



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: July 19, 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.	TRUSTEE REPORT	1:05 PM - 1:15 PM
4.	CHAIR'S REPORT	1:15 PM - 1:20 PM
5.	TOWN HALL AND QUESTIONS	1:20 PM - 1:35 PM
6.	COMMUNITY INFORMATION MEETING	
	None	
7.	PUBLIC HEARING	
	None	
8.	MINUTES	1:35 PM - 1:45 PM
8.1.	Local Trust Committee Minutes Dated June 21, 2021 (for Adoption)	4 - 11
8.2.	Section 26 Resolutions-without-meeting Report - None	
8.3.	Advisory Planning Commission Minutes - None	
9.	BUSINESS ARISING FROM THE MINUTES	
9.1.	Follow-up Action List Dated July 2021	12 - 13
10.	DELEGATIONS	
11.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
12.	APPLICATIONS AND REFERRALS	1:45 PM - 2:45 PM

12.1.	MA-DVP-2021.1 (Irving) - Staff Report (attached)	14 - 34
12.2.	MA-DVP-2021.3 (Begrant) - Staff Report (attached)	35 - 52
12.3.	MA-TUP-2021.3 (HaQ) - Preliminary Staff Report (attached)	53 - 74
13.	LOCAL TRUST COMMITTEE PROJECTS	2:45 PM - 3:15 PM
13.1.	Flexible Housing - Staff Report (attached)	75 - 75
14.	REPORTS	3:15 PM - 3:25 PM
14.1.	Work Program Reports (attached)	
14.1.1.	<u>Top Priorities Report Dated July 2021</u>	76 - 77
14.1.2.	<u>Projects List Report Dated July 2021</u>	78 - 79
14.2.	Applications Report Dated July 2021 (attached)	80 - 83
14.3.	Trustee and Local Expense Report Dated May 2021	84 - 84
14.4.	Adopted Policies and Standing Resolutions (attached)	85 - 88
14.5.	Local Trust Committee Webpage	
14.6.	Islands Trust Conservancy Report Date May 25, 2021	89 - 90
15.	NEW BUSINESS	
16.	UPCOMING MEETINGS	
16.1.	Next Regular Meeting Scheduled for September 27, 2021, Location: TBD	
17.	TOWN HALL	3:25 PM - 3:40 PM
18.	CLOSED MEETING (Distributed Under Separate Cover)	
18.1.	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)(g) for the purpose of considering:</i>	
	<i>Adoption of In-Camera Meeting Minutes Dated March 29 and June 21, 2021</i> <i>Request for Legal Action</i>	
	<i>AND that the recorder and staff attend the meeting.</i>	
18.2.	Recall to Order	
18.3.	Rise and Report	

19. ADJOURNMENT

3:40 PM - 3:40 PM



Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: June 21, 2021

Location: Electronic Meeting (Zoom Webinar)

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

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

Public: There were approximately (13) attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:02 p.m. Chair Rogers acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations and that today was National Indigenous Peoples Day.

2. APPROVAL OF AGENDA

Item 11.1 to be moved to after Item 10.4.

The agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Jon Hoff spoke to three issues:

- Lack of transparency of Local Trust Committee (LTC). New website is not showing any public correspondence regarding applications and questions submitted for Community Information Meeting (CIM) unanswered,
- Contractual agreement between owner of parcel for affordable housing and the Mayne Island Housing Society (MIHS) outlines parameters for title transfer and it is felt the LTC needs to know what's in agreement, and
- Surface water – fresh water spring, which typically dries out end of summer, went dry first week of April. Spring is near new well and wonders about impact of well and flow testing.

Chair Rogers agreed that correspondence should be posted and will inquire as to situation. All correspondence is received by Chair, Trustees and staff. There is a new Correspondence Policy that was reviewed by Trust Council in June which identifies what can be posted in consideration of privacy issues.

Staff is looking into situation regarding correspondence as it just recently “disappeared” from web site.

Chair Rogers stated that the Community Information Meeting was designed to answer many of the questions received and concerns could be raised prior to LTC meeting.

Doug Hill spoke to Public Docks and questioned intention to eliminate them. There are no marinas on island and docks important should there be an emergency.

Chair Rogers clarified that the proposal is in the Draft Trust Council Policy Statement and does not impact existing docks. Concerns can be forwarded to Trust Council.

Tim Mackie spoke in support of Jon Hoff’s comments. It is helpful to have access to correspondence for island dialogue and that the definition of Affordable Housing is fundamental to project. The 219 Covenant is integral to the Bylaw. Requested application be forwarded to Ministry of Agriculture as proposed development is adjacent to land that is being used for agricultural purposes.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes Dated May 10, 2021

By general consent the Local Trust Committee meeting minutes of May 10, 2021 were adopted.

6.2 Section 26 Resolutions-without-meeting Report Dated June 2021 - received

6.3 Advisory Planning Commission Minutes - None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated June 2021

Planner Chadwick advised that Development Variance Permit for Peace is now issued.

8. DELEGATIONS - none

9. CORRESPONDENCE

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

9.1 Letter re Invitation to collaborate on Southern Gulf Island Wayfinding

Letter from Chamber of Commerce exploring signage uniformity for islands:

- Interesting concept
- Concern overall affect may resemble a National Park
- Have a community dialogue
- Would minimize external signs

MA-2021-029

It was Moved and Seconded,

That Trustee Maude draft a letter to the Mayne Island Chamber of Commerce responding to Wayfinding signs.

CARRIED

10. APPLICATIONS AND REFERRALS

10.1 MA-DVP-2020.10 (Kennedy)

Planner Testemale reviewed the application which is in response to a Bbylaw enforcement complaint. Applicant has signed a Compliance Agreement and has agreed to relocate steps.

MA-2021-030

It was Moved and Seconded,

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

CARRIED

Applicant questioned process if work under compliance agreement cannot be completed by January 2022.

May require a written request to compliance staff to extend.

10.2 MA-TUP-2021.2 (Hoff - MIASFF)

Planner Testemale reviewed application to relocate Thrift Store and informed LTC that a rezoning application is forthcoming.

For clarification hours of operation are intended only for Thrift Store and Museum.

MA-2021-031

It was Moved and Seconded,

that application MA-TUP-2021.2 be amended as follows: Section 3 to read, "The uses in Section 2a) and 2b)..."

CARRIED

MA-2021-032

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

CARRIED

10.3 MA-DVP-2021.2 (Silverstein and Young)

Planner Chadwick outlined the application which addresses setbacks for a legal non-conforming building and proposed renovations/rebuild.

Applicants - have spoken with neighbour, purpose is to update, rebuild and improve property and a survey identified issue with fence.

Adjacent property owner - appreciates concerns with building however deck is within setbacks which are there for a reason; impact on privacy.

Discussion ensued regarding the application.

MA-2021-033

that the Mayne Island Local Trust Committee remove Section 2b ii) from application MA-DVP-2021.2 (Silverstein & Young).

CARRIED

MA-2021-034

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve the issuance of Development Variance Permit application MA-DVP-2021.2 as amended.

CARRIED

Trustee Maude recused himself and left the meeting room at 2:32 pm. for this item due to conflict of interest.

10.4 MA-RZ-2018.1 (Cotton Park) Consideration of Adoption of Bylaws 177 and 178

MA-2021-035

It was Moved and Seconded,

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.

CARRIED

MA-2021-036

It was Moved and Seconded,

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

CARRIED

Trustee Maude rejoined the meeting at 2:35 p.m.

11. CLOSED MEETING

11.1 Motion to Close Meeting

MA-2021-037

It was Moved and Seconded,

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

- Adoption of In-Camera Meeting Minutes Dated March 29, 2021
- Legal Advice

AND that the recorder and staff attend the meeting.

CARRIED

Break 2:48 pm to 3:00 pm

11.2 Recall to Order

Chair Rogers recalled the meeting to order at 3:00 pm.

11.3 Rise and Report

Chair Rogers reported on adoption of minutes from March 29, 2021 meeting and that information from a legal opinion had been reviewed and discussed.

10.5 MA-RZ-2020.1 Mayne Island Housing Society (MIHS)

Deborah Goldman highlighted the following on behalf of the MIHS:

- Housing Agreement – being registered with current owner of property is a burden: owner has no obligation to undertake obligations under agreement.
- Lot 2 – criteria for development are clear and reasonable; do not impede housing project nor wetland restoration
- Mixed Rental Model – 30% affordable, 50% rent geared to income and 20% deep subsidy as defined by BC Housing. All units are affordable housing. Income levels differ as prescribed by BC Housing.
- Financial – outlined rental rates by unit type, chart of Mixed Rental Rate Income levels.

David Brown (MIHS) reviewed development costs versus non-profit development costs which are generally lower. Estimated at \$3.224 M. Funding through mortgage, BC Housing, CMHC and Capital Grants in addition to predevelopment grants and local contributions.

Planner Chadwick presented the staff report. Items for discussion:

1. Building area for Lot 2
2. Restriction of building on Lot 2 – covenant can restrict development until affordable housing proceeds and/or completes. Number of options and considerations.

Discussion and questions:

- Buffer requirements could be included in Covenant

- Review of building site
- Driveway placement and function
- 3 potential Covenants - siting on lot 2, Lot 3 housing site, Lot 2 not to be developed until housing project commenced
- Zone for multiple family housing vs. affordable housing zone
- Housing agreement specifies tenure, rents, etc. and is attached to property
- Refer to APC
- LTC identified the amenity as the built housing project

MA-2021-038

IT WAS MOVED AND SECONDED,

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 of proposed lot 2 until the construction of rental housing on proposed Lot 3 is completed and that the S.219 covenant be registered on title as a condition of rezoning and that building site for Lot 2 should be that identified as "A" on map dated July 15, 2020 and wetlands area is to be preserved as shown on same map.

CARRIED

MA-2021-039

It was Moved and Seconded,

that the Mayne Island Local Trust Committee ask staff to refer application package for MA-RZ-2020.1, including draft Bylaws, Housing Agreement and Covenants as available to Mayne Island Advisory Planning Commission.

CARRIED

Planner Chadwick will add the Ministry of Agriculture to the referral list.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 OCP and LUB Minor Amendments

MA-20210-040

It was Moved and Seconded,

that the Mayne Island Local Trust Committee endorse the Project Charter for the Official Community Plan and Land Use Bylaws Minor Amendment project.

CARRIED

12.2 Flexible Housing

MA-2021-041

It was Moved and Seconded,

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.

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report Dated June 2021- received

13.1.2 Projects List Report Dated June 2021- received

13.2 Applications Report Dated June 2021 - received

13.3 Trustee and Local Expense Report - None

13.4 Adopted Policies and Standing Resolutions - received

13.5 Local Trust Committee Webpage

Will be updated.

13.6 Chair's Report

Chair Rogers reported on a busy month. Trust Council will be on July 8th. with a Town Hall held on the evening of July 7th. The Draft Trust Policy Statement will have extensive public review over the next few months with completion targeted for October 2022.

13.7 Trustee Report

Trustee Maude reported on plans by Ministry of Transportation to do extensive road repair on the island.

Trustee Dodds spoke on the successful vaccination clinic held last week. There is a lack of community understanding of the difference between Trust Council and LTC and suggested more education on the functions of these governing bodies.

13.8 Islands Trust Conservancy Report - None

14. NEW BUSINESS

14.1 Business Licenses

Regional Planning Manager Kojima stated that Capital Regional District (CRD) is being asked to consider issuing Business Licenses in an effort to regulate Short Term Vacation Rentals. This would necessitate provincial approval.

MA-2021-042

It was Moved and Seconded,

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

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for July 19, 2021, Location: TBD

16. TOWN HALL

Jon Hoff expressed appreciation for today's input and patience of LTC and staff. Regarding the Policy/Governance Review it was suggested that IT send a request to island residents for input and that documents be posted for access.

Chair Rogers detailed that in 2015 there were over 1,000 respondents and that it is an extensive process.

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:10 p.m.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder

Follow Up Action Report

Mayne Island

21-Jun-2021

Activity	Responsibility	Dates	Status
1 6.1 LTC Minutes Dated May 10, 2021 Adopted as presented	Sheree Rialp	Target: 25-Jun-2021	In Progress
2 9.1 Trustee Maude to draft response to South Gulf Islands Wayfinding and forward to staff for distribution		Target: 30-Jun-2021	In Progress
3 10.1 MA-DVP-2020.10 (Kennedy) DVP approved	Jas Chonk Maple Hung Phil Testemale	Target: 30-Jun-2021	Completed
4 10.2 MA-TUP-2021.2 (Hoff-MIASFF) TUP approved as amended (amend section 3)	Jas Chonk Maple Hung Phil Testemale	Target: 30-Jun-2021	Completed
5 10.3 MA-DVP-2021.2 (Silverstein and Young) DVP approved as amended (remove 2 b) ii)	Jas Chonk Maple Hung Narrisa Chadwick	Target: 30-Jun-2021	Completed
6 10.4 MA-RZ-2018.1 (Cotton Park) Bylaws 177 and 178 adopted. File to be closed	Dionne LoForte Jas Chonk Narrisa Chadwick	Target: 29-Jun-2021	Completed



Follow Up Action Report

Mayne Island

21-Jun-2021

Activity	Responsibility	Dates	Status
7 10.5 MA-RZ-2020.1 (MIHS) 1) staff to explore alternative options to having Sean McHugh on housing agreement 2) S.219 covenant to restrict building on lot 2 until housing in complete 3) S. 219 covenant to identify site proposal A as building location 3) Refer application package to APC (to include all related materials) 4) staff to explore possible link between well testing and dry up of well on neighbouring property 5) Ministry of Agriculture to be added to referral list	Jas Chonk Narrisa Chadwick William Shulba	Target: 06-Jul-2021	In Progress
8 12.2 Flexible Housing - staff to prepare draft bylaws as recommended, but identify areas confirmed to be critical for groundwater	Narrisa Chadwick William Shulba	Target: 21-Jun-2021	In Progress
9 14.1 Business Licenses - Resolution passed	Robert Kojima	Target: 30-Jun-2021	In Progress



File No.: MA-DVP-2021.1 (Irving)
(MA-BE-2020.1)
(MA-DVP-2002.7)

DATE OF MEETING: July 19, 2021
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Warren Dingman, Manager of Compliance and Enforcement
Narissa Chadwick, Island Planner
SUBJECT: Development Variance Permit Application
Applicant: Robert Irving
Location: 511 Bayview Drive

RECOMMENDATION

1. That the Mayne Island Local Trust Committee amend Development Variance Permit MA-DVP-2021.1 (Irving) by removing 2. a) ii) and Schedule 'C' in their entirety, and by removing notations on Schedule 'A' accordingly; And,
2. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.1 (Irving) as amended.

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The variances are for the siting of two (2) existing **accessory structures** on the subject property.

RATIONALE FOR VARIANCE

Granting the variance will:

- Retroactively permit the siting of two (2) structures within the setback from the Natural Boundary of the Sea (NBS) on the subject property.
- Bring the property into compliance with the Land Use Bylaw.

BACKGROUND

The application is the result of a Bylaw Enforcement file (MA-BE-2020.28). There is no new development proposed, and the variances would vary the setback from the Natural Boundary of the Sea (NBS) for an existing gazebo and hot tub/deck structure that were constructed illegally on the property (Figure 2).

Specifically, the application is to vary the setback provisions under **General Regulations** in the Mayne Land Use Bylaw No. 119, 2018 (LUB) as shown in Figure 2 and as follows:

- a) Subsection 3.3 (3) which states that no building or structure may be constructed within 7.5 metres (25 feet) of the natural boundary of the sea (NBS) is varied to permit:
 - i. A structure (gazebo) within 5.4 metres (17.7 feet) of the NBS; and,
 - ii. a structure (hot tub/deck) within 4.0 metres (13.1 feet) of the NBS.

The subject property is located at **511 Bayview Drive** and is 0.22 ha (0.54 acres) in size. The property currently contains a dwelling and the two accessory structures.

The previous owner submitted a development permit application in 2002 (MA-DVP-2002.7) for setbacks for the dwelling from an exterior side yard and for the siting of the gazebo. The LTC of the day did not support the variance for the gazebo based on neighbour concerns, and the issued permit was only for the dwelling (Attachment 3). The gazebo should have subsequently been removed or a Board of Variance application made. There was no follow up enforcement and the gazebo has remained. The hot tub/deck structure was constructed in the intervening time period between 2002 and now without application for a permit.

The current owners acquired the property in 2013.

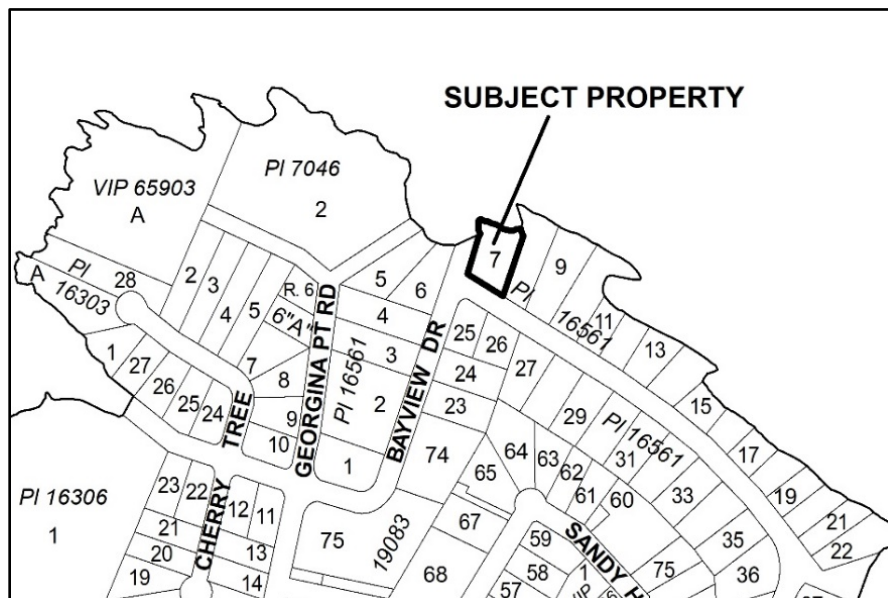
A bylaw complaint was received in April 2020 for construction of a fence and landscaping within the setback from the NBS. The removal of the fence ('split rail' – see Attachment 2.6) was confirmed by enforcement staff last year. However the siting violations for the two structures was noted, and a compliance agreement was signed by the owner to make this variance application.

The property is located on Oyster Bay and is generally level and open from Bayview Road to an embankment formation along the low boulder shoreline. The subject two structures are sited on that embankment which has mature cedar and Douglas fir trees (Attachment 2.6). The dwelling is sited on the property further back from the shoreline and closer to Bayview Road. Oyster Bay Road to the west and adjacent to the property is developed as a (gravel) public access roadway to the bay, and is also used as a second developed access into the lot.

A copy of the Notice and proposed permit MA-DVP-2021.1(Irving) are Attachments 4 & 5.

Staff visited the subject property in August of 2020 and April of 2021 (Attachment 2.6)

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **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. If the variances for the accessory structures are granted, the property would be fully in compliance with the LUB.

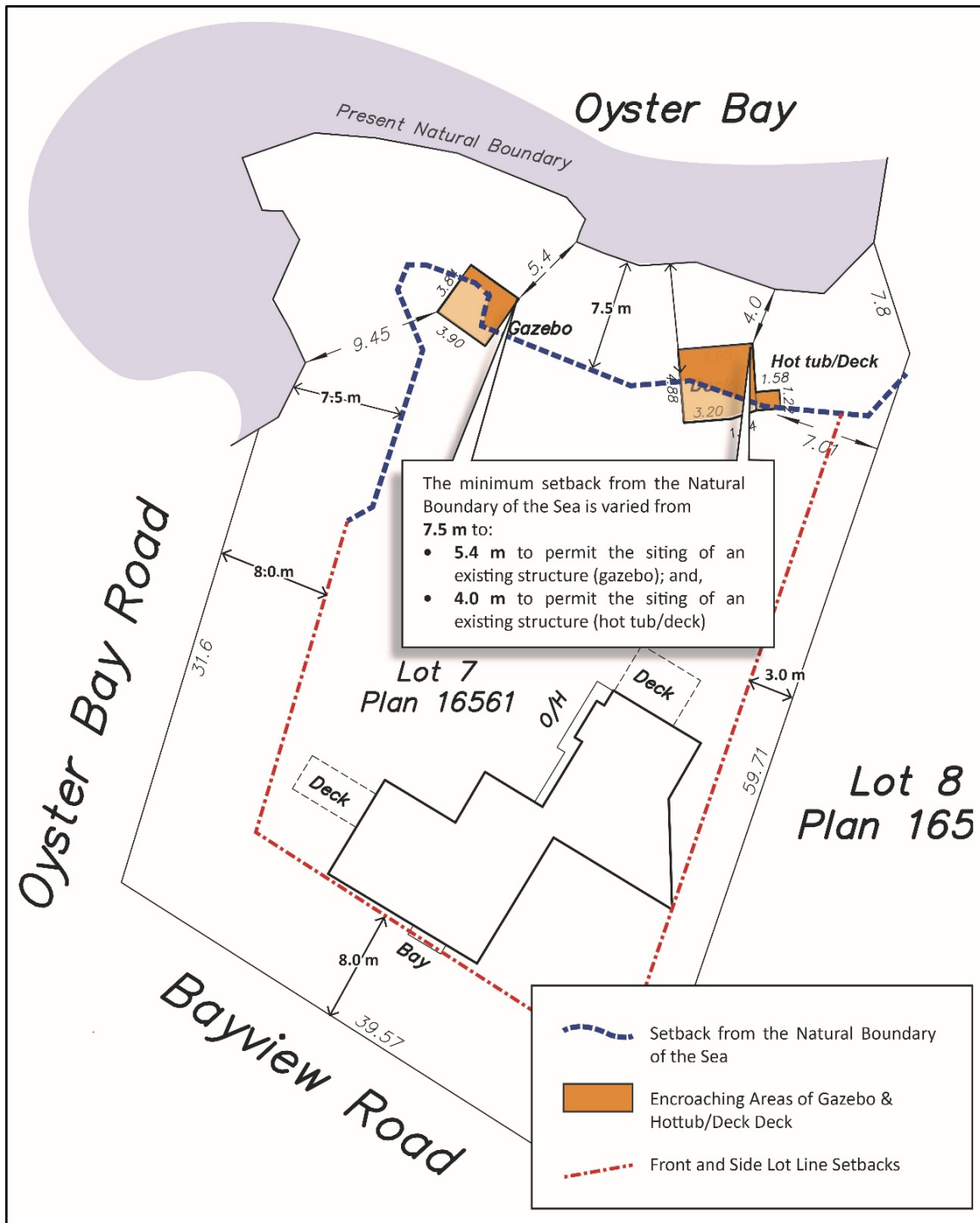
Issues and Opportunities

Impact on Neighbouring Properties

The most impacted neighbour by the proposed variances is adjacent Lot B to the east (Figure 2 and Attachment 2.6). The location, size and use of the hot tub deck is assessed as potentially more obtrusive and impactful to that neighbour and the public realm (beach foreshore) than the gazebo. Although the structure includes a privacy wall, potential impacts include privacy, noise and interruption of views. Additionally, the structure does not appear to be well maintained.

The smaller gazebo structure has been in place for a longer time, and by location, design and appearance is less obtrusive to neighbours and the public. Additionally, given the nature of the structure, its use is likely to be less impactful than that of the hot tub.

Figure 2 – Site Plan



The Intent of the Regulation being Varied

The overall purpose of setback from the NBS regulations are to:

- Protection of the shoreline environment
- Limit 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 July 9, 2021.

At the time of writing, Staff have received no submissions in response. Any submission 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.

However, staff notes that the embankment feature is a known archaeological site, and if the recommended resolutions on page 1 are passed by the LTC, that would require the removal of hot tub structure. Although it appears that could be undertaken with minimal ground disturbance, staff is prepared to provide guidance to the owners to ensure that any deconstruction is respectful and not impactful to any archaeological resources.

Additionally, staff also have forwarded 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 resolutions on page 1 be supported for the following reasons:

- The rationale for compliance is reasonable.
- The recommended variance does not challenge the intent of the regulation.
- Granting the variance for the gazebo would be less impactful to neighbours and the public realm than those for the hot tub/deck.
- Neighbours have been notified and, to date, no submissions have been received.

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. Approve the variances as drafted

The LTC may approve the DVP as drafted and circulated for notification.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.1 (Irving).

3. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DVP-2021.1 (Irving) for the follows reasons_____.

NEXT STEPS

- If the application is approved as recommended on page 1, the owner will be required to remove the hot tub/deck under a compliance agreement within a reasonable timeframe, or apply to the Board of Variance.
- If both variances are denied, the owners will be required to remove both structures under a compliance agreement within a reasonable timeframe or apply to the Board of Variance.

Submitted By:	Phil Testemale, Planner 2	July 8, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	July 8, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. MA-DVP-2002.7 (issued September 3, 2002)
4. Notice
5. Draft Development Variance Permit MA-DVP-2021.1

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 7, Section 15, Mayne Island, Cowichan District, Plan 16561
PID	004-007-921
Civic Address	511 Bayview Drive

LAND USE

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

HISTORICAL ACTIVITY

File No.	Purpose
MA-BP-2019.3	Alterations to dwelling
MA-DVP-2002.7	Variance for dwelling and gazebo (latter denied)

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 and no development activity is proposed.
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	MA- BE-2020.1 (Fencing and landscaping within NBS) and subject accessory structures.
	MA-BE-2011.10 (STVR) closed

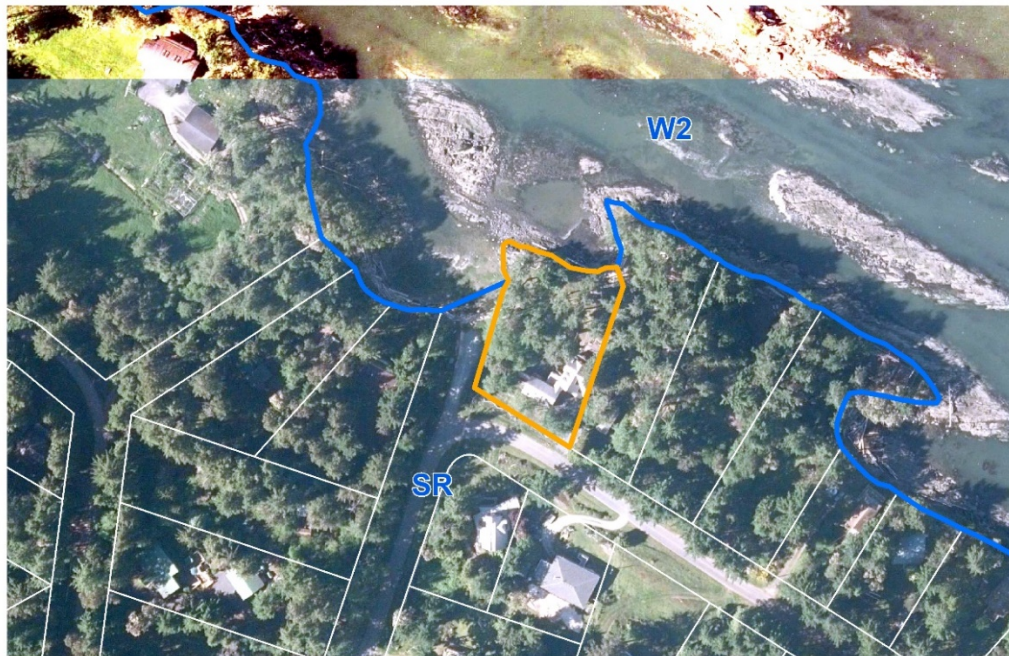
SITE INFLUENCES

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 (Attachment 2.2)
Hazard Areas	None shown on TAPIS

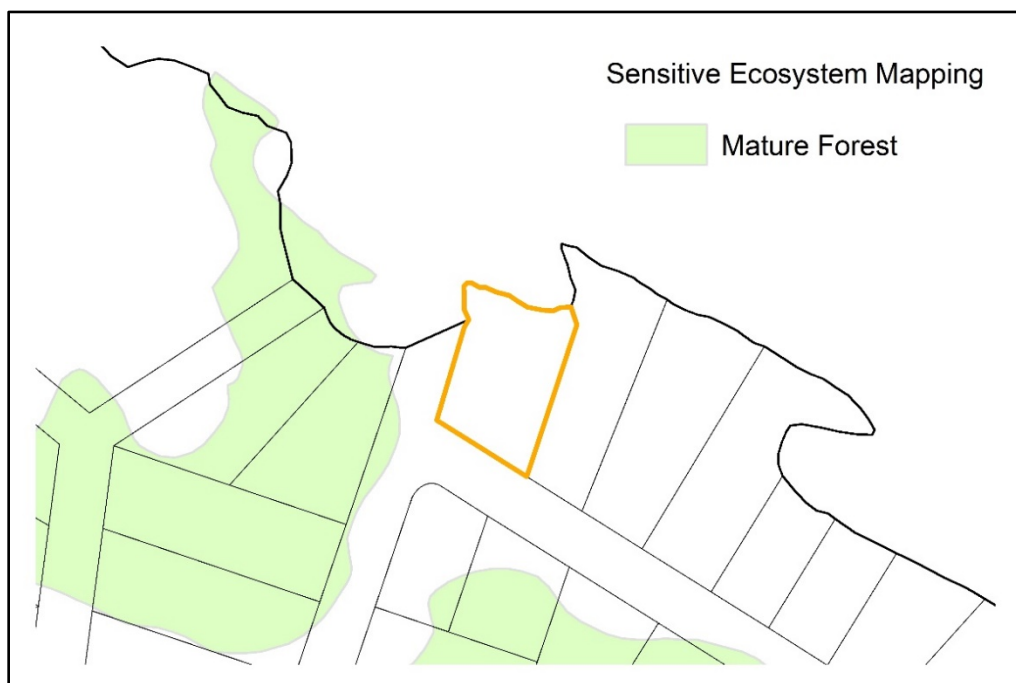
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates a known archaeological site and areas of archaeological potential on the property (see report body). The applicant has been advised and sent the Islands Trust Chance Find Protocol and provincial guidance. Additionally, 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 only to waste from deconstructed hot tub/gazebo. Property is across the road from waterfront properties in Bennet Bay which are high banked limiting potential climate change induced hazards.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Eelgrass and Bull Kelp : See Attachment 2.3

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

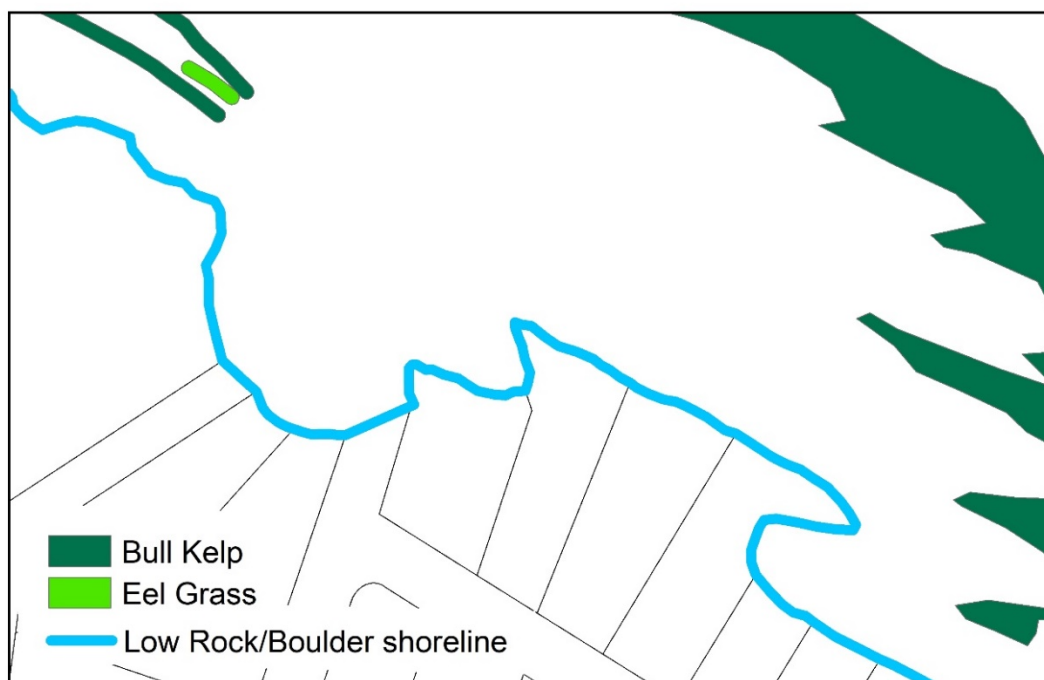
2.1 ORTHOPHOTO WITH ZONING



2.2 SENSITIVE ECOSYSTEM MAPPING



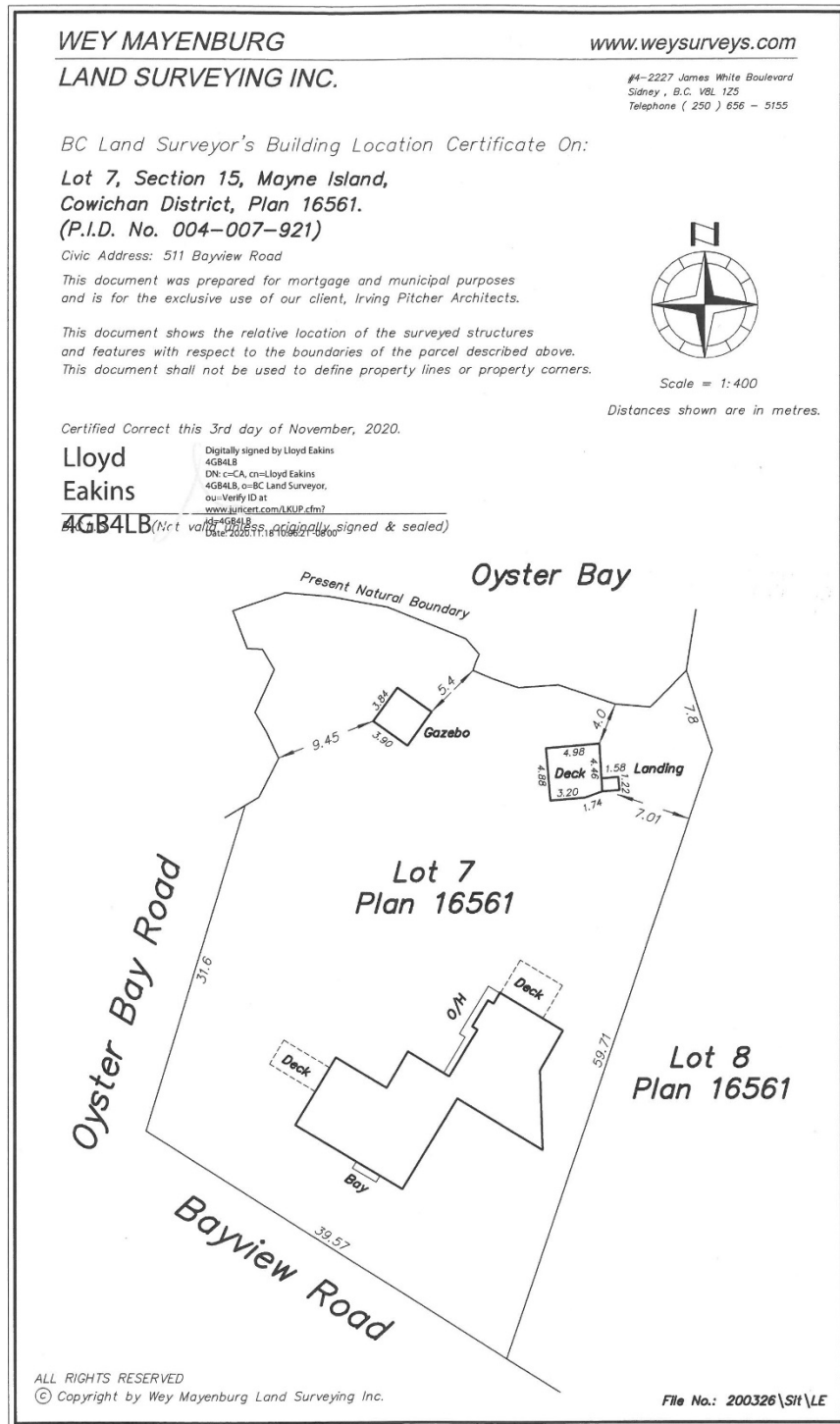
2.3 MARINE ECOSYSTEMS AND SHORELINE



2.4 STEEP SLOPE MAPPING



2.5 SURVEY PLAN



2.6 PHOTOGRAPHS



One: Gazebo (left) and hot tub/deck (right)



Two: Gazebo looking north



Three: Hot tub/deck

2.6 PHOTOGRAPHS (CONT'D)

Four: Hot tub/deck



Five: Hot tub/deck with neighbouring dwelling in background



Six: Hot tub/deck with neighbouring dwelling in background



2.6 PHOTOGRAPHS (CONT'D)



Seven: View southeast of dwelling

Attachment 3

MAYNE ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

MA-DVP-07-2002

To: Brian Johnston and Heather Johnston

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

Lot 7, Section 15, Mayne Island, Cowichan District, Plan 16561,
PID 004-007-921

2. Mayne Island Land Use Bylaw, 1996, is varied as follows:

- a. Article 9.1.4(1) is varied to permit the siting of an existing dwelling sited as close as 7.65 metres from the exterior side lot line. Article 9.1.4(1) currently establishes an 8 metre setback from the exterior side lot line for all buildings and structures.

as shown on Schedule 'A', attached to and forming part of this permit.

3. This permit is neither a building permit nor an occupancy 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, 1996" and to obtain other approvals necessary for completion of the development.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS 3rd DAY OF SEPTEMBER, 2002.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 3RD DAY OF SEPTEMBER, 2004 THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE

MA-DVP-07-2002

SCHEDULE "A"

Owner: Johnston

I have inspected the existing dwelling shown at 511 Bayview Road and hereby certify that the said structure is situate with respect to nearby boundaries as shown on the sketch below.

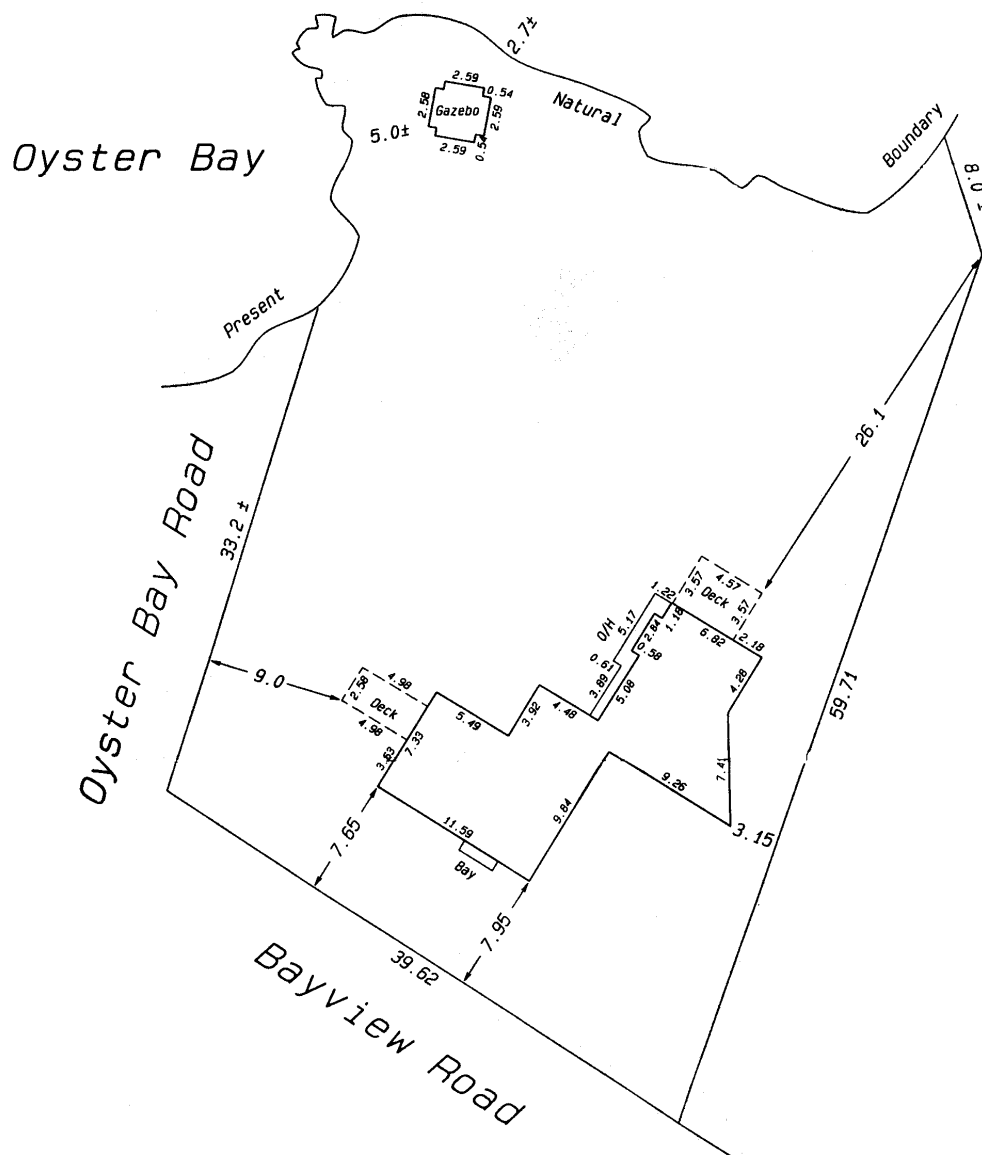
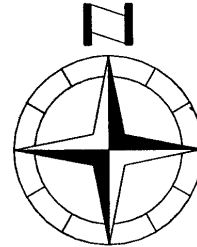
This document is prepared for mortgage and municipal purposes only.

Dated this 10th day of December, 2001.

B.C.L.S. ©

This document is not valid unless originally signed and sealed.

Distances shown are in metres.





NOTICE
MA-DVP-2021.1

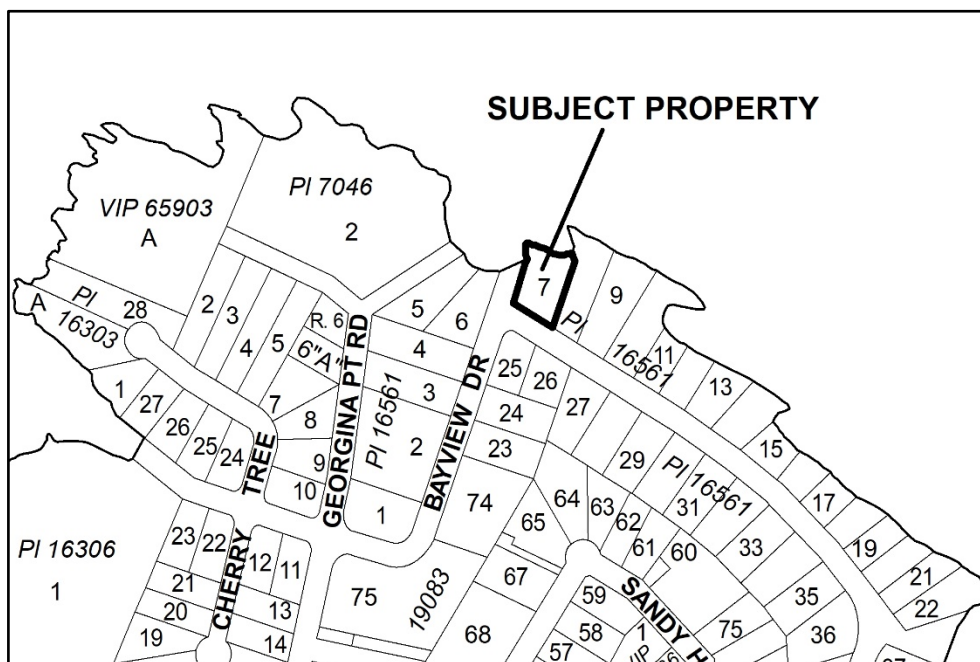
MAYNE ISLAND LOCAL TRUST COMMITTEE

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

- Variances to reduce the setback from the natural boundary of the sea for two (2) existing structures (a gazebo, and a hot tub with a deck) as shown on the attached, proposed permit.

The property is located at **511 Bayview Drive** and is legally described as Lot 7, Section 15, Mayne Island, Cowichan District, Plan 16561 (PID: 004-007-921).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **June 28, 2021** and continuing up to and including **July 9, 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., July 9, 2021**.

The 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., July 19, 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.



Islands Trust

Proposed

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2021.1**

To: Douglas Leard and Melanie Ferrandi
c/o Robert Irving

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

Lot 7, Section 15, Mayne Island, Cowichan District, Plan 16561
(PID: 004-007-921)

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

- a) Subsection 3.3 (3) which states that no building or structure may be constructed within 7.5 metres (25 feet) of the natural boundary of the sea (NBS) is varied to permit:
- i. A structure (gazebo) within 5.4 metres (17.7 feet) of the NBS; and,
 - ii. a structure (hot tub/deck) within 4.0 metres (13.1 feet) of the NBS.

The development shall be consistent with Schedules 'A', 'B' and 'C' 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.

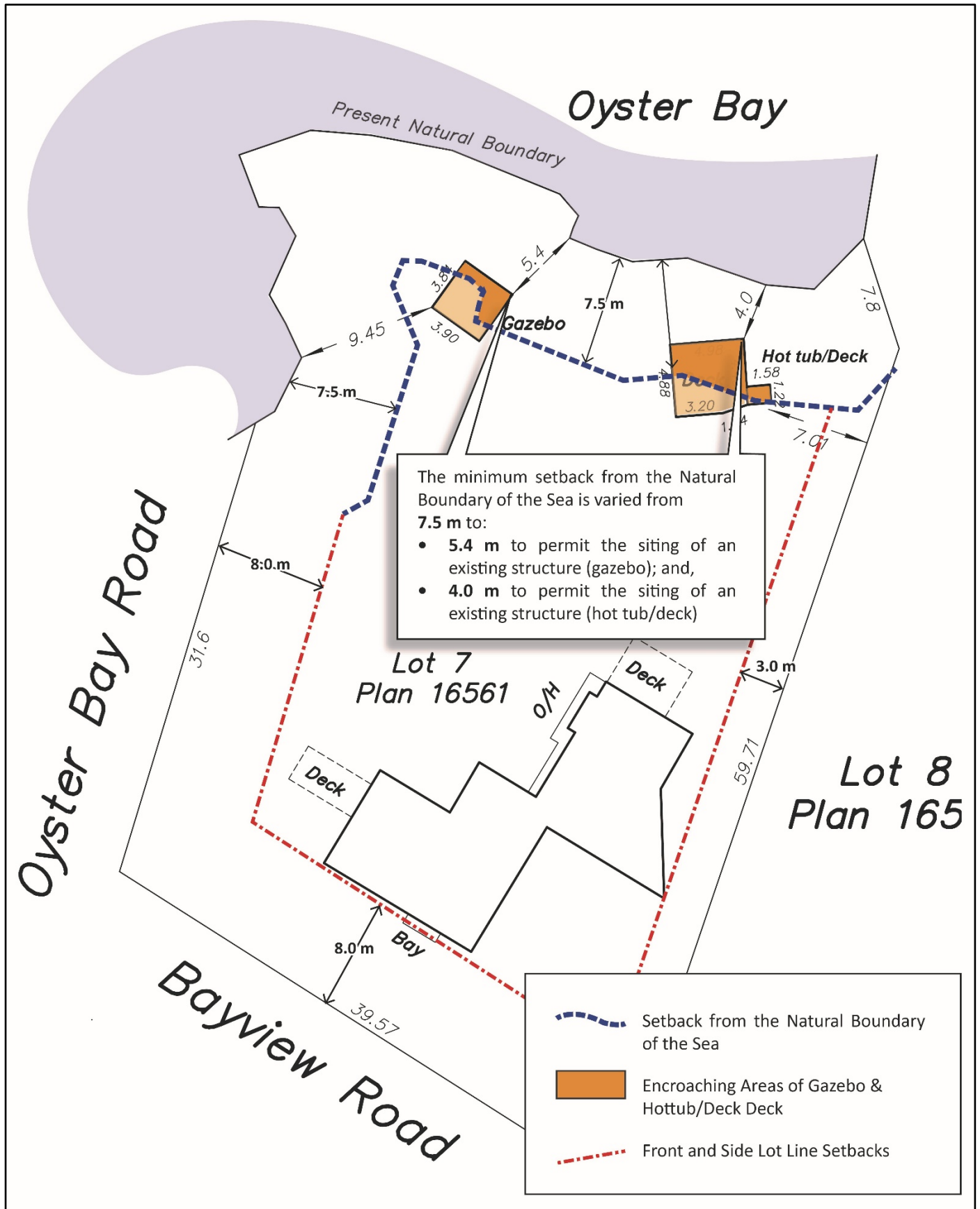
Deputy Secretary, Islands Trust

Date of Issuance

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

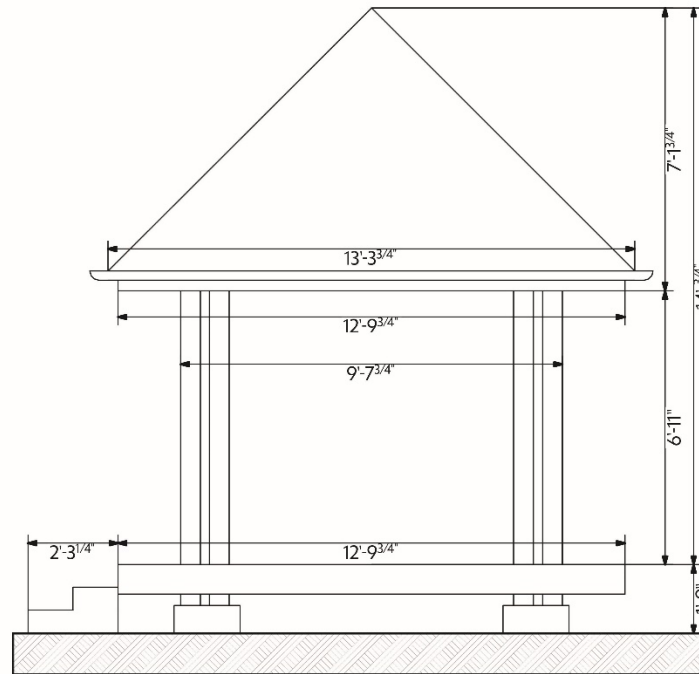
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.1

SCHEDULE 'A'



MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.1

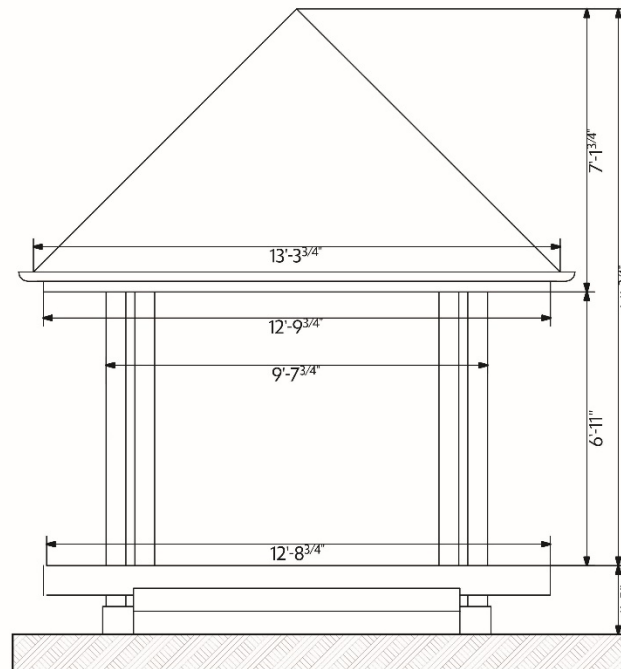
SCHEDULE 'B'



1

GAZEBO NORTH ELEVATION

N.T.S.



2

GAZEBO EAST ELEVATION

N.T.S.

IRVING PITCHER ARCHITECTS

613 HORTON BAY ROAD, MAYNE ISLAND, BC V0N 2J0
TEL: 250.539.5225 FAX: 250.539.5226

LEARD DVP

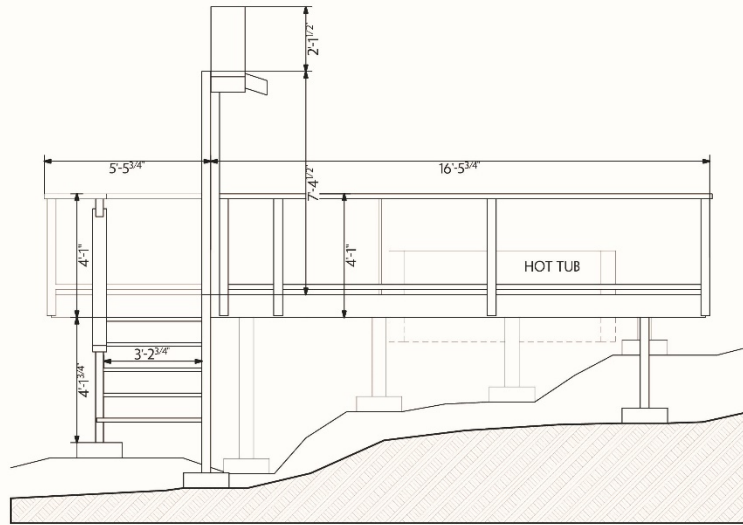
511 BAYVIEW DR., MAYNE ISLAND, BC

PROJECT MANAGER: R IRVING AIBC

DATE ISSUED: 3/15/2021

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.1

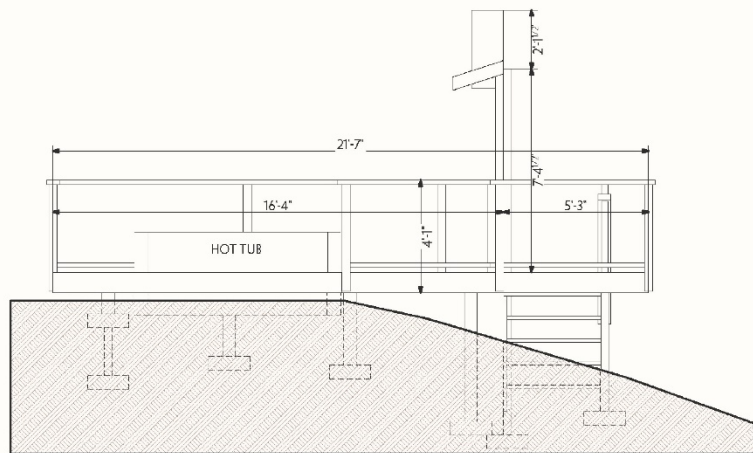
SCHEDULE 'C'



1

HOT TUB DECK NORTH ELEVATION

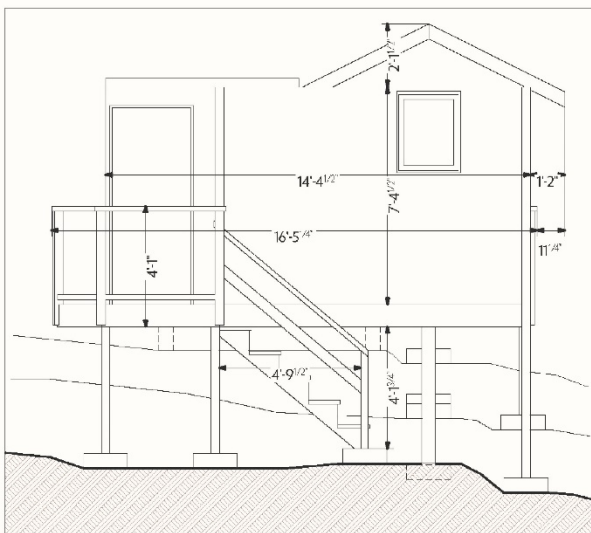
N.T.S.



1

HOT TUB DECK SOUTH ELEVATION

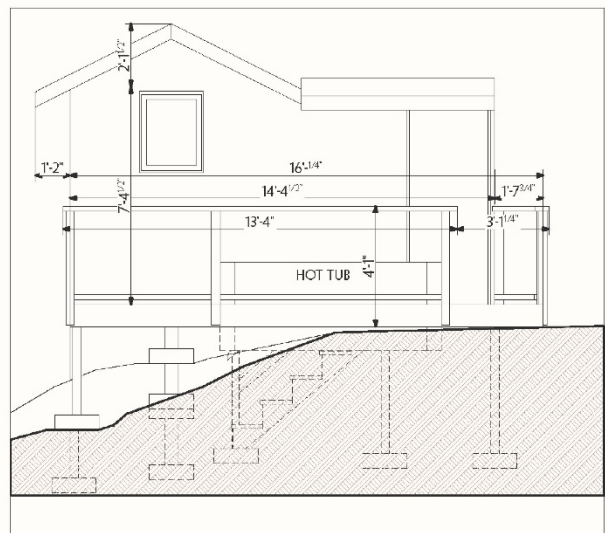
N.T.S.



1

HOT TUB DECK EAST ELEVATION

N.T.S.



HOT TUB DECK WEST ELEVATION

N.T.S.



File No.: MA-DVP-2021.3 (Begrant)

MA-BP-2020.28 (Lussier)

DATE OF MEETING: July 19, 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: Robert Begrant
Location: 509 Arbutus Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.3 (Begrant).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The siting variances are for an existing dwelling with a proposed addition (stairs).

RATIONALE FOR VARIANCE

Granting the variance will:

- Retroactively permit the siting of a dwelling within the rear yard setback on the subject property.
- Permit the construction of an addition (stairs) necessary for access to the rear of the dwelling.
- Bring the property into compliance with the Land Use Bylaw.

BACKGROUND

The application is the result of a Building Permit Review application (MA-BP-2020.28). The development proposal includes additions to the existing dwelling on the property, a portion of which does not legally conform to the required rear yard setback.

Specifically, the application is to vary the **rear yard setback** provisions of the **Settlement Residential Zone** in the Mayne Land Use Bylaw No. 119, 2018 (LUB) as shown in Figure 2 and as follows:

- a) Article 5.1 (8) (a) which states that minimum setback for any building or structure is 8 metres (26 feet) from any front or rear lot line is varied to permit an existing dwelling including a proposed stair addition within 4.9 metres (16 feet) of a rear lot line.

The subject property is located at **509 Arbutus Drive** and currently contains a single family dwelling that was constructed in 1987 and temporary storage shed for construction storage (Attachment 2.4).

The development proposal is shown as Attachment 2.3 and includes the stair addition which is necessary to access the rear of the dwelling via an existing doorway. A larger addition to the front of the dwelling is also proposed, but that meets setback regulations and does not require a variance.

The CRD Building Inspection Department issued a permit for the dwelling in 1987, and those records indicate that a final inspection was never conducted, nor was a Final Occupancy permit issued (Attachment 3). The site plan from the Building Permit shows a rear yard setback distance of 15 metres (50 feet). However, a legal survey (Attachment 2.2) confirmed that the dwelling was built 6.1 metres (20 feet) from the rear lot line and therefore sited in error and is illegal.

The property is relatively flat and open with mature trees and hedge around its perimeter (Attachment 2.4). The boundary to the most impacted neighbour to the southwest (Lot B) is partially screened by vegetation. The minimum distance to the dwelling on that property is estimated to be approximately 18 metres.

The neighbouring property to the south (511 Arbutus) was the subject of a DVP application (MA-DVP-2020.12) that was approved in May 10, 2021.

A copy of the Notice and proposed permit MA-DVP-2021.3(Begrand) are Attachments 4 & 5.

Staff visited the subject property on July 7, 2021.

Figure 1 – Subject Property

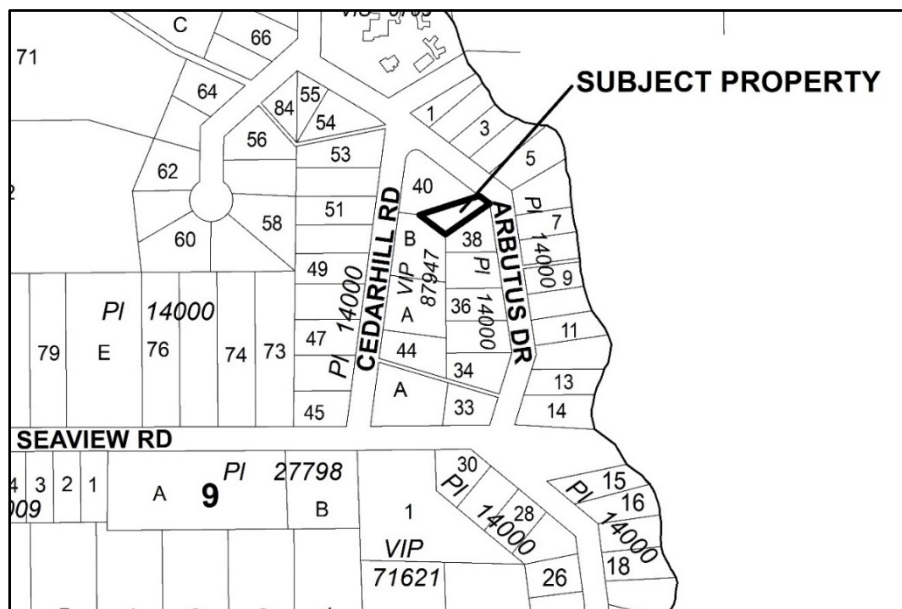
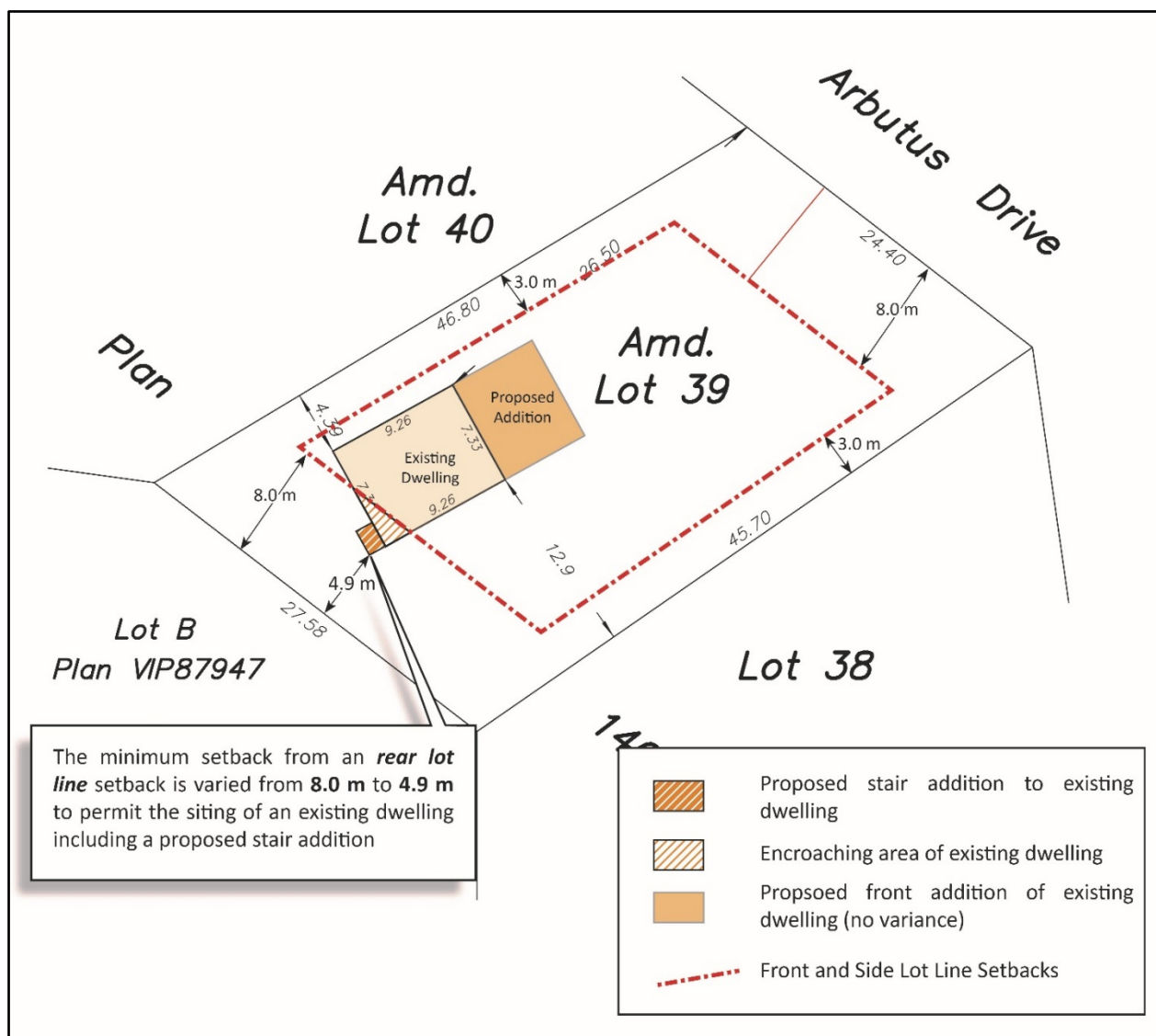


Figure 2 – Site Plan



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **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. If granted, the variances for the dwelling and addition would bring the property fully into compliance with the LUB.

Issues and Opportunities

Impact on Neighbouring Properties

The most impacted neighbour by the proposed variance would be Lot B to the southwest (Attachment 2.3). As the dwelling was constructed in 1987, and the proposed stair addition is small and unobtrusive, impacts are considered to be minor if the variance is granted.

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 July 9, 2021.

At the time of writing, staff have received no submissions in response to notification. 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.
- The variance for necessary new construction and the encroaching portion of the dwelling are both minor.
- The encroaching portion of the dwelling has been established for a long time period.

- Impacts to neighbouring properties with the granting of the variances would be minor.
- The proposed variance does not challenge the intent of the regulation.
- Neighbours have been notified and, to date, no submission in support has been received.

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 the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DVP-2021.3 (Begrant) for the follows reasons_____.

NEXT STEPS

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

Submitted By:	Phil Testemale, Planner 2	July 8, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	July 8, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. CRD Building Inspection Documents (1987)
4. Notice
5. Draft Development Variance Permit MA-DVP-2021.3

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Amended Lot 38, Section 9, Mayne Island, Cowichan District, Plan 14000
PID	000-715-751
Civic Address	509 Arbutus Drive

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 and no development activity is proposed.
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

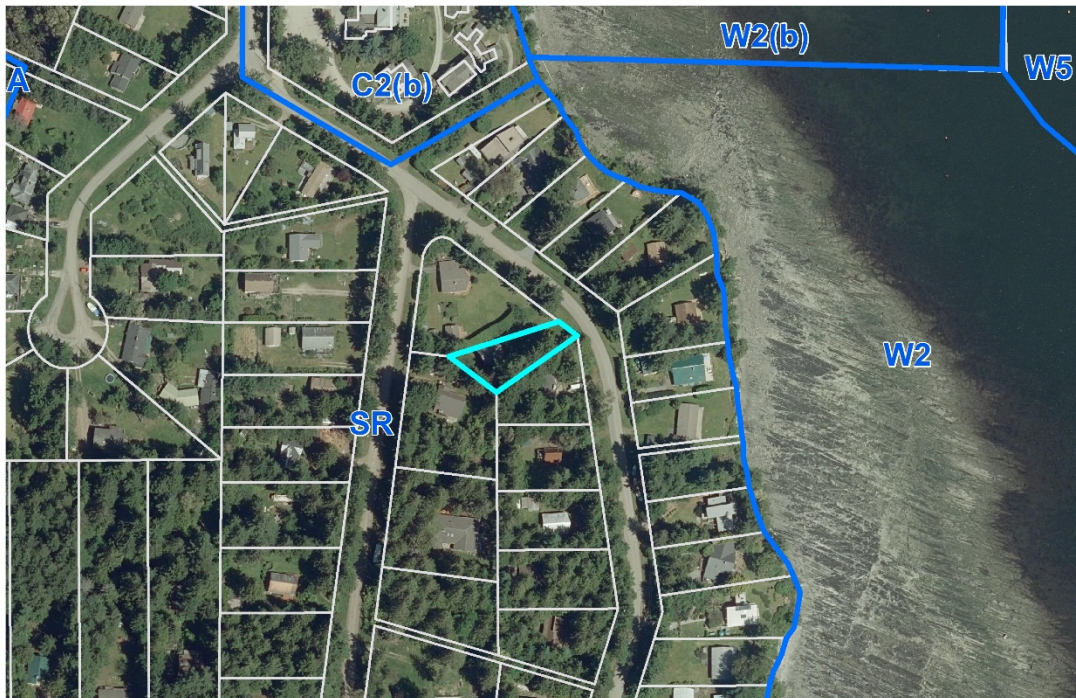
SITE INFLUENCES

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	None shown on TAPIS
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates areas of archaeological potential on 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

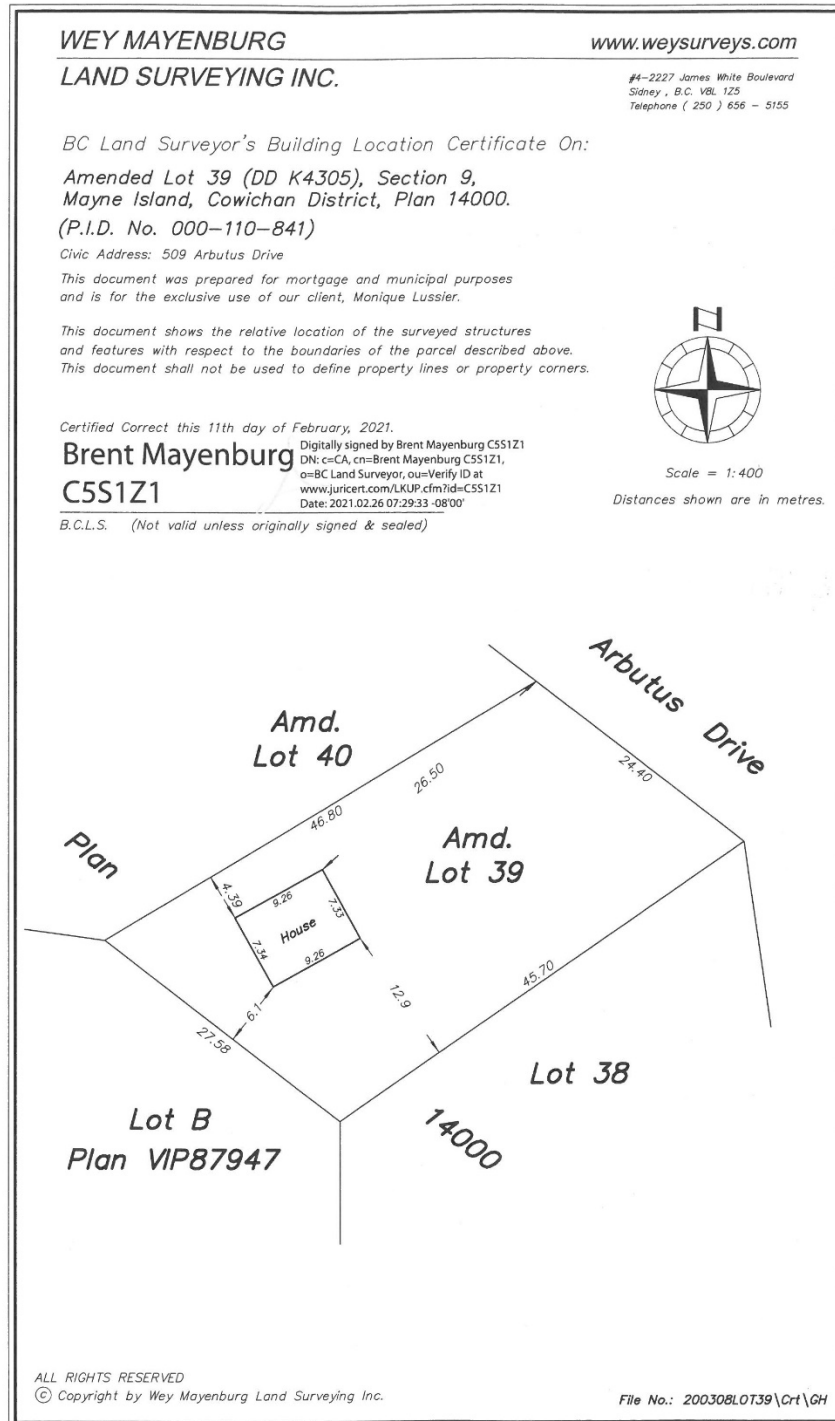
	work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The only new development subject to the variance is small stairs and potential GHG emission changes resulting from approval would be 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

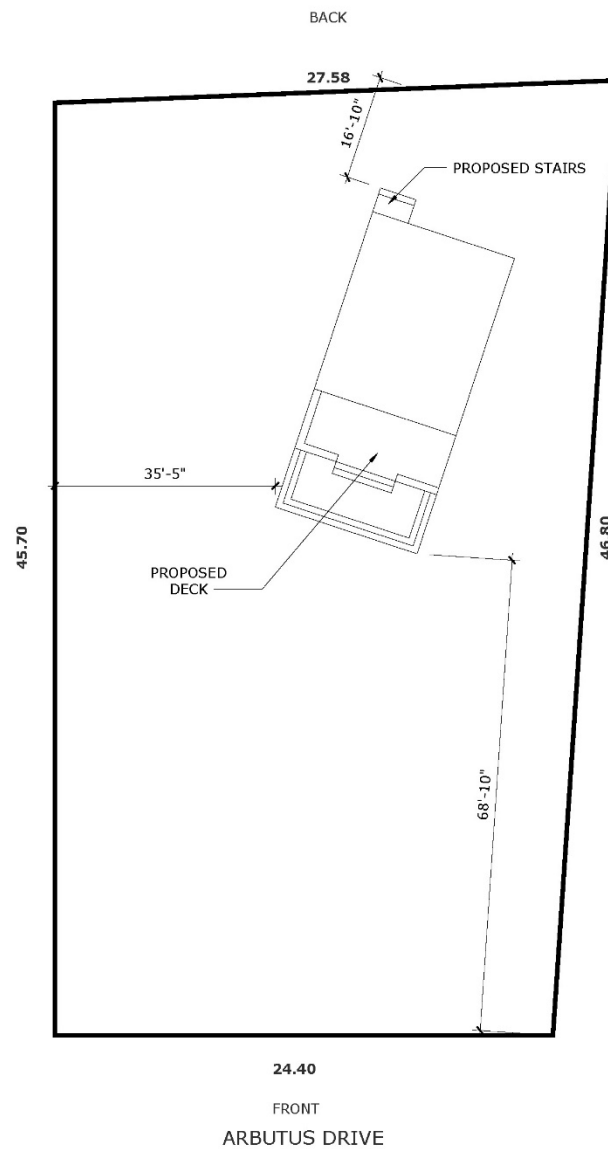
2.1 ORTHOPHOTO & ZONING



2.2 SURVEY PLAN



2.3 DEVELOPMENT SITE PLAN

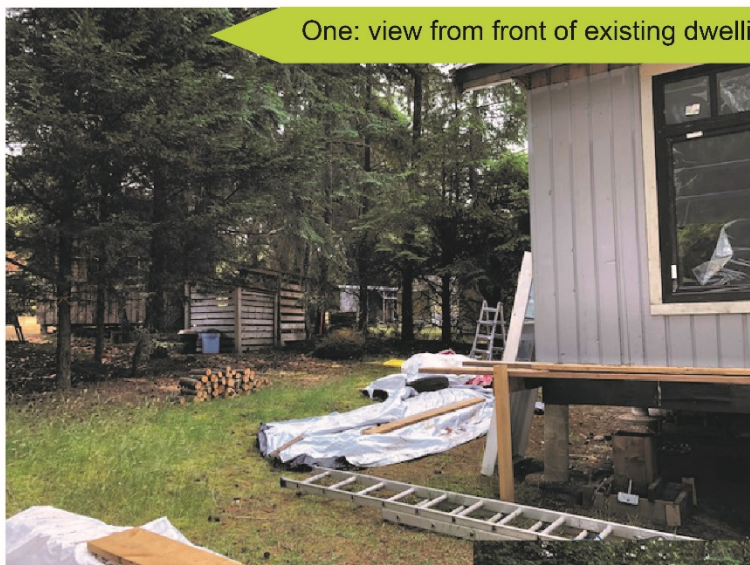


1 **SITE PLAN**
scale: 1/32"=1'-0"

509 ARBUTUS DRIVE

PAGE 2
March 17, 2021

2.4 PHOTOGRAPHS



One: view from front of existing dwelling toward rear and side yard (south)



Two: View toward rear yard and Lot B



Three: Rear of dwelling and existing doorway

2.4 PHOTOGRAPHS (CONT'D)



Four: Rear of dwelling looking toward front (Arbutus Drive)



Five: Front of dwelling

Attachment 3

509

LOCATION 39 Arbutus Dr PERMIT # 29838

LOT 39 BLOCK 9 SECTION 9 PLAN 14000 DIST. Cow

PERMIT DATE 26.6.87 PERMIT VALUE \$281- JOB VALUE \$29800

OWNER OR AGENT Ellis Foulds PHONE #

ADDRESS 19855 - 8th Ave, Langley 20232 3rd Ave

ARCHITECT CONTRACTOR Langley B.C.

ZONING CLASSIFICATION OF BLDG. V3A 414

SPECIAL ZONING REQ'S

TYPE OF CONST. OCCUPANCY SFO

OF ROOMS # OF UNITS 10 HEIGHT BLDG. 10

SIZE BLDG. AREA BLDG. 700 sq

SIZE LOT SETBACKS (FRONT) 30

(SIDE) 12 REAR

PLUMB. CONT. 12 # PLUMB. FIX. 5+HWT

PLUMBING PERMIT VALUE AND DATE 554

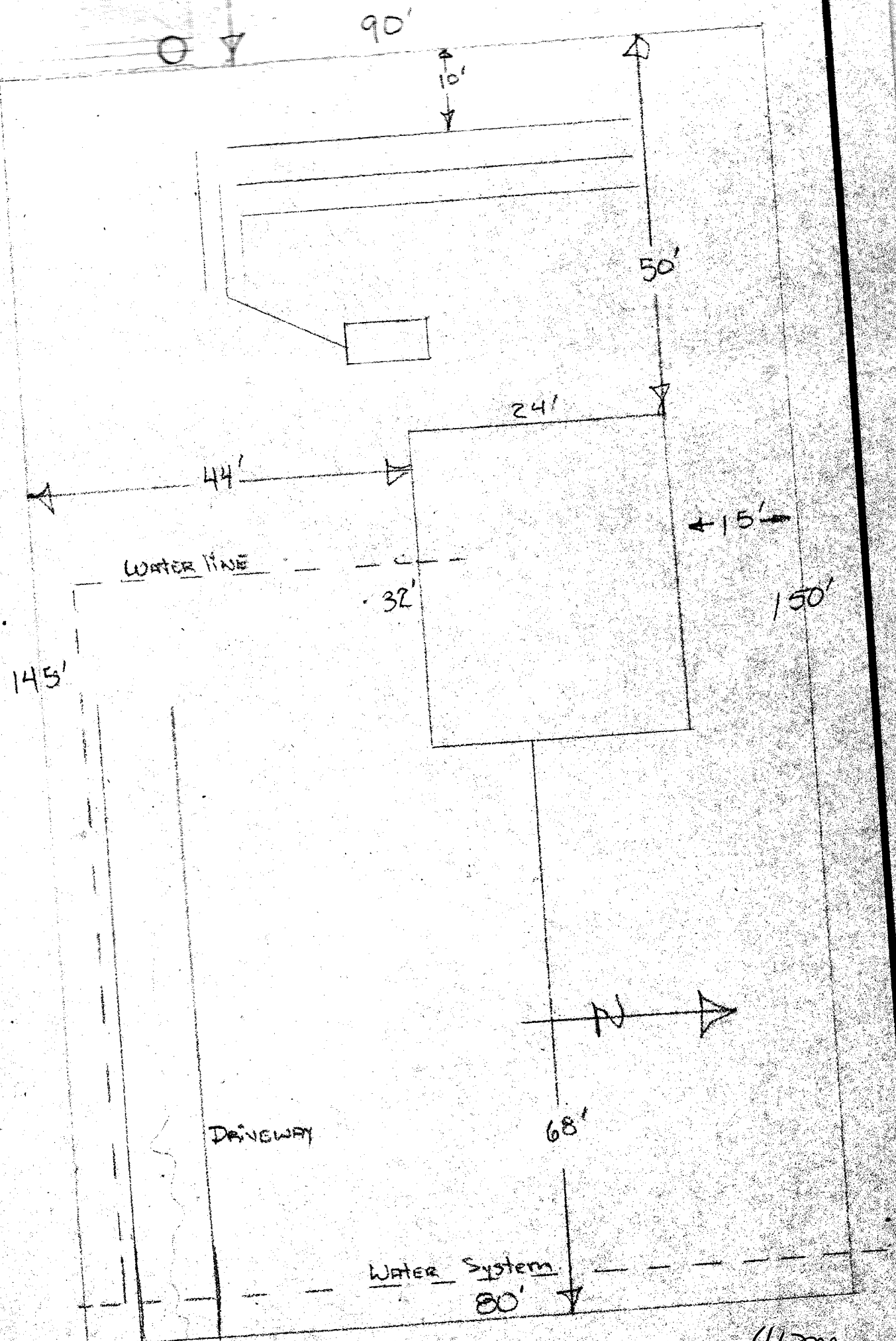
SEPT. TANK/SEWER CONN. 104

WATER CONNECTION 104

CHIMNEY/FIREPLACE PERMIT VALUE AND DATE \$30 (1CH 1WS) AR 20/90-35103

DEVELOPMENT PERMIT # FILE # 412M

\$356 05356.010



412m
APR - 9 1987

3/2X12 BEAMS



**WINKELAAR, HOWARD
& ASSOCIATES LTD.**
CONSULTING ENGINEERS

CALGARY KAMLOOPS EDMONTON

DRAWING NO.

1 of 1

CALGARY KAMLOOPS EDMONTON

DRAWING NO.

1 of 1

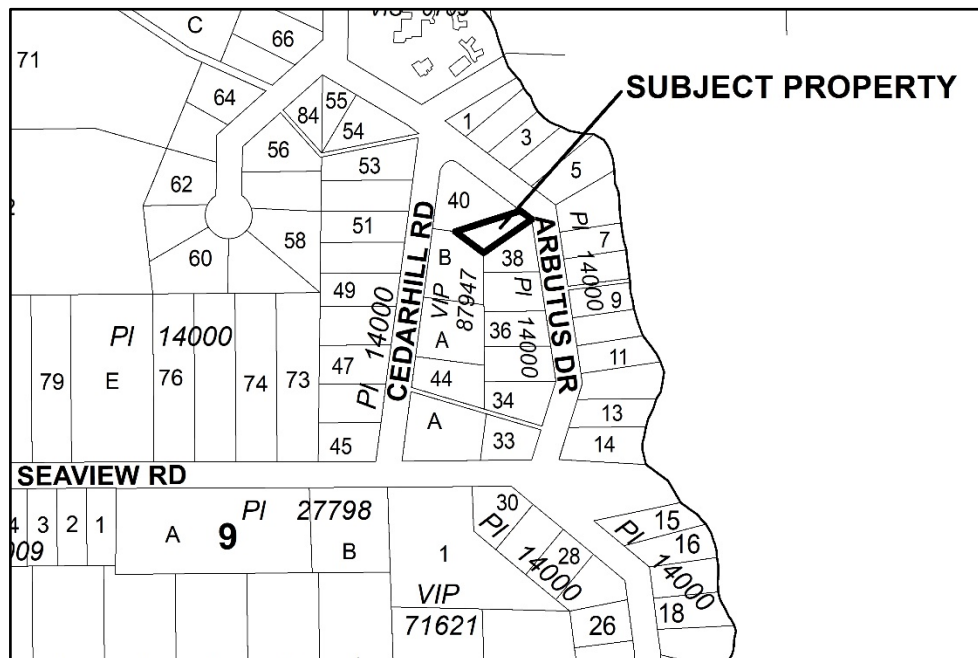


NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Mayne Island Land Use Bylaw No. 146 as follows:

- A variance to reduce the rear yard lot line setback for an existing dwelling, including a proposed stair addition, as shown on the attached, proposed permit.

The property is located at **509 Arbutus Drive** and is legally described as Amended Lot 39 (DD K4305), Section 9, Mayne Island, Cowichan District, Plan 14000 (PID: 000-110-841).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **June 28, 2021** and continuing up to and including **July 9, 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., July 9, 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., July 19, 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.

Attachment 5



Islands Trust

Proposed

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2021.3**

To: James and Deborah Pittman
c/o Robert Begrand

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

Amended Lot 39 (DD K4305), Section 9, Mayne Island, Cowichan District, Plan 14000
(PID: 000-110-841)

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

- a) Article 5.1 (8) (a) which states that minimum setback for any building or structure is 8 metres (26 feet) from any front or rear lot line is varied to permit an existing dwelling including a proposed stair addition within 4.9 metres (16 feet) of a rear lot line.

The development shall be consistent with Schedules 'A' and 'B' 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.

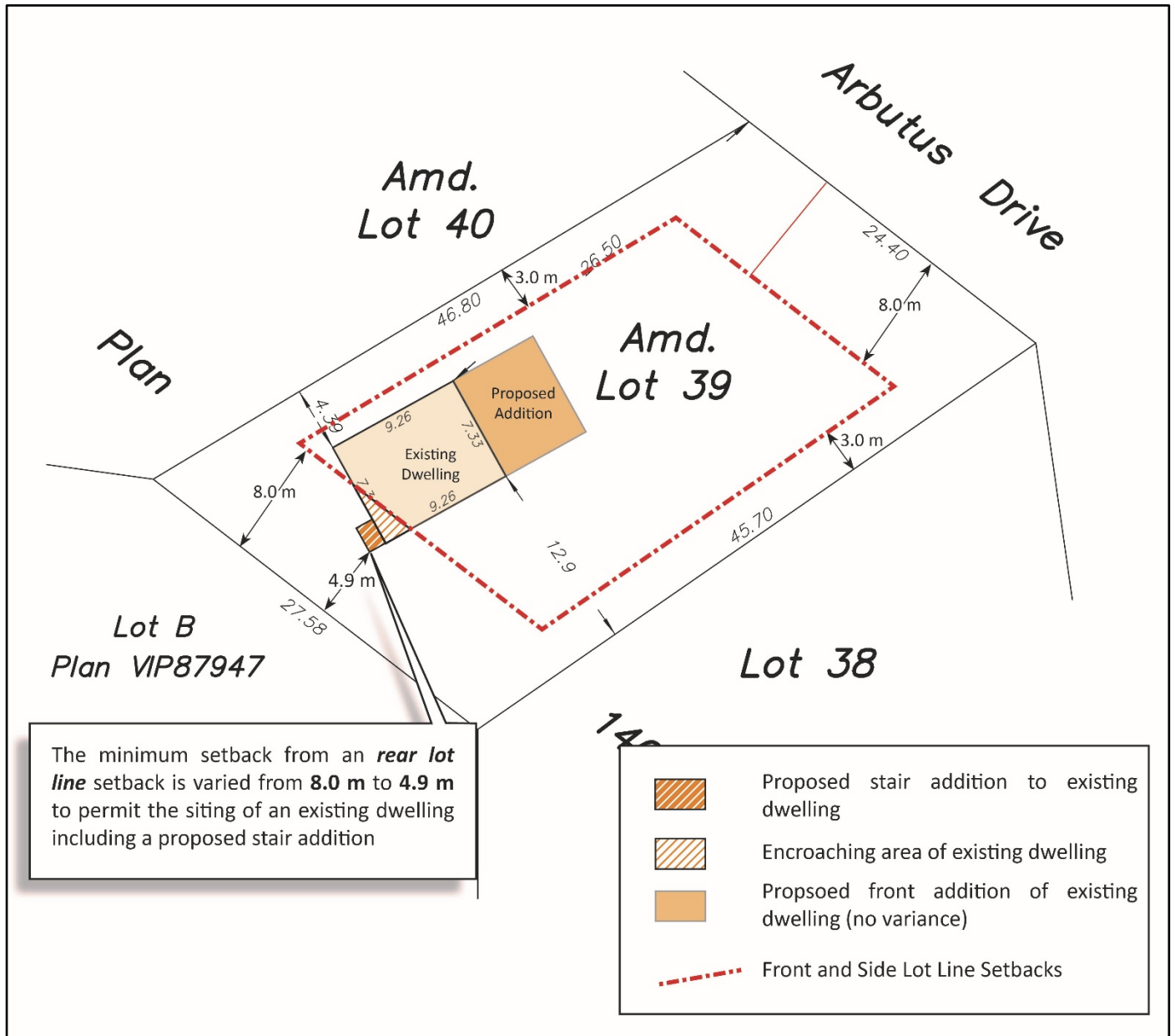
Deputy Secretary, Islands Trust

Date of Issuance

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

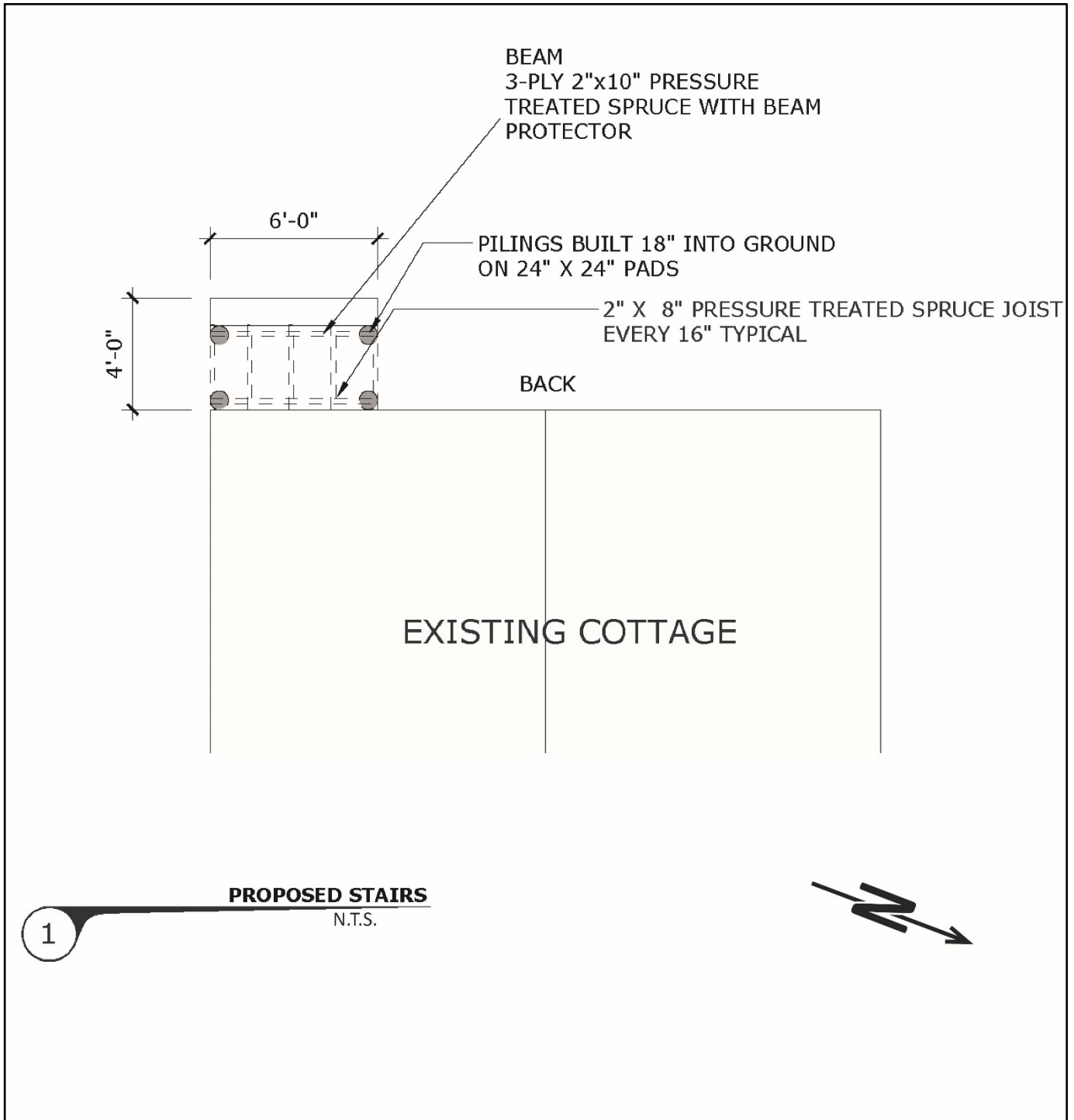
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.3

SCHEDULE 'A'



MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.3

SCHEDULE 'B'





DATE OF MEETING: July 19, 2021

TO: Mayne Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Narissa Chadwick, Island Planner

SUBJECT: Preliminary Report Temporary Use Permit for STVR
Applicant: Farheen HaQ
Location: 752 Seaview Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee direct staff to proceed with Temporary Use Permit application MA-2021.3 (HaQ) by undertaking statutory notification.
2. That the Mayne Island Local Trust Committee direct staff to refer application MA-TUP-2021.3(HaQ) to the Mayne Island Advisory Planning Commission

REPORT SUMMARY

The purpose of the report is to provide a preliminary assessment for a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit. This includes background information, analysis, and a proposed draft TUP.

BACKGROUND

Rather than proceeding with notification prior to reporting to the LTC, a preliminary report is being presented with a subsequent report to follow notification. In addition to this being consistent with past practice, as the OCP does not include TUP guidelines for STVR and as draft guidelines were not previously adopted, the LTC should be given the opportunity to make a preliminary decision to proceed or not. In addition, this provides an opportunity to revise the draft permit prior to notification.

The application is the result of a Bylaw Enforcement file (MA-BE-2021.3) and the proposal is to allow for a TUP for a STVR use within an existing 93 m² (1000 ft² - approx.) dwelling with two (2) bedrooms located at 752 Seaview Road. The application is for a maximum of six (6) guests, with rental of the dwelling for a maximum of four (4) weeks during summer months and thirty (30) days from October to May. The use will be part-time and secondary to the continued use of the property by family and friends.

The applicant's rationale is to comply with land use regulations and that the use is to help with maintenance costs and upkeep for the property.

The subject property is 0.4 ha (1.0 ac) in size with surrounding properties being larger on average, except for those across Seaview which are smaller and more typical of the Arbutus Road area to the east. All properties in the area have the same **Settlement Residential (SR)** zoning and the closest neighbouring dwelling (across Seaview) is approximately 50 metres away (Attachment 2.1). The dwelling is sited in an interior open area of the property and is well screened from surrounding properties by mature trees around the entire perimeter (Attachment 2.2). The driveway has parking space for two (2) cars.

There is no construction or land alteration associated with this application.

The property is part of the Campbell-Bennett Bay Water Improvement District (CBBID) and has a rainwater collection and storage system.

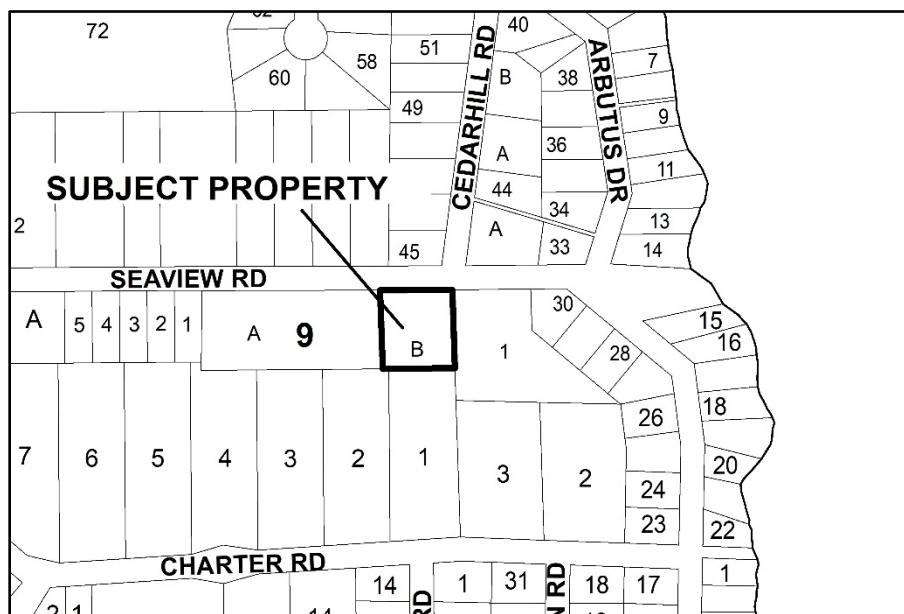
The applicants have discussed the rental use with some neighbours, and have indicated they will consult neighbours further if the application advances.

A copy of the information package provided to all guests is Attachment 3.

A copy of a completed TUP checklist and the draft MA-TUP-2021.3 (HaQ) are Attachments 4 and 5.

Staff have not visited the property due to Provincial Health Orders for COVID 19. If the application proceeds, staff will conduct a visit in August or early September.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory:

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.
- 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 a commercial vacation rental within a dwelling unit is consistent with the above policies.

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

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

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). The current residential use of the property conforms to the LUB. The STVR use is illegal without obtaining a TUP.

Issues and Opportunities

Applicant's Rationale

As above, the stated rationale for the proposed temporary use is to comply with land use regulation, and that the proposed use helps with maintenance costs and upkeep for the property. Staff considers the rationale as reasonable.

Impact on Neighboring Properties and Commercial Operations

The potential impacts of the use can be considerable on direct neighbours and the local neighbourhood. These include noise and nuisance, change of neighbourhood character, traffic and other impacts. Further, the use can potentially impact established commercial accommodation operations by increasing alternative supply.

Given the size of the subject property and surrounding properties, distances to neighbouring dwellings and that the well treed perimeter provides effective screening (Attachment 2.2), many potential issues would be reduced or mitigated. The applicants have also reported that they screen potential renters closely to ensure any renters are quiet and respectful.

The applicants report that they have reached out to two (2) of their neighbours and will consult with neighbours further if the application proceeds.

Consultation with application for 538 Arbutus indicated that established commercial operators were concerned primarily with placing limitation on 'off-season' rental, when there is less demand. As above, the application requests limited days for both peak and off season rentals.

The following two conditions in the draft TUP are highlighted to ensure that concerns of commercial operators and neighbours are recognized, and about the ability to address potential situations if they develop are addressed:

- a) *the maximum number of days the short term vacation rental use is permitted between May 1 to September 30 in a calendar year is a total of sixty (60) days¹;*
- b) *the maximum number of days the short term vacation rental use is permitted between October 1 to April 30 in a calendar year is a total of thirty (30) days;*
- p) *the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;*
- q) *the property owner, or Short Term Vacation Rental operator, must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;*

If the application proceeds, and the recommendations on page 1 are accepted, all neighbours within 100 metres of the property will be notified and the Advisory Planning Commission (APC) will review the proposal and provide comments. Those processes should help to gauge of the acceptability of the proposal in the local community and with neighbours and provide input to help guide the LTC's decision making process for the proposed use.

¹ This limit exceeds the (4) four weeks (28 days) applied for. The LTC may opt to amend this condition by reducing the number.

Cumulative Impacts

The one other TUPs for STVR use on Mayne at 538 Arbutus Drive (MA-TUP-2020.2 [Costello & Baker]) is approximately 235 metres directly east.

Water and Septic

The dwelling is small in size on a 0.4 ha (1.0 acre). The proposed maximum number of guests at six (6) is moderate. There is the potential for increased water usage resulting from the use, noting that the use would be additional to the continued use by the family.

On the property, water was previously sourced from a groundwater well with a backup 13640 litre (3000 gal) rainwater collection system. The applicants report that they connected to the Campbell-Bennett Bay Water Improvement District (CBBID) last year. The well is no longer functional and the rainwater system is used for irrigation. The dwelling has water conservation signage at each water outlet, and there are water conservation reminders in the guest information package.

The following two (2) conditions are in the proposed permit:

- r) *that an application for renewal include hydro and water meter readings for the term of the TUP;*
- s) *that water conservation information be provided to guests and signs be posted at all water sources.*

The first [r)] will allow for comparative data on the use to be analyzed for consideration of any renewal

If the application proceeds, staff will send notification to the CBBID for information and comment. A previous response on the application for 538 Arbutus indicated that the District "... is very concerned about water use and conservation, however our mandate does not extend to getting involved with how a property owner uses their home or property." The District focuses on water usage, monitoring each property's water usage on a monthly basis. If the usage exceeds 15,000 liters in a month or exceeds 10,000 liters per month for 3 consecutive months, they take steps to reduce that usage. Further, only the domestic use of the water is permitted in the CBBID.

There was no information on the septic system supplied. However, if the application proceeds, staff will include in future reporting to the LTC.

TUP Conditions

The TUP is based on a recently issued TUP at 538 Arbutus Drive (MA-TUP-2020.2), existing OCP TUP guidelines, draft STVR guidelines which were proposed in Bylaw 167 (not adopted), and additional measures taken from other Local Trust Area. The conditions have the objective to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, provide the ability to enforce compliance of the TUP. It has been drafted for a term of three (3) years which could be renewed for a further three (3) years by application

The LTC may opt to amend the draft TUP to remove or insert further conditions prior to staff undertaking the statutory notification, including the length of time the permit would be valid. If the application proceeds, and when it is brought back to the LTC for consideration, other conditions may be added, but at that point conditions could not be removed without re-notification to neighbours.

Consultation

If the application proceeds, TUP Notices will be circulated to surrounding property owners and residents and published in the *Driftwood* newspaper.

First Nations

There is no additional development proposed outside the current footprint of the existing dwelling with no proposed disturbance or impact to any 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 recommendations on page 1 are supported as:

- Neighbour notification and referral to the APC will facilitate further neighbour and community input to guide the LTC's decision making process for the proposed use.
- The guest capacity and part-time STVR use is moderate and reasonable;
- The rationale for the use is reasonable;
- The applicants have incorporated water conservation measures with the proposal;
- The permit as drafted provides conditions consistent with required and draft guidelines to 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 with the TUP; and,
- Proceeding will facilitate statutory notification in order to obtain neighbour input for the proposed use that can inform the LTC's consideration of the application at a subsequent LTC meeting.

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 or remove conditions

The LTC may wish to amend the TUP by adding conditions (or removing or revising conditions) and directing staff to proceed. 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 request that the proposed Temporary Use Permit MA-2021.3 (HaQ) be amended by the addition of (removing) the following conditions: _____

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-2021.3 (HaQ).

NEXT STEPS

- If the LTC decides to proceed with the application, staff will undertake notification and report back at the September 27, 2021 Regular Meeting.

Submitted By:	Phil Testemale, Planner 2	July 9, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	July 9, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Guest Information Document
4. TUP Guideline Checklist
5. Proposed MA-TUP-2021.3

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT B, SECTION 9, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 27798
PID	000-625-281
Civic Address	752 Seaview Road

LAND USE

Current Land Use	Settlement Residential
Surrounding Land Use	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 and no development activity is proposed.
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	FB408103 (CRD - Use and maintenance of rainwater treatment system – BP)
Bylaw Enforcement	MA-BE-2021.3 - STVR use – current application 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	None
Sensitive Ecosystems	None
Hazard Areas	None
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates areas of archaeological potential on 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</i>

	<i>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	There is no development associated with this application therefore GHG emission changes resulting from approval limited to increased automobile travel from renters. Property is high bank with possible climate change induced hazards associated with climate change.

ATTACHMENT 2 – MAPPING & PHOTOGRAPHS

2.1 ORTHOZONING



2.2 PHOTOGRAPHS (FROM APPLICANT)



2.2 PHOTOGRAPHS (FROM APPLICANT- CONT'D)



HaQ Cabin Manual

**752 Seaview Road
Mayne Island S, K̓FAK
W̓SÁNEĆ Territory**

Contact numbers for Farheen & Chris HaQ:

Farheen cell: [REDACTED]

Chris cell: [REDACTED]

Home Victoria: [REDACTED]

Wireless network: [REDACTED]

Password: [REDACTED]

encryption type is WPA-Personal

Spotty cell coverage in the cabin!

Rogers cell phones work in the mudroom, Telus will work in driveway.

Arriving at the cabin:

- Turn on water connection at streetside - green box in ground by other end of property across CedarHill Rd, lift lid and turn lever parallel to pipe.
- turn on all fuses in fuse box (in mudroom)
- please keep gate and driveway mesh closed to keep deer out
- basket beside fridge has maps/pamphlets and lighters/matches for fire

THINGS TO NOTE:

- PLEASE CONSERVE WATER, it is a scarce resource in summer! (short showers, conscious use of taps, flush only when necessary, thank you!)
- On a septic system (DO NOT flush anything other than toilet paper, NO pads, tampons, diapers, paper towels, etc)
- There is a garbage can in the shed to place your garbage but you MUST take garbage home with you.

HEAT/FIRES:

- WOODSTOVE: There is an axe in the shed to split wood and kindling if necessary. There is a stump for chopping kindling near woodpile. Please refill kindling and wood baskets for next guests.
- Outdoor Fires: **absolutely no fires outdoors in the summer** as there is high risk of forest fires here on the island.
- Skylight opener for vaulted ceilings is stored next to washer/dryer, this helps cool the cabin down in summer.

Mayne Island Health Services:

- There is a health clinic open during weekdays on the island, for hours call: 250-539-2312
- For an emergency dial: 911

CLEANING BEFORE YOU LEAVE:

*** cleaning supplies are in tall cupboard near fridge, under kitchen sink and under bathroom sink, extra stock in mudroom bottom drawer**

- Kitchen: Put away all dishes, clean stove, wipe fridge after emptied, wipe counters, face of stove and dishwasher. Empty dishwasher.
- Bathroom: wash tub, window, wipe off excess water in window ledge, sink, counters and scrub toilet bowl.
- Everywhere else: please put items back where you found them and sweep all floors or vacuum rugs/carpet if you have time.
- make sure all digital thermostats are OFF (2 narrow doors on either side, pull towards you to open)
- all baseboard thermostats are set to 0 (summer), 5 degrees (winter)
- close all windows
- turn off all fuses EXCEPT for those marked with tape (related to well/water/septic and fridge)
- please take all garbage (kitchen and bathroom) and recycling with you or contact Mayne Island Garbage at 250-539-0252 as they do pickup.
- LOCK sliding doors and mudroom doors and shed, return key to its place.
- **Turn off Water at streetside** - thank you!

Things to Do:

<http://www.mayneislandchamber.ca>

Beaches:

- beach/kayak access at end of Seaview Rd. When tide is out you can walk around on the rocks and great views of Mt Baker on a clear day!
- Swimming beaches: Bennet Bay Beach – you can walk to, Campbell Bay Beach (very nice, warm bay, a dock to swim out to), David Cove is also nice.

Hikes: Check out the Hiking and Walking Trail Map brochure

<http://www.mayneisland.com/places/>

- Bennet Bay National Park: short little walk through coastal douglas fir forest, ends at a meadow on the point and you can scramble around rocks and explore - nice, easy walk accessibly by foot from our cabin.
- Mount Parke: a few different trails through beautiful forest and up to the top, along ridge: great views.
- Edith Point: (our favourite hike on the island!) Gorgeous private land that is open to public. Park at the end of the road and walk down driveway and you'll see a trail at your left. Coastal trail, that loops around Edith Point – ocean on one side, Campbell Bay on the other. 1.5 hrs or so.

St John Point: beautiful trail through Doug Fir and Arbutus forest and along water. Located near Horton Bay.

- Vulture Ridge Trails: in Horton Bay, nice ridge views – fairly short hikes

Sites:

- Japanese Garden is really lovely and picturesque.
- Lighthouse on Georgina Pt Road has great west facing views and great for sunset watching and dinner picnic in summer.

Playgrounds/Disc Golf Course

- Dinner Bay Park has a children's playground, Disc Golf course, zipline,

- Playground also at Mayne Island School on Fernhill Rd

Restaurants:

SpringWater Lodge is your basic pubfare, great views and summertime sunsets (west facing deck). Casual.

Bennet Bay Bistro - right near our cabin - great sunset view.

The Grove - heard its good food. Great place to linger outdoor and enjoy Tapas menu. Live music some nights.

Farmgate offers great lunches of local food item sandwiches and homemade soups, muffins, breads as well as lots of organic food and fresh produce in season.

Sunny Mayne café –quick food, soups, pizzas and sandwiches. Pizza is good (greasy but good!) they serve ice cream cones as well.

Mayne Inn Resort restaurant – check to see if its open and times – great views of water but not sure of food – recently had new ownership.

Stores:

Farm Gate- organic and local produce store open on Fernhill Rd . 20 min walk

Tru Value (grocery store) only open until 6 pm each day.

The Book Store is great – located next to FarmGate store.

Thrift Shop is open on Saturdays from 10-1 pm

Farmer's Market in the summer at the Agricultural Hall land across Thrift shop – Sat mornings.

Beer & Wine: available at Trading Post in village

Mayne Island Brewery: on Fernhill Road - locally made craft beer! Offer tastings!

Attachment 4

**TUP Checklist for Short Term Vacation Rental on Mayne Island:
MA-TUP-2021.3 (HaQ)
752 Seaview 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
2. Permitted uses should be consistent with the policies of the designation and the provisions of 2.9.1.	Yes
3. Permitted uses should not preclude or compromise future permitted uses on the affected lot.	Yes
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.	See STVR Guidelines - below
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	See STVR Guidelines - below
<i>STVR/TUP Guidelines</i>	
a) Time Period – Under the proposed Bylaw, “short term vacation rental” (STVR) means the use of a <i>cottage</i> as temporary short term accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. A cottage used as a STVR shall be considered as a home occupation subject to the regulations established in Section 3.6 of the Mayne Island Land Use Bylaw No. 146, 2008.	Conforms by definition of the use in TUP.
b) Screening – The Local Trust Committee may require	None proposed at this time noting size of property

Guidelines	Comments
mitigating measures to provide a separation between STVRs and surrounding properties such as screening and fencing.	and distances to adjacent dwellings.
c) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for short term vacation rentals.	MA-TUP-2020.2 (538 Arbutus Drive) approximately 235 metres east.
d) Residential Appearance - The Local Trust Committee may consider issuance of a temporary use permit for a STVR provided the proposal would not alter the residential appearance of the residence.	No alterations proposed.
e) Neighbour Concerns - The Local Trust Committee may require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening.	Pre-notification: two adjacent neighbours okay with use; one concern that 'not ever week of Summer'.
f) Water Supply - The landowner should demonstrate an adequate supply of water for the duration of the proposed use as follows: <u>Potential Measures and Considerations to address Guideline (f):</u> ▪ Recent well report and lab results ▪ Cistern for rainwater collection ▪ Size of the property ▪ Size of dwelling ▪ Current Low-flow fixtures ▪ Number of bedrooms for use ▪ Number of guests	▪ Connected to Campbell-Bennet Bay Water Improvement District (CBBID). ▪ Rainwater water catchment system (13640 litre (3000 gal)) ▪ Water conservation measures for guests proposed by the applicant. ▪ Additional conditions in proposed permit.
g) Septic Disposal Capacity - The landowner should demonstrate an adequate septic disposal capacity for the duration of the proposed use.	No information - See report.
Permit Conditions	
h) Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. require that the owner or other contact be available on Mayne by telephone 24 hours/day, seven days per week and include the name and contact information in the conditions of the permit	Yes in permit.
ii. require the owner or manager to provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Yes in permit.
iii. require the landowner to post for guests	Yes in permit.

Guidelines	Comments
information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted), and remind guests that the property is located in a residential area	
iv. require that pets be kept under control at all times	Yes in permit.
v. sufficient off-street parking	Yes – minimum two (2) vehicles in permit.
vi. outdoor lighting is not directed onto surrounding properties	Yes in permit.
vii. restrict advertising to one unilluminated wooden sign, with a maximum area	Yes in permit.
viii. establish a maximum number of people that can stay	Six (6) persons (limited to five for duration of COVID 19 PHO)
ix. establish a maximum number of bedrooms	Two (2)
x. establish the specific months in a year that the STVR use may be carried out	Yes – seasonal maximums number of days – see report body.
xi. prohibit camping or occupancy of RVs on the property	Yes in permit.
xii. prohibit outdoor fires	Yes in permit.
xiii. specify advertising that may be utilized	No – although, the LTC could amend permit to include.
xiv. prohibit the rental or provision of motorized personal watercraft	Yes in permit.
xv. require the landowner/operator to post contact information and permit information at the entrance to the property	No
xvi. include a provision stating that the bylaw enforcement officer may enter the property between certain hours without prior consultation if a complaint is received	Yes in permit.

Agriculture Land Reserve	
i) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A

Attachment 5



Islands Trust

**MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2021.3 (HaQ)**

752 Seaview Road

To: Leapfrog Solutions Incorporated, Inc. No. 629071
c/o Farheen HaQ

1. This Permit applies to the land described below:

Lot B, Section 9, Mayne Island, Cowichan District, Plan 27798
(PID: 006-625-281).

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

- a) a Short Term Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the maximum number of days the short term vacation rental use is permitted between May 1 to September 30 in a calendar year is a total of sixty (60) days;
 - b) the maximum number of days the short term vacation rental use is permitted between October 1 to April 30 in a calendar year is a total of thirty (30) days;
 - c) the property owner or either one of two contact persons be available on Mayne Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and the two island contact persons must be provided to guests upon arrival;
 - d) the property owner or Short Term Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the name and contact number of property owner and the two island contact persons must be provided, and a copy of the temporary use permit;
 - e) the property owner or Short Term Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
 - f) pets should be kept under control at all times;
 - g) the owner must provide parking for a minimum of two (2) vehicles on the property;
 - h) outdoor lighting must not be directed onto surrounding properties;
 - i) a maximum of one unilluminated and wooden sign not exceeding a total sign area of 0.4 square metres advertising the Short Term Vacation Rental is permitted. The sign must be located on the lot occupied by the Short Term Vacation Rental use;
 - j) the maximum number of guests is limited to six (6) persons.
 - k) the maximum number of bedrooms is two (2);
 - l) camping and occupancy of recreational vehicles are prohibited;
 - m) all outdoor fires are prohibited;
 - n) the rental or provision of motorized personal watercraft is prohibited;

- o) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer or any other person designated by the Islands Trust to administer this Permit is authorized to enter, at any reasonable time, the property for the purpose of inspecting and determining whether the conditions, prohibitions and requirements of the Permit are being met;
 - p) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
 - q) the property owner, or Short Term Vacation Rental operator, must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
 - r) that an application for renewal include hydro and water meter readings for the term of the TUP; and,
 - s) that water conservation information be provided to guests and signs be posted at all water sources.
4. This permit is valid for three (3) years 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 ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date Issued



MEMORANDUM

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

DATE OF MEETING: July 19, 2021
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, RPM
SUBJECT: Flexible Housing

PURPOSE

The purpose of this memo is to:

- Summarize key elements to be included in the draft bylaw
- Identify elements of the draft bylaw for clarification and discussion

ELEMENTS OF THE DRAFT BYLAW

- The bylaw will be initially drafted for a “pilot area”, including lots under 2h/5 acres that are outside of water service areas and areas currently identified on groundwater mapping as critical or potentially critical with respect to groundwater vulnerability.
- The bylaw will include regulations related to rainwater catchment.
- A maximum total density will be identified based on square footage- may vary for different sizes of lots.
- Use of additional dwelling for STVR use will be prohibited.
- RVs will not be considered dwellings in a flexible housing arrangement.

ELEMENTS OF THE DRAFT BYLAW FOR CLARIFICATION AND DISCUSSION

Pilot Area: Staff propose that the pilot area be outside the water service areas and the areas identified to be critical or potentially critical with respect to groundwater vulnerability. The applicable area can be expanded over time as a result of additional work related to groundwater vulnerability, more detailed engagement with water service providers, and other processes.

Maximum Square Footage: 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.

NEXT STEPS

- Staff will draft bylaws

Submitted By:	Narissa Chadwick, Island Planner	July 8, 2021
Concurrence:	Robert Kojima, RPM	July 8, 2021

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-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:** 09-Jul-2021

July 19, 2021 Agenda for consideration.

Status Date: 22-Jun-2021

Notice and Permit drafted for notification.

Status Date: 14-May-2021

application deferred July agenda to prioritize Agricultural Hall Society TUP

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:** 09-Jul-2021

July 19, 2021 LTC agenda for consideration

Status Date: 22-Jun-2021

Notice and Permit drafted for notification

Status Date: 25-May-2021

planner assigned, applicant updated. -DL



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.4	Deborah Strong	17-Jun-2021	763 STEWARD DR - DVP to retain an existing small tool shed that is sited within the setback areas of the lot.

Planner: Phil Testemale

Planning Status

Status Date: 09-Jul-2021

September 27, 2021 Agenda for consideration.

Status Date: 06-Jul-2021

Site visit conducted.

Status Date: 23-Jun-2021

File opened, planner assigned, applicant emailed - DL

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: 21-Jun-2021

Bylaw adopted by LTC

Status Date: 28-May-2021

OCP amendment approved by Minister

Status Date: 18-Mar-2021

Has been referred to Ministry of Municipal Affairs



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: 09-Jul-2021

Information related to Covenant drafting sent to lawyer

Status Date: 21-Jun-2021

Draft Bylaws updated and presented to LTC for First Reading.

Status Date: 21-Jun-2021

LTC requested application be sent to APC

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-2020.1	Arbutus Bay Estates Ltd.	04-Jun-2020	797 Beechwood Drive - Subdivision referral application review for two lots.
Planner: Phil Testemale			
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)			

Temporary and Industrial Use Permit

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			
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.			

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending May 2021

645 Mayne	Invoices posted to Month ending May 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	320.00	0.00	320.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,301.00	188.75	1,112.25
65210-645	LTC - Local Exp - APC Meeting Expenses	370.00	0.00	370.00
65220-645	LTC - Local Exp - Communications	250.00	205.00	45.00
65230-645	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,215.00</u>	<u>393.75</u>	<u>1,821.25</u>
Projects				
73001-645-2005	Mayne OCP/LUB	1,500.00	0.00	1,500.00
73001-645-4100	Mayne Island Housing	2,500.00	153.75	2,346.25
TOTAL Project Expenses		<u>4,000.00</u>	<u>153.75</u>	<u>3,846.25</u>



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ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY, CC TO EXECUTIVE May 25, 2021

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY BOARD MEETING (OPEN PORTION)

Islands Trust Conservancy has made changes to the format of this report to make its production and delivery more efficient. For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- Islands Trust Conservancy Manager Kate Emmings introduced the board to Islands Trust Conservancy's newest staff member: Conservation Technician Co-op Student Devin Hentschel. The Conservation Technician role will assist Islands Trust Conservancy Covenant and Outreach Specialist Jemma Green and Property Management Specialist Nuala Murphy with covenant and property monitoring this summer. Devin Hentschel is a fourth-year student at the University of Victoria, majoring in Biology and minoring in Anthropology, has a passion for environmental and wildlife conservation, and is interested in citizen science projects that aim to involve, support, and collaborate with First Nations.

2. STRATEGIC PLANNING/ADMINISTRATION

- Islands Trust Senior Policy Advisor Dilani Hippola presented information on the Islands Trust Policy Statement Amendment Project, confirming that the board would be able to provide a written response after first reading by Trust Council, and emphasizing that it is a living document that will continue to change and evolve over time, with more frequent (e.g., annual) reviews. The board suggested that the project and document re-write focus more on the importance of *island* biodiversity and ecology (as opposed to biodiversity, in general). It was noted that Ecosystem Protection Specialist Kathryn Martell contributed substantively to the current draft, as did Islands Trust Conservancy Manager Kate Emmings. It was also noted that Islands Trust Conservancy is not subject to the Policy Statement as it operates under a separate Five-year Plan. While there are some references to the Conservancy in the current draft, it is not included in the policy directives.

3. COVENANT AND PROPERTY ACQUISITIONS

- Islands Trust Conservancy approved a Morrison-Waxler Biodiversity Protection Legacy Fund Grant of \$5,500 for survey and baseline report costs for a NAPTEP covenant on lands owned by Lisa Baile and Peter Paré, of North Pender Island. The Morrison-Waxler Biodiversity Protection Legacy Fund Grant Program is only available on North and South Pender and is available to landholders who wish to place conservation covenants on their lands.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY, CC TO EXECUTIVE May 25, 2021

4. COVENANT AND PROPERTY MANAGEMENT

- The Islands Trust Conservancy Board reviewed a number of updates to the Crystal Mountain Society proposal to create a new nature reserve on Galiano Island as part of a rezoning process with the Galiano Island Local Trust Committee. The board passed several resolutions and forwarded them to the applicant.¹
- The Islands Trust Conservancy Manager and Covenant and Outreach Specialist outlined the Sidney Island Ecological Restoration Plan to the board, who noted that the plan was compatible with the Islands Trust mandate and actions around First Nations reconciliation and climate change. They also noted their appreciation towards the plan's emphasis on ecosystem restoration and animal welfare.

5. COMMUNICATIONS AND OUTREACH

- Acting Islands Trust Conservancy Fundraising Specialist Carla Funk gave a presentation to board members on how to cultivate a culture of philanthropy, explaining why people give and describing how to inspire others through storytelling.
- The Islands Trust Conservancy Board approved a draft for the 2020/2021 Annual Report after calling for a number of slight rewording amendments, and also asked that the contents of the Annual Report be repurposed or otherwise made available to a wider audience – to which staff replied that a donor-oriented “Impact Report” version of this material was planned for publication in the near term.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- Islands Trust Conservancy approved two Opportunity Fund Grants: one of \$4,000 to be awarded to the Denman Conservancy Association, and one of \$2,500 to be awarded to the Salt Spring Island Water Preservation Society.

¹ Islands Trust Conservancy Manager Kate Emmings left the meeting for the Crystal Mountain Society application due to a previously declared conflict of interest.