



## Mayne Island Local Trust Committee Regular Meeting Agenda

Date: July 31, 2023  
Time: 1:30 pm  
Location: Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island, BC

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|                                                                                                         | Pages             |
|---------------------------------------------------------------------------------------------------------|-------------------|
| 1. CALL TO ORDER                                                                                        | 1:30 PM - 1:30 PM |
| 2. APPROVAL OF AGENDA                                                                                   | 1:30 PM - 1:35 PM |
| 3. TOWN HALL AND QUESTIONS                                                                              | 1:35 PM - 1:50 PM |
| 4. COMMUNITY INFORMATION MEETING - None                                                                 |                   |
| 5. PUBLIC HEARING - None                                                                                |                   |
| 6. MINUTES                                                                                              | 1:50 PM - 2:00 PM |
| 6.1 Local Trust Committee Minutes Dated June 26, 2023 (for Adoption)                                    | 4 - 9             |
| 6.2 Section 26 Resolutions-without-meeting Report - None                                                |                   |
| 6.3 Advisory Planning Commission Minutes - None                                                         |                   |
| 7. BUSINESS ARISING FROM THE MINUTES                                                                    |                   |
| 7.1 Follow-up Action List Dated July 2023                                                               | 10 - 11           |
| 8. DELEGATIONS                                                                                          |                   |
| 9. CORRESPONDENCE                                                                                       |                   |
| <i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i> |                   |
| 10. APPLICATIONS AND REFERRALS                                                                          | 2:00 PM - 2:45 PM |
| 10.1 Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral - For Response (attached)  | 12 - 15           |
| 10.2 MA-DVP-2023.6 (Lafond) - Staff Report (attached)                                                   | 16 - 29           |

|             |                                                                                                                                                       |                          |                |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------|
| <b>11.</b>  | <b>LOCAL TRUST COMMITTEE PROJECTS</b>                                                                                                                 | <b>2:45 PM - 3:15 PM</b> |                |
| <b>11.1</b> | <b>OCP/LUB Minor Amendments – Staff Report (attached)</b>                                                                                             |                          | <b>30 - 32</b> |
| <b>11.2</b> | <b>Housing Options Project – Staff Report (attached)</b>                                                                                              |                          | <b>33 - 40</b> |
| <b>12.</b>  | <b>REPORTS</b>                                                                                                                                        | <b>3:15 PM - 3:25 PM</b> |                |
| <b>12.1</b> | <b>Work Program Reports (attached)</b>                                                                                                                |                          |                |
| 12.1.1      | <u>Active Projects Report Dated July 2023</u>                                                                                                         |                          | 41 - 41        |
| 12.1.2      | <u>Future Project List Report Dated July 2023</u>                                                                                                     |                          | 42 - 42        |
| <b>12.2</b> | <b>Applications Report Dated July 2023 (attached)</b>                                                                                                 |                          | <b>43 - 46</b> |
| <b>12.3</b> | <b>Trustee and Local Expense Report Dated May 2023 (attached)</b>                                                                                     |                          | <b>47 - 47</b> |
| <b>12.4</b> | <b>Adopted Policies and Standing Resolutions (attached)</b>                                                                                           |                          | <b>48 - 52</b> |
| <b>12.5</b> | <b>Local Trust Committee Webpage</b>                                                                                                                  |                          |                |
| <b>12.6</b> | <b>Chair's Report</b>                                                                                                                                 |                          |                |
| <b>12.7</b> | <b>Trustee Report</b>                                                                                                                                 |                          |                |
| <b>12.8</b> | <b>Electoral Area Director's Report</b>                                                                                                               |                          |                |
| <b>12.9</b> | <b>Islands Trust Conservancy Report - None</b>                                                                                                        |                          |                |
| <b>13.</b>  | <b>NEW BUSINESS</b>                                                                                                                                   | <b>3:25 PM - 3:55 PM</b> |                |
| <b>13.1</b> | <b>Mayne Island LTC Freedom of Information and Protection of Privacy Bylaw No. 192 - Consideration of Adoption (attached)</b>                         |                          | <b>53 - 57</b> |
| <b>13.2</b> | <b>Bylaw Enforcement - Discussion</b>                                                                                                                 |                          |                |
| <b>14.</b>  | <b>UPCOMING MEETINGS</b>                                                                                                                              |                          |                |
| <b>14.1</b> | <b>Next Regular Meeting Scheduled for September 25 at the Agricultural Hall, Mayne Island</b>                                                         |                          |                |
| <b>15.</b>  | <b>TOWN HALL</b>                                                                                                                                      | <b>3:55 PM - 4:10 PM</b> |                |
| <b>16.</b>  | <b>CLOSED MEETING (Distributed Under Separate Cover)</b>                                                                                              |                          |                |
| <b>16.1</b> | <b>Motion to Close Meeting</b>                                                                                                                        |                          |                |
|             | That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1) (d)(f) for the purpose of considering: |                          |                |
|             | • Adoption of In-Camera Meeting Minutes Dated March 27, 2023 and May 29, 2023                                                                         |                          |                |
|             | • Bylaw Enforcement                                                                                                                                   |                          |                |
|             | AND that the recorder and staff attend the meeting.                                                                                                   |                          |                |

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT

4:10 PM - 4:10 PM

## Mayne Island Local Trust Committee Minutes of Regular Meeting

**Date:** June 26, 2023  
**Location:** Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island BC

**Members Present:** Tobi Elliott, Chair  
David Maude, Local Trustee  
Jeanine Dodds, Local Trustee

**Staff Present:** Narissa Chadwick, Island Planner  
Charly Caproff, Planner 1  
Pat Todd, Recorder

**Others Present:** There were six (6) members of the public present.

### 1. CALL TO ORDER

Chair Elliott called the meeting to order at 1:40 pm. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

### 2. RISE AND REPORT – none

### 3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

New Business 14.1 Wood Dale Drive Issues

**By general consent**, the agenda was adopted as amended.

### 4. TOWN HALL AND QUESTIONS

Rick, resident on Horton Bay, questioned status of buoys, sunken boats, swim floats. Finding lines of communication confusing.

- Queries can be directed to staff, if broader information can email LTC
- Number of agencies involved: Dead Boats Society, Department of Fisheries and Oceans (DFO), Ministry of Transportation and Infrastructure (MoTI)
- Issue on Land Use Bylaws (LUB) Review
- Bylaw on hold while determining jurisdictions

- Widespread issue
- Legal opinion being sought regarding buoys, moorings, floats

**5. COMMUNITY INFORMATION MEETING – None**

**6. PUBLIC HEARING – None**

**7. MINUTES**

**7.1 Local Trust Committee Special Meeting Minutes Dated April 19, 2023**

The following amendments to the minutes were presented for consideration:

- Members Present – Chair Elliott, add second “t” to last name
- Call to Order: Chair Maude – change to Chair Elliott and first sentence ... at 3:00 pm. change he to “she”

**By general consent**, the minutes of April 19, 2023 were adopted as amended.

**7.2 Local Trust Committee Special Meeting Minutes Dated May 29, 2023**

The following amendments to the minutes were presented for consideration:

- Page 3: comments by Deborah Goldman – to read: Rural Islands Economic Partnership Forum
- Page 3: bottom of page – to read David Burrows

**By general consent**, the minutes of Special Meeting May 29, 2023 were adopted as amended.

**7.3 Local Trust Committee Minutes Dated May 29, 2023**

The following amendments to the minutes were presented for consideration:

- Page 5: Chair’s Report: first sentence – to read The Rural Island Economic Partnership Forum
- Page 8: Motion to Close Meeting.... that the meeting - “be”

**By general consent**, the minutes of regular meeting dated May 29, 2023 were adopted.

**7.4 Section 26 Resolutions-without-meeting Report – None**

**7.5 Advisory Planning Commission Minutes – None**

**8. BUSINESS ARISING FROM THE MINUTES**

**8.1 Follow-up Action List Dated June 2023**

Work progressing regarding letter to RCMP.

Trustee Maude to send letter to Capital Regional District (CRD) Director Brent regarding siting and use permits.

**9. DELEGATIONS – none**

**10. CORRESPONDENCE**

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

**11. APPLICATIONS AND REFERRALS**

**11.1 MA-RZ-2020.1 (Mayne Island Housing Society) - Proposed Bylaws 181, 182 and 183**

Deborah Goldman spoke on behalf of Mayne Island Housing Society (MIHS) as to the interesting/lengthy process, community involvement and expressed appreciation to the family for the generous donation. Acknowledged the efforts of the MIHS Board of Directors for the past three years. Appreciation for Deborah's drive was added. This is a major milestone and thanks offered to Planner Chadwick and Trustees for efforts. Subdivision process has begun.

LTC offered appreciation for plans to restore Wetlands adding that project includes a number of gains for the community.

**MA-2023-034**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 181, cited as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021", be adopted.

**CARRIED**

**MA-2023-035**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 183, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021, be adopted.

**CARRIED**

**11.2 MA-DVP-2023.4 (Loubardeas)**

Planner Caproff reviewed the request for a height variance of a proposed accessory building. Request would minimize footprint and applicant is available via Zoom if there are any questions.

**MA-2023-036**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee approve issuance of MA-DVP-2023.4 (Loubardeas).

**CARRIED**

**12. LOCAL TRUST COMMITTEE PROJECTS**

**12.1 Land Use Bylaw Review**

Planner Chadwick spoke to the staff report and reviewed the potential items for LUB review.

Discussion

- Jurisdiction for shorelines/structures. Jurisdictional responsibility to be defined
- Some items to clarify through definition/some to broaden out – make more generic
- Some topics could refer to Advisory Planning Commission (APC): patios, livestock, accessory building height, contractors' yards, water craft
- To include in OCP – prior to development speak with neighbours (example Hornby Island)
- First Nations acknowledgement has been drafted
- Mooring buoys: could lead to "live aboards": to be discussed at Trust Council in September – legal opinion forthcoming

**MA-2023-037**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee  
Request staff develop a Project Charter for the 2023 Mayne Island Official  
Community Plan and Land Use Bylaws Minor Amendments Project.

**CARRIED**

**MA-2023-038**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request staff to include topics  
identified by the Local Trust Committee at the June 26, 2023 Local Trust  
Committee regular meeting in the Official Community Plan and Land Use Bylaws  
Minor Amendments Project.

**CARRIED**

## **13. REPORTS**

### **13.1 Work Program Reports**

13.1.1 Active Projects Report Dated June 2023 - received for information

13.1.2 Future Project List Report Dated June 2023 – received for information

### **13.2 Applications Report Dated June 2023** – received for information

### **13.3 Trustee and Local Expense Report Dated April 2023** – received for information

### **13.4 Adopted Policies and Standing Resolutions** – received for information

### **13.5 Local Trust Committee Webpage** - none

### **13.6 Chair's Report**

Chair Elliott noted Trust Council is meeting June 27<sup>th</sup> – 29<sup>th</sup> on Gabriola Island. Past month has had fewer meetings. IT Housing Working Group reviewed the HousingTool Kit staff have been developing – excellent resource/organized/templates/inclusion of alternative homes/how to put flexibility in OCP.

### **13.7 Trustee Report**

Trustee Maude spoke to the Campbell Bay Music Festival – another well organized, well conducted, successful year. The first installment of Welcome Poles occurred and event was attended by approximately 100 people. This is a joint project with Agricultural Society and Music Festival. There will be two poles, carved by Chazz Elliott and Matthew Parlby-Elliott, located at the entrance to the fair grounds.

Trustee Dodds reported on having attended the Mad Hatter Tea Party, a fund raiser for the Day Care Centre. It was noted that islanders have “adopted” the day care. There was a Community breakfast regarding the Health Care Centre – how to enhance services across the island. Fallow Deer – Dogwood Initiative – looking to CRD for funding. Flexibility to process meat would be helpful and management plan has been developed.

### **13.8 Electoral Area Director's Report**

CRD Director Brent also referred to the Health Clinics Meeting. Over past number of years islands have given \$7 million to support hospitals however none of these funds have been returned to support island health clinics. CRD connecting with VIHA for Health Centres to get Capital Projects. Another meeting is planned to discuss Mental Health and Housing. CRD model for housing is to give dollars and then look for matching funds. Rural areas are less likely to meet criteria of other funding agencies. Regional Housing is looking to align with flexible housing. Reported organizations are working well together.



### **13.9 Islands Trust Conservancy Report**

Chair Elliott noted there are two vacancies which Trust Council will address.

## **14. NEW BUSINESS**

### **14.1 Wood Dale Drive Issues**

Discussion as to Red Zone and possibility of LTC/IT liability for people/structures within zone. Connecting with CRD, and Vancouver Island Health Authority (VIHA) regarding bylaw enforcement.

#### **MA-2023-039**

##### **It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request a legal opinion for responsibility of Mayne Island Local Trust Committee regarding residential zoning within Red Zone on Wood Dale Drive.

**CARRIED**

## **15. UPCOMING MEETINGS**

### **15.1 Next Regular Meeting Scheduled for July 31, 2023 at the Agricultural Hall, Mayne Island**

## **16. TOWN HALL**

Discussion on letter being sent to CRD Parks regarding management in culturally significant areas. CRD Director stated letter should be sent to Mayne Island Parks and Recreation Commission as tree cutting is their responsibility.

## **17. CLOSED MEETING – None**

## **18. ADJOURNMENT**

**By general consent,** the meeting was adjourned at 3:35p.m.

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Tobi Elliott, Chair

Certified Correct:

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Pat Todd, Recorder



## Follow Up Action Report

### Mayne Island

#### 26-Sep-2022

| Activity                                                                                                  | Responsibility   | Dates               | Status      |
|-----------------------------------------------------------------------------------------------------------|------------------|---------------------|-------------|
| 1 13.3 Wooddale - Planner to set up in person meeting with CRD Bylaw and IT Bylaw for Wooddale community. | Narissa Chadwick | Target: 21-Oct-2022 | In Progress |

#### 27-Mar-2023

| Activity                                                                                                                                                                                          | Responsibility   | Dates               | Status      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|-------------|
| 1 16.3 Rise and Report - Chair of LTC to write to head of RCMP for Gulf Islands to express dismay regarding the unauthorized use of a residential property as an impound yard for towed vehicles. | Narissa Chadwick | Target: 14-Apr-2023 | In Progress |

#### 29-May-2023

| Activity                                                                                                                                                                                          | Responsibility   | Dates               | Status      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|-------------|
| 1 12.1 Housing Options - apply to CMHC HAF with draft action plan actions, develop business case for 2024/25, send letter to FN re: housing project.                                              | Narissa Chadwick | Target: 16-Jun-2023 | In Progress |
| 2 14.3 Siting and Use Permits - letter from LTC Chairs to be sent to the CRD regarding the feasibility of siting and use permits over building permits on the southern gulf islands (David Maude) | Narissa Chadwick | Target: 15-Jun-2023 | In Progress |

#### 26-Jun-2023

| Activity | Responsibility | Dates | Status |
|----------|----------------|-------|--------|
|----------|----------------|-------|--------|

## Follow Up Action Report

### Mayne Island

26-Jun-2023

| Activity                                                                           | Responsibility   | Dates               | Status      |
|------------------------------------------------------------------------------------|------------------|---------------------|-------------|
| 1 7.1 LTC Special Meeting Minutes, April 19, 2023 adopted as amended.              | Emily Bryant     | Target: 30-Jun-2023 | Completed   |
| 2 7.2 LTC Special Meeting Minutes, May 29, 2023 Adopted as amended.                | Emily Bryant     | Target: 30-Jun-2023 | Completed   |
| 3 7.3 LTC minutes , May 29, 2023 adopted as amended.                               | Emily Bryant     | Target: 30-Jun-2023 | Completed   |
| 4 11.1 MA-RZ-2020.1 (MIHS) Bylaws 181 and 183 adopted.                             | Jas Chonk        | Target: 30-Jun-2023 | In Progress |
| 5 11.2 MA-DVP-2023.4 (Loubardeas) Issue Permit.                                    | Jas Chonk        | Target: 30-Jun-2023 | Completed   |
| 6 12.1 Land Use Bylaw Review - Develop Project Charter, mooring buoy legal opinion | Narissa Chadwick | Target: 14-Jul-2023 | Completed   |
| 7 14.1 Wooddale - legal opinion/question re: liability in red zone                 | Narissa Chadwick | Target: 14-Jul-2023 | In Progress |



Islands Trust

# APPLICATION REFERRAL FORM

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

Island: Saturna Island Local Trust Area

Application No.: SA-ALR-2023.1

Date: July 10, 2023

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

## APPLICANTS NAME / ADDRESS:

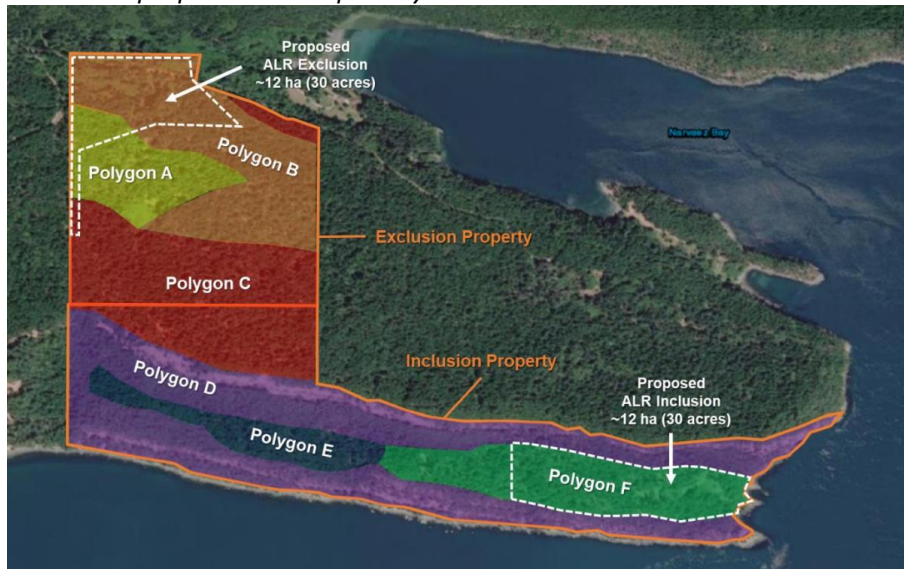
206 Narvaez Bay Road, Saturna Island

## PURPOSE OF BYLAW:

This referral is in respect of a proposal to exclude 12 hectares for a property on Narvaez Bay Road with a corresponding inclusion of 12 hectares on an adjacent property owned by the same property owner and as identified in the Land Capability for Agriculture Assessment Report found in SA-ALR-2023.1 (Hall) professional report sub-folder at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>.

As of September 30, 2020 Agricultural Land Commission (ALC) exclusion applications can only be submitted by a local government, not individual property owners. In this case, the Saturna Island Local Trust Committee (LTC) has passed a resolution in support of the proposed exclusion/inclusion, and has directed staff to initiate the [exclusion process](#) including referring the proposed changes to agencies and First Nations.

The professional report concludes: *Based on the collected information from our field assessment and background review, it is the objective, professional opinion of Madrone that the ALR exclusion and inclusion proposal by the Client (Figure 8; Appendix A) increases the overall capability of agriculture on Saturna Island should the proposal be accepted by Islands Trust and the ALC.*



PLEASE TURN OVER

**GENERAL LOCATION:**

Saturna Island Local Trust Area

**LEGAL DESCRIPTION:**

- 1) Exclusion Property: The North East 1/4 Of Section 2, Saturna Island, Cowichan District, Except Part In Plan 31309
- 2) Inclusion Property: Lot 1, Sections 1 And 2, Saturna Island, Cowichan District, Plan 49833

**SIZE OF PROPERTY AFFECTED:**

Exclusion: 59.16 ha  
Inclusion: 90.66 ha

**ALR STATUS:**

Portion of exclusion  
property in ALR

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Exclusion: Rural (R)  
Inclusion: Forest Land (F)

**OTHER INFORMATION:**

Additional information, including a preliminary staff report, is available at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

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

*BSmith*

(Signature)

Name: Brad Smith

Title: Island Planner  
Contact Info: Tel: 778-679-5185  
Email: [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)

**This referral has been sent to the following agencies:**

**Government Agencies**

Parks Canada  
Ministry of Transportation and Infrastructure  
Agricultural Land Commission

**Regional Agencies**

CRD, Planning and Protective Services, Building Inspection  
Island Health

**Adjacent Local Trust Committees and Municipalities**

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

**First Nations**

Cowichan Tribes  
Halalt First Nation  
Ts'uubaa-asatx Nation  
Lyackson First Nation  
Malahat First Nation  
Pauquachin First Nation  
Penelakut Tribe  
Semiahmoo First Nation  
Snuneymuxw First Nation  
Stz'uminus First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tsawwassen First Nation  
Tseycum First Nation  
WSANEC Leadership Council

**BYLAW REFERRAL FORM  
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

\_\_\_\_\_  
Saturna Island Local Trust Area  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
SA-ALR-2023.1  
(Application Number)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Agency)

DATE OF MEETING: July 31, 2023  
TO: Mayne Island Local Trust Committee  
FROM: Charly Caproff, Planner 1  
Southern Team  
COPY: Robert Kojima  
SUBJECT: MA-DVP-2023.6 (Lafond)  
Applicant: Shay Lafond  
Location: 568 Fairway Road

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of MA-DVP-2023.6 (Lafond).

## REPORT SUMMARY

The purpose of this report is for the Mayne Island Local Committee (LTC) to consider development variance application MA-DVP-2023.6 which is seeking to vary the maximum floor area of a cottage (93 square metres (1001 square feet)), to allow for construction of a new cottage that is 130.4 square metres (1404 square feet) in floor area.

In summary the above recommendation for the issuance of the variance is supported as: the proposed building has a small footprint relative to the lot area (0.14 %); the proposed building is adequately screened and not visually intrusive; and meets all other zoning regulations.

## RATIONALE FOR VARIANCE

The property is one of few in the area that are split zoned Rural and Upland (Figure 2). The intent of the Upland zone and designation in the Official Community Plan (OCP) is to limit residential development in these areas which include groundwater recharge areas and steep forested slopes. If the entire lot was only zoned Rural, an additional dwelling would be permitted as the lot is 9.26 ha (22.89 ac) (subsection 5.5(2)). If approved, the proposed cottage would be sited within the Rural zoned area of the property. The existing dwelling is sited approximately 175 metres away from the proposed cottage. The proposed cottage is adequately screened from adjacent neighbours (Attachment 2) and has a building envelope 0.14% of the total property area. As is described in the Background section, the intent is for intergenerational living on the property. Allowing for additional cottage floor area would support aging in place for the owners and for special needs care for their grandchild in the future. As per the Mayne Island Land Use Bylaw No. 146 (LUB) definition, cottages are not restricted by the duration of the use (i.e. seasonal use), rather they are an accessory building of limited floor area that is used as a dwelling unit.



## BACKGROUND

The property is 9.26 ha (22.89 ac) and located at 568 Fairway Road. The property is split zoned Rural and Upland. The applicant initially applied for a preliminary review with Islands Trust for an additional single family dwelling, which would exceed allowable density. The minimum average lot area for each zone on the property does not allow for further subdivision (unless it were successfully rezoned) and therefore only a single family dwelling and cottage are permitted. The owners are seeking the variance in order for their children and grandchildren to live on and help maintain the property. They want to construct a cottage that can support a growing family and feel that 1400 square feet is reasonable for their needs.

The owners have purchased a prefabricated home from Gordon's Home Sales which is 130.4 m<sup>2</sup> (1404 ft<sup>2</sup>) in floor area and 4.8 m in height. The cottage would not be sited within any setbacks and complies with all other land use regulations beyond total floor area.

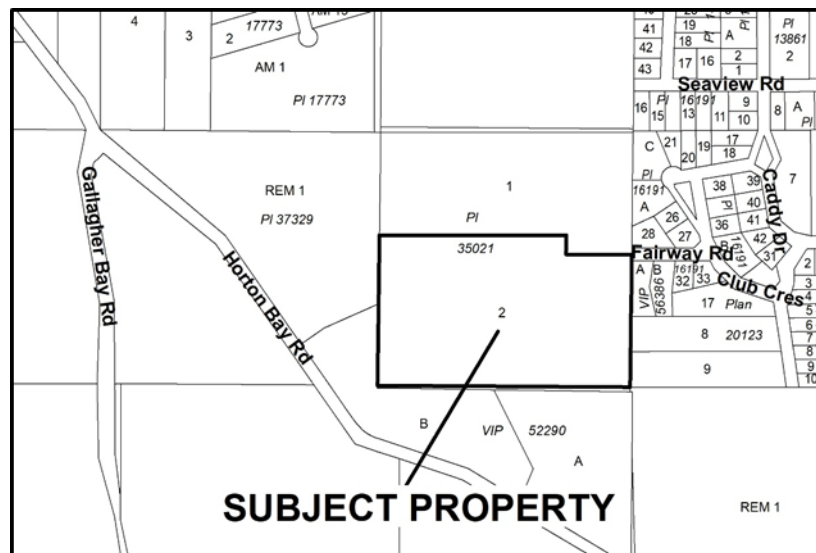


Fig. 1 Subject Property



**Fig. 2 – Split-Zoned Properties**

## **ANALYSIS**

### **Policy/Regulatory**

Section 498 of the *Local Government Act* enables the Local Trust Committee to issue (approve) a DVP in order to vary siting, size, and dimensions of buildings and structures. A DVP may not be used to vary density or land use. In this case, a variance to a size regulation is being sought.

### ***Official Community Plan (OCP)***

The property is designated Upland (UP) and Rural (R) in the Mayne Island Official Community Plan No. 144 (OCP). There are no specific OCP policies or principles in conflict with the variance request.

### ***Land Use Bylaw (LUB)***

Subsection 5.5(7)(a) of the LUB states the maximum floor area for a cottage is 93 square metres (1001 square feet). In this case, the proposed cottage is 130.4 m<sup>2</sup> (1404 ft<sup>2</sup>) in floor area.

### **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. In this case, the variance as proposed is relatively minor – the cottage is not sited within setbacks, meets height regulations, and the footprint is small relative to the total lot area.

## Circulation

DVP notices were circulated to surrounding property owners and residents on July 10, 2023. The notification period will end on July 21, 2023. At the time of writing the report, no submissions have been received from neighbours regarding the proposed building. Any submissions received after the agenda is published will be sent to the LTC prior to the June 26 meeting and will be raised by the planner at that meeting.

## First Nations

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

## Rationale for Recommendation

A potential impact of granting the variance is that it would set a precedent for varying the maximum floor area of all cottages on Mayne Island, in particular on lots where only one dwelling is permitted due to the property size. Given the unique lot zoning, large lot size, relatively isolated location, and intent for intergenerational families to live on and maintain the property, the recommendation on page one (1) is supported. In addition, at the time of writing the report, no concerns have been received from adjacent neighbours.

## ALTERNATIVES

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

### 1. Request further information

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

*That the Mayne Island Local Trust Committee refuse application MA-DVP-2023.6 (Lafond).*

|               |                                          |               |
|---------------|------------------------------------------|---------------|
| Submitted By: | Charly Caproff, Planner 1                | July 4, 2023  |
| Concurrence:  | Robert Kojima, Regional Planning Manager | July 17, 2023 |

## ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs

3. Notice
4. Draft DVP MA-DVP-2023.6 (Lafond)

## ATTACHMENT 1 – SITE CONTEXT

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### LOCATION

|                   |                                                               |
|-------------------|---------------------------------------------------------------|
| Legal Description | LOT 2, SECTION 9, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 35021 |
| PID               | 000-316-148                                                   |
| Civic Address     | 568 Fairway Rd                                                |

### LAND USE

|                      |                                |
|----------------------|--------------------------------|
| Current Land Use     | Residential                    |
| Surrounding Land Use | Residential, Park, Agriculture |

### HISTORICAL ACTIVITY

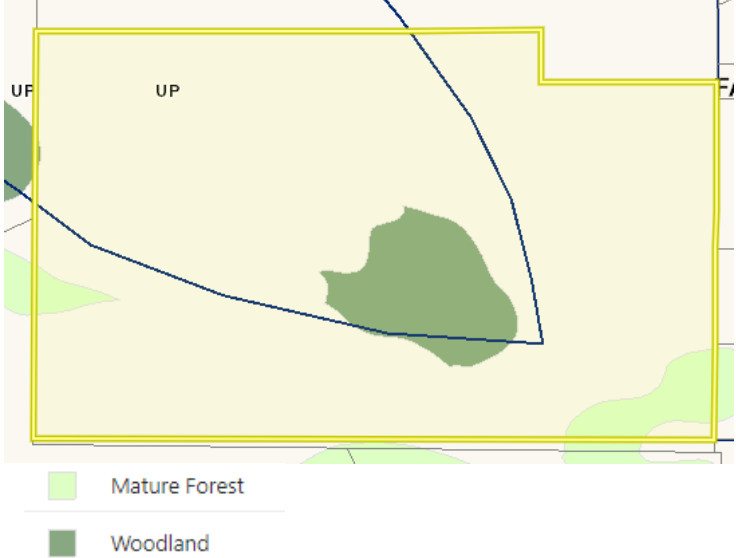
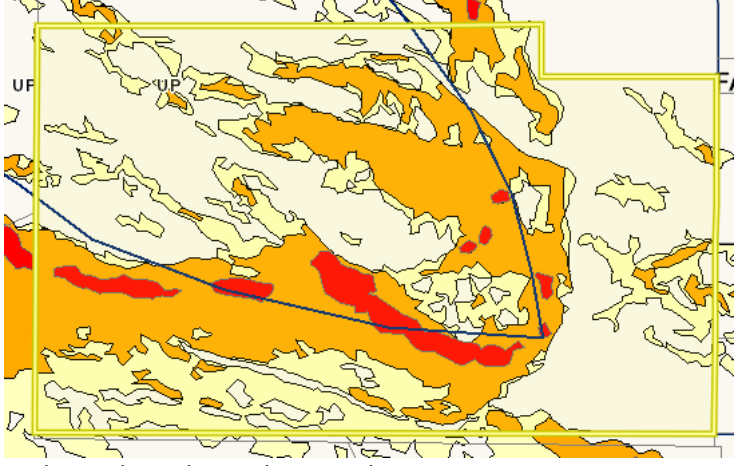
| File No.      | Purpose                                                     |
|---------------|-------------------------------------------------------------|
| MA-BP-2023.12 | DVP required for a cottage exceeding the maximum floor area |

### POLICY/REGULATORY

|                                      |                                                                                                                                    |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | The property is designated <b>Rural (R)</b> and <b>Upland (UP)</b> in the Mayne Island Official Community Plan Bylaw No. 144, 2007 |
| Land Use Bylaw                       | The property is zoned <b>Rural (R)</b> and <b>Upland (UP)</b> in the Mayne Island Land Use Bylaw No. 146, 2008                     |
| Other Regulations                    |                                                                                                                                    |
| Covenants                            |                                                                                                                                    |
| Bylaw Enforcement                    |                                                                                                                                    |

### SITE INFLUENCES

|                                |                                                                                                                       |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Islands Trust Fund             | N/A                                                                                                                   |
| Regional Conservation Strategy | The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservancy plan |
| Species at Risk                | N/A                                                                                                                   |

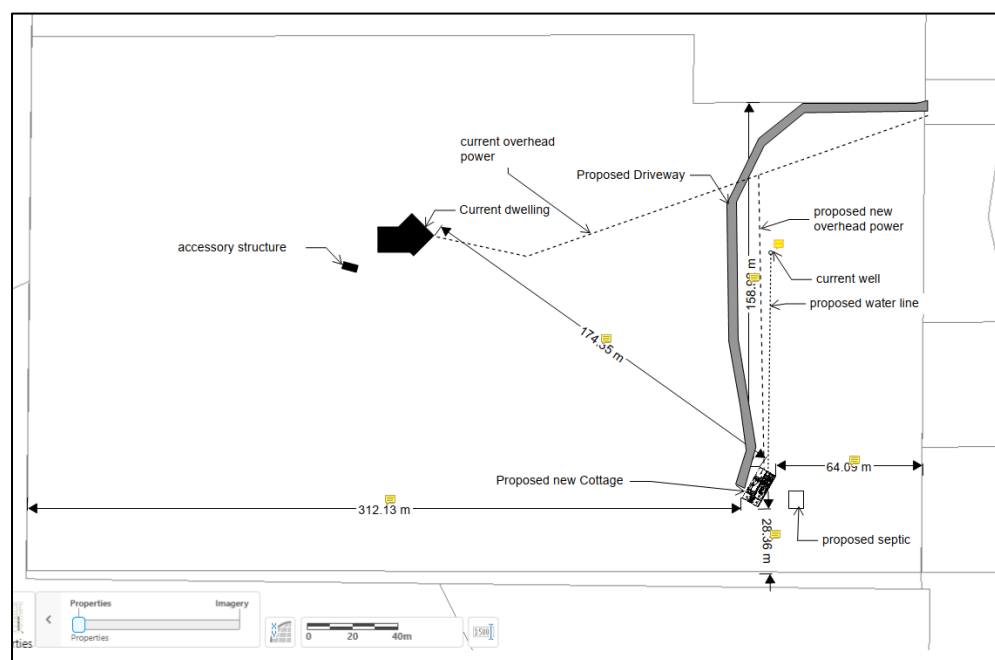
|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sensitive Ecosystems                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Hazard Areas                             |  <p>High, medium, low risk steep slope</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Archaeological Sites                     | <p>Areas of archaeological potential on the property – 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.</p> |
| Climate Change Adaptation and Mitigation | <p>No anticipated impacts to GHG emissions anticipated as a result of this application.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Shoreline Classification                 | <p>Not Applicable</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Shoreline Data in TAPIS                  | <p>N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

### 2.1 AERIAL MAP



### 2.2 SITE PLAN



## Islands Trust





## 2.4 SITE VISIT JULY 14, 2023



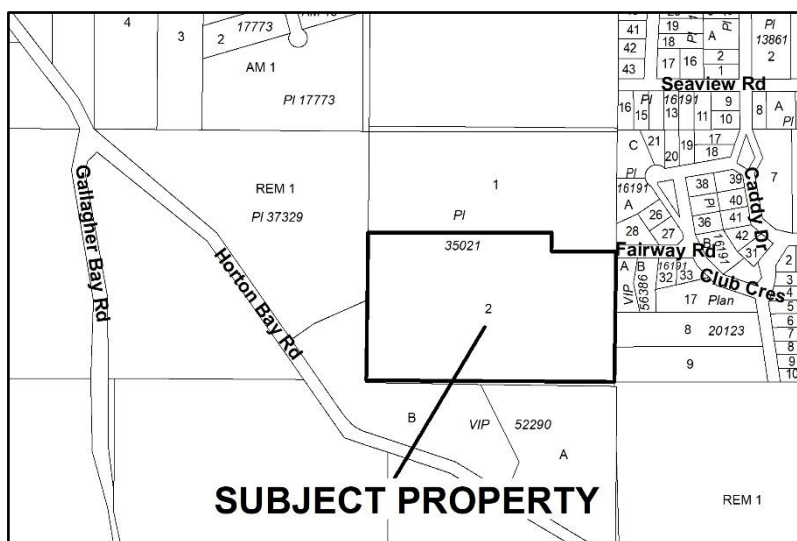
**NOTICE**  
**MA-DVP-2023.6**  
**MAYNE ISLAND LOCAL TRUST COMMITTEE**

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

- Increasing the maximum floor area for a cottage from 93 m<sup>2</sup> (1001 ft<sup>2</sup>) to 130.4 m<sup>2</sup> (1404 ft<sup>2</sup>) to allow for new construction of a cottage.

The property is located at **568 Fairway Road** and is legally described as LOT 2, SECTION 9, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 35021 (PID: 000-316-148).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **July 10, 2023** and continuing up to and including **July 21, 2023**.

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 Charly Caproff, Planner 1 at (250) 405-5172, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) before 4:30 pm, **July 21, 2023**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:30 p.m., July 31<sup>st</sup>, 2023** at the **Mayne Island Agricultural Hall**, 430 Fernhill Road, on Mayne Island.

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

Jas Chonk, Deputy Secretary



Islands Trust

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
MA-DVP-2023.6**

To: Shelly Anne Harrop & Kenneth Walter Dyer  
c/o Shay Lafond (Gordon's Homes Sales LTD)

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

LOT 2, SECTION 9, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 35021  
(PID: 000-316-148)

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

- a) Subsection 5.5(7)(a) which states that the maximum floor area for a cottage is 93 square metres (1001 square feet) is varied to permit the construction of a cottage with a floor area of 130.4 square metres (1404 square feet).

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

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

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

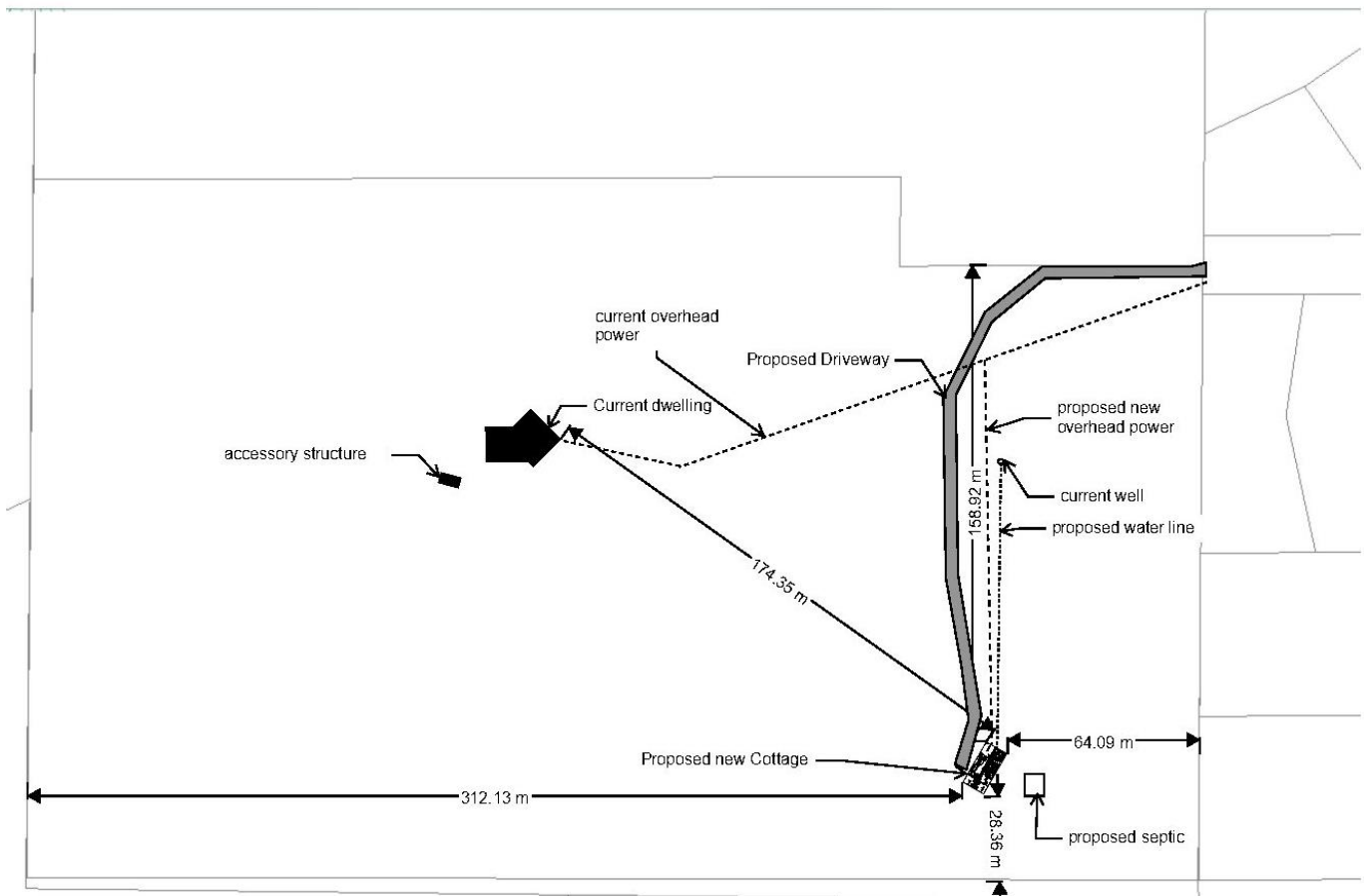
\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
Date of Issuance

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

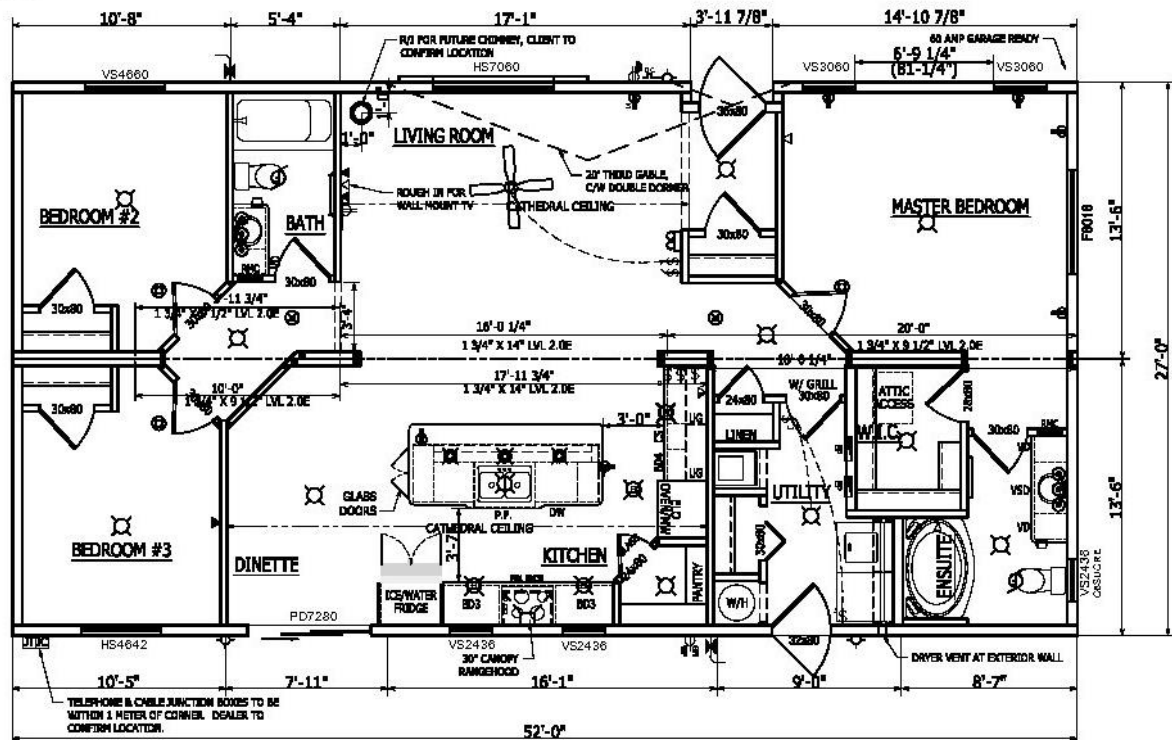
**MAYNE ISLAND LOCAL TRUST COMMITTEE**  
**MA-DVP-2023.6**

**SCHEDULE 'A'**





**SCHEDULE 'B'**



# STAFF REPORT

File No.: 12-08-6500-20- 2023

OCP and LUB Minor Amendments

DATE OF MEETING: July 31, 2023  
 TO: Mayne Island Local Trust Committee  
 FROM: Narissa Chadwick, Island Planner  
 Southern Team  
 COPY: Robert Kojima , Regional Planning Manager  
 SUBJECT: 2023 OCP and LUB Minor Amendments

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve the Project Charter for the 2023 Mayne Island OCP and LUB Minor Amendments Project.

## REPORT SUMMARY

The purpose of this staff report is to present the project charter for the Mayne Island OCP and LUB Amendments Project for endorsement by the Mayne LTC.

## BACKGROUND

At their June 2023 regular LTC meeting the Mayne LTC passed the following resolutions:

*That the Mayne Island Local Trust Committee request staff develop a Project Charter for the 2023 Mayne Island OCP and LUB Minor Amendments Project.*

*That the Mayne Island Local Trust Committee request staff to include topics identified by the LTC at the June 14, 2023 LTC regular meeting in the OCP and LUB Minor Amendments Project.*

## ITEMS FOR LUB REVIEW

The following list of topics have been confirmed by the LTC to be included in the OCP and LUB Minor Amendments Project.

| Land Use Bylaw Items to Consider |                                                                                               |
|----------------------------------|-----------------------------------------------------------------------------------------------|
| Item                             | Background                                                                                    |
| Bennett Estate (Naylor Drive)    | Clarify mapping and the zoning                                                                |
| Definition of Patios             | Consider allowing within the setback from the sea                                             |
| Seawalls                         | Differentiate between hard and soft, what kind should be permitted and not permitted          |
| Shipping containers              | Identify how to manage (eg. define as accessory buildings)                                    |
| Mooring Buoys                    | Review regulatory jurisdiction                                                                |
| Church property                  | Remove restriction related to seniors housing only                                            |
| Define Motor Vehicles            | To address derelict structures on wheels. Should not be different then provincial definition. |

|                                                                  |                                                                                 |
|------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Review permitted livestock                                       | Make more generic as opposed to specifying type of animal.<br>Consider lot size |
| Accessory Buildings in SR Zone                                   | Evaluate existing size. Potentially increase size.                              |
| Outhouses                                                        | Define and permit in all zones.                                                 |
| Resource Conservation Zone                                       | Remove permission for 'utility shed' or provide a limiting definition.          |
| Contractors Yards                                                | Allow in more areas. Identify what is acceptable in residential areas.          |
| Agricultural Hall property                                       | Address setback (0 setback?)                                                    |
| Thrift Store                                                     | Change zoning in line with existing TUP                                         |
| Personal watercraft                                              | Define and regulate...allow storage?                                            |
| Property adjacent to BC Ferries                                  | Change zoning to accommodate community use.                                     |
| Lot line adjustment between neighbours                           | Review subdivision and servicing regulations                                    |
| Rezoning for CRD land adjacent to Mt. Park                       | If CRD is ready to rezone                                                       |
| Campbell Bay Musicfest (to be discussed)                         | Rezone to make TUP permissions permanent                                        |
| <b>Official Community Plan Items to Consider</b>                 |                                                                                 |
| <b>Item</b>                                                      | <b>Background</b>                                                               |
| Rezoning for CRD land adjacent to Mt. Park                       | Would require a change to OCP land designation.                                 |
| Requiring landowners applying for rezoning to talk to neighbours | See Hornby OCP Policy 6.1.8                                                     |
| First Nations Acknowledgment                                     | Short acknowledgement reflecting Broader Trust Council messaging                |

### Rationale for Recommendation

The Mayne LTC has identified the LUB Review project as a priority project for this fiscal year. If topics to be addressed are minor in nature, this can be done as a minor project. The Mayne LTC currently does not have a minor project in process.

### ALTERNATIVES

#### 1. Request further information

The LTC may request further information before proceeding with the project.

#### 2. Make Changes to the Project Charter Prior to Endorsing

The LTC may make changes to the project charter. If this is the case they will need to be specific about what changes are requested.

#### 3. Do not proceed with the project

The LTC may choose not to proceed with the project.

### NEXT STEPS

If the LTC supports the staff recommendations Staff will review and provide feedback on proposed amendments .

|               |                                          |               |
|---------------|------------------------------------------|---------------|
| Submitted By: | Narissa Chadwick RPP, Island Planner     | July 19, 2023 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | July 19, 2023 |

### ATTACHEMENTS

#### 1. Draft Project Charter

## Mayne Island OCP and LUB Minor Amendments – Project Charter

Mayne Island LTC

Date: July 25, 2023

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

**Background:** This project was initiated by the Mayne Island Local Trust Committee (LTC) at its June 2023 LTC meeting. The project will include a number of zone changes to address community interest and other issues. It will also consider an acknowledgement of First Nations in the OCP.

### Objectives

- Targeted updates to the LUB and OCP

### In Scope

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

### Out of Scope

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

## Workplan Overview

| Deliverable/Milestone                                                        | Date                    |
|------------------------------------------------------------------------------|-------------------------|
| Project Charter Endorsed                                                     | July 2023               |
| Staff review of proposed LUB and OCP amendments and First Nations engagement | July – October 2023     |
| LTC direction to draft LUB and OCP amendments and review by LTC              | October – November 2023 |
| Community Information Meeting                                                | January 2024            |
| LTC review community comments and consider further changes                   | February – March 2024   |
| Consideration of First Reading                                               | April 2024              |
| Referrals                                                                    | April – May 2024        |
| Public Hearing, Second and Third Readings, referral to EC, Minister (OCP)    | June 2024               |
| Consideration of Adoption                                                    | September 2024          |

## Project Team

|                                                                            |                                                                     |
|----------------------------------------------------------------------------|---------------------------------------------------------------------|
| Narissa Chadwick, Island Planner                                           | Project Manager                                                     |
| Emily Bryant, Planning Team Assistant                                      | Admin Support                                                       |
| Jackie O’Neil, GIS Technician                                              | GIS Support                                                         |
| <b>RPM Approval:</b><br><i>Robert Kojima</i><br><b>Date:</b> July 19, 2023 | <b>LTC Endorsement:</b><br>Resolution<br><b>Date:</b> July 31, 2023 |

## Budget

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

| Fiscal  | Item                                                            | Cost          |
|---------|-----------------------------------------------------------------|---------------|
| 2021-22 | Open House/CIM                                                  | \$500         |
| 2021-22 | Advertising, communications and materials                       | \$500         |
| 2021-22 | Contingency (legal, additional public/stakeholder meetings etc) | \$2000        |
|         | <b>Total</b>                                                    | <b>\$3000</b> |



DATE OF MEETING: July 31, 2023  
TO: Mayne Island Local Trust Committee  
FROM: Narissa Chadwick, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Mayne Island Housing Options Project (Phase 2)

## RECOMMENDATION

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

## REPORT SUMMARY

This report attaches a draft business case for the allocation of funding and staff resources for the continuation of Mayne Island's Housing Options Project for the next fiscal year. The report also provides a preliminary timeline for the project.

## BACKGROUND

At their March 27<sup>th</sup>, 2023 meeting the LTC passed the following resolution supporting the continuation of the Mayne Island Housing Options Project:

**It was Moved and Seconded,**

That the Mayne Island Local Trust Committee request staff develop a business case for the Implementation of the Mayne Island Housing Action Plan that supports the concurrent implementation of all actions.

This project is identified by staff to be a Major Project. A Major Project is any LTC project that is anticipated to require a budget over \$5,000 in any given fiscal year. These projects would be supported by a planner from the Regional Planning Team and are required to have a business case approved by Trust Council. The LTC was advised to endorse a business case by July in order to have it reviewed by Regional Planning Committee and by the Financial Planning Committee in their October and November meetings. The Financial Planning Committee's recommendations on the business case would then be considered at the December Trust Council for inclusion in the budget for the following fiscal year.

While development of a project charter is premature prior to the project being funded and the LTC deliberating on the scope of initiative, staff have developed the attached draft business case to support funding for a Housing review as a Major LTC Project.

## ANALYSIS

The Mayne Island LTC's first phase of their Housing Project resulted in the implementation of Flexible Housing zoning, allowing additional units within a maximum combined floor area, on some smaller lots where increase density and intensity of residential use was seen to have a lesser impact on the environment and water resources than in other areas. This work and engagement related to the Mayne Islands Housing Society's rezoning identified that the community was in support of further work to increase housing options on the Islands. In response to community interest and the opportunity to apply for CMHC Housing Accelerator Funding, a Draft Housing Action Plan was developed. The Action Plan identifies a number of options for bylaw amendments to be considered.

Housing is a priority in Trust Council's strategic plan and is a priority of the Regional Planning Committee. This next phase of Mayne's Housing Project will benefit from:

- RPC project to develop land use suitability mapping that will incorporate data sets such as recent groundwater mapping to identify areas that may be more suitable for additional housing.
- The Southern Gulf Islands Housing Needs Assessment to be updated in 2024.
- Two other LTCs undertaking housing projects (Denman and North Pender) along with an OCP/LUB Review with a strong housing focus (Gabriola). The Denman and Gabriola projects are being managed by the same Regional Planning Team planner as Mayne's project .
- Potential Housing Accelerator funding from CMHC. Staff is currently working on the application for Mayne. If funding is received staff will be working with the CRD to help facilitate the development of a accessory dwelling unit subsidy pilot program in support of goals within the CRD's Southern Gulf Islands Housing Strategy.

This phase of the project focusses on further bylaw amendment to provide flexibility to support an increased variety of housing options. It will also involve finalizing the Housing Action Plan which provides an opportunity to identify actions that are not related to land use and strategies for implementing those action (e.g. partnerships with non profits and the CRD to help build housing).

Staff are proposing a budget for fiscal year 2024-25 of \$10,000. This would principally be for the costs of engagement and consultation, along with a contingency amount. This is consistent with funding for consultation for other LTC housing initiatives and includes the fact that much of the research and analysis has been, or will be, completed by RPC or for other LTC's housing initiatives.

A draft timeline has been provided below. This can be reviewed, revised and expanded by the LTC during the scoping of the project and the development of the project charter.

| <b>DRAFT PROJECT TIMELINE</b>                                            |                  |
|--------------------------------------------------------------------------|------------------|
| <b>Pre-Project</b>                                                       | <b>2023</b>      |
| LTC endorsement of Business Case, forwarded to Committees                | August           |
| Committees and Trust Council consideration of business case              | Sept-Dec         |
| <b>Project Initiation</b>                                                | <b>2024</b>      |
| Development of Project Charter                                           | March/April      |
| LTC Option Review / Action Plan Finalization                             | April – July     |
| <b>Bylaw Drafting</b>                                                    | <b>2024</b>      |
| Direction to draft bylaws                                                | July             |
| Bylaw Drafting                                                           | July - October   |
| <b>Consultation</b>                                                      | <b>2024/2025</b> |
| Public Engagement/ First Nations Consultation/ Referrals                 | October – Jan    |
| <b>Legislative</b>                                                       | <b>2025</b>      |
| LTC Review of draft bylaws and engagement response                       | Jan – March      |
| Referrals, Community Information Meeting(s), revisions and first reading | March -May       |
| Second Reading/Third Reading/EC review                                   | July – Sept      |
| Ministry Approval of bylaws                                              | TBD              |
| <b>Implementation</b>                                                    | <b>2025</b>      |
| Communications and Implementation                                        | TBD              |

### Rationale for Recommendation

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

### ALTERNATIVES

#### 1. Request further information

The LTC may request further information prior to making a decision. Staff advise that deferring endorsement of the business case may result in committee deadlines being missed.

#### 2. Revise the business case

If the LTC wishes to revise some aspects of the business case, staff recommend that direction be given to make changes and to forward to the relevant committees with the revisions.

#### 3. Not Proceed with the Project

The LTC may choose to not proceed with the project.

#### 4. Proceed with the initiative as a Minor Project

The LTC may request that staff report back with options to proceed with the initiative as a series of Minor Projects.

**NEXT STEPS**

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

|               |                                          |               |
|---------------|------------------------------------------|---------------|
| Submitted By: | Narissa Chadwick, Island Planner         | July 19, 2023 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | July 19, 2023 |

**ATTACHMENTS**

1. Business Case



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

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

**TO BE COMPLETED BY INITIATOR**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Initiated by (name, title):</b></p> <p>Narissa Chadwick, Islands Planner<br/>On behalf of the Mayne Island LTC</p>                                                                                                                                                                                                                                                                                                                                  | <p><b>Budget Source</b> (select all that apply):</p> <p><input checked="" type="checkbox"/> <b>Specific Project Funding</b> (select all that apply)</p> <p><input type="checkbox"/> Third Party Contractors</p> <p><input type="checkbox"/> Staff Travel Expense</p> <p><input type="checkbox"/> Staff Overtime Expense</p> <p><input type="checkbox"/> New Staff Member – Temporary for project</p> <p><input type="checkbox"/> Computer Hardware/Software</p> <p><input type="checkbox"/> <b>Furniture &amp; Equipment</b></p> <p><input type="checkbox"/> <b>Computer Hardware/Software/Supplies</b></p> <p><input type="checkbox"/> <b>New Staff Resources</b> (see Staff Costing Tool)</p> <p><input type="checkbox"/> Permanent</p> <p><input type="checkbox"/> Temporary</p> <p>Temp Duration: _____</p> <p><input checked="" type="checkbox"/> <b>Other – please describe:</b> legal review, community engagement, First Nations engagement, contingency</p> |
| <p><b>Business Area:</b></p> <p>LTC Projects</p>                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>Name of Request:</b></p> <p>Mayne Island Housing Options Project (Phase 2)</p> <p>\$10,000 + Staff time</p> <p><b>MA-2023-023</b></p> <p><b>It was moved and seconded,</b></p> <p>That the Mayne Island Local Trust Committee request staff develop a business case for the Implementation of the Mayne Island Housing Action Plan that supports the concurrent implementation of all actions.</p>                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>Date of Funding Request Submission:</b></p> <p>September XX. 2023</p>                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Funding Required for (date range):</b></p> <p>April 1, 2024- March 31,2025</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>ISSUE/OPPORTUNITY:</b></p> <p>To address the need for an increase in variety in housing options to address Mayne Island’s housing needs, the Mayne Island LTC has been engaged in a housing review project for the past four years. This request is to support the continuation of the Mayne Island housing project. The next phase will include First Nations and community consultation, and OCP and LUB updates to increase housing options.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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

- Contributing to the creation of a Trust Wide Housing Toolkit
- Creating a model bylaw for flexible housing
- Demonstrating the value of suitable land analysis contributing to suitable land analysis being done for all Trust Area to contribute to their housing project

Phase 2 will support the Islands Trust's Strategic Plan Goal to "Strengthen housing affordability throughout the Trust Area" by:

- Utilizing the Islands Trust Housing Toolkit
- Contributing to the design of more model bylaws for housing
- Supporting the CRD's Gulf Islands Housing Strategy actions related to increasing housing options
- Demonstrating the value of partnership building with non profits (Habitat for Humanity) and the Capital Regional District in the development of housing

#### **PROJECTED RESULTS/DELIVERABLES:**

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

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

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

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

#### **ALTERNATIVES CONSIDERED:**

**Option 1:** Status quo. If this is the case time staff time will not be allocated to the project which will impact the ability to move the project forward by the end of terms.

**Option 2:** Support staff time only. This may limit First Nations consultation and legal review in this fiscal.

**Option 3:** Defer. The project could be deferred to a future fiscal year. If this is the case momentum will be lost.

#### **CRITICAL SUCCESS FACTORS:**

The project would be considered successfully completed if relevant amendments to the OCP and LUB are adopted. Ultimate success would be measured over the longer term through improvements to housing options, accessibility and affordability.

**RECOMMENDED OPTION:**

The recommended option is to fund the initiative as a Major LTC Project at the requested amount of \$10,000 for the coming fiscal year. This provides sufficient funding for consultation and for project management by a Regional Planning Team planner.

**COST/BENEFIT ANALYSIS:**

Quantitative Analysis: \$10,000 for fiscal 2024-25

- Consultation (APC, First Nations, stakeholders, community, communications) - \$8,000
- Contingency - \$2,000

Qualitative Analysis: project would contribute to and benefit from efficiencies associated with similar projects in other LTAs. The existing momentum in the community would continue contributing to further efficiencies.

**PURCHASING PROCEDURE:** N/A**PROPOSED IMPLEMENTATION STRATEGY:**

|                                                                          |                     |
|--------------------------------------------------------------------------|---------------------|
| LTC Option Review / Action Plan Finalization                             | April – July 2024   |
| Bylaw Drafting                                                           | July – Oct. 2024    |
| Public Engagement/ First Nations Consultation/Referrals/Legal Review     | Oct 2024 – Jan 2025 |
| Referrals, Community Information Meeting(s), revisions and first reading | March- May 2025     |
| Second Reading/Third Reading/EC review                                   | July – Sept. 2025   |
| Ministry Approval of bylaws                                              | TBD                 |
| Bylaw approval                                                           | TBD                 |

**STAFF RESOURCING:****Estimation:**

0.25 FTE Regional Planning Team Project Manager

0.10 FTE Planning Team Support (RPM)

0.10 Admin support

Support from Senior Indigenous Relations Advisor, the Senior Freshwater Specialist, mapping and communications staff as needed.

|                                                            |
|------------------------------------------------------------|
|                                                            |
| <b>CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION: N/A</b> |

Narissa Chadwick, Island Planner

Initiator Name, Title

July 13, 2023

Date

Reviewed by Department Lead: Name, Title

Date



## Active Projects Report

### Mayne Island

#### 1. *Housing Options Project - Phase 2*

Continuation of Housing Options Project

- To define scope of project through community consultation, LTC deliberation
- Business case to be developed for submission by September 2023

Responsible

Narissa Chadwick

Dates

Rec'd: 30-Jan-2023  
Target: 31-Mar-2025

#### 2. *Minor LUB Review*

Minor updates to LUB

Responsible

Narissa Chadwick

Dates

Rec'd: 29-May-2023

## Future Projects Report

### Mayne Island

#### 1. *Groundwater Implementation*

Responsible

Date Received

Will wait until Galiano has completed project

30-Nov-2020

#### 2. *Housing Implementation*

Responsible

Date Received

Connecting with water service providers regarding flexible housing and secondary suites

05-May-2022

#### 3. *LTC Rezoning Project*

Responsible

Date Received

327 Campbell Bay rezoning ( to be part of Housing Options project)

05-May-2022

#### 4. *Foreshore Education*

Responsible

Date Received

To provide education on foreshore uses and climate change adaptation as a minor LTC project

30-Jan-2023

#### 5. *LUB Amendments*

Responsible

Date Received

To undertake targeted amendments to LUB, including:

30-Jan-2023

- contractor yards

- setbacks for patios and other structures

LTC to initiate as a minor project following community consultation on Housing Options



## Applications

### Development Variance Permit

| File Number   | Applicant Name   | Date Received | Purpose                                                                           |
|---------------|------------------|---------------|-----------------------------------------------------------------------------------|
| MA-DVP-2023.5 | Girouard, Louise | 31-May-2023   | 750 STEWARD DR: Application for a variance for siting of a workshop in a setback. |

**Planner:** Charly Caproff

#### Planning Status

---

**Status Date:** 17-Jul-2023

Outstanding issues remain after site visit on July 14, 2023. Application to be removed from the agenda for July 31, 2023.

**Status Date:** 06-Jul-2023

Draft permit and notice submitted to admin

**Status Date:** 12-Jun-2023

Planner Charly Caproff assigned.

| File Number   | Applicant Name           | Date Received | Purpose                                                                           |
|---------------|--------------------------|---------------|-----------------------------------------------------------------------------------|
| MA-DVP-2023.6 | Gordon's Homes Sales LTD | 08-Jun-2023   | 568 FAIRWAY RD: Application for a variance to expand the floor area of a cottage. |

**Planner:** Charly Caproff

#### Planning Status

---

**Status Date:** 17-Jul-2023

Staff report submitted to agenda items folder.

**Status Date:** 06-Jul-2023

Draft permit and notice submitted to admin and draft staff report submitted to RPM

**Status Date:** 13-Jun-2023

Planner Charly Caproff assigned.



## 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 - BL 181 (OCP) and BL 183 (LUB) |

**Planner:** Narissa Chadwick

#### Planning Status

---

**Status Date:** 12-Jul-2023

Housing Agreement and Covenant registered on title.

**Status Date:** 26-Jun-2023

Bylaws Approved

**Status Date:** 26-Jun-2023

Bylaws presented to LTC for approval.

| File Number  | Applicant Name            | Date Received | Purpose                                                                                                                                   |
|--------------|---------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| MA-RZ-2023.1 | Robert Blaney Design Inc. | 17-May-2023   | 630 DINNER BAY RD: Application for rezoning to amend the OCP to permit temporary housing for seasonal visitors (both tourists and staff). |

**Planner:** Charly Caproff

#### Planning Status

---

**Status Date:** 30-May-2023

Planner Charly Caproff assigned.

**Status Date:** 19-May-2023

Reached out to applicant for fee.

**Status Date:** 19-May-2023

Site Disclosure Statement received.



## Applications

### Subdivision

| File Number   | Applicant Name             | Date Received | Purpose                              |
|---------------|----------------------------|---------------|--------------------------------------|
| MA-SUB-2018.1 | Brent Mayenburg<br>(Maude) | 09-Apr-2018   | Referral of a subdivision for 3 lots |

**Planner:** Narissa 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.

| File Number   | Applicant Name                  | Date Received | Purpose                                                                    |
|---------------|---------------------------------|---------------|----------------------------------------------------------------------------|
| MA-SUB-2023.1 | Mayne Island Housing<br>Society | 17-Jan-2023   | 375 Village Bay Road - Referral of subdivision application for 3 new lots. |

**Planner:** Charly Caproff

#### Planning Status

---

**Status Date:** 03-Mar-2023

Referral response sent to MOTI

**Status Date:** 02-Mar-2023

Site visit conducted

**Status Date:** 06-Feb-2023

Planner Charly Caproff assigned.

## Applications

### Subdivision

| File Number   | Applicant Name | Date Received | Purpose                                                                  |
|---------------|----------------|---------------|--------------------------------------------------------------------------|
| MA-SUB-2023.2 | Ryder, Harriet | 05-May-2023   | 513 WAUGH RD: Referral of a boundary adjustment subdivision application. |

**Planner:** Bruce Belcher

#### Planning Status

---

**Status Date:** 19-Jun-2023

Referral Response sent to MOTI

**Status Date:** 25-May-2023

Requested Easement title charge information.

**Status Date:** 10-May-2023

Planner Bruce Belcher assigned.

***Islands Trust***  
LTC EXP SUMMARY REPORT F2024  
Invoices posted to Month ending May 2023

| 645 Mayne               | Invoices posted to Month ending May 2023 | <u>Budget</u>   | <u>Spent</u>  | <u>Balance</u>  |
|-------------------------|------------------------------------------|-----------------|---------------|-----------------|
| 65000-645               | LTC "Trustee Expenses"                   | 297.00          | 0.00          | 297.00          |
| LTC Local               |                                          |                 |               |                 |
| 65200-645               | LTC - Local Exp - LTC Meeting Expenses   | 470.00          | 0.00          | 470.00          |
| 65210-645               | LTC - Local Exp - APC Meeting Expenses   | 333.00          | 0.00          | 333.00          |
| 65220-645               | LTC - Local Exp - Communications         | 250.00          | 210.00        | 40.00           |
| 65230-645               | LTC - Local Exp - Special Projects       | 276.00          | 0.00          | 276.00          |
| TOTAL LTC Local Expense |                                          | <u>1,329.00</u> | <u>210.00</u> | <u>1,119.00</u> |
| Projects                |                                          |                 |               |                 |
| 73001-645-4100          | Mayne Island Housing                     | <u>1,000.00</u> | <u>198.74</u> | <u>801.26</u>   |
| TOTAL Project Expenses  |                                          | <u>1,000.00</u> | <u>198.74</u> | <u>801.26</u>   |

## Standing Resolutions Log

### Mayne Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                      | Action  | Date        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2022-012 (Standing)</b><br><br><b>5.4 Outhouses</b><br><br>that the Mayne Island Local Trust Committee direct Bylaw staff to suspend enforcement on outhouses and that the Bylaw Enforcement Manager be invited to attend a future Local Trust Committee meeting.                                                                                                                                                   | Carried | 14-Nov-2022 |
| <b>2021-011 (Standing)</b><br><br><b>Advisory Planning Commission - Re-appointments and Expression of Interest Advertisement</b><br><br>that the Mayne Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be re-appointed and also advertise for expressions of interest for new commissioners | Carried | 25-Jan-2021 |



## Standing Resolutions Log

### Mayne Island

| Resolution Number   | Action  | Date        |
|---------------------|---------|-------------|
| 2020-022 (Standing) | Carried | 24-Feb-2020 |

that the Mayne Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:

Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:

- a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;
- b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;
- d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;
- e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.

## Standing Resolutions Log

### Mayne Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Action         | Date               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|
| <b>2018-049 (Standing)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Carried</b> | <b>24-Sep-2018</b> |
| <b>Cannabis Retail Referrals</b> <ul style="list-style-type: none"> <li>- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.</li> <li>- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.</li> <li>- The public consultation process shall be determined by the local trust committee after initial review of the proposal.</li> <li>- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> <li>o Name of the applicant and a description of the proposal in general terms</li> <li>o The location of the proposed establishment and the subject site</li> <li>o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.</li> <li>o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application</li> <li>o How public comments may be submitted to the local trust committee</li> </ul> </li> </ul> |                |                    |

## Standing Resolutions Log

### Mayne Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Action  | Date        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2017-028 (Standing)</b><br><br><b>13.3 Short Term Vacation Rentals (STVR) Enforcement Policy - Staff Report</b><br><p>That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR):</p> <p>a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement:</p> <ul style="list-style-type: none"> <li>i) they are advertised on the internet, newspapers or other media;</li> <li>ii) they are not managed by an owner of the USTVR property who lives on Mayne Island;</li> <li>iii) more than one dwelling on the lot is simultaneously made available for USTVR;</li> <li>iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers;</li> <li>v) there are issues related to health and safety on the property;</li> <li>vi) there is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the USTVR;</li> <li>vii) the owner of the property uses more than one property on Mayne Island as a USTVR.</li> </ul> <p>b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.</p> | Carried | 26-Jun-2017 |
| <b>2017-027 (Standing)</b><br><br><b>13.2 Bylaw Enforcement Policy, Unlawful Dwelling - Staff Report</b><br><p>That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists:</p> <ul style="list-style-type: none"> <li>1.1. There is a complaint from an immediate neighbor; or,</li> <li>1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.</li> </ul> <p>2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Carried | 26-Jun-2017 |

## Standing Resolutions Log

### Mayne Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Action  | Date        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2016-055 (Standing)</b><br><br><b>12.4 Adopted Policies and Standing Resolutions (attached)</b><br><br>that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Carried | 27-Jun-2016 |
| <b>2012-000 (Standing)</b><br><br><b>Special Occasion Liquor License Referrals</b><br><br>That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration. | Carried | 01-Feb-2012 |
| <b>2011-044 (Standing)</b><br><br><b>Options for adopting In Camera Minutes</b><br><br>that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public.                                                                                                                                                                                                                                                                                                                                                                                                                                                | Carried | 02-May-2011 |



## REQUEST FOR DECISION

**To:** Mayne Island Local Trust Committee      **For the Meeting of:** July 31, 2023  
**From:** Jas Chonk, Legislative Clerk      **Date Prepared:** July 18, 2023  
**SUBJECT:** Freedom of Information and Protection of Privacy Bylaw

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### RECOMMENDATION:

1. That Mayne Island Local Trust Committee Bylaw No. 192, cited as “Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 192, 2023”, be adopted.

**DIRECTOR OF LEGISLATIVE SERVICES COMMENTS:** The proposed Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

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### 1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

### 2 BACKGROUND:

On June 14, 2023, the Executive Committee passed the resolution as recommended:

**THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 192, cited as "Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 192, 2023" in accordance with Section 27 of the Islands Trust Act.**

This allows the Local Trust Committee to adopt the new Freedom of information and Protection of Privacy Bylaw that was given first, second and third readings at the May 29, 2023 Mayne Island Local Trust Committee meeting.

### 3 IMPLICATIONS OF RECOMMENDATION

#### ORGANIZATIONAL:

Minimal staff time to update material on the website.

#### FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

**POLICY: N/A**

**IMPLEMENTATION/COMMUNICATIONS:**

Staff would update the Islands Trust website with the new bylaws.

**FIRST NATIONS:**

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

**OTHER:**

There are no other implications of the recommendation.

**4 RELEVANT POLICY(S): N/A**

**5 ATTACHMENT(S):**

**1. Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 192, 2023**

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**Alternative:**

1. That this report be referred back to staff for additional information.

|               |                                                |               |
|---------------|------------------------------------------------|---------------|
| Submitted By: | Jas Chonk, Legislative Clerk                   | July 18, 2023 |
| Concurrence:  | David Marlor, Director of Legislative Services | July 20, 2023 |

# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY BYLAW NO. 192

---

A Bylaw to designate the head of the Mayne Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

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### GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the Mayne Island Local Trust Committee the authority to designate a person as the head of the Mayne Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the Mayne Island Local Trust Committee the authority to set any fees the Mayne Island Local Trust Committee requires to be paid under section 75 of the Act,

THE MAYNE ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

### Citation

- 1. This bylaw may be cited as "Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 192, 2023".

### Definitions and Interpretation

- 2. In this Bylaw:

|                        |                                                                                                                                                                                                                                                                                           |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "Act"                  | means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.                                                                                                                                                                               |
| "Commercial Applicant" | means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.                                                                                                                     |
| "Head"                 | means the person designated under Section 3 of this Bylaw as the head of the of the Mayne Island Local Trust Committee for the purposes of the Act.                                                                                                                                       |
| "Request"              | means a request for information under Section 5 of the Act.                                                                                                                                                                                                                               |
| "Records"              | includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records. |

### **Designation of Head**

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the Mayne Island Local Trust Committee for the purposes of the Act.
4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

### **Policies and Procedures**

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

### **Fees**

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

### **Interpretation**

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

### **Repeal**

8. "Mayne Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 87, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME THIS 29<sup>TH</sup> DAY OF MAY , 2023.

READ A SECOND TIME THIS 29<sup>TH</sup> DAY OF MAY , 2023.

READ A THIRD TIME THIS 29<sup>TH</sup> DAY OF MAY , 2023.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
24<sup>TH</sup> DAY OF JUNE , 2023.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ , 20\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY



**Mayne Island Local Trust Committee**  
**Freedom of Information and Protection of Privacy**  
**Bylaw No. 192 - Schedule 'A'**

**Schedule of Maximum Fees**

| Item | Description of Services                                     |                                                                                         | Fees                                                                                                                                                                        |
|------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | (a)                                                         | Application Fee                                                                         | \$10.00 (non-refundable)                                                                                                                                                    |
|      | (b)                                                         | An applicant's request for his/her own personal information is not subject to any fees. |                                                                                                                                                                             |
| 2    | For applicants other than commercial applicants:            |                                                                                         |                                                                                                                                                                             |
|      | (a)                                                         | for locating and retrieving a record                                                    | \$7.50 per ¼ hour after the first 3 hours                                                                                                                                   |
|      | (b)                                                         | for producing a record manually                                                         | \$7.50 per ¼ hour                                                                                                                                                           |
|      | (c)                                                         | for producing a record from a machine readable record from a server or computer         | \$7.50 per ¼ hour for developing a computer program to produce the record                                                                                                   |
|      | (d)                                                         | for preparing a record for disclosure and handling a record                             | \$7.50 per ¼ hour                                                                                                                                                           |
|      | (e)                                                         | for shipping copies                                                                     | actual costs of shipping method chosen by applicant                                                                                                                         |
|      | (f)                                                         | for copying records                                                                     |                                                                                                                                                                             |
|      | (i)                                                         | floppy disks                                                                            | \$2 per disk                                                                                                                                                                |
|      | (ii)                                                        | CDs and DVDs, recordable or rewritable                                                  | \$4 per disk                                                                                                                                                                |
|      | (iii)                                                       | computer tapes                                                                          | \$40 per tape, up to 2 400 feet                                                                                                                                             |
|      | (iv)                                                        | microfiche                                                                              | \$3 per fiche                                                                                                                                                               |
|      | (v)                                                         | microfilm duplication                                                                   | \$25 per roll for 16mm microfilm<br>\$40 per roll for 35mm microfilm                                                                                                        |
|      | (vi)                                                        | microfiche or microfilm to paper duplication                                            | \$0.50 per page (8.5" x 11")                                                                                                                                                |
|      | (vii)                                                       | photographs, colour or black and white                                                  | \$5 to produce a negative<br>\$12 each for 16" x 20" photograph<br>\$9 each for 11" x 14" photograph<br>\$4 each for 8" x 10" photograph<br>\$3 each for 5" x 7" photograph |
|      | (viii)                                                      | photographic print of textual, graphic or cartographic record, black and white          | \$12.50 each (8" x 10")                                                                                                                                                     |
|      | (ix)                                                        | dot matrix, ink jet, laser print or photocopy, black and white                          | \$0.25 per page<br>(8.5" x 11", 8.5" x 14" or 11" x 17")                                                                                                                    |
|      | (x)                                                         | dot matrix, ink jet, laser print or photocopy, colour                                   | \$1.65 per page<br>(8.5" x 11", 8.5" x 14" or 11" x 17")                                                                                                                    |
|      | (xi)                                                        | scanned electronic copy of a paper record                                               | \$0.10 per page                                                                                                                                                             |
|      | (xii)                                                       | photomechanical reproduction of 105 mm cartographic record/plan                         | \$3 each                                                                                                                                                                    |
|      | (xiii)                                                      | slide duplication                                                                       | \$0.95 each                                                                                                                                                                 |
|      | (xiv)                                                       | audio cassette tape (90 minutes or fewer) duplication                                   | \$5 per cassette plus \$7 per ¼ hour of recording                                                                                                                           |
|      | (xv)                                                        | video cassette recorder (VHS) tape (120 minutes or fewer) duplication                   | \$5 per cassette plus \$7 per ¼ hour of recording                                                                                                                           |
| 3    | For commercial applicants for each service listed in Item 2 |                                                                                         | the actual cost to the public body of providing that service                                                                                                                |