



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: June 21, 2021
Time: 1:00 pm
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	1:00 PM - 1:00 PM	
2.	APPROVAL OF AGENDA	1:00 PM - 1:05 PM	
3.	TOWN HALL AND QUESTIONS	1:05 PM - 1:20 PM	
4.	COMMUNITY INFORMATION MEETING		
	None		
5.	PUBLIC HEARING		
	None		
6.	MINUTES	1:20 PM - 1:30 PM	
6.1.	Local Trust Committee Minutes Dated May 10, 2021 (for Adoption)		4 - 9
6.2.	Section 26 Resolutions-without-meeting Report Dated June 2021		10 - 10
6.3.	Advisory Planning Commission Minutes - None		
7.	BUSINESS ARISING FROM THE MINUTES		
7.1.	Follow-up Action List Dated June 2021		11 - 12
8.	DELEGATIONS		
9.	CORRESPONDENCE	1:30 PM - 1:35 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
9.1.	Letter re Invitation to collaborate on Southern Gulf Island Wayfinding		13 - 14
10.	APPLICATIONS AND REFERRALS	1:35 PM - 3:00 PM	
10.1.	MA-DVP-2020.10 (Kennedy) - Staff Report (attached)		15 - 33

10.2.	MA-TUP-2021.2 (Hoff - MIASFF) - Staff Report (attached)	34 - 49
10.3.	MA-DVP-2021.2 (Silverstein and Young)) - Staff Report (attached)	50 - 76
10.4.	MA-RZ-2018.1 (Cotton Park) Consideration of Adoption of Bylaws 177 and 178 - Staff Report (attached)	77 - 84
10.5.	MA-RZ-2020.1 Mayne Island Housing Society (MIHS) – Staff Report (attached)	85 - 100
11.	CLOSED MEETING (Distributed Under Separate Cover)	3:00 PM - 3:30 PM
11.1.	Motion to Close Meeting	
	<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(d)(i) for the purpose of considering:</i>	
	• <i>Adoption of In-Camera Meeting Minutes Dated March 29, 2021</i> • <i>Legal Advice</i>	
	<i>AND that the recorder and staff attend the meeting.</i>	
11.2.	Recall to Order	
11.3.	Rise and Report	
12.	LOCAL TRUST COMMITTEE PROJECTS	3:30 PM - 4:00 PM
12.1.	OCP and LUB Minor Amendments – Staff Report (attached)	101 - 103
12.2.	Flexible Housing – Staff Report (attached)	104 - 111
13.	REPORTS	4:00 PM - 4:10 PM
13.1.	Work Program Reports (attached)	
13.1.1.	<u>Top Priorities Report Dated June 2021</u>	112 - 113
13.1.2.	<u>Projects List Report Dated June 2021</u>	114 - 115
13.2.	Applications Report Dated June 2021 (attached)	116 - 121
13.3.	Trustee and Local Expense Report - None	
13.4.	Adopted Policies and Standing Resolutions (attached)	122 - 125
13.5.	Local Trust Committee Webpage	
13.6.	Chair's Report	
13.7.	Trustee Report	
13.8.	Islands Trust Conservancy Report - None	

- | | | | |
|-------|---|-------------------|-----------|
| 14. | NEW BUSINESS | 4:10 PM - 4:30 PM | |
| 14.1. | Business Licenses – Memo (attached) | | 126 - 126 |
| 15. | UPCOMING MEETINGS | | |
| 15.1. | Next Regular Meeting Scheduled for July 19, 2021, Location: TBD | | |
| 16. | TOWN HALL | 4:30 PM - 4:45 PM | |
| 17. | ADJOURNMENT | 4:45 PM - 4:45 PM | |



DRAFT

**Local Trust Committee
Minutes Subject to
Approval By
the Local Trust Committee**

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: May 10, 2021
Location: Electronic Meeting

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

Staff Present: Robert Kojima, Regional Planning Manager
Narissa Chadwick, Island Planner
Phil Testemale, Planner 2
Maple Hung, Planning Team Assistant
Patricia Todd, Recorder

Public: There were approximately (21) attendees in the webinar.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The agenda was adopted as presented.

3. TOWN HALL AND QUESTIONS

Chair Rogers spoke to the volume of emails received regarding the Mayne Island Housing Society (MIHS) application. It was clarified that at this time there is no motion on the agenda for this project.

Kat Ferneyhough presented a number of points in favour of the MIHS project:

- Stable purpose built rentals
- Stability for rentals
- Need for young people to provide services for community

Andrew Smith, Board member of MIHS, stated that through significant efforts on behalf of the Society, working with other islands and communities the Society has the skills to plan, fund, build and operate project.

Colleen Doty (Galiano Island), a Director on two Affordable Housing Boards, reported having partnered with MIHS on funding application. Her question was to tying proof of funding to rezoning application and would this factor be applied if it were a private citizen making the application and why was this being asked of a non-profit organization.

Jim Traversy spoke to the Official Community Plan (OCP) where there is no mention of funding being in place prior to rezoning and that he is supportive of the LTC going forward with this project.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes Dated March 29, 2021

By general consent the Local Trust Committee meeting minutes of March 29, 2021 were adopted.

6.2 Section 26 Resolutions-without-meeting Report Dated May 2021

Received for information.

6.3 Advisory Planning Commission Minutes

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated May 2021

Planner Chadwick reported that efforts are ongoing to complete the Covenant for MA-DVP-2020.8 (Peace).

8. DELEGATIONS

8.1 Capital Regional District - Southern Gulf Islands Transportation Integration Plan

Justine Stark introduced the Capital Regional District (CRD) Strategic Transportation Integration Plan which is looking at the feasibility of a fossil fuel free system within the Region. One of the objectives is to provide inter-island transportation and island public transportation e.g. Community buses. The project will identify service needs, costs and what the CRD role should be to ensure stability. Inter-island transportation, supplementing BC Ferries, would facilitate workers being able to travel between islands more easily. There will be community consultations, Zoom Town Halls and community mapping. This type of service would require voter assent through a referendum on the 2022 ballot.

More detailed information is available through the CRD website.

Discussion:

- Timing of project – community buses have been idle due to Covid;
- Asset to link islands;
- Practical service to meet day to day residential needs;
- Costs of service; and
- Transportation stability is critical and important for economical sustainability.

9. CORRESPONDENCE - As noted by Chair Rogers prior to town Hall.

10. APPLICATIONS AND REFERRALS

10.1 MA-DVP-2020.9 (Allison and Casey)

Planner Testemale reviewed the application, which is a combined Development Variance Permit (DVP) and a Development Permit (DP), for an elevated walkway (bridge) over Deacon Creek to ease access to waterfront portion of property. A number of concerns and issues were detailed and there have been seven submissions from surrounding properties not in favour of application. The variance for proposed walkway would reduce setbacks from 7.5 m to 0.

There was discussion as to impact on creek bed, Midden on adjacent property, proceeding with DVP would still require a DP, and that lack of delineation between adjacent park and property may lead to trespass.

The applicant presented a number of slides regarding the property and proposed structure. Highlights of the presentation spoke to the concerns raised by the Planner, neighbours and LTC.

Planner Testemale stated that in contrast to a TUP, a DVP cannot be approved conditionally.

Robert Kojima, Regional Planner Manager (RPM), outlined the LTC's options: amend the permit without further notification, amend the permit with notification or can refer to Advisory Planning Commission (APC).

MA-2021-022

It was Moved and Seconded,

that the Mayne Island Local Trust Committee direct staff to proceed no further with Development Variance Permit application MA-DVP-2020.9 (Allison and Casey).

CARRIED

10.2 MA-DVP-2020.12 (Markle – new owners)

Planner Testemale reviewed the application which would bring two existing accessory buildings into compliance with the Land Use Bylaw (LUB). The variance is required due to siting errors at time of construction – shed would go from 8 m. to 6.1 and 3 to .49 in setbacks; studio would go from 8m to 5.3 and 3 to 2.1 for setbacks.

MA-2021-023

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2020.12 (Markle).

CARRIED

A brief break was held from 2:54 p.m. to 3:05 p.m.

10.3 MA-RZ-2020.1 (Mayne Island Housing Society)

Chair Rogers restated that there had been extensive correspondence received and that there is currently no specific motion for this project.

Planner Chadwick outlined items requiring more clarification:

- Early referral to First Nations;
- Ensure consistency with OCP amenity provisions; and
- Identifying whether LTC requires proof of funding before rezoning amendments are adopted or as a condition of subdivision approval.

Planner Chadwick confirmed that requested reports have been received and the Housing Agreement is with the lawyer – working on Covenant.

When questioned as to timing for draft Bylaws Planner Chadwick stated Bylaws may be ready for June LTC.

Discussion:

- MIHS legal opinion that LTC not to consider funding however if amenity is housing financials have to factor into considerations;
- Need for LTC legal opinion to clarify amenity – Is it land and/or housing;
- Key question: is value of additional lot to owner commensurate with value; of amenity to island – density bonus to private land owner;
- Use of a Covenant – Lot 2 not developed until project completed or commenced or LTC satisfied proposal going ahead;
- If land is considered the amenity then LTC can proceed with rezoning;
- LTC requires public financial information to be able to address concerns of community;
- Subdivision gives lot/density to owner and should project not complete lot may be sold; and
- Could have provision that density not provided in absence of project.

David Brown, MIHS, spoke to the commitment of the Society to complete the project. It is felt that linking funding to rezoning is unprecedented. Having funding linked to approval has never been done before and is impractical and according to legal consultation is outside of the LTC authority. The benefits of the project were detailed. Governments are currently very supportive of funding affordable housing projects and the MIHS respectfully requested that Draft Bylaws have First and Second Reading at June LTC.

The question was raised again as to the Society's application being treated differently than that of a private developer.

It was restated that this type of project is unique for island; a private developer would provide an amenity while in this case the development is the amenity.

MA-2021-024

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff send relevant application materials and related to MA-RZ-2020.1(MIHS) to First Nations for early referral.

CARRIED

MA-2021-025

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff to acquire a legal opinion and clarification of Official Community Plan amenity definition be it land and/or affordable housing.

CARRIED

MA-2021-026

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to identify options on mechanisms to ensure that density increase is not provided in the absence of the amenity.

CARRIED

It is anticipated that Draft Bylaws will be on June agenda.

10.4 Galiano Island Local Trust Committee Draft Bylaws 256 and 257 Referral

MA-2021-027

It was Moved and Seconded,

that the Maye Island Local Trust Committee interests are not affected by Galiano Island Local Trust Committee Draft Bylaws 256 and 257.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 OCP and LUB Minor Amendment project

Planner Chadwick outlined the items for amendment(s) and requested direction to prepare a Project Charter.

Trustee Maude identified election signs and patios for inclusion.

MA-2021-028

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to prepare a project charter for the Official Community Plan and Land Use Bylaws Minor Amendment project to include the amendments identified in the May 10, 2021 Staff Report and to add election sign controls and patios.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated May 2021 – Received for information

12.1.2 Projects List Report Dated May 2021 – Received for information

12.2 Applications Report Dated May 2021

Trustee Dodds requested that Agricultural Society application be given top priority to facilitate Thrift Store being moved to new site.

12.3 Trustee and Local Expense Report Dated February 2021 – Received for information

12.4 Adopted Policies and Standing Resolutions – Received for information

12.5 Local Trust Committee Webpage - Will be updated upon closure of meeting.

12.6 Chair's Report

Chair Rogers stated that the Draft Policy Statement has gone out for review and input. There will be a 1 day session for Trustees in July to review and give first reading - it will then go out for public comment. The Governance Review Document is public as of today.

12.7 Trustee Report

Trustee Dodds reported traffic from Mainland has noticeably decreased while house sales have significantly increased.

Trustee Maude reported on the STVR (Short Term Vacation Rentals) meeting. There is a recommendation going to the CRD to implement business licensees to control operations.

RPM Kojima added that a resolution has been passed by the South Pender LTC and this will go out to other LTCs over the next month or so.

12.8 Islands Trust Conservancy Report - none

13. NEW BUSINESS

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 21, 2021, Location: TBD

15. TOWN HALL - none

16. CLOSED MEETING - none

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:35 p.m.

Dan Rogers, Chair

Certified Correct:

Patricia Todd, Recorder



Resolutions Without Meetings Log

Mayne Island

Resolution Number	Action	Date
2021-003	Carried	18-May-2021
That the Mayne Island Local Trust Committee approves the format and outline of contents for the 2020/21 Annual Report.		



Follow Up Action Report

Mayne Island

25-Jan-2021

Activity	Responsibility	Dates	Status
1 10.3 MA-DVP-2020.8 (Peace) DVP to be issued subject to notification from lawyer that covenant has been re-registered. Chair to sign covenant.	Jas Chonk Narrisa Chadwick	Target: 28-May-2021	In Progress

10-May-2021

Activity	Responsibility	Dates	Status
1 6.1 LTC Minutes Dated March 29, 2021 Adopted as presented	Maple Hung	Target: 14-May-2021	Completed
2 10.1 MA-DVP-2020.9 (Allison and Casey) - DVP not supported, proceed no further	Maple Hung Phil Testemale	Target: 19-May-2021	Completed
3 10.2 MA-DVP-2020.12 (Begrant) - DVP Approved, Issue DVP	Jas Chonk Maple Hung Phil Testemale	Target: 18-May-2021	Completed
4 10.3 MA-RZ-2020.1 (MIHS) - 1) Early referral to FN 2) Seek legal opinion on interpretation of amenity/funding as condition of rezoning or subdivision 3) Identification of options to link additional density to amenity 4) Bring draft bylaws forward for 1st reading	Jas Chonk Narrisa Chadwick	Target: 28-May-2021	Completed
5 10.4 Galiano Island LTC Draft Bylaws 256 and 257 Referral - Interests Unaffected	Jas Chonk	Target: 14-May-2021	Completed

Follow Up Action Report

Mayne Island

10-May-2021

Activity	Responsibility	Dates	Status
6 11.1 OCP and LUB Minor Amendments - Draft project charter (add Election signs and Patios to list of amendments to be considered)	Narrisa Chadwick	Target: 28-May-2021	Completed



Tourism
Partnership

May 20, 2021

Sent via email to: David Maude dmaude@islandstrust.bc.ca
Jeanine Dodds jdodds@islandstrust.bc.ca
Dan Rogers drogers@islandstrust.bc.ca
mayneplanner@islandstrust.bc.ca

Mayne Island Local Trust Committee
200 - 1627 Fort Street
Victoria, BC V8R 1H8

Re: Invitation to collaborate on Southern Gulf Island Wayfinding

Dear Mayne Island Trustees,

We are excited to share a small project we are working on that begins a conversation to create better wayfinding for us on Mayne Island and our visitors throughout the Southern Gulf Islands. We did this in response to concerns from local residents and businesses that the individual small signs and sandwich boards can be quaint but also an annoyance when they become too cluttered.

The Mayne Island Chamber of Commerce worked with the Southern Gulf Island Tourism Partnership to access a small grant to create a preliminary wayfinding strategy for the Southern Gulf Islands and a draft audit of wayfinding signage on Mayne. The Strategy recommends six sign types with details about how to proceed determining locations and detailed design for our island.

- Gateway Marker
- Map / Kiosk
- Vehicle Directional
- Pedestrian Directional
- Destination Identification
- Trailhead Marker

We have also been working together with the other four southern gulf islands, including Salt Spring, to create a Southern Gulf Islands identity that can bring us together but also leave room for our own unique island identity. There may now be an opportunity for us to work with Tourism Vancouver Island's funded wayfinding program to receive support for a pilot project on Mayne Island. In the meantime, we need to refine our project including confirming that we can build our signage in conformance with local bylaws. We will apply for any required permits with Islands Trust planners

and confirm that the proposed informational and navigational Wayfinding Signs will be exempt from other signage regulations as referenced in Section 6.3 of the Mayne Island Zoning Bylaw:

6.3 Exempt Signs

The following signs are exempt from the regulations in this part: (1) Directional, traffic control, informational, interpretive and navigational signs sited and maintained by a public authority, public agency or their authorized agents.

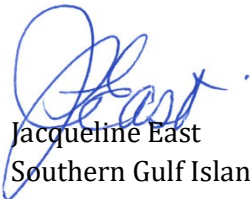
We would like to work with the Islands Trust to refine these ideas so that we are ready to design and build a cohesive wayfinding system. We are also reaching out to the WSÁNEĆ Leadership Group to learn more about how we can work with their members and engage WSÁNEĆ artists in design aspects of the signage. We think this will be a meaningful step toward fostering an authentic relationship between settlers and First Peoples.

Please find the [Wayfinding Strategy using this link](#) as the file size is large. It includes a preliminary audit of Mayne Island's current wayfinding signage for your review. We would appreciate your feedback and input as we move forward.

Sincerely,



Lauren Underhill
Mayne Island Chamber of Commerce



Jacqueline East
Southern Gulf Islands Tourism Partnership

Encl. [Southern Gulf Island Preliminary Wayfinding Strategy](#)

STAFF REPORT

File No.: MA-DVP-2020.10 (Kennedy)
(MA-BE-2020.2)

DATE OF MEETING: June 21, 2021
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Development Variance Permit Application
Applicant: Eleanora Kennedy
Location: 266 Leighton Lane

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2020.10 (Kennedy).

REPORT SUMMARY

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

RATIONALE FOR VARIANCE

- Granting the variance will retroactively permit the construction of a structure (deck) and accessory building (shed) within an interior side yard setback on the subject property, thereby bringing the property into full compliance with the Land Use Bylaw.
- The deck is at grade, and was built over an existing open lawn area.
- The owner relied on a contractor to meet required setbacks and obtain permits for the deck.
- The deck and railing construction improve safety on the property.
- The shed has been in place for a long time.

BACKGROUND

The application is the result of Bylaw Enforcement file MA-BE-2020.2. That file was opened on referral of siting infractions by the CRD Building Inspection Department. Upon investigation, a required legal survey (Attachment 2.5) confirmed encroachment onto Lot 233 for a portion of the access stairs from the deck to the property's dock, and the illegal siting of portions of the deck (including a very small encroachment onto Lot 233) and the shed.

The applicant has cooperated by making this variance application and signing a compliance agreement (site plan schedule is Attachment 2.6) to relocate the access stairs completely on the subject property and to comply with the interior side yard setback (as shown on Figure 2). Work on the latter has started, however COVID travel restrictions and the need to engage a structural engineer have delayed the schedule. The applicant will be submitting a plan for a building permit by mid August and undertaking construction in September/October. The compliance agreement requires that the works be completed by the end of January 2022. The alteration to the deck to remove the small portion on Lot 233 was completed in January 2021 (Attachment 2.7).

The application is to vary article 5.1 (8) (b) (interior side yard setback) of the **Settlement Residential Zone** in the Mayne Land Use Bylaw No. 119, 2018 (LUB). Referencing Figure 2 – the specific variances are as follows:

- a) 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: a building (shed) within 0.74 metres (2.4 feet) of a interior side lot line, and a structure (deck) within 0.0 metres (0.0 feet) of an interior side lot line.

The shed is small and built on a “semi-permanent” foundation (post and pier blocks), and was constructed over 35 years old by the previous property owner. The deck was constructed in 2017 by a hired contractor with the understanding that all required permits would be obtained and to conform to land use regulations. The deck covers an existing lawn (Attachment 2.7) that according to the owner required constant irrigation. It was built to the original fence line with the misunderstanding that such a structure was not required to meet setbacks.

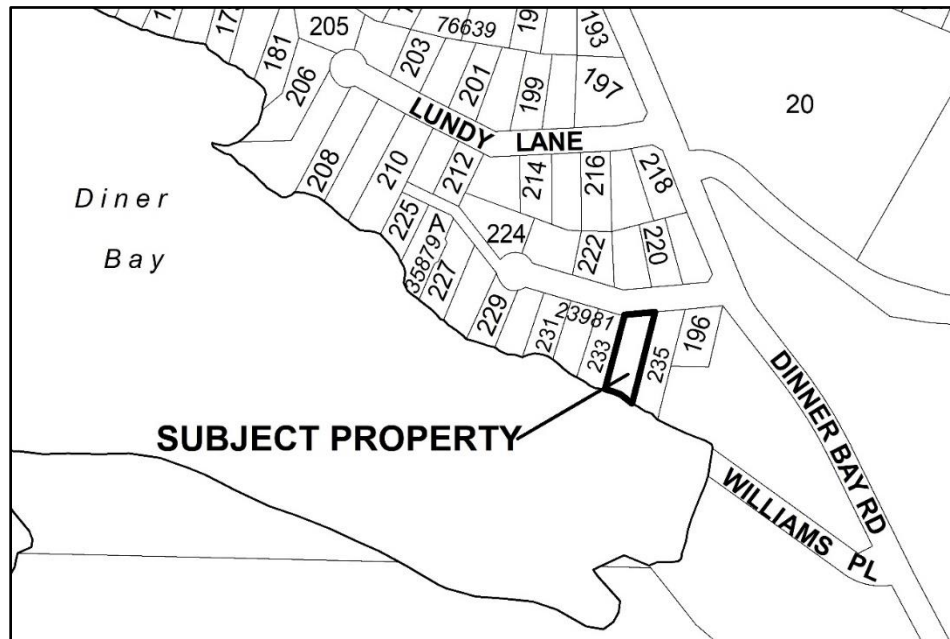
The subject property currently contains a single family dwelling accessed from Leighton Lane; the non-conforming deck and shed; and, stairs from the deck to a private dock. (Figure 2 and Attachment 2.7). The topography of the property slopes from Leighton Road south to the sea and is very steep in parts, particularly closer to the natural boundary of the sea (Attachments 2.4).

Sensitive Ecosystem Mapping (SEM – Attachment 2.2) 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. This ecosystem is among the most sensitive and biologically diverse woodland ecosystems in the Islands Trust Area. As the deck was constructed over a lawn it does not appear to have disturbed any sensitive ecosystem (Attachment 2.7).

A copy of the Notice and proposed permit MA-DVP-2020.10 (Kennedy) are Attachments 4 & 5.

Staff visited the subject property in August of 2020 and on June 11, 2021.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Official Community Plan:

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

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

Land Use Bylaw:

The property is zoned **Settlement Residential (SR)** in the Mayne Land Use Bylaw No. 146.

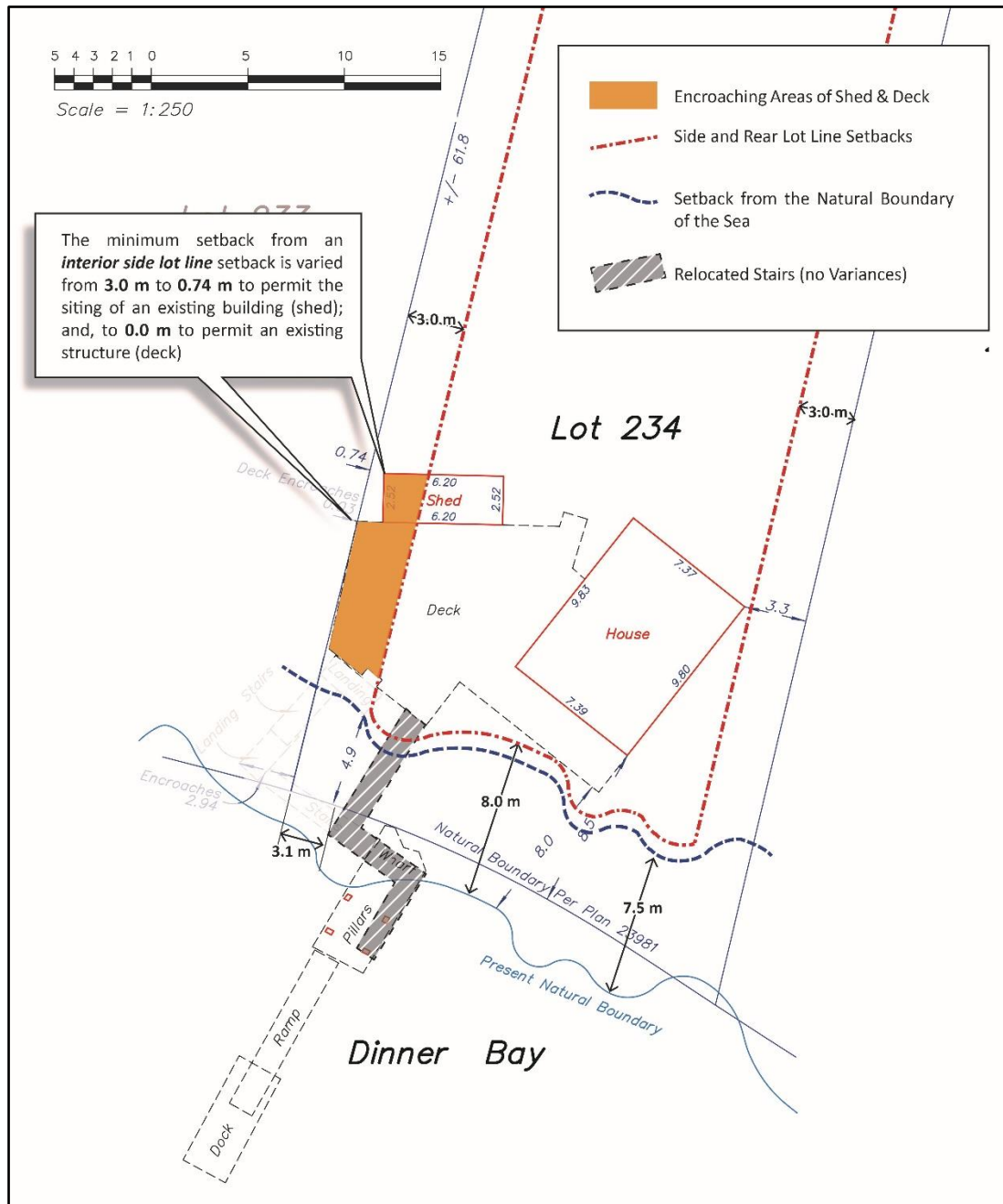
The existing residential use complies with use and density provisions of the zone on the property. As above, completion of the relocation of the access stairs and the granting of the variance would bring the property fully into compliance with the LUB.

Issues and Opportunities

Impact on Neighbouring Properties

The most impacted neighbour by proposed variances is the property to the west with potential visual and privacy issues. The neighbour has submitted a letter indicating full support for the proposed variances (below and Attachment 3). Furthermore, as the deck is constructed near grade, the impacts can be regarded as no greater than with the previous lawn area (Attachment 2.7). As the shed is reasonably small and has been in place for over 35 years, impacts from that building are also assumed to be minor.

Figure 2 – Site Plan



The Intent of the Regulation being Varied

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

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.

- Establishing certainty with respect to residential development by maintaining consistent height and siting regulations.

Potential Impacts of Granting the Variance

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

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on June 11, 2021.

Staff have received one letter in support at the time of writing (Attachment 3). Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Rationale for Recommendation

Staff is recommending that the application be supported for the following reasons:

- The rationale for the variance is reasonable.
- Although the variances for the deck are substantial, the impacts on neighbouring property are minimal.
- The variances for the shed are minor and the structure is unobtrusive and has been in place for many years.
- The proposed variance does not challenge the intent of the regulation.
- The applicant has cooperated with bylaw enforcement and agreed to relocate the access stairs to the dock in order to comply with setback regulations.
- Neighbours have been notified, and, to date, one submission in support has been received at the time of writing.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Deny either variance

The LTC may opt to deny one of the variances and approve the other.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee amend proposed MA-DVP-2020.10 (Kennedy) by removing from section 2. a) the following: _____; and,

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2020.10 (Kennedy) as amended.

3. 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-2020.10 (Kennedy).

NEXT STEPS

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

Submitted By:	Phil Testemale, Planner 2	June 11, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 11, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Correspondence
4. Notice
5. Draft Development Variance Permit MA-DVP-2020.10

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 234, Section 6, Mayne Island, Cowichan District, Plan 23981
PID	002-950-081
Civic Address	266 Leighton Lane

LAND USE

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

HISTORICAL ACTIVITY

File No.	Purpose
MA-BE-2020.10	(below)

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-2020.2 for construction of access stairs, 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 (Attachment 2.2)
Hazard Areas	Areas of High, Medium and Low Steep Slope Risk (Attachment 2.4)
Archaeological Sites	See 'First Nations' in main report. Remote Access to Archaeological Data (RAAD) information does not indicate any registered sites on or in proximity to the property, however, there are areas of high archaeological potential on the upper portion. 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 2.3

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

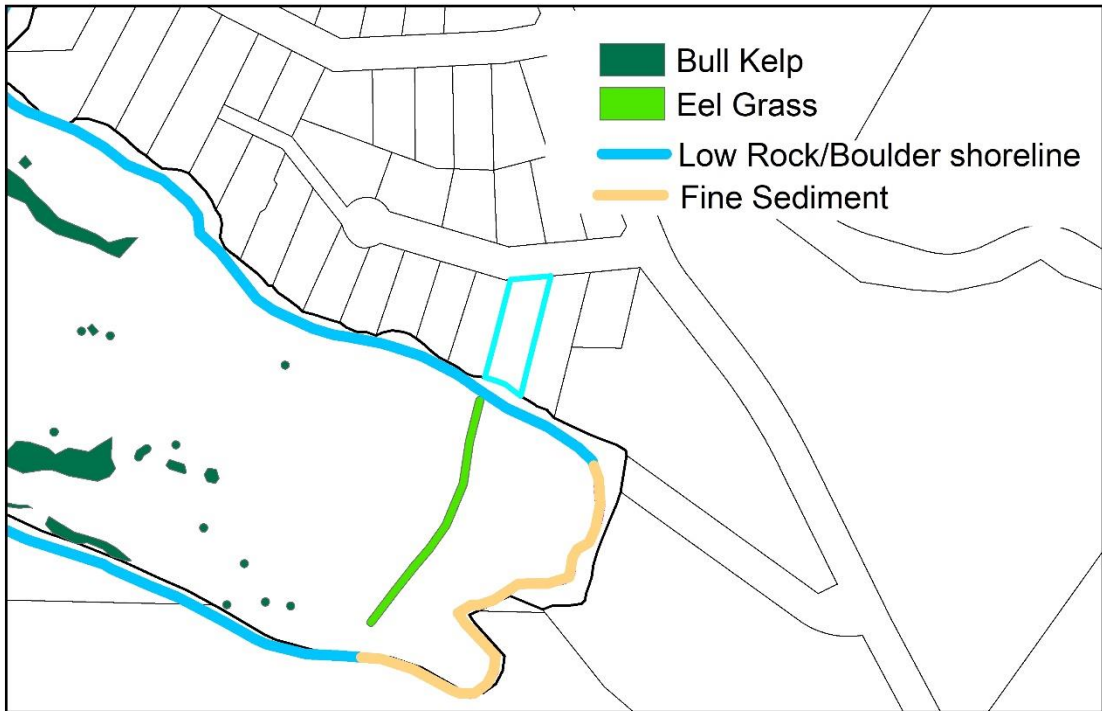
2.1 ORTHOPHOTO & ZONING



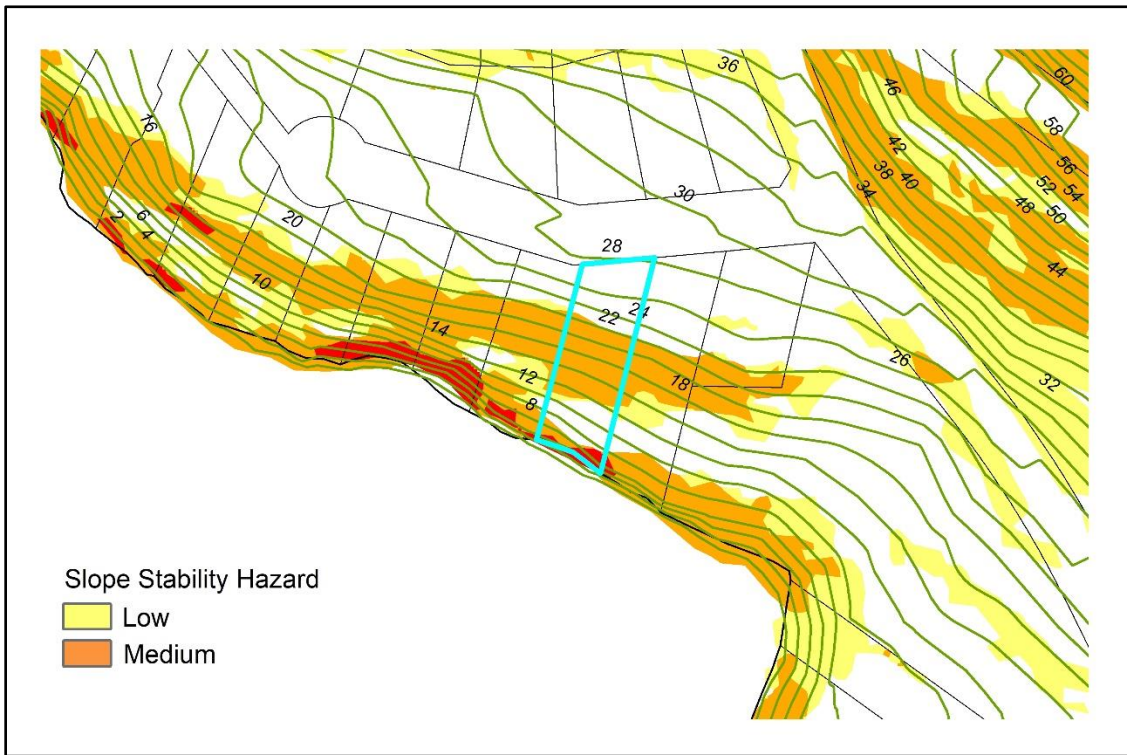
2.2 SENSITIVE ECOSYSTEM MAPPING



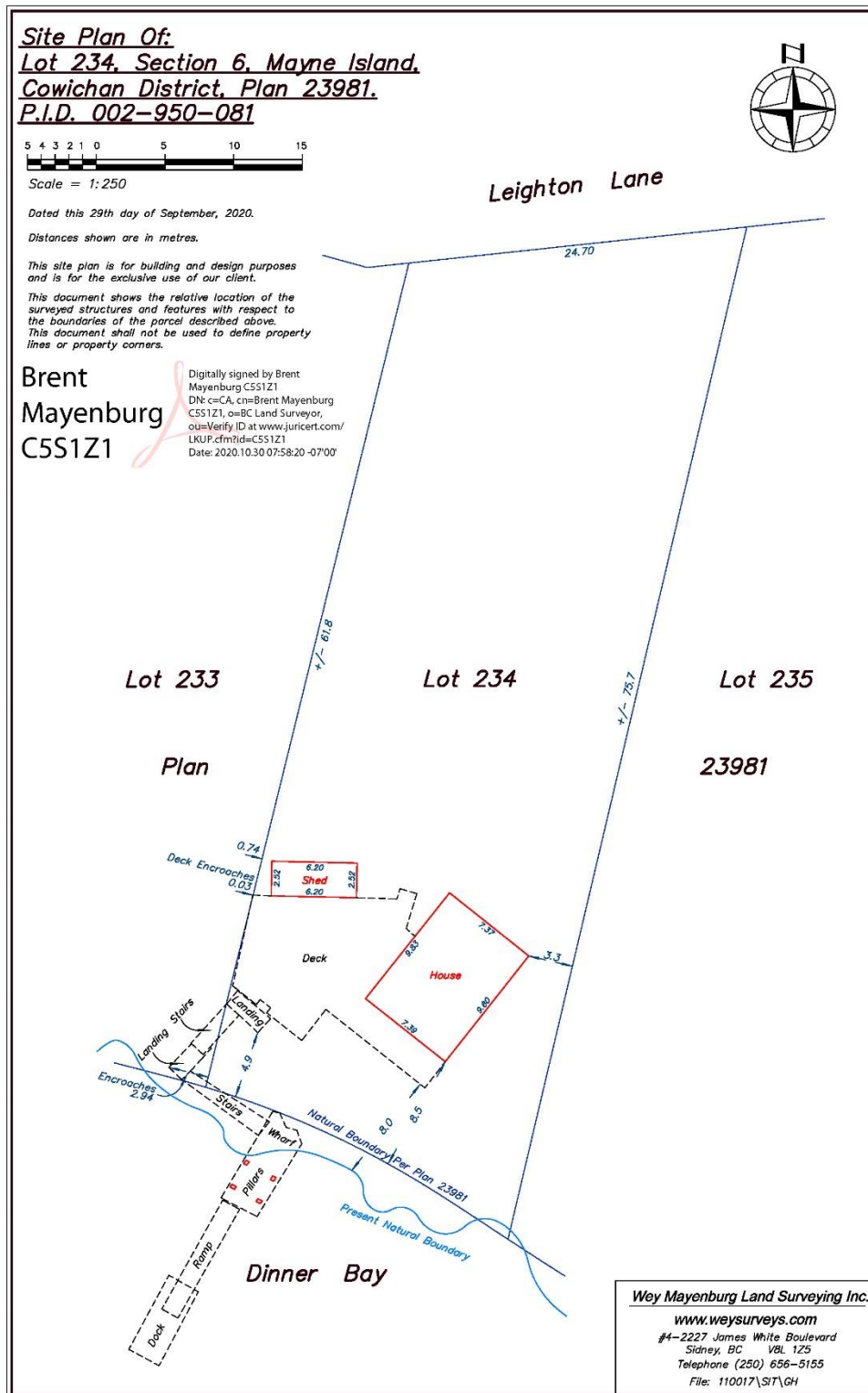
2.3 MARINE ECOSYSTEMS & SHORELINE TYPES



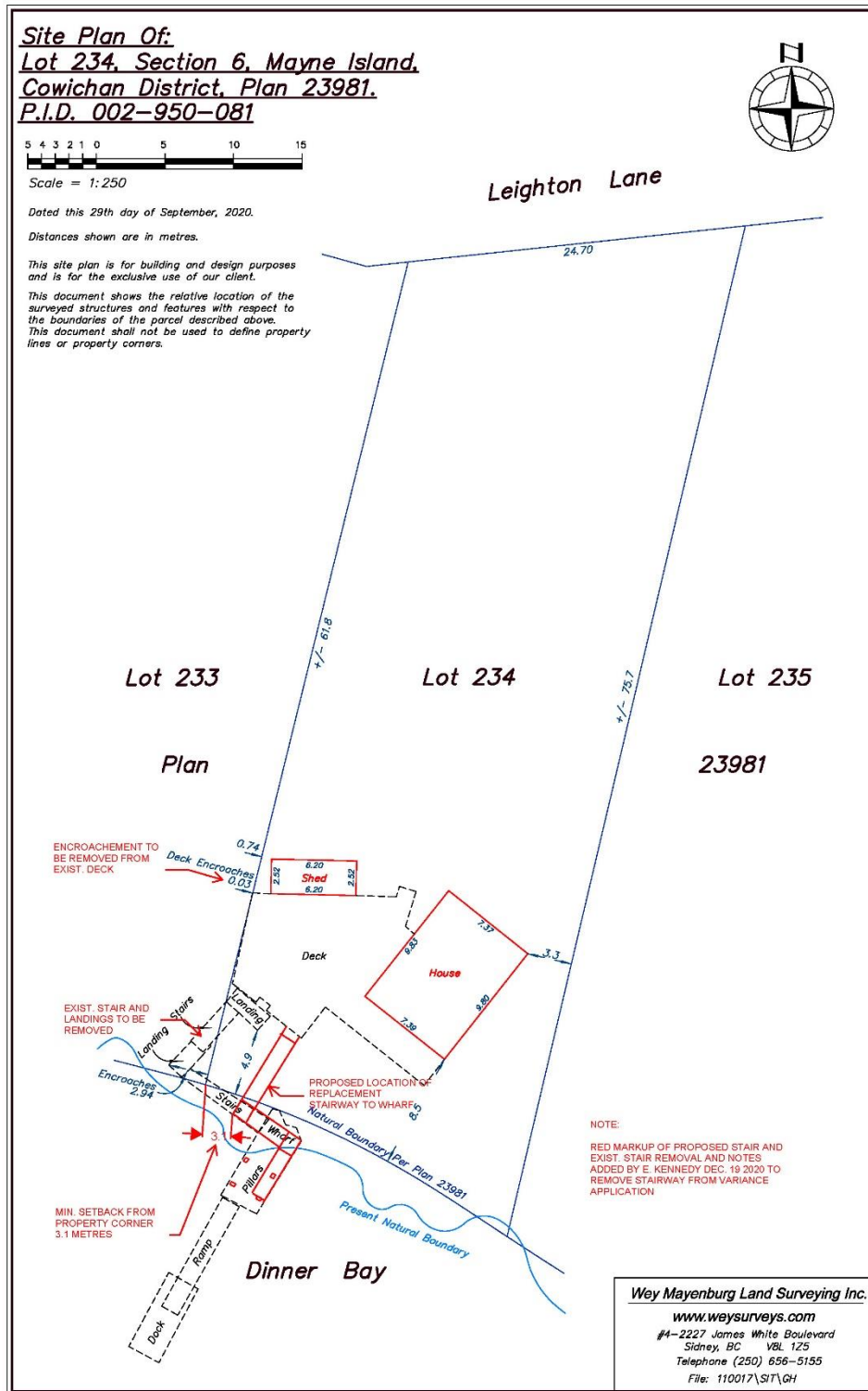
2.4 STEEP SLOPE MAPPING



2.5 SURVEY PLAN



2.6 COMPLIANCE PLAN



2.7 PHOTOGRAPHS

One: View south of subject deck structure



Two: Deck looking west



Three: Deck and shed (from west side of dwelling)

2.7 PHOTOGRAPHS (CONT'D)



Four: Access stairs to/from Leighton Lane



Five: Shed and lawn prior to deck construction



Six: Shed, lawn and dwelling prior to deck construction

2.7 PHOTOGRAPHS (CONT'D)

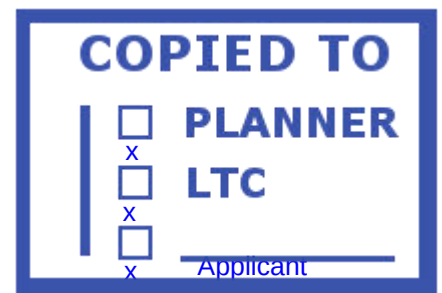
Seven: Deck being 'cut-back' to site entirely on property



Eight: Deck being 'cut-back' to site entirely on property



Attachment 3



From: Eleonora Kennedy [REDACTED]

Sent: Wednesday, June 9, 2021 4:37 PM

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

Cc: Bruce Cranna <[REDACTED]>; Saima Haque <[REDACTED]>

Subject: dvp Kennedy Nigel Cochrane

here you go Mr. Testemale

I also need to make a correction Mr. Cochrane's address is [REDACTED] Lane not [REDACTED]

My apologies

His letter of support is below if you need anything else please let us know

Attn: Phil Testemale, Maple Hung, Narrisa Chadwick

RE- Leighton Lane, Kennedy File- 266 Leighton lane

Hello Islands trust

My Name is Nigel Cochrane, I am the registered owner @ [REDACTED]. (Elenore's direct neighbor to the east)

I am writing you today Regarding the Dvp application for Elenore Kennedy, @266 Leighton lane.

Elenore has shown me the survey and where the encroachments are, and I fully support her variance application.

Please don't hesitate to reach out if you have any questions, or to let me know what I can do to help expedite this process for Elenore.

Kind Regards

Nigel Cochrane



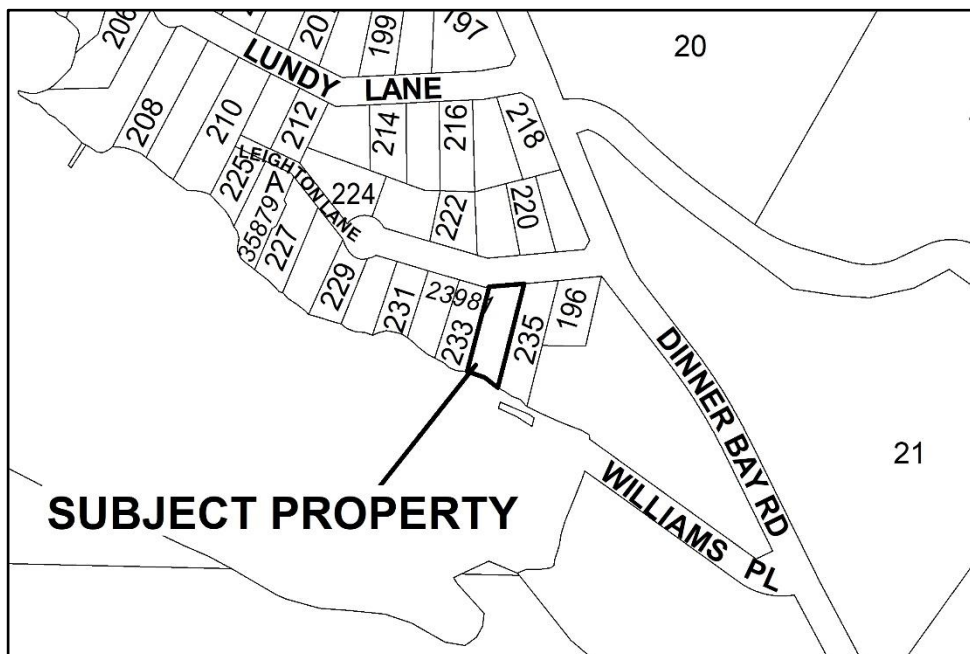
NOTICE
MA-DVP-2020.10
MAYNE ISLAND LOCAL TRUST COMMITTEE

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:

- Variances to reduce the setback from the natural boundary of the sea and interior side lot line setbacks for an **existing structure (a deck)** and interior side lot line setbacks for an **existing building (shed)** as shown on the attached proposed permit.

The property is located at **266 Leighton Lane** and is legally described as Lot 234, Section 6, Mayne Island, Cowichan District, Plan 23981 (PID: 002-950-081).

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 **May 31, 2021** and continuing up to and including **June 11, 2021**.

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; by fax at (250) 405-5155; or by email to southinfo@islandstrust.bc.ca before **4:30 p.m., June 11, 2021**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **1:00 p.m., June 21, 2021**.

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

Jas Chonk, Deputy Secretary



Proposed

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2020.10**

To: Eleonora Kennedy

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

Lot 234, Section 6, Mayne Island, Cowichan District, Plan 23981
(PID: 002-950-081)

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

- a) Article 5.1(8) (b) which states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit: a building (shed) within 0.74 metres (2.4 feet) of a interior side lot line, and a structure (deck) within 0.0 metres (0.0 feet) of an interior side lot line.

The development shall be consistent with Schedule 'A' attached to and forming 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, 2021.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, 2023, THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE 'A'





File No.: MA-TUP-2021.2 (Hoff –
MIASFF)

DATE OF MEETING: June 21, 2021
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Temporary Use Permit
Applicant: Mayne Island Agricultural Society and Fall Fair c/o Trish Hoff
Location: 437 Fernhill Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Temporary Use Permit application MA-2021.2 (Hoff – MIASFF) for a period of three (3) years.

REPORT SUMMARY

The purpose of the report is for a Temporary Use Permit (TUP) for a **Thrift Store, Archive and Museum Storage** within an existing dwelling, and **Fall Fair Activities** on the outside area of the subject property.

In summary, the above recommendation for the issuance of the permit is supported as:

- The permit will temporarily allow the uses pending rezoning of the property by separate application;
- The uses facilitate important community services provided by MIASFF;
- The rationale for the use is reasonable;
- Notification to date has generated no response; and,
- The permit as drafted provides conditions consistent with OCP guidelines to ensure that the use does not have an unreasonable impact on the local area.

BACKGROUND

This application is proceeding without a preliminary staff report to the Local Trust Committee (LTC) before notification, which is past practice. This is because there is some urgency as the current location of the thrift store (on Lot 9 to the west of the subject property) is in poor repair, is no longer suitable for the society's needs and will be demolished. The subject property was recently purchased by the Mayne Island Agricultural Society and Fall Fair (MIASFF) and they have confirmed that they will be making a future OCP amendment/rezoning ('rezoning') application and subsequently consolidate Lots 9 and 19. The TUP would allow the uses to be permitted until that process is finalized.

At the May 10, 2021 MILTC Regular Meeting, the LTC requested that Agricultural Society application be prioritized to facilitate Thrift Store being moved to the new site.

The MIASFF is a registered, charitable, not for profit society that is the owner and operator of the historic Agricultural Hall at 430 Fernhill Road (Lot 16) and the Gaol (Museum) and Thrift Store on Lot 9, and more recently the subject property.

Attachment 3 is a detail of the proposed uses of the property provided with the application. Referencing that document and Figure 2, the uses are summarized as follows:

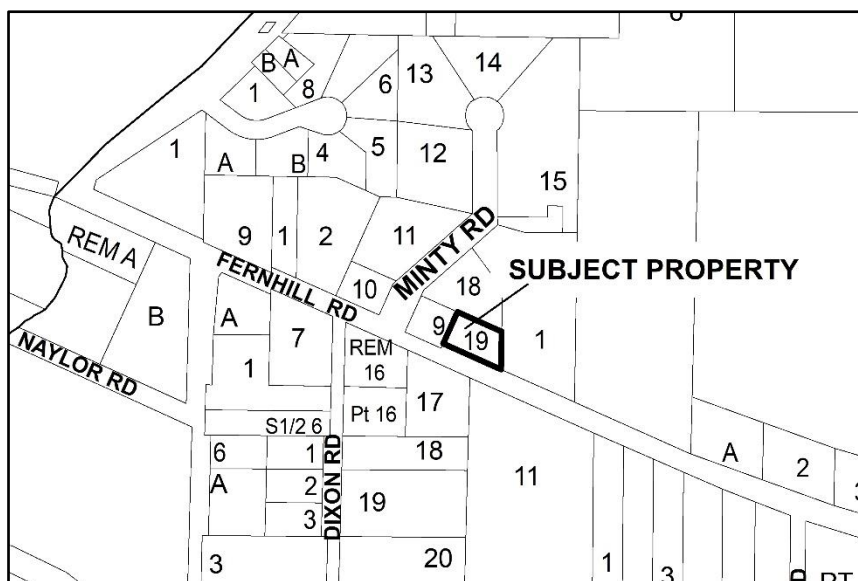
- Convert the existing 112 m² (1200 ft² - approx.) prefabricated dwelling to a thrift store and storage for the archives and museum.
- Use of the outside areas for fall fair activities, drop-off driveway access and off-street parking including two (2) accessible stalls and bike parking.
- Undertake future additions to the converted dwelling for an access ramp, accessible public washrooms and a roof cover over the existing entrance stairs.

The subject property currently has the dwelling and a small shed. It is a relatively flat parcel with some mature trees on the property on the periphery of the property that are to be assessed for any necessary pruning or removal.

The proposed TUP has been drafted using the existing OCP guidelines and in consultation with the applicants. It is for a term of three (3) years which could be renewed for up to a further three (3) years by application.

A copy of a completed TUP checklist, the notice and proposed permit MA-TUP-2021.1 are Attachments 4, 5 and 6. Staff have not visited the property due to Provincial Health Orders for COVID 19.

Figure 1 – Subject Property



ANALYSIS

Islands Trust Policy Statement:

- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for the proposed uses is consistent with the above policies.

Figure 2 – Site Plan



Islands Trust Policy Statement:

Official Community Plan:

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

The OCP currently outlines a general objective and guidelines for TUPs in Section 2.9 of the OCP. The objective is

- 2.9.1 Permits for temporary uses may be issued: for short term uses; or as a test of the compatibility of the proposed land use, which may not have been anticipated, with existing uses

Guidelines and permit conditions are analysed in an adapted, TUP Checklist (Attachment 4). In summary, the application and the proposed permit as drafted conforms to the guidelines.

Land Use Bylaw:

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

Issues and Opportunities

Community Need/Rationale

The proposal is for the non-profit thrift store, archives and museum storage and fall fair uses all of which provide a valuable and necessary service to the community of Mayne Island.

As above, the current thrift store and archive and museum storage on neighbouring Lot 9 are no longer suitable and relocation to the dwelling on the subject property will allow them to continue until the rezoning process can be finalized. Additions to the building will improve accessibility to the store, and use of the outside area will facilitate increased space for fall fair activities and parking needs.

Staff considers the rationale reasonable.

Impact on Neighboring Properties

The potential impacts of the use are viewed as minimal on direct neighbours and the local neighbourhood. The subject property is contiguous with other MIASSFF property and is on the eastern periphery of the Miners Bay commercial/community service uses area.

The main impacts are primarily increased traffic, road safety and parking. The permit as drafted requires compliance with LUB parking requirements and the proposal includes two (2) accessible parking stalls. The impact of increased traffic may inconvenience some neighbours, however, the permit limits the hours of operation for the store to between 9:00 a.m. and 1:00 p.m. Wednesday, Friday and Saturdays.

TUP Policies

A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. This is a mechanism that permits a short term use, either a use that is intended to be ephemeral, or, as in this circumstance, allowing the use while determining its compatibility for the property through the rezoning process.

Permit Conditions

The proposed TUP conditions are consistent with OCP guidelines and ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance of the TUP.

Landscape buffering conditions were not included in the TUP as circulated, but could be added by amendment prior to an approval. Alternatively, such conditions could also be deferred to the future rezoning process. The LTC may opt to amend the draft TUP to add further conditions to address concerns including the length of time the permit would be valid. The current valid period of three (3) years is recommended to accommodate any possible extended timeframe with the rezoning application.

As notification has occurred (next), the LTC should not remove conditions without re-notification to neighbours.

Consultation

TUP Notices were circulated to surrounding property owners and residents and published in the *Driftwood* newspaper June 9, 2021 (see Attachment 5). Notice was also posted to the Mayne Island community bulletin boards. The notification period will end at 4:30 p.m. on June 11, 2021.

At the time of writing, staff has not received any response to notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

There is minimal, additional development proposed outside the current footprint of the existing dwelling with no proposed ground disturbance or impacts to possible archaeological sites. As reviewed, the TUP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act compliance to the applicant.

Rationale for Recommendation

In summary, the recommendation on page 1 for the issuance of the permit is supported as:

- The permit will temporarily allow the uses pending rezoning of the property by separate application;
- The uses facilitate important community services provided by MIASFF;
- The rationale for the use is reasonable;
- Notification to date has generated no response; and,
- The permit as drafted provides conditions consistent with OCP guidelines to ensure that the use does not have an unreasonable impact on the local area.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Add additional conditions

The LTC may wish to amend the TUP by adding additional conditions. If selecting this alternative the LTC should specify the additional conditions.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee amend Temporary Use Permit MA-2021.2 (Hoff -MIASFF) by adding the following conditions: _____; and,

That the Mayne Island Local Trust Committee approve Temporary Use Permit application MA-2021.2 (Hoff -MIASFF) as amended.

3. Deny the application

The LTC may deny the application and proceed no further.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny Temporary Use Permit application MA-2021.2 (Hoff -MIASFF)

NEXT STEPS

- If the TUP is approved, the MIASFF will make a rezoning application.

Submitted By:	Phil Testemale	June 9, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 10, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Application Supplement
4. TUP Guidelines Checklist
5. Notice
6. Proposed MA-TUP-2021.2

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126
PID	000-008-575
Civic Address	437 Fernhill Road

LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	Community Service and Settlement Residential

HISTORICAL ACTIVITY

File No.	Purpose
MA-RZ-1994.3	Unknown – Closed historical file

POLICY/REGULATORY

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

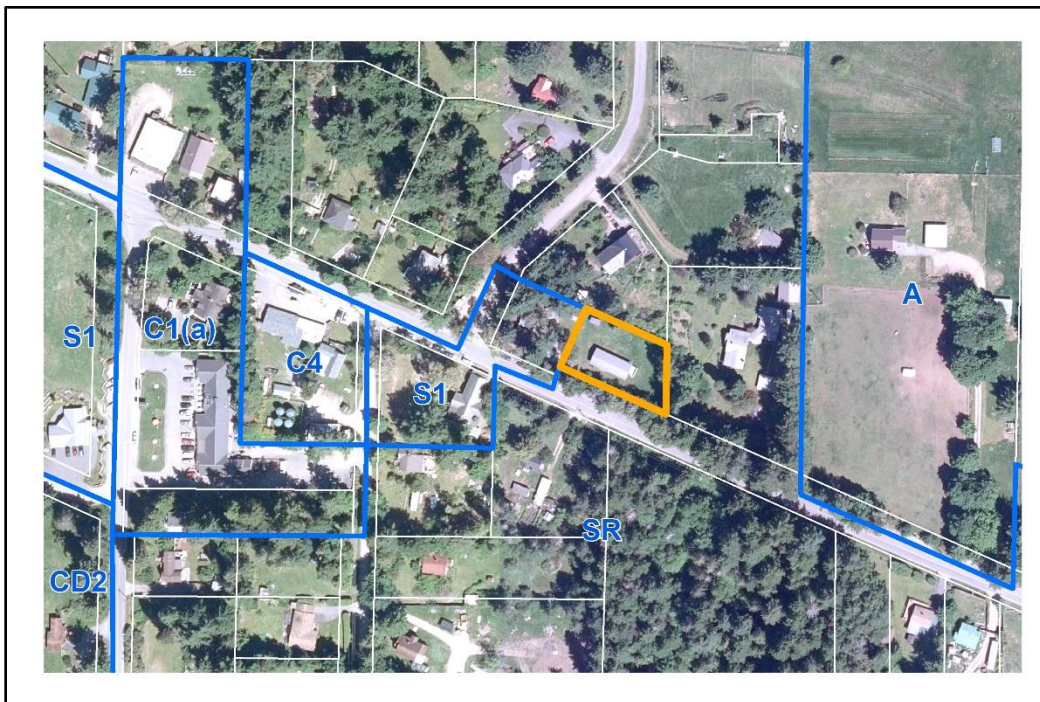
SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None on TAPIS
Sensitive Ecosystems	None on TAPIS – see Attachment 2.3
Hazard Areas	None on TAPIS
Archaeological Sites	See 'First Nations' in main report. Remote Access to Archaeological Data (RAAD) information indicates no registered archaeological sites or areas of archaeological potential on the property, however, there is a known site within 100 metres of the property. As such, the applicant has been advised and sent the Islands Trust Chance Find Protocol and provincial guidance. Additionally, by copy of this report, the owners and applicant should be

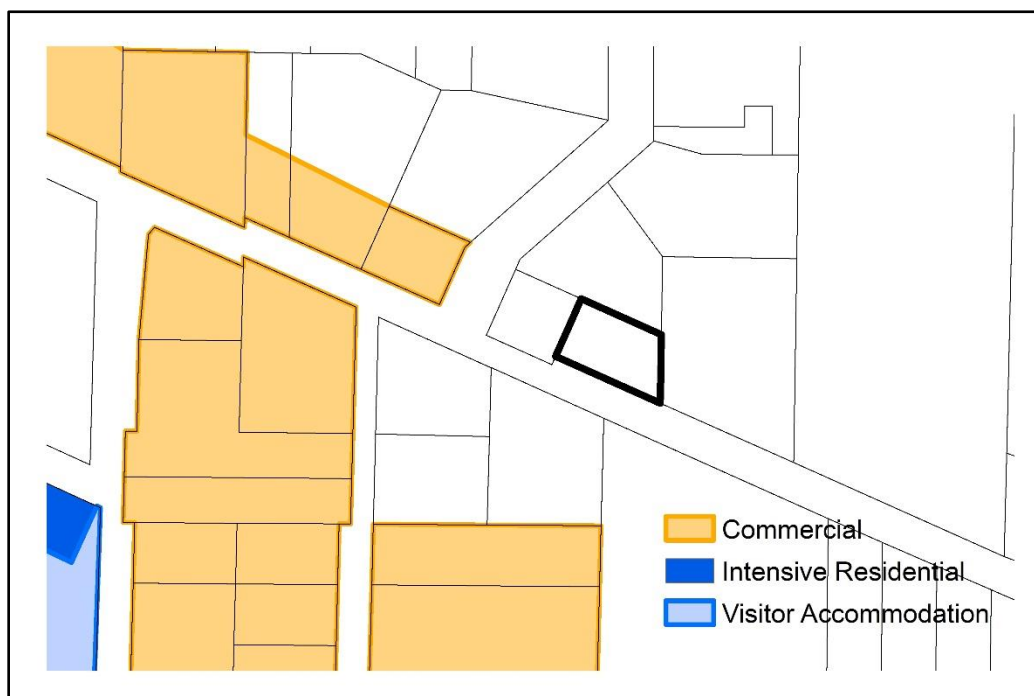
	aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The only development associated with this application are minor additions therefore GHG emission changes resulting from approval would be limited.

ATTACHMENT 2 – MAPS

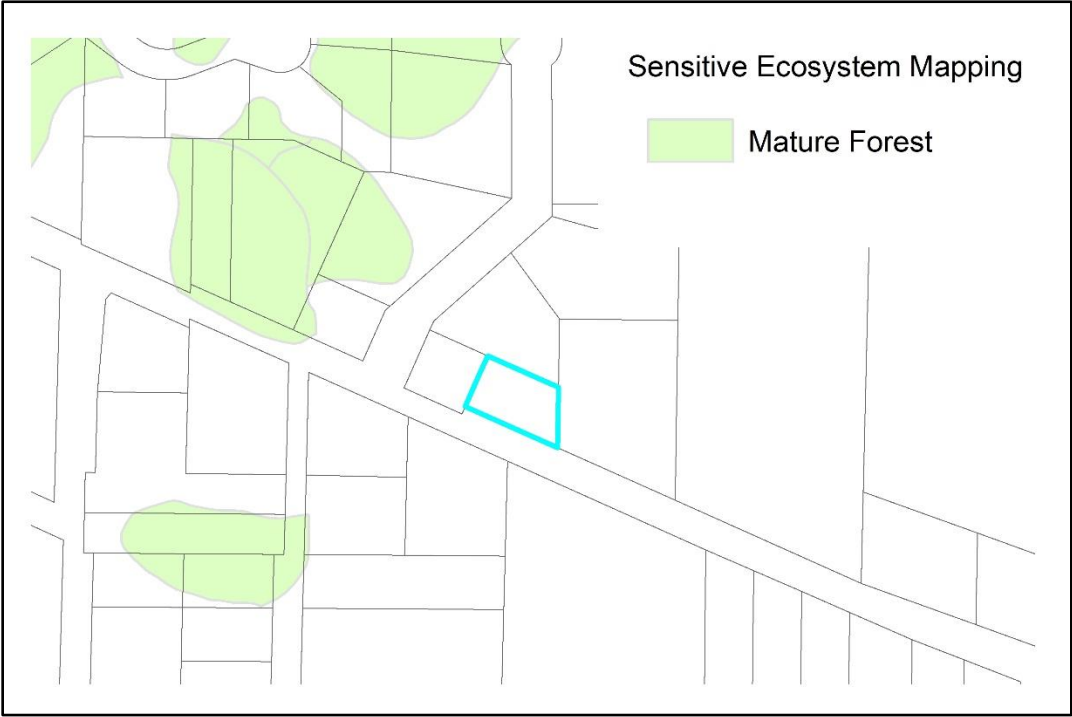
2.1 ORTHOZONING



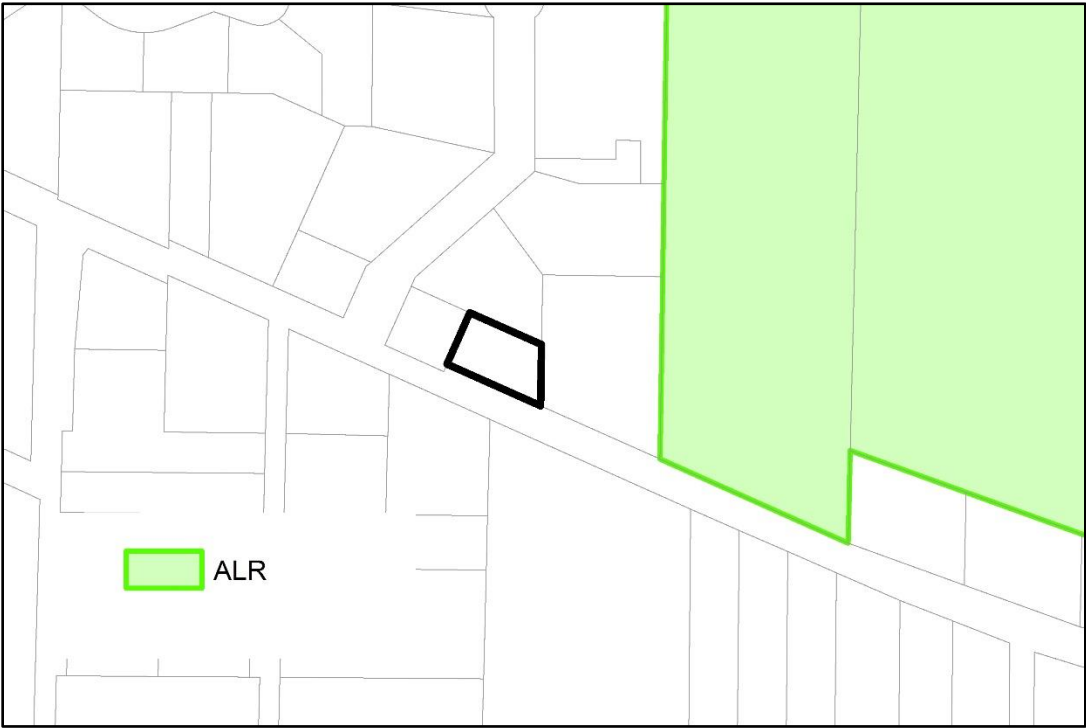
2.2 DPAs



2.3 SENSITIVE ECOSYSTEM MAPPING



2.3 ALR MAPPING



TUP Application Requirement Supplement

437 Fernhill Road, Mayne Island, B.C., VoN 2J0
Lot #19, Plan VIP 23126, Section 12, Cowichan Land District

Existing and Proposed uses/ Buildings and Structures on property:

- The existing building is a Pre -Fab home construction and is quite amenable to conversion to a retail store as it was originally set-up in an office/home configuration. The building would provide water, septic and electricity for our Thrift Store/ Museum/Fall Fair use.
- We envision an open gathering area in middle of the property for daily use as well as Fall Fair activities especially children's games, picnic area – tables, and possible market area.
- The existing Thrift Store on the adjacent lot, needs to be demolished as it is a non- conforming structure and plans are to use the newly opened area as a focal point for a future park.
- Large trees on the property need examination for pruning and possible removal.
- The front face of the existing property needs a facelift, and thoughts are to attach long tiered steps for access (including a ramp for handicap access) which could also be used for seating during the Fall Fair parade.
- Existing driveway and gate to be maintained for maintenance activities as well as event parking. Provision for two handicapped parking stalls is planned on the site as well as bike racks.
- The Farm Boy shed with a new fixed roof to be retained and possibly relocated on site.
- A trail is envisioned, starting at the front of the Museum by the Indigenous Interpretive Kiosks, including various fixed mounted identified displays, such as the dummy torpedo and fog horn, and possible story board displays highlighting the history of Mayne Island. This trail would connect to the picnic area and beyond.
- A public washroom with handicap access is recommended as an addition to the north end of the building along with heated archives/museum storage.
- Proposed inside/outside renovations to utilize optimal space for retail use:
 - Remove back washroom/bedroom inside for retail space or possible history viewing area.
 - Construct drop off parking and turnaround.
 - Construct a sorting room for examination, cleaning, pricing of Thrift Store donations.
 - Recommend driveway construction off of Fernhill to the south end of the building for donations drop off, parking and turnaround.

ATTACHMENT 4
TUP Checklist
MA-TUP-2021.2 (Hoff - MIASFF)

497 Fernhill Road

Guidelines	Comments
<i>Overall TUP Guidelines (Section 2.9.1 of OCP)</i>	
1. Permits can be issued for any period up to three years and could be considered for renewal once for any further period up to three years.	Complies – three (3) years in draft permit
2. Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.	Complies
3. Permitted uses should not preclude or compromise future permitted uses on the affected lot.	Complies
4. Uses should not be allowed if they conflict with any ongoing planning policies or programs.	Complies
6. Permit conditions must make reference to measures dealing with the following points: a) general activity levels that will not create any disturbance apparent beyond the property's boundaries; b) adequate landscape buffering or distance separation to adjacent lots; c) provision of off-street parking spaces consistent with regulatory bylaws; d) reclamation measures that will restore the permit area to suitability for its designated primary use; and e) adequate supervision of the site.	Complies - Conditions in the draft permit, noting that landscape buffering has not been included, but can be by amendment before approval.
7. In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighbourhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions	Complies - Conditions in the draft permit



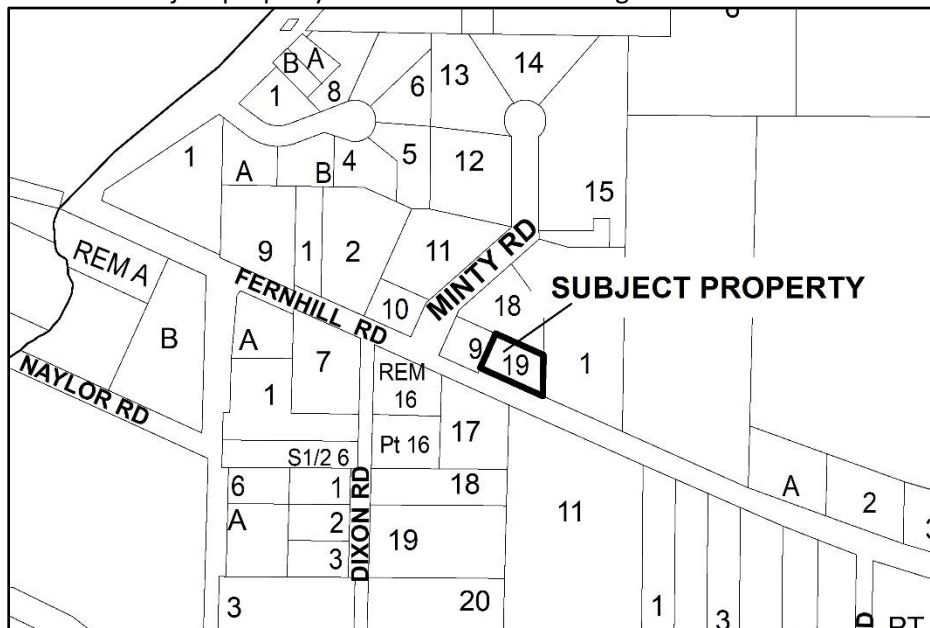
NOTICE
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2021.2

NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit, pursuant to Section 494 of the *Local Government Act*. The proposed permit would apply Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126 (PID: 000-008-575). This property is located at **437 Fernhill Road**.

The purpose of this temporary use permit would be to permit a **Thrift Store** and **Archive and Museum Storage** within the dwelling unit, and **Fall Fair Activities** on the subject property.

The establishment of these uses would be subject to the conditions specified in the attached permit. The permit would be issued for three (3) years and the owner may apply to the Mayne Island Local Trust Committee to have it renewed once for up to an additional three (3) years.

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



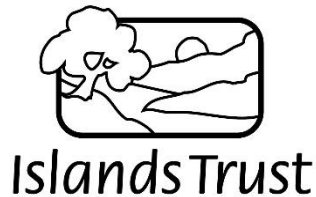
A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **May 31, 2021** and continuing up to and including **June 11, 2021**.

For the convenience of the public only, and not to satisfy Section 494 (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; by fax at (250) 405-5155; or by email to southinfo@islandstrust.bc.ca before **4:30 p.m., June 11, 2021**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **1:00 p.m., June 21, 2021**.

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.



Proposed

**MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2021.2 (Hoff - MIASFF)**

437 Fernhill Road

- To: Mayne Island Agricultural Society and Fall Fair
c/o Trish Hoff, President, Mayne Island Agricultural Society and Fall Fair
1. This Permit applies to the land described below:

Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126
(PID: 000-008-575).
 2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:
 - a) ***Thrift Store within the dwelling***
 - b) ***Archive and Museum Storage within the dwelling***
 - c) ***Fall Fair Activities***
 3. The uses in section 2. above may be carried out subject to the following conditions and specifications and shall be substantively consistent with Schedule 'A', attached to and forming part of this permit:
 - a) The hours of operation are limited to between 9:00 a.m. and 1:00 p.m. Wednesday, Friday and Saturdays;
 - b) on-site parking in compliance with Section 7 of the Mayne Island Land Use Bylaw No. 146, 2008, including two (2) accessible parking spots; and,
 - c) additions to the existing dwelling limited to those indicated on Schedule 'A'.
 4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.

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

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ## DAY OF MONTH, 2021.

Deputy Secretary, Islands Trust

Date Issued

TEMPORARY USE PERMIT MA-TUP-2021.2 (Hoff - MIASFF)
Schedule "A" (Site Plan)



File No.: MA-DVP-2021.2 (Silverstein & Young)

DATE OF MEETING: June 21, 2021
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima
SUBJECT: Report subject: MA-DVP-2021.2 (Silverstein & Young)
Applicant: Jeff Silverstein and Amanda Young
Location: 721 Wilks Rd, Mayne Island

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve the issuance of Development Variance Permit application MA-DVP-2021.2 (Silverstein & Young).

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit. The variances are for the replacement and expansion of a pre-existing legally non-conforming dwelling. The variance will enable the siting of the dwelling to be consistent with the Mayne Island Land Use Bylaw No.146, 2008 (LUB).

The above recommendation is supported as the expansion of the pre-existing legally non-conforming footprint is minimal with the majority of the expanded area being outside the setback (350ft²/32.5m²). Also, the applicants will be removing existing accessory structures (shed in side yard setback, shed in front yard setback, sauna in side setback, pergola) to adhere to the 20% lot coverage maximum. The impacts of the variance will be minor for the neighbours to the west and the neighbourhood in general. The applicant has demonstrated interest in working with the neighbours to the east to address privacy and trespass concerns they have raised.

RATIONALE FOR VARIANCE

The primary rationale provided by the applicant is that the replacement of the home will enable the development of a stronger foundation and stronger structure to support the desired substantial changes to the home as well as meet current building code requirements. They indicate that the current foundation and structure of a substantial part of the home, built as an addition in 1971, is not sound and poses a safety risk. The existing footprint would remain the same except for 1) a 350ft²/32.5m² expansion on the west side with a some intrusion into the front setback to match the pre-existing footprint to be maintained and 2) the expansion of the deck at the north side of the property facing the water into the interior side setback to the east.

All of the existing deck will be rebuilt. The total square footage of the new deck will be very close to that of the existing deck. The applicant identifies that the extension of the deck on the water facing north side of the house to the east edge of the original pre-existing footprint line within the setback provides the opportunity for an egress from the proposed bedroom. Recognizing the privacy concerns expressed by the neighbours to the east (letter Z:\09 Current Planning\08 MA\3190 DVP\25 Applications (P)\2021\MA-DVP-2021.2 (Silverstein & Young)\06 Staff Reports\MA-DVP-2021.2 (Silverstein & Young)_staff report.docx

Attachment 4) the applicants identify that they will be putting up privacy screening on the east side of the deck facing the property line. In addition, they express interest in working with the neighbour to address other issues outside the scope of this permit that may also address privacy and trespass issues such as the rebuilding of the fence between the two properties. The Applicants have indicated to staff that they have been in email contact with the neighbours (letter Attachment 3).

BACKGROUND

The applicant purchased the property in August 2020 with the intention of doing a significant renovation. There are two distinct parts to the house. The original home is the portion that faces the water running north-south and was built prior to 1971. The addition to the original home expanding east-west, perpendicular to the road, was built in 1971. BC Assessment data identifying the year of building confirms that the building predates Islands Trust bylaws providing the dwelling with pre-existing legally non-conforming status. Because of the solid structure of the original portion of the home, some of this portion will be retained. Application for a development variance was made in March 2021.

The draft permit circulated for notification included variances to Mayne Island Land Use Bylaw 146, 2008 as follows:

- a) Article 5.1(8) (a) which states that the minimum setback for any building or structure is 8 metres (26 feet) from any front lot line is varied to permit:
 - i. the replacement of a pre-existing legally non-conforming dwelling as close as 6.84 metres (22'-5 ½") from a front lot line: and,
 - ii. the extension of a pre-existing legally non-conforming dwelling as close as 6.84 metres (22'-5 ½") from a front lot line.
- b) 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:
 - i. the replacement of a pre-existing legally non-conforming dwelling as close as 0.4 metres (1.3 feet) from an interior side lot line.
 - ii. the addition of a deck to a pre-existing legally non-conforming dwelling as close as 0.4 metres (1.3 feet) from an interior side lot line.

Due to Covid related provincial health restrictions planning staff were not able to visit the property. Bylaw staff took a number of pictures on April 15, 2021 (Attachment 2)

Copies of the notice and draft MA-DVP-2021.2 (Silverstein and Young) are Attachment 5 and 6.

Figure 1- Subject Property

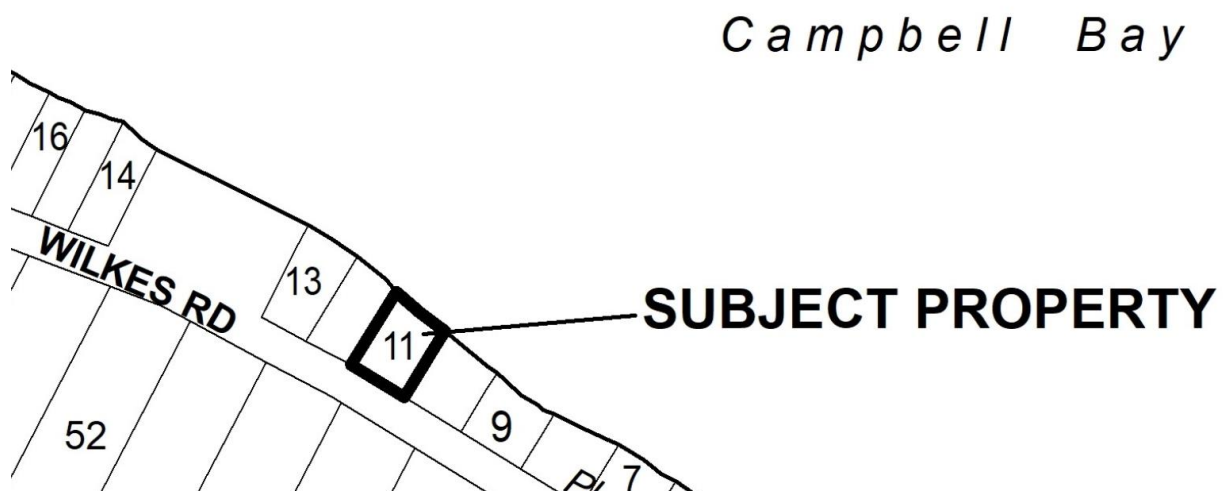
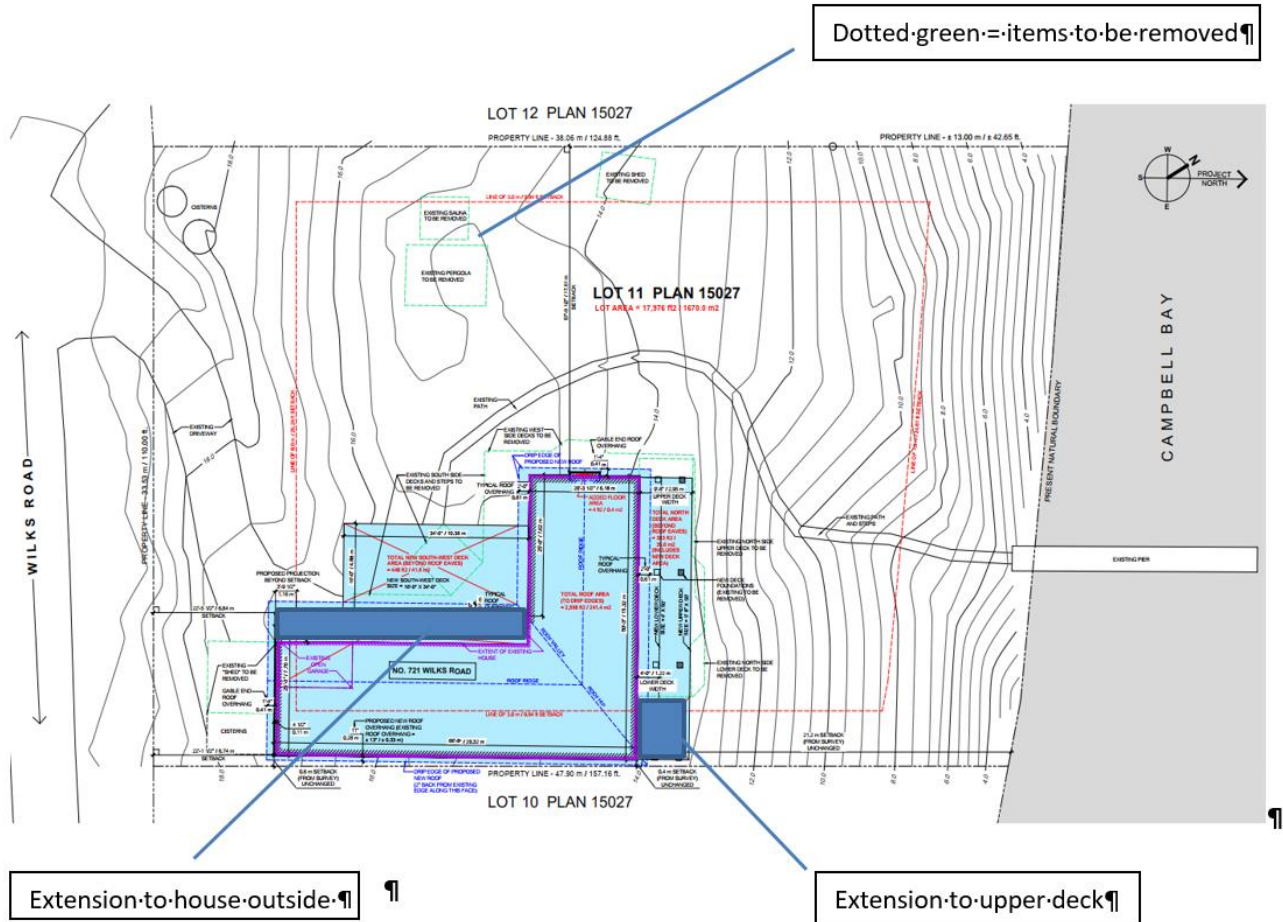


Figure 2 – Orthophoto



Figure 3 – Site Plan (Schedule ‘A’ of DVP)

Full site plan details can be found in Attachment 2.



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 the property complies with use provisions of the zone. The proposed variances would bring the rebuild of the dwelling into conformance with the LUB. The other two existing legally non-conforming structures on the property will be removed.

Issues and Opportunities

Impact on Neighbouring Properties

As there will be limited changes to the existing footprint of the dwelling the impact of the variance will be minor for the neighbours to the west and the neighbourhood in general. The neighbours to the east identify the potential for an increased impingement on their privacy with the proposed extension of the deck on the north side of the dwelling into the interior side yard setback to the east (see Attachment 4).

Existing non-conforming structures in the setback from the interior lot line on the west side of the property and in the setback from the front lot line will be removed, potentially improving the visual aesthetic of the property from the front and west side.

Intent of the Regulation Being Varied

The overall purpose of the interior side and front lot setback 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.

The proposed side yard and front yard variances are supported by staff as they are minor in nature and the applicant has demonstrated interest in working with the neighbour to the east to address privacy concerns.

Potential Impacts of Granting Variance

Granting this variance will have limited impact on the ecological value of the lot as there will be minimal impact to the building footprint. The removal of accessory structures in the west side and the front yard setback and the update to the older structure could potentially have a positive aesthetic impact for neighbours. The extension of the deck at the rear of the house will not be seen from the road. The neighbours to the east have expressed privacy concerns related to the extension of the deck into the setback on the north side of the dwelling.

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 June 14, 2021.

At the time of writing, staff have received one letter from the neighbour to the east (Attachment 4). Any further comments received prior to the LTC considering issuance of the variance permit will be forwarded to the LTC.

First Nations

There appears to be no recorded archaeological sites on the property.

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

The recommendation to support the development variance is supported because:

- It will bring the pre-existing legally non-conforming dwelling into compliance with the Land Use Bylaw
- The expansion of the existing footprint is minimal with the majority of the expanded area being outside the existing setback (350ft²/32.5m²).
- The ecological impacts will be minimal as building extension is in an area where there is already deck.
- The extension of the deck at the back of the house into the side yard setback provide the opportunity for an egress from the proposed bedroom.
- The applicant has demonstrated interest in working with the neighbour to the east to address privacy concerns.
- The applicants will be removing existing accessory structures (shed in side yard setback, shed in front yard setback, sauna in side setback, pergola) to adhere to the 20% lot coverage maximum.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should 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...

2. 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-2021.2 (Silverstein and Young) by removing the following section(s) _____;and,

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2021.2 (Silverstein and Young) as amended.

3. 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-2021.2 (Silverstein and Young).

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Narissa Chadwick, RPP, Island Planner	June 7, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 7, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Correspondence from applicant
4. Correspondence
5. Notice
6. Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 11, Section 10, Mayne Island, Cowichan District, Plan 15027
PID	004-165-098
Civic Address	721 Wilks Road, Mayne Island BC, V0N 2J1

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 Settlement Residential (SR) in the Mayne Island Official Community Plan No. 144, 2007 (OCP) There are no designated Development Permit Areas (DPAs) 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	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed on TAPIS
Sensitive Ecosystems	None shown on TAPIS
Hazard Areas	The property is identified to have low and moderate slope on TAPIS
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates areas of archaeological potential close to the property. The applicant has been advised and sent the Islands Trust Chance Find Protocol and provincial guidance. Additionally, by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during

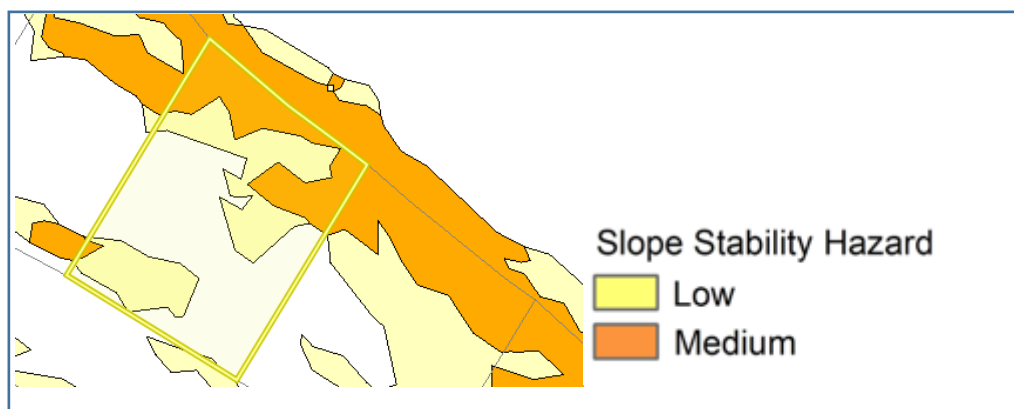
	development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	As application is retroactive, there is no new development associated with this application therefore GHG emission changes resulting from approval are limited. Property is across the road from waterfront properties in Bennet Bay which are high banked limiting potential climate change induced hazards.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

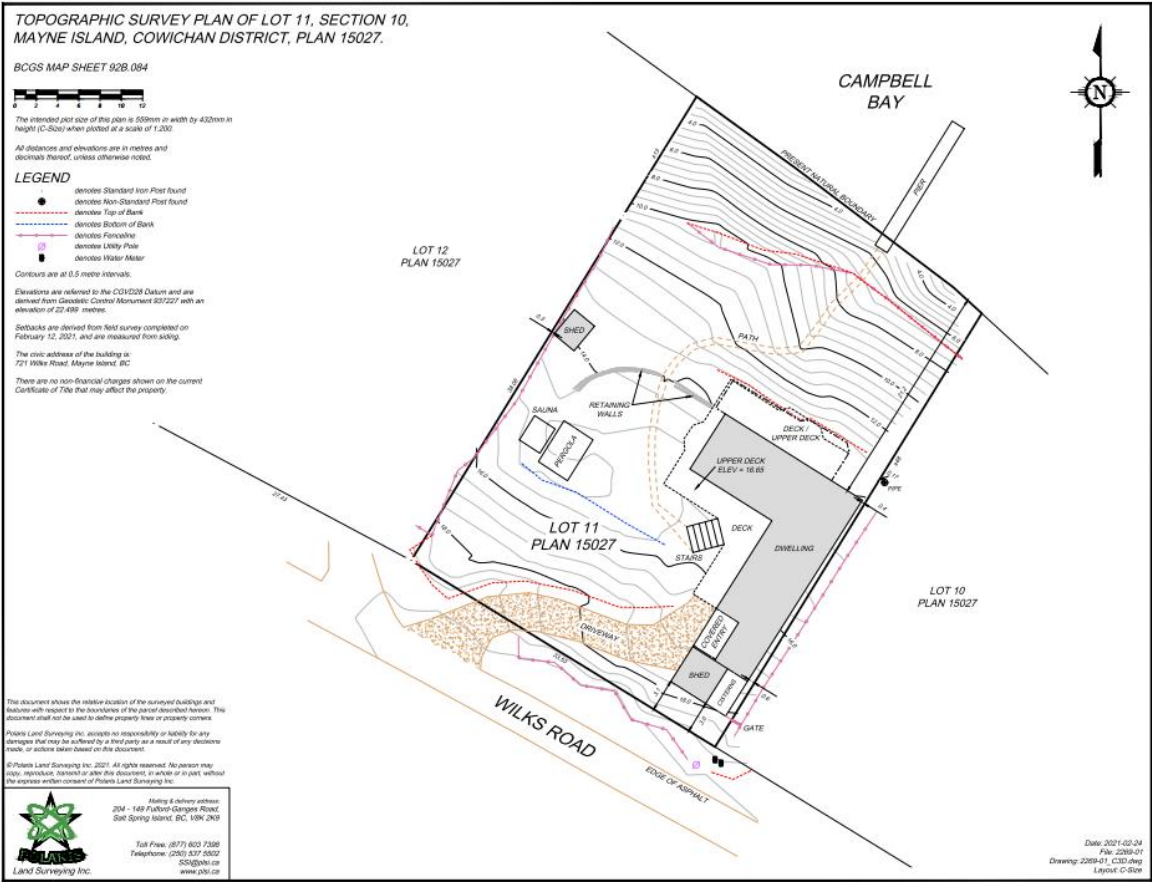
2.1 ORTHOPHOTO



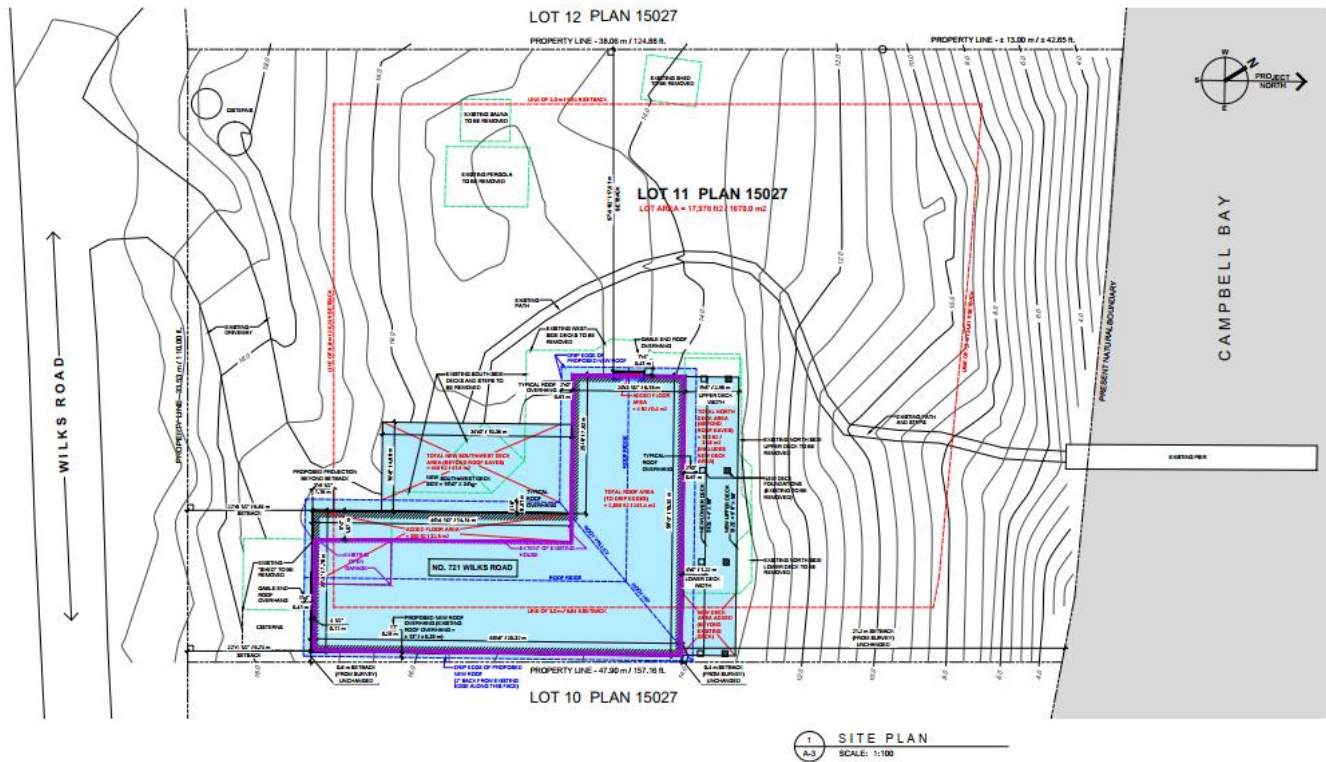
2.2 STEEP SLOPE MAPPING



2.4 SURVEY PLAN



2.5 SITE PLAN



[illegible]

	DASHED GREEN COLOURED LINE INDICATES OUTLINE OF EXISTING STRUCTURES ON LOT TO BE REMOVED
	THICK BLACK SOLID LINE WITH ADJACENT SINGLE LINE LIGHT HATCHING INDICATES PROPOSED PERIMETER OF RENOVATED HOUSE
	HEAVY - LONG DASH / 2 SHORT DASH - LINE INDICATES PROPERTY LINE
	RED COLOURED DASHED LINE INDICATES LINE OF REQUIRED SETBACKS AS PER PLANNING / ZONING REGULATIONS
	DARK BLUE COLOURED DASHED LINE INDICATES PROPOSED ROOF LINES AS WELL AS PROPOSED NEW ROOF DRIP-EDGE AT PERIMETER
	LIGHT BLUE TONED AREAS INDICATE EXTENT OF PROPOSED LOT COVERAGE (TO ROOF DRIP EDGES AT PROPOSED ROOF)
	PURPLE LINE WITH ADJACENT DOUBLE LINE PURPLE HATCHING INDICATES EXTENT OF EXISTING HOUSE

TOTAL ROOF AREA TO DRIP EDGES = 241.4 m2

TOTAL NORTH DECK AREA (BEYOND ROOF EAVES) = 35.6 m2

TOTAL NEW SOUTH-WEST DECK AREA (BEYOND ROOF EAVES) = 41.6 m2

THEREFORE TOTAL LOT COVERAGE = 241.4 m2 + 35.6 m2 + 41.6 m2 = 318.6 m2

LOT AREA = 1670.0 m2

PERCENTAGE LOT COVERAGE = 318.6 m2 / 1670.0 m2 = 0.19 = 19%

(MAX. ALLOWABLE LOT COVERAGE = 20% = 334.0 m2)

NOTE: 334.0 m2 - 318.6 m2 = 15.4 m2 (166 ft2) IS POTENTIAL ADDITIONAL LOT COVERAGE LEFT UNUSED FOR A FUTURE POSSIBLE STRUCTURE

PROPOSED LOWER FLOOR AREA = 1,033 ft² / 96.0 m²
 PROPOSED MAIN FLOOR AREA = 2,195 ft² / 203.9 m²
 TOTAL PROPOSED FLOOR AREA = 3,228 ft² / 299.9 m²
 (NOTE: 369 ft² / 34.3 m² IS AREA ADDED TO EXISTING HOUSE
 (354 ft² / 32.9 m² ON MAIN FLOOR & 15 ft² / 1.4 m² ON LOWER FLOOR)

2.7 PHOTOS

VIEW FROM ROAD



EAST SIDE OF HOUSE FROM FRONT



The figure consists of three photographs of garden structures, each with a green arrow pointing to a specific feature:

- Left photo:** A wooden gazebo with a lattice railing. A green arrow points to the lattice railing.
- Middle photo:** A wooden shed with a lattice door. A green arrow points to the lattice door.
- Right photo:** A wooden lattice structure with a lattice door. A green arrow points to the lattice door.



Attachment 3: Note From Applicant

From: Jeff Silverstein <[REDACTED]>
Sent: Wednesday, June 9, 2021 4:40 PM
To: Narissa Chadwick
Cc: Amanda young
Subject: 721 Wilks Rd / Screening & Working w Neighbour

Hi Narissa,

Just a quick follow up note on our conversation last week.

It was very helpful to know that our neighbour, Tiffany Hedges, has a few concerns about the variance application and it was great to be able to email her directly. We have met a number of our neighbours who live along Wilks Road, and we are incredibly excited to be a part of this very special community.

We understand that Tiffany has a concern about the fence as well as with the small extension of the existing balcony that will allow for an egress out of one of the bedrooms. We have exchanged emails and shared a sketch of a proposed reeded glass wall that will be built at the end of the balcony to provide a full 8 foot high visual privacy screen for both of us.

We have attached the sketch here for your record as well. While the screen does not cut out noise it is a visual barrier which provides more privacy than the existing corner windows that are currently in that corner of the house.

The position of that deck which faces the water also means that we are likely to only use it for morning coffees, and that most of our outdoor living will be out of the prevailing wind on the back deck in the lovely afternoon sun.

We have also written to Tiffany to assure her that we will be respectful and accommodating during this time while we are both in the process of renovation, and also assure her that we will be mindful of their privacy at all times since we are close neighbours.

We would like to thank you for all your help guiding us through the DVP application process and look forward to meeting the trustees in the Zoom meeting on June 21st.

All the best,

'Privacy screen'



Attachment 4: Correspondence

Dionne LoForte

From: SouthInfo
Sent: Monday, May 31, 2021 11:54 AM
To: Dionne LoForte
Subject: FW: C/O Narissa Chadwick RE: Variance Permit MA_VA-2021.2 721 Wilkes Rd, Mayne Island

Dionne LoForte (she, her, hers)
Local Planning Services and Bylaw Administrative Assistant
Islands Trust | T 250-405-5187

From: Tiffany Hedges <[REDACTED]>
Sent: Saturday, May 29, 2021 7:39 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: James Larsen <[REDACTED]>; [REDACTED]
Subject: C/O Narissa Chadwick RE: Variance Permit MA_VA-2021.2 721 Wilkes Rd, Mayne Island

To Narissa Chadwick,

I received notice of the proposed development variance permit for 721 Wilkes Rd. located on Mayne Island , BC. I own the neighbouring property at [REDACTED], the only property that will be directly affected by this variance application. For years I have wondered why we are the only home on our street that does not enjoy the same measure of privacy as our other neighbours' houses located along Wilkes Rd. 721 Wilkes Rd directly overlooks our side yard and deck area, while reading this variance proposal and after viewing the surveyors pin placement it is now apparent why. I strongly object to the proposed yard variance for several reasons:

- A lack of privacy and noise concerns affecting our enjoyment of our own deck and yard due to the proximity of 721 Wilkes.
- The existing fence built by the previous owners of 721 Wilkes Rd. appears to be built several feet **over the property line onto our lot space** in order for 721 Wilkes to gain a side yard and access the side of their house. Any repairs and renovations to the home, equipment and workers will actually be trespassing onto our property and/or need access to our property to complete work. We have lost approximately at least 4 ft of our property boundary due to this fence placement, perhaps more.
- Any foundation work/digging for posts will likely affect our property.
- The roof line will almost, if not actually overhang our property line and if the troughs/gutters fill (which they often do on the island) overflow will drain directly onto our side yard, the location of our septic field.
- At the very least, the side deck extension should not be allowed beyond the original side lot setback. This will impinge further on our privacy. Please see attached images which show the proximity of the current deck structure.
- We are concerned about how this will affect our ability to do any future outbuildings (sheds, bunkies) or extensions on our home. Will we be held to the bylaw? If so, even if we build at the requisite 10 ft away our neighbours will be directly at our property line.
- There is not a 20 ft. Buffer between our structures for fire prevention purposes.
- 721 Wilkes is almost directly at the property line in places. If we take down the existing fence erroneously built on our property and place it onto the correct boundary then they will have 15" in places in order to access the side of their home.

- Please consider what precedent you are setting should you allow this variance and that the regulations should be fair for all.
- The water shut off valve to 721 Wilkes appears to also be built on our property, not on the property line.
- Should this variance be approved in its entirety, I may seek legal counsel. I have no wish to cause trouble for our neighbours and wish they had directly consulted us prior to filing this variance, however; I feel very upset to learn of the property boundary issue as our rights as property owners at 725 seem to have been overlooked by the original builders of 721 Wilkes. I feel we would have had a much more private lot had the home actually been placed the requisite 10 ft. away and am disturbed that the fence is actually built onto our property so they may gain a side access yard. I am guessing the addition to the home was illegally completed after the original completion of 721 and prior to the building of 725 Wilkes.
- Thank you for considering my concern, please reach out if you need further information.

Yours Truly,
Tiffany Hedges

[REDACTED]

[REDACTED]

[REDACTED]







From: Tiffany Hedges <[REDACTED]>
Sent: Tuesday, June 8, 2021 7:17 PM
To: Amanda young <[REDACTED]>
Cc: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Re: 721 Wilks Road

Hi Amanda,

I'm still on set, so I can't call. But I do have to say privacy glass notwithstanding I am still opposed to the extension of the deck to almost the property line. This is beyond the original footprint of your home and seems unfair to me. We already have diminished privacy from the messed up positioning of the home... and we would like to see a fence placed along the correct property lines which renders your deck like 15" or something away from it. Our decks are gonna be ten feet or less away, noise is also going to be an issue and screening isn't going to help with that. I'm sure you saw my response to the zoning permit and are aware that I am already concerned about the proximity of our houses. How do you plan to have work on this area? We would like the fence corrected to our actual property lines.

Tiffany



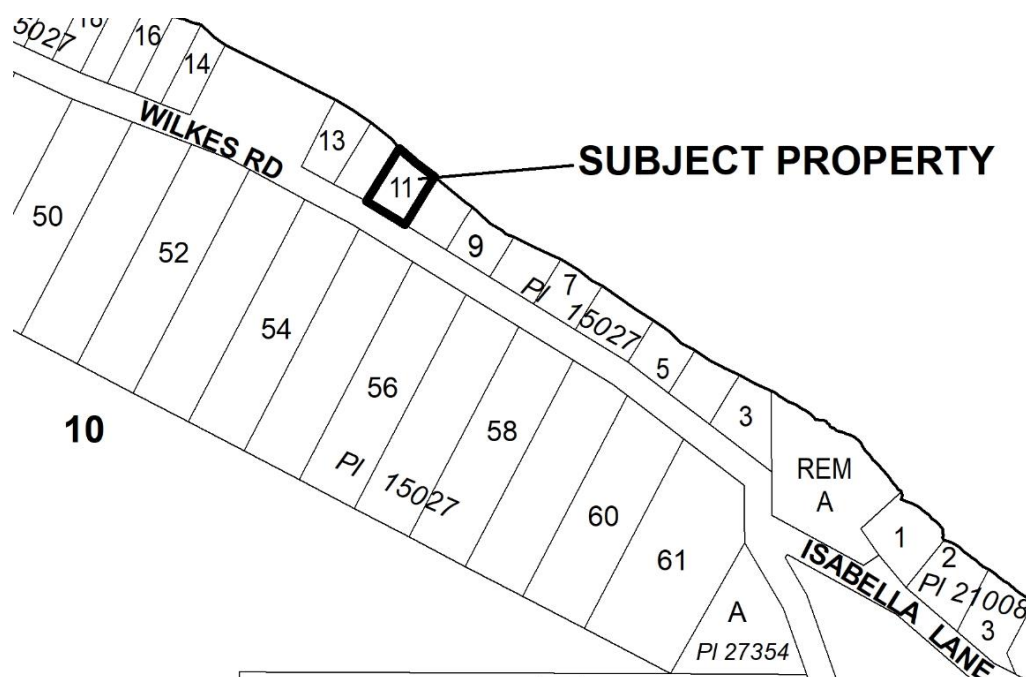
NOTICE
MA-DVP-2021.2
MAYNE ISLAND LOCAL TRUST COMMITTEE

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:

- Reduction of setbacks from the front lot line and interior side lot line to allow for the replacement and extension of a legally non-conforming dwelling.

The property is located at **721 Wilks Road** and is legally described as Lot 11, Section 10, Mayne Island, Cowichan District, Plan 15027.

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 **May 31, 2021** and continuing up to and including **June 14, 2021**.

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 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: southinfo@islandstrust.bc.ca before **4:30 p.m., June 14, 2021**.

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., Monday, June 21st, 2021**.

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

Proposed

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2021.2 (Silverstein and Young)**

To: Jeffrey Silverstein and Amanda Young

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

Lot 11, Section 10, Mayne Island, Cowichan District, Plan 15027

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

- a) Article 5.1(8) (a) which states that the minimum setback for any building or structure is 8 metres (26 feet) from any front lot line is varied to permit:
 - i. the replacement of a pre-existing legally non-conforming dwelling as close as 6.84 metres (22'-5 1/2") from a front lot line: and,
 - ii. the extension of a pre-existing legally non-conforming dwelling as close as 6.84 metres (22'-5 1/2") from a front lot line.
- b) 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:
 - i. the replacement of a pre-existing legally non-conforming dwelling as close as 0.4 metres (1.3 feet) from an interior side lot line.
 - ii. the addition of a deck to a pre-existing legally non-conforming dwelling as close as 0.4 metres (1.3 feet) from an interior side lot line.

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

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

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF [MONTH], 2021.

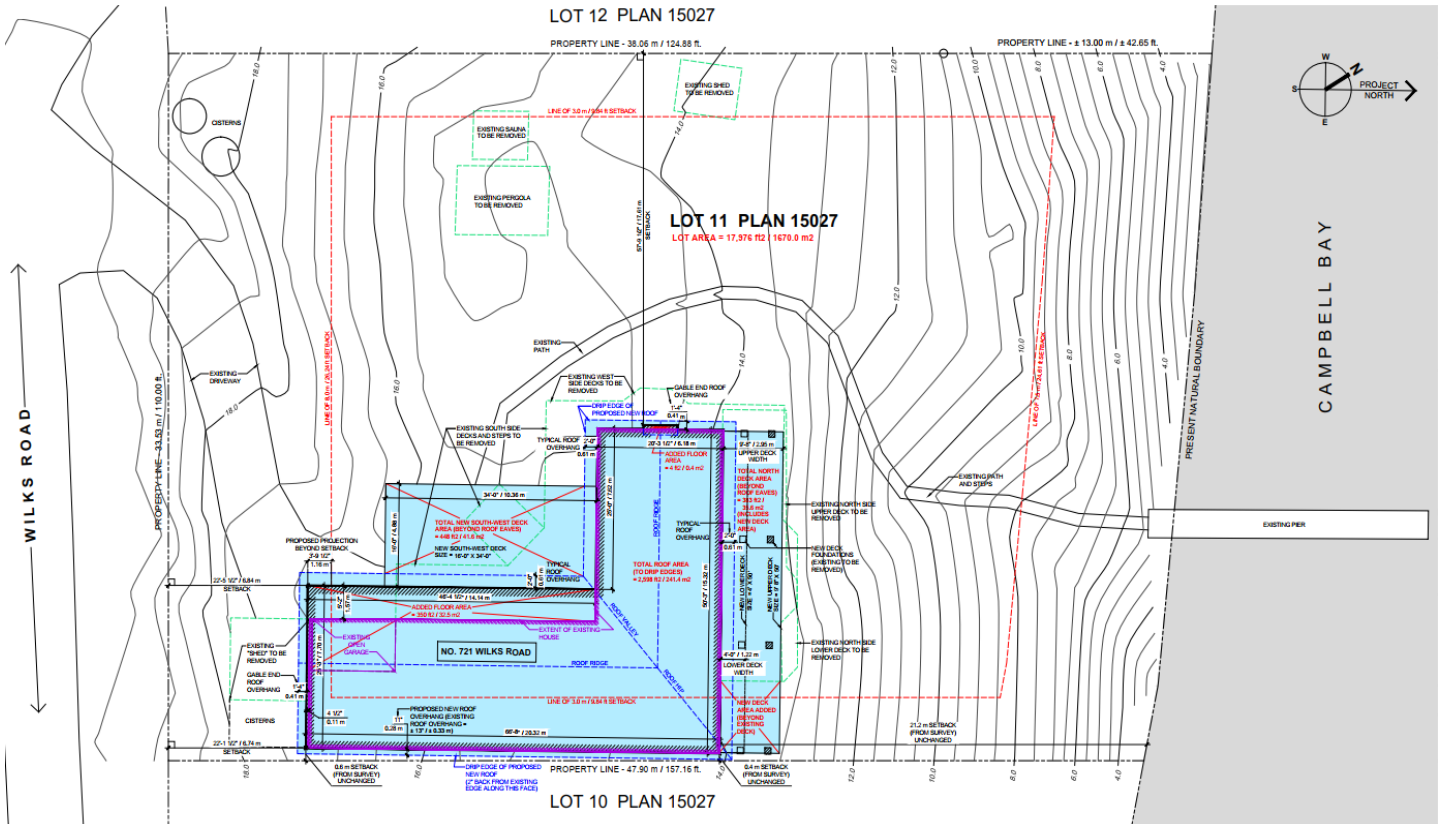
Deputy Secretary, Islands Trust

Date of Issuance

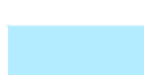
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE [##] DAY OF [MONTH], 202#, THIS PERMIT AUTOMATICALLY LAPSES.

**MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.2**

SCHEDULE 'A'



LEGEND:

-  DASHED GREEN COLOURED LINE INDICATES OUTLINE OF EXISTING STRUCTURES ON LOT TO BE REMOVED
-  THICK BLACK SOLID LINE WITH ADJACENT SINGLE LINE LIGHT HATCHING INDICATES PROPOSED PERIMETER OF RENOVATED HOUSE
-  HEAVY - LONG DASH / 2 SHORT DASH - LINE INDICATES PROPERTY LINE
-  RED COLOURED DASHED LINE INDICATES LINE OF REQUIRED SETBACKS AS PER PLANNING / ZONING REGULATIONS
-  DARK BLUE COLOURED DASHED LINE INDICATES PROPOSED ROOF LINES AS WELL AS PROPOSED NEW ROOF DRIP-EDGE AT PERIMETER
-  LIGHT BLUE TONED AREAS INDICATE EXTENT OF PROPOSED LOT COVERAGE (TO ROOF DRIP EDGES AT PROPOSED ROOF)
-  PURPLE LINE WITH ADJACENT DOUBLE LINE PURPLE HATCHING INDICATES EXTENT OF EXISTING HOUSE

LOT COVERAGE: ()

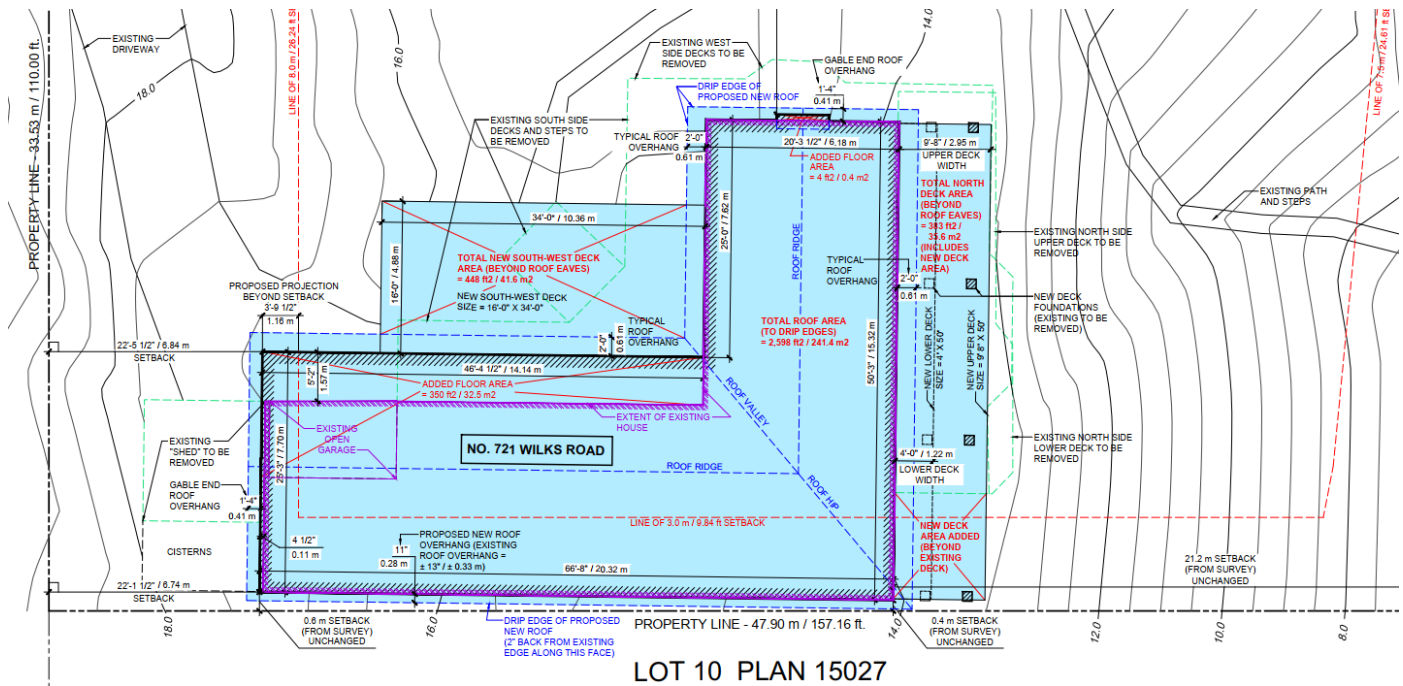
TOTAL ROOF AREA TO DRIP EDGES = 241.4 m²
 TOTAL NORTH DECK AREA (BEYOND ROOF EAVES) = 35.6 m²
 TOTAL NEW SOUTH-WEST DECK AREA (BEYOND ROOF EAVES) = 41.6 m²
 THEREFORE TOTAL LOT COVERAGE = 241.4 m² + 35.6 m² + 41.6 m² = 318.6 m²
 LOT AREA = 1670.0 m²
 PERCENTAGE LOT COVERAGE = 318.6 m² / 1670.0 m² = 0.19 = 19%
 (MAX. ALLOWABLE LOT COVERAGE = 20% = 334.0 m²)
 NOTE: 334.0 m² - 318.6 m² = 15.4 m² (166 ft²) IS POTENTIAL ADDITIONAL LOT COVERAGE LEFT UNUSED FOR A FUTURE POSSIBLE STRUCTURE

REVISED FLOOR AREAS:

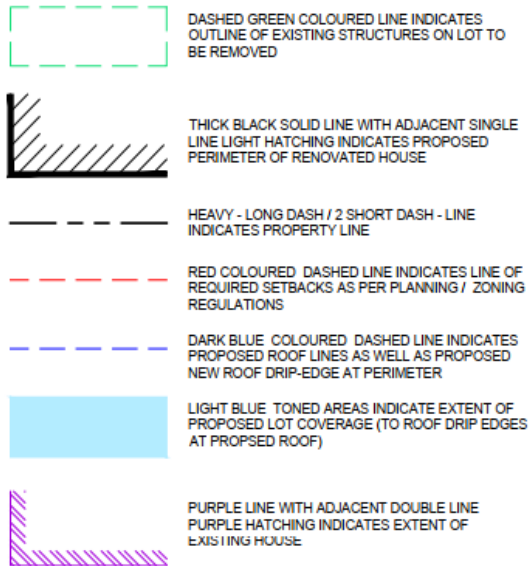
PROPOSED LOWER FLOOR AREA = 1,033 ft² / 96.0 m²
 PROPOSED MAIN FLOOR AREA = 2195 ft² / 203.9 m²
 TOTAL PROPOSED FLOOR AREA = 3,228 ft² / 299.9 m²
 (NOTE: 369 ft² / 34.3 m² IS AREA ADDED TO EXISTING HOUSE
 (354 ft² / 32.9 m² ON MAIN FLOOR & 15 ft² / 1.4 m² ON LOWER FLOOR)

**MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.2**

SCHEDULE 'B'



LEGEND:



LOT COVERAGE: (318.6)

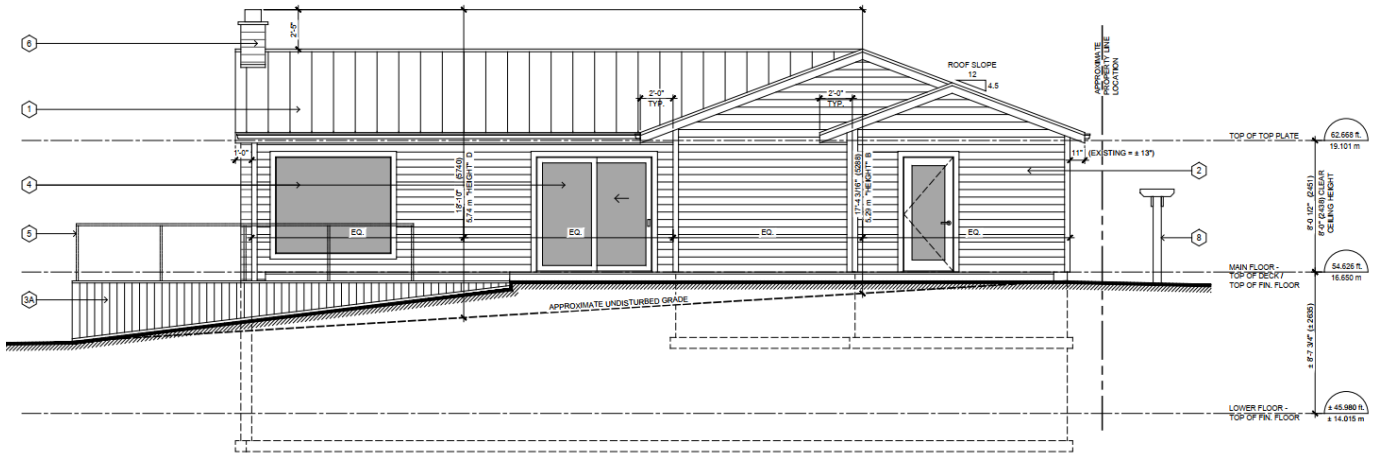
TOTAL ROOF AREA TO DRIP EDGES = 241.4 m²
 TOTAL NORTH DECK AREA (BEYOND ROOF EAVES) = 35.6 m²
 TOTAL NEW SOUTH-WEST DECK AREA (BEYOND ROOF EAVES) = 41.6 m²
 THEREFORE TOTAL LOT COVERAGE = 241.4 m² + 35.6 m² + 41.6 m² = 318.6 m²
 LOT AREA = 1670.0 m²
 PERCENTAGE LOT COVERAGE = 318.6 m² / 1670.0 m² = 0.19 = 19%
 (MAX. ALLOWABLE LOT COVERAGE = 20% = 334.0 m²)
 NOTE: 334.0 m² - 318.6 m² = 15.4 m² (166 ft²) IS POTENTIAL ADDITIONAL LOT COVERAGE LEFT UNUSED FOR A FUTURE POSSIBLE STRUCTURE

REVISED FLOOR AREAS:

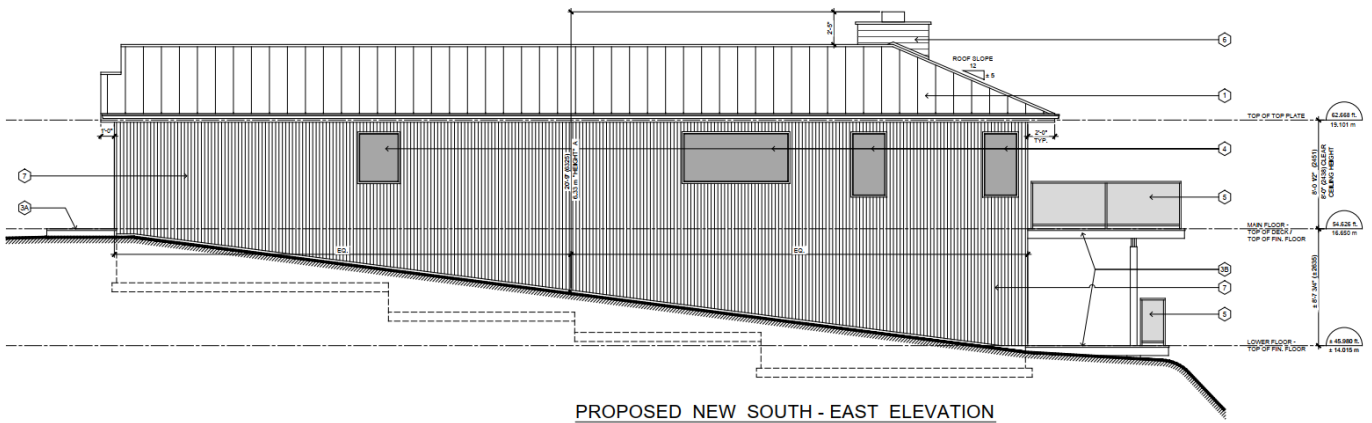
PROPOSED LOWER FLOOR AREA = 1,033 ft² / 96.0 m²
 PROPOSED MAIN FLOOR AREA = 2195 ft² / 203.9 m²
 TOTAL PROPOSED FLOOR AREA = 3,228 ft² / 299.9 m²
 (NOTE: 369 ft² / 34.3 m² IS AREA ADDED TO EXISTING HOUSE
 (354 ft² / 32.9 m² ON MAIN FLOOR & 15 ft² / 1.4 m² ON LOWER FLOOR)

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.2

SCHEDULE 'C'



PROPOSED NEW SOUTH - WEST ELEVATION
(Facing Wilks Road/front property line where setback is being varied)



PROPOSED NEW SOUTH - EAST ELEVATION
(Facing interior side property line where setback is being varied)



File No.: MA-RZ-2018.1 (Cotton Park
(CRD)

DATE OF MEETING: June 21, 2021
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Report subject: Approval of Bylaw 180

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw No.177 cited as “Mayne Island Official Community Plan Bylaw No.144, 2007, Amendment No.1, 2019”, be adopted.
2. That the Mayne Island Local Trust Committee Bylaw No.178 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020”, be adopted.

PURPOSE OF REPORT

The purpose of this report is to present Bylaw 177 and 178 for consideration of Final Adoption.

BACKGROUND

Mayne Island Local Trust Committee Bylaw No. 177, cited as “Mayne Island Official Community Plan No. 144, 2007, Amendment No.1, 2019” (Attachment 1) and Bylaw No. 178 “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2019” (Attachment 2) are intended to amend the OCP designation and zoning on a waterfront property, donated to the CRD for parks purposes, from residential designation/zoning to community park designation/zoning.

Additional background related to this bylaw, including staff reports is available on the Islands Trust website:

<https://islandstrust.bc.ca/island-planning/mayne/current-applications/>

Rationale for Recommendation

Both bylaws have received Executive Committee approval. As required for OCP amendments, Bylaw 177 has been approved by the Ministry of Municipal Affairs .

Alternatives

1. Proceed no further

That the Mayne Island Local Trust Committee proceed no further with the proposed Bylaw No.177 cited as “Mayne Island Official Community Plan Bylaw No.144, 2007, Amendment No.1, 2019” and Bylaw No.178 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.1, 2020”.

\\islandstrust.local\DFSMain\EDM\09 Current Planning\08 MA\3650 RZ\25 Applications (P)\2018\MA-RZ-2018.1 (Cotton Park CRD)\Staff reports\June 21_2021\MA-RZ-2021.1_Cotton Park_staff report final approval.docx

Submitted By:	Narissa Chadwick, Island Planner	June 8, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 8, 2021

ATTACHMENTS

1. Bylaw No.177 (Ministry of Municipal Affairs approval)
2. Bylaw No.178 (Executive Committee approval)

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.
READ A SECOND TIME THIS	28 TH	DAY OF	SEPTEMBER	2020.
READ A THIRD TIME THIS	30 th	DAY OF	NOVEMBER	2020.
PUBLIC HEARING HELD THIS	30 th	DAY OF	NOVEMBER	2020.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	24 TH	DAY OF	FEBRUARY	2021.
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	10 TH	DAY OF	MAY	2021
ADOPTED THIS	_____	DAY OF	_____	20__

CHAIR

SECRETARY

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

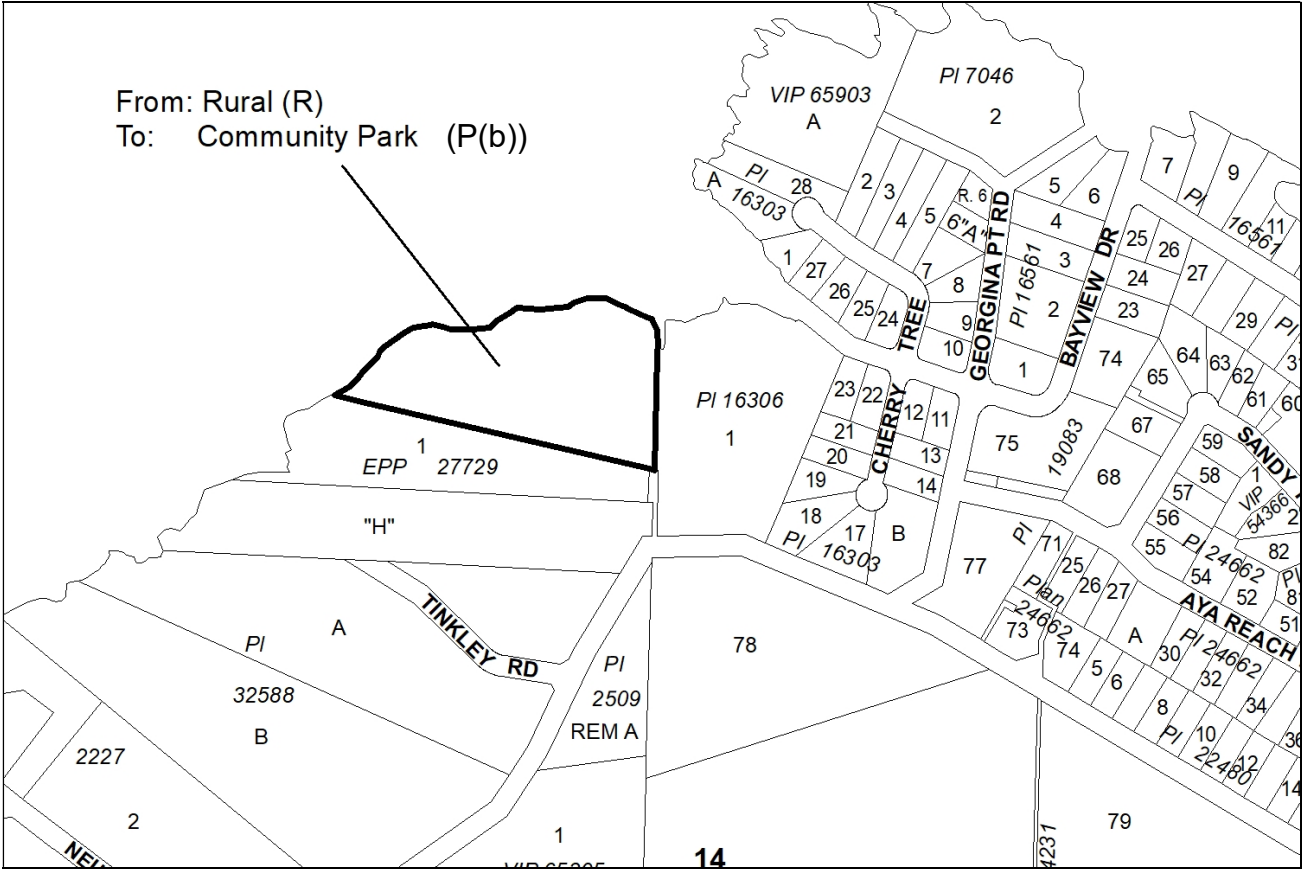
SCHEDULE 1

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



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 ¼ of the North east ¼ 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 44m ² (474ft ²).

2.2 Schedule “B” – Zoning Map, is amended by changing the zoning classification of the South West ¼ of the North east ¼ 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.

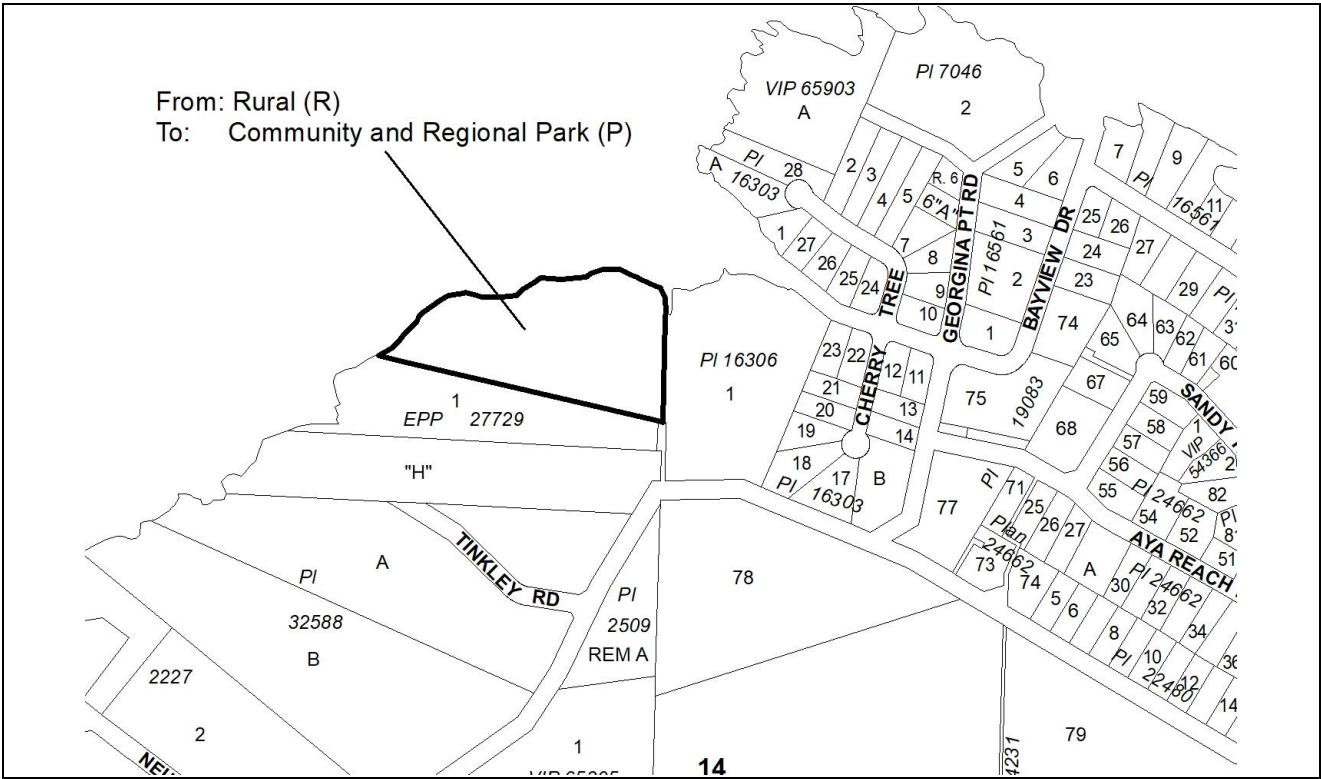
READ A FIRST TIME THIS	25 TH	DAY OF	MARCH	2019.
READ A SECOND TIME THIS	28 th	DAY OF	SEPTEMBER	2020.
READ A THIRD TIME THIS	30 th	DAY OF	NOVEMBER	2020.
PUBLIC HEARING HELD THIS	30 th	DAY OF	NOVEMBER	2020.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	24 TH	DAY OF	FEBRUARY	2021.
ADOPTED THIS	_____	DAY OF	_____	20__

CHAIR

SECRETARY

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 178

Plan No. 1



DATE OF MEETING: June 21, 2021

TO: Mayne Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Report subject: Rezoning Application
Applicant: Mayne Island Housing Society (MIHS)
Location: 375 Village Bay Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee request that the owner of Lot B, Plan 27091 grant to the Local Trust Committee a suitably worded Section 219 covenant which would restrict development on proposed Lot 2 until the construction of rental housing on proposed Lot 3 proceeds, and that the S.219 covenant be registered on title as a condition of rezoning
2. That the Mayne Island Local Trust Committee request that the owner of Lot B, Plan 27091 include in the S.219 covenant the location of permitted building sites on proposed lot 2 and the areas to be preserved.
3. That the Mayne Island Local Trust Committee Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” be read for a first time.
4. That the Mayne Island Local Trust Committee Bylaw No. 183, cited as as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021” be read for a first time.
5. That the Mayne Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” and Bylaw No. 183, cited as as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.

REPORT SUMMARY

The purpose of this report is to:

- 1) Provide an update on the process
- 2) Present the MIHS’s proposal for the building site on the proposed Lot 2 for discussion
- 3) Present options for restricting building on lot 2 prior to confirmation of housing development moving forward
- 4) Identify next steps.

BACKGROUND/UPDATE

As indicated in the May 10th staff report, the Mayne Island Housing Society (MIHS) has provided all of the information requested by the LTC to date.

Other steps requested by the LTC have been addressed as follows:

Housing Agreement

At the November LTC meeting the LTC passed a resolution to require that a housing agreement related to the use of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 be adopted prior to the adoption of the rezoning bylaws.

Update: A draft housing agreement was sent for legal review. Initial comments were received and discussed with staff and further revisions were provided to staff. Staff have forwarded the revisions and to the MIHS for their review. The housing agreement will be with the current owner of the property, Sean McHugh, until such time that the ownership of the property is transferred to the MIHS.

Covenant

At the November LTC meeting, the LTC passed a resolution requesting that a Section 219 covenant be granted by the owner of Lot B that would identify the location of development, require water treatment and monitoring, and areas to be preserved, on proposed Lot 2 as a condition of adoption of the bylaws.

Update: Staff are working on covenant language to address water treatment. Identifying the building location(s) on proposed lot 2 is a key step in identifying areas to be preserved on proposed lot 2. The map in Attachment 1 identifies building sites proposed by the owner of the property in collaboration with the MIHS. These options are presented to the LTC for discussion. The MIHS indicates that the property owner would like there to be two options for building areas.

Bylaws

At the November 2020 LTC meeting, the LTC requested staff prepare draft bylaws to amend Land Use Bylaw and Official Community Plan.

The draft bylaws include:

1. **An amendment to the Land Use Bylaw** (Bylaw No.183) which would:
 - Create a new zone (Comprehensive Development Three (CD3) Zone) to support multi-family rental housing.
 - Introduce additional definitions
 - Create a split zoned lot
 - Rezone the portion of the property being contemplated for multi-family rental from Rural (R) to Comprehensive Development Three (CD3)
 - Rezone the parent portion of the property to R(f) to enable the subdivision of the lot into two (in concurrence with amenity zoning provisions in the OCP)
 - Remove the new CD3 zone from the area permitted to have secondary suites
2. **An amendment to the Official Community Plan** (Bylaw No.181) which:
 - Designates the proposed multi-family rental housing portion of the parent property from Rural designation to Rural – Multi-family residential (R-MR) designation.

At the January 25th LTC meeting the LTC passed a resolution asking staff to include a definition of affordable housing in draft Bylaws.

Update: The current draft bylaws do not contain a definition of affordable housing. Staff suggest that as the housing agreement specifically identifies the type of housing to be provided providing a definition of affordable housing is not necessary and is problematic given that this housing is only 70% is what is considered to be affordable rental housing. As well, providing a definition to suit this project will constrain the ability to use the term in other contexts.

At the January 25th LTC meeting the LTC passed a resolution that the Mayne Island Local Trust Committee ask staff to amend the draft bylaws to account for a buffer zone.

Update: Staff have revised the bylaw to include an 8 metre setback from interior lot lines (see Attachment 1).

Early Referral to First Nations

At the May 10th LTC meeting the LTC requested staff send relevant application materials and related to MA-RZ-2020.1(MIHS) to First Nations for early referral.

Update: This has been done. No response has been received at this time.

Legal Opinions

At the May 10th LTC meeting the LTC requested staff to obtain a legal opinion and clarification of Official Community Plan amenity definition. Staff also obtained legal advice regarding the LTC's request for options on mechanisms to ensure that density increase is not provided in the absence of the amenity.

Update: The legal opinion received has informed the options identified in the following section of this report.

ITEMS FOR DISCUSSION

Location of building area on proposed lot 2 – As indicated above, identifying the location of the building area(s) on the proposed lot 2 is a key step in identifying areas to be preserved on proposed lot 2. The plan in Attachment 1 identifies two potential building locations for proposed lot 2 proposed by the property owner in collaboration with the MIHS. Trustees need to confirm whether they support the proposal to have two potential building areas to allow flexibility and if they support the proposed locations. Staff are supportive of the proposed building areas as they consider the recommendations of the wetland specialist and are focused on areas on the lot that are more disturbed and accessible by previously cleared access roads. The proposal for two potential building sites will allow for the building of a primary dwelling and a cottage either in close proximity or separated.

Options for restricting building on lot 2 until provision of housing is guaranteed – While provision of land for housing would likely be consistent with the OCP, if the LTC wishes to have assurance of the provision of housing as the amenity, staff recommend that the S.219 covenant also restrict building on lot 2 until the development of the housing proceeds. This could include: confirmation of a specific amount of funding; confirmation of total funding as related to building cost projections; build out to a certain extent, or other measurable outcomes.

Other options include:

- Not approving the rezoning amendment until the LTC has evidence housing will be provided.
- Restricting subdivision until the LTC has evidence housing will be provided.
- Restricting subdivision of Lot 2 until affordable housing has been built or has commenced.

- Granting Trust Council or the CRD an option to purchase the land for a small amount if the affordable housing is not completed by a certain deadline or interim deadlines are not met.

Staff support the option of having a S.219 restrict building on lot 2 until the LTC is confident the development of the housing will proceed as it will provide assurance of the provision of housing as the amenity. This approach will also not hold up the rezoning or subdivision processes which, upon approval, will put the MIHS in a better position to receive funding.

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold at least one Community Information Meeting (CIM) prior to that. The first Community Information Meeting was held on April 26th 2021. There were between 15- 25 community members in attendance during the duration of the meeting. Presentations were made by Planner Chadwick, the MIHS and a number of their consultants: the biologist, the wetland specialist and the hydrogeologist. A representative from BC Housing was in attendance and answered a number of questions related to their funding structure and requirements.

The Public Hearing will be scheduled after First Reading of the bylaws. The LTC will need to provide direction to staff to schedule the Public Hearing. Public Hearing notice would be posted as per statutory and bylaw requirements in advance of any public hearing. Another CIM may be held prior to public hearing as per the interests of the LTC.

Agencies

The following agencies have been identified for referring draft bylaws for comment; the LTC may also direct staff to include other agencies not listed. Additionally, the LTC may choose to refer the proposal to the Mayne Island Advisory Planning Commission.

- Ministry of Transportation and Infrastructure (MOTI)
- Water Management Branch, Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)
- BC Housing
- Island Health
- CRD, Building Inspection Services
- Mayne Island Fire Rescue
- Saturna Island Local Trust Committee
- Galiano Island Local Trust Committee
- North Pender Island Local Trust Committee
- Saltspring Island Local Trust Committee

The bylaws will be sent to referral agencies after first reading.

First Nations

As identified in the provincial Consultative Area Database (CAD), the area of proposed rezoning lies within the traditional territories of the following First Nations:

- Stz'uminus First Nation
- Lake Cowichan First Nation
- Halalt First Nation

- Lyackson First Nation
- Penelakut Tribe
- Malahat Nation
- Semiahmoo First Nation
- Te'mexw Treaty Association
- Pauquachin First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Cowichan Tribes
- Tsawwassen First Nation
- Tsawout First Nation

Meaningful engagement between the Island's Trust and these First Nations will be required. The Province will also be required to meet their consultative obligations as a decision to rezone includes an OCP bylaw amendment which will need ministerial approval.

While staff have initiated early engagement, additional engagement will be undertaken after first reading of the bylaws.

At this time staff have conducted a desktop review that indicates there are potential archaeological sites within 100 m of the proposed development area. Therefore, land owners should seek clarification on the location of the sites in relation to development, review the provincial archaeological branch website, and be guided by the Islands Trust Chance Find Protocol.

Rationale for Recommendation

1. ***That the Mayne Island Local Trust Committee require that a Section 219 Covenant restricting building on the proposed Lot 2, until such time that the LTC is satisfied that the building of the rental housing will begin, be registered on title as a condition of subdivision.***
 - Based on legal review staff suggest that it would be prudent for the LTC to have assurance of the provision of housing in order to grant the amenity.
 - This approach will not impact the rezoning. The MIHS has indicated that having zoning in place will put them in a better position to receive funding.
 - This is a viable option from a legal perspective
2. ***That the Mayne Island Local Trust Committee read Bylaw 181 and 183 for the first time***
 - Requested changes to date have been made
 - The MIHS has provided all the information requested of them to date.

ALTERNATIVES

Re: Section 219 Covenant

1. **The LTC could decide that they are comfortable with the zoned land being enough to provide the amenity and not require any kind of proof that the housing will be provided before the proposed Lot 2 can be built on.** While this may be consistent with the OCP staff suggest that the most prudent approach is to have some assurance as to the provision of the housing.
2. **The LTC identify a different option.** Staff have indicated a number of other options in this report.

Re: First Reading of Bylaws

1. **The LTC receive the proposed bylaws for information.** The LTC may choose to receive the draft bylaws and wait until the process has moved further along before suggesting changes to the bylaws.

That the Mayne Island Local Trust Committee receive for information Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021”.

That the Mayne Island Local Trust Committee receive for information Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.

2. **The LTC wait until the housing agreement has been finalized before moving to first reading.** As indicated in this report, the housing agreement has gone through legal review and will be forwarded to the MIHS for review before being shared back with the LTC.

That the Mayne Island Local Trust Committee Bylaw 181, cited as ““Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” and Mayne Island Local Trust Committee Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”, be brought back for first reading once the housing agreement has been finalized.

3. **The LTC may decide to send the draft bylaws to the APC**

That the Mayne Island Local Trust Committee request staff to send the Mayne Island Local Trust Committee Bylaw 181, cited as ““Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” and Mayne Island Local Trust Committee Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”, to the Advisory Planning Committee for review.

NEXT STEPS

- If bylaws are read for the first time staff will schedule public hearing.
- Housing Agreement will be reviewed by the MIHS, brought to the LTC for review and adopted before adoption of rezoning bylaws.
- Section 219 Covenant will be drafted, brought to the LTC for endorsement prior to public hearing and registered before adoption of rezoning bylaws

Submitted By:	Narissa Chadwick, Island Planner	June 8, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 9, 2021

ATTACHMENTS

1. Proposed Building Locations on Lot 1
2. Proposed Site Plan
3. Draft Bylaw 181
4. Draft Bylaw 183

**Proposed Subdivision Of:
Lot B, Section 7, Wayne Island,
Cowichan District, Plan 27091,
P.I.D. 002-552-256**



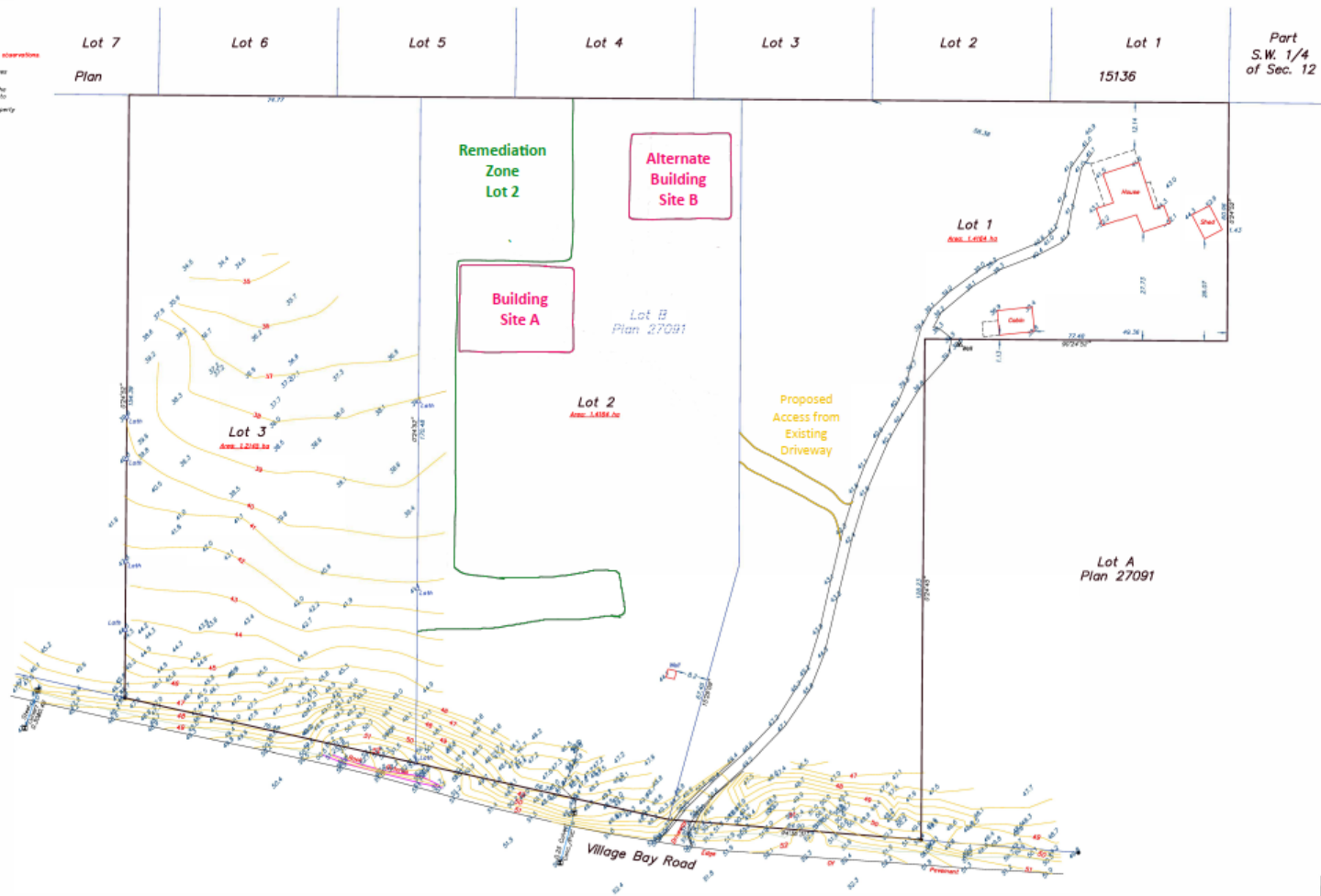
Scale = 1:500

Dated this 15th day of July, 2020

Distances and elevations shown are in metres

Directions are given, based upon ATN QMS elevations

This site plan is for building and design purposes
and is for the exclusive use of our client.
This document shows the relative location of the
proposed structures and features with respect to
the boundaries of the parcel described above.
This document shall not be used to define property
lines or property corners.



The subject property is affected by
the following registered document:
2001830

Way Mayenburg Land Surveying Inc.
www.waymaynburg.com
#4-2027 James White Registered
Surveyor #5 - 406, 123
Langford BC V2M 1S1S
Fax: 250.866.1871

No.	Date	Appr	Revision Notes

 **IREDALE**
ARCHITECTURE

Suite 202 • One Alexander Street
Vancouver BC V6A 1B2
T: 778-6581 • F: 778-6585
arch@iredale.ca
www.iredale.ca

76 Rialto Square
Victoria BC V8W 1H8
T: 250-381-5582
arch@iredale.ca
www.iredale.ca

Main Island Housing Society

Subdivision Plan

Name	Room
2021-1621-08	1600
Full name (including last name)	Student number
Student Number	A-105
Address	
Phone number	
E-mail address	
Signature	
Date	

DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 181

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, 2021”.

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 _____ DAY OF _____ 2021.

READ A SECOND TIME THIS _____ DAY OF _____ 2021.

READ A THIRD TIME THIS _____ DAY OF _____ 2021.

PUBLIC HEARING HELD THIS _____ DAY OF _____ 2021.

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. 181**

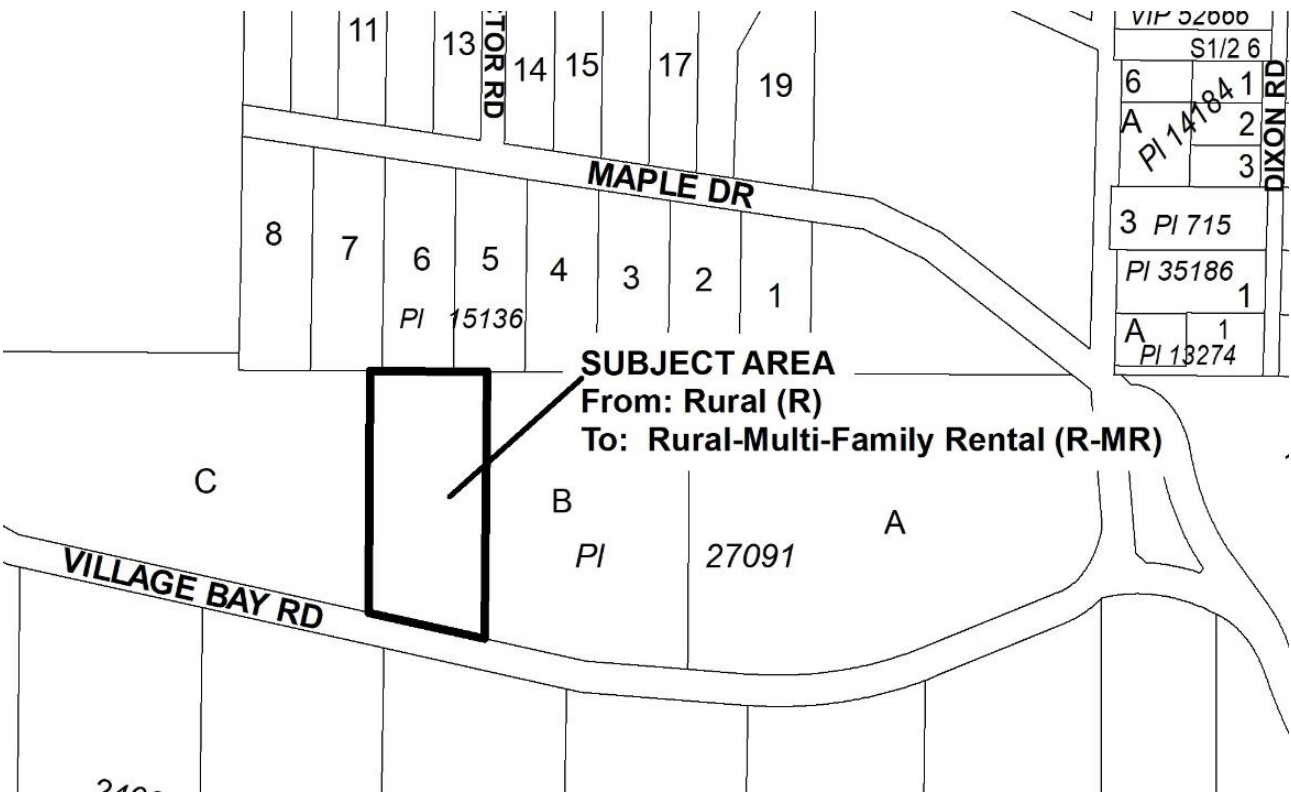
SCHEDULE 1

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 a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from Rural (R) to Rural – Multi-Family Residential (R-MR) as shown on Plan No. 1, which is attached to and forms part of this bylaw.

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 181

Plan No.1



DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 183

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, 2021”.

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 adding to Definitions ““Multi-family rental housing” means residential use of attached dwelling units that are limited to residential rental tenure.’

2.2 By adding to the definition of Dwelling unit “multi-family housing” after “secondary suite”

2.3 By adding to Definitions ““Residential rental tenure” means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit.’

2.4 By inserting a new row in the table in subsection to 5.5 (14) in the Rural (R) zone as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	A portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091	(1) Despite 5.5(13) above the average lot area must not be less than 1.3 hectares (3.3 acres).

2.5 By adding “5.28 Comprehensive Development Three (CD3) Zone” as a new zone following subsection 5.27:

“The purpose of the Comprehensive Development Three Zone is to provide for and regulate the development of multi-family rental housing.

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

- (a) Multi-family rental housing
- (b) Accessory uses, buildings and structures

Density

- (2) The maximum number of dwelling units in the CD3 zone is 10
- (3) The maximum lot coverage is 20%.

Size and Siting

- (4) The minimum setback for any building or structure is:
 - (a) 8 metres (26 feet) from any front, rear or exterior side lot line;
 - (b) ~~83~~ metres (~~2610~~ feet) from any interior side lot line;
- (5) The maximum height for any dwelling unit is 9 metres (29.5 feet).
- (6) The maximum height for any accessory building or structure is 5 metres (16.5 feet).

Subdivision Lot Area Requirements

- (7) The minimum lot area is 1.3 hectares (3.3 acres).

Form of Tenure

- (8) All dwelling units in the Comprehensive Development Three (CD3) Zone shall be limited to residential rental tenure."

- 2.6 By adding "Comprehensive Development Three CD3" to 4.1(1) (Division into Zones) following "Comprehensive Development Two CD2"
- 2.7 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to Comprehensive Development Three (CD3) 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 required to effect this change.
- 2.8 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to (R(f) 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 required to effect this change.
- 2.9 Schedule "D" – Zoning Map, is amended by removing a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from " areas where secondary suites are permitted" as shown on Plan No.2, which is attached to and forms part of this bylaw, and the making of such alterations to Schedule "D" to Bylaw No.146 as 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.

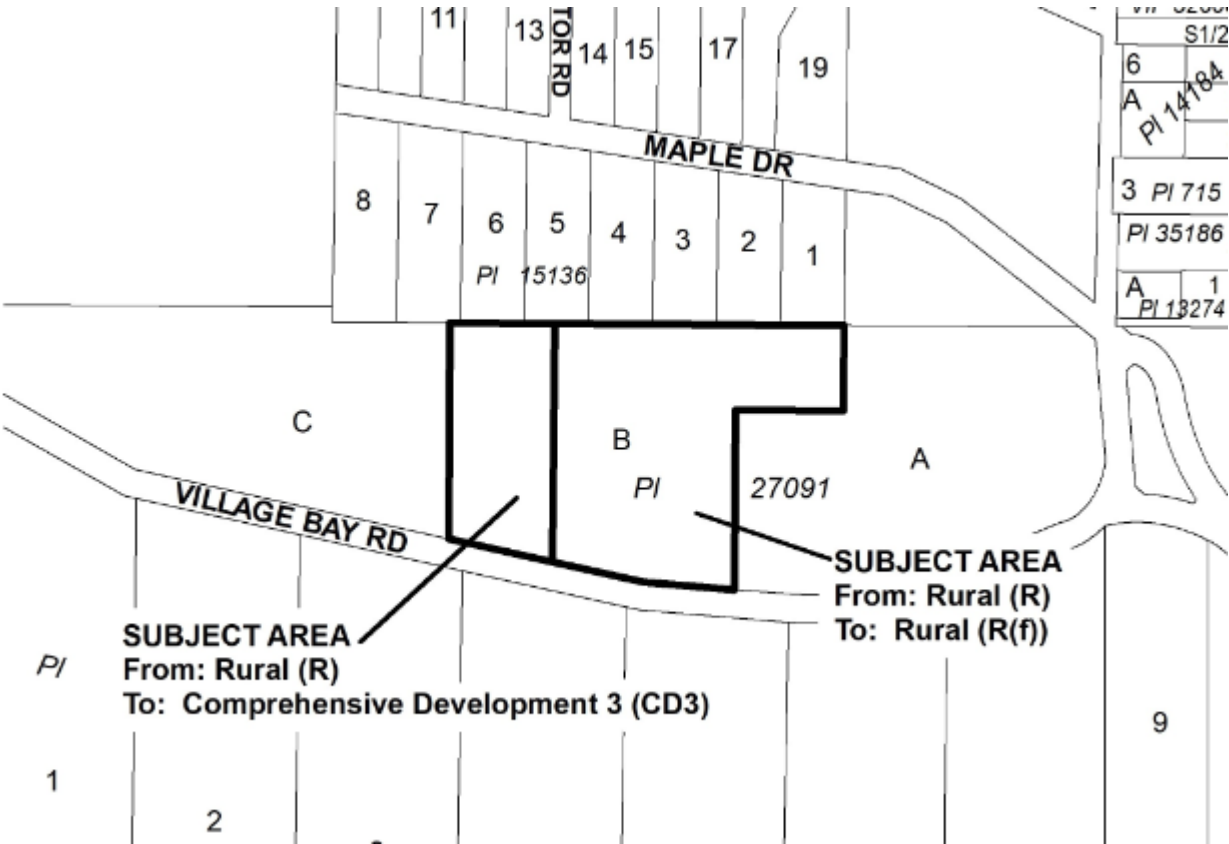
READ A FIRST TIME THIS	DAY OF	2021.
READ A SECOND TIME THIS	DAY OF	2021.
READ A THIRD TIME THIS	DAY OF	2021.
PUBLIC HEARING HELD THIS	DAY OF	2021.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	20__
ADOPTED THIS	DAY OF	20__

Chair

Secretary

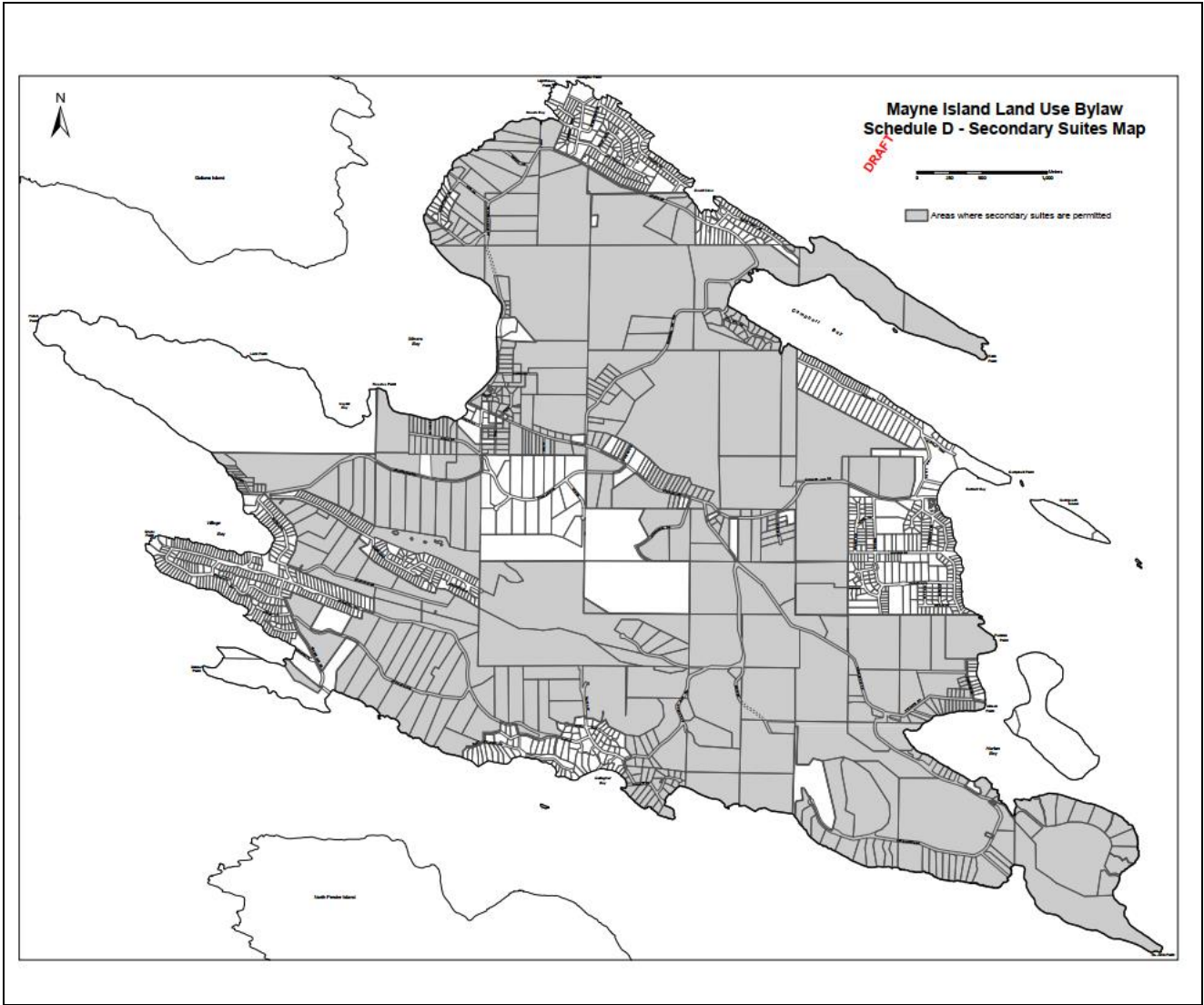
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 2



STAFF REPORT

File No.: OCP and LUB Minor
Amendments

DATE OF MEETING: June 21, 2021
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: OCP and LUB Minor Amendments

RECOMMENDATION

1. That the Mayne Island Local Trust Committee endorse the project charter for the OCP and LUB Minor Amendment project.

PURPOSE

The purpose of this staff report is to present for approval the project charter for the LTC's OCP and LUB minor amendments project.

BACKGROUND

At the March 29, 2021 LTC meeting, the LTC requested that staff add "OCP and LUB Minor Amendments" to the top priority projects list to address a number of issues identified by community members and Trustees. At the May 10th, 2021 LTC meeting the LTC requested staff prepare a project charter.

AMENDMENTS TO BE CONSIDERED

The amendments identified for consideration to date include:

1. The removal of the Parks Master Plan from the OCP as requested by the Mayne Islands Parks and Recreation Commission. The Plan has recently been updated and the Commission would prefer it to no longer be attached to the OCP so that it can be updated every five years.
2. The rezoning of the property adjacent to the Thrift Store recently acquired by the Mayne Islands Agricultural Society (MIAS) from Settlement Residential (SR) to Community Service (S1) as requested by the MIAS. The MIAS plan to use the new property to expand the Thrift Store. They currently have submitted a TUP application to support this use until such time that the property is rezoned.
3. Changes in zoning of Felix Jack park to prevent construction of any kind. This request was made by John Aiken, grandson of Emma and Felix Jack, who is the steward for Felix Jack Park.
4. The inclusion of an acknowledgement of First Nations in the OCP. This has been brought up a number of times by LTC members. The recent First Nations acknowledgement made in Saturna Island's OCP can be used as a guide. Lisa Wilcox, Islands Trust's Senior Intergovernmental Policy Advisor, will assist with outreach to local First Nations.

5. Restrict commercial uses on Lot 10, Section 8, Mayne Island, Cowichan District, Plan 15263 594 Fernhill Road to indoor only. This was the original intention of the regulation but is not specified under current zoning.
6. Introduction of an amendment that would permit a maximum residential density on large remainder parcels not to exceed the maximum number of lots allowed by any s.219 covenants granted to the local trust committee and registered on title. This would apply to lots where the maximum number of dwellings was not addressed in the covenant as per Section 8.3 (1) in the Land Use Bylaw:

“When a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable average lot size, the applicant must grant a covenant complying with s.2.6 of this Bylaw in respect of every such lot prohibiting further subdivision of the lot and prohibiting the construction, erection, or occupancy on the lot of more than one single family residential dwelling unit and where a cottage is a permitted use, more than one such cottage”.

Staff are in the process of identifying properties this amendment would apply to.

7. Election signs (added at the May 10th, 2021 LTC meeting)
8. Definition of patio (added at the May 10th, 2021 LTC meeting)

ALTERNATIVES

1. **Approve project charter and add additional items to list of proposed amendments.** The LTC could choose to add additional amendment to the list of proposed amendments. This can be done at later stages in the project as well.
2. **Approve project charter and remove items from the list of proposed amendments.** The LTC could choose to not address one or more of the amendments proposed above.
3. **Request changes to the project charter.** The LTC could request changes to the project charter.
4. **Remove the OCP and LUB Minor Amendments project from the Top Priority Projects List.** The LTC could choose to not proceed with this project and remove it from the list of Top Priority Projects.

NEXT STEPS

1. Draft project charter and present to LTC for approval.

Submitted By:	Narissa Chadwick, RPP, Island Planner	June 2, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 3, 2021

ATTACHMENT

1. Project Charter

Mayne Island OCP and LUB Minor Amendments – Project Charter

Mayne Island LTC

Date: June 21, 2021

Purpose: This project is intended to provide targeted amendments to the Mayne Island Land Use Bylaw No. 146, 2008 and the Mayne Island OCP Bylaw no. 144, 2007.

Background: This project was initiated by the Mayne Island Local Trust Committee (LTC) at its May 10th 2021 LTC meeting. The project will include removal of the Parks Master Plan from the OCP, a number of zone changes to address community interest and other issues. It will also consider an acknowledgement of First Nations in the OCP.

Objectives

- Targeted updates to the LUB and OCP

In Scope

- Staff review of minor amendments proposed by Local Trust committee.
- Community Consultation
- First Nations consultation
- Amendments to the OCP and LUB

Out of Scope

- Substantive amendments to regulations in the LUB
- Substantive amendments to OCP policies

Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed	June 2021
Staff review of proposed LUB and OCP amendments	July – September 2021
Draft LUB and OCP amendments reviewed by LTC	October – November 2021
Community Information Meeting	January 2022
LTC review community comments and consider further changes	February – March 2022
Consideration of First Reading	April 2022
Referrals	April – May 2022
Public Hearing, Second and Third Readings, referral to EC, Minister (OCP)	June 2022
Consideration of Adoption	September 2022

Project Team

Narissa Chadwick, Island Planner	Project Manager
Maple Hung, Planning Assistant	Admin Support
Jackie O'Neil, GIS Technician	GIS Support
RPM Approval: <i>Robert Kojima</i> Date: June 2, 2021	LTC Endorsement: Resolution Date:

Budget

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

Fiscal	Item	Cost
2021-22	Open House/CIM	\$500
2021-22	Advertising, communications and materials	\$500
2021-22	Contingency (legal, additional public/stakeholder meetings etc)	\$1000
	Total	\$2000



DATE OF MEETING: June 21, 2021
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 – Options for Discussion

RECOMMENDATION

1. That the Mayne Island Local Trust Committee request staff to draft land use bylaw amendments supporting the distribution of a maximum square footage on lots under 2h/5 acres outside of all water service areas, and groundwater regions that are identified as critical through Groundwater Mapping.

REPORT SUMMARY

This report provides an update on the Mayne Island Housing Regulation and Policy Review (also referred to as Flexible Housing) Project. It identifies potential options related specifically to where the concept of distributed square footage could be applied and provides context and information to enable a focussed discussion on what floor area maximums could be considered.

BACKGROUND

This project was initiated in May of 2019. A first step in the process was the drafting of a Housing Regulations and Policy Review Discussion Paper. The report was presented to the LTC at their regular meeting on September 28th 2019. The report identified a number of options to increase housing flexibility in order to facilitate access to more affordable housing. The LTC indicated interest in focusing on understanding and engaging the community in discussion related to the idea of establishing a maximum floor area policy which would allow for floor area to be distributed among a number of units.

Three community information meetings were held (January 18th, March 29th, May 28th).

Reports and presentations related to this project can be found on Mayne Island's Projects Webpage:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/projects-initiatives/housing-review/>

ANALYSIS

What is Flexible Housing?

- Housing not limited to a single focus (e.g. seniors, multi-unit)
- Housing that could address a number of needs without rezoning, government funding or substantial investment
- Housing that can facilitate individual households sharing the costs to purchase a lot while being able to live in separate dwellings
- Housing that can facilitate more rental availability
- Housing that can facilitate supportive living arrangement (e.g. senior care providers living in separate dwelling on senior's property)
- Housing that does not increase overall development footprint

LUB Limitation on Flexible Housing

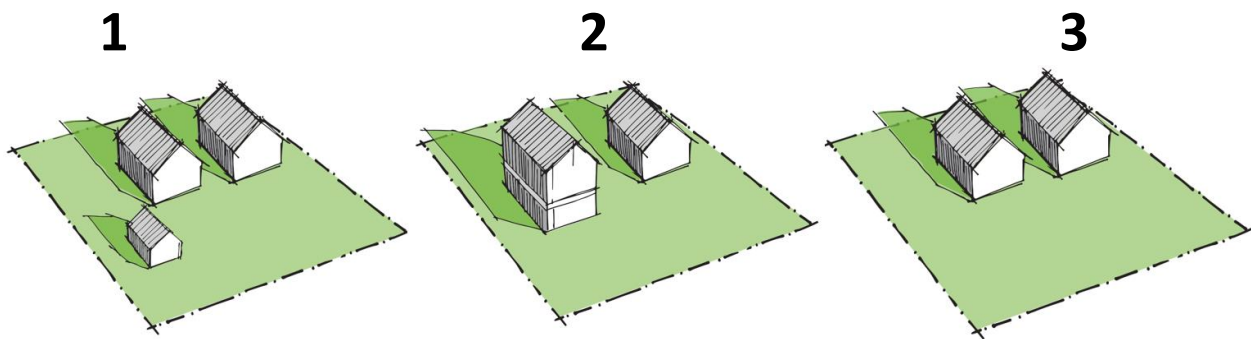
As identified in previous reports the LUB limitations on housing flexibility include:

- Lots under 0.6 ha/1.5 acres are not permitted to have a cottage.
- Restrictions on size of cottages and secondary suites.
- Only one secondary suite or one cottage, in addition to primary dwelling can be constructed on parcels less than 4 ha/1.5 acres.

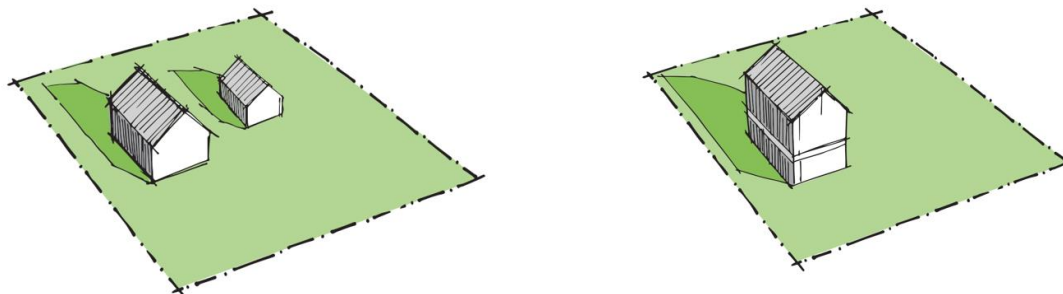
Distributed Maximum Floor Area – Flexible Housing Option

The option of distributing a maximum floor area between a number of dwellings in the Settlement Residential Zone (SR), was explored in the September 28, 2020 report as a way to address LUB limitations. The LTC suggested that the concept not be limited to the SR Zone but be considered for all residential lots under 5 acres. This option could allow for:

1. Up to 3 dwellings on residential lots >0.6ha and <4ha
2. A dwelling with a suite and an additional dwelling on all lots where secondary suites are allowed
3. Two independent dwellings on all lots <0.6ha



What is currently permitted on SR lots greater than 0.6ha and all lots in the SR zone that are not in water service areas:



How many lots could this approach apply to?

The map in Attachment 1 identifies the total number of lots larger than 2h/5 acres. It also identifies which ones are in water systems as well as ones that are vacant. Keep in mind that some lots that are not vacant and have smaller size dwellings may be able to take advantage of a distributed maximum floor area approach.

Residential Lots <2h/5 acres	1378
Residential Lots <2h/5 acres (vacant)	224
Residential Lots <2h/5 acres not in water systems	341
Residential Lots <2h/5 acres not in water systems (vacant)	50

Community Engagement

Community engagement discussions, and emails and letters received as a result of these conversations with the community identified that:

- There is strong support in the community for different approaches to increasing affordability in the community. The flexible housing approach being introduced was seen a viable option on some parts of the island particularly for young people looking for affordable options.
- Improvement districts are very concerned about increased water use and increased sewage. The Village Point Improvement District pointed out that they have seen a trend toward part-time residents spending more time on the islands as a result of Covid. This has threatened water availability.
- There is growing concern in the community related to the impacts to groundwater supply.
- There is strong interest in water catchment requirements for secondary supply to be considered as a part of a flexible housing approach.

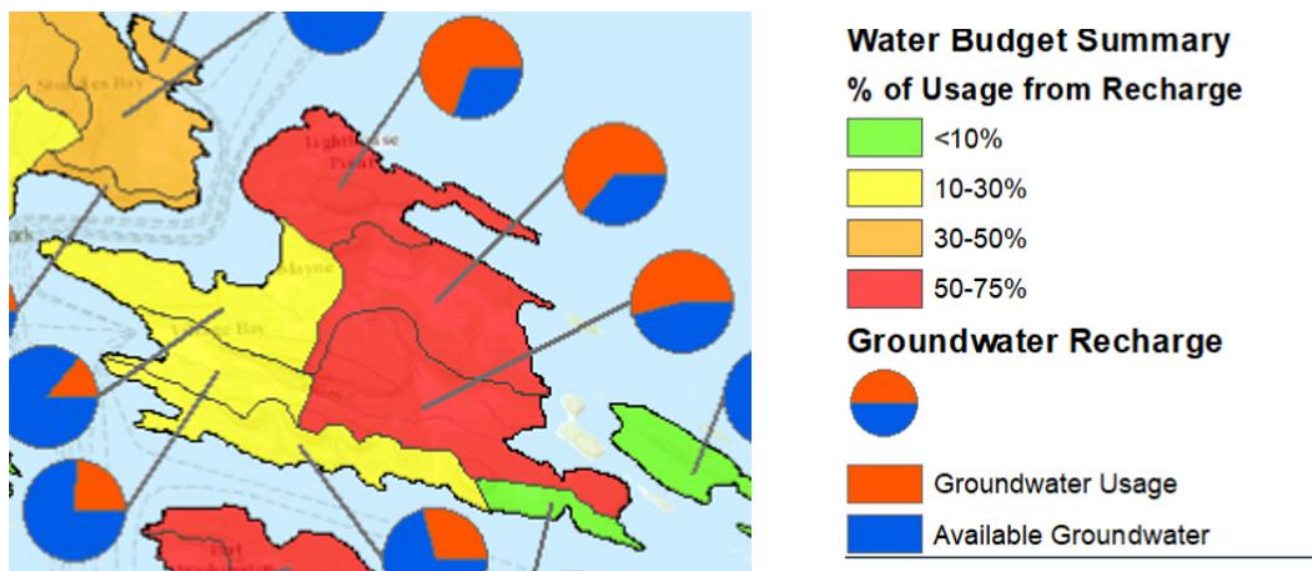
Groundwater Considerations

Given the concerns raised by the Improvement Districts related to impacts on water availability and Islands Trust Policy Statement 4.4.2 *“Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is*

maintained, and existing, anticipated and seasonal demands for water are considered and allowed for” staff encourage the LTC to consider recent groundwater mapping data for Mayne Island. As illustrated in Map 1 below preliminary identification of groundwater budgets (the balance between groundwater usage and groundwater recharge in groundwater regions) identifies that there is a large section of the island where groundwater sustainability may be threatened. This section of the island is identified in red on Map 1 and contains Class 1 and Class 2 areas.

Class 1- Areas that are in critical need of attention where there is high confidence in existing data.

Class 2 – Areas where there is a potential for critical attention but some data uncertainty. Data uncertainty is the result of data gaps and the need for further analysis of water use, such as agricultural water demand, and differences between estimated water use, actual use and deemed water rights. Groundwater budgets are based on a conservative assumption of average usage per lot related to land use designation.



Maximum Floor Area Considerations

The identification of the maximum floor area to be considered in a distributed square footage approach still needs to be determined by the LTC. This point was brought up at previous LTC meetings and during the community meetings but has not been discussed in detail.

Mayne Island currently does not have maximum floor areas for primary dwellings, only for cottages. The only regulation restricting floor area is lot coverage. South Pender has maximum floor area regulations in its Land Use Bylaw. Maximum floor area regulations are currently being considered for North Pender.

While the South Pender and North Pender work focuses on single dwellings and not a distributed scenario they do illustrate previous thinking on maximum floor area. As identified in Table 1 the South Pender Island maximum floor areas for their rural residential zones are supportive of main dwellings that are quite substantial in size. The North Pender LTC has been considering more restrictive floor area of dwellings. Their analysis has involved looking at building permits over the last 2 years to identify the sizes of homes that are being build. This analysis, as seen in Table 2 indicates that there is a trend toward smaller homes.

Considering that much of the discussion related to distributed maximum square footage for Mayne has emphasized the encouragement of smaller footprint living, the floor area maximum in a distributed floor area scenario should reflect this interest. The trends in housing size for North Pender suggest that 1000-2000ft² is a reasonable consideration for a dwelling. Also, to be considered is the increasing interest in tiny home living. As BC Housing indicates tiny homes in BC on average begin at about 300 square feet.

The LTC may want to consider using a maximum floor area ratio (FAR) as opposed to maximum square footage. FAR is the ratio between the number of square feet of floor space in buildings to the square footage of the lot size (see Table 3). This would allow for the maximum allowable floor area to coincide with lot size. As indicated in the recent paper on Residential Floor Area Ratio produced for the Islands Trust Regional Planning Committee, “FAR is not typically used for residential development in rural areas with disparate lot sizes. It is a tool that works best in denser areas with consistent lot sizes and configurations and with the goal of implementing density in a manner that provides both flexibility and achieves public benefit and objectives”.

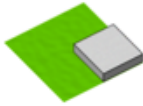
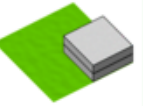
Table 1: South Pender Maximum Floor Areas

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	353 m ² (3800ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	418 m ² (4500ft ²)
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	520 m ² (5600ft ²)
1.6 ha to 3.9 ha (4 to 10 acres)	836 m ² (9000 ft ²)	543 m ² (5845ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	560 m ² (6030ft ²)

Table 2: North Pender New-Build Dwelling Sizes

Single Family Dwelling Unit Floor Areas 2019 & 2020	
Floor Areas	Number of BPs
0 to 500 ft ²	4
501 to 1000 ft ²	10
1001 to 1500 ft ²	3
1501 to 2000 ft ²	9
2001 to 2500 ft ²	1
2501 to 3000 ft ²	1
>3000 ft ²	1

Table 3: Floor Area Ratio

FAR	0.25	0.5
FSI	25%	50%
BCR		
25%		

Given the trend toward smaller dwellings and the interests of the LTC in supporting smaller footprint living staff recommend a maximum square footage of 2500ft² for lots <0.6ha (where maximum lot coverage permits) and a maximum of 3000ft² for lots >0.6ha be considered for a distributed density scenario. If the LTC would like to explore this further they may request staff to do an analysis of building permits on Mayne over the last two years to see if trends are similar to those on North Pender with respect to dwelling size. The LTC may also request staff to provide more details of what a floor area ratio approach would look like on the different sized lots.

Options and Rationale for Recommendation

The options below, including the recommended option, focus on areas where the flexible housing approach could be applied based on interests expressed by the LTC (to focus on lots under 5 acres), the community and the analysis presented above.

Recommended Option: *Include only lots under 2h/5 acres outside all water service areas and groundwater regions that are identified to need or have the potential to need critical attention (areas in red on Map 1).*

Other Options:

1. Include all residential lots under 2h/5 acres that are not within groundwater regions that are identified to need or have the potential to need critical attention (areas in red on Map 1). Note that mapping may change as further work is done.

2. Include all residential lots under 2h/ 5 acres.

3. A minimum lot size could be considered with respect to the recommended option, option 2 or 3.

Staff recommend that the LTC support Option 1 as a pilot project. These regulations could be expanded over time to other areas. Staff also recommend that all options include regulations that require outdoor rainwater catchment as a secondary source similar to those required in the Mayne Island LUB for secondary suites (minimum 13640 litres/3000 gallons before a building permit can be issued).

As identified in previous staff reports the flexible housing approach will:

- not include RVs as part of distributed square footage option
- not include tiny homes on wheels
- not allow more than one dwelling unit to be rented as a home occupation STVR

ALTERNATIVES

1. Request staff to provide additional information. The additional information requested needs to be specified.

That the Mayne Island Local Trust Committee request staff to provide additional information on.....

2. Request staff to hold an additional public meeting. The LTC may feel they need additional community discussion on details related to items such as floor area maximums and rainwater catchment.

That the Mayne Island Local Trust Committee request staff to organize a public meeting to discuss...

3. Remove Project from Project Priority List

The LTC may choose to remove the project from the priority list and return to it at a later date.

That the Mayne Island Local Trust Committee request staff to remove the Housing Regulations and Policy Review from the Priority Projects list.

NEXT STEPS

If the recommendation is supported:

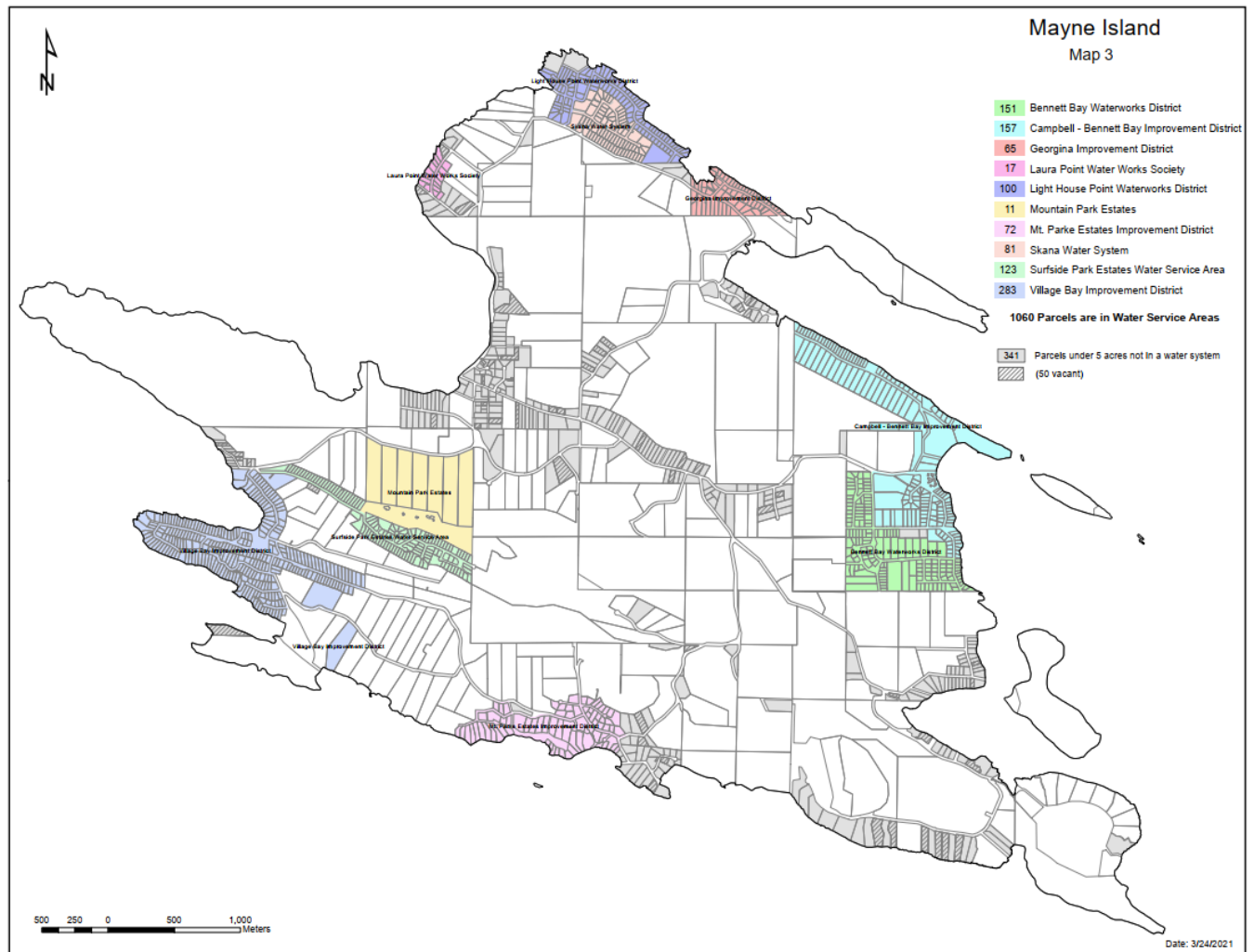
- Staff will draft bylaws for LTC review.

Submitted By:	Narissa Chadwick (RPP), Island Planner	June 10, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 11, 2021

ATTACHMENTS

1. Map of Water Service Areas and Lots Under 5acres
2. Project Charter

Attachment 1: Water Service Areas and Lots Under 5 acres



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

Mayne Island LTC

Date: October 6, 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 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	Oct - Jan 2020
Complete public/stakeholder consultation (including public meetings)	Feb – April 2021
Consideration of proposed bylaw amendments	May -June 2021
Bylaw amendment process	July – Dec 2021

Project Team

Narissa Chadwick, Island Planner	Project Manager
Maple Hung, Planning Assistant	Admin Support
Jackie O'Neil, GIS Technician	GIS Support
RPM Approval: <i>Robert Kojima</i> Date: June 14, 2019 Update: Sept. 28, 2020 Oct.5,2020	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. Flexible Housing Regulations and Policy Review

Responsible

Dates

Narrisa Chadwick

Rec'd: 26-Nov-2018

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

Report prepared for October 26, 2020 LTC meeting

Special meeting to be scheduled for January.

Special meeting held January 18, 2021.

Additional special meetings to be scheduled for March and April 2021.

Three special meetings have been completed.

Staff to provide report to June 21, 2021 meeting.

2. OCP and LUB Minor Amendments

Responsible

Dates

Narrisa Chadwick

Rec'd: 29-Mar-2021

Target: 30-Sep-2022

To include: Felix Jack Park, removal of Parks Plan, rezoning for Agricultural Association new building purchase, addressing maximum density on lots that have covenants restricting further subdivision, First Nations acknowledgement.

Staff report including list of proposed amendments presented to May 10, 2021 LTC Meeting.

Patios and Signs added to list of amendments. Project Charter developed.

Top Priorities Report

Mayne Island

3. *Groundwater Sustainability Project*

Responsible

Dates

LTC to wait to see what comes out of Galiano and North Pender Projects.

Narrisa Chadwick
William Shulba

Rec'd: 27-May-2019
Target: 31-Mar-2021

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

6. *Paved surfaces and patios.*

Responsible

Date Received

28-Sep-2020

Projects Report

Mayne Island

7. *Groundwater Implementation*

Responsible

Date Received

Will wait until Galiano has gone through their process.

30-Nov-2020



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.10	Kennedy, Eleonora	23-Sep-2020	266 LEIGHTON LANE - Development Variance Permit for a deck that is encroaching over neighbour's property.

Planner: Phil Testemale

Planning Status

Status Date: 11-Jun-2021

June 21, 2021 Agenda for consideration.

Status Date: 25-May-2021

Notice and DVP Drafted and sent to DS for notification.

Status Date: 17-Feb-2021

Owner has signed compliance plan, agreeing to bring property into compliance by Jan 5, 2022. Application to be processed for dwelling encroachments

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.8	Peace, Wayne	23-Jul-2020	445 Garrick Road - Application for a variance for subdivision regulations.

Planner: Narrisa Chadwick

Planning Status

Status Date: 28-Apr-2021

Required discharge and re-registration of covenant causing delay for issuing permit. Awaiting lawyer's confirmation of registration.

Status Date: 12-Feb-2021

Awaiting CRD signature on covenant.

Status Date: 12-Feb-2021

Awaiting CRD signature on covenant.



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.1	IRVING, ROBERT / IRVING PITCHER ARCHITECTS LTD	25-Feb-2021	511 Bayview Drive - Application for siting of a gazebo and hot tub in a setback

Planner: Phil Testemale

Planning Status

Status Date: 11-Jun-2021

July 19, 2021 Agenda for consideration.

Status Date: 14-May-2021

application deferred July agenda to prioritize Agricultural Hall Society TUP

Status Date: 16-Mar-2021

Received additional documents from applicant. -DL

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.2	Silverstein, Jeff & Young, Amanda	02-Mar-2021	721 Wilks Road - DVP Application for a variance to rebuild the addition on the existing footprint which is not in compliance with current property setbacks

Planner: Narrisa Chadwick

Planning Status

Status Date: 21-Jun-2021

DVP presented to LTC for approval.

Status Date: 21-May-2021

Notice and Draft Permit sent out.

Status Date: 14-May-2021

Updated drawings provided.



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.3	Begrand, Robert	17-Mar-2021	509 Arbutus Dr - application for a variance for rear lot line variance allowance for existing cottage

Planner: Phil Testemale

Planning Status

Status Date: 11-Jun-2021

July 19, 2021 Agenda for consideration - tentative

Status Date: 25-May-2021

planner assigned, applicant updated. -DL

Status Date: 30-Apr-2021

payment received, RPM emailed, awaiting planner assignment

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-Mar-2021

Has been referred to Ministry of Municipal Affairs

Status Date: 12-Feb-2021

Going to EC February 24/2021

Status Date: 18-Jan-2021

Bylaw to be sent to EC after follow up with First Nations.



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 multi-family development

Planner: Narrisa Chadwick

Planning Status

Status Date: 21-Jun-2021

Draft Bylaws updated and presented to LTC for First Reading.

Status Date: 11-Jun-2021

Housing agreement sent to MIHS for review.

Status Date: 28-Apr-2021

Planner working with application on draft covenant.

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.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.3	Wey Mayenburg Land Surveying Inc (Peace) Planner: Narrisa Chadwick	16-Oct-2018	Referral of a subdivision to decrease size
Planning Status			
Status Date: 18-Jan-2021 Covenant drafted, signed by applicant and sent to CRD to sign.			
Status Date: 05-Nov-2020 Legal service request for covenant sent and received back.			
Status Date: 15-Oct-2020 Preliminary report for water quantity DVP to LTC October 26.			
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)			



Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2021.2	Mayne Island Agricultural Society and Fall Fair	05-Apr-2021	437 Fernhill Rd - application for a temporary use permit for a thrift shop

Planner: Phil Testemale

Planning Status

Status Date: 25-May-2021

Notice and TUP drafted and sent to DS for notification. June 21, 2021 agenda for consideration.

Status Date: 14-May-2021

planner assigned and applicant emailed. -DL

Status Date: 10-May-2021

LTC requests that processing of TUP be prioritized as a community group

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2021.3	Haq, Farheen	07-Apr-2021	752 Seaview Road - A temporary Use Permit for a short term vacation rental.

Planner: Phil Testemale

Planning Status

Status Date: 11-Jun-2021

Preliminary report - July 19, 2021 agenda - tentative.

Status Date: 25-May-2021

PTA received CRD Covenant and more information on the vacation rental from applicant. File given to planner.

Status Date: 30-Apr-2021

Processing on-hold due to volume; Bylaw Enforcement has been notified.

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2021-011 (Standing) that the Mayne Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be re-appointed and also advertise for expressions of interest for new commissioners	Carried	25-Jan-2021
2020-022 (Standing) 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.	Carried	24-Feb-2020

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)	Carried	26-Jun-2017
That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR): a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement: i) they are advertised on the internet, newspapers or other media; ii) they are not managed by an owner of the USTVR property who lives on Mayne Island; iii) more than one dwelling on the lot is simultaneously made available for USTVR; iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers; v) there are issues related to health and safety on the property; vi) there is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the USTVR; vii) the owner of the property uses more than one property on Mayne Island as a USTVR. b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.		
2017-027 (Standing)	Carried	26-Jun-2017
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.		
2016-055 (Standing)	Carried	27-Jun-2016
that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.		

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.		

MEMORANDUM

File No.: 6500-20
Business Licensing

DATE OF MEETING: June 21, 2021
TO: Mayne Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Stefan Cermak, Regional Planning Manager, Salt Spring Region
SUBJECT: Business Licensing

PURPOSE

To update the Local Trust Committee on a potential request to the Capital Regional District to explore the implementation of business licensing, specifically for short term vacation rentals.

- On May 6th several trustees met to discuss issues related to business licensing and STVR enforcement.
- On May 7th, the South Pender Island Local Trust Committee adopted a resolution requesting that the CRD consider the implementation of business licensing (resolution below).
- The SPLTC also requested that other southern LTCs and the Salt Spring LTC be forwarded the resolution for consideration prior to the request being sent to the CRD.
- If the LTC supports the approach, it could consider adopting a similar resolution.

SP-2021-044

WHEREAS the South Pender Island Local Trust Committee is implementing additional policies and zoning to regulate and manage short term vacation rentals on South Pender island, the Local Trust Committee lacks the full range of tools for enforcement and administration of vacation rentals;

THEREFORE the South Pender Island Local Trust Committee requests that the Capital Regional District explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals.

CARRIED

NEXT STEPS

Once all LTCs have considered the resolution, they will be forwarded to the CRD.

Submitted By:	Robert Kojima, Regional Planning Manager	May 10, 2021
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