent the Local Trust Committee meeting minutes of June 29, 2020 were adopted.

6.2 Section 26 Resolutions-without-meeting Report - None

6.3 Advisory Planning Commission Minutes - None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated July 2020

Planner Chadwick noted that contact with the Ministry of Transportation (MoTI) had been made and a meeting will be organized within the next few months.

There was a site visit for Cotton Park and the buildings measured. Information will come forward shortly.

Islands Trust staff met with Capital Regional District (CRD) staff regarding St. Johns Point and the definition of passive park as identified in Bylaw 180 .

8. DELEGATIONS

None

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1 MA-DVP-2020.6 (Beardsley)

Planner Testemale gave an overview of the application.

The applicant questioned if the deck is being identified as a structure and noted if stone/cement or pavement material used would be allowable.

Planner Testemale restated that under “structures” deck is not exempt and that density cannot be varied. He suggested to Trustees might want to add item to Technical Bylaw Review.

Discussion was held on the following points:

- Put application on hold pending review of Bylaw;
 - This is an outstanding Bylaw Enforcement file;
 - Add to Bylaw review; and
- Approve variance with deck removal on hold for 6 months while Bylaw Technical Review in process.

MA-2020-047

It was Moved and Seconded,

that the Mayne Island Local Trust Committee amend Development Variance Permit MA-DVP-2020.6 (Beardsley) by removing the proposed siting variance for the accessory building labelled as 'Shed' as shown in Attachment 5.

CARRIED

MA-2020-048

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2020.6 (Beardsley) as amended.

CARRIED

10.2 MA-RZ-2020.1 (MIHS)

Planner Chadwick gave an overview of the application for rezoning a parcel of land currently zoned as "rural" to create two lots to be zoned "rural" and a third lot to be site specifically zoned to facilitate the development of a multi-residential rental housing development. She mentioned that it will be important to understand the impacts of the development on the water quality and quantity of downstream neighbours. Also, following a site visit the need for an ecological assessment of the proposed development area became clear. . Many letters were received both supporting and expressing concern about the project.

Applicant Deborah Goldman, on behalf of Mayne Island Housing Society (MIHS), reported that many issues have been addressed with neighbours and that as reports are received details would be shared with the neighbours.

Chair Rogers noted that correspondence has been read by LTC and will be entered into application file.

Jon Hoff (a neighbour) questioned if other 2 lots created by subdivision would be zoned for multiple housing units.

Planner Chadwick detailed that the remainder would be divided into 2 properties zoned Rural.

It was noted that a project of this type requires a presentation to community and the issues/difficulties of a face-to-face gathering were outlined.

Sean McHugh (owner of site) identified that he would not need the additional rural lot if that were to better support the process. Contributing to the community is his primary interest.

MA-2020-049

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to proceed with processing application MA-RZ-2020.1 (Mayne Island Housing Society).

CARRIED

MA-2020-50

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to have the proponent prepare and provide a report prepared by a professional hydrogeologist with relevant experience demonstrating proof of potable water and identifying downstream impacts.

CARRIED

After discussion regarding possible issue of salt water intrusion and wanting to avoid proceeding with project only to have it turned down upon referral to agencies, it was identified that there could be an early referral to the Ministry of Forest Lands related specifically to salt water intrusion.

MA-2020-51

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff do an early referral of this application to Forest Lands and Natural Resources, Operations and Rural Development seeking feed back related to potential salt water intrusion and other water quality issues.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Mayne Island Housing Regulation and Policy Review

Planner Chadwick reviewed history of project which was initiated in 2019. At this time Planner Brad Smith completed an extensive report on island housing, population demographics, etc.

Planner Chadwick identified a need for Public Consultation to discuss need for affordable housing, seniors housing (aging in place), needs of young families, etc. It was suggested that the LTC consider amending the Project Charter.

Trustees discussed the Options identified in the Mayne Island Housing Regulation and Policy Review Report. Discussion points included::

- Modification to zoning and density to increase flexibility;
- Considering duplexes;
- Distributing max square footage amongst a number of smaller residences not just focussing on single primary dwelling;
- Need for open house for feed back of community wants and needs; and

- Current limited housing options.

MA-2020-052

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to prepare a report providing bylaw amendment options related to increasing housing flexibility while reducing ecological footprint.

CARRIED

MA-2020-053

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to report back with a public consultation strategy.

CARRIED

MA-2020-054

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to amend the Project Charter to reflect new direction related to the Mayne Island Housing Regulations and Policy Review.

CARRIED

11.2 Land Use Bylaw Technical Review

Trustee Maude spoke to the need for the definition of “passive park” to specifically identify that driveway and parking lots are not permitted.

Planner Chadwick stated proposed wording for Passive Park definition addressing Trustee Maude’s interests. **MA-2020-055**

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to amend Bylaw No. 180, a by: inserting a new subsection 3.1(7) as follows: “Passive recreation park, each park limited to hiking and walking trails and signs not exceeding 1 square meter. No other uses including driveways and parking lots are permitted” ; and, by adding “and no other uses including driveways and parking lots” to the definition of “Park,passive recreation” after “signage”.

CARRIED

MA-2020-056

It was Moved and Seconded,

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 second time as amended.

CARRIED

MA-2020-057

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to propose language in Bylaw 180 review relating to definition of a “structure” as it relates to low level stand alone wooden decks.

CARRIED

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated July 2020

Received for information.

12.1.2 Projects List Report Dated July 2020

Trustee Maude reported a number of enquiries regarding short term/long term rentals and what is allowed and what is not allowed. His suggestion is for a brief outline of situation.

Planner Chadwick agreed to compose a brief of regulations for posting in the community.

12.2 Applications Report Dated July 2020

Received for information.

12.3 Trustee and Local Expense Report Dated May 2020

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

Will be updated upon completion of meeting.

12.6 Chair's Report

Chair Rogers spoke to the Trust Programs Committee review of Policy Statements. Next Executive Committee meeting is Aug. 5 (virtual) and the next Trust Council meeting will be virtual. Islands Trust office is opening up slowly and it is expected that future LTC meetings will be a hybrid of in-person and virtual.

12.7 Trustee Report

Trustee Dodds reported on the visit to Cotton Park by Trustees, Planner Chadwick, Justine Stark and Eric Kelch (CRD), Harold Joe and apprentice (First Nations experts in Coast Salish archeological sites) , and member of the Parks Commission. Harold Joe provided insight into the areas on the site that appeared to have archeological significance.

Trustees, Justine Starke and Planner Chadwick visited to the proposed multi-housing site. They identified there to be sensitive ecosystem potential warranting an ecological assessment. Trustee Maude spoke to the number of enquiries received regarding Housing proposal and short-term rentals. He and Planner Chadwick visited St. John's Point with CRD representatives.

12.8 Islands Trust Conservancy Report - None

13. NEW BUSINESS

13.1 Anson Road Dock

Chair Rogers questioned the status of the Anson Road Dock proposal. CRD says an application was made to IT in June.

Planner Chadwick stated than to date no application has come forward.

A review of the proposed development, published in the Mayne Liner does not have a realistic time frame for a Development Variance Permit.

MA-2020-058

It was Moved and Seconded,

That the Mayne Island Local Trust Committee Chair Rogers draft a letter to Ted Rogers, Bob Lapham, Justine Stark and Steve Henderson regarding the Anson Road dock and the poor quality of communication and information.

CARRIED

13.2 Contiguous Forest Mapping in the Islands Trust Area Report

Kate Emmings, Assistant Manager of Islands Trust Conservancy reviewed the Contiguous Forest Mapping report. This project was initiated to advance Coastal Douglas Fir protection throughout the IT area, and to prioritize protection of remaining areas of contiguous forest cover.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for September 28, 2020 - Electronic Meeting

15. TOWN HALL

Tim (neighbour of Housing proposal) asked if correspondence would be posted and what happens after water report.

Chair Rogers stated correspondence would be included in application file and that water report would come to LTC at which time there could be a decision to proceed or not. He added that issues can be brought forward throughout the process.

Jon Hoff (neighbour) questioned the water report, timing and release of report – would there be time to respond, bring in another expert.

Chair Rogers confirmed that there would be ample time to address all issues throughout the process.

Deb Foote voiced extreme disappointment, as a park user, in changes made to Bylaw 180 regarding parking in a passive park.

Paula Buchholz gave a suggestion regarding St. John's Point access. MoTI could construct a roadway across lot on Beechwood to provide access to park.

16. CLOSED MEETING

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:50 p.m.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder



Follow Up Action Report

Mayne Island

24-Feb-2020

Activity	Responsibility	Dates	Status
1 7.1 Meeting to be arranged with the Ministry of Transportation and Infrastructure - to be set up by zoom.	Narrisa Chadwick	Target: 01-Sep-2020	In Progress

29-Jun-2020

Activity	Responsibility	Dates	Status
1 10.3 MA-RZ-2018.1 (Cotton Park) - Staff to confirm size of buildings. Undertake referrals once size of buildings confirmed and no amendments needed.	Jas Chonk Narrisa Chadwick	Target: 17-Aug-2020	Completed

27-Jul-2020

Activity	Responsibility	Dates	Status
1 6.1 Minutes adopted as presented	Maple Hung	Target: 07-Aug-2020	Completed
2 12.4 Adopted Policies and Standing Resolutions - Letter to FN re: LTC meetings to be sent.	Lisa Wilcox Narrisa Chadwick	Target: 27-Aug-2020	In Progress
3 10.2 MA-RZ-2020.1 (MIHS) request that application provide information as recommended prioritizing hydrogeologist's report. Staff to facilitate early referral of hydrogeologist report to FLNRORD and report to LTC regarding outcome. Staff to follow-up with property owner and MIHS regarding interest in no additional lot beyond (2 lots instead of 3).	Narrisa Chadwick	Target: 11-Sep-2020	Completed

Follow Up Action Report

Mayne Island

27-Jul-2020

Activity	Responsibility	Dates	Status
4 11.1 Mayne Island Housing Regulation and Policy Review. Staff to update project charter and prepare staff report focusing on bylaw options supporting a lighter environmental footprint and increased flexibility with housing.	Narrisa Chadwick	Target: 16-Sep-2020	Completed
5 11.2 Land Use Bylaw Technical Review "passive park" amended. Bylaw read for 2nd time. Request for additional amendment related to platform as allowable structure.	Jas Chonk Narrisa Chadwick	Target: 14-Aug-2020	Completed
6 10.1 MA-DVP-2020.6 (Beardsley) issue permit as amended.	Jas Chonk Phil Testemale	Target: 03-Aug-2020	Completed
7 13.1 Anson Road Dock - Chair to write letter to CRD regarding communications. Staff to follow up on anticipated DP application.	Maple Hung Narrisa Chadwick	Target: 14-Aug-2020	Completed
8 13. 3 Communication on STVR. Staff to put together one page communication regarding STVR regulation.	Narrisa Chadwick Phil Testemale	Target: 20-Aug-2020	In Progress



Making a difference...together

Regional Parks
490 Atkins Avenue
Victoria, BC, Canada V9B 2Z8

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COPY

July 31, 2020

Mr. Dan Rogers
Chair, Mayne Island Local Trust Committee
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8



File: 6130-30
St. John Point

Dear Mr. Rogers:

RE: ST. JOHN POINT REGIONAL PARK, MAYNE ISLAND AND MAYNE ISLAND LOCAL TRUST COMMITTEE PROPOSED BYLAW NO. 180

In the Capital Regional District's (CRD) January 29, 2020 letter to the Mayne Island Local Trust Committee, the CRD requested that the Local Trust Committee update the zoning of the St. John Regional Park property to "Park" when it undertakes a comprehensive or administrative zoning bylaw update. Although our phrasing may have been inconsistent with Islands Trust/local land use planning vernacular, proposed *Bylaw 180* is the type of land use bylaw update that the CRD was referring to in its letter—a Local Trust Committee initiated update that covers multiple aspects of the existing bylaw.

Hence, CRD Regional Parks specifically requests that the Mayne Island Local Trust Committee amend proposed *Bylaw 180* to include rezoning the St. John Point Regional Park property to "Park".

This property was acquired by the CRD in 2017 for regional park purposes with the support of the Local Trust Committee. In 2019, the Local Trust Committee participated in the year-long public process led by CRD Regional Parks to develop the park's management plan by providing comments during the process; and the Local Trust Committee is aware of the action included in the management plan indicating that CRD would request the Local Trust Committee change the zone to "Park" through a bylaw update. CRD Regional Parks staff believe that the current technical review and proposed bylaw is the perfect time to correct the zoning on the regional park property – as the intended and existing use is regional park.

Sincerely,

Jeff Leahy, RPF
Senior Manager
Regional Parks, CRD

cc: Brandin Schultz, Manager, Regional Parks, CRD
Carolyn Stewart, Park and Trail Planner, Regional Parks, CRD
Robert Kojima, Regional Planning Manager, Islands Trust
Narissa Chadwick, Planner, Islands Trust

DATE OF MEETING: September 28, 2020
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale
COPY: Narissa Chadwick, Island Planner
SUBJECT: Request by Applicant to Waive Requirements - August 31, 2020

PURPOSE

- To provide background information and alternatives to the Local Trust Committee (LTC) for the applicant's request in the attached letter submitted to the LTC and dated August 31, 2020.

BACKGROUND

The applicant has applied for a two lot subdivision of her property at 797 Beechwood Drive. A referral response was sent on July 3, 2020 to the Ministry of Transportation and Infrastructure (MoTI) with numerous conditions precedent for any Preliminary Layout Approval (PLA). The applicant has not received a PLA as yet. One Islands Trust condition is that a Development Variance Permit (DVP) must be obtained for the proposed configuration. The sketch layout plan (Attachment Two) indicates that both lots are split (hooked) across the highway (Beechwood Drive). Subsection 8.7(1) states the following:

8.7 Split or Hooked Lots

- (1) *No additional lot which is divided into two or more portions by a highway or another lot may be created by subdivision.*

Therefore, a variance is required for the new parcel.

Staff communicated with the applicant in August to advise that the application should include a subdivision plan issued by a British Columbia Land Surveyor (BCLS). That plan will be attached as a schedule and forms part of the DVP. Providing that requirement is in the interest of the applicant as to proceed with only the sketch plan that has not been reviewed or drafted by a surveyor has potential risks. Mainly, if the size or configuration changes substantively after the DVP is issued, a reapplication would be required with cost and time delays that would be borne by her.

Notwithstanding, the applicant is appealing to the LTC to waive the following requirement as follows:

2.8 Enforcement of Siting Regulations

- (1) *Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries,*

watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures and sewage absorption fields comply with the siting requirements of this or any other Bylaw.

ALTERNATIVES

1. Waive the requirement

The LTC may opt to waive the above requirement by passing the following resolution:

That the Mayne Island Local Trust Committee waives the requirement for the applicant to provide a plan signed by a B.C. Land Surveyor for the required variance application for subdivision application MA-SUB-2020.1 (Buchholz).

2. Take no action

By not waiving the requirement, the applicant will be required to provide a signed survey as part of her application for a variance. No resolution is required for this option.

Submitted By:	Phil Testemale, Planner 2	September 17, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	September 17, 2020

ATTACHMENTS

1. Letter from applicant to LTC (August 31, 2020)
2. Copy of submitted sketch plan (MA-SUB-2020.1)

ARBUTUS BAY ESTATES LTD.

Mayne Island Local Trust Committee
c/o Islands Trust, Attn. Robert Kojima
200-1627 Fort Street
Victoria, BC V8R 1H8
Fax 250 – 405 5155



Attention CHAIR Dan Rogers,
Jeanine Dodds, Local Trustee,
David Maude , Local Trustee

August 31, 2020

Dear Jeanine, dear Dan, dear David:

Re: Variance Land Use Bylaw Subdivision 797 Beechwood Dive, Mayne Island BC

I am referring to my application to subdivide Arbutus Bay Estates' 96 acres on Beechwood Drive and the email letter of planner Phil Testemale of August 5, 2020.

I request to please allow the variance that the provision of the subdivision layout plan does not need to be prepared by a BC Land Surveyor already at this time, as it is not reasonably necessary to establish before the development variance has been approved, that existing buildings, structures and sewage absorption field comply with the siting requirement of the Bylaw.

Furthermore, since a subdivision eliminates the density existing now, it is no longer necessary to cut the dividing boundaries between the two new properties exactly to create 46 and 50 acres, which I had chosen before in order to retain the density of 4 and 5 dwellings on the new, subdivided properties.

Please let me know at your earliest convenience if you approve my request so that I can apply for the Development Variance Permit (DVP) in time for the September 28 meeting. Thank you kindly already in advance for the anticipated fair consideration of my request.

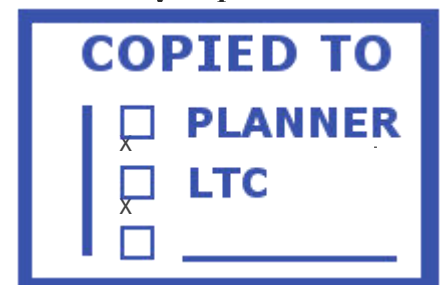
Sincerely

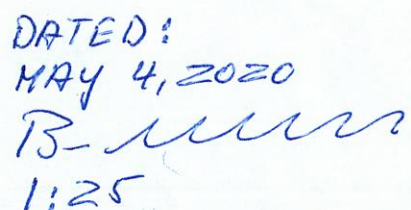
ARBUTUS BAY ESTATES LTD.

A handwritten signature in blue ink, appearing to read "P. Buchholz".

PAULA M. BUCHHOLZ

President





DATE OF MEETING: September 28, 2020
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY:
SUBJECT: Development Variance Permit
Applicant: Richard Iredale c/o David Roberton
Location: 464 Letour Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2020.4 (Iredale).

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) that would permit:

- i) the siting of the northeast corner of the existing deck on an existing dwelling as close as 4.2 metres (13ft 9in) from the natural boundary of the sea.
- ii) the extension of an existing deck on an existing dwelling as close as 4.8 metres (15ft 9in) from the natural boundary of the sea.
- iii) the siting of an existing cottage with existing deck as close as 1.4 metres (4ft 7in) from the natural boundary of the sea.

The required setback from the natural boundary of the sea is 7.5 metres (25 feet).

The above recommendation is supported as:

- It will bring the siting of the cottage and the deck on the main dwelling, existing before the time of purchase, into conformity with the Mayne Island Land Use Bylaw No.146, 2008 (LUB).
- The extension of the deck will involve strengthening the footings and providing additional structural support for both the deck and the dwelling it is attached to.
- The deck extension will provide more space for movement increasing the safety of users.
- To date there have been no concerns identified by the neighbours.

BACKGROUND

The applicant originally submitted a building permit referral for the extension of a deck on the main dwelling. Parts of the existing deck currently extend into the setback from the sea. The proposed extension would involve an additional section of the deck expanding slightly beyond the existing extension of the deck into the setback from the sea. A development variance permit is required for the existing deck and the extension before a building permit can be issued.

Further examination of the property, including a site visit, identified that there was a cottage, with a retaining wall, on the property situated in the setback from the sea. The applicant was encouraged to apply for a development variance permit for the siting of the cottage to bring it into conformity with the Mayne Island Land Use Bylaw No.146, 2008 (LUB).

The property owner confirms that the deck on the main dwelling and the cottage existed at time of purchase in 2002. Capital Regional District (CRD) staff confirmed that the building permit for the main dwelling was issued in 1977. As there is no record of a development variance permit it can be assumed that the deck was put in after the main dwelling was built. Based on the condition of the deck it would have been built close to the same time as the house.

CRD staff confirm that the only other building on the property that had been issued a building permit (1978) is the “boathouse/garage” (See Figure 4 and Surveyed Site Plan in Attachment 2). It can be assumed that this is the garage at the entrance of the property given that there are no records of development variance permits or Board of Variance orders, or proof that the cottage was constructed prior to 1972, the siting of the deck and the cottage are considered non- conforming (i.e. not legal non-conforming).

In order to understand the existing siting of the buildings on this lot it is important to note that while the property is large, given the extensive high and moderate slope risk identified in Figure 5, the buildable area on the lot is very limited.

Figure 1 – Subject Property

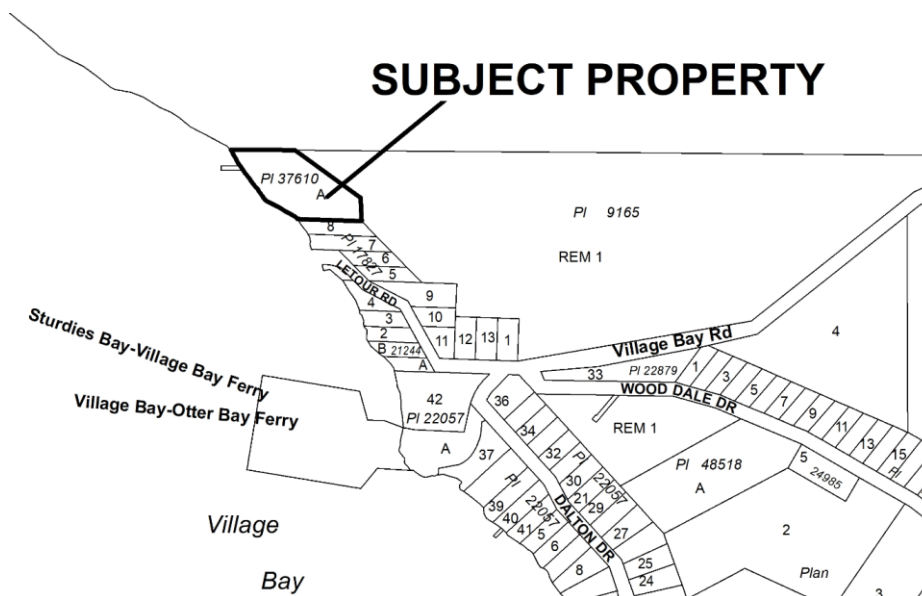


Figure 2 – Orthophoto



Figure 3 – Site Plan Identifying Proposed Deck Extension

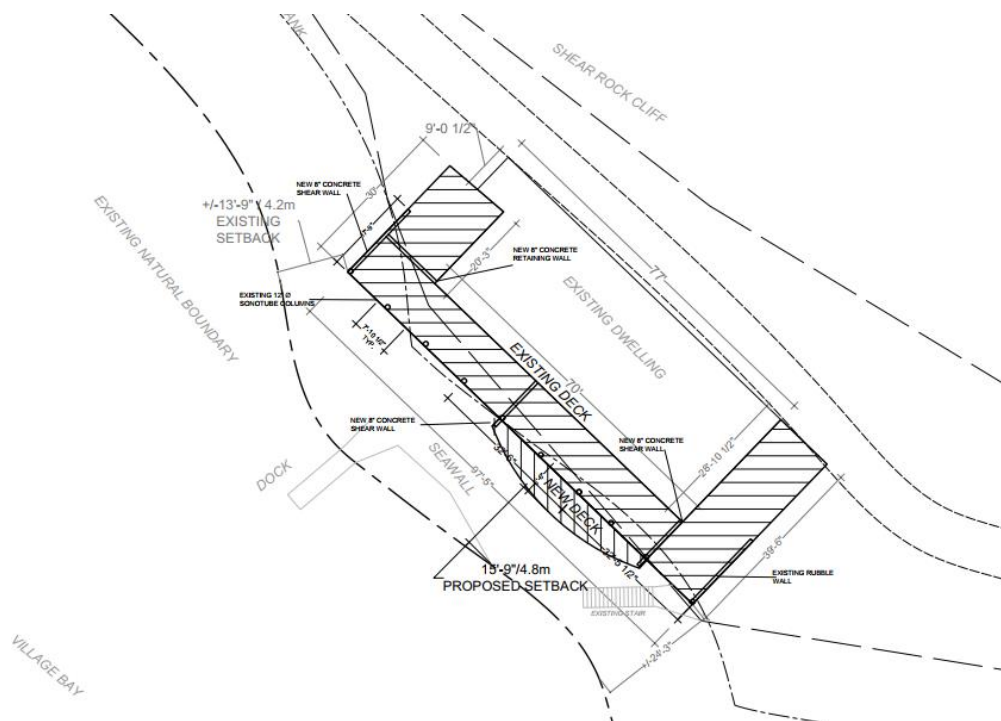


Figure 4 - Site Plan Identifying Siting of Cottage

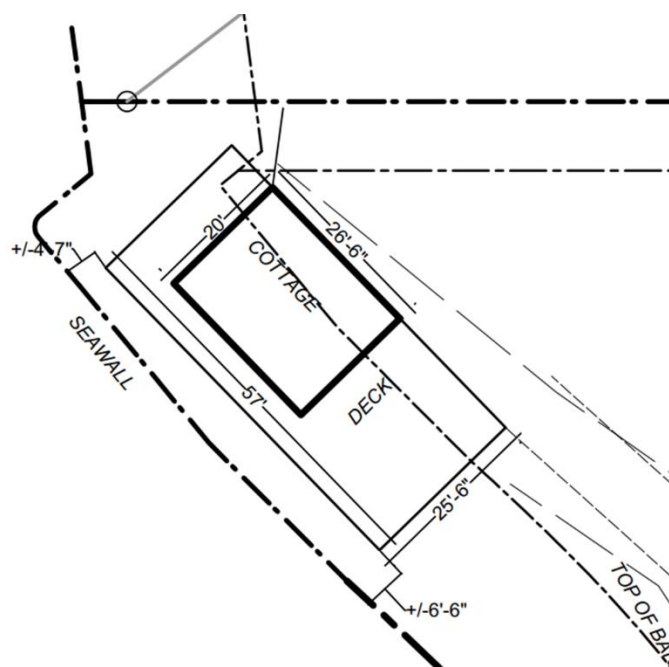


Figure 5: Steep Slope Map (High Risk, Moderate Risk, Low Risk)



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **R – Rural** in the Mayne Island Official Community Plan No. 144, 2007 (OCP). There are no Development Permit Areas designated in the OCP for the subject property.

Land Use Bylaw:

The property is in the **Rural Zone (R)** in the LUB. The Development Variance would vary setback regulations related to the 7.5 metre (25 feet) setback from the natural boundary of the sea.

Issues and Opportunities

Rationale for the Variance

The deck on the main dwelling and the cottage, both in the setback from the sea, existed when the owner purchased the property in 2002 and likely as far back as when the main dwelling and garage/boathouse were built (1977/78). Both the cottage and the main dwelling and deck cannot be seen by neighbours. The deck is in need of repair. The deck extension will include a rebuild of parts of the deck. The deck extension into the setback from the sea does not go beyond the existing extension of the northeast portion of the deck. Structural aspects of the deck rebuild/extension will provide structural support to both the deck and the main dwelling.

Impact on Neighbouring Properties

The proposed deck addition is not visible from the surrounding lots. Neighbours have no lines of sight.

Intent of Regulations being Varied

The overall purpose of the setback from the natural boundary of the sea is:

- Minimize impacts to the marine environment.
- Minimize the impacts of sea level rise and storm surge to the property.
- Minimize visual impact of waterfront property.
- Establish a consistent development pattern along the shoreline.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Potential Impacts of Granting the Variance

Granting this variance will not impact the marine environment any more than existing development already has. While the deck will be situated slightly closer to the setback from the sea the additional work being done to reinforce the existing deck structure may reduce impacts of sea level rise and storm surge on the property. The new design will likely be more attractive from the water than the existing deck is.

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.

Circulation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on September 16, 2020.

At the time of writing, staff have received no written comments. Any comments received prior to the LTC considering issuance of the variance permit will be forwarded to the LTC.

Rationale for Recommendation

The recommendation to support the development variance is supported because:

- It will bring the siting of the cottage and the deck on the main dwelling, existing before the time of purchase, into conformity with the Mayne Island Land Use Bylaw No.146, 2008 (LUB).
- The extension of the deck will involve strengthening the footings and providing additional structural support for both the deck and the dwelling it is attached to.
- The deck extension will provide more space for movement increasing the safety of users.
- To date there have been no concerns identified by the neighbours.

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-2020.4 (Iredale) by removing the following section(s) _____;and,

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2020.4 (Iredale) 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-2020.4 (Iredale).

Submitted By:	Narissa Chadwick, Island Planner	September 1, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	September 9, 2020

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot A, Section 6, Mayne Island, Cowichan District, Plan 37610
PID	001-030-850
Civic Address	464 Letour Drive

LAND USE

Current Land Use	Rural
Surrounding Land Use	Settlement Residential and Upland

HISTORICAL ACTIVITY

File #: MA-DVP-2020.4	Building Permit MA-BP-2019.16 in abeyance
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POLICY/REGULATORY

Official Community Plan Designations	The property is designated as R- Rural in the Mayne Island Official Community Plan No. 144, 2007 (OCP). There are no Development Permit Areas designated in the OCP for the subject property.
Land Use Bylaw	The property is in the Rural (R) Zone in the Mayne Island Land Use Bylaw No. 146, 2008. The proposed residential use complies with use and density provisions for the zone on the property.
Other Regulations	N/A
Covenants	Covenant related to Right of Way
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	N/A
Sensitive Ecosystems	No sensitive ecosystems shown on Islands Trust Conservancy mapping
Hazard Areas	High risk steep slope
Archaeological Sites	There are no archaeological sites listed in the Remote Access to Archaeological Data (RAAD) within the property or within 100 metres; however, the area at the rear of the lot shown as having archaeological potential. Notwithstanding the foregoing, and 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

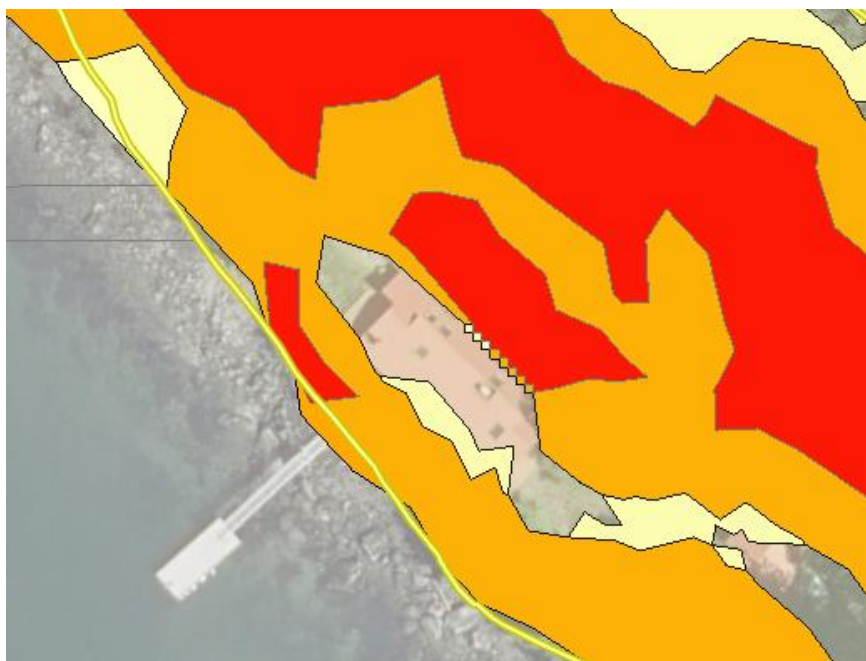
	encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The close proximity to the sea indicates potential impacts from anticipated or possible climate change induced hazard.
Shoreline Classification	N/A

ATTACHMENT 2 – MAPS, PLANS, PHOTOGRAPHS

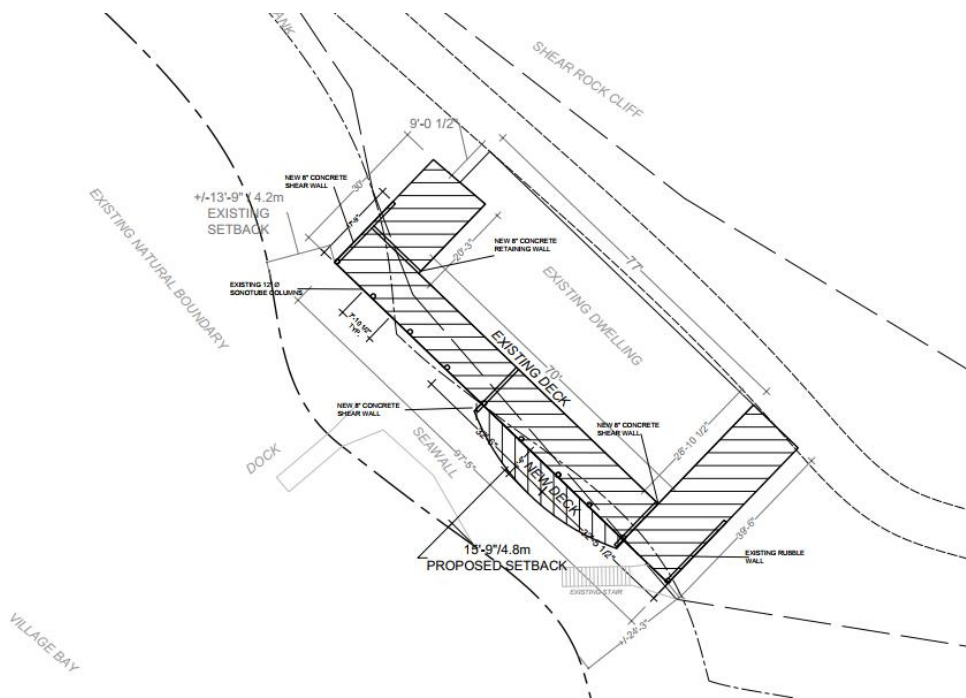
2.1 ORTHOPHOTO



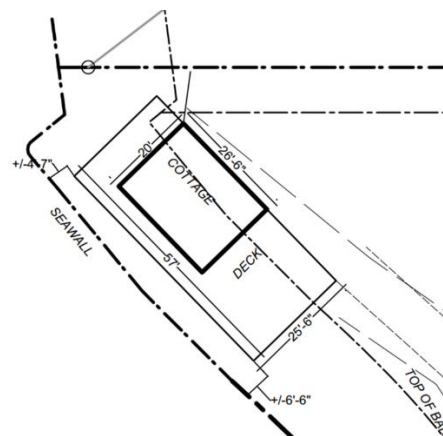
2.2 STEEP SLOPE HAZARD MAPPING



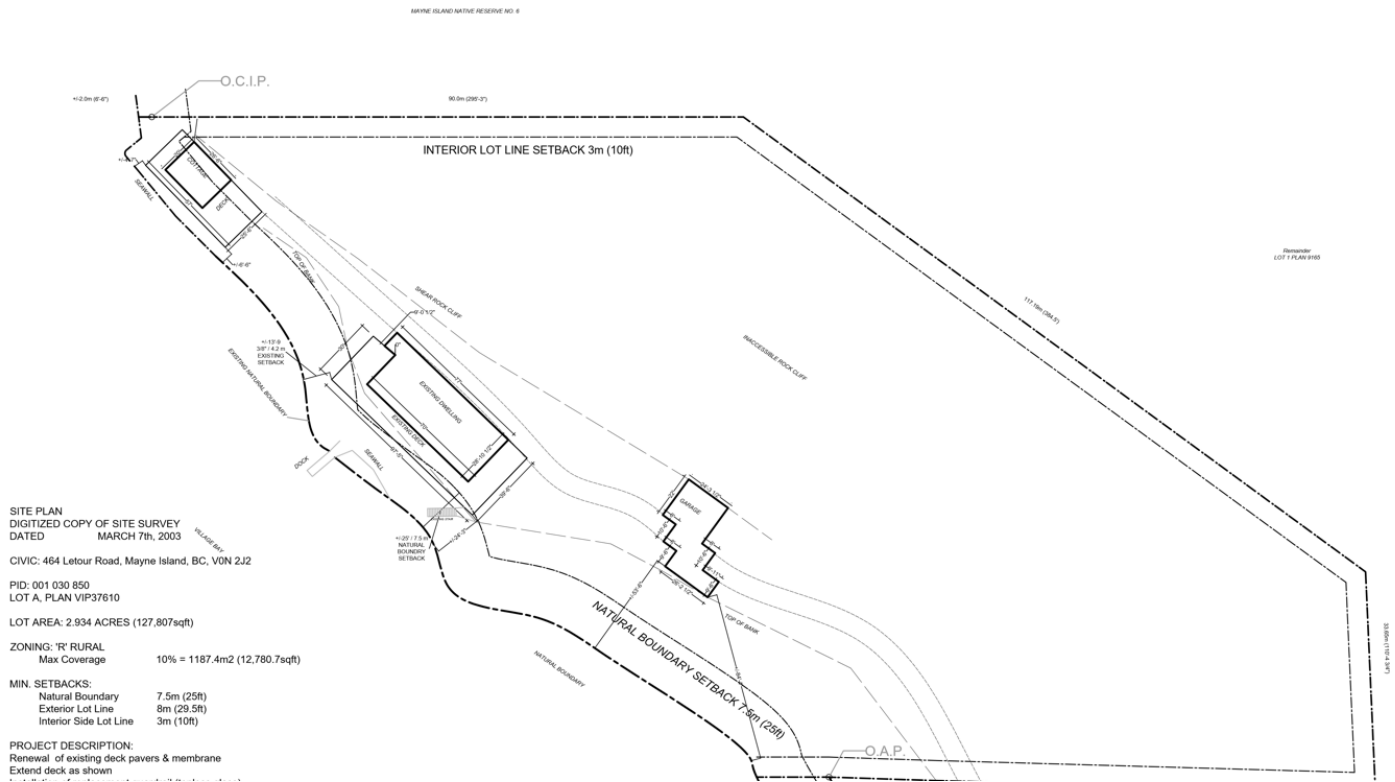
2.3 SITE PLAN IDENTIFYING PROPOSED DECK EXTENSION



2.4 Site Plan Identifying Siting of Cottage



2.5 SURVEYED SITE PLAN



2.6 PHOTOGRAPHS

Main Dwelling

View of Deck



Identification of aging



North East corner of deck (long view)



North East corner of deck (straight on)



Cottage



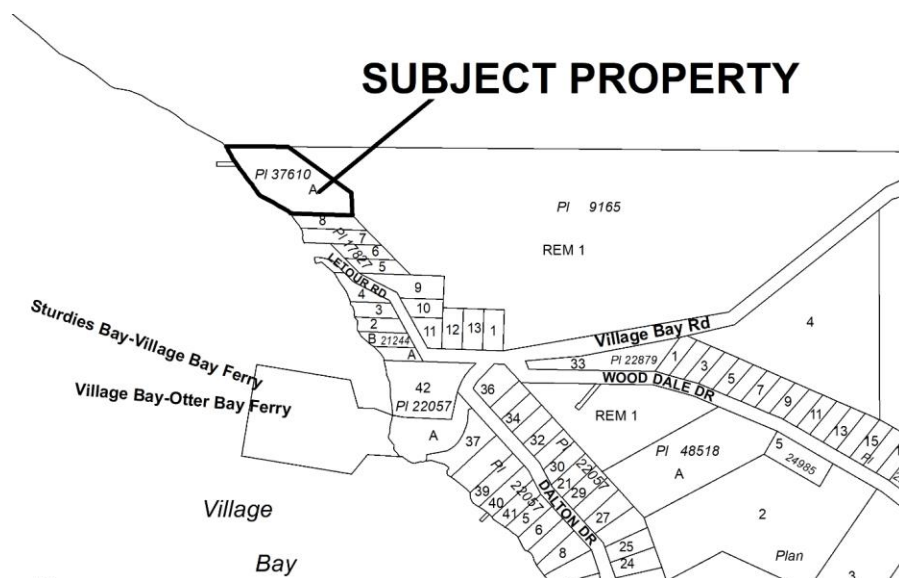
NOTICE
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2020.4

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 deck on a dwelling, proposed extension of that deck and an existing cottage by:

- Reducing the minimum setback distance to the natural boundary of the sea for a portion of the existing deck on an existing dwelling from 7.5m (25ft) to 4.2m (13ft).
- Reducing the minimum setback distance to the natural boundary of the sea of a portion of a proposed extension of the existing deck on an existing dwelling from 7.5m (25ft) to 4.2 metres (13ft).
- Reducing the minimum setback distance to the natural boundary of the sea of an existing cottage with existing deck from 7.5m (25ft) to 1.4m (4ft 7in).

The property is located at **464 Letour Drive** and is legally described as Lot A, Section 6, Mayne Island, Cowichan District, Plan 37610. PID: 001-030-850.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200-1627 Fort Street between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **September 4, 2020** and up to and including **September 16, 2020**.

For the convenience of the public only, and 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, B.C., commencing **September 4, 2020**.

Enquiries or comments should be directed to Narissa Chadwick, Island Planner at (250) 405-5189, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., September 16, 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., September 28th, 2020**.

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

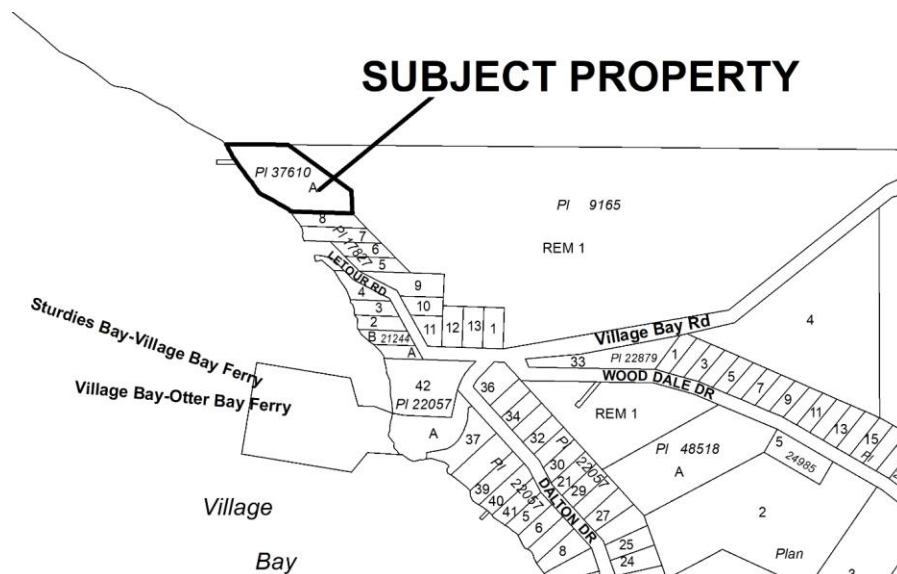
**NOTICE
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2020.4**

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 deck on a dwelling, proposed extension of that deck and an existing cottage by:

- Reducing the minimum setback distance to the natural boundary of the sea for a portion of the existing deck on an existing dwelling from 7.5m (25ft) to 4.2m (13ft).
- Reducing the minimum setback distance to the natural boundary of the sea of a portion of a proposed extension of the existing deck on an existing dwelling from 7.5m (25ft) to 4.2 metres (13ft).
- Reducing the minimum setback distance to the natural boundary of the sea of an existing cottage with existing deck from 7.5m (25ft) to 1.4m (4ft 7in).

The property is located at **464 Letour Drive** and is legally described as Lot A, Section 6, Mayne Island, Cowichan District, Plan 37610. PID: 001-030-850.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200-1627 Fort Street between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **September 4, 2020** and up to and including **September 16, 2020**.

For the convenience of the public only, and 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, B.C., commencing **September 4, 2020**.

Enquiries or comments should be directed to Narissa Chadwick, Island Planner at (250) 405-5189, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca, before **4:30 p.m., September 16, 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., September 28th, 2020**.

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



File No.: MA-DVP-2020.7 (Cochrane
(MA-BE-2020.3 & MA-BP-
2020.17)

DATE OF MEETING: September 28, 2020

TO: Mayne Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Warren Dingman, Manager of Compliance and Enforcement
Narissa Chadwick, Island Planner

SUBJECT: Development Variance Permit Application
Applicant: Nigel Cochrane
Location: 264 Leighton Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee amend Development Variance Permit MA-DVP-2020.7 by removing 2. a) and b) in their entirety; And,
2. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2020.7 as amended.

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for the siting regulations for decks and stair structures on the subject property. The variance will bring the property into conformity with the Mayne Island Land Use Bylaw No.146, 2008 (LUB).

The above recommendation is supported as the two proposed side yard variances are minor, as are potential impacts from granting the variances, particularly to the most impacted adjacent properties; notification to surrounding neighbours has been undertaken and to date staff have received no written responses; and, those variances do not challenge the intent of the bylaw provision.

However, the proposed variances from the Natural Boundary of the Sea and rear yard are not minor, more impactful to the broader public realm and natural environment and challenge the intent of the bylaw provisions.

RATIONALE FOR VARIANCE

The primary rationale provided by the applicant is to bring the property into compliance with the LUB.

The applicant has submitted an addendum to the application that outlines the rationale, sequence of construction and circumstances in support of granting the variances (Attachment 3). In summary, the applicant states that:

- He hired a contractor who did not obtain any permits or approvals and assured him that permits were not required as they were stairs and decks;
- the construction of the stairs from the road to house and on the west side replaced structures that were already in place;
- the location of the deck on the west side that is encroaching is in a location necessary to obtain safe access below given the steep topography;
- the lower deck was intended as part of the water access, and the deck is intended as sitting area similar to neighbours;
- there would be significant expense of altering and/or removing; and,
- there is limited visibility from neighbouring properties.

Staff is of the opinion that the rationale with respect to the side yard variances is supportable, however, those applied to the lower deck are not. This is discussed further in 'Analysis' (below).

BACKGROUND

The application is the result of Bylaw Enforcement file MA-BE-2020.3. That file was opened on referral of the siting infractions from the CRD Building Inspection Department. Upon investigation, the owner had a legal survey completed which confirmed the illegal siting of portions of the stairs and decks (Attachment 2.7).

The options given to the owner were to obtain a variance or to alter or remove the portions of the stairs and decks in the setback areas to comply. The owner also has the ability to apply for a Board of Variance Order for all or some of the required variances.

Application for a variance was made in July 2020.

The draft permit circulated for notification included variances to the LUB as follows:

- a) Subsection 3.3 (3) which states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of the sea is varied to permit the construction of a structure (deck) within 0.08 metres (3 inches) upland from the natural boundary of the sea;
- b) Article 5.1(8) (a) which states that the minimum setback for any building or structure is 8 metres (26 feet) from any front or rear lot line is varied to permit the construction of a structure (deck) within 0.08 metres (3 inches) of a rear lot line;
- c) Article 5.1(8) (b) which states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit the construction of structures (deck and stairs attached to a dwelling) within 0.5 metres (1.5 feet) of a interior side lot line; and,
- d) Article 5.1(8) (b) which states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit the construction of a structure (walkway landing) within 1.5 metres (5 feet) of a interior side lot line

The applicant has stated that construction was initiated in 2018 and some was replacing access stairs and walkways that had deteriorated. The lower deck is new construction and part of a series of stairs, decks and landings and accessing the water and residential dock (Figure 2). Article 3.3 (3) (e) of the LUB permits within 7.5 metres of the NBS access stairs or walkways required to access the foreshore, however, there is no size restriction in terms of width, area or height. Notwithstanding, the common dictionary definition and planning interpretation indicates that the lower deck exceeds in size what would reasonably be considered a walkway or landing. Staff further notes that although Articles 3.3 (6) (a) and (b) allow steps and similar features to project up to 0.5 metres into the required side yard setback, and decks up to 1 metre into a required setback (respectively), the encroachments all exceed those amounts and therefore require variance.

As above, the applicant stated he hired a contractor who did not obtain any permits or approvals and assured him that permits were not required as they were stairs and decks. The contractor was the same person who built a non-conforming building that was the subject of MA-DVP-2020.5 (Flowers).

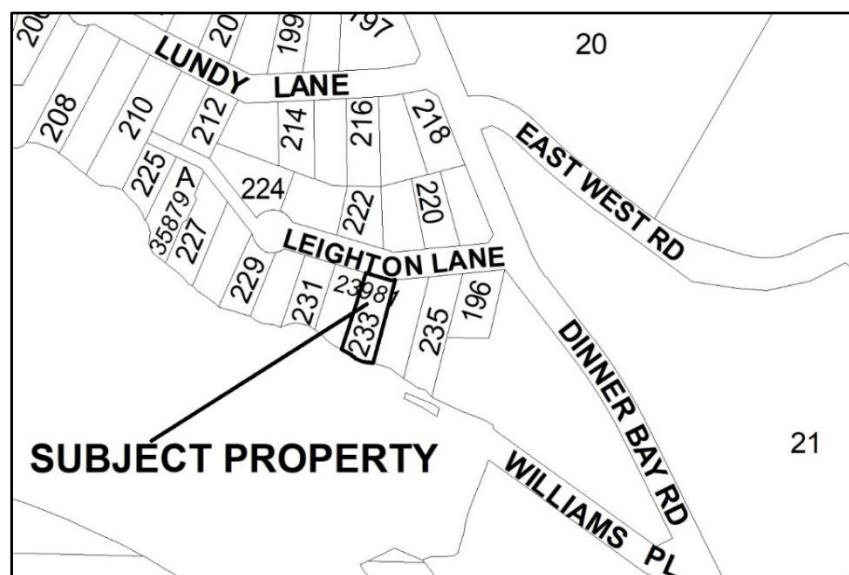
The topography of the site slopes from Leighton Road south to the sea and is very steep, particular closer to the natural boundary of the sea (Attachments 2.3, 2.4 and 2.9). This makes the siting of access the shoreline challenging although certainly possible within setbacks.

Mapping indicates the southern portion of the property has woodland sensitive ecosystem which is open forest, composed of pure or mixed stands of Garry oak or mixed stand of arbutus and Douglas-fir (Attachment 2.5). This ecosystem is among the most sensitive and biologically diverse woodland ecosystems in the Islands Trust Area. There has been no biological assessment of the property. Photos from the site visit indicates smaller Arbutus and mature Douglas-fir (Attachment 2.9).

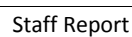
Copies of the notice and draft MA-DVP-2020.5 are Attachment 4 and 5.

Planning staff visited the site on August 24, 2020.

Figure 1 – Subject Property



Islands Trust



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **Settlement Residential - SR** in the Mayne Island 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 of property complies with use provisions of the zone. The proposed variances would bring existing accessory structures into conformance with the LUB.

Analysis:

Issues and Opportunities

Impact on Neighbouring Properties

Impacts on neighbouring properties for the two side yard encroachments is limited given the size of encroachment, height and type structures. Additionally, the development was replacing existing structures that had deteriorated according to the applicant (See Attachment 2.9).

The variance for the deck is more impactful as it is fully within the setback, directly abuts the NBS, and its height is more visually significant. The applicant has stated that other neighbours have similar structures and that the subject deck is not visible to direct neighbours. Analysing aerial photography, three properties to the west do have similar structures that appear to be non-conforming with the same regulation. There are no enforcement or planning files listed for those properties and it is undetermined if they are illegal or legally non-conforming. The property to the east has a similar structure which is the subject of an enforcement action (MA-BE-2020.2).

The fact that there other non-conforming structures on neighbouring properties does not diminish the intent of the regulation nor the requirement to conform. Moreover, it should not be the basis for granting a particular variance.

Consideration should also be given to the cumulative effect of these types of structures not just for adjacent neighbours, but also from the public realm (the water) and those properties from the opposite shorelines.

Impact on Sensitive Ecosystems

Although unsupported by a site-specific biological assessment, consideration should be given to the impacts on the woodland sensitive ecosystem, particularly as a substantial area of the property seaward of the dwelling has been covered by the development. Additionally, the loss of important riparian vegetation along Mayne's shoreline

is highlighted in the biological assessments for the Anson Road Dock application on the same LTC agenda (MA-DP-2020.1). Alteration by reducing the deck to a walkway would afford some opportunity for habitat rejuvenation.

Intent of Regulations being varied

The overall purpose of the height and interior side lot regulation is to minimize impacts on adjacent properties and the public realm 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 siting regulations. The proposed side yard variances are supported by staff as they are minor in nature and do not challenge the intent of the bylaw regulations.

Conversely, it is staff's opinion that the requested variance for the lower deck is not minor and is counter to the intent of the regulation and challenges many of the purposes listed above. Providing access to the shoreline and accessory docks via the above-cited exemption for walkways and stairs is intended to reduce impacts on neighbours, sensitive ecosystems and the public realm. Other substantial deck areas (Deck 2 and 1 – Figure 2) conform to the bylaw and address the want for a siting area expressed by the applicant.

Conforming to the regulation by altering the deck to a walkway width is both reasonable and practical through altering the deck and potentially reusing materials and footings.

Potential impacts of granting to variance

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

Circulation

DVP Notices were circulated to surrounding property owners and residents (Attachment 5). The notification period ended at 4:30 p.m. on September 16, 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.

The applicant has stated that he has spoken to both neighbours on either side and that they had no concerns.

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. As

RAAD mapping indicates archaeological potential on the property, the Islands Trust Chance Find Protocol has been forwarded to the owner.

Rationale for Recommendation

The recommendations on page 1 supports the two proposed side yard variances given:

- They are minor in nature;
- the potential impacts from granting the variances are relatively minor, particularly to the most impacted adjacent properties;
- notification to surrounding neighbours has been undertaken and to date staff have received no written responses; and,
- they do not challenge the intent of the bylaw provision.

The recommendations on page 1 do not support the proposed variances from the Natural Boundary of the Sea and rear yard given:

- They are not minor;
- they more impactful, particularly to the public realm and the natural environment;
- and, most importantly, they challenge the intent of the bylaw provisions.

ALTERNATIVES

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

1. Approve the permit as drafted and circulated

The LTC may approve the permit as circulated. Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee approve issuance of MA-DVP-2020.7.

2. Request further information

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

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

3. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are [insert implications, e.g. file closure, application refund, bylaw enforcement, etc.]. If this alternative is selected, the LTC should state the reasons for denial.

ALTERNATIVES

- If the recommendations on page 1 are passed, Bylaw Compliance and Enforcement staff will work with the owner on a reasonable time schedule for altering the lower deck.

Submitted By:	Phil Testemale Planner 2	September 17, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	September 17, 2020

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Application Addendum
4. Notice
5. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 233, Section 6, Mayne Island, Cowichan District, Plan 23981
PID	002-950-049
Civic Address	264 Leighton Lane

LAND USE

Current Land Use	Residential (Settlement Residential)
Surrounding Land Use	Residential (Settlement Residential)

HISTORICAL ACTIVITY

File No.	Purpose

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Settlement Residential - SR in the Mayne Island 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).
Other Regulations	
Covenants	
Bylaw Enforcement	MA-BE-2020.3 for construction of decks and structures in setback (current application is for compliance)

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Critical Habitat for Southern Resident Orca is the only SAR listed.
Sensitive Ecosystems	Woodland (Primary) – see Attachment 2.5
Hazard Areas	Areas of High, Medium and Low Steep Slope Risk (Attachment 2.4)
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information does not indicate any archaeological sites within the property or within 100 metres. However, RAAD does indicate 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	Approval would not alter GHG emissions structures as they have already been built (retroactive). Non-approval would potentially increase emission due to waste and transfer of waste from removed structures. The lower (deck) portions are at risk from anticipated or possible climate change induced hazards, eg sea level rise, storm surge, etc.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Eelgrass: See Attachment 2.6

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

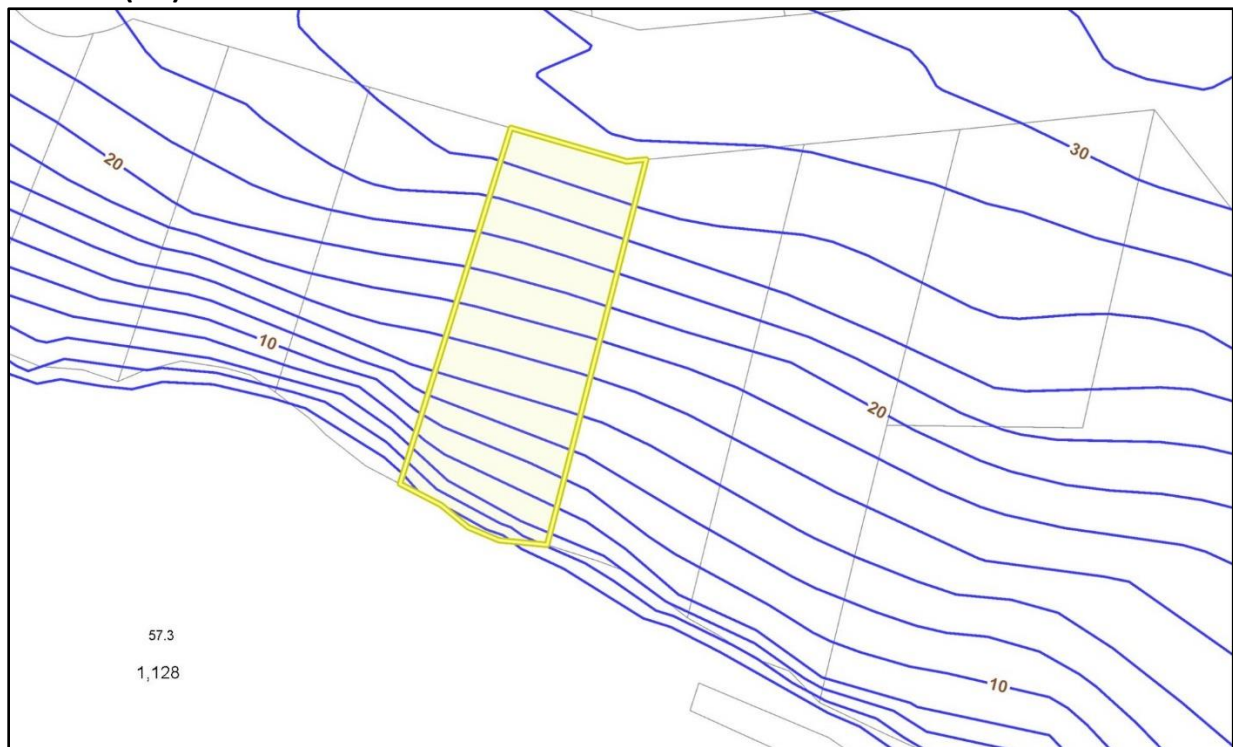
2.1 ORTHOPHOTO WITH ZONING



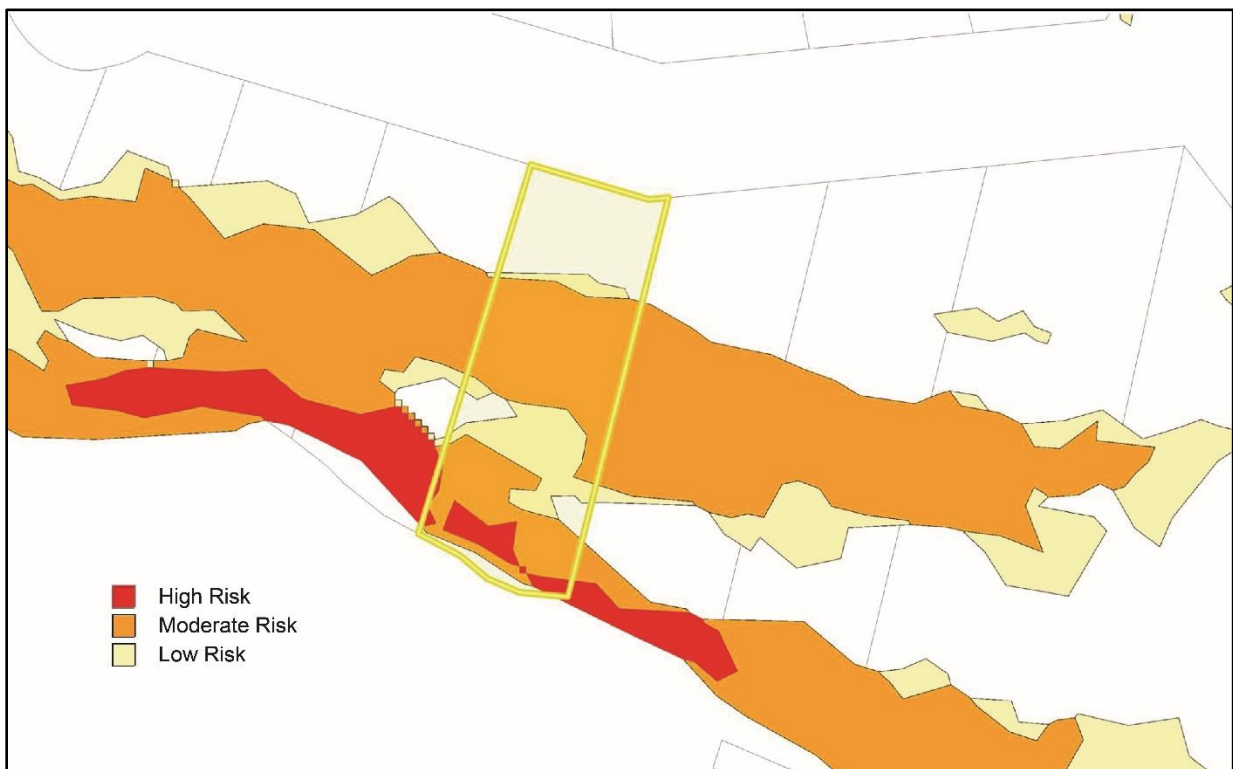
2.2 BUILDING FOOTPRINT



2.3 CONTOURS (2M)



2.4 STEEP SLOPE MAPPING



2.5 SENSITIVE ECOSYSTEM MAPPING



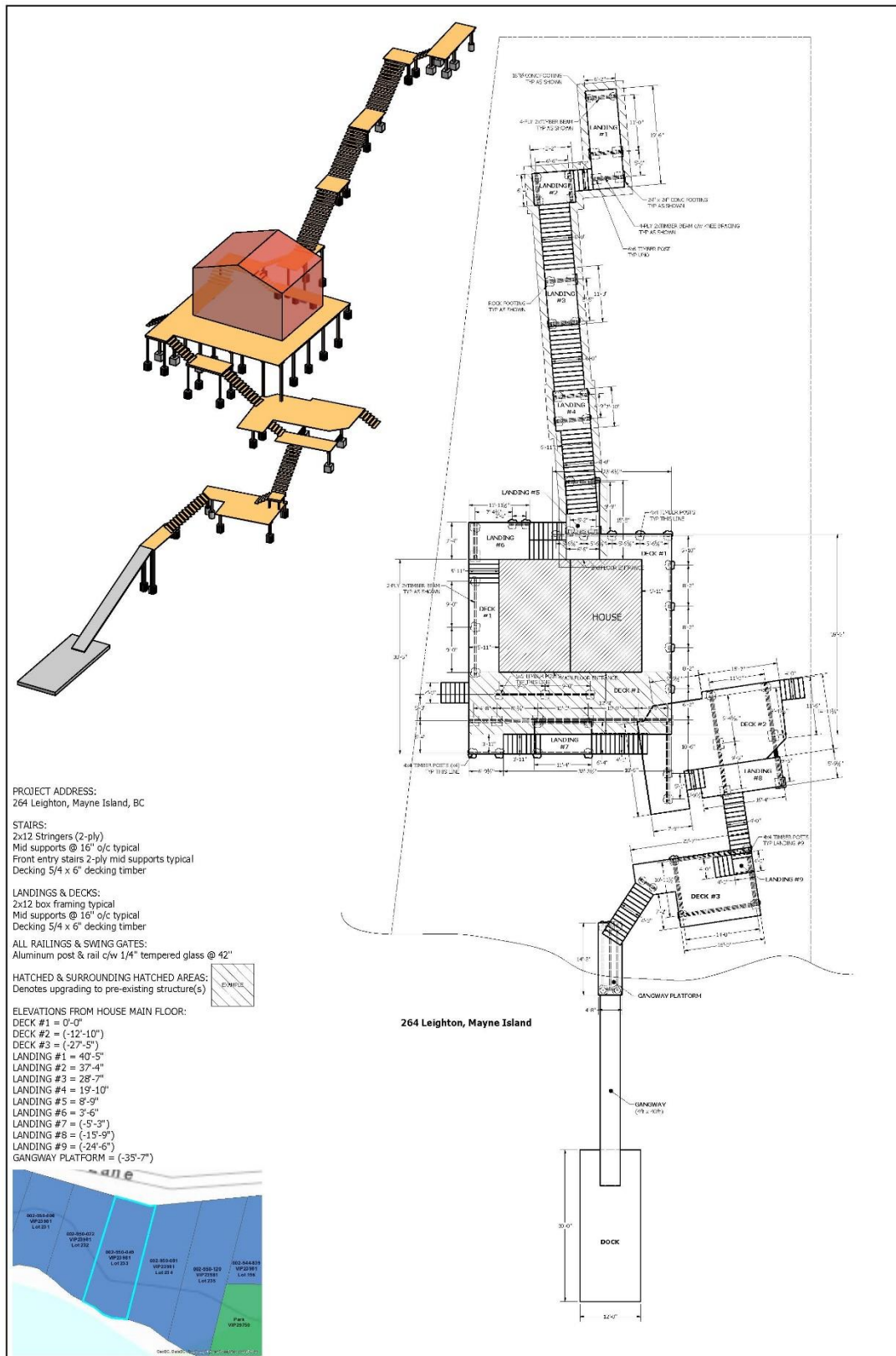
2.6 SHORELINE AND MARINE ECOSYSTEMS



Islands Trust

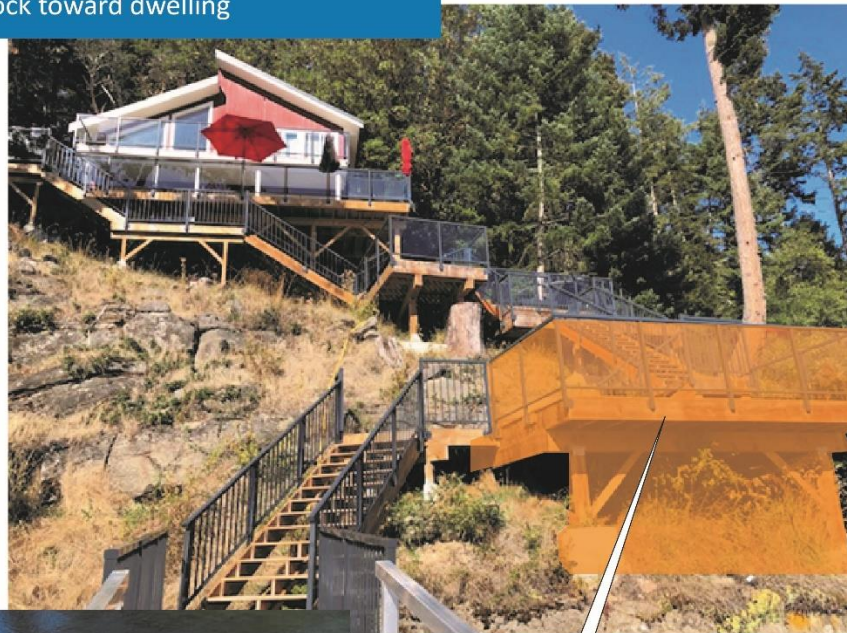


2.8 AXONOMETRIC AND PLAN VIEW OF DEVELOPMENT (NOTE: PROPERTY BOUNDARIES AND NBS INCORRECT RELATIVE TO STRUCTURES ON PLAN VIEW)

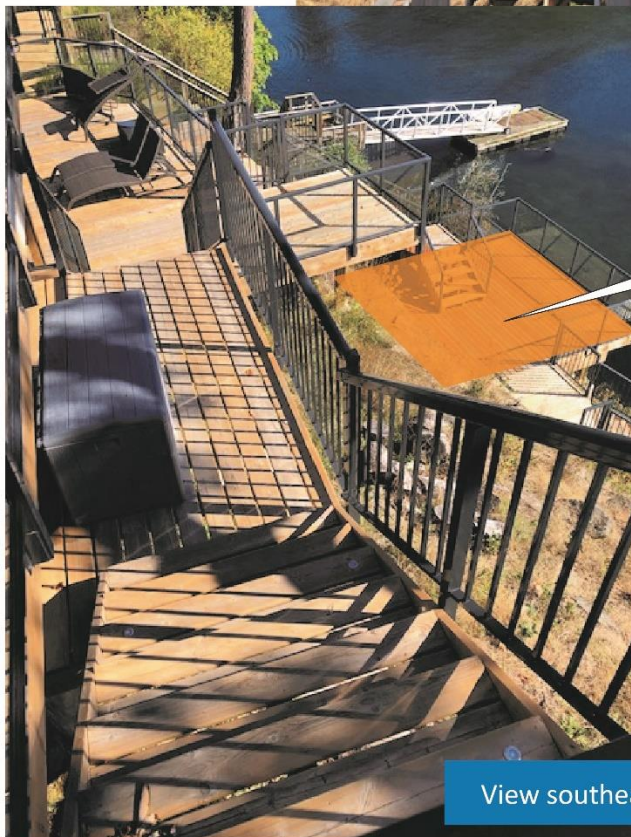


2.9 PHOTOS

View north from dock toward dwelling



Variance Area (approx.)



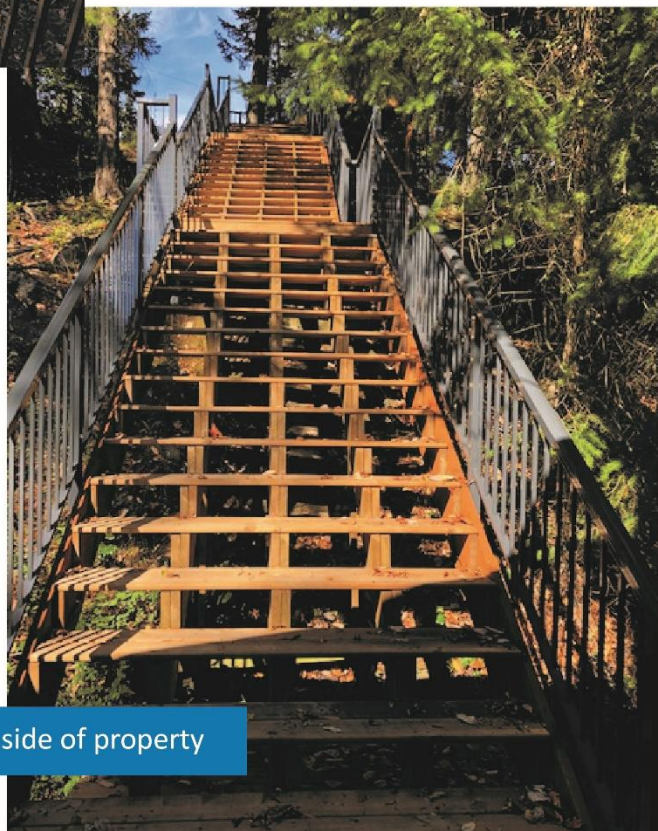
View southeast from dwelling of decks and stairs

2.9 PHOTOS (CONT'D)



View south along west side of dwelling

Variance Area (approx.)



View north up stairs on east side of property

264 Leighton Lane DVP Application information on the construction.

Top deck access to stairs was the first part of the construction, when property was first purchase this was the original entrance to the property, and I just reconstructed what was there as it was rotten, slippery and very dangerous.

The east side deck encroachment, (deck 1) just off the corner of the house was reconstructed as there was yet another deck that was wobbly and very poorly constructed, it is important because it's the start of the stairs descending down to the water access. This property is very hard to work with given the very steep rocky terrain, and making it safe for my daughter, wife, and grandmother, along with any other visitors was my first priority.

The deck #3 Encroachment on the natural boundary of the sea, was meant to be access to the water, but wanted a nice sitting area, as 4 of my neighbors have very similar decks constructed over the water, and makes a nice spot to view the ocean.

The contractor who built these decks didn't go after any permits at the time of construction and assured me I would be okay as they were just decks and stairs, and didn't require permits. we found out later he was not a ticketed contractor, who left the job unfinished even know I had paid him in Full, and I had to finish a lot of the work myself and with Family members.

I have discussed the build with both of my neighbors, and they have both expressed zero concerns.

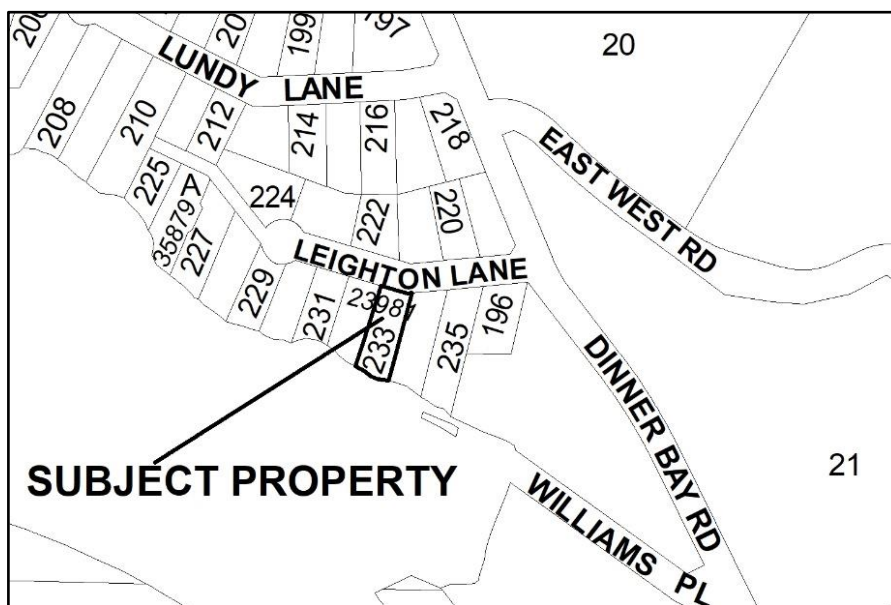
NOTICE
MA-DVP-2020.7
MAYNE ISLAND LOCAL TRUST COMMITTEE

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 as follows:

- Four (4) variances to reduce the interior side and rear lot line setbacks and the setback from the natural boundary of the sea for existing structures (decks, stairs and a walkway landing) as shown on the attached, draft permit.

The property is located at **264 Leighton Lane** and is legally described as Lot 233, Section 6, Mayne Island, Cowichan District, Plan 23981 (PID: 002-950-049).

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 **September 4, 2020** and continuing up to and including **September 16, 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 p.m., September 16, 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 p.m., Monday, September 28, 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



Islands Trust

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2020.7**

To: Nigel Cochrane

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

Lot 233, Section 6, Mayne Island, Cowichan District, Plan 23981
(PID: 002-950-049)

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

- a) Subsection 3.3 (3) which states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of the sea is varied to permit the construction of a structure (deck) within 0.08 metres (3 inches) upland from the natural boundary of the sea;
- b) Article 5.1(8) (a) which states that the minimum setback for any building or structure is 8 metres (26 feet) from any front or rear lot line is varied to permit the construction of a structure (deck) within 0.08 metres (3 inches) of a rear lot line;
- c) Article 5.1(8) (b) which states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit the construction of structures (deck and stairs attached to a dwelling) within 0.5 metres (1.5 feet) of a interior side lot line; and,
- d) Article 5.1(8) (b) which states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit the construction of a structure (walkway landing) within 1.5 metres (5 feet) of a interior side lot line.

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

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

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

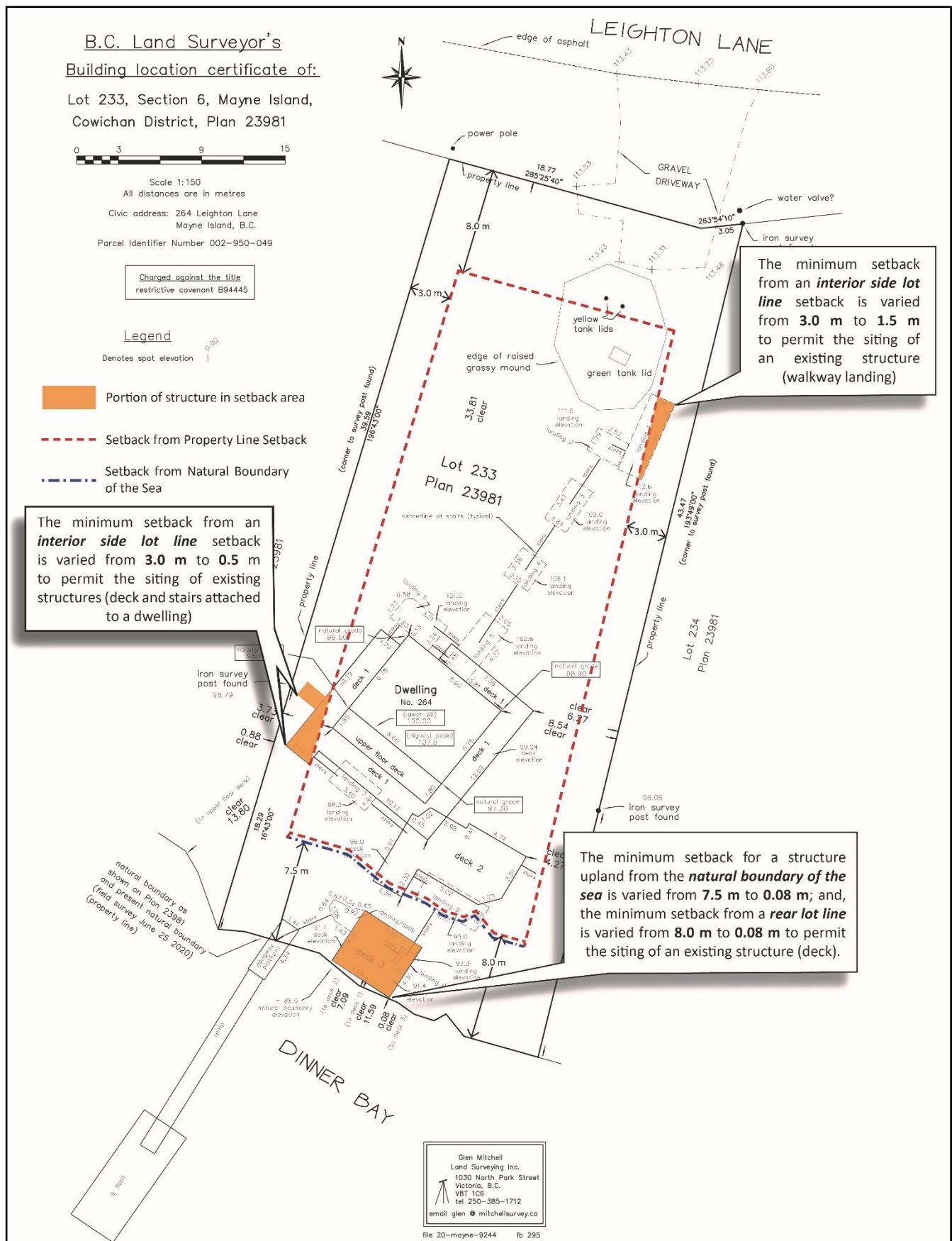
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

**MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2020.7**

SCHEDULE 'A'



File No.: MA-DP-2020.1 (CRD)

DATE OF MEETING: September 28, 2020
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Development Permit Application – Anson Road Dock Facility
Applicant: CRD, c/o Dale Puskas, P. Eng., Manager of Capital Projects
Location: Water Lot DL 2027 – Anson Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Development Permit MA-DP-2020.1 (CRD – Anson Road Dock).

REPORT SUMMARY

This report is to consider a Development Permit (DP) application.

The application is for measures for the protection of the sensitive marine habitat and construction management for proposed construction of a public dock facility seaward of the northern end of Anson Road and within the **Marine Development Permit Area (DPA)**.

Overall, the objectives of the designation of the DPA are to

To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of marine areas and to maintain public access.

In summary, the above recommendation for the proposal is supported as the objectives and specific guidelines of the DPA have been met; all relevant recommendations of professional technical reports have been incorporated into the conditions of the proposed DP; and, conditions in the draft DP will ensure the protection of the marine environment.

A copy of proposed Development Permit MA-DP-2019.1 (CRD - Anson Road Dock) is Attachment 5. A DP checklist is part of Table 1 (below).

BACKGROUND

The proposal is to permit the construction of a new public dock facility over Water Lot DL 2027 at the terminus of Anson Road on Horton Bay (Figure 1 & 2). The Capital Regional District (CRD) operates a number of public dock facilities across the Southern Gulf Islands under the Southern Gulf Islands Harbours Commission service. Under this service, the CRD acquired a water lot lease fronting Anson Road in 2007.

The subject water lot was the subject of a rezoning and OCP amendment application in 2015 (MA-RZ-2015.1/Bylaws 168 [OCP] and 169 [LUB]):

- Bylaw 168 created the **Marine Development Permit Area**; designated the DPA on the subject water lot; and, redesignated the abutting, upland road right-of-way to **Public Service (PS)**.
- Bylaw 169 rezoned the abutting, upland road right-of-way to **Community Wharf Upland (CWU)** to allow for parking and other associated uses; and, rezoned the water lot to **Community Wharf W4(b)** zone.

There is currently no development on the subject water lot. There is currently driveway access, parking and stair access on the upland road right-of-way.

Completion of the dock facility will address a shortage of public dock facilities on Mayne Island and serve as a key facility for Mayne Island residents, emergency access and evacuation, and act as a portal allowing transportation between Mayne and the surrounding islands. This is intended to replace the existing, smaller public dock further east in Horton Bay which is often at capacity throughout the year. When the CRD obtained that facility from Fisheries and Oceans Small Craft Harbours, a condition of divestiture required completion of the new dock facility construction for Anson Road.

The proposed dock facility (Figures 2 and 3) would have a total area of (approx.) 558 m² and include:

- Upland abutment for dock approach.
- A timber dock approach (33.15 m X 3.20 m).
- Aluminum gangway/ramp (15.20 m X ~1.92 m).
- Two (2) main (central) floats (41.61 m X 2.74 m) and six (6) float fingers (18.29 m X 2.74 m each) constructed on treated wood combined with use of 'Mini Mesh' for light penetration at key locations impacting eelgrass.
- Anchoring by a combination of steel dolphins and piles.
- A planned total moorage length of 219 m, which will be afforded by the six float fingers with a capacity to support 30 boats, 5.5 m to 8.2 m long (18 to 27 feet)
- A reserved landing area for water ambulance and water taxi landing.
- Placement of shoreline protection consisting of granular fill berm (beach nourishment) extending approximately 10 metres from the Natural Boundary of the Sea (NBS) across the right-of-way frontage.

The applicant has provided the following technical reports and information in support of the application:

- 'Anson Road Dock Facility Aquatic Effects/Environmental Impact Assessment' ("AEA/EIA Report" - Archipelago Marine Research Ltd., July 2019)
- Supplemental e-mail from Archipelago reviewing shoreline protection assessment (Also Attachment 3 - "Supplemental E-mail" – Gina Lemieux, RP Bio., Archipelago Marine Research Ltd, August 17, 2020)
- 'Shoreline Stability Assessment' (Coastal and Ocean Resources, February, 2020)
- 'Marine Archaeological Overview Assessment for the Anson Road Public Wharf Construction Project, Mayne Island, BC' ("AOA" - Kleanza Consulting Ltd., May 10, 2019)
- 'Archaeological Impact Assessment for the Anson Road Public Wharf Construction Project, Mayne Island, BC' ("AIA" - Kleanza Consulting Ltd., January 28, 2020)
- Correspondence highlighting responses to staff requests for requirements and clarification (Attachment 4).

- CRD Technical Material Specification sheets.

Analysis, conclusions and recommendations of these documents are discussed in 'Issues and Opportunities' and 'First Nations' - below. Given the size of some of the documents, those not attached have been posted online under current applications:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications/current-application-documents/>

The AOA and AIA reports are not attached or published due to the need to protect the sensitive and confidential information within.

Figure 1 – Subject Water Lot

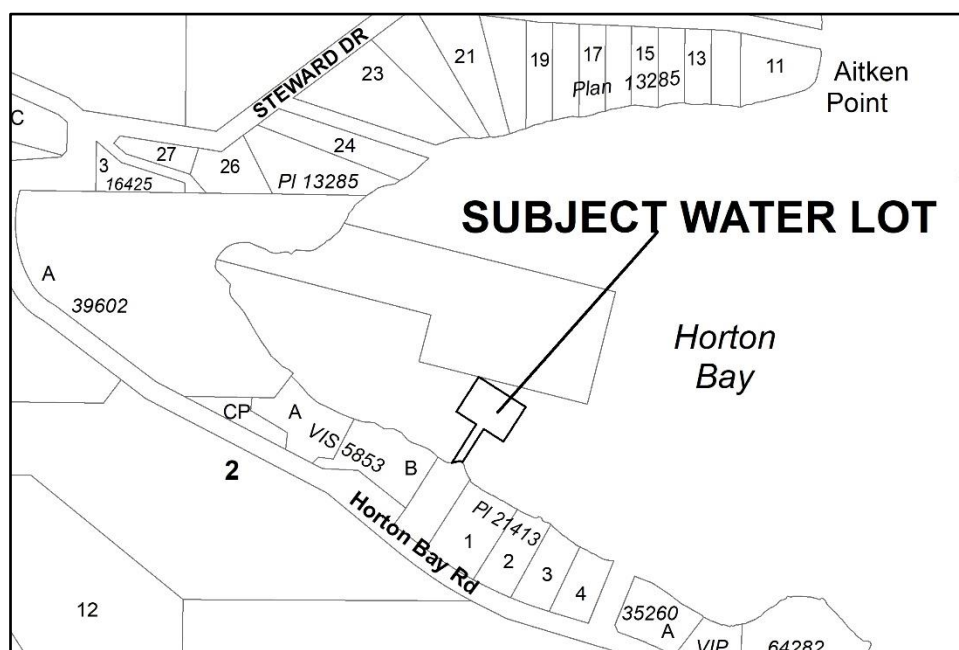


Figure 2 – Site Plan

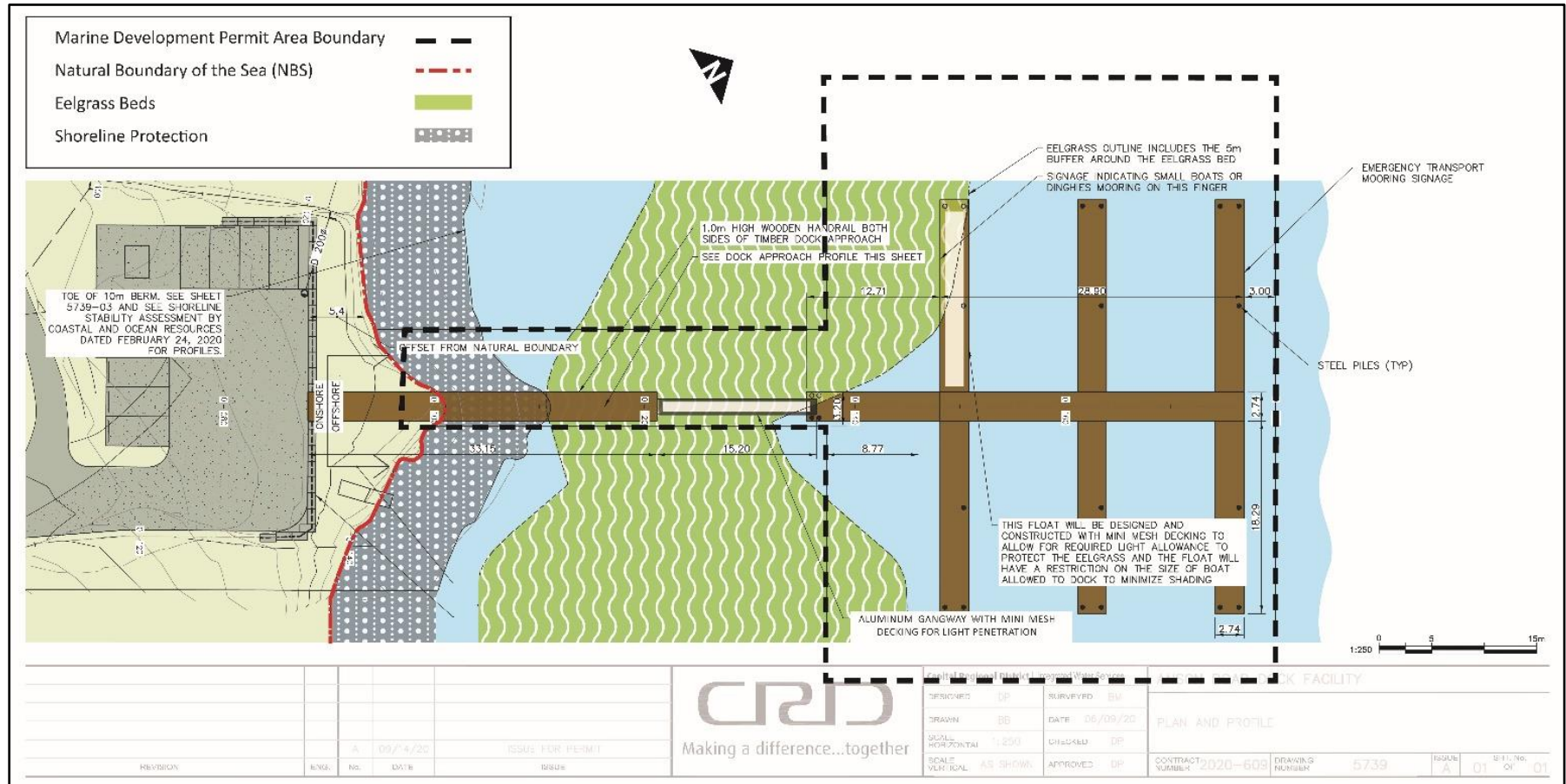
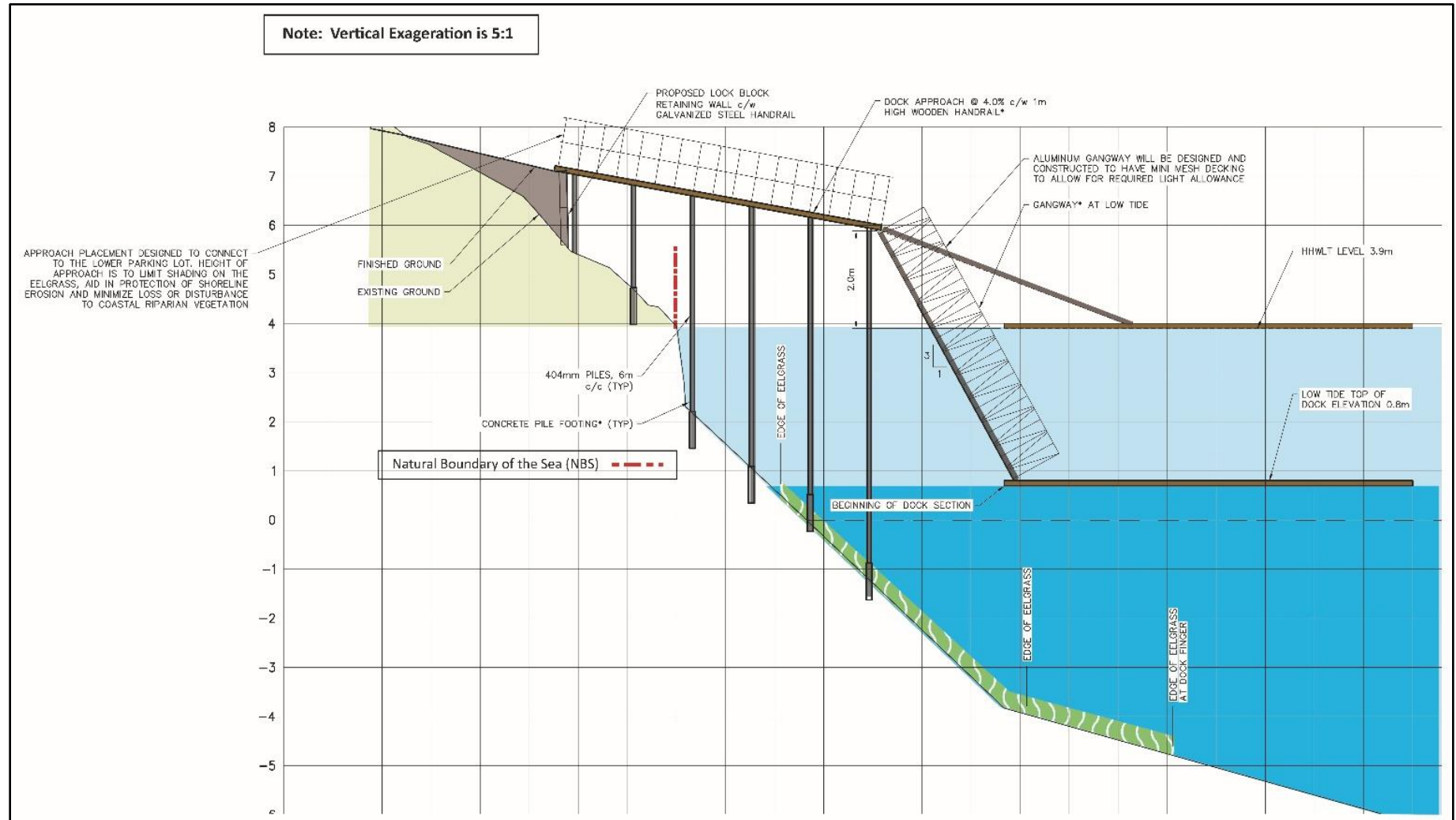


Figure 3 – Elevation (Profile)



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Islands Trust Policy Statement:

- 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.
- 3.1.4 (") 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.
- 3.4.4 (") address policies related to the aesthetic, environmental and social impacts of development.
- 3.4.5 (") address the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 (") 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.

Official Community Plan:

The **Marine Development Permit Area** is designated in the Mayne Island Official Community Plan No. 144 (OCP) for the subject water lot (Attachment 2.1). See 'Issues and Opportunities' / 'DP Guidelines' and Table 1 (below) for analysis of objectives and guidelines.

In summary, the proposal meets the applicable guidelines contained in the DPA.

Land Use Bylaw:

The subject water lot is zoned **Community Wharf W4(b)**. The site-specific (b) zone allows all W4 uses with the added restriction of no buildings being permitted at this particular location.

The proposed uses conform to the zone.

Issues and Opportunities

AEA/EIA Report

The AEA/EIA Report provides a comprehensive biophysical analysis for the proposal and makes recommendations for mitigation of effects and to manage construction and residual impacts post construction. The report is subdivided into a Marine Aquatic Effects Assessment (AEA) and an Upland Environmental Impact Assessment (EIA) with each presenting: methodologies for surveying and analysis, biophysical characterization and inventory, assessment of potential project related effects, proposed mitigation and Best Management Practices (BMPs), and assessment of residual effects and summary.

The marine AEA describes the intertidal area as *"...a moderately sloping beach comprised of sand and clay with a veneer of angular cobble, pebble and boulders supporting an infaunal community and a relatively low to moderate diversity and abundance of epifaunal invertebrates (i.e. gastropods, sea stars) and algal species."* (p.22). Further, it identifies the significance of erosion of the upland bank and the potential loss of riparian habitat without shoreline protection (see next section).

The subtidal area is characterized “...predominantly by soft bottom habitat with an infaunal community (i.e. tubeworms, bivalves, brittle stars) and a relatively low to moderate diversity and abundance of epifaunal invertebrates, fish and algal species.” (p.22) The significance of the eelgrass beds is emphasized as valuable and sensitive habitat that overlaps with portions of the dock facility, particularly the approach, ramp and portions of the main dock and fingers. The report underlines the importance of eelgrass beds as habitat structure that supports ecologically and economically important finfish and shellfish and their overall value assisting in the maintenance of estuarine and nearshore habitats (p. 28). Eelgrass habitat is sensitive to numerous impacts including anchoring, dredging and filling, shading from in-water structures and increased nutrient inputs (p. 28).

Comprehensive mapping of eelgrass is shown on pages 24-26 of the AEA/EIA Report (See also Attachment 2.3). A collated map using Mayne Island Conservancy data and Archipelago’s physical survey map is included as Figure 4. That prescribes a 5 metre “buffer” around the eelgrass beds to account for positional accuracy and methodology.

The potential occurrence of bull kelp sensitive habitat is assessed as low given substrate type. (p. 28). Assessment of the probability of occurrence for finfish and other listed and non-listed marine species are summarized on pages 29 and 30 of the report.

Assessment of effects or impacts from the proposed project are analysed in Section 6 of the AEA/EIA Report (pp. 31-37) and are identified as shading, physical disruption (barge spud placement and pile placement) and pile driving noise.

The report makes recommendations for mitigation measures and BMPs in Section 7 of the report (pp 38 – m47). Most design recommendations have been incorporated into the draft DP and are itemized in Table 1 in relative to applicable DPA guidelines. These are primarily physical considerations, whereas BMPs and construction management recommendations largely defer to the CRD’s own procurement specifications and implementation process in the draft DP. These (in addition to the physical components) are required to comply with Department of Fisheries and Oceans Canada, Workers Compensation Board, Ministry of Environment Regulations, Ministry of Forests, Lands, Natural Resource Operations, Transportation Canada and CRD standards. The dock facility is to be constructed on a performance contract basis by a one contractor with the contract submittals required to meet the foregoing specifications and to include an Environmental Management Plan (EMP) based on implementing the AEA/EIA report. Monitoring by a qualified environmental professional is required as part of that contract and a requirement for submission of a completion letter to the Islands Trust is a condition of the DP.

In response to a request from staff, the CRD requested Archipelago assess the recommended shoreline protection measures. That supplemental e-mail is Attachment 3 which endorses the methodology, provides specifications for beach berm fill type, and location and indicates the potential habitat benefit for forage fish.

Figure 4 – Compilation Eelgrass Mapping with Project Footprint



Shoreline Stability Assessment

The Shoreline Stability Assessment was submitted and that identifies the shoreline along the width of the road right-of-way and above the natural boundary as an actively eroding, near-vertical sea cliff. Given the lack of exposure to wave action, the occurrence of erosion is attributed to the composition of the cliff (fine sediment – p. 15).

The assessment indicates the need for some form of shoreline erosion mitigation to protect the proposed infrastructure and prevent instability, particularly, for the approach (landing) feature. Several options ranging from ‘hard’ to ‘soft’ (green shore) solutions were assessed and compared (Table 2, p.16).

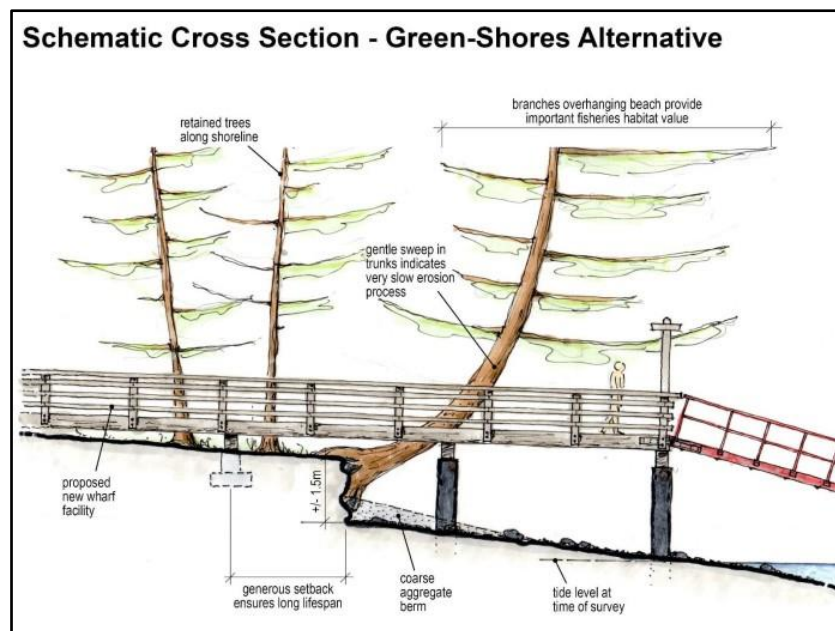
The assessment recommended the following approach which is illustrated on Figure 2 (above) and below in Figure 5). This includes the following elements:

1. A generous setback that minimizes the need for hard beach protection to totally arrest cliff erosion,
2. Use of beach nourishment to create a protective berm at the toe of the cliff; material should be sufficiently coarse so as (a) to minimize transport from the site and (b) to provide infiltration for waves action.
3. Working around existing trees as much as possible to preserve riparian overhang and to leave root systems to help bind cliff material.

This alternative is specified by the CRD and will consist of 19mm (3/4 inch – approx. material) have a thickness of 1 metre (at the natural boundary of the sea - NBS) that tapers to <0.1 metres, 10 metres seaward from the NBS (see Figure 2 and 3).

The design specifications from the report and from Archipelago supplement specifications have been incorporated into the conditions of the draft DP.

Figure 5 – Concept Drawing ‘Green Shores’ (Recommended) Alternative



DPA Objectives and Guidelines

The objectives of that DPA are as follows:

1. *To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of marine areas.*
2. *To manage development to minimize disruption of natural processes and to retain, wherever possible, natural vegetation and natural features.*
3. *To balance development opportunities with the ecological conservation of the marine environment.*
4. *To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.*
5. *To adapt to the anticipated effects of climate change.* (pp.35)

See "A DPA checklist (Table 1) analyses each applicable guideline for the proposal's compliance. In addition, the checklist incorporates the key recommendations of the EIA/AEA report in cross-reference to the guidelines.

As above, the proposal meets the applicable guidelines contained in the DPA.

Upland Development

Only a very small area of land at the point where the approach ramp "lands" is designated in the DPA (see Figure 2). The remainder of the upland portion of this proposal is not part of this application as it is appropriately zoned, and there is no development permit area designated, the applicant does not require any Islands Trust approvals for that area. The EIA portion of the AEA/AIA Report has an upland component which is required to be implemented by the contractor through an Environmental Management Plan.

Conditions from the EIA/AEA Report that are relevant to small designated upland area have been placed in the DP (2.r. (I to iii)).

Staff identified that the northern extent of the lower parking lot indicates lock-block retaining wall that would be within approx. 3 metres from the Natural Boundary of the Sea (NBS). The minimum bylaw setback for structures is 7.5 metres (Subsection 3.3(2) of the LUB) The CRD was made aware of this issue and given options to conform and have confirmed that they will likely apply for a variance.

Table 1 - DPA Checklist: MA-DP 2020.1 (CRD – Anson Road Dock)

Guideline (Section 2.8.6)	✓	Applicant Comments	EIA/AEA Recommendations ¹	Staff Comments
1. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.	✓	- The shore access will be maintained via a pathways located on either side of the lower parking lot, and the existing stairs will remain at the existing location. The height of the approach will allow for persons to walk underneath.	N/A	Conditions placed in Draft DP (including Schedules) to ensure a minimum clearance of 2 to 2.3 metres above highest high tide.
2. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.	✓	- The EIA comments on impacts and mitigation measures, these have been used for the design of the facility. - Both inshore finger floats were intended for small water craft, primarily dinghies. Signage will be added to restrict this.	- Design and construct approaches to the waterbody such that they are perpendicular to the waterbody to minimize loss and disturbance to coastal riparian vegetation. - Minimize the footprint to only what is required to serve the purpose.	- Conditions in Draft DP
3. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.	✓	- The dock floats are floating docks and will be anchored by pilings.	- Finger floats should not rest on the seabed at any time. The minimum clearance below the floats at the lowest low tide should be 1.5 m to prevent propeller wash from disturbing the seabed.	- Conditions in Draft DP
4. Docks should be constructed in a manner that minimizes shading of the seabed.	✓	- The EIA's recommendations for reducing shading of the seabed have been used for design specifications. - The CRD Southern Gulf Islands Harbours service is primarily to provide community access	- Minimize the footprint to only what is required to serve the purpose. - Dock approach should be at least 2 to 2.3 m above the higher high water mark. - Dock approach and gangway/ramp should be less than 1 to 1.5 m wide.	- Conditions in Draft DP

¹ "Anson Road Dock Facility Aquatic Effects/Environmental Impact Assessment" (Archipelago Marine Research Ltd., July 2019, pp. 38 and 39)

Guideline (Section 2.8.6)	✓	Applicant Comments	EIA/AEA Recommendations ¹	Staff Comments
		services such as ambulance water taxi and "school bus" water taxi access. As a stretcher is often required to move injured persons, the facility's approach, gangway, and floats have been designed to facilitate safe movement of a stretcher. This requires that the approach and gangway to be 1.5 m and wider for safe egress and access - Float length and width have been optimized based upon minimizing anchoring requirements, thereby limiting impact to the seabed and monitoring stability. The floats are narrower than the EIA's recommended 3 m maximum, but are longer than the 8 m recommendation in an effort to minimize anchoring requirements. - Grating for the float is based upon the EIA's comments regarding impacts to the eel grass currently located and depth which the eel grass can grow	- Floats should be limited to 3 m wide and 8 m long. - Use grating or space boards on all overwater structure surfaces (namely gangway/ramp, main float and float fingers) that allow greater than 50% light penetration or use grating on all overwater structure surfaces that results in a total open area of at least 30%, which can be achieved by using grating with 60% open area on at least 50% of the overwater structure.	
5. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.	✓	- This is addressed with the high approach and long gangway, Fisheries and Oceans Canada do not allow floating docks to rest on the sea bed.	- Finger floats should not rest on the seabed at any time. The minimum clearance below the floats at the lowest low tide should be 1.5 m to prevent propeller wash from disturbing the seabed	- Conditions in Draft DP
6. Piers and pilings and floating docks are preferred over solid-core piers.	✓	- This is addressed in the EIA and design. - The anchoring for the floats are to be steel piles and not		- Overall design and Conditions in Draft DP.

Guideline (Section 2.8.6)	✓	Applicant Comments	EIA/AEA Recommendations ¹	Staff Comments
		concrete anchors.		- CRD staff have confirmed that facility will only use pilings and 'dolphins' (twined+ pilings) not anchors
7. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.	✓	- Fisheries and Oceans Canada do not allow creosote-treated pilings, the design is to use steel piles. Flotation billets will be specified to meet current requirements as outlined in (7).		- Conditions in DP included for flotation materials, steel pilings dock material and prohibits use of creosote application or treated products.
8. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.	N/A	- This dock facility does not include a boat launch.	N/A	N/A

Consultation

There is no public or agency consultation regularly associated with a Development Permit application. In addition, there is no statutory notification required.

First Nations

An Archaeological Overview Assessment (AOA) and a subsequent Archaeological Impact Assessment (AIA) completed under licence from the provincial Archaeology Branch were both submitted by the CRD. The AOA indicated concerns over potential marine cultural resources (i.e. clam gardens) and recommended the required AIA extend to the marine portion. The AIA surveyed the marine area and found no evidence of archaeological material and features.

The Senior Intergovernmental Policy Advisor has reviewed both documents, noted that the documents have been provided to the First Nations in the treaty and territories, that First Nations monitors were on site for the AIA, and that all Islands Trust concerns have been met.

Rationale for Recommendation

The recommendation on page 1 are supported as:

- All applicable the objectives and specific guidelines of the DPA have been met;
- all relevant recommendations of an Aquatic Effects Assessment/Environmental Impact Assessment Report have been incorporated into the conditions of the proposed DP; and,
- the conditions placed in the draft DP will ensure the protection of the marine environment.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are a potential delay in construction and costs to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application. Note, if the this alternative is selected, the decision MUST be accompanied by specifying which guideline(s) the application does not comply with. Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DP-2020.1 (CRD – Anson Road Dock) as it does not comply with guideline_____.

NEXT STEPS

- Once the DP is approved and issued, the applicants can proceed with construction and will apply for a DVP for the upland portion.

Submitted By:	Phil Testemale, Planner 2	September 17, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	September 18, 2020

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Supplemental AEA Report submission from CRD (shoreline protection)
4. CRD Correspondence
5. Proposed Development Permit MA-DP-2020.1

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Water Lot 2070, Mayne Island, Cowichan District
PID	
Civic Address	Water lease area Abutting Terminus of Anson Road

LAND USE

Current Land Use	Vacant
Surrounding Land Use	Public access, parking and washroom (Anson Road); Residential

HISTORICAL ACTIVITY

File No.	Purpose
MA-RZ-2015.1	To amend OCP and LUB to permit community wharf

POLICY/REGULATORY

Official Community Plan Designations	The Marine Development Permit Area is designated for the lease area in the Mayne Island Official Community Plan No. 144, 2007 (OCP) – Attachment 2.1
Land Use Bylaw	The subject water lot is zoned Community Wharf W4(b) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB).
Other Regulations	All development shall conform to Department of Fisheries and Oceans Canada, Workers Compensation Board, Ministry of Environmental Regulations, Ministry of Forests, Lands, Natural Resource Operations, Transportation Canada and Capital Regional District standards for public dock facilities.
Covenants	
Bylaw Enforcement	

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	See body of report and linked AEA/EIA report for assessment.
Sensitive Ecosystems	Eelgrass beds - see body of report and linked AEA/EIA report for assessment.
Hazard Areas	A Shoreline Stability Assessment submitted – see body of report and linked.
Archaeological Sites	Archaeological Impact Assessment (AIA) and Archaeological Impact Assessment (AIA) under licence submitted as part of application.

Climate Change Adaptation and Mitigation	Materials and footprint designed to minimize GHG emissions. The location is protected from swell action, however risk from anticipated or possible climate change induced hazards from sea level rise, storm surge, etc. Design does address.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	Eelgrass: See Figure 4 in report body

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOZONING AND DPA



2.2 SHORELINE UNITS



2.3 MARINE ECOSYSTEMS



Attachment 3

Lani O'Dwyer

From: Gina Lemieux <[REDACTED]>
Sent: Monday, August 17, 2020 2:04 PM
To: Lani O'Dwyer
Cc: Dale Puskas
Subject: Re: Development Permit for Anson Road

Hi Lani...one other element to add to my bulleted list, is maintaining the shoreline trees as much as possible to conserve the important riparian overhang function for nearshore fish/fish habitat.

From: Gina Lemieux <[REDACTED]>
Sent: August 17, 2020 2:00 PM
To: Lani O'Dwyer <lodwyer@crd.bc.ca>
Cc: Dale Puskas <dpuskas@crd.bc.ca>
Subject: Re: Development Permit for Anson Road

Hello Lani,

I have reviewed the Shoreline Stability Assessment report (Coastal and Ocean Resources, 24 February, 2020 (noting footers indicate 30 May, 2020)) and talked with John Harper today about the preferred, protective beach berm (beach nourishment) as a soft shore solution for the shoreline erosion concerns at Anson Road.

I agree with this being the preferred option out of all the options identified in the report based on:

- The application of a soft shore solution is generally always preferred from an environmental perspective as it is more natural and my understanding is these solutions don't "transfer" the erosion issue further along shore like hard shore solutions can;
- The recommended fill material size (19 mm or 0.75") is within the range of the native substrate size within the tidal elevation range where fill material is recommended (up to 10 m out from natural boundary);
- As result of the previous bullet, the fill material toward and at the mid-intertidal area is anticipated to be colonized by similar biota as is currently present (i.e., *Fucus* sp. (rock weed), *Mastocarpus* sp. (a red foliose algae), *Littorina* spp. (periwinkle snail), *Balanus glandula* (acorn barnacle), *Tectura* spp. (limpet), *Hemigrapsus* sp. (shore crab));
- The toe of the fill material is recommended to 10 m out from the natural boundary, which is approximately +2.0 m (above chart datum). This provides a sufficient buffer to ensure there is no direct overlap with the subtidal eelgrass that was observed in 2019 during the dive surveys as shallow as ~-0.75 m (below chart datum);
- The combination of the fill material being coarse and well sorted (i.e., not mixed with fines) will help keep the fill material in place and prevent migration downslope and sedimentation effects on eelgrass;
- The fill material may provide habitat for forage fish such as sand lance and/or surf smelt (our EIA report notes that the estuary/tidal flat present north west of the Project site where Horton Brook drains provides spawning habitat for these forage fish species (Islands Trust 2019; data collected by the Mayne Island Conservancy) and that Pacific sand lance eggs were observed during a January 2010 survey in Horton Bay indicating historical presence/habitat use in the Project vicinity.

I presume the Shoreline Stability Assessment report will be provided to DFO for their review and comment, as part of the overall Project review.

The construction mitigation measures/BMPs that we outlined in our EIA report would be applicable to these shoreline erosion works. For example, confirming boundaries of eelgrass and marking at surface to avoid impacts by barges (spudding, anchoring, grounding) and tending vessels, selecting ideal tide state for fill material delivery etc.

I trust the above meets your requirements for Islands Trust; however, if you require additional information please let me know.

If you could confirm receipt as well, that would be appreciated as I know you were requiring my response as soon as possible so would like to ensure you have received it.

Regards
Gina



Gina Lemieux, R.P. Bio
Senior Marine Biologist/Project Manager
Direct: [REDACTED]
Email: [REDACTED]
www.archipelago.ca



From: Lani O'Dwyer <lodwyer@crd.bc.ca>
Sent: August 12, 2020 2:04 PM
To: Gina Lemieux <[REDACTED]>
Cc: Dale Puskas <dpuskas@crd.bc.ca>
Subject: Development Permit for Anson Road

Hi Gina,

As per my phone message I hope that you could give a response to the following question from Islands Trust, as a qualified marine biologist:

- In reference to the 'Shoreline Stability Assessment' (Coastal and Ocean Resources, February, 2020): the report recommends a 'Green Shores Alternative (summarized on pp. 15 – 17) that has design considerations. The drawings received (above) incorporate that alternative for a protective berm using beach nourishment. Can you confirm whether or not that proposal has been assessed for impacts and conformity with the recommendations in the AIA/EIA report by the reporting biologist or another qualified biologist? **With respect**

to archeological concerns, as per the attached AIA, there are no concerns within the intertidal area. With respect to the EIA, we will have Archipelago provide comment shortly, we do not anticipate any issues.

The question asked by Islands Trust is in black and our comments back to them are in red.

We have monies still available in your contract, if you could please respond as soon as possible that would be great. I have attached the Shoreline Stability Assessment and I have attached a copy of your EIA for your reference and a drawing showing the berm that we are proposing. If you have any questions please feel free to call me any time.

Thanks

Lani O'Dwyer
Project Technologist
CRD – Integrated Water Services
479 Island Highway
Victoria, BC V9B 1H7
Phone: 250-360-3143
Fax: 250-474-4012
lodwyer@crd.bc.ca

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September 15, 2020

File: 5220-20
SGIHC Anson Road

Mr. Phil Testemale
Islands Trust
Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8

Dear Mr. Testemale:

RE: DEVELOPMENT PERMIT APPLICATION FOR NEW WHARF FACILITY LOCATED AT ANSON ROAD WITHIN DL 2070 ON MAYNE ISLAND

Further to the CRD's letter dated August 20th, 2020, and our discussion September 10th, 2020 the following is in response to your request for confirmation and clarification on the noted project:

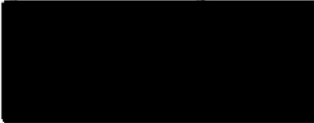
- Clarification has been added to the drawing to highlight that recommendations that were taken into account for design from the EIA such as the dock approach being higher than 2 m above the higher high water mark, and the minimum clearance below the floats at the lowest tide is 1.5m or greater.
- The CRD has retained an environmental consultant to assess the project and prepare the EIA. As previously noted, the contractor is retain an environmental consultant to prepare the EMP, provide monitoring and written confirmation of compliance. To ensure DP requirements are met, the CRD will require a deliverable from the contractor's environmental consultant provide a completion letter. Our environmental consultant will review and confirm the EMP and completion letter.
- The anchoring for the floats are to be steel piles and not concrete anchors.
- The CRD Southern Gulf Islands Harbours service is primarily to provide community access services such as ambulance water taxi and "school bus" water taxi access. As a stretcher is often required to move injured persons, the facility's approach, gangway, and floats have been designed to facilitate safe movement of a stretcher. This requires that the approach and gangway to be 1.5 m and wider for safe egress and access.
- Float length and width have been optimized based upon minimizing anchoring requirements, thereby limiting impact to the seabed and monitoring stability. The floats are narrower than the EIA's recommended 3 m maximum, but are longer than the 8 m recommendation in an effort to minimize anchoring requirements.
- Grating for the float is based upon the EIA's comments regarding impacts to the eel grass currently located and depth which the eel grass can grow.
- Currently, the facility is not going to have lighting. If lighting is to be added in the future, marine grade bollard style lighting is proposed to minimize the effects on marine and wild life and be maintainable.

- Both inshore finger floats were intended for small water craft, primarily dinghies. Signage will be added to restrict this. Also of note, is that there will be a section

Please find included the drawing with additional clarification as requested.

If there are any questions, please do not hesitate to contact the undersigned.

Regards,



Dale Puskas, P.Eng.
Manager, Capital Projects
Infrastructure Engineering
Integrated Water Services

DP:

Attachments: 1. Anson Road drawing



Making a difference...together

Integrated Water Services
479 Island Highway
Victoria, BC, Canada V9B 1H7

T: 250.474.9600
F: 250.474.4012
www.crd.bc.ca

August 20, 2020

BY EMAIL

ptestemale@islandstrust.bc.ca

File: 5220-20
SGIHC Anson Road

Mr. Phil Testemale
Islands Trust
Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8

Dear Mr. Testemale:

RE: DEVELOPMENT PERMIT APPLICATION FOR NEW WHARF FACILITY LOCATED AT ANSON ROAD WITHIN DL 2070 ON MAYNE ISLAND

Further to our discussion on August 13, 2020, the Anson Road dock facility is being constructed on a performance contract basis, which will include the design and construction as per CRD (Capital Regional District) technical specifications to be completed by one contractor. The CRD Southern Gulf Islands and Harbours are previous Small Craft Harbour, Fisheries and Oceans Canada facilities and the intent is to remain consistent in construction methods and materials.

The technical specifications are based on Small Craft Harbour, Fisheries and Oceans for the invitation to tender. Requirements in the technical specifications are to meet Department of Fisheries and Oceans Canada, Workers Compensation Board, Ministry of Environmental Regulations, Ministry of Forests, Lands, Natural Resource Operations, and Transportation Canada, and are included in CRD specifications.

As discussed over the phone, timber floats are to be pressure treated with Chemonite ACZA Pressure Treated Wood, a non-creosote product, piles are to be steel, and flotation billets are to be Permafloat Dock Flotation by Cellofoam or approved equal.

The design drawing no. 5739 incorporates a high elevation for the approach, use of mini mesh surface on the gangway and one of the floats to allow for light penetration as recommended in the Aquatic Effects Assessment/Environmental Impact Assessment. Additionally, the five metres eelgrass buffer is already incorporated into the drawing for reference.

The mitigation measures, for both design and construction, are addressed in the required Best Management Practices (BMPs) and a project specific Environmental Management Plan (EMP). These are a requirement of the Contractor's submittals and are to be submitted to the CRD for review and approval prior to design or construction.

Please find included the senior marine biologist (R.P. Bio)'s comments on the soft shore solution attached as requested.

If there are any questions, please do not hesitate to contact the undersigned.

Regards,

Dale Puskas, P.Eng.
Manager, Capital Projects
Infrastructure Engineering
Integrated Water Services

DP:ad

Attachments: 1. Email from Gina Lemieux, R.P. Bio, Senior Marine Biologist/Project Manager
2. Specifications:

- Division 3 - Concrete
- Division 5 - Metals
- Division 6 - Timber
- Division 10 - Specialized Materials

June 15, 2020

SENT BY EMAIL

File: 5220-20
SGIHC Anson Road

Islands Trust
Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8

Dear Sir/Madam:

RE: DEVELOPMENT PERMIT APPLICATION FOR NEW WHARF FACILITY LOCATED AT ANSON ROAD WITHIN DL 2070 ON MAYNE ISLAND

The Capital Regional District (CRD) Integrated Water Services hereby applies for a development permit to construct a new wharf facility within the limits of DL 2070, located at the end of Anson Road right-of-way under the jurisdiction of the Ministry of Transportation, British Columbia, in accordance with these attached particulars, plans and specifications. It is understood that this letter constitutes an application only and that the works applied for will not be commenced until a covering permit has been issued.

Currently, the water lot DL 2070 is unused and has no infrastructure on it, with an undeveloped access to the shoreline. The subject property is currently zoned W4 for Community Wharf, the planned use is within its current zoning. The proposed works within DL 2070 consist of:

- one 12.71m x 2.74m timber float,
- one 28.90m x 2.74m timber float,
- six 18.29m x 2.74m timber floats,
- one 15.20m long aluminum gangway,
- one 33.15m long timber approach, and
- a shoreline protection granular fill berm.

The works are located at end of Anson Road, Mayne Island, as shown on CRD Integrated Water Services drawing 5739. The floats will be constructed to Fisheries and Oceans Canada, Small Craft Harbours' typical specifications, similar to numerous facilities throughout the Southern Gulf Islands, including the Miners Bay and Montague facilities. The timber is to be pressure treated with a non-creosote based product, appropriate for the longevity, but environmentally safe, and billets used for flotation will meet current industry standards for not degrading, (they will not be unprotected Styrofoam).

In support of the application, the CRD is including the following supplemental information:

- The marine Archeological Overview Assessment

- The shoreline protection assessment, and
- The Aquatic Effects Assessment/Environmental Impact Assessment.

In addition to the works within DL 2070, the CRD will construct a parking facility with a pit toilet on the road right-of-way at the end of Anson Road. The configuration and design drawings are also included with this application for reference.

If there are any questions, please do not hesitate to contact the undersigned.

Regards,

Dale Puskas, P.Eng.
Manager, Capital Projects
Infrastructure Engineering
Integrated Water Services

DP:ad

Attachment: Islands Trust Development Permit Review Application Package

cc: Ted Robson, General Manager, Integrated Water Services



**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT MA-DP-2020.1**

To: Capital Regional District
c/o Dale Puskas, P.Eng.

1. This Development Permit (the "Permit") applies the land described below and all buildings, structures and other developments therein:

Water Lot DL 2070, Mayne Island, Cowichan District
PID: 000-000-000

2. This Development Permit MA-DP-2020.1 authorizes the construction of a dock facility including an access ramp (approach), aluminium ramp (gangway) and a main float dock with float fingers within the Marine Development Permit Area ("DPA"), subject to the following requirements and conditions:

General

- a. All development shall be substantially consistent with Schedules 'A' and 'B' which are attached to and form part of this permit.
- b. All development shall conform to Department of Fisheries and Oceans Canada, Workers Compensation Board, Ministry of Environmental Regulations, Ministry of Forests, Lands, Natural Resource Operations, Transportation Canada and Capital Regional District standards for public dock facilities.

Placement of Fill (Beach Nourishment)

- c. With the exception of the placement of the prescribed beach berm (beach nourishment) for shoreline erosion protection, there is to be no dredging or placement of fill below the Natural Boundary of the Sea.
- d. The placement of fill permitted in 2.b. (above) shall:
 - i. Be limited to an area within 10 metres (measured horizontally) from the Natural Boundary of the Sea as indicated on Schedule 'A', attached to and forming part of this permit.
 - ii. Not overlap with any existing subtidal eelgrass beds.
 - iii. Consist of coarse, well sorted aggregate (19mm or 3/4") material and shall not be mixed with fines.

Dock Facility Siting, Size and Materials and Size on and Siting

- e. To ensure the maintenance of public access along the shore, the elevation of the dock approach shall constructed with a minimum 2 to 2.3m clearance above the higher high water mark as indicated on Schedule 'B', attached to and forming part of this permit.
- f. The siting and configuration and size of the dock facility shall be substantially consistent with Schedules 'A' and 'B', which are attached to and form part of this permit.
- g. To minimize shading of the seabed and of eelgrass habitat in particular:

- i. the dock approach and gangway/ramp should be the minimum width to facilitate operational requirements;
 - ii. the floating portion including the main dock and fingers shall not exceed 415 m² in area;
 - iii. Floats should be a maximum of 3 metres in width; and
 - iv. The gangway and northwest float finger (inner) shall incorporate 'mini mesh' grating material as shown on Schedule 'A', attached to and forming part of this permit for a minimum of 50% light penetration.
- h. Anchoring of the floating portion of the dock facility is to use pilings and dolphins only.
- i. All pilings shall be steel construction.
- j. With the exception of piles and footings for the ramp, no other structures including floats shall rest on the seabed.
- k. With the exception of pilings, no portion of the dock facility shall rest on the seabed at any time, and the construction and siting of the floating dock shall incorporate a minimum clearance below the floats of 1.5 metres at the lowest low tide to prevent disturbance of the seabed.
- l. Timber used for the construction of the floats shall either be untreated lumber or Chemonite ACZA Pressure Treated Wood with the exception of areas specified for light penetration ('mini mesh' surfacing).
- m. There shall be no use of creosote treated wood or application of creosote on any portion of the dock facility.
- n. Floatation billets shall be Cellaphome Permafloat Dock Floatation, or equivalent, and shall in no case use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time.
- o. There should be no removal of natural woody debris, rocks, sand or other materials from the shoreline below the high water mark. If material is removed, it should be set aside and returned to the original location once construction activities are complete.

Operational

- p. The use of the inshore finger floats on the south sides shall be restricted for use by smaller boats to minimize shading on eelgrass habitat as well as potential effects from prop scour.
- q. Educational signage on eelgrass habitat and protection and boating practices is to be placed at the dock facility in cooperation with the local conservancy organization.

Protection of the Coastal Riparian and Shoreline Area (Upland)

- r. To minimize the 'downstream' impacts on the Development Permit Area, the following design considerations and procedures shall be followed for the upland portion of the DPA as shown on Schedule 'A' and 'B' attached to and forming part of this permit:
 - i. Minimize clearing of coastal riparian vegetation and avoid disturbance of soils where the dock approach is attached to land, as vegetation removal and soil disturbance can increase erosion and sedimentation of the intertidal zone and adjacent subtidal areas;
 - ii. Do not remove coastal riparian vegetation if the riparian area is identified as part of critical habitat of an aquatic listed species at risk; and,
 - iii. Immediately stabilize shoreline disturbed by any activity associated with the construction to prevent erosion and/or sedimentation, preferably through re-vegetation with native species suitable for the site; and

Construction Management

- s. Construction of the dock facility shall conform to all mitigation, best management practices and monitoring recommendations contained in the 'Anson Road Dock Facility Aquatic Effects/Environmental Impact Assessment' (Archipelago Marine Research Ltd., July 2019) and submitted to the Islands Trust, Victoria Office on August 7, 2020, in addition all other applicable provincial and federal requirements and guidance.

Timing

- t. The project works are to coincide with the least risk timing windows as prescribed by the Department of Fisheries and Oceans for the Project site to reduce the risk of harm to fish and fish habitat, specifically December 1 to February 15 (winter window) and July 1 to October 1 (summer window).

Monitoring

- u. The Environmental Monitor for the applicant shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) months of the development work being completed.
- 3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 - 4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 - 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Mayne Island Land Use Bylaw No. 146, 2008 and to obtain other approvals necessary for the lawful completion of the proposed development.

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

Secretary, Islands Trust

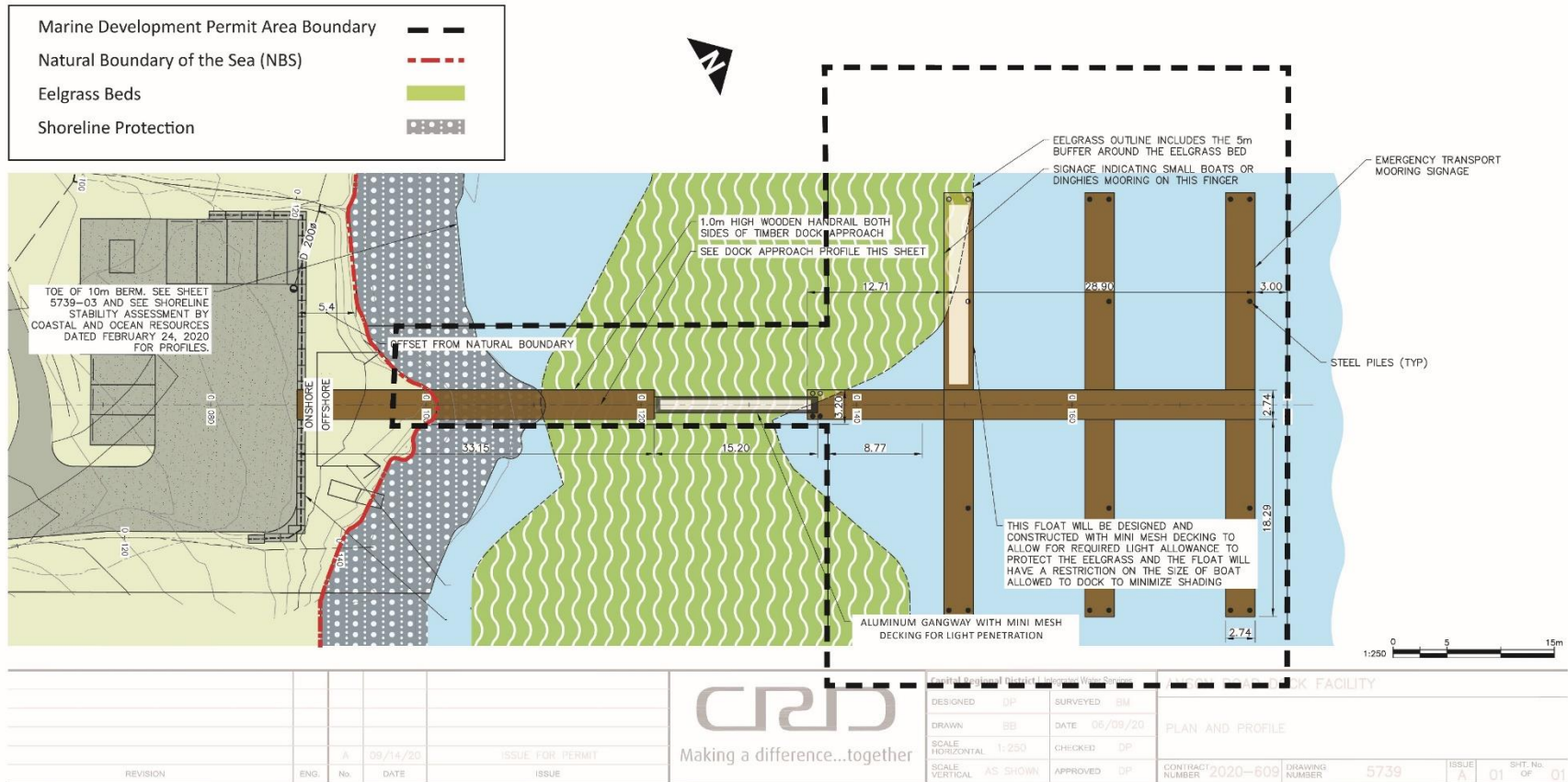
Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE XXST DAY OF ####, 2022 THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT MA-DP-2020.1

Schedule "A" (Site Plan)

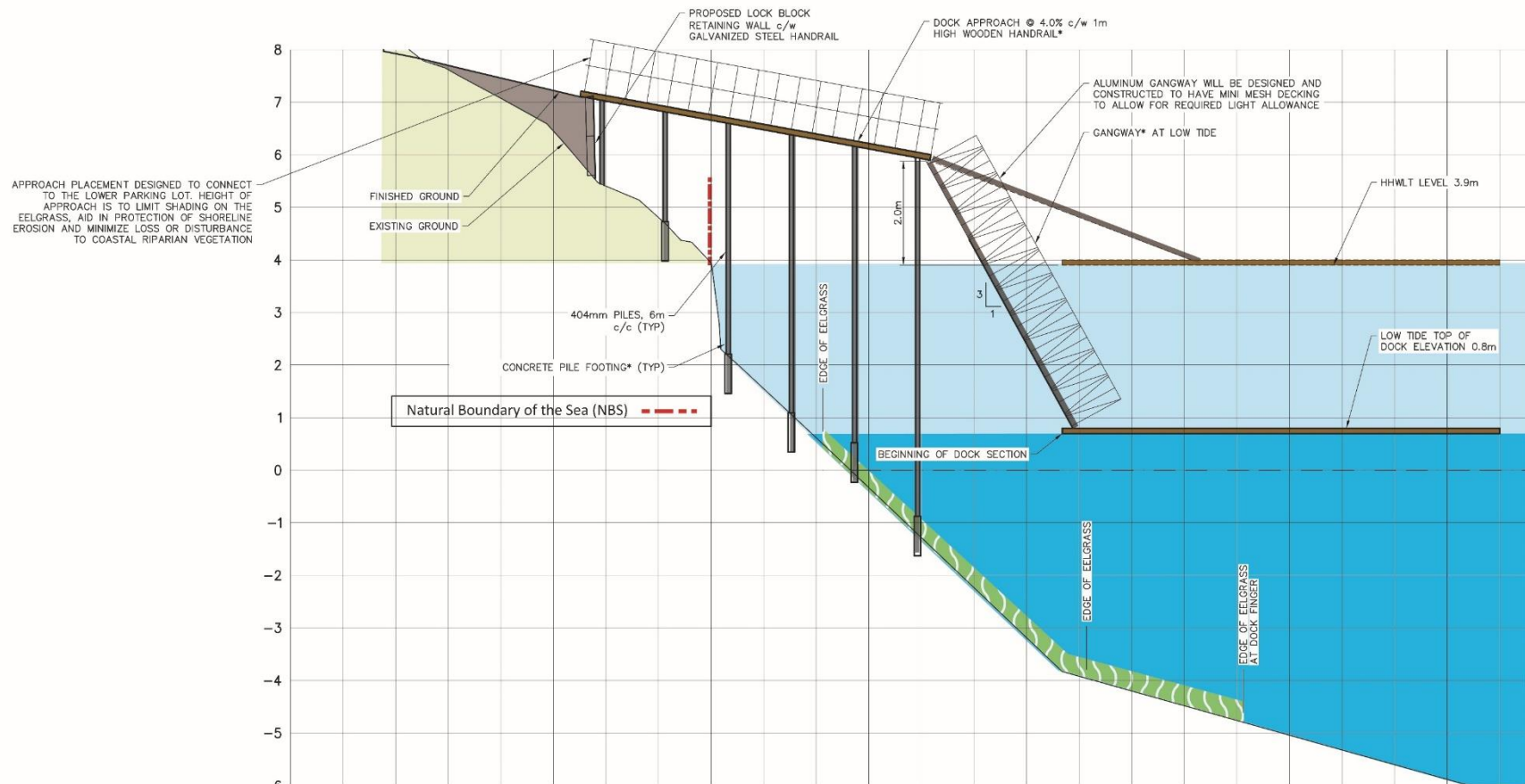


MAYNE ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT MA-DP-2020.1

Schedule "B" (Elevation)

Note: Vertical Exageration is 5:1



DATE OF MEETING: September 28, 2020

TO: Mayne Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Amendment to Bylaw 178 (Site Specific Regulation for Cotton Park)
Applicant: Capital Regional District (CRD)
Location: 207 Cotton Road, Mayne Island

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw 178, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2019” be amended as specified in Attachment One of the staff report dated September 28, 2020. .
2. That the Mayne Island Local Trust Committee Bylaw 178, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2019” be read for a second time as amended.
3. That Mayne Island Local Trust Committee Draft Bylaw 177 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.1, 2019” be read for a second time.
4. That the Mayne Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw 178, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2019” and Mayne Island Local Trust Committee Draft Bylaw 177, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.1, 2019”.

REPORT SUMMARY

Draft bylaws 177 (OCP) and 178 (LUB) have been drafted in response to an application made by the Capital Regional District (CRD) to amend the OCP designation and zoning on a waterfront property that has been donated for park purposes, from a residential designation/zone to a community park designation/zone. Before second reading, an amendment to the site specific regulations identifying the maximum combined area of all buildings and structures that reflects the area of existing structures is recommended.

BACKGROUND

An application to rezone the residential property was submitted by the CRD in May 2018. The application proposed to amend the OCP designation (Bylaw 177) and zoning (Bylaw 178) on the property, which had previously been used as a residential property, to a community park designation/zone. There is a covenant on

the property that restricts the use to park. Additional background can be found in previous staff reports posted on the Islands Trust webpage: [Current Application Documents - Islands Trust](#).

The property is vacant except for parking, stairs to the beach, walking trails, garden area, signage, a vault toilet, two accessory buildings and two 1200 gallon water tanks on wooden platforms. The house used by the previous owners was removed by the CRD.

After reviewing the initial staff report and draft bylaws at the January 28, 2019 LTC meeting, the LTC amended bylaw 178 to allow for “no further buildings”:

It was Moved and Seconded,

that Mayne Island Local Trust Committee amend draft Bylaw 178 to reduce structures to a total of 200 square feet.

Bylaw 178 was read for the first time with 18.5m² (200ft²) identified in site specific regulations as the maximum allowed combined floor area of all buildings and structures. Bylaw 177 was also read for the first time (see Attachment 2).

Responding to concerns raised by the CRD and the Mayne Island Parks Commission that the total combined square footage of existing buildings was more than 200 square feet, the LTC requested that the size of the existing structures be clarified. Staff agreed to undertake measurement of the structures and report back to the LTC with any amendments to the Bylaw prior to agency referrals and scheduling of a Public Hearing.

Planner Chadwick and Justine Starke (CRD) measured the buildings together on July 22th, 2020. Additional measurements were made by Bylaw Officer Daniel Schneider. These measurements were compared to measurements provided by the Mayne Island Parks Commission and contained in an attachment to a letter dated September 14th, 2019 (see Attachment 3).

The total combined square footage of the existing buildings and structures (vault toilet, garden shed, storage shed including lawnmower shelter and water tank platforms) is 43.7m² (470ft²). These calculations include roof over hangs. It appears that the measurements provided by the Mayne Island Parks Commission may not have included roof over hangs.

It appears that the bylaw was initially drafted to restrict *floor area*, which is applicable only to buildings, rather than coverage of all structures on the lot. The proposed amendment to Bylaw 178 would limit the combined area of all structures to the current coverage (see Attachment 1).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

At the March 25, 2019 LTC meeting:

It was Moved and Seconded,

that the Mayne Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 177 cited as “Mayne Island Official Community Plan Bylaw No, 144,

2007, Amendment No. 1, 2019” and Bylaw 178 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2019”, as amended, are not contrary or at variance with the Islands Trust Policy Statement.

Official Community Plan:

The application also involves an amendment to the OCP designation. This amendment is contained in Bylaw 177 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.1, 2019” which has been given first reading. No amendment to Bylaw 177 (see Attachment 2) is being proposed at this time.

Land Use Bylaw:

See Attachment 1 for recommended Land Use Bylaw amendment.

Islands Trust Conservancy :

No Island Trust Land Conservancy interests have been identified.

Issues and Opportunities

Bylaws 177 and 178 have received first reading. If the LTC amends Bylaw 177, staff would refer the bylaws to appropriate agencies for review and comment. This would include a further referral to First Nations (letters were sent earlier this year with no responses received). Staff are also recommending proceeding to public hearing, subject to completion of the referral process. The LTC had previously identified that it wished to consider amendments to maximum area of structures prior to staff initiating referrals.

An email was recently received from the Mayne Island Parks Commission (MIPC) reiterating their interest in there being no site specific regulations. They are concerned that the limitation on the combined floor area of building and structures will limit the ability of the MIPC to manage the park to meet changing needs of the community. These interests were expressing in their September 14, 2019 letter to the LTC (Attachment 3) which was attached to the recent email.

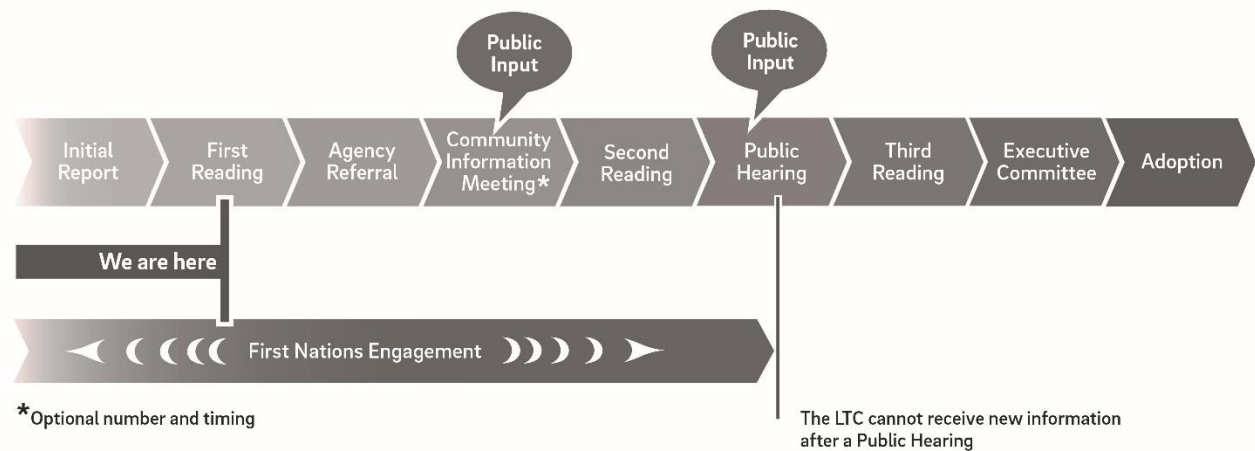
Consultation

In accordance with statutory requirements, a public hearing is required. It is common practice to hold a Community Information Meeting (CIM) prior to the public hearing. In this circumstance, staff is recommending scheduling a CIM in conjunction with the public hearing. This would be scheduled once the proposed bylaw referrals are complete but staff are recommending that the Local Trust Committee gives direction to hold a public hearing.

The public hearing notice will be posted in the newspaper, mailed and hand delivered to surrounding property owners, and posted on notice boards as per statutory requirements in advance of the public hearing.

Given the need to adhere to COVID-19 protocol the LTC has both the legal and technical ability to conduct a public hearing electronically should the public hearing be scheduled while social distancing requirements are in place. The LTC may choose to wait to set the public hearing date for a time when the public health authority allows social gatherings of numbers reflective of the potential size of a public hearing on Mayne Island.

Timeline



Agencies

The agencies and First Nations listed below have been identified for referral of bylaws; the LTC may also direct staff to include other agencies not listed. Additionally, the LTC may choose to refer the proposal to the advisory planning commission.

Galiano Island LTC	Penelakut Tribe
Saturna Island LTC	Semiahmoo First Nation
North Pender Island LTC	Tsartlip First Nation
Ministry of Transportation and Infrastructure	Tsawout First Nation
Cowichan Tribes	Tsawwassen First Nation
Halalt First Nation	Tseycum First Nation
Lake Cowichan First Nation	CRD
Lyackson First Nation	Mayne Island Parks Commission
Pauquachin First Nation	

First Nations

At the March 25, 2019 LTC meeting staff was requested to forward the draft bylaws to First Nations for review and comment prior to referral to other agencies. Staff sent letters to the relevant First Nations inviting comment or asking if further consultation was needed. At this point no comments have been received from First Nations.

At the May 25, 2020 LTC meeting the LTC requested that a visit to the site with Senior Intergovernmental Advisor Lisa Wilcox, CRD staff, Chair Dan Rogers, Trustee Dodds and Mayne Island Park Commission representatives be organized to understand the cultural significance of the area. A site visit was organized with Harold Joe, a cultural consultant and member of Cowichan Tribes on July 22, 2020. Harold pointed out

indicators of cultural history including rock formations indicating a potential cooking area, midden, and a number of culturally modified trees. A local ethnobotanist pointed out the unique proliferation of wild blueberries and the significance of the area for harvesting.

Staff will continue to consult with the Senior Intergovernmental Advisor regarding First Nations consultation and issues that may be identified by First Nations with respect to this application.

Rationale for Recommendation

- The maximum allowed combined area of all structures should not be less than what currently exists in order to avoid confusion and additional process.
- The Bylaw should be amended prior to referral to agencies.
- The park is well suited to a nature appreciation park with limited development.
- There has been no response from First Nations following preliminary consultation.
- The lot is currently designated as Rural in the OCP and zoned Rural in the LUB. Bylaw 177 and 178 will place the lot in the appropriate park designation/zoning.

ALTERNATIVES

1. Proceed with second reading, referral and public hearing without amending Bylaw 178

The LTC may choose not to amend bylaw 178 and proceed straight to second reading, referral and public hearing.

2. Request further information before proceeding

The LTC may request further information before proceeding. If this direction is taken the type of information needed should be specified in the resolution.

3. Refer staff report to the Advisory Planning Commission (APC)

The LTC may choose to refer the staff report to the APC.

NEXT STEPS

- 1) Refer Draft Bylaws to First Nations and Agencies
- 2) Schedule a Public Hearing

Submitted By:	Narissa Chadwick, Island Planner	September 17, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	September 17, 2020

ATTACHMENTS

1. Proposed Bylaw 178
2. Proposed Bylaw 177

3. Letter from MIPC (September 2019)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 178

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, 2019”.

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 The Table listing “Site Specific Regulations” in subsection 5.17(6) is amended by adding the following immediately after Site Specific Zone P(a):

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
P(b)	South West $\frac{1}{4}$ of the North east $\frac{1}{4}$ of Section 14, Mayne Island, Cowichan District, except Parcel G (DD89729I)	Despite 5.17(2) the maximum combined area covered by all buildings and structures shall not exceed 44 m ² (474 ft ²).

2.2 Schedule “B” – Zoning Map, is amended by changing the zoning classification of the South West $\frac{1}{4}$ of the North east $\frac{1}{4}$ of Section 14, Mayne Island, Cowichan District, except Parcel G (DD89729I) from Rural (R) to Community and Regional Park P(b) as shown on Plan No. 1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as are required to effect this change.

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 25TH DAY OF MARCH 2019

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

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 177

A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

The Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2019”.

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, 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	25 TH	DAY OF	MARCH	2019
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____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING				
THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177**

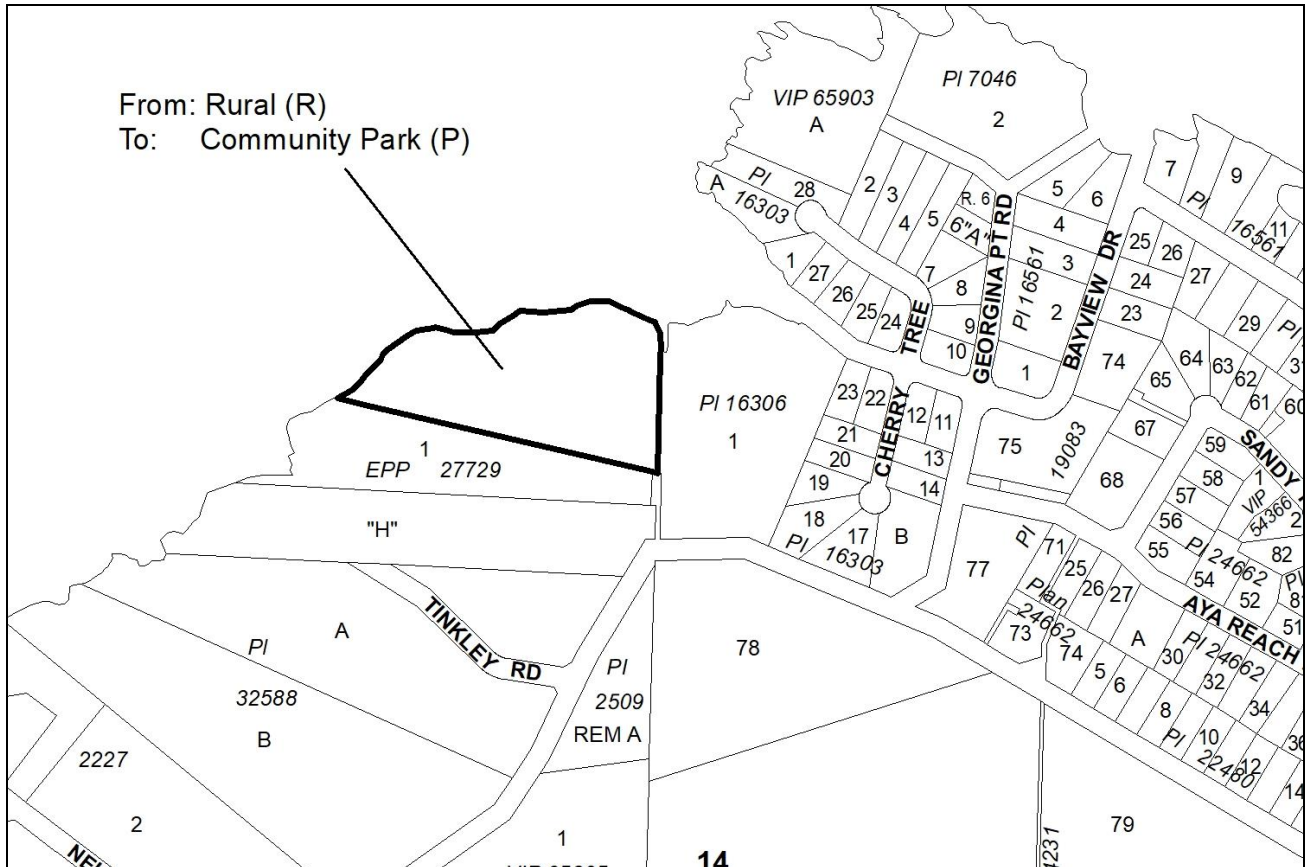
SCHEDULE 1

The Mayne Island Official Community Plan No. 144, 2007, is amended as follows:

1. By amending Schedule B by changing the land use designation on the South West $\frac{1}{4}$ of the North east $\frac{1}{4}$ of Section 14, Mayne Island, Cowichan District, except Parcel G (DD89729I) from the Rural (R) land use designation to the Community Park (P) land use designation as shown on Plan No. 1, which is attached to and forms part of this bylaw.

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 177

Plan No.1





September 14, 2019

Mayne Island Local Trust Committee
Islands Trust
Mayne Island, BC V0N 2J1

Dear Sirs/Mesdames:

RE: Bylaw Amendment Application – Rezoning of Fred and Bette Cotton Community Park (“Cotton Park”) from “Rural” to “Park”

The Mayne Island Parks and Recreation Commission (“MIPRC”) is writing to request the Mayne Island Local Trust Committee (“LTC”):

1. approve the Bylaw Amendment Application as filed with no site-specific regulations. This meets the public’s wishes for the park, as heard in our consultation process set out below; and
2. amend the proposed bylaw to remove restrictive floor area requirements that will render existing buildings and structures legal non-conforming.

FRAMEWORK

The Capital Regional District (“CRD”) Board delegated to the MIPRC all of the administrative powers of the Board “with respect to the **development**, maintenance and **operation** of all community parks and the organization and conduct of recreational programs”...pursuant to CRD Bylaw No. 3488 dated November 14, 2007. The bylaw provided for a continuation of a joint MIPRC created in the late 1980’s.

The current Mayne Island Land Use Bylaw definition of Park is:

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

Land Use Bylaw s. 5.17 Community and Regional Park (P) Zone provides as follows:

Permitted Uses

- (1) The following uses are permitted...and all other uses are prohibited:
 - (a) Parks;
 - (b) Accessory uses, buildings and structures.

There are no site-specific regulations for any Park except a provision to specifically allow a putting green in Dinner Bay Park.

This definition of Park has served the MIPRC well as it provides a broad definition which covers a range of uses of the various parks under its stewardship. The community parks to date have been developed, well managed and operated by the MIPRC within the definition of Park and the parameters of s. 5.17. MIPRC currently is responsible for 7 significant community parks and several ‘pocket’ parks. The commission is comprised of 8 volunteers and the elected Director of the SGI Electoral District. Over the course of time, the individuals on the commission change but all strive to develop and operate the community parks to meet the needs of the community. There are also changes in community needs, desires and demographics which the MIPRC tries to satisfy only after community consultation. Thus, there is great value and efficiency in governing pursuant to bylaws and definitions which allow for latitude and changing needs.

COTTON PARK

The 8-acre property was residential and included a home of approximately 2,500 square feet in which Fred and Bette Cotton resided; several accessory buildings; gardens and landscaping. At the time of donation in 2015, it was stipulated that the land be dedicated as a Mayne Island Community Park and named the Fred and Bette Cotton Community Park.

COMMUNITY CONSULTATION

The MIPRC recognized the need to consult with the community with respect to the future development of the park. In March 2016, the entire community was invited to an open house at the park and a questionnaire designed asking for input on a variety of topics.

“It is considered vital to have as much community involvement as possible and so the invitation [to the Open House] will be disseminated in as many ways as is workable including the MayneLiner magazine and various social media sites....two full pages be reserved in the March issue of the MayneLiner for the invitation to the open house and the questionnaire.”

MIPRC Minutes - February 10, 2016

The questionnaire asked what were one’s priorities for the park. Of the 57 questionnaires completed, 25 (44%) wanted the existing home and buildings upgraded for public use. Suggested public use included art shows, music and weddings. Others wanted the property used for event rentals. Approximately 75% of those completing the questionnaires were residents as opposed to weekenders or visitors.

When the MIPRC pursued the possibility of upgrading the home for public use based on their community consultation, the list of deficiencies and the cost to upgrade was held to be prohibitive. An anonymous donor offered to pay up to \$40,000 in demolition costs.

“This individual is concerned about the Commission spending scarce resources on demolishing the residence and would far rather we focused what capital we have in positive directions such as seed money for a possible replacement structure at some point in the future.”

MIPRC Minutes – October 12, 2016.

The house was demolished in July 2017. Subsequently, the MIPRC determined that a gazebo type structure should be built including a wall for memorial plaques. This plan is currently on hold.

Thus, in a four-year period, there was a building nearly 50% of respondents wanted to upgrade for public use; a demolition funded in order that capital may be preserved for a replacement building sometime in the future; a recommendation to build a gazebo type structure and the current signage stating “Wildlife Refuge”.

BYLAW AMENDMENT APPLICATION FORM

As the property was zoned “Rural” but intended to be used as a community park a Bylaw Amendment Application Form (“Form”) was submitted by the MIPRC and the owner, the CRD.

The Form Section 4 requests an amendment of the Official Community Plan (“OCP”) designation from “Rural” to “Park” and an amendment of the Land Use Bylaw zoning from “Rural” to “Park”. The application does not request any changes to the definition of Park in the OCP or the Land Use Bylaw nor request any site-specific regulations.

Of significance is Section 6 which attaches the restrictive covenant on the property. Terms of the instrument include the following:

1. The Grantor will use the Lands for park purposes only in accordance with the terms of this Covenant.
2. For certainty, and without limiting the ordinary meaning of the expression “park purposes”, the Grantor may use the Lands and the improvements thereon, including the house, driveway, water supply system, and septic field (the “improvements”) for community, social, and recreational events and may levy fees and charges for such uses as the Grantor deems appropriate....
10. The restrictions and covenants herein contained will be covenants running with the Lands and shall be perpetual...

This wording demonstrates it was intended that the park may be used for a variety of purposes and events and the covenants run with the lands in perpetuity. Consideration should be given to the wishes of the grantor (donor)/grantee which support the community as a whole.

Section 7 states there are no plans at present to replace the structure. While the current MIPRC does not have plans to replace the house, as noted above, in keeping with the intent of the land donation, a gazebo like or other structure may be of benefit and would be constructed in accordance with the lot coverage restrictions in the P Zone.

Section 9 requests the reasons in support of the bylaw amendment and to report on any community consultation you have undertaken. Our application submission did not reference the previous consultation undertaken by MIPRC, although we realize it should have. We respectfully request our comments on this topic be taken into your consideration of the bylaw amendment application.

REZONING PROCESS TO DATE

Draft bylaws to rezone Cotton Park into existing park zones were presented at the January 2019 meeting of the LTC. As applicants, we were not informed of the application being on the meeting agenda nor extended an offer to attend.[Title]

A trustee raised the concern that the sense from the community was that Cotton Park be a passive park and suggested an addendum to the application of “no further buildings”. The planner presented amended bylaws at the March 2019 meeting of the LTC recommending structures be limited to 400 square feet, however the LTC decided to further limit structures to 200 square feet.

The MIPRC carried out formal community consultation with respect to the desires of the community for the park. There was considerable support that the park be used for community events.

The MIPRC then requested that the LTC defer further discussion of the application until September 2019 which was granted and gratefully accepted. In addition, the MIPRC were in the process of updating their Parks Master Plan which may have a bearing on the rezoning application.

PARKS MASTER PLAN

The current Parks Master Plan is approximately 20 years old. The committee working on updating the plan has recommended it be updated every 5 years. This allows the plan to address short- and medium-term goals as well as being adaptive and responsive to community needs which are identified through a public engagement process. The flexibility provided by the current zoning bylaw accommodates the long term while a 5-year Parks Master Plan accommodates the short to medium term. The plan can be updated without requiring time consuming zoning changes (assuming it is removed as Schedule H to the OCP).

As a result, the MIPRC does not believe the Parks Master Plan, when updated, should affect the current application which requested a rezoning to “Park” without site specific regulations.

EXISTING BUILDINGS AND STRUCTURES

We would like to draw to the attention of the LTC the existing size of buildings and structures on the property and to consider the need for related additions.

The attached Appendix 1 shows the approximate measurements of what would appear to qualify as buildings and structures (all of which are in use) for purposes of the zoning bylaw. The current square footage of existing structures including water storage on platforms is 426 square feet. In our respectful submission, it is unnecessary to create legal non-conforming structures due to restrictions on structure square footage which would be the case under the current LTC bylaw proposal.

Consideration should also be given to the need for related additions such as the following:

1. The MIPRC is currently undergoing discussions with the Mayne Island Conservancy Society with respect to a stewardship plan for the property. Due to the stress on the land

likely due to climate change drought, the stewardship plan will include a restoration program. It may be useful to have an additional water storage tank to aid in this endeavour.

2. The gardens which are a feature of the park and enjoyed by residents and visitors alike may benefit from the addition of a water storage tank and greenhouse.
3. The number of visitors to the island is increasing annually and MIPRC can attest to the fact due to the increase in demand on the washrooms. The custodian of the washrooms has indicated that the increase in usage is 30% over the previous year, and that is 30% over the second previous year. On busy weekends, there is often a lineup to use the washrooms in some parks. There is only one vault toilet at Cotton Park. It would be forward looking to allow the addition of a second vault toilet.
4. The need to consider future implications of zoning restrictions is clearly evident in the case of Pender Island. A shelter used by players at the disc golf park was taken down in 2018 however could not be replaced as the property was not zoned for “buildings and structures accessory to sports events”. This necessitated an application for a Temporary Use Permit in order to rebuild the shelter until the lengthy rezoning process could be completed. See Appendix 2.

These examples demonstrate the MIPRC’s need for flexibility to best manage this park.

CONCLUSION

In the spirit of acknowledging the ability of current and future MIPRC commissioners to develop, maintain and operate all community parks in a manner which balances the preservation of the natural environment and the needs and desires of our community we respectfully request the following:

1. the Bylaw Amendment Application be approved as filed with no site-specific regulations which respects the wishes of the community pursuant to our consultation process; and
2. the limitation on floor area of all building and structures which would render the current buildings and structures legal non-conforming be removed.

Thank you for the opportunity to present the position of the MIPRC and your kind consideration of our request. We look forward to and welcome the next step in the rezoning process which includes consultation with First Nations.

Yours truly,

Bill Duggan, Chair
Mayne Island Parks and Recreation Commission

APPENDIX 1
COTTON PARK EXISTING STRUCTURES

Approximate measurements: July 16, 2019

Confirmed by Bill Duggan, Chair, MIPRC: August 24, 2019.

1. Vault toilet

- a. $4'3'' \times 4'11'' = 21 \text{ sq. ft.}$

2. Garden shed

- a. $16'6'' \times 9'6'' = 157 \text{ sq. ft.}$

3. Storage shed

- a. $6'3'' \times 7'6'' = 47 \text{ sq. ft.}$

4. Shed roof structure

- a. $13' \times 3'6'' = 46 \text{ sq. ft.}$

5. Water storage tanks

- a. Two 1200-gallon water storage tanks 5' high and standing on a platform 2' high = 7'. Area of platform: $8'7'' \times 18' = 155 \text{ sq. ft.}$
- b. One water storage tank 5' high, partially buried

Total square footage of existing structures including water storage facility: 426 sq. ft.

APPENDIX 2

PENDER ISLAND EXPERIENCE

The following is an excerpt from the Agenda Package of the North Pender Island Local Trust Committee Regular Meeting Agenda, January 31, 2019, pp. 26-27. (Emphasis added)

In summary, the above recommendation for the issuance of the TUP is supportable as, the structures are necessary and reasonable in support of the disc golf use in the park which is long established on the subject property and is important to the community; the structures are in replacement of an older structure that was removed; and the TUP is intended only as interim measure prior to a rezoning application on the subject; there has been one positive response to date from the notification to neighbouring properties.

BACKGROUND The application will facilitate the construction of two (2) separated open shelters, each 9.2 m² (99 ft²) in size. These will be accessory to the disc park use that is long established on the subject property. **The shelters are to replace an existing shelter (approximately 40 years old) that was removed by the CRD in the spring of 2018 for safety reasons.** The disc park is an important facility in the community and one which also hosts numerous tournaments. Having a shelter(s) is an important facility particularly during months of poor weather. **The current Community Park 1 (CP1) zone on the subject portion of the property does not permit (unlike the Community Park 2 (CP2) zone) “buildings and structures accessory to sports events”.** Therefore, **in order to legalize the replacement of the shelter, the Pender Islands Parks and Recreation Commission applied to have the shelters 26 Islands Trust Staff Report 2 included as part of a current rezoning application (NP-RZ-2018.3) on the property** that was initially intended to facilitate a lawn bowling facility by the ball park. **The timeframe for a rezoning can typically take a year or more, and given that the PIPRC has funding, supplies and volunteer labour at hand, waiting for that long would be undesirable to the applicant and the community of disc park users. A temporary use permit is the most appropriate mechanism to allow the structures get built in the short term in advance of the rezoning being finalized.** Additionally, the process requires consultation with the neighbouring properties and the larger community (see ‘consultation’ –below). This could potentially provide specific feedback on the suitability of the proposed location and identify any issues that can inform both the rezoning moving forward.



Islands Trust

BYLAW REFERRAL FORM

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

Island: Saturna Island Local Trust Area Bylaw No.: 132 Date: August 20, 2020

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

APPLICANTS NAME / ADDRESS:

Saturna Island Local Trust Committee

PURPOSE OF BYLAW:

The intent of the bylaw amendment is to revise the Saturna Island Official Community Plan to include wording in acknowledgement and reconciliation of First Nations place, context and inherent rights.

The proposed amendment is consistent with the reconciliation objectives of the Islands Trust and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); as well as Bill 41 *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*.

Additional project information and staff reports are available on the Saturna Island First Nations Relationship Building project webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/saturna/projects-initiatives/first-nations-relationship-building/>

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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

Name: Brad Smith

BSmith

(Signature)

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

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Municipal Affairs & Housing - Planning and Land Use
Management
Ministry of Indigenous Relations and Reconciliation

Adjacent Local Trust Committees and Municipalities

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

First Nations

BOKEĆEN (Pauquachin) First Nation
MÁLEXEL (Malahat) Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
SĀAUTW (Tsawout) First Nation
Tsawwassen First Nation
T'Sou-ke Nation
WJOŁELP (Tsartlip) First Nation
WSIKEM (Tseycum) First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Saturna Island Local Trust Area

(Island)

132

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 132

A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 70, 2000

The Saturna Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2020”.

2. SCHEDULES

Saturna Island Official Community Plan No. 70, 2000 is amended as shown on Schedule 1, 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	9 TH	DAY OF	JULY	2020
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
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF		20
ADOPTED THIS		DAY OF		20

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 132**

SCHEDULE 1

The Saturna Island Official Community Plan No. 70, 2000, is amended as follows:

1. Schedule A of the Saturna Island Local Trust Committee Bylaw No. 70, cited as, “Saturna Island Official Community Plan Bylaw No. 70, 2000” is amended by inserting the following text immediately below Part A – Introduction and preceding A.1 Review Process for the Plan:

Coast Salish Peoples, including the W̱SÁNEĆ, have lived and resided on or near Saturna Island since time immemorial.

The history of Coast Salish Peoples is sustained in the language, place names, village sites, cultural and sacred sites that encompass the whole of the Islands Trust Area. Coast Salish Peoples have seen and lived the transformation of their lands and waters since contact. This tide of change has greatly impacted the eco-system that sustained them, and the cultural heritage of the first peoples of the Salish Sea. Coast Salish Peoples have and will continue to be a thriving people, government, and community, connected to the lands and waters through spiritual, cultural, and traditional knowledge for generations to come.

The W̱SÁNEĆ Peoples speak a language called SENĆOŦEN, and have a rich and vibrant economic, social, cultural, and spiritual life that is connected to these lands and waters. The lands and waters of the W̱SÁNEĆ Peoples is enriched with history, place names, village sites, cultural sites, and sacred sites and the islands and waters form the basis of their language, culture, and spiritual life within the Salish Sea.

Saturna Island is the location of the S̱ÁUTW (Tsawout) First Nation and W̱SIKEM (Tseycum) First Nation reserve #7. The importance and inherent rights and jurisdiction that this area holds to the W̱SÁNEĆ Peoples continues now and into the future and the stewardship of these lands and waters for their children’s children endures.



Islands Trust

BYLAW REFERRAL FORM

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

Island: Galiano Island Local Trust Area Bylaw No.: 275 Date: September 16, 2020

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

APPLICANTS NAME / ADDRESS:

Galiano Island Local Trust Committee

PURPOSE OF BYLAW:

The Galiano Island Local Trust Committee (LTC) is reviewing short term vacation rental (STVR) bylaws and land uses in the Galiano Island Local Trust Area (LTA). This work is part of a more broadly-scoped LTC project on affordable housing.

Based on the results of the STVR review, the LTC is now proposing amendments to the Galiano Island Official Community Plan Bylaw No. 108, 1995 (OCP), to restrict the issuing of Temporary Use Permits (TUPs) for STVR land uses in the Galiano Island LTA. The proposed changes will not affect home occupation STVRs.

Additional project background, including staff reports and results of community engagement, are available on the STVR review project webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/projects-initiatives/2019-stvr-review/>

GENERAL LOCATION:

Galiano Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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

BSmith

(Signature)

Name: Brad Smith

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

PLEASE TURN OVER

This referral has been sent to the following agencies:

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

Gambier Island Local Trust Committee

Mayne Island Local Trust Committee

Salt Spring Island Local Trust Committee

Thetis Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation - TE'Mexs Treaty Association

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Galiano Island Local Trust Area

(Island)

275

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 275

A BYLAW TO AMEND GALIANO ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995

The Galiano Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2020”.

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, 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	1 ST	DAY OF	JUNE	2020
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____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 275**

SCHEDULE 1

The Galiano Island Official Community Plan No. 108, 1995, is amended as follows:

- 1) Section VII, Subsection 1 (Circumstances) is amended by inserting a new article (iii) as follows:

“iii) A Temporary Use Permit shall not be issued by the Local Trust Committee for the purpose of a commercial vacation rental.”

- 2) Section VII, Subsection 2 (Objectives) is amended by deleting article iii in its entirety.
- 3) Section VII, Subsection 2 (Objectives) is amended by reordering article iv as article iii.



August 27, 2020

TO: Mayne Island Local Trust Committee

FROM: William Shulba, P.Geo
Local Planning Services

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Update on Southern Gulf Islands Groundwater Sustainability Strategy

PURPOSE

The purpose of this memorandum is to update the participating Local Trust Committees (LTC) on the *Southern Gulf Islands Groundwater Sustainability Strategy Project (Project)*.

BACKGROUND

The purpose of the *Project* is to identify evidence-based adaptation measures to protect aquifers and preserve groundwater dependent communities and ecosystems in a changing climate. With vulnerabilities of seasonal precipitation changes, evapotranspiration forcing, recharge alterations, and saltwater intrusion, groundwater resources are a metric of climate change. Protection of aquifer recharge areas is identified in the Policy Statement and this project advances that commitment.

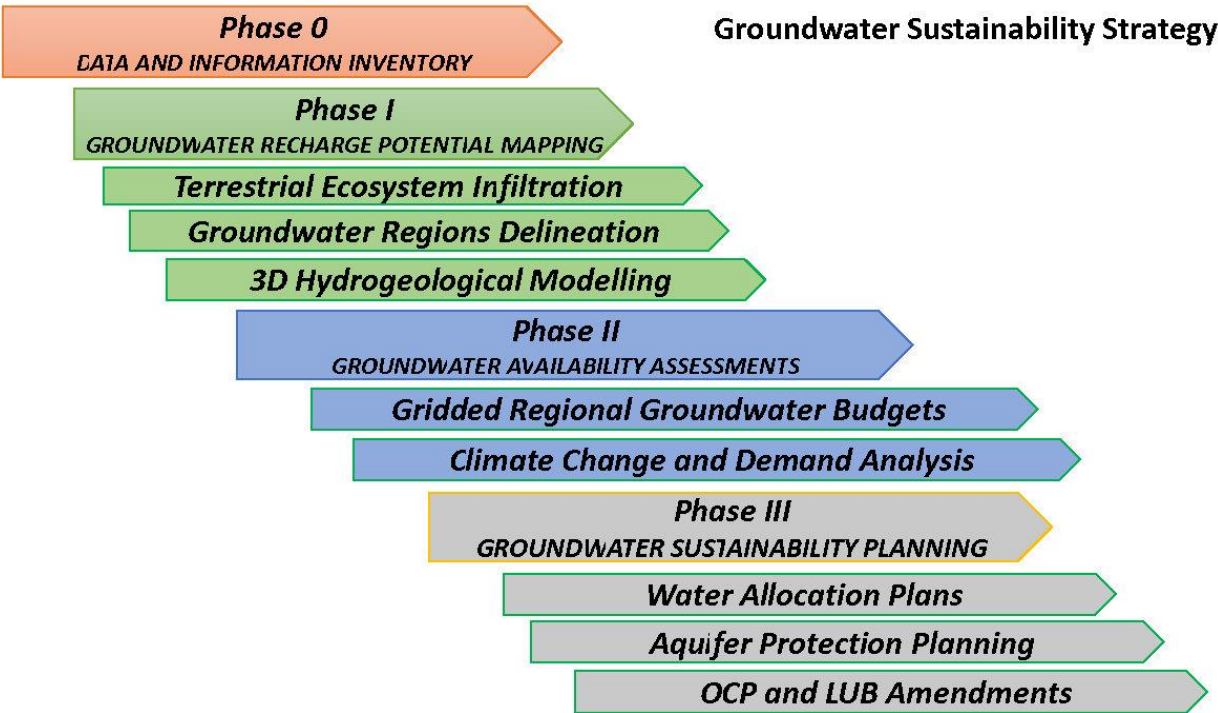
Groundwater is a unique amenity supporting ecosystem health and overall hydrological function of watersheds. Southern Gulf Island Local Trust Committees have identified groundwater resources as a priority in their Official Community Plans and as part of land-use applications over the past decades. In March 2019 the Islands Trust Council declared a climate emergency in the Islands Trust Area, directing staff to include a central focus on equitable climate change mitigation, adaptation, and resilience into strategic planning. Actions with respect to an ecosystem vulnerability approach to groundwater sustainability strategy have been recommended by previous researchers, and the Province of BC supports deep collaboration in groundwater focused projects at the Local Government level, expressing interest as an external partner in this sustainability strategy.

The Southern Gulf Islands Groundwater Sustainability Strategy is a project of the Galiano, Mayne, North Pender, Saturna, South Pender local trust committees. Each LTC endorsed a master project charter that included several phases. The project was awarded to GW Solutions in November, 2019 with project work commencing in December 2019 with preliminary deliverables provided throughout fiscal year 2019/2020 with primary research offered by Senior Freshwater Specialist including but not limited to terrestrial ecosystem infiltration mapping.

In May 2020 the Local Planning Committee endorsed a project charter for the *Trust Council Freshwater Sustainability Strategy*, a strategic priority project with focused analysis of where Islands Trust currently is with addressing freshwater priority, where scientific and policy gaps exist, challenges to be addressed and opportunities to move forward for long-term freshwater sustainability strategies. Groundwater sustainability projects have been ongoing in Islands Trust since 2018 with major projects occurring throughout the Islands Trust Area at different times under different LTC top priorities. It is a goal of the *Trust Council Freshwater Sustainability Strategy* to harmonize the efforts of the groundwater-focused projects into a cohesive and progressive framework for the organization. It is anticipated that sustainability strategy planning will embrace, rather than deviate, from the phased approach used in the Southern Gulf Islands Groundwater Sustainability Strategy.

In July 2020, Islands Trust received peer reviews of the Gulf Islands recharge potential methodology from the Hornby Water Stewardship, Salt Spring Island Watershed Protection Alliance, Provincial Hydrogeologists, Dr. Diana Allen of Simon Fraser University, and Dr. John Cox of Mount Royal University. Those peer reviews were favourable of the current methodologies with supporting statements in principle with commentary, concerns, and recommendations on details of certain methods.

Forthcoming contracted professional reviews of the recharge methodology and groundwater budget assessment will be submitted by Mr. Allan Daikin P.Eng, Mr. Allan Kohut P.Eng, Mr. Mike Wei P.Eng, Western Water Associates, and Dr. James Henderson P.Geo in the fall of 2020. These reviews will be considered and implemented in as part of this project.



ANTICIPATED TIMELINES FOR THE PROJECT

The project is currently underway in the review phase. Here is a timeline of past and future events for the project.

Project Initialization Report	February 28, 2019
Master Project Charter	July 2, 2019
Request for Proposal	October 10, 2019
Contract Awarded	November, 2019
Project Deliverables	March, 2020
Updated Draft Report	May, 2020
Peer (Volunteer) Reviews	June – July 2020
Professional (Contracted) Reviews	August – October 2020
Deliverables Finalization	October – November 2020
Final Staff Report	December 2020 (depending on the nature of review)

File No.: 11-08-6500-20_2019
Technical Review

DATE OF MEETING: September 28, 2020
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Land Use Bylaw Technical Review

RECOMMENDATION

1. That second reading of Bylaw No. 180 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020” be rescinded.
2. That the Mayne Island Local Trust Committee amend Bylaw No.180 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020” in accordance with Attachment 1 of the staff report dated September 28, 2020.
3. 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 second time as amended.
4. 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 bylaw amendments to address new topics to be considered as part of the Mayne Island LUB technical review.

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.

A draft bylaw given second reading at the July 27, 2020 LTC meeting. Since that time there have been three additional issues that have emerged to be considered as part of the LUB technical review. These issues are: derelict vehicles, wooden patios and the rezoning of St. John’s Point Park.

ISSUES AND PROPOSED AMENDMENTS

1. Derelict Vehicles

Local Trustees have identified the existence of derelict vehicles on small lots as an emerging issue. While most Southern Guild Islands have a regulation related to derelict vehicles the Mayne Island LUB does not. Given the prevalence of small lots on Mayne Island, the Local Trustees have indicated an interest in addressing derelict vehicles specifically on small lots. The following suggested amendment is similar to what is contained in the North Pender Island LUB which was recommended by the Bylaw Enforcement Manager as the best model.

Recommended amendment:

3.14 Derelict Vehicles

Lots under 1 acre/ 0.4 hectares shall not be used for:

- (1) the storage of more than one unlicensed motor vehicle, unless the vehicles are stored within a permitted building;*
- (2) the wrecking or storage of derelict or abandoned vehicles, trailers or other discarded machinery or equipment; and*
- (3) the storage of detached or salvaged motor vehicle parts or scrap, unless the parts are stored within a permitted building that is completely enclosed.*

While this would address derelict vehicles on smaller lots, given environmental and aesthetic concerns with derelict vehicles staff would recommend applying the regulation to all lots, regardless of size.

2. Wooden Patios

The topic of wooden patios can up with respect to a DVP application (MA-DVP-2020.6 (Beardsley)) relating to the siting of two structures in setbacks, one of which sat on a low to the ground wooden platform. In total the property had three structures none of which were confirmed to be a dwelling by the applicant. As zoning only allows for two structures to be permitted on the lot without a dwelling and given that a DVP can not vary use or density the DVP could only be issued for one of the buildings – the “Open Storage Shed”. As a condition of the DVP the other structure including the wooden platform is required to be removed.

The wooden platform is considered a structure under current regulations. Unless exempt from the definition of structure or otherwise allowed, structures are not permitted in setbacks.

This raised questions with Trustees at the July 27, 2020 meeting related to the definition of “structure” which, while including a low to the ground wooden platform/patio, excludes concrete and asphalt paving which have the potential to have more environmental impact than a low to the ground wooden structure. Resulting from this discussion :

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to propose language in Bylaw 180 review relating to definition of a “structure” as it relates to low level stand alone wooden decks.

Staff do not recommend omitting low level stand-alone decks from the definition of structure: this could result in this type of structure being built to any size and anywhere on a lot having negative impacts on neighbours and the environment (e.g. within the setback from the sea). Currently, if a property owner wants to place a structure in a setback they can apply for a DVP if they have not exceeded the maximum number of structures permitted. DVPs provide the opportunity to grant site specific permission with conditions.

One trustee suggested introducing a definition of “patio” and excluding patios from setback restrictions. Should the LTC want to support this approach staff recommend that:

- 1) ***A patio not be excluded from the definition of structure.*** This may result in “patios” being build in areas that may have negative impacts.
- 2) ***The size of a patio permitted in a setback be limited to 100ft².*** This will prevent expansive “patios” to be built that may have negative impacts. Property owners would be able to apply for a DVP if they wished to expand the size of their “patio” within a setback from lot lines.
- 3) ***A patio not be permitted in the setback from the sea.*** Allowing anything in the setback from the sea can impact the shoreline environment and be vulnerable to sea level rise and large storm events.

Suggested Amendment:

Should the LTC choose to address this issue through including a new definition for “patio” and considering staff recommendations the proposed amendment is as follows:

- 2.1 Adding the definition of “Patio” to read *“A patio is a horizontal developed area constructed directly on the ground, which can be attached or detached from a building. A patio may not exceed a maximum height of 45 cm above natural grade and may not have walls, railings or a roof.”*

Amending 3.3 Siting and Setback Regulations (2) to add “patio of up to 10m²” after “fence” and before “utility line”. The change would read as follows: *(2) No building or structure, except a fence, a **patio not exceeding an area of 10m²**, utility line, navigational aid, water storage tank not exceeding 3 metres (10 feet) in height, or utility shed, may be constructed, reconstructed, moved, extended or located within the setback areas established in the regulations in Part 5 of this Bylaw.*

Other Considerations

Given that the impetus to address the siting of “patios” emerged from a concern regarding allowing cement and asphalt paving to exist on all parts of a lot while low level wooden structures that often serve the same purpose but have less impact on the land are prohibited in setbacks. While it is beyond the scope of the LUB technical review, the LTC may want to consider adding a review of cement and asphalt paving to the projects list.

However, the suggested amendment will not address the issue related to the MA-DVP-2020.6 (Beardsley) application until the owner constructs a dwelling, as the number of buildings exceeds the permitted density. The LTC has already requested that bylaw enforcement on the Beardsley property be put on hold for the time being.

3. St. John Point Park Zoning

Following second reading of Bylaw 180 bylaw referrals were sent to a number of agencies including the CRD. In their referral response (Attachment 2) the CRD requested that the rezoning of St. John Point Park to “Park” be included in the LUB technical review. A similar request was made in a letter dated July 31, 2020 (Attachment 3).

St. John Point Park was acquired by the Capital Regional District in 2017 for regional park purposes. The property is zoned “Rural” and “Agricultural”. A “passive recreation park” is permitted in all zones. Proposed amendments to the definition of “park, passive recreation” made as part of the LUB review are as follows:

““Park, passive recreation” means a park which is retained in its natural state other than for walking and hiking trails and signage and no other uses including driveways and parking lots.”

A new subsection 3.1(7) has been added to the draft bylaw as follows:

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

As the CRD points out in their referral response to Bylaw 180, the proposed definition change “excessively limits the provision of basic infrastructure required for a public park, particularly a regional park that serves visitors from both on- and off-island. CRD Regional Parks supports the idea that visitor activities be restricted to passive uses such as hiking and walking trails rather than active uses such as ball fields or bike parks, but a provision for basic facilities for public awareness of the park (park sign, information kiosk), for visitor safety (e.g. off-street parking for bikes and vehicles, managing users in hazardous areas) and for visitor comfort (e.g. a toilet facility) should be permitted. The number of parking spaces should be tied to the size of the park and number of park road access points”.

Local Trustees have raised concern that zoning St. John Point as “Park” may be counter to community interests in it being maintained in a way that focusses primarily on conservation. The St. John Point Regional Park Management Plan indicates that the CRD’s intention is to focus on conservation. It has classified St. John Point Park as a “regional conservation area” with a key management goal being to “conserve the park’s natural environment and significant species”.

As opposed to recommending a specific amendment, a number of options for the LTC to consider have been identified below. The LTC is encouraged to identify an option. Staff will report back with a proposed amendment based on that option.

Options for St. John Point Park

1. Leave current zoning as Agricultural/Rural

While this not CRD’s intention to build housing on the property it remains an option under current zoning. As “Rural (R)” one dwelling unit per lot and one additional dwelling unit for every 4 hectares (10 acres) of lot area greater than 4 hectares is permitted. On cottage per dwelling unit is also permitted and an unlimited number of accessory buildings. Maximum lot coverage is 10%.

The use of the area as “passive recreation park” is permitted. If the proposed change to the definition of “passive recreation park” are made the existing parking space accommodating up to seven cars and the driveway to the parking area will be legally non- conforming. Additions to the driveway and parking area will not be permitted.

If no change to zoning is made CRD may choose to apply to rezone the land independent of the LUB review. This will involve an investment of public money and the use of Islands Trust staff time that may be taken away from project work.

2. Re-zone Under a Currently Existing Zoning Designation

As identified below, are two existing zones that the LTC could consider applying to St. John Point Park. Regardless of which zone is applied to St. John Point Park it would continue to be governed by the CRD's management plan for the park which focusses on conservation. As well, the LTC could opt to create site specific regulations that would limit structures or require other specifications.

A) Community and Regional Park (P)

This zone permits uses, buildings and structures accessory to park uses. Park is defined as "a publically owned lot which is used or intended to be used for the recreation and enjoyment of the public and may be developed with recreational facilities or may be retained in a natural state". Maximum lot coverage is 10%.

The community and regional park zoning currently exists for a number of Parks including CRD's Mt. Parke Regional Park. The nature of these parks vary. In contrast to the recreational nature of the Dinner Bay Community Park (community gathering, baseball, putting green), the key goal of Mt. Parke's classification is to protect key greenspaces that are important to the natural character of the region. Only outdoor activities that are appropriate and compatible with the regional natural area classification are permitted by the CRD.

As with St. John Point Park, CRD Parks has a management plan that governs the use of the park. Uses that deviate from the management plan would not be permitted. Site specific regulations can provide bylaw enforcement support to restricting uses.

B) Regional Conservation (RC)

The "Resource Conservation (RC)" zone in the LUB provides for and regulates "lands reserved and protected for conservation purposes". The RC zone is more restrictive than the Community and Regional Park zone. Lot coverage is limited to 5%. The RC zone permits "conservation areas and ecological reserves" as well as "stairs, walkways, footbridges, fences, signs, and utility sheds".

It has been pointed out by CRD Parks staff that this option may be too restrictive possibly inhibiting the ability to provide maintenance and conservation activities. Site specific zoning could be designed to allow additional uses.

3. Create a "Regional Conservation Park (RCP)" Zone

This option would provide the opportunity to create a zone specific to St. John Point Park. The intended use could be clearly defined with specifics around permitted structures, parking etc. Creating a new zone would require working with the CRD to identify interests and parameters.

Creating a new zone may address the concerns of the LTC regarding the "Community and Regional Park" zone being potentially too permissive to ensure that conservation is a primary focus and the concerns of the CRD about the "Regional Conservation" zone being too restrictive.

Issues and Opportunities

Consultation

Agencies

The proposed amendments do not require additional referral to agencies.

However, should the LTC choose to rezone St. John Point Park it is recommended that CRD Parks staff be engaged in drafting zoning language and that the amended bylaw be re-referred to CRD Parks.

First Nations

If the rezoning of St. John Point Park is considered bylaw referrals may be sent to relevant First Nations.

ALTERNATIVES

1. Make no additional amendments to Bylaw 180.

The LTC may choose to not consider the proposed amendments and proceed to public hearing without making changes at this time.

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".

2. Request further information

The LTC may request further information prior to making a decision. This option will expand the timeline for the completion of the LUB review. 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 provide addition information on.....

3. Make further amendments to Bylaw 180.

The LTC may choose to make further amendments to the amendments proposed.

That the Mayne Island Local Trust Committee request staff to amend Bylaw No.180 cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020" as amended.

4. Pause second reading until October 26, 2020 meeting in order to include St. John Point rezoning amendment.

Should the LTC choose to include St. John Park rezoning in the LUB review it will require an amendment to be drafted and presented at the October 26th, 2020 LTC meeting. While this would push the public hearing and second and third reading ahead (likely not beyond November) it has the potential to reduce the amount of staff time that would be needed to process a formal rezoning application from the CRD.

That the Mayne Island Local Trust Committee request staff to amend Bylaw No.180 cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020" as it relates to the option chosen for the rezoning of St. John Point Park.

NEXT STEPS

If the recommendations are supported by the LTC staff will:

- Schedule a public hearing.

If Alternative 4 is chosen by the LTC staff will:

- Draft amendment to address St. John Point Park rezoning.
- Present amendment to the LTC at the October 26, 2020 meeting.

Submitted By:	Narissa Chadwick, Island Planner	September 4, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	September 10, 2020

ATTACHMENTS

1. Draft Bylaw 180
2. CRD Parks July 31, 2020 letter
3. CRD Parks referral response

PROPOSED

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 adding “and no other uses including driveways and parking lots” to the definition of “Park, passive recreation” after “signage”.

2.4 By deleting “doe” from the definition of “School” and replacing it with “does.”

2.5 By inserting a definition of “Patio” as follows: “A patio is a horizontal developed area constructed directly on the ground, which can be attached or detached from a building. A patio may not exceed a maximum height of 45 cm above natural grade and may not have walls, railings or a roof.”

2.6 By deleting “, and passive recreation parks” from subsection 3.1(2)

2.7 By inserting a new subsection 3.1(7) as follows:

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

2.8 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.”

2.9 By inserting “a patio not exceeding an area of 10m²,” after “fence,” and before “utility line” in section 3.3(2).

2.10 By deleting “Without limiting the generality of subsection 3.6(1),” from subsection 3.6(2).

By inserting “not exceeding 2 metres (6.6 feet) in height” following the word “wall” in article 3.8(1)(c) (Landscape Screening).

2.11 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.

2.12 By inserting a new section 3.14 as follows:

“3.14 Derelict Vehicles

Lots under 1 acre/ 0.4 hectares shall not be used for:

- (1) the storage of more than one unlicensed motor vehicle, unless the vehicles are stored within a permitted building;
- (2) the wrecking or storage of derelict or abandoned vehicles, trailers or other discarded machinery or equipment; and
- (3) the storage of detached or salvaged motor vehicle parts or scrap, unless the parts are stored within a permitted building that is completely enclosed.”

2.13 By deleting “20m² (87ft²)” from subsection 5.9(5) and replacing it with “20m² (215 ft²).”

2.14 By deleting subsection 5.10(10) in its entirety and replacing with “rescinded.”

2.15 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 .

2.16 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;”

2.17 By updating outdated references to the local government act as follows:

- 2.17.1 By deleting the number “946” in Table of Contents page 3 and replacing it with the number “514”.
- 2.17.2 By deleting the number “946” in section 8.4 and subsection 8.4(1) and replacing it with the number “514”.
- 2.17.3 By deleting the number “944” in subsection 8.5(1) and replacing it with the number “512”.

2.18 By adding the phrase “and emergency services” to the definition of ‘Community Wharf’ after “for area residents”

Map Amendments

- 2.19 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.
- 2.20 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.

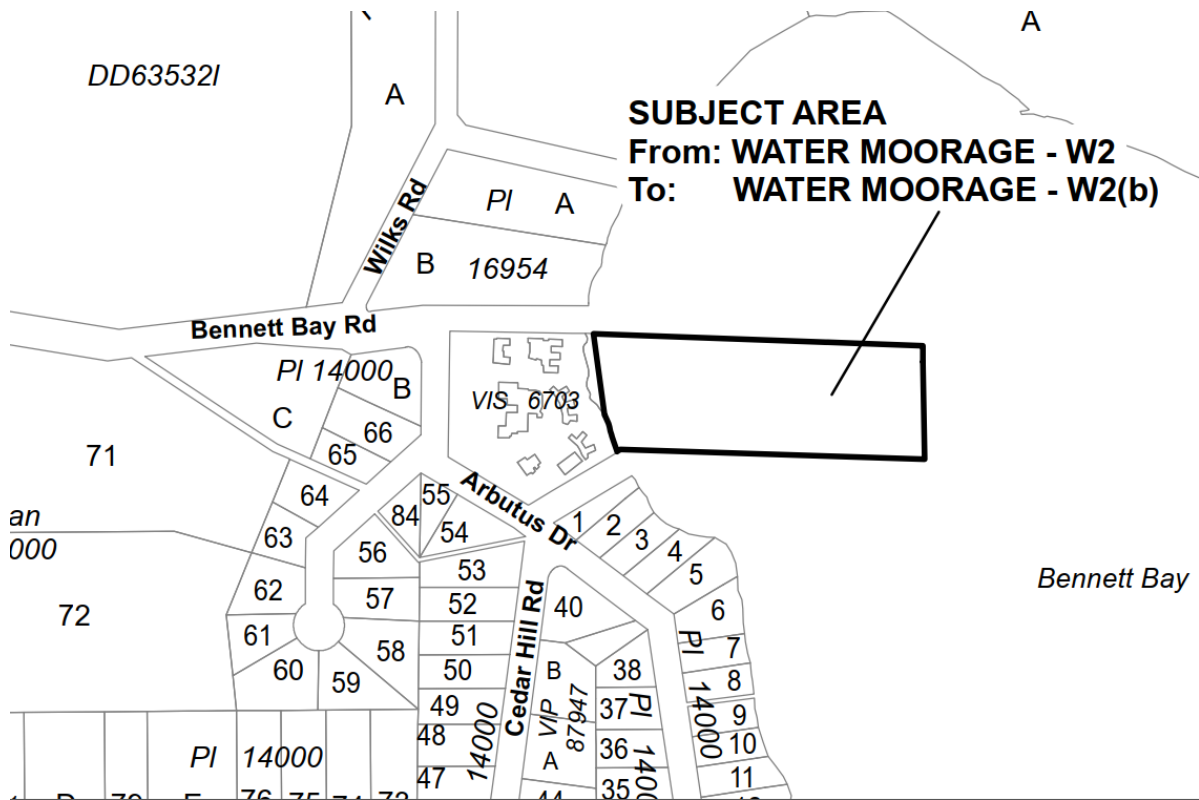
READ A FIRST TIME THIS	29 TH	DAY OF	JUNE	2020.
READ A SECOND TIME THIS	27 TH	DAY OF	JULY	2020.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

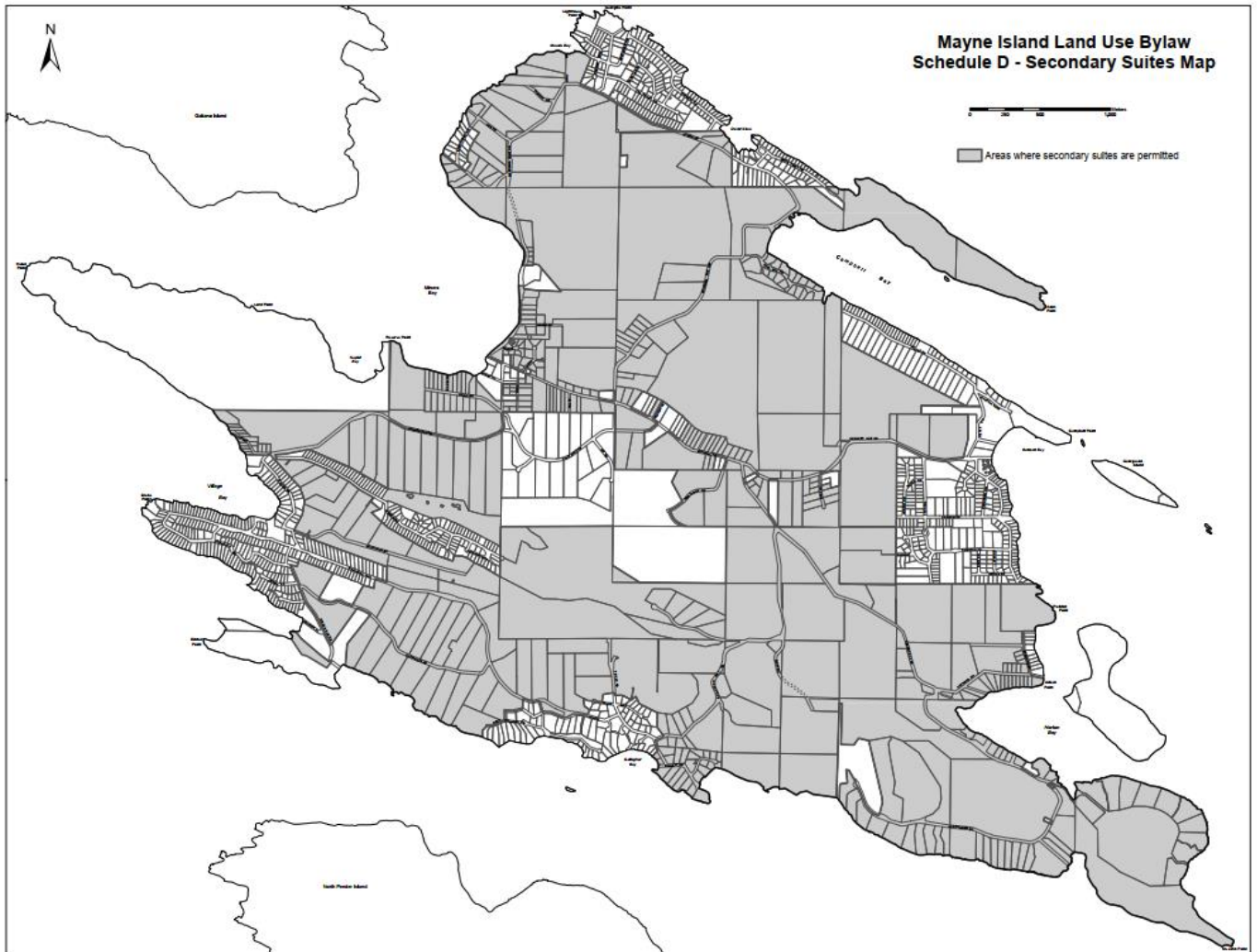
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 180

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 180

Plan No. 2



CRD Staff Referral Response Form

Referral No.: Islands Trust Mayne Island Amendment 180 to Bylaw 146,2008

	Interests Unaffected	Approval recommended for reasons outlined	Approval recommended subject to conditions	Approval <i>not</i> recommended due to reasons outlined	Comments
Executive Services	☐	☐	☐	☐	
Finance & Technology	☐	☐	☐	☐	
Integrated Water Services	☐	☐	☐	☐	
Legislative Services	☐	☐	☐	☐	
Parks & Environmental Services	☐	☐	☒	☐	CRD Regional Parks has the following comments on this referral regarding updates to the Mayne Island Land Use Bylaw. The mandate of the CRD Regional Parks Division is to provide and manage a system of regional parks throughout the Capital Region that provides natural area conservation and compatible recreation. Regional Parks are also intended as regional destinations and benefit the region as a whole. Regional park land acquisitions are generally undertaken through the CRD Land Acquisition Fund, which is funded through local government property taxes throughout the CRD. This was the case in the acquisition of St. John Point Regional park in 2017 and the park’s establishment was supported by Islands Trust at that time. In November 2019, the CRD Board approved management plans for the two regional parks on Mayne Island (Mount Parke Regional Park and St. John Point Regional Park), following a year-long public planning process. The Local Trust Committee provided input into the development of these management plans. In the St. John Point Regional Park management plan (item 10 on page 20), it was noted that the CRD would request that the Mayne Island Local Trust Committee update the zoning of the property, to park, when it undertakes a comprehensive or administrative zoning bylaw update. The current land use zoning on St. John Point Regional Park is “Rural” and “Agricultural”, neither of which accurately reflect the purpose of the regional park. In a January 2020 letter, the CRD made this request for a zoning

CRD Staff Referral Response Form

				change. The proposed Bylaw 180, to amend the Mayne Island Land Use Bylaw No 146, 2008, is the type of comprehensive/administrative update the CRD expected would cover such a zoning update noted in the park management plan and requested in the January 2020 letter. At this time, the CRD requests that the Mayne Island Local Trust Committee amend proposed Bylaw 180 to include rezoning the St. John Point Regional Park to “Park”. Further, with respect to the proposed Bylaw 180 amendments to the provisions relating to passive parks that are permitted in any zone, the CRD has the following comments: The proposed “Park, passive recreation” definition change in Bylaw 180 (subsection 2.6) to “each park limited to hiking and walking trails and signs not exceeding 1 square metre each” excessively limits the provision of basic infrastructure required for a public park, particularly a regional park that serves visitors from both on- and off-island. CRD Regional Parks supports the idea that visitor activities be restricted to passive uses such as hiking and walking trails rather than active uses such as ball fields or bike parks, but a provision for basic facilities for public awareness of the park (park sign, information kiosk), for visitor safety (e.g. off-street parking for bikes and vehicles, managing users in hazardous areas) and for visitor comfort (e.g. a toilet facility) should be permitted. The number of parking spaces should be tied to the size of the park and number of park road access points. By not allowing on-site parking the Local Trust Committee pushes park visitors and their vehicles onto local roads, which often have limited or no shoulder space available for parking or walking. Through the management planning process for St. John Point Regional Park, CRD heard that the existing 7 temporary parking spaces provided inadequate parking capacity. The management plan proposes a parking lot for the regional park that will address the expected increase in visitation over the next 15 years (Item 4 on page 18; 20 spaces). Recognizing that St. John Point Regional Park is currently a passive park within Rural and Agricultural zones, the CRD has proposed a phased-in approach for parking, starting with 1 Accessible spot and 12 standard spots and expanding over time with up to 7 additional spots as and when needed in the future. The parking location is within the existing disturbed area of the park where former landowner infrastructure existed to minimize impact to the conservation values the park was established to protect. The CRD believes that this is a reasonable way to manage parking at this 26 hectare park. In addition, as noted above, to inform the public of the access point for the park a park sign is proposed, and to address visitor needs and awareness of park rules, a toilet, standard park information kiosk, and wayfinding signs are to be provided. These too are proposed within the access hub/previously disturbed footprint on-site. As well, the proposed “Park, passive recreation” definition of signs not exceeding 1 square metre prevents using a standard information kiosks at park entrance areas. Information kiosks facilitate providing interpretive information about the park’s natural and historic values (such as First Nations and Japanese history and their connections to the park lands on Mayne Island), a map for orientation to the site, and park regulations (such as no camping, no fires) in one consolidated location. Finally, CRD Regional Parks requests that the Mayne Island Land Trust Committee’s requirements for passive recreation parks be compatible with the regional conservation area classification wording, as follows: The conservation area classification “is used to protect regionally significant natural areas that contain sensitive and threatened ecosystems. Outdoor activities will be permitted in a regional conservation area provided they have minimal impact on the natural environment. In most cases, the main activity will be hiking and generally only basic facilities will be provided, such as parking, toilets, trails, and signage.” The St. John Point Management Plan can be accessed here: https://www.crd.bc.ca/docs/default-source/parks-pdf/st-john-point-management-plan.pdf Thank you for the opportunity to comment. Doug Carmichael Capital Regional District T: 250.360.3322
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CRD Staff Referral Response Form

Planning & Protective Services	☐	☐	☐	☐	
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Making a difference...together

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COPY

July 31, 2020

Mr. Dan Rogers
Chair, Mayne Island Local Trust Committee
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

File: 6130-30
St. John Point



Dear Mr. Rogers:

RE: ST. JOHN POINT REGIONAL PARK, MAYNE ISLAND AND MAYNE ISLAND LOCAL TRUST COMMITTEE PROPOSED BYLAW NO. 180

In the Capital Regional District's (CRD) January 29, 2020 letter to the Mayne Island Local Trust Committee, the CRD requested that the Local Trust Committee update the zoning of the St. John Regional Park property to "Park" when it undertakes a comprehensive or administrative zoning bylaw update. Although our phrasing may have been inconsistent with Islands Trust/local land use planning vernacular, proposed *Bylaw 180* is the type of land use bylaw update that the CRD was referring to in its letter—a Local Trust Committee initiated update that covers multiple aspects of the existing bylaw.

Hence, CRD Regional Parks specifically requests that the Mayne Island Local Trust Committee amend proposed *Bylaw 180* to include rezoning the St. John Point Regional Park property to "Park".

This property was acquired by the CRD in 2017 for regional park purposes with the support of the Local Trust Committee. In 2019, the Local Trust Committee participated in the year-long public process led by CRD Regional Parks to develop the park's management plan by providing comments during the process; and the Local Trust Committee is aware of the action included in the management plan indicating that CRD would request the Local Trust Committee change the zone to "Park" through a bylaw update. CRD Regional Parks staff believe that the current technical review and proposed bylaw is the perfect time to correct the zoning on the regional park property – as the intended and existing use is regional park.

Sincerely,

Jeff Leahy, RPF
Senior Manager
Regional Parks, CRD

cc: Brandin Schultz, Manager, Regional Parks, CRD
Carolyn Stewart, Park and Trail Planner, Regional Parks, CRD
Robert Kojima, Regional Planning Manager, Islands Trust
Narissa Chadwick, Planner, Islands Trust

File No.: 12-MA-6500-20 (2019
Housing Bylaw Policy Review)

DATE OF MEETING: September 28, 2020
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Mayne Island Housing Regulations and Policy Review – Refining Options

RECOMMENDATION

1. That the Mayne Island Local Trust Committee direct staff to report back with further details related to the distributed floor area option for addressing housing flexibility.

REPORT SUMMARY

This report explores the need for flexible housing options on single lots and the opportunities and limitations that currently exist in the Mayne Island Land Use Bylaw. It then details the option of distributing a maximum square footage among a number of dwellings on lots in the Settlement Residential (SR) as a means of increasing housing flexibility while minimizing environmental footprint.

BACKGROUND

The Mayne Island LTC initiated a policy review in May 2019. The *Mayne Island Housing Regulations and Policy Review Project Discussion Paper* was drafted and presented at the October 28th, 2019 LTC meeting. The Discussion Paper provided an overview of current housing needs and a summary of options. At the January 27, 2020 meeting the discussion paper was referred to the Mayne Island Advisory Planning Commission for information and feedback. At the June 29, 2020 LTC meeting the referral was rescinded.

At the July 27th, 2020 it was recommended by staff that the LTC choose an option identified in the *Mayne Island Housing Regulations and Policy Review Project Discussion Paper* that they wanted staff to explore in more detail. The LTC indicated that they did not have interest in expanding secondary suite provisions. Instead, they wanted to focus on options to increase housing flexibility:

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to prepare a report providing bylaw amendment options related to increasing housing flexibility while reducing ecological footprint.

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to report back with a public consultation strategy.

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to amend the Project Charter to reflect new direction related to the Mayne Island Housing Regulations and Policy Review.

ANALYSIS

The Need

The need for housing flexibility on Mayne Island can be understood by examining some of the statistics presented in the *Mayne Island Housing Regulations and Policy Review Project Discussion Paper*, past studies related to housing on Mayne Island, real estate trends, discussions with Local Trustees and recent letters written to Trustees regarding a recent rezoning application related to affordable housing. Some key themes include: seniors aging in place, housing for young people and their families, and housing for lower wage earners and single wage households.

Aging in Place

Aging in place in the Gulf Islands is an increasing challenge as the senior population grows. As Mayne Island population statistics indicate, a majority of the population is over 65 (46%). 76% of the population is over 50. Housing interests for seniors generally involve downsizing from larger properties and moving to supportive living arrangements in later life.

Letters supporting a multi-unit rental housing development proposed by the MIHS indicate interest from seniors on the island in downsizing from their existing properties. While there are a number of smaller lots on Mayne, there are no small multi-unit residential developments on Mayne, resulting in limited options for seniors aging in place.

A study done in 2013 as part of a rezoning application (which did not proceed) for a supported seniors housing development indicated that at the time there was not a strong interest in a supported living facility. However, it did indicate increasing interest over time. Out of 366 respondents: 2 identified they may choose supportive housing in 1 year, 12 in 2-5 years, 34 in 5-10 years and 74 in more than 10 years time.

Supporting Young Families

With a large percentage of Mayne Island's population aging comes the retirement of a number of skilled and needed professionals such as carpenters, mechanics, teachers, nurses, and day-care workers. The dramatic increase in real estate prices throughout the province is influencing the price of housing on Mayne Island making it difficult for young people to purchase property and establish roots on the Island. A scan of properties currently for sale on the island indicates that one can expect to pay over \$400,000 for a small lot with a house unless substantial renovations are needed. This is out of range for many young families.

Housing for Lower Wage Earners and Single Wage Households

The prevalence of smaller lots has made Mayne Island more affordable than many other rural areas in BC, including other Gulf Islands. However, current real estate trends, as indicated above, have priced lower wage earners out to the market. The median after tax income of households on Mayne Island in 2015 was \$49,984 which is much lower than the overall provincial median after tax income of \$61,240. Renting is an option. However, in 2016 it was identified that only 8.1% of permanent households on Mayne rent indicated a potential lack of affordable rental options.

Housing Flexibility and Small Footprint Housing

What is housing flexibly?

In the context of this report, housing flexibility is interpreted as the ability to provide housing alternatives in ways that address the evolving needs of the community. Flexibility implies that solutions are not limited to a specific focus, such as seniors housing or multi-unit rental housing but rather housing that could address a number of different needs without rezoning, senior government subsidies or substantial investment. This includes housing options that can facilitate individual households sharing the costs of the purchase of a lot while still being able to live in separate dwellings, family members being able to live in separate homes on the same lot and property owners being able to provide more rental options. A more flexible approach to housing can also help seniors facilitate supportive living arrangements without having to move from their property (e.g. have care providers live in a separate dwelling on their property) or provide options for seniors to move into a smaller dwelling on another property where support is available.

What is smaller footprint housing and how is it currently supported on Mayne?

Housing that has a smaller ecological footprint is generally smaller than the typical single family home. Smaller footprint housing includes secondary suites, cottages and tiny homes.

Secondary suites, as they are built within a primary dwelling, are typically built without expanding the existing building footprint. Secondary suites are permitted on Mayne Island in all areas, excluding those that are connected to a community water system. There is a maximum of one secondary suite permitted per lot. Secondary suites are required to be equipped with rainwater catchment and storage systems. The floor area of a secondary suite shall not exceed 60m² (646ft²) or 40% of the principal dwelling unit. A secondary suite may not be subdivided from the principal dwelling under the *Land Title Act* or *Strata Property Act*.

Cottages are considered accessory to primary dwellings. On Mayne Island cottages are permitted in all zones where a primary dwelling is permitted if the lot meets minimum size requirements (e.g. 0.6ha in SR, 2.8ha in RR1). The maximum floor area for a cottage is 60m² (646m²) on a lot with an area 1ha (2.4 acres) or less and 93m² (1001ft²) on a lot with an area greater than 1ha (2.4 acres). Current regulations do not allow both a secondary suite and a cottage to be constructed on parcels less than 4 hectares.

Tiny homes are typically smaller than a traditional cottage. With the increase in building costs and the costs of land tiny homes are growing in popularity as an affordable housing option.

There are two types of tiny homes:

1. Small homes on wheels. Some tiny homes on wheels, if they meet Canadian Standards Association (CSA) standards for year-round occupancy can be CAN/CSA certified. Typically these are factory-built.
2. Small footprint homes built on the ground. These homes range in size from about 80 square feet to 400 square feet. These homes will sometimes, but not always, include bathroom and kitchen facilities. They may sometimes, but not always, adhere to the BC Building Code.

Under Mayne Island zoning regulations, a tiny home would be considered a dwelling unit or cottage. Where the maximum number of permitted dwellings or cottages is already constructed, an additional tiny home would not be permitted. A tiny home on wheels would be considered an RV. The Mayne LUB permits the use of an RV as a dwelling or cottage as long as it is connected to a septic/sewage system and a water supply.

Summary of LUB limitation on housing flexibility:

As identified above:

- Lots under 0.6 hectares are not permitted to have a cottage.
- There are restrictions on size of cottages and secondary suites.
- Only one secondary suite or one cottage can be constructed on parcels less than 4 hectares.

Recommended Option: Establishing and Distributing Maximum Floor Area

The Mayne Island Housing Regulations and Policy Review identified a number of options to increase housing flexibility. These included:

- Allowing secondary suites on all residential lots
- Allowing secondary suites on smaller lots that have a cottage
- Permitting larger cottages and secondary suites
- Permitting tiny homes in addition to secondary suites and cottages
- Establishing a maximum floor area policy on all dwelling units with flexibility for floor area to be distributed among a number of units on the lot.

An additional option identified, which the LTC requested be explored in more detail, is:

- Allowing one dwelling with no maximum floor area and retaining the ability to have a cottage (with existing specified square footage maximums for cottage) or a secondary suite (where permitted) while establishing regulations that would permit additional dwelling units if a total aggregate maximum floor area is not exceeded.

For example, as currently, a property owner on a lot in the Settlement Residential (SR) zone could adhere to existing regulations and be allowed one primary dwelling, or one dwelling and a cottage (where permitted) (see Figure 1) or one dwelling with secondary suite (see Figure 2).

Alternately, for example, a lot could be permitted one additional dwelling unit provided the total square footage of the combined dwelling units does not exceed a maximum floor area, which would be identified in the zoning regulation (e.g. 2500ft²). Where a cottage is permitted, the square footage of the cottage would be a part of the total floor area allowed on the lot.

In the SR zone establishing and allowing for the distribution of a maximum floor area would support the following examples:

- a) Figure 3 - Two dwelling units, and a cottage on SR lots > 0.6 hectares .
- b) Figure 4- Two dwelling units, one with a secondary suite on all SR lots.
- c) Figure 5- Two dwellings of similar or different size as opposed to one larger dwelling and a smaller cottage on all SR lots.

Currently Permitted in SR Zone

Figure 1: One primary dwelling and one cottage on lots >0.6ha

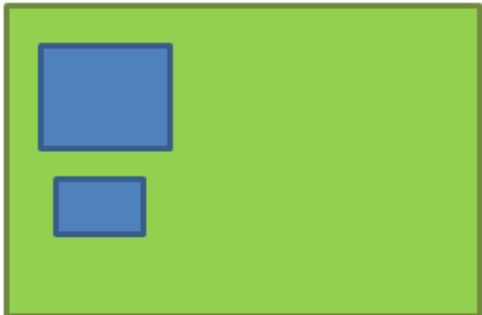


Figure 2: One dwelling with a secondary suite on all SR lots



Permitted Under Distributed Floor Area Option

Figure 3: Max floor area distributed between two dwellings and a cottage on SR lots >0.6ha

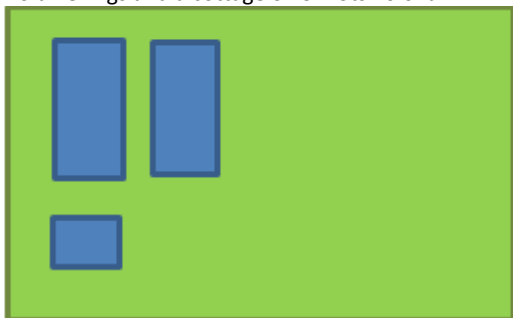


Figure 4: Max floor area distributed between two dwelling units, one with a secondary suite on all SR lots

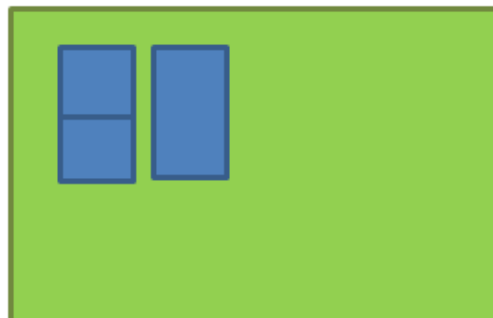
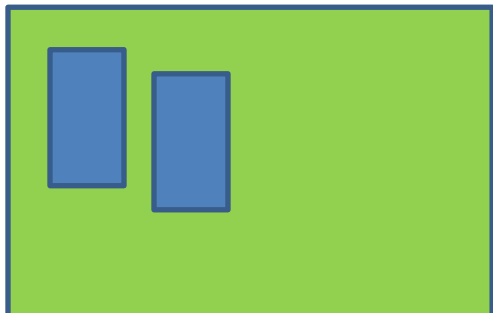


Figure 5: Max floor area distributed between two dwellings of similar or different size on all SR lots



Additional Considerations:

Encourage lot clustering -Provisions could be added to zoning to ensure that where a maximum floor area is distributed amongst a number of dwellings, these dwelling are built in close proximity to one another in order to limit environmental impact (a 'home plate')

Focus on settlement residential zone initially- In this zone lots are smaller. As a result, many cannot be subdivided. On lots smaller than 0.6 hectares only one dwelling is permitted. Lots larger than 0.6 hectares but smaller than 4 hectares are not permitted to have a cottage and a secondary suite.

Don't include RVs as part of distributed square footage option - If the LTC decides to consider a distributed floor area approach, RVs should not be permitted under this option. This may lead to an increased in the use of RVs, which are not built for year round living.

Do not include tiny homes on wheels - The distributed floor area option should focus on permanent dwellings. The Building Code does not regulate mobile tiny homes on wheels. For unique circumstances, a Temporary Use Permit could be considered. This approach has been used in Grand Forks after flooding.

Increase floor area maximum for secondary suites – The LUB currently restricts secondary suites to 60m² (646ft²) and 40% of the floor area of the principal dwelling. This was based on size restrictions in the BC Building Code which have recently been relaxed.

Consider impact of water use- The impact of increasing density on water availability is a concern throughout the Islands Trust Area. To address this concern, along with Policy Statement and OCP policies, the Mayne Island LUB requires the installation of a rainwater catchment and storage system (minimum 13640 litres/3000 gallons) before a building permit of a secondary suite can be issued. A similar requirement should be considered as part of amendments to permit distributed floor area.

Consider STVR use– Current home occupation regulations allow a cottage to be rented as an STVR when there is someone living full time in the primary dwelling. Should a property choose to distribute floor area among three smaller units STVR use should be limited to one unit.

Consider extending potential new regulations to other zones – There could be benefit to extending a distributed floor area approach to other zones. Some zone will have additional considerations.

Rationale for Recommendation:

Recommendation: *That the Mayne Island Local Trust Committee direct staff to report back with further details related to the distributed floor area option for addressing housing flexibility.*

Rationale

1. The ability to distribute a maximum square footage amongst a number of dwelling units could help increase affordable housing options as well as have the potential to discourage the development of larger homes.
2. Identifying a maximum floor area and allowing it to be divided between two or three units, as opposed to allowing a cottage on smaller lots (where currently not allowed), and the ability to have both a cottage and

a secondary suite (on lots where only one or the other is currently allowed), or a tiny home in addition to a cottage or a secondary suite, could result in reducing overall lot coverage of dwelling units.

3. Maintaining existing regulations regarding lot coverage and cottages and secondary suites, and establishing maximum floor area only where the option of distributing it in a way that provides housing flexibility would ensure that current properties owners are not affected (eg. those that may have a larger home and are wanting to build an additional dwelling).
4. The housing created through distributing maximum floor area can serve many purposes over time. These include: lot sharing, lot sharing with a mortgage helper and the ability for aging resident to have a caretaker on site.
5. The LTC will need time to think about and consider what the appropriate maximum floor area would be and how to address issues related to increasing density on smaller lots such as water use, the distribution of dwellings and STVR considerations.

Consultation

As indicated in the revised Project Charter (Attachment 1), it is recommended that the public be consulted prior to new bylaws being drafted. Public consultation should be organized after the LTC has had a chance to consider, refine and identify options for addressing potential issues resulting from a new approach to providing flexible housing.

Proposed approach to public consultation:

Following October LTC meeting - Two page information piece prepared and circulated via email subscription list, social media and islands trust website.

November/December/January - Weekend open house. Staff to explore options that adhere to Covid Protocols and options to connect to community events (e.g weekend market, xmas market). If an indoor option is not possible a community meeting via zoom could be arranged (possibly connected to a monthly LTC meeting).

ALTERNATIVES

1. Request further information and analysis on alternatives to the recommended option.

The LTC may request further information and analysis on alternative to the recommended options.

That the Mayne Island Local Trust Committee request that staff provide further information and analysis on alternatives to the recommended option.

2. Refer staff report to the Advisory Planning Committee.

The LTC may request that the staff report be referred to the advisory planning committee for review and recommendations.

That the Mayne Island Local Trust Committee request that the staff report be referred to the advisory planning committee for review and recommendations.

3. Place project on hold for a period of time

The LTC may choose to place the Mayne Island Housing Regulations and Policy Review on hold until certain conditions are met (eg. new APC members are appointed, the LUB review is completed)

That the Mayne Island Local Trust Committee place the Mayne Island Housing Regulations and Policy Review on hold until....

NEXT STEPS

If the LTC supports the recommendation staff will:

- Prepare a report providing further details on the recommended option.
- Prepare a draft information piece on the recommended option to be reviewed at November LTC meeting.
- Explore options for, and schedule, public engagement.

Submitted By:	Narissa Chadwick, RPP, Island Planner	September 15, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	September 16, 2020

ATTACHMENTS

1. Revised Project Charter

Mayne Island Housing Regulations and Policy Review – Charter (Updated from June 24, 2019)

Mayne Island LTC

Date: September 14, 2020

Purpose: The purpose of this project is to conduct a review of current housing regulations, policies and related incentives on Mayne Island and provide potential options for changes that could provide more flexibility and incentives for increasing flexibility for affordable housing. The project will also consider the potential environmental footprint and impacts (both positive and negative) of these alternatives.

Background: Housing is one of Mayne Island LTC's Top Priorities. Significant effort has been invested by the LTC over the years on this issue. The 2011 Mayne Island Housing Options Task Force Report contains several other recommendations including the need to explore options for affordable housing. The Capital Regional District (CRD) February 2018 assessment of housing needs in the Southern Gulf Islands concluded that "all evidence clearly points to serious shortages in secure, appropriate and affordable housing for low to moderate income earners".

Objectives

- To assess the impact and effectiveness of LUB housing regulations/policies
- To gauge community interest in increased housing flexibility
- To explore alternatives for regulatory/policy changes that provide more flexibility and incentives for increasing flexible and affordable housing.
- To consider the potential environmental footprint and impacts (both positive and negative) of alternatives

In Scope

- Research/analysis of existing regulations/policies
- Build-out analysis and jurisdictional scan
- Public outreach including a community survey and at least one public meeting
- Consultation with agencies and affected stakeholders
- Bylaw amendment process (depends on recommendations)

Out of Scope

- Unrelated OCP or LUB amendments
- Other housing/zoning related regulations or policies

Workplan Overview

Deliverable/Milestone	Date
Complete review/documentation of existing regulations/policies, build-out analysis, jurisdictional scan etc.	September 2019
Develop discussion paper summarizing findings of review	Fall 2019
Review potential options	Sept - Oct 2020
Complete public/stakeholder consultation (including public meetings)	February 2021
Consideration of proposed bylaw amendments	March 2021
Bylaw amendment process	April – July 2021

Project Team

Narissa Chadwick, Island Planner	Project Manager
Maple Hung, Planning Assistant	Admin Support
Jackie O'Neil, GIS Technician	GIS Support
RPM Approval: Robert Kojima Date: June 14, 2019	LTC Endorsement: Resolution #:MA-2019-042 Date: June 24, 2019

Budget

Budget Sources: LTC Project Budget (Fiscal 2020-2021)

Fiscal	Item	Cost
	Open House/CIM	\$1000
	Advertising, communications and materials	\$1000
	Contingency (legal, additional public/stakeholder meetings etc)	\$1000
	Total	\$3000

Top Priorities Report

Mayne Island

1. Land Use Bylaw Technical Amendments

Responsible

Dates

Draft Bylaw with technical amendments prepared for June 29, 2020 LTC agenda.
Through First reading at June 29 meeting, referrals sent, public hearing is being scheduled for September 2020.
Second reading July 27th.
Public Hearing postponed.
Additional amendments proposed at Sept. 28, 2020 meeting.

Narrisa Chadwick

Rec'd: 23-Sep-2019

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

Responsible

Dates

Initial staff report prepared for Oct 28, 2019 LTC meeting
Further staff report prepared for January 27, 2020 LTC Meeting
Report brought back to July 27, 2020 LTC meeting
Report prepared for September 28, 2020 LTC meeting

Brad Smith
Narrisa Chadwick

Rec'd: 26-Nov-2018

3. Groundwater Sustainability Project

Responsible

Dates

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

Narrisa Chadwick
William Shulba

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 Permit

File Number	Applicant Name	Date Received	Purpose
MA-DP-2020.1	Capital Regional District	30-Jul-2020	Wharf Facility at Anson Road DL2070- Application for a DP for development in constructing a new wharf facility within the limits of DL2070 , at the end of Anson Road.

Planner: Phil Testemale

Planning Status

Status Date: 18-Sep-2020

DP drafted and on September 28, 2020 LTC agenda for consideration of issuance.

Status Date: 15-Sep-2020

All technical information and revisions received by CRD

Status Date: 12-Aug-2020

E-mail sent to CRD requesting further information and clarification.

File Number	Applicant Name	Date Received	Purpose
MA-DP-2020.2	ALLISON, Mark & Lynn, CASEY	24-Jul-2020	539 Dalton Drive - Application for a DP for development in a riparian DPA.

Planner: Phil Testemale

Planning Status

Status Date: 17-Aug-2020

Applicant informed staff they wanted to put application on hold until September 10th, 2020.

Status Date: 13-Aug-2020

PTA created file, given to Planner



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: 17-Sep-2020

Staff report with draft permit prepared for September 28 LTC meeting

Status Date: 01-Sep-2020

permit and notice drafted and circulated

Status Date: 08-Jul-2020

Survey of site including cabin received.

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.7	Cochrane, Nigel	10-Jul-2020	264 Leighton Lane - Variance in regards to the deck and stairs (which is encroaching on the applicant's neighbouring property).

Planner: Phil Testemale

Planning Status

Status Date: 18-Sep-2020

Notification complete. On September 28, 2020 LTC Agenda for consideration.

Status Date: 05-Aug-2020

Permit, Notice drafted. To applicant for review. Sept. 28 LTC

Status Date: 23-Jul-2020

Fees received, sent to LTC, given to Planner

**Applications****Development Variance Permit**

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.8	Peace, Wayne	23-Jul-2020	445 Garrick Road - Development Variance to divide the property into 5 parcels.

Planner: Narrisa Chadwick

Planning Status

Status Date: 28-Jul-2020

Fees received, sent to LTC members.

Status Date: 28-Jul-2020

given to Planner

Status Date: 23-Jul-2020

PTA created file, waiting on fees from applicant

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2018.1	Capital Regional District (MIPRC)	01-Nov-2018	Application to amend the OCP and LUB to rezone from Rural to Park

Planner: Narrisa Chadwick

Planning Status

Status Date: 18-Sep-2020

Staff report on Sept 28th agenda

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.



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2020.1	Mayne Island Housing Society	17-Jun-2020	375 Village Bay Road - Mayne Island Housing Society applying for a rezoning to allow for subdivision into two residential parcels and one multifamily development.
Planner: Narrisa Chadwick			
Planning Status			
Status Date: 24-Aug-2020 Planner Chadwick visited site with MIHS and Registered Professional Biologist			
Status Date: 27-Jul-2020 Preliminary staff report provided to LTC			
Status Date: 22-Jul-2020 Planner Chadwick visited site with Trustee Dodds and Trustee Maude			

Subdivision

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



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: 18-Sep-2020 Letter (August 31, 2020) to LTC req. waiving of req. for survey for DP on September 28, 2020 agenda.			
Status Date: 13-Aug-2020 PLRS was received from MoTI Officer, Owen Page. Completion of PR pending receipt of info from applicant.			
Status Date: 11-Aug-2020 Applicant is waiting for PLA prior to applying for DVP (required survey)			

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

645 Mayne	Invoices posted to Month ending July 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	568.20	104.80
65210-645	LTC - Local Exp - APC Meeting Expenses	253.00	134.00	119.00
65220-645	LTC - Local Exp - Communications	250.00	224.76	25.24
65230-645	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>1,470.00</u>	<u>926.96</u>	<u>543.04</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 July 14, 2020

Islands Trust Conservancy Board News

The Islands Trust Conservancy Board endorsed proposed adjustments to the 2020 annual monitoring program for nature reserves and conservation covenants due to the COVID-19 pandemic.

The Board and the Executive Committee shared a liaison meeting, July 14, 2020 and discussed:

- Working with the Province, including potential changes to Natural Area Protection Tax Exemption Program (NAPTEP) legislation and a Provincial funding request
- Working with Trust Council, including work associated with the Climate Change Emergency Declaration, ITC Budgets and ITC work towards a strategic charitable giving program
- Other items as per the agenda at <http://www.islandstrustconservancy.ca/about-us/meetings/>

The liaison meeting occurs annually as per Islands Trust policy.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards 4 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

Islands Trust Acting Senior Policy Advisor presented a brief overview of the Climate Action Plan (CAP) currently in development by the Climate Policy Working Group (CPWG). The CPWG supports joint collaboration and communication between Trust Area Services, Local Planning Services and ITC for incorporating climate change into policy guidance. Resources will be used from both Trust Area Services and Islands Trust Conservancy.

Goal 2 – Strong relationships with First Nations

The ITC Board considered ways to advance engagement with First Nations through considerations in all of its land management and acquisition decisions.

Goal 3 – Protection of core conservation areas

Property Management

Staff are conducting a reduced monitoring season to accommodate travel restrictions due to COVID-19.

The ITC Board approved conservation covenant management plans for Winter Wren Wood on Denman Island (see island updates below).

Land Acquisition and Covenants

The ITC Board approved the transfer of 3.4 ha of land on Keats Island which will become the Sandy Beach Nature Reserve. This will be the ITC's 30th Nature Reserve and was a requirement of rezoning as directed by the Gambier Island Local Trust Committee.

The ITC approved a small covenant on Salt Spring Island which will provide a buffer area for the Lower Mount Erskine Nature Reserve which is managed by the ITC.

Goal 4 – A strong voice for nature conservation

The Board directed staff to prepare a histogram showing the size distribution of Island Trust Conservancy nature reserves and covenants.

Activities by Local Trust Area/Island Municipality

Denman – The Board approved the Denman Conservancy Association's update of the Management Plan for Winter Wren Wood dated April 18, 2020 with the recommendation that the Denman Conservancy seek assistance from ITC staff or First Nations such that the property management becomes inclusive of climate change and reconciliation.

Gambier – The Board directed the Chair to sign the Transfer Agreement, between the Convention of Baptist Churches of British Columbia and the Islands Trust Conservancy, for the transfer of Sandy Beach. The Board directed staff to bring recommendations to the Board regarding the use of the required \$12,000 contribution from the Convention of Baptist Churches.

Salt Spring – The Board authorized the Chair to sign a conservation covenant over a small area adjacent to the Lower Mount Erskine Nature Reserve which is managed by ITC.

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

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

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Notice - Short Term Vacation Rentals

Mayne Island Local Trust Committee

This notice pertains to Short Term Vacation Rentals (STVR). STVR refers to the rental of a dwelling for less than 30 days.

STVRs are permitted in cottages as home occupations on a residential lot where both a primary dwelling and a cottage are permitted. To be considered a home occupation, the operator must be permanently residing on the property. No more than one cottage per lot may be used for short term vacation rental at any one time.

Bed and breakfasts are also permitted as a home occupation where up to three bedrooms may be rented in a house occupied by the operator of the business.

The rental of a primary residence to others for less than 30 days is not permitted without a Temporary Use Permit.

More Information:

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