



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: October 24, 2022
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

			Pages
1.	CALL TO ORDER	1:00 PM - 1:00 PM	
2.	APPROVAL OF AGENDA	1:00 PM - 1:05 PM	
3.	TOWN HALL AND QUESTIONS	1:05 PM - 1:20 PM	
4.	COMMUNITY INFORMATION MEETING	1:20 PM - 2:20 PM	
4.1.	MA-RZ-2020.1 (Mayne Island Housing Society)		
5.	PUBLIC HEARING		
	None		
6.	MINUTES	2:20 PM - 2:30 PM	
6.1.	Local Trust Committee Minutes Dated September 26, 2022 (for Adoption)		3 - 11
6.2.	Section 26 Resolutions-without-meeting Report Dated Oct 2022		12 - 12
6.3.	Advisory Planning Commission Minutes - None		
7.	BUSINESS ARISING FROM THE MINUTES		
7.1.	Follow-up Action List Dated Oct 2022		13 - 14
8.	DELEGATIONS		
9.	CORRESPONDENCE	2:30 PM - 2:40 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
9.1.	Islands Trust Conservancy Response re Fallow Deer Issue		15 - 15
10.	APPLICATIONS AND REFERRALS	2:40 PM - 3:20 PM	

10.1.	MOTI Referral - Staff Report (attached)	16 - 16
10.2.	MA-RZ-2020.1 (Mayne Island Housing Society) – Staff Report (attached)	17 - 33
11.	LOCAL TRUST COMMITTEE PROJECTS	3:20 PM - 3:40 PM
11.1.	Mayne Island Local Trust Committee Fees Bylaw No. 185 (for consideration)	34 - 42
12.	REPORTS	3:40 PM - 3:50 PM
12.1.	Work Program Reports (attached)	
12.1.1.	<u>Top Priorities Report Dated Oct 2022</u>	43 - 45
12.1.2.	<u>Projects List Report Dated Oct 2022</u>	46 - 47
12.2.	Applications Report Dated Oct 2022 (attached)	48 - 49
12.3.	Trustee and Local Expense Report Dated Aug 2022	50 - 50
12.4.	Adopted Policies and Standing Resolutions (attached)	51 - 54
12.5.	Local Trust Committee Webpage	
12.6.	Chair's Report	
12.7.	Trustee Report	
12.8.	Islands Trust Conservancy Report Dated July 2022	55 - 56
13.	NEW BUSINESS	
14.	UPCOMING MEETINGS	
14.1.	Next Regular Meeting - to be determined	
15.	TOWN HALL	3:50 PM - 4:05 PM
16.	CLOSED MEETING	
	None	
17.	ADJOURNMENT	4:05 PM - 4:05 PM



Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: September 26, 2022
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

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

Staff Present: Narissa Chadwick, Island Planner
Pat Todd, Recorder

There were approximately sixteen (16) members of the public in attendance.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:04pm. Chair Rogers acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations and noted Friday is Truth and Reconciliation Day.

2. APPROVAL OF AGENDA

Add: 13.2 Uses on the foreshore?

13.3 Meeting with Bylaw Officers for Capital Regional District (CRD) and Islands Trust (IT)

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Peter Robinson, Hedgerow Farm, spoke to the difficulty of getting workers due to lack of affordable housing. While working with BC Housing in the 90's he was involved with the construction of a number of units throughout the province. Concerns of neighbours were addressed and after housing was in place for a few years concerns disappeared and the investment into the community was evident.

Tim Mackie, Maple Drive, questioned the Housing Agreement currently before the Local Trust Committee (LTC) and the actual affordability based on rental scale - income. He raised a number of concerns regarding development: clearing of trees; flooding and expense of project to meet housing needs.

Nikko Preston, Village Bay Road, stated concerns with the site, not the project. Issues include flooding, water demand, surface water flow and removal of forest cover. Suggestion to distribute housing footprint. Also questioned the required income of future tenants.

Glen McLeod, Maple Drive, questioned impact on property values for those next to development as well as water impact on neighbours, both surface and ground water. Mt. Parke has significant run-off – impact demonstrated on a video from storm 2021. (which was forwarded to LTC). As the area is served by wells, concerns for quality and quantity of water with increased demand.

Chair Rogers noted video footage would have been more helpful if available earlier.

Lise McLeod asked what Trustees would suggest to ensure compensation/mitigation if wells/property is damaged by impact of project.

Trustee Maude cited this would be outside of LTC scope.

Trustee Dodds noted that there are multiple reports from experts. The LTC takes direction from the Planner who considers all documents/reports. There are a number of further agencies that monitor and manage the project: Ministry of Health, Ministry of Transportation and Infrastructure (MoTI), Housing Society, various Provincial authorities.

Regarding question of income - \$60,000 to \$70,000 is the cap.

Tim Mackie addressed the Covenant and noted the Wet Land Plan for restoration has been downgraded and doesn't include Lot 1. Further questioned rental formula and wording of Agreement.

Planner Chadwick clarified that the rental rates as identified in the housing agreement are flexible. The average of the combination of rates is to be 30% of the average of incomes in each income category. As a result there may be rates that are higher and ones that are lower dependent on the income of the household. Chair Rogers stated questions would be very appropriate for Community Information Meeting (CIM) and Public Hearing (PH). Change to a bylaw requires a PH and the Housing Agreement and Covenant are likely to be part of PH so community has complete package.

Glen McLeod spoke to the changing housing market – peaks and valleys. An increase in supply will drive rents down. Supportive of flex housing which will add to market.

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Public Hearing Record Dated June 27, 2022

Received for information.

6.2 Local Trust Committee Minutes Dated July 25, 2022

The following amendments to the minutes were presented for consideration:

Page 6 – Chair’s Report – third line: change Aug. 29, 2022 to Sept. 20, 2022

By general consent the minutes were adopted as amended.

6.3 Local Trust Committee Public Hearing Record Dated July 25, 2022

Received for information.

6.4 Section 26 Resolutions-without-meeting Report - None

6.5 Advisory Planning Commission Minutes Dated September 6, 2022

The following amendments to the minutes were presented for consideration:

Page 2 – last paragraph: change Jodie to joey

Page 3 – first bullet: change John to Sean

Received for information

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated Sept 2022

Planner Chadwick informed the LTC that the Flex Housing Bylaw is still with Ministry.

8. DELEGATIONS - None

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1 North Pender Island Local Trust Committee Referral for Proposed Bylaw 223

MA-2022-083

It was Moved and Seconded,

that the Mayne Island Local Trust Committee interests are not affected by North Pender Island Local Trust Committee Proposed Bylaw 223.

CARRIED

10.2 North Pender Island Local Trust Committee Referral for Proposed Bylaw 224

MA-2022-084

It Was Moved and Seconded,

that the Mayne Island Local Trust Committee interests are not affected by North Pender Island Local Trust Committee Proposed Bylaw 224.

CARRIED

10.3 North Pender Island Local Trust Committee Referral for Proposed Bylaw 229

MA-2022-085

It Was Moved and Seconded,

that the Mayne Island Local Trust Committee interests are not affected by North Pender Island Local Trust Committee Proposed Bylaw 229.

CARRIED

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

Planner Chadwick reviewed the staff Report. Housing Agreement has been updated. The Advisory Planning Commission (APC) has recommended that donation of land is sufficient to meet Amenity requirements.

Discussion:

- Holding CIM and PH prior to election;
- Chair Rogers informed LTC that swearing in of elected Trustees will occur mid-November;
- Question of driveway to Lot 2 coming off Lot 1 – not noted in Covenant: this will be addressed as an Easement on Title;
- Housing Agreement – rental fees to reflect island incomes;
- CHMC and BC Housing rules and formulas ensure affordability;
- Covenant: if not built could lot become a Conservation parcel;
- Conservancy may not be interested;
- Zoning and Covenants protect lot;
- Financial structure: rents will be as low as possible to meet program requirements; and
- Number of issues to work on beyond Islands Trust (IT) scope.

MA-2022-086

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request Planner to speak with Ministry of Transportation and Infrastructure regarding surface water concerns off Mount Parke onto proposed Mayne Island Housing Society site and report prior to October 24, 2022.

CARRIED

- Recommendations for water management more stringent than in Housing Agreement;
- Society committed to remediation on Lot 2 and 3; and
- Water run-off is a significant issue for neighbours.

Nikko Preston informed LT that driveway for Lot 1 crosses his property without an Easement so questions access to Lot 2.

Planner Chadwick stated this would be addressed during the Subdivision process.

Chair Rogers questioned having Third Reading of housing Agreement prior to PH.

Dan Brown, on behalf of Mayne Island Housing Society (MIHS) stated:

- Appreciation to Advisory Planning Committee (APC) and Planner's efforts;
- In agreement with recommendations proposed within Staff Report;
- Reports/work done by experienced experts;
- Plan to develop with least possible impact; improve water situation;
- Extensive support of community and government; and
- Housing Agreement designed to meet requirements of project and funding agencies who are all committed to provision of affordable housing.

Chair Rogers recommended that Housing Agreement and Covenant be as complete as possible prior to PH.

MA-2022-087

It was Moved and Seconded,

that the Mayne Islands Local Trust Committee accept the draft Housing Agreement associated with MARZ-2020.1 (MIHS) and designate the Chair of the Local Trust Committee to sign the Housing Agreement after adoption of Bylaw No. 182, 2022.

CARRIED

MA-2022-088

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 182 cited as "Mayne Island Housing Agreement Bylaw No. 182, 2022" be read for the first time.

CARRIED

MA-2022-089

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 182 cited as "Mayne Island Housing Agreement Bylaw No. 182, 2022" be read for the second time.

CARRIED

MA-2022-090

It was Moved and Seconded,

that the Mayne Island Local Trust Committee considers that combined with best efforts to construct, pursuant to Section 18 of the draft s.219 Covenant, the donation of the proposed Lot 3 represents an amenity under Official Community Plan policy 2.10.2.

CARRIED

MA-2022-091

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to investigate and update s.219 Covenant regarding easement for Lot 2.

CARRIED

MA-2022-092

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to schedule a Community Information Meeting for MA-RZ-2020.1 to be scheduled for October 24, 2022.

CARRIED

MA-2022-093

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to schedule a Public Hearing for MA-RZ-2020.1 to be scheduled for October 31, 2022.

CARRIED

_____ Break 3:07 to 3:20 _____

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Mayne Island Local Trust Committee Fees Bylaw No. 185

This Fees schedule represents a significant increase for the average person.

MA-2022-094

It was Moved and Seconded,

that the Mayne Island Local Trust Committee defer Fees Bylaw No. 185 to October 24, 2022 agenda.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated Sept 2022 – received for information

12.1.2 Projects List Report Dated Sept 2022 – received for information

12.2 Applications Report Dated Sept 2022 – received for information

12.3 Trustee and Local Expense Report Dated July 2022 – received for information

12.4 Adopted Policies and Standing Resolutions – received for information

12.5 Local Trust Committee Webpage – will be updated at conclusion of meeting

12.6 Chair's Report

Chair Rogers spoke to the Virtual Trust Council meeting held last week. Work continues with Governance Report and a Governance Committee has been formed. There was a presentation by the province regarding the development of a Coastal Marine Strategy. IT Policy Statement Review has been sent to staff to redraft: to simplify language, clarify and bring First Nations more into decision process. Elections to be held on 10 out of 12 islands on October 15, 2022.

12.7 Trustee Report

Trustee Dodds reported that questions from community have increased. Issues include responsibilities and rights on foreshore, concerns regarding Wood Dale Drive, substandard housing. Added that more population brings more development which increases frustrations. Water Districts maintained during the summer. Suggested a community information session to detail “How things function.”

Trustee Maude spoke to a recent gathering with First Nations which was followed by a get together with Japanese families. Historical perspectives were fascinating and touching. Fall Fair was an overwhelming success and renovations to Thrift Store are coming together.

12.8 Islands Trust Conservancy Report - None

12.8.1 Islands Trust Conservancy Plan

LTC complimented the document. Accomplishments over the years are most impressive. IT Conservancy a steward of the “preserve and protect” aspect of IT.

MA-2022-095

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request Planner send a letter commending and congratulating the Islands Trust Conservancy on their 3 year plan to be signed by Chair Rogers.

CARRIED

13. NEW BUSINESS

13.1 Water Storage Tank Siting Safety

There have been concerns raised regarding safety/inspection of storage tanks.

Understanding is that tanks for over 300 gallons require a building permit.

Planner Chadwick will investigate and report back to LTC.

13.2 Uses on Foreshore

Discussion as to how best to explain what's allowed/not allowed on foreshore – what are the rights and responsibilities: could prepare an information package to mail out to residents.

MA-2022-096

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to add Foreshore Development Education to the Projects List.

CARRIED

13.3 Meeting with CRD and IT Bylaw Officers

Discussion regarding a community meeting to bring together Bylaw Officers from CRD and IT to discuss responsibilities – where there is overlap.

Item will be added to Follow-up Action Report.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for October 24, 2022 at the Agricultural Hall, Mayne Island

15. TOWN HALL

Deb Foote spoke to alternate times for meetings with community: evenings, weekends.

This is difficult due to staff travel and time. Meetings can be taped and accessed through IT web site.

Nikko Preston questioned MoTI and water issues: management of run-off, storm water. Is there a plan?

MoTI would identify actions required during subdivision process and CRD would also address through Building Permit process.

Tim Mackie stated that ditches on Lot 1 moved water to Lot 2 and Lot 3 which in turn directed it onto Maple Drive. Questioned liability to current owner and whether development may exacerbate the affect.

Chair Rogers reviewed the process. Prior to 2nd and 3rd readings of Bylaw(s) there is a CIM and a PH after which LTC votes on Bylaw(s). There are a number of layers of approvals required for

the project. Questions can be raised at the CIM and it is expected that a number of the authors of reports would be available.

16. CLOSED MEETING - None

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:06 pm.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder



Resolutions Without Meetings Log

Mayne Island

Resolution Number	Action	Date
2022-004	Carried	12-Oct-2022
That the Mayne Island Local Trust Committee request staff to reschedule the October 31, 2022 special meeting and Public Hearing for MA-RZ-2020.1 (Mayne Island Housing Society) to November 14, 2022.		

Follow Up Action Report

Mayne Island

27-Jun-2022

Activity	Responsibility	Dates	Status
1 12.2 Staff to check in with Province re: approval process for docks.	Narrisa Chadwick	Target: 15-Jul-2022	Completed

26-Sep-2022

Activity	Responsibility	Dates	Status
1 10.1 Interests unaffected	Jas Chonk	Target: 29-Sep-2022	Completed
2 10.2 Interests unaffected	Jas Chonk	Target: 29-Sep-2022	Completed
3 10.3 Interests unaffected	Jas Chonk	Target: 29-Sep-2022	Completed
4 10.4 Include language in covenant to refer to the easement on Lot 1 for driveway access to lot 2; Identify option for Housing Agreement to link to census data directly connected to Gulf Islands income data: Dialogue with MOTI regarding surface water runoff problem (existing) and how this will be considered in subdivision process; Housing Agreement endorsed as amended; Section 18 to stay in covenant	Narrisa Chadwick	Target: 05-Oct-2022	Completed

Follow Up Action Report

Mayne Island

26-Sep-2022

Activity	Responsibility	Dates	Status
5 10.4 MA-RZ-2020.1 (MIHS) Schedule CIM for October 24th; Schedule PH for October 31st	Jas Chonk Narrisa Chadwick Robin Ellchuk	Target: 07-Oct-2022	Completed
6 11.1 Fees Bylaw - Defer to October 24th meeting	Jas Chonk Narrisa Chadwick Robert Kojima	Target: 17-Oct-2022	Completed
7 12.8 ITC Report - Planner to draft congratulations letter for Chair to sign	Narrisa Chadwick	Target: 14-Oct-2022	Completed
8 13.1 Water Storage Tanks - Planner to look into rules and regulations regarding the storage of water storage tanks	Narrisa Chadwick	Target: 07-Oct-2022	In Progress
9 13.2 Foreshore concerns - Planner to add foreshore development education to projects list	Narrisa Chadwick	Target: 07-Oct-2022	Completed
10 13.3 Wooddale - Planner to set up in person meeting with CRD Bylaw and IT Bylaw for Wooddale community.	Narrisa Chadwick	Target: 21-Oct-2022	In Progress
11 10.4 Send Covenant for legal review with clause related to Driveway. Schedule Special meeting via zoom for LTC to review and endorse.	Narrisa Chadwick Robin Ellchuk	Target: 12-Oct-2022	Completed

October 3, 2022

Mayne Island Local Trust Committee

Via Email: Dan Rogers, Chair, drogers@islandstrust.bc.ca; MayneIslandLocalTrustCommittee@islandstrust.bc.ca

Dear Chair Rogers and Mayne Island trustees,

Re: Fallow Deer Issue – Request form Mayne Island LTC

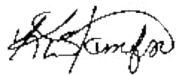
Thank you for your letter, dated June 9, 2022, which was received by the Islands Trust Conservancy (ITC) Board at its July 13, 2022 meeting. ITC has long been aware of the threat posed by Fallow Deer to the ecology of Mayne Island and is supportive of the Mayne Island LTC's and the Executive Committee's efforts to advocate for Fallow Deer management.

As you know, management of invasive animal species is a complex issue that requires the support of many organizations and individuals. ITC believes that the most important collaborators for managing Fallow Deer on Mayne Island remain the Mayne Island community, the Provincial Government (particularly the Ministry of Agriculture and Food and the Ministry of Land, Water and Resource Stewardship) and First Nations. ITC is well poised to work alongside these collaborators as a resource agency with knowledge of the island's ecosystems.

We understand that the Executive Committee has written to the Minister of Agriculture and Food requesting provincial action to control invasive Fallow Deer and are hopeful that the Minister will respond. We would also like to share with you that, on July 6, 2022, the ITC Manager participated in a meeting co-ordinated by the Mayne Island Fallow Deer Committee. The discussion included staff from the Ministry of Agriculture and Food, the Ministry of Land, Water and Resource Stewardship and Parks Canada, as well as political representatives from the office of Adam Olson, MLA, and the alternate for the CRD Director. The ITC Manager is able to continue participation in further meetings with Mayne Island representatives and Provincial staff as a resource if required.

We look forward to continuing to work alongside you to move towards a solution to the Fallow Deer issue on Mayne Island.

Yours truly,



Kate-Louise Stamford
Chair

Ec Executive Committee
Mayne Island Conservancy Society, info@mayneconservancy.ca



DATE OF MEETING: October 24, 2022

TO: Mayne Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: MOTI Referral: Road closure adjacent to 493 Felix Jack Road

PURPOSE

To provide the Local Trust Committee with a referral of the Mayne Island Community Centre Society's application to the Ministry of Transportation and Infrastructure (MOTI) to close an undeveloped road right-of-way and amalgamate it with their property located at 493 Felix Jack Road.

BACKGROUND

Islands Trust staff have received a referral from MOTI regarding an application submitted to them by the Mayne Island Community Centre Society to amalgamate the roadway adjacent to their property with their property. The roadway is a well used pedestrian path and not used for vehicle traffic.

MOTI sent referrals to First Nations and neighbours and have noted no concerns. MOTI has been in discussions with the Mayne Island Parks and Recreation Commission about their interest in the establishment of a statutory right-of-way to ensure the retention of trail access as a condition of the proposed amalgamation.



This amalgamation will create a split zone which can later be addressed through technical amendments.

NEXT STEPS

Staff will send MOTI staff any comments the LTC may have with this proposal. LTC comments should be made by resolution.

Submitted By:	Narissa Chadwick, Island Planner	October 11, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	October 12, 2022



DATE OF MEETING: October 24, 2022
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: MA-RZ-2020.1 (MIHS)

RECOMMENDATION

1. That the Mayne Islands Local Trust Committee endorse the draft Section 219 Covenant associated with MA-RZ-2020.1 (MIHS).
2. That the Mayne Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 181, cited as 'Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021' and Bylaw No. 183, cited as 'Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021' are not contrary to or at variance with the Islands Trust Policy Statement.

REPORT SUMMARY

The purpose of this staff report is to:

- Provide the LTC with the draft Section 219 covenant for review and endorsement;
- Provide an update to the LTC on questions raised at the September LTC meeting which include: Ministry of Transportation's role re: surface water, and the use of Statistics Canada data for income levels in the Housing Agreement.

BACKGROUND

At the September 26, 2022 regular meeting the LTC:

- Gave first and second reading to the Housing Agreement;
- Passed a resolution identifying that *"the Mayne Island Local Trust Committee considers that combined with the best efforts to construct, pursuant to Section 18 from the draft s.219 Covenant, the donation of the proposed Lot 3 represents an amenity under Official Community Plan policy 2.10.2"*;
- Requested the covenant restrict access to Lot 2 to an easement from Lot 1;
- Requested staff schedule CIM and PH for specified dates; and
- Requested clarification on MOTI role re: surface water.

ANALYSIS AND DECISION POINTS

Housing Agreement

The LTC had requested clarity regarding the use of Statistics Canada data for income levels in the Housing Agreement. Staff confirm that this is the most reliable source of data. As indicated in the definitions section of the housing agreement, median income levels are to correspond to the census profile. As defined in the HA the census profile means “the most recently available census profile published by Statistics Canada for the Southern Gulf Islands, regional district electoral area census subdivision or, in the event that Southern Gulf Islands, regional district electoral area census subdivision is amended, eliminated or replaced, a successor census subdivision which includes Mayne Island”. While the census is based on an area greater than Mayne specifically and will miss people who do not have a fixed address it is the most reliable and consistent source of income data available.

Section 219 Covenant

After receiving feedback from the APC the LTC resolved that “combined with the best efforts to construct, pursuant to Section 18 from the draft s.219 Covenant, the donation of the proposed Lot 3 represents an amenity under Official Community Plan policy 2.10.2”. Section 18 (see Covenant in Attachment 1) is as follows

18. *The Owner of Lot 2 shall not start the construction of any building or structure on Lot 2 until the Owner of Lot 3 has completed the construction of, and received any occupancy permit required by the Capital Regional District for, at least 5 units of affordable housing, on Lot 3. This restriction shall expire five (5) years after the date when the Land is subdivided in accordance with the Subdivision Plan.*

The LTC also requested a section be added to restrict access to the proposed Lot 2 to an easement from the existing driveway on Lot 3. The following Section 20 has been added to the Covenant to address this.

20. *No part of Lot 2 shall be developed or used for direct vehicle access to any adjacent road. Vehicle access for Lot 2 may only be provided by way of the same driveway that provides vehicle access for Lot 1. For certainty, it is the sole responsibility of the Lot 2 Owner to negotiate any agreement that may be required with the Owner of Lot 1 and the Owner of Lot 2 acknowledges the Local Trust Committee has no duty to secure the required access or assist in securing access.*

The attached Section 219 Covenant has been reviewed by Islands Trust lawyer as well as the Mayne Island Housing Society. Once the Covenant has been endorsed there is still opportunity to make further changes. The next step will be for the LTC to pass a resolution to have the Chair of the LTC sign the Covenant. The Covenant will be registered on title prior to the adoption of bylaws.

Scheduling of Community Information Meeting and Public Hearing

At the September 26, 2022 LTC meeting direction was given to staff for the Community Information Meeting to be scheduled for October 24th, 2022 and the Public Hearing to be scheduled for October 31st 2022. In light of the Local Government elections being held on October 15, 2022 LTCs have been strongly discouraged from scheduling LTC meeting prior to the new Trustees being sworn in and the new chairs appointed. For this reason, a resolution without meeting was circulated to support the rescheduling of the October 31st, 2022 PH to a later date. Given that a future date would need to be determined once the new Trustees have been sworn in and the new chair appointed this would have pushed the PH into January. The LTC later resolved to reschedule the Public Hearing to November 14th, 2022 with the existing LTC. Resolution-Without-Meeting October 12th, 2022:

That the Mayne Island Local Trust Committee request staff to reschedule the October 31, 2022 special meeting and Public Hearing for MA-RZ-2020.1 (Mayne Island Housing Society) to November 14th, 2022.

Clarification RE: Surface Water and MOTI Responsibility

Islands Trust staff have been in contact with MOTI staff. Islands Trust staff will be recommending a drainage report as part of the subdivision referral.

ALTERNATIVES

1. The LTC could make changes to the covenant before endorsing it.

In this case, the LTC will need to be very specific about what their proposed changes are. If the changes are minor in nature the LTC could move to endorse as amended. If there are more major, staff may recommend further legal review.

“That the Mayne Island Local Trust Committee endorse the draft Section 219 Covenant associated with MA-RZ-2020.1 (MIHS) as amended”. or,

“That the Mayne Island Local Trust Committee request the Section 219 Covenant be amended (as follows) and be sent for legal review and reviewed by the LTC prior to the Public Hearing.

2. The LTC could request staff come back with suggested changes to the covenant to address a specific issue.

In this case the specific issue would need to be clearly defined.

That the Mayne Island Local Trust Committee request staff return to the LTC a revised draft Section 219 covenant that addresses....

NEXT STEPS

- Community Information Meeting for Bylaws 181 (OCP) and 183 (LUB)
- Public Hearing for Bylaws 181(OCP) and 183 (LUB)
- Consideration of second and third reading for Bylaws 181 and 183.
- Consideration of third reading of Bylaw 182 (Housing Agreement).
- Chair will sign Housing Agreement and Section 219 Covenant .
- Bylaws 181 (OCP) and 183 (LUB) and 182 referred to EC for approval.
- If approved by EC Bylaw 181 will be sent to the Minister of Municipal Affairs for approval.
- The S. 219 Covenant will be registered at the Land Title Office prior to the adoption of bylaws.
- If approved by the Minister, Bylaws 181, 182 and 183 will return to the LTC for consideration of adoption.
- Once bylaws are adopted notice of the housing agreement will be registered on title.

Submitted By:	Narissa Chadwick, Island Planner	October 11, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	October 12, 2022

ATTACHMENTS

1. Section 219 Covenant
2. Islands Trust Policy Statement Directives Only Checklist

PART 2 - TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference _____ is between:

SEAN MCHUGH, of 375 Village Bay Road, Mayne Island, V0N 2J2

(the “**Owner**”)

AND:

MAYNE ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Island Trust Act*, R.S.B.C. 1996, c. 239, having an office at Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(the “**Local Trust Committee**”)

GIVEN THAT:

- A. The Owner is the registered owner of land on Mayne Island, British Columbia, more particularly described as:

PID: 002-552-256

Lot B Plan VIP 27091 Section 7, Land District 16, Portion Mayne Island

(the “**Land**”);

- B. The Owner proposes to subdivide and develop the Land for residential use.
- C. The Owner wishes to grant the Local Trust Committee and the Capital Regional District a covenant under s. 219 of the *Land Title Act* (British Columbia) to regulate the use of the Land.

NOW THEREFORE, in consideration of the payment of \$2.00 by the Local Trust Committee to the Owner (the receipt and sufficiency of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees with the Local Trust Committee in accordance with s. 219 of the *Land Title Act* (British Columbia) as follows:

Definitions

1. In this Agreement:
 - (a) “**Ecological Assessment Report**” means the report prepared by Keith Erickson and dated September 21, 2020, a copy of which is held on file at the offices of the Local Trust Committee;
 - (b) “**Land**” has the meaning ascribed in Recital A and, for clarity, includes the parcels for Lots 2 and 3 into which it is subdivided by any means and any parcel into which the Land is consolidated;
 - (c) “**potable**” means water that is safe to drink and suitable for domestic purposes and,

without limiting the foregoing, meets a standard for potability no less than that specified in both the Mayne Island Land Use Bylaw and the Guidelines for Canadian Drinking Water Quality, as those may be revised from time to time;

- (d) "**Septic Specialist**" means an authorized person as defined in the Sewerage System Regulation, BC Reg 326/2004, as amended or replaced from time to time;
- (e) "**Subdivision Plan**" means the proposed plan for the subdivision of the Land, a copy of which is attached to this Agreement as Schedule "A";
- (f) "**Water Specialist**" means a certified water treatment specialist having professional qualifications acceptable to the Local Trust Committee, acting reasonably;
- (g) "**Wetland Restoration Report**" means the report prepared by Robin Annschild and dated March 8 2021, as amended by the letter by Robin Annschild dated April 16, 2021, copies of which are held on file at the offices of the Local Trust Committee.

Approvals

- 2. Where this Agreement requires the approval of the Local Trust Committee, approval may be given by the Islands Trust's Regional Planning Manager, Southern Team and must, if given, be in writing.

Restriction on Use and Subdivision

- 3. The Owner shall not use or occupy the Land or any area into which the Land may be subdivided for any residential or domestic purpose, unless the Owner is in full compliance with the terms of this Agreement.
- 4. The Land shall not be subdivided except to create lots having boundaries generally in accordance with the Subdivision Plan.
- 5. In this Agreement a reference to a numbered "Lot" is a reference to that Lot or area of the Land as shown on the Subdivision Plan, whether or not the Land has been subdivided.

Lot 3 Water Supply

- 6. No building or structure shall be constructed or developed on Lot 3 until the Owner of Lot 3 has submitted to the Local Trust Committee and received the Local Trust Committee's approval of, a design for a water treatment system (the "**Water Treatment System Design**") for Lot 3, such approval not to be unreasonably withheld.
- 7. The Water Treatment System Design shall be prepared by a Water Specialist and shall include recommendations for ongoing maintenance to ensure the system continues to function as designed and recommendations to ensure domestic water is potable and sufficient for residential uses on Lot 3.
- 8. Lot 3 shall not be used or occupied for residential purposes, nor shall the Owner of Lot 3 request an occupancy permit for any building on Lot 3, until the Owner of Lot 3 has installed a water treatment system in accordance with the Water Treatment System Design and provided to the Local Trust Committee written confirmation from a Water Specialist that the water treatment system is operating as designed, and in particular, is capable of delivering sufficient potable water for residential uses on Lot 3.

9. The Owner of Lot 3 shall maintain a water treatment system in accordance with the Water Treatment System Design and any manufacturer's instructions, as may be amended from time to time, and when the water treatment system reaches the end of its life, the Owner of Lot 3 shall replace the water treatment system in accordance with the recommendations of a Water Specialist.
10. The Owner of Lot 3 shall ensure that any replacement water treatment system is capable of delivering sufficient potable water for residential uses on Lot 3 and shall maintain any replacement water treatment system in accordance with the recommendations of a Water Specialist, at the time of replacement, and any manufacturer's instructions, as may be amended from time to time.
11. The Owner of Lot 3 shall, within 30 days of receiving a written request from the Local Trust Committee, provide written confirmation from a Water Specialist that the water treatment system has been properly maintained and is functioning as designed and intended. The Local Trust Committee may make a written request under this section not more than once every calendar year.

Lot 3 Septic

12. No building or structure shall be constructed on Lot 3 until the Owner of Lot 3 has had a design for a septic system prepared by a Septic Specialist that shall include recommendations for ongoing maintenance to ensure the system continues to function and to ensure the system is sufficient for residential uses on Lot 3 (the "Septic System Design").
13. The Owner of Lot 3 shall maintain a septic system in accordance with the Septic System Design and any manufacturer's instructions, as may be amended from time to time and when the septic system reaches the end of its life, the Owner of Lot 3 shall replace the septic system in accordance with the recommendations of a Septic Specialist.
14. The Owner of Lot 3 shall ensure that any replacement septic system is sufficient for residential uses on Lot 3 and shall maintain any replacement septic system in accordance with the recommendations of a Septic Specialist, at the time of replacement, and any manufacturer's instructions, as may be amended from time to time.
15. The Owner of Lot 3 shall, within 30 days of receiving a written request from the Local Trust Committee, provide written confirmation from a Septic Specialist that the septic system has been properly maintained and is functioning as designed and intended. The Local Trust Committee may make a written request under this section not more than once every calendar year.

Lot 2 – Remediation, Preservation & Construction:

16. No building, land alteration, construction or development is permitted on Lot 2 except in accordance with the recommendations contained in the Ecological Assessment Report and the Wetland Restoration Report as applicable and set out in Schedule B.
17. No building or structure shall be constructed, placed, or located on Lot 2 except within the area of Lot 2 shown as "Building Zone" on the Subdivision Plan.
18. The Owner of Lot 2 shall not start the construction of any building or structure on Lot 2 until the Owner of Lot 3 has completed the construction of, and received any occupancy permit required by the Capital Regional District for, at least 5 units of affordable housing, on Lot 3. This restriction shall

expire five (5) years after the date when the Land is subdivided in accordance with the Subdivision Plan.

19. Lot 2 shall not be used or occupied for residential purposes until the Local Trust Committee has received written confirmation from a suitably qualified professional that the recommendations from the Ecological Assessment Report and the Wetland Restoration Report have been adhered to and implemented where applicable to Lot 2.

Lot 2 – Access

20. No part of Lot 2 shall be developed or used for direct vehicle access to any adjacent road. Vehicle access for Lot 2 may only be provided by way of the same driveway that provides vehicle access for Lot 1. For certainty, it is the sole responsibility of the Lot 2 Owner to negotiate any agreement that may be required with the Owner of Lot 1 and the Owner of Lot 2 acknowledges the Local Trust Committee has no duty to secure the required access or assist in securing access.

Lot 3 – Remediation, Preservation & Construction:

21. No building, land alteration, construction or development is permitted on Lot 3 except in accordance with the recommendations contained in the Ecological Assessment Report and the Wetland Restoration Report as applicable and set out in Schedule B.
22. No building or structure shall be constructed, placed, or located on Lot 3 except in areas of Lot 3 outside of the wetland remediation zone on the Subdivision Plan in Schedule A.
23. Lot 3 may not be used or occupied for residential purposes until the Local Trust Committee has received written confirmation from a suitably qualified professional that the recommendations from the Ecological Assessment Report and the Wetland Restoration Report, as set out in section 20, have been adhered to and implemented where applicable to Lot 3.

No Effect on Laws or Powers

24. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land except as expressly set out herein;
 - (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;
 - (c) affect or limit any enactment relating to the use or subdivision of the Land;
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

25. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the

requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

No Liability in Tort

26. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

27. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a covenant granted under s. 219 of the Land Title Act (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and the parcels for Lots 2 and 3 into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

28. The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

29. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

30. If any part of this Agreement is held to invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

31. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

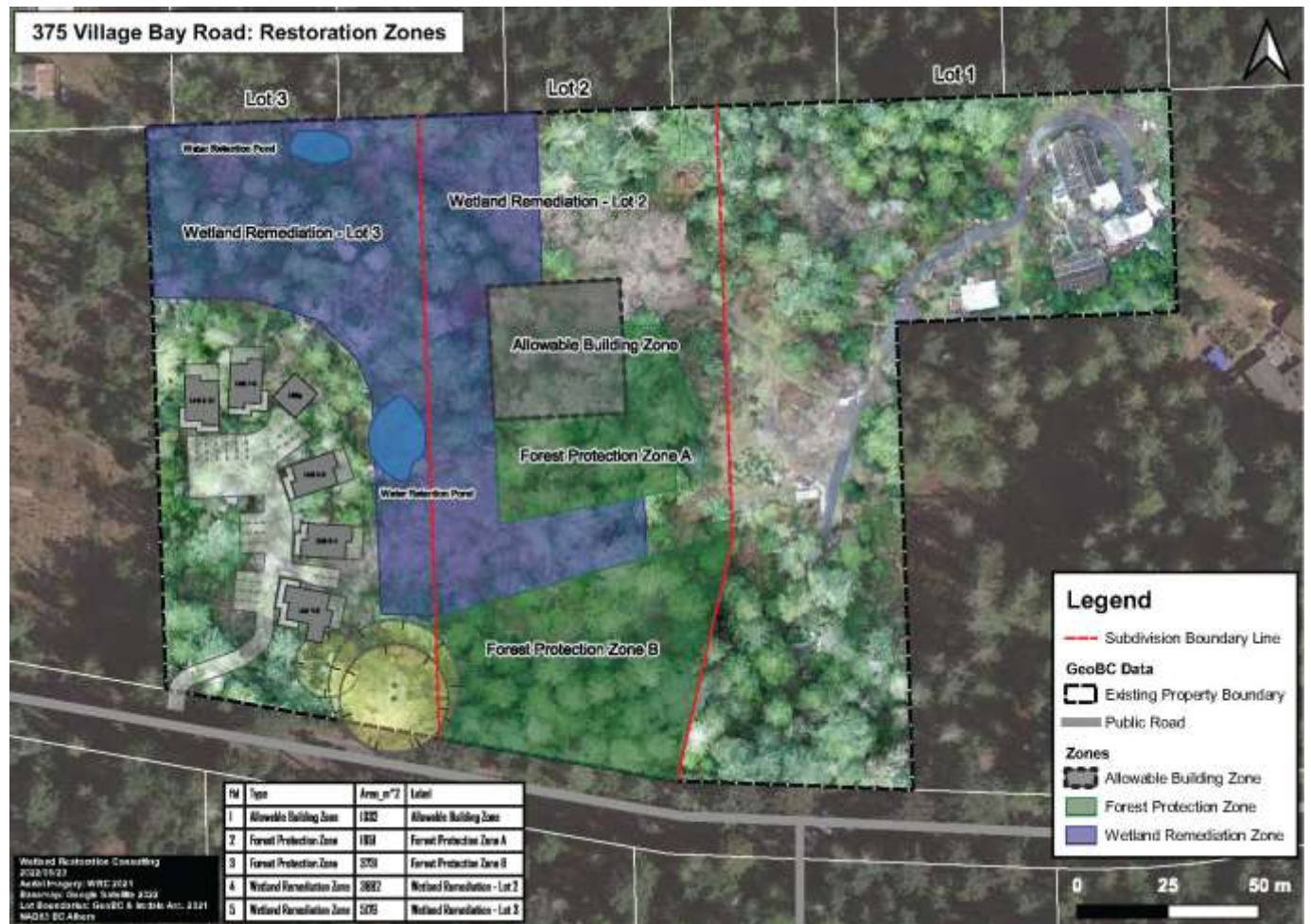
32. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Execution Using Form C

33. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE A SUBDIVISION PLAN

[NTD - this schedule to be finalized prior to execution]





SCHEDULE B
RECOMMENDATIONS FOR THE
REMEDIATION AND PRESERVATION OF LOT 2 AND 3

1. Ecological Assessment Report

- a) Reduce fragmentation of the forest by keeping the development compact and minimizing the footprint of structures and services. For example, bury power and communications lines under access driveway.
- b) Retain, and establish a Tree Protection Zone, around remaining old veteran trees on the property. To give a sense of a standard calculation of the Critical Rooting Zone or Tree Protection Zone, this report has created a Tree Protection Zone based on the trunk diameter method with every 1cm of tree diameter (at breast height) equaling 12cm of Protection Zone radius.
- c) Retain large diameter wildlife trees (dead standing trees).
- d) Recommend consulting with a certified arborist to:
 - (i) to determine the health the veteran trees, assess the impacts from the proposed development and provide recommendations for tree protection and establishing a critical rooting zone.
 - (ii) to determine safety considerations and setback requirements around these trees.
 - (iii) If necessary, top wildlife tree to reduce setback rather than remove completely.
- e) Minimize the encroachment of the development footprint into moist/wet ecosystems.
- f) Minimize disturbance to Douglas-fir / dull Oregon-grape Provincially red-listed ecological community within mapped Ecological Community 1-1. A large portion of this overlaps with recommended Tree Protection / Critical Rooting Zone in 2b).
- g) Focus development in and around areas where soils are already heavily disturbed and compacted as much as possible.
- h) Minimize area of impervious surfaces and area of soil compaction including during the construction phase and post-construction ongoing use.
- i) Recommend consultation with professional hydrologist to determine direct impacts to hydrology from development and to prescribe measures required to mitigate on-site and downslope impacts. Potential measures might include:
- j) Installation of bioswales, creation of rainwater gardens, constructed wetlands or retention ponds to promote infiltration of surface water and any diverted water into the ground.
- k) Installation of rainwater catchment and storage systems to reduce roof runoff and reduce pressure on groundwater resources.

- l) Retain as much forest structure and natural vegetation cover as possible.
- m) Minimize impacts to vegetation during the construction process, and immediately revegetate/restore any areas where temporary damage is necessary for construction purposes.
- n) Retain large diameter coarse woody debris within undeveloped areas of the property to provide critical wildlife habitat.
- o) Restore areas outside of the development footprint where soils have been previously compacted (skid roads, logging landing sites) through 'rough and loose' treatment.
- p) Incorporate 'wildlife zones' into the design where no ongoing use occurs. Restoration and wildlife enhancement measures should be focused in these areas.
- q) Monitor, evaluate and if necessary employ further mitigation measures during all phases of the development and construction process.

2. Wetland Restoration Report

- a) Remove compaction & roads
Old logging roads that are no longer needed may be restored to a forested wetland by removing the compaction through a technique known as rough and loose or "fluffing up" the soil from the road surface. Removing compaction will allow moisture from rain and snowmelt to penetrate the soil, reducing the risk of erosion. Loosening the soil also makes it easier for tree and plant roots to penetrate, increasing the rate and size of vegetation that may grow on the site.
- b) Restore micro-topography
The smooth surfaces of roads, former pasture, old landings and other disturbed areas have reduced the variety of microsites available for different species of vegetation. As compaction is removed, the soil will be left in naturally appearing, undulating mounds and ridges to restore habitat diversity.
- c) Remove Ditches
Ditch removal requires cleaning vegetation, roots and organic matter from the ditch and packing it with soil of a similar texture and level of compaction. A large volume of soil is required to fill ditches. Combining ditch removal with wetland construction makes sense. The soil removed from the wetland basins can be used to fill the ditches.
- d) Build Wetland Ponds
Two sites are identified on the Subdivision Plan where small open water ponds 23 m x 16 m (Pond #1) and 9m x 17m (Pond #2) could be built
- e) Add Coarse Woody Debris
Wetland restoration is an opportunity to re-purpose woody debris from site clearing to a necessary material for site restoration. Larger pieces of wood and smaller branches may be used in pond construction to provide habitat and incorporated into the former road surfaces when compaction is removed.
- f) Prioritize Forested Wetland Restoration
- g) The wetland restoration shall be supervised by a qualified professional.



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: MA-RZ-2020.1 (MIHS)

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

DATE OF MEETING: June 27, 2022
TO: Mayne Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Proposed Fee Bylaw No. 185

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be given First Reading
2. That the Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be given Second Reading
3. That the Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be given Third Reading
4. That the Mayne Island Local Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee

REPORT SUMMARY

The purpose of this report to provide an update on the referral of the fee bylaw to the Advisory Planning Commission and for the Mayne Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 185 which would replace Bylaw No. 145 (LTC Fees Bylaw). The principle changes in the new bylaw would include:

- An expanded Interpretation section.
- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

BACKGROUND

At the September 2021 regular business meeting, the LTC passed the following resolution:

MA-2021-055

It was **MOVED and SECONDED**,

that the Mayne Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

CARRIED

At the February 28, 2022 Mayne Island Local Trust Committee (LTC) meeting, the LTC passed the following resolution:

MA-2022-023

It was Moved and Seconded,

that the Mayne Island Local Trust Committee refer the draft fees bylaw to Advisory Planning Commission for comment.

CARRIED

The APC met on April 11th and raised five questions about the fees bylaw. The questions, with staff comments in italics, are as follows:

1. Have staff looked into cost savings through more efficient processes to see if the increases can be reduced; and, that overlaps in service be identified between Islands Trust and CRD?

Yes, efficiencies in current planning processes are constantly being considered. The 2018 Local Planning Services review made a number of recommendations that are currently being implemented, including dedicated planners in each office assigned exclusively to project planning and exclusively to application processing. Permit and referral procedures and templates are currently being reviewed for efficiency and consistency. Recent changes to provincial legislation permits LTCs to delegate the issuance of development permits to staff, this would save staff time in processing DPs and improve the process for applicants. LTCs with high DP application volumes will be requested to consider bylaws delegating DPs to staff. This year a provincial grant has been obtained to replace outdated application tracking software. There are no overlaps between CRD and Islands Trust staff, the two local authorities have statutorily defined, distinct jurisdictions.

2. If there is no increase approval, will that affect staffing levels for our island?

Local Trust Committees are obliged to consider applications, so funding for application processing would continue to be funded overwhelmingly from general revenues. As summarized in the recent Governance Review: “There is a large gap between the application fees being received by Islands Trust and the cost incurred to process them. The difference is made up from general tax revenue. Greater cost recovery is required” (Islands Trust Governance Review, 2022, pg 27: <https://islandstrust.bc.ca/document/governance-review-final-report-february-2022/>). However, if there are some LTCs that have not adopted new fee bylaws, Trust Council could reduce the amount of staff time allocated to that LTC (Islands Trust Governance Review, 2022, pg 42). And, Trust Council could be reluctant to provide resources for planning projects to local trust areas that are not contributing the same proportion of fee revenue as other local trust areas.

3. If cost recovery (80% or 100%) occurs, will there be a trickle-down effect in tax reductions?

Trust Council sets the budget annually. If revenue from sources such as fees have increased, and services

levels are kept constant (or reduced), Trust Council may choose to reduce property taxes. (Cost recovery of 80%-100% will not likely be achieved, even with new fees).

4. A comparison of existing and proposed fees is requested which clearly delineate the new fees.

The current and proposed fees are set out in tables in each respective bylaw and can be readily compared

5. Why is it necessary to apply a 20% higher fee for applications where development began without a permit; and, how many applications in the last two years would have been subject to the 20% penalty?

Where work has been undertaken without a permit there is, on average, more staff work involved, typically including bylaw enforcement staff, involvement with CRD Building Inspection, and often more time spent with the owner to obtain surveys or plans. The proportion of files where work has occurred without a permit varies depending on the application type and other factors; a significant portion of variances are for legalization of structures.

Rationale for Recommendation

In June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fee bylaws based on the model. In September 2021, the LTC requested staff to draft a new Fee Bylaw based on the model fee bylaw. In February 2022 the Islands Trust Governance Review recommended that LTCs adopt the same fee bylaws and that application fees be reviewed to ensure appropriate cost recovery.

Draft Bylaw No. 185 is attached. It is consistent with the model with the exception of the removal of the option for fees for Siting and Use Permits (Denman and Hornby only); and the removal of the option for TUPs for community benefit – this option was in the model to provide for flexibility to allow for reduced temporary use permits fees for community benefits as defined by a local trust committee in its official community plan. Applicants can continue to seek sponsorship of applications from Executive Community for applications that provide a community benefit.

Submitted By:	Robert Kojima Regional Planning Manager	June 9, 2022
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ATTACHMENTS

1. Draft Bylaw No. 185

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 185

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Mayne Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Mayne Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "Mayne Island Local Trust Committee Fees Bylaw, 2021".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Mayne Island Local Trust Committee Development Procedures Bylaw No. 83, 1992 to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;
- 2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity (Development Areas – DP1, DP2, DP4, DP5, DP6, DP3)	\$1,000
2. Protection of Development from Hazardous Conditions (Development Area DP6)	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000
Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit Renewal	\$700
Other Permits	
13. Heritage Alteration Permit	\$1,700
Combination Applications	
14. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
15. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenants at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is more than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Mayne Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 202X

READ A SECOND TIME THIS _____ DAY OF _____, 202X

READ A THIRD TIME THIS _____ DAY OF _____, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

Top Priorities Report

Mayne Island

1. Flexible Housing Regulations and Policy Review

Responsible

Dates

Narrisa Chadwick

Rec'd: 26-Nov-2018

Initial staff report prepared for Oct 28, 2019 LTC meeting

Further staff report prepared for January 27, 2020 LTC Meeting

Report brought back to July 27, 2020 LTC meeting

Report prepared for September 28, 2020 LTC meeting

Report prepared for October 26, 2020 LTC meeting

Special meeting to be scheduled for January.

Special meeting held January 18, 2021.

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

Three special meetings have been completed.

Staff to provide report to June 21, 2021 meeting.

Addition proposed at Sept 27, 2021 meeting.

Draft bylaws presented at November 22, 2021 LTC meeting. Extension of pilot area discussed.

CIM held March 28, 2022

Bylaws Presented for First Reading March 28, 2022

Bylaws amended and reread for First time at June 27, 2022 LTC meeting.

Bylaws approved by EC, August 2022

Bylaws sent for Ministry Approval

Top Priorities Report

Mayne Island

1. Housing Options Project - Part 1 of next Phase

- Continuation of Housing Project
- To begin with a strategic planning meeting to identify challenges and opportunities
- Strategic Planning process will help identify Options to explore
- Options to be explored and specific projects addressing those options will be developed

Responsible

Narrisa Chadwick

Dates

Rec'd: 27-Jul-2022
Target: 15-Sep-2023

2. OCP and LUB Minor Amendments

To include: Felix Jack Park, removal of Parks Plan, rezoning for Agricultural Association new building purchase, addressing maximum density on lots that have covenants restricting further subdivision, First Nations acknowledgement.
Staff report including list of proposed amendments presented to May 10, 2021 LTC Meeting.
Patios and Signs added to list of amendments. Project Charter developed.
Mayne Island Brewery added to list of amendments.
Bylaws presented for First Reading March 28, 2022.
Bylaws read for the second and third time June 27, 2022.

Responsible

Narrisa Chadwick

Dates

Rec'd: 29-Mar-2021
Target: 30-Sep-2022

Top Priorities Report

Mayne Island

3. *Groundwater Sustainability Project*

LTC to wait to see what comes out of Galiano and North Pender Projects.
 Senior Freshwater Specialist to present Groundwater work at Mayne Conservancy event
 in December 2021.

Responsible

Narrisa Chadwick
 William Shulba

Dates

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

Projects Report

Mayne Island

1. *Climate Change Adaptation*

Responsible

Date Received

Consider regulatory changes and implementation of new DPA authority

02-Mar-2009

2. *Waste Management*

Responsible

Date Received

31-Oct-2017

3. *Fallow Deer*

Responsible

Date Received

26-Mar-2018

4. *Cannabis Production - Regulating structures*

Responsible

Date Received

24-Sep-2018

5. *Review of Contractors Yards*

Responsible

Date Received

27-May-2019

6. *Paved surfaces and patios.*

Responsible

Date Received

28-Sep-2020

Projects Report

Mayne Island

7. *Groundwater Implementation*

Responsible

Date Received

Will wait until Galiano has gone through their process.

30-Nov-2020

8. *Housing Review Item*

Responsible

Date Received

Connecting with water service providers regarding flexible housing and secondary suites

05-May-2022

9. *LTC Rezoning Project*

Responsible

Date Received

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

05-May-2022

10. *Foreshore Education*

Responsible

Date Received

07-Oct-2022



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2022.2	Girouard, Louise	19-Sep-2022	Application for a variance for siting of a studio in a setback.

Planner: Charly Caproff

Planning Status

Status Date: 11-Oct-2022

Planner Caproff assigned to file.

Status Date: 21-Sep-2022

File created in EDM.

Status Date: 21-Sep-2022

Expecting building plans from the applicant.

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2020.1	Mayne Island Housing Society	17-Jun-2020	375 Village Bay Road - Mayne Island Housing Society applying for a rezoning to allow for subdivision into two residential parcels and one multi-family development

Planner: Narrisa Chadwick

Planning Status

Status Date: 12-Oct-2022

CIM and PH scheduled

Status Date: 05-Oct-2022

New draft Covenant reviewed by applicant

Status Date: 03-Oct-2022

Covenant updated and reviewed by lawyer



Applications

Subdivision

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

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2022.2	Lazin, Sharlene Planner: Narrisa Chadwick	06-Oct-2022	Application for a temporary use permit for a mobile veterinary clinic.
Planning Status			
Status Date: 11-Oct-2022 Planner Chadwick assigned to file.			
Status Date: 07-Oct-2022 Covenant received from applicant.			
Status Date: 06-Oct-2022 Fee received from applicant.			

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending August 2022

645 Mayne	Invoices posted to Month ending August 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	288.00	0.00	288.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,171.00	511.53	659.47
65210-645	LTC - Local Exp - APC Meeting Expenses	333.00	200.18	132.82
65220-645	LTC - Local Exp - Communications	250.00	420.00	-170.00
65230-645	LTC - Local Exp - Special Projects	276.00	61.50	214.50
TOTAL LTC Local Expense		<u>2,030.00</u>	<u>1,193.21</u>	<u>836.79</u>
Projects				
73001-645-2005	Mayne OCP/LUB	1,000.00	2,145.99	-1,145.99
73001-645-4100	Mayne Island Housing	1,500.00	1,242.80	257.20
TOTAL Project Expenses		<u>2,500.00</u>	<u>3,388.79</u>	<u>-888.79</u>

Mayne Island

Resolution Number	Action	Date
2021-011 (Standing) that the Mayne Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be re-appointed and also advertise for expressions of interest for new commissioners	Carried	25-Jan-2021
2020-022 (Standing) that the Mayne Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	24-Feb-2020

Mayne Island

Resolution Number	Action	Date
2018-049 (Standing) - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee	Carried	24-Sep-2018

Mayne Island

Resolution Number	Action	Date
2017-028 (Standing) That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR): a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement: i) they are advertised on the internet, newspapers or other media; ii) they are not managed by an owner of the USTVR property who lives on Mayne Island; iii) more than one dwelling on the lot is simultaneously made available for USTVR; iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers; v) there are issues related to health and safety on the property; vi) there is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the USTVR; vii) the owner of the property uses more than one property on Mayne Island as a USTVR. b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	26-Jun-2017
2017-027 (Standing) That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	26-Jun-2017
2016-055 (Standing) that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.	Carried	27-Jun-2016

Mayne Island

Resolution Number	Action	Date
2012-000 (Standing) 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
2011-044 (Standing) 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



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JULY 13, 2022 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) continues to have a vacancy for one Ministerial appointment to the ITC Board. The [Crown Agencies and Board Resourcing Office](#) has posted the position with an **application deadline of October 7, 2022**, see link on the ITC website at <https://islandstrust.bc.ca/whats-happening/expressions-of-interest/>.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Manager presented a request for decision regarding the 2023/24 Budget submission. Board members discussed appropriate budget for First Nations engagement and indigenous knowledge holder services and rising costs of travel to islands due to inflation. ITC Board also noted a need to include species at risk grant commitments in the budget.
- The ITC Manager presented a request for decision to Board members on Proposed Bylaw 530 – Housing Action Program on Salt Spring. ITC considers referrals in the context of their impact to ITC managed lands. ITC Board indicated to the Salt Spring Island Local Trust Committee that ITC interests would be unaffected by Bylaw 530.
- Following the regular ITC Board meeting, an ITC/Executive Committee liaison meeting between Islands Trust Conservancy Board members and Islands Trust Executive Committee took place. Topics covered in this meeting included updates on the Governance Report, Policy Statement, and the ITC Species At Risk Program. ITC and the Executive Committee also discussed the draft ITC Plan (2023-2025), working with First Nations, biologist support for Regional Planning Committee and liaising with the Provincial Government.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Manager presented a request for decision following a response that was received from the Agricultural Land Commission regarding the Livingstone NAPTEP covenant on Lasqueti Island. The ITC Board approved a revised covenant for registration that included language requiring approval of the ALC prior to making covenant amendments.

4. COVENANT AND PROPERTY MANAGEMENT



ISLANDS TRUST CONSERVANCY

ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- ITC Board discussed the Lisa Baile Nature Reserve Management Plan and approved the Management Plan, dated March 25, 2022, noting that further engagement with First Nations around appropriate name and naming rights is required.

5. COMMUNICATIONS AND OUTREACH

- ITC Board discussed a briefing about development of an ITC Communications Strategy. Discussion included use of social media to promote ITC, modernization of communications, and appropriate timing to engage current Board members with current staff prior to the election. The ITC Board directed staff to coordinate a board workshop regarding communications.
- ITC Board received correspondence from the Mayne Island Local Trust Committee and the Trust Council regarding Fallow Deer on Mayne Island.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board considered a request for research to be carried out by Capilano University at the Long Bay Wetland Nature Reserve on Gambier Island. ITC Board expressed support for the project up to December 31, 2023 and allocated up to \$5,000 from the ITC budget to support the work.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)