

ADOPTED

Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: February 26, 2024

Location: Electronic Meeting

Members Present: Tobi Elliott, Chair (electronic)
David Maude, Local Trustee (electronic)
Jeanine Dodds, Local Trustee (electronic)

Staff Present: Narissa Chadwick, Island Planner (electronic)
Warren Dingman, Bylaw Compliance and Enforcement Manager (electronic)
Pat Todd, Recorder (electronic)

Others Present: There were approximately sixteen (16) members of the public present.
Kevin Webber, Capital Regional District (CRD) Park Planner

1. CALL TO ORDER

Chair Elliott called the meeting to order at 1:30 p.m. Trustee Maude acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Tim Mackie asked if the letter sent Sunday had been received and read. They are opposed to DVP-2024.1 and the rationale is included in the letter.

Chair Elliott acknowledged receipt of the letter.

Nico Preston was opposed to DVP-2024.1 and made the following comments:

- Questioned statement “no responses received to notice”
- A Bylaw complaint has been filed regarding encroachments
- Questioned if complaint to Planner had been received
- Noted a letter sent to Local Trust Committee in 2022 regarding encroachments
- Variance has impacts on own property: visual, possible increased occupancy

Island Planner Chadwick (sitting in for Planner Testemale) stated that Bylaw complaints are independent of applications. The proposed Development Variance Permit is an effort to bring the site into compliance.

4. **COMMUNITY INFORMATION MEETING - None**

5. **PUBLIC HEARING - None**

6. **MINUTES**

6.1 **Local Trust Committee Minutes Dated January 29, 2024**

By general consent the Mayne Island Local Trust Committee meeting minutes of January 29, 2024 were adopted.

6.2 **Section 26 Resolutions-without-Meeting Report - None**

6.3 **Advisory Planning Commission Minutes Dated February 13, 2024**

Received for information

7. **BUSINESS ARISING FROM THE MINUTES**

7.1 **Follow-up Action List Dated Feb 2024 – Received for information.**

8. **DELEGATIONS**

9. **CORRESPONDENCE**

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

9.1 **Lee-Ann McKintuck re Dog Park Proposal for BC Ferries**

Trustee Dodds spoke to this item. BC Ferries had contacted Planner regarding a community use for property next to ferry terminal that is currently occupied through a Temporary Use Permit by a trail crew. Trustee Dodds asked Island Planner Chadwick how to proceed.

Island Planner Chadwick stated a letter from Local Trust Committee would be most efficient.

MA-2024-009

It was Moved and Seconded,

that Trustee Dodds, in conjunction with Chair Elliott and Trustee Maude, draft a letter to British Columbia Ferries regarding exploring interim community usage, such as, a dog park, for property located on Letour Road.

CARRIED

9.2 **Adrienne Brown re Vegetation Cutting and Removal on Local Roads**

- Recent mowing has caused a number of issues related to machines used and extent of brush cutting
- Vegetation holds water
- Prime topic for protocol agreement
- Trust Council to add to ongoing concern with Ministry of Transportation and Infrastructure
- Gabriola had similar concerns

MA-2024-010

It was Moved and Seconded,

that Mayne Island Local Trust Committee send a letter to Ministry of Transportation and Infrastructure, with copies to Emcon Services (contractor responsible for mowing) and other Local Trust Committees, expressing concerns regarding road side brush cutting and roadside clearing practices.

CARRIED

10. APPLICATIONS AND REFERRALS

10.1 MA-DVP-2024.1 (McHugh)

Island Planner Chadwick reviewed the development variance application on behalf of Planner Testemale. It was noted that the site allows for a dwelling and a cottage. The application appears reasonable. The site would be 4 acres following subdivision.

Applicant added:

- Buildings on site when purchased in 2012
- Moving buildings not feasible
- Need to upgrade to meet Building Code and bring structures into compliance
- Attempts to rectify neighbour's concerns have been unsuccessful
- Only one of the existing buildings can be used as a dwelling
- Septic needs to be upgraded, along with electrical, and would be located away from setbacks
- Trying to resolve issues for past 2 years
- Some urgency to close out Permits

Discussion

- Unfortunate neighbours are at odds
- Historic issue: past owners aware of situation and accepted
- New owners while aware at time of purchase less accepting
- Consider what option has the least impact/harm – ecological damage
- Bylaw complaint lodged after rezoning application submitted

MA-2024-011

It was Moved and Seconded,

that Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2024.1 (McHugh).

CARRIED

10.2 MA-LCB-2023.1 (Witteman)

Island Planner Chadwick reviewed the community feedback from the open house. Six community members attended and all of them were in favour of the application. The proposal conforms to current zoning. The licencing change is a moderate expansion of service and within the existing Land Use Bylaws for Mayne Island.

MA-2024-012

It was Moved and Seconded,

that Mayne Island Local Trust Committee direct staff to send a response to the Liquor and Cannabis Regulation Branch regarding the application for a Lounge License for 490 Fernhill Road (Mayne Island Brewing Company) that states:

- a. The public within the vicinity of the establishment as well as the rest of the Island have been provided opportunity to comment on the application
- b. The impacts on nearby neighbours would be negligible
- c. The activity is permitted by zoning
- d. The Local Trust Committee recommends the application be approved.

CARRIED

MA-2024-013

It was Moved and Seconded,

that Mayne Island Local Trust Committee direct staff to include a record of information received at the February 23, 2024 Public Meeting, and any additional public input, with the response to the Liquor and Cannabis Regulation Branch regarding the Mayne Island Brewing Company Lounge License.

CARRIED

Trustee Maude spoke to unavailability to attend the recent Advisory Planning Commission meeting. Trustee Maude suggested that there is a need to avoid overlapping of meetings.

The Committee took a break from 2:40 p.m. to 2:50 p.m.

10.3 MA-ALR-2023.1 (CRD)

Capital Regional District Planner Kevin Webber joined the meeting.

Island Planner Chadwick reviewed the Capital Regional District's application to the Agricultural Land Commission. The application is to allow a non-farm use within a piece of land that is included in the Agricultural Land Reserve. The area would be used to create a park entrance hub and would be located on a previously cleared site. It was noted that the application appears to be practical.

Discussion:

- Plan to rezone to Conservation Resource and tell Agricultural Land Commission of intentions
- Question of referral to First Nations and consultation
- The question of which jurisdiction is responsible for consulting with First Nations was raised
- Could note no First Nations consultation with the expectation that the Agricultural Land Commission would do this
- Access road to park

- Question raised regarding legal access for public – to address during rezoning process

MA-2024-014

It was Moved and Seconded,

that Mayne Island Local Trust Committee support the review of application MA-ALR-2023.1 (CRD) for nonfarm use and request staff to forward the application to the Agricultural Land Commission (ALC) for further consideration.

CARRIED

MA-2024-015

It was Moved and Seconded,

that Mayne Island Local Trust Committee direct staff to include with the referral to the Agricultural Land Commission a note identifying that there has been no First Nations consultation on this application.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw Review

The Local Trust Committee discussed patios:

- 8 m setback from sea in place
- Few empty waterfront lots
- Question changing the Land Use Bylaw now
- Remove this component for separate consideration
- Could be a minor project moving forward – would progress independently through Readings – additional time
- Currently asphalt and concrete allowed in setbacks
- Noted size too small – expense of Development variance Permit

MA-2024-016

It was Moved and Seconded,

that Mayne Island Local Trust direct staff to amend the Bylaw such that non porous materials (asphalt and concrete) are not permitted in the setback of the sea, and that patios made of wood be restricted to 20 metres.

CARRIED

The Local Trust Committee discussed Contractors Yards:

Island Planner Chadwick spoke to the recommendations from the Advisory Planning Commission.

Discussion:

- Include as a Home Occupation
- Address smaller equipment

- Need to address larger equipment
- Consider lot size, number of pieces of machinery, percentage of lot coverage
- Can put a limit on number of vehicles
- Other Trust area bylaws could give direction (North Pender and Gabriola)

MA-2024-017

It was Moved and Seconded,

that Mayne Island Local Trust Committee direct staff to return with options related to contractor yard lot coverage, restrictions for set backs on lot lines, regulating the number and types of equipment and home industry as an allowed use.

CARRIED

Trustee Maude stated that shipping containers should be addressed

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12. REPORTS

12.1 Work Program Reports

12.1.1 Active Projects Report Dated Feb 2024 – received for information

12.1.2 Future Project List Report Dated Feb 2024 – received for information

12.2 Applications Report Dated Feb 2024 – received for information

12.3 Trustee and Local Expense Report Dated Dec 2023 - received for information

12.4 Adopted Policies and Standing Resolutions – received for information

12.5 Local Trust Committee Webpage – to be updated upon closure of meeting

12.6 Chair's Report

Chair Elliott spoke to recent meetings:

- Regional Planning Committee (draft budget to be presented to Trust Council March 12)
- Chief Executive Officer Hiring Committee proceeding
- Good discussion regarding Bylaw Review and proposal for Bylaw Enforcement Review is forthcoming
- Trust Council Strategic Plan – critical to have direction from Trust Council.

12.7 Trustee Report

Trustee Maude reported on:

- Final drafting of budget
- Number of meetings this past month
- Community negotiations take time

Trustee Dodds spoke to:

- Attended the opening of the new Teacherage – restored through volunteer efforts and now home to new Vice-Principal
 - Great community spirit.
- Attended open house regarding brewery
 - Unique locale.
- Recent Advisory Planning Commission meeting
 - A lot of effort by members
- Fallow Deer report is with the Capital Regional District
 - MLA Adam Olsen still working to obtain funding for First Nations hunters
 - Fallow deer are now on Pender

12.8 Electoral Area Director's Report - none

12.9 Islands Trust Conservancy Report Dated Jan 2024 – received for information

13. NEW BUSINESS

13.1 Housing Statute Changes to British Columbia Legislation

Discussion:

- Gabriola has opted into Short Term Vacation Rental residency requirement
- Question of Municipal Bylaw – ticketing process
- Bylaw Compliance and Enforcement Manager Dingman noted that this requires personal service/delivery
 - Adds extra step
 - Bylaw notice easier and can be mailed
- Trustee Dodds spoke to complications involved in getting documents served on island

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for March 25, 2024 at the Agricultural Hall, Mayne Island

15. TOWN HALL - none

16. CLOSED MEETING

16.1 Motion to Close Meeting

MA-2024-018

It was Moved and Seconded,

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

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

AND that the recorder and staff attend the meeting.

CARRIED

Committee closed the meeting at 4:11 p.m.

By general consent Mayne Island Local Trust Committee reconvened in open meeting at 4:48 p.m. to rise and report.

17. RISE AND REPORT

Chair Elliott reported on the adoption of the In-camera meeting minutes for Nov. 27, 2023.

18. ADJOURNMENT

By general consent the meeting was adjourned at 4:50 p.m.

Tobi Elliott, Chair

Certified Correct:

Pat Todd, Recorder