



## Mayne Island Local Trust Committee Regular Meeting Agenda

Date: July 25, 2022  
Time: 1:00 pm  
Location: Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island, BC

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|        |  |                   | Pages   |
|--------|--|-------------------|---------|
| 1.     | CALL TO ORDER  | 1:00 PM - 1:00 PM |         |
| 2.     | APPROVAL OF AGENDA   | 1:00 PM - 1:05 PM |         |
| 3.     | TOWN HALL AND QUESTIONS  | 1:05 PM - 1:20 PM |         |
| 4.     | COMMUNITY INFORMATION MEETING                                    |                   |         |
|        | None   |                   |         |
| 5.     | PUBLIC HEARING   | 1:20 PM - 2:20 PM |         |
| 5.1.   | Flexible Housing Project - Proposed Bylaws 184 and 189           |                   |         |
| 5.1.1. | <u>Recess for Public Hearing</u>                                 |                   |         |
| 5.1.2. | <u>Recall to Order</u>   |                   |         |
| 6.     | MINUTES  | 2:20 PM - 2:30 PM |         |
| 6.1.   | Local Trust Committee Minutes Dated June 27, 2022 (for Adoption) |                   | 3 - 12  |
| 6.2.   | Section 26 Resolutions-without-meeting Report - None             |                   |         |
| 6.3.   | Advisory Planning Commission Minutes - None                      |                   |         |
| 7.     | BUSINESS ARISING FROM THE MINUTES                                |                   |         |
| 7.1.   | Follow-up Action List Dated July 2022                            |                   | 13 - 14 |
| 8.     | DELEGATIONS  |                   |         |
| 9.     | CORRESPONDENCE   |                   |         |

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

|              |   |                          |                |
|--------------|---|--------------------------|----------------|
| <b>10.</b>   | <b>APPLICATIONS AND REFERRALS</b>   | <b>2:30 PM - 3:00 PM</b> |                |
| <b>10.1.</b> | <b>MA-RZ-2020.1 (Mayne Island Housing Society) - Staff Report (attached)</b>                        |                          | <b>15 - 20</b> |
| <b>11.</b>   | <b>LOCAL TRUST COMMITTEE PROJECTS</b>   | <b>3:00 PM - 3:40 PM</b> |                |
| <b>11.1.</b> | <b>Flexible Housing Project - Proposed Bylaws 184 and 189 - Staff Report (attached)</b>             |                          | <b>21 - 30</b> |
| <b>11.2.</b> | <b>Housing Options Project (to include Amenity Rezoning Project) – Staff Report (attached)</b>      |                          | <b>31 - 32</b> |
| <b>12.</b>   | <b>REPORTS</b>  | <b>3:40 PM - 3:50 PM</b> |                |
| <b>12.1.</b> | <b>Work Program Reports (attached)</b>  |                          |                |
|              | <b>12.1.1. <u>Top Priorities Report Dated July 2022</u></b>   |                          | <b>33 - 34</b> |
|              | <b>12.1.2. <u>Projects List Report Dated July 2022</u></b>  |                          | <b>35 - 36</b> |
| <b>12.2.</b> | <b>Applications Report Dated July 2022 (attached)</b>   |                          | <b>37 - 37</b> |
| <b>12.3.</b> | <b>Trustee and Local Expense Report - None</b>  |                          |                |
| <b>12.4.</b> | <b>Adopted Policies and Standing Resolutions (attached)</b>   |                          | <b>38 - 41</b> |
| <b>12.5.</b> | <b>Local Trust Committee Webpage</b>  |                          |                |
| <b>12.6.</b> | <b>Chair's Report</b>   |                          |                |
| <b>12.7.</b> | <b>Trustee Report</b>   |                          |                |
| <b>12.8.</b> | <b>Islands Trust Conservancy Report Date May 2022</b>   |                          | <b>42 - 44</b> |
| <b>13.</b>   | <b>NEW BUSINESS</b>   |                          |                |
| <b>14.</b>   | <b>UPCOMING MEETINGS</b>  |                          |                |
| <b>14.1.</b> | <b>Next Regular Meeting Scheduled for September 26, 2022 at the Agricultural Hall, Mayne Island</b> |                          |                |
| <b>15.</b>   | <b>TOWN HALL</b>  | <b>3:50 PM - 4:05 PM</b> |                |
| <b>16.</b>   | <b>CLOSED MEETING</b>   |                          |                |
|              | None  |                          |                |
| <b>17.</b>   | <b>ADJOURNMENT</b>  | <b>4:05 PM - 4:05 PM</b> |                |



## Mayne Island Local Trust Committee Minutes of Regular Meeting

**Date:** June 27, 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

**Public:** There were approximately nine (9) members of the public.

### 1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:02 pm. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

**Add:** 13.1 Questions regarding foreshore.

The agenda was adopted as amended.

### 3. TOWN HALL AND QUESTIONS

Tim Mackie remarked that Water Management Report from Mayne Island Housing Society (MIHS) had brought things together and asked if there would be an opportunity to question the components of the report/the authors.

Chair Rogers stated there would be another Community Information Meeting (CIM) and that questions could be sent to Planner Chadwick: it would be helpful to provide questions prior to CIM.

Planner Chadwick added that Fresh Water Specialist William Shulba has been involved with project/review of report.

Don Eddy spoke of concerns as to pace MIHS project has taken and the need to streamline processes to fast track affordable housing: LTC too slow.

Cat Ferneyhough spoke in support of MIHS project. The community is losing valuable members due to lack of affordable housing. Added she is excited about flexible housing project.

#### **4. COMMUNITY INFORMATION MEETING**

##### **4.1 Minor Official Community Plan and Land Use Bylaw Minor Amendments Project - Proposed Bylaws 186 and 187**

Chair Rogers opened the Community Information Meeting (CIM) at 1:10 pm.

Planner Chadwick outlined the purposes of the Bylaws: Official Community Plan (OCP) amendment removes Parks Master Plan and changes map designation to support Thrift Store use. Changes to Land Use Bylaw (LUB) includes a number of rezonings, changes to the election sign regulation and new definition of patio.

Tim Mackie requested clarification regarding Beechwood Drive and proposed number of dwellings.

Trustee Dodds reviewed the history of this site: should be entitled to 2 houses/2 cottages for 96 acre parcel only based on passed subdivision history. Owners have requested 3 houses/1 cottage with a limited square footage for 1 dwelling.

Sharon Bunnin asked if water side of site could be subdivided.

Planner Chadwick stated parcel is allowed subdivision into 2 lots.

Debra Foote asked for clarification regarding subdivision and siting of dwellings.

Planner Chadwick detailed that property can have 2 dwellings and two cottages – 1 dwelling and one cottage per lot if divided and that there would need to be a request to rezone to increase density. This would be a site specific zone within Rural Zone.

Doug Aberley questioned if there was an Island Core Development Strategy.

Trustee Dodds spoke to the Commercial Development Core Plan, that Flexible Housing project is targeted for Fernhill Road and OCP details specifics as to services e.g. parking.

Trustee Maude added that the OCP is a guiding document with a number of regulations.

Chair Rogers closed the CIM at 1:37 pm.

#### **5. PUBLIC HEARING**

##### **5.1 Minor Official Community Plan and Land Use Bylaw Minor Amendments Project - Proposed Bylaws 186 and 187**

###### **5.1.1 Recess for Public Hearing**

Chair Rogers opened the Public Hearing (PH) at 1:38 pm. and read the appropriate sections of the Local Government Act.

Planner Chadwick reviewed processes to date: advertising, referral agencies, purpose of Bylaws, proposed amendments.

Chair Rogers called a first time for anyone wishing to speak.

Chair Rogers called a second time for anyone wishing to speak.

Tim Mackie spoke to buildings on waterfront portion of Beechwood site and issues that may arise.

Chair Rogers stated there had been no written submissions.

Chair Rogers called for a third and final time for anyone wishing to speak.

Chair Rogers stated that any outstanding questions/comments could be sent to Planner Chadwick and that the Local Trust Committee (LTC) could no longer consider submissions.

Public Hearing closed at 1:45 pm.

5.1.2 Recall to Order

Chair Rogers recalled the LTC meeting at 1:46 pm.

**6. MINUTES**

**6.1 Local Trust Committee Minutes Dated May 30, 2022**

The following amendments to the minutes were presented for consideration:

Page 7 of agenda package (page 4 of draft minutes) – discussion section point starting Trustees discussed.....after Lot 3 to read “if housing does not proceed”.

**By general consent** the minutes were adopted as amended.

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

**6.3 Advisory Planning Commission Minutes - None**

**7. BUSINESS ARISING FROM THE MINUTES**

**7.1 Follow-up Action List Dated June 2022**

Received for information.

Chair Rogers added that letter had been sent to IT Conservancy regarding Fallow deer and Conservancy has expressed an interest to be involved.

**8. DELEGATIONS - None**

**9. CORRESPONDENCE - Correspondence received Friday afternoon regarding housing project.**

**10. APPLICATIONS AND REFERRALS**

**10.1 MA-RZ-2020.1 (Mayne Island Housing Society)**

Planner Chadwick reviewed the staff report. Staff report included opportunity for first reading of bylaws for rezoning subject property to accommodate multi-family rental housing; presentation of the water management report and findings of groundwater investigations and update on process.

Planner Chadwick informed LTC two components to complete are wording of Covenant regarding the “sunset clause” and inclusion of Sean McHugh as signatory to the Housing Agreement.

Eleni Gibson, Wiser Projects spoke on behalf of MIHS and efforts taken to strengthen project. There are a number of items to come after first reading and rezoning. Current owner has agreed to being named on Housing Agreement. First Reading critical to demonstrate progress to potential funding sources.

Trustee Dodds suggested easement to well for neighbours as a possible amenity.

**MA-2022-049**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” be read for a first time.

**CARRIED**

**Discussion:**

- Length of process: was in abeyance for a time;
- Significance of neighbours concerns;
- Need Housing Agreement and Covenant to ease concerns;
- Lots of time before PH;
- First reading is a preliminary step; and
- Important to have Housing Agreement and Covenant ready for discussion at CIM and PH

**MA-2022-050**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021” be read for a first time.

**CARRIED**

**MA-2022-051**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request staff to schedule a Community Information Meeting and a separate Public Hearing for Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” and Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.

**CARRIED**

**MA-2022-052**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request staff to schedule the Community Information Meeting and Public Hearing for Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” and Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021” following the receipt of final drafts of the Housing Agreement and s. 219 Covenant.

**CARRIED**

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**Break 2:24 – 2:35**

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Discussion regarding Sunset Clause and Covenant

- MIHS requesting direction regarding possible amenities for consideration;
- Well for community use;
- After year 3 Lot 2 can be developed with review of housing project;
- Another agency could develop housing project;
- Access to well a good option to explore with community and water districts;
- 5 years for development of Lot 2 release and review is reasonable (Sunset Clause);
- Amenity is housing and why Lot 2 is being “created”: if no housing no amenity;
- 5 years is not long enough for completion of project and will have impacts on funding; and
- If no housing could Lot 3 become another amenity.

Planner Chadwick to review options for Covenant: 5 year lock on lot 2 development. 5 year review, water treatment as an amenity, well use.

**MA-2022-053**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request Planner Chadwick send a letter to all Improvement Districts and Water Districts to identify value of having an on island water source versus trucking water in from off island.

**CARRIED**

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1 Minor Official Community Plan and Land Use Bylaw Minor Amendments Project - Proposed Bylaws 186 and 187**

Planner Chadwick reviewed proposed amendments as highlighted during CIM.

Discussion regarding patios within set-back from the sea and types of construction materials. Allowing wood patios would be contrary to IT Policy Statement. LTC discussed placing patios in setback from the sea on the projects list.

**MA-2022-054**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee ask staff to add patios in set-back from sea and construction materials on Project List.

**CARRIED**

**MA-2022-055**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No.186 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.2, 2021” be read a second time.

**CARRIED**

**MA-2022-056**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 186 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.2, 2021” be read a third time.

**CARRIED**

**MA-2022-057**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 186 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.2, 2021” be read a third time.

**CARRIED**

**MA-2022-058**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee amend Bylaw No. 187 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.3, 2021” as follows:

- a. By removing picnic tables as permitted structures in the proposed site specific park zone
- b. By permitting three dwellings and one cottage, with a maximum floor area of 372m<sup>2</sup> for one of the dwellings in the proposed R(f) site specific zone

**CARRIED**



**MA-2022-059**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 187 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021” be read a second time as amended.

**CARRIED**

**MA-2022-060**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No.187 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.3, 2021” be read a third time.

**CARRIED**

**MA-2022-061**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No.186 , cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**MA-2022-062**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No.187 , cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.3, 2021” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**MA-2022-063**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee Bylaw No. 186, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” be forwarded to the Ministry of Municipal Affairs for approval.

**CARRIED**

**11.2 Flexible Housing Project - Proposed Bylaws 184 and 189**

Planner Chadwick stated that a number of properties have been identified as potential sites.

**MA-2022-064**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee first reading of Bylaw 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” be rescinded.

**CARRIED**

**MA-2022-065**

It was Moved and Seconded,  
that the Mayne Island Local Trust Committee amend Plan 1 attached to Bylaw 184, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021", by deleting the non-residential properties.

**CARRIED**

**MA-2022-066**

**It was Moved and Seconded,**

That the Mayne Island Local Trust Committee ask staff to amend Mayne Island Land Use Bylaw No. 146, 2008, amendment No.2, 2021, Point 2.11 (3.1 (c))to read "On lots having an area of 5 hectares (12.355 acres)".

**CARRIED**

**MA-2022-067**

It was Moved and Seconded,  
that the Mayne Island Local Trust Committee amend Plan 1 attached to Bylaw 184, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021", to add those lots identified on the map in the June 27<sup>th</sup> 2022 staff report as A, B, D, E and F to the areas where flex housing is permitted.

**CARRIED**

**MA-2022-068**

It was Moved and Seconded,  
that the Mayne Island Local Trust Committee Bylaw 184 cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021" be read for the first time as amended.

**CARRIED**

Public Hearing will be scheduled for LTC July meeting.

**11.3 Mayne Island Local Trust Committee Fees Bylaw No. 185**

**MA-2022-069**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee refer staff report dated June 27, 2022 to the Mayne Island Advisory Planning Commission for final consideration.

**CARRIED**

## **12. REPORTS**

### **12.1 Work Program Reports**

#### **12.1.1 Top Priorities Report Dated June 2022**

Chair Rogers informed LTC that there will be a Groundwater Sustainability presentation July 26, 2022. North Pender and Galiano are addressing project.

#### **12.1.2 Projects List Report Dated June 2022 – received for information**

### **12.2 Applications Report Dated June 2022 – received for information**

### **12.3 Trustee and Local Expense Report Dated May 2022 – received for information**

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

### **12.5 Local Trust Committee Webpage – to be updated upon conclusion of meeting**

### **12.6 Chair's Report**

Chair Rogers reported on last week's Trust Council. Engagement Report related to Trust Policy Statement received. Trust Programs Committee now considering recommendations and to report at September Trust Council. A Governance Committee has been created in response to report. A request has been made to the Province to review structure of Islands Trust. Election scheduled for October 15, 2022. Province has been asked to work with communities and First Nations to develop a biodiversity plan for province. Provincial governments have been asked to join together towards a fossil fuel free nation. Port of Vancouver presented on anchorages within Southern Gulf Islands areas.

### **12.7 Trustee Report**

Trustee Maude spoke to the successful Music Festival held over the weekend and expressed appreciation to Chair Rogers for fallow deer correspondence.

Trustee Dodds also reported on a successful weekend of festivities. There were discussions at Trust Council regarding how to preserve and protect when development is needed in these challenging times. National Marine Protection Area being ramped up and areas will be under one jurisdiction of Federal Parks Canada.

### **12.8 Islands Trust Conservancy Report**

Chair Rogers stated that grant has been renewed and great things are happening.

## **13. NEW BUSINESS**

### **13.1 Questions on Foreshore**

Are stairs allowed: Planner Chadwick confirmed stairs are allowed;

Structures within setback under Provincial regulations;

Moratorium on dock installations – Planner Chadwick will explore why;

Structure within Marine Area – Province regulates; and  
Need to review what is allowed/what not.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting**

**MA-2022-070**

**It was Moved and Seconded,**

that the Mayne Island Local Trust Committee regularly scheduled meeting for Monday, July 18, 2022, be rescheduled to Monday, July 25, 2022.

CARRIED

**15. TOWN HALL**

Deborah Goldman asked after IT consideration of forming a Housing Committee.

Chair Rogers reported it is jurisdiction of Planning Committee and he will speak with Chair.

**16. CLOSED MEETING**

None

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 4:03 pm.

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Dan Rogers, Chair

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Certified Correct:

Pat Todd, Recorder

## Follow Up Action Report

### Mayne Island

27-Jun-2022

| Activity   | Responsibility   | Dates               | Status      |
|--|--|---------------------|-------------|
| 1 6.1 Minutes adopted as amended   | Narrisa Chadwick<br>Robin Ellchuk                                | Target: 05-Jul-2022 | Completed   |
| 2 10.1 MA-RZ-2020.1 (MIHS) - Bylaw 181 and 183 read for the first time; CIM to be organized separate from PH; organize PH after final drafts of the Housing Agreement and Covenant have been received.<br><br>Staff to explore options related to community use of well and sunset clause which would include community access to well; Planning staff to consult with Senior Freshwater Specialist regarding community use of well and septic concerns; Staff to write letter to water service providers regarding value of having access to well for emergency purposes. | Jas Chonk<br>Narrisa Chadwick<br>Robin Ellchuk<br>William Shulba | Target: 05-Aug-2022 | In Progress |
| 3 11.1 Bylaws 186 and 187 - Bylaw 186 read for second and third time; Bylaw 187 amended as per staff recommendation a and b; Bylaw 187 read for second time as amended; Bylaws 186 and 187 to be sent to EC and to MMA; Patios in setback from sea to be added to Top Priorities list; Staff to add 797 Beachwood to rezoning project bring forward for discussion at July meeting   | Jas Chonk<br>Narrisa Chadwick<br>Robin Ellchuk                   | Target: 07-Jul-2022 | In Progress |

## Follow Up Action Report

### Mayne Island

27-Jun-2022

| Activity   | Responsibility                                 | Dates               | Status      |
|--|--|---------------------|-------------|
| 4 11.2 Bylaws 184 and 189 (Flexible Housing) - Bylaw 184 first reading rescinded; Map amended to delete all areas not residential; Map amended to include properties identified in staff report as A,B,D,E,F; 3.1 (c) amended to read ' 5 hectares (12.35 acres) '; Bylaw 184 read for first time as amended | Jas Chonk<br>Narrisa Chadwick<br>Robin Ellchuk | Target: 15-Jul-2022 | In Progress |
| 5 11.3 Bylaw 185 (Fees Bylaw) - send staff report to APC   | Jas Chonk<br>Narrisa Chadwick<br>Robin Ellchuk | Target: 11-Jul-2022 | In Progress |
| 6 12.2 Staff to check in with Province re: approval process for docks.   | Narrisa Chadwick                               | Target: 15-Jul-2022 | In Progress |

DATE OF MEETING: July 25, 2022  
TO: Mayne Island Local Trust Committee  
FROM: Narissa Chadwick, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Mayne Island Housing Society Rezoning - Covenant Options

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee request staff draft a suitably worded s. 219 covenant.

## REPORT SUMMARY

The purpose of this report is to review MIHS's proposal for additional amendments to the Section 219 Covenant and identify next steps.

## BACKGROUND

At the June 27, 2022 regular meeting the LTC gave first reading to the bylaws supporting the rezoning of 375 Village Bay Road to allow for subdivision into three lots and to support the development of 10 units of rental housing. The LTC requested staff schedule a Community Information Meeting and Public Hearing following the receipt of final drafts of the Housing Agreement and Covenant. Following a discussion related to the water on the site as a potential community amenity, the LTC also requested staff send a letter to all water providers to identify the value of having an on island water source versus trucking water in from off island.

The contents of the Housing Agreement have been agreed to by the MIHS and the LTC. The contents of the Covenant are still being discussed.

Since the last draft of the Covenant was presented to the LTC there were three items to be addressed.

1. Commitment to maintenance and monitoring of septic system.
2. Identification of the time at which Lot 2 can be built on.
3. A "sunset clause" for Lot 3.

## ANALYSIS

The three issues identified are discussed below.

### **Commitment to maintenance and monitoring of septic system**

The LTC had raised concerns related to the maintenance and monitoring of the septic system to ensure that there would be no impact to neighbouring properties. The MIHS has added to the covenant language that addresses this commitment to (see below). Staff feel that the covenant language provided by the MIHS addresses the LTC's interest. As the Province and Health Authority have roles in regulating septic systems the MIHS will have additional requirements to adhere to with respect to septic installation and maintenance.

The covenant language proposed by the MIHS is as follows:

#### **Lot 3 Septic**

1. *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").*
2. *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.*
3. *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.*
4. *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 not more than once every calendar year.*

### **Identification of time at which Lot 2 can be built on**

The creation of and ability to build on Lot 2 is tied to the provision of a community amenity.

As indicated in the Official Community Plan Amenity Zoning Guidelines:

- 2.10.1 *In the case where a property owner offers to provide a voluntary community amenity as a condition of subdivision or rezoning, consideration may be given to increasing the permitted density on a parcel in any designation other than Public Service, Park or Resource Conservation.*
- 2.10.2 *The following community amenities represent a list of potential community amenities which may be acceptable for consideration under this section:*
  - i) *the provision of land for preservation of unique natural environments and sensitive areas,*
  - ii) *the provision of land to preserve forests, watersheds and wetlands,*



- iii) *the provision of land for community park or public open space,*
- iv) *the provision of land for sewage treatment facilities or community water systems,*
- v) *the provision of community wells for domestic water supply,*
- vi) *the provision of fire fighting storage reservoirs,*
- vii) *the provision of easements or rights of way for utilities or trails,*
- viii) *the provision of community buildings,*
- ix) *the provision of land for community buildings or structures,*
- x) *the provision of community space in a commercial building,*
- xi) *the provision of affordable and special needs housing, and*
- xii) *the provision of any other amenity which is similar in nature to the foregoing and/or is consistent with the objectives and policies of the OCP.*

The MIHS has indicated that the holders of powers of attorney for Sean McHugh would like to build on Lot 2 within the next five years. At the June 27, 2022 LTC meeting the LTC indicated that they were open to discussing options related to permitting building on Lot 2 within 5 years. The creation of Lot 2 is predicated on the provision of affordable housing. The LTC has resolved that a community amenity (currently identified as built housing) be provided before any building on Lot 2 can occur.

The covenant language proposed by the MIHS (see below) would restrict construction on Lot 2 until the construction of 5 units on Lot 3. However, in the proposed covenant language, this restriction would expire five years after the date of subdivision. This expiration provision would not be consistent with the LTC's past resolution. While legal advice is that the OCP would support the provision of land zoned for affordable housing itself as a community amenity, the interpretation of what is a suitable community amenity is at the discretion of the LTC. The LTC has resolved that they do not consider zoning alone as an amenity.

#### LTC June 21, 2021 Resolution

*MA-2021-038*

*that the Mayne Island Local Trust Committee request that the owner of Lot B, Plan 27091 grant to the Local Trust Committee a suitably worded Section 219 covenant which would restrict development of proposed lot 2 until the construction of rental housing on proposed Lot 3 is completed and that the S.219 covenant be registered on title as a condition of rezoning and that building site for Lot 2 should be that identified as 'A' on map dated July 15, 2020 and wetlands area is to be preserved as shown on same map.*

#### MIHS'a Proposed Covenant Language

*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.*

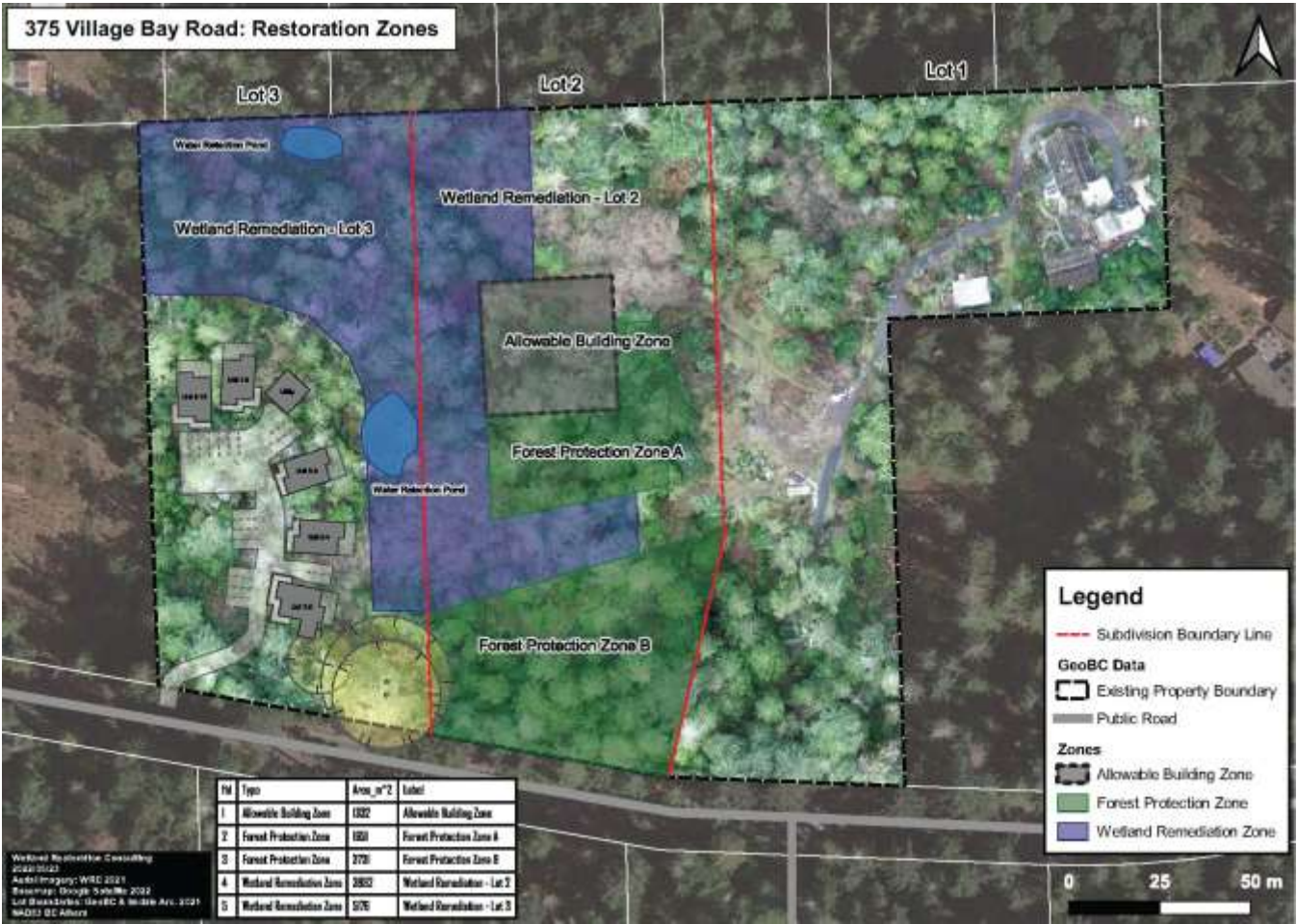
If the LTC still considers that zoning is not a community amenity and the applicant wants to have the ability to build on Lot 2 within 5 years the LTC could consider the following:

- 1) A different measure of the delivery of the affordable housing identified (e.g. funding being secured, water system developed, building permits received)
- 2) Another amenity provided within five years (options discussed below).

**Water** - The potential of water shared with neighbours and the greater community being a community amenity has been discussed. The MIHS has since indicated that they are not interested in entertaining this option given the multiple issues and challenges related to sharing water. Staff identify that the development of a water service and other alternatives would required additional analysis. Staff point out that the Land Use Bylaw 3.2 (7) prohibits “Retail sale or wholesaling of groundwater extracted on Mayne” in all zones. Staff recommend that until the MIHS is willing to engage in further discussion about sharing water any work to identify interests of water service providers or research related to options such as easements for neighbour access or the development of a water service be put on hold.

**Land for conservation** - Land for conservation purposes would be an alternative amenity contribution enabling the development on Lot 2. This was originally with reference to Lot 3 being preserved for conservation purposes if affordable housing is not built within 10 years. Discussion of whether the lands already identified as Forest Protection and Wetland Restoration on the Subdivision Plan attached to the Covenant could be considered an amenity has not be discussed in detail. These areas are identified in Figure 1 which is proposed to be included as Schedule A of the Section 219 Covenant. The MIHS has indicated on a number of occasions that they would like the LTC to consider this as a community amenity.

**Figure 1: Wetland Restoration and Forest Protection Zones**



The MIHS has indicated that if Lot 2 cannot be built on within five years the MIHS may lose the opportunity to move forward with the project.

The LTC should provide direction on what would be considered a suitable community amenity to allow building on Lot 2. Until this direction is provided and agreed to by MIHS, the project can not move forward given the direction of the LTC to have a final draft of the covenant available prior to the Community Information Meeting and the Public Hearing.

### **A “sunset clause” for Lot 3**

The “sunset clause” refers to language in the Section 219 covenant which would address what is to happen if the affordable housing is not built. A ten year timeframe had previously been discussed. The LTC has stated that the land should be used for conservation if the housing is not built within ten years. Legal counsel has yet to provide advice on how this can be done for the full lot, as it is not a common approach.

The MIHS has provided staff with draft covenant language which outlines a process which would see the Owner of the property requesting direction from the LTC if housing is not completed within ten years from the date the Land is subdivided. The proposed draft language also suggests that if construction has not begun within 10 years, adequate funding has not been secured or the LTC is of the opinion that the housing will not be built within a reasonable timeframe, the LTC may require that the Owner of Lot 3 transfer the lot to a willing Permitted Housing Operator. If there is no Permitted Housing Operator willing to take over Lot 3, the proposed draft covenant language suggests the LTC could rezone Lot 3.

Staff opinion is that the covenant language proposed by the MIHS, and a “sunset clause” in general, is not necessary and not recommended for the following reasons:

- Identifying a 10 year timeline for engagement with a future LTC would simply be a suggestion, as it is not restriction on the use of the land and cannot bind a future LTC’s land use decisions.
- There are practical challenges with even holding such consultation given changes in LTC membership, staff and MIHS membership over time.
- Given that the only development that will be allowed on Lot 3 is that permitted by the zoning, housing agreement and covenant, if the housing is not built the land would sit undeveloped until such time as the owner applies for amendments to the zoning, housing agreement and covenant.
- Any future LTC has the ability initiate a process to rezone the land should the development not occur, however it could not be rezoned to conservation-only without the landowner’s agreement, as all economic uses cannot be removed from a property without compensation.

### **ALTERNATIVES**

#### **1. Request further information from the applicant**

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

#### **2. Request further information from staff**

That the Mayne Island Local Trust Committee request that staff provide..

#### **3. Proceed no further**

That the Mayne Island Local Trust Committee proceed no further with the application.

## NEXT STEPS

If the LTC defines the amenity to be provided prior to development being permitted on Lot 2:

- Staff will draft covenant language
- Draft covenant language will be discussed with the MIHS
- If the MIHS agrees to the draft covenant language, the revised covenant will be shared with the LTC
- If the LTC endorses the draft covenant the draft covenant will be sent for legal review
- If any changes are to be made following legal review they will be shared with the MIHS and the LTC
- Once the MIHS and the LTC agree to the language in the covenant dates for the CIM and the PH will be set

|               |  |               |
|---------------|--|---------------|
| Submitted By: | Narissa Chadwick, Island Planner         | July 14, 2022 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | July 18, 2022 |

DATE OF MEETING: July 25, 2022  
TO: Mayne Island Local Trust Committee  
FROM: Narissa Chadwick, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Flexible Housing: Second and Third Reading

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw 189 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” be read for the second time.
2. That the Mayne Island Local Trust Committee Bylaw 189 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” be read for the third time.
3. That the Mayne Island Local Trust Committee Bylaw 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” be read for the second time.
4. That the Mayne Island Local Trust Committee Bylaw 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” be read for the third time.
5. That the Mayne Island Local Trust Committee Bylaw No.189 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.
6. That the Mayne Island Local Trust Committee Bylaw No.184 , cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.
7. That the Mayne Island Local Trust Committee Bylaw No.189 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” be forwarded to the Ministry of Municipal Affairs for approval.

## REPORT SUMMARY

This report, to be presented after the Public Hearing, summarizes Bylaws 189 and 184 and recommends consideration of second and third reading.

## BACKGROUND

This project was initiated in May of 2019. The initial phase of the project focused on understanding the issues and engaging the community in discussions related to the idea of establishing an option of a maximum floor area to be distributed among a number of units within a pilot area. Permitting larger cottages and secondary suites was also discussed and included in the project. Three community information meetings were held (January 18th, March 29th, May 28<sup>th</sup> 2021).

Following the presentation of draft bylaws, including a pilot area, the LTC expressed interest in expanding the pilot area. Interest from community members in including additional lots in the pilot area, as well as the finalization of groundwater vulnerability data led staff to develop a larger set of criteria upon which to inform decisions regarding the location of the pilot area. A more detailed look at options also contributed to the inclusion of lots up to 12 acres in size that are part of a subdivision that include smaller lots. The LTC included these larger lots in revisions to the previously endorsed pilot area.

Additional background on the project can be found in staff reports located on the Mayne Island webpage under "Housing Review": <https://islandstrust.bc.ca/island-planning/mayne/projects/>

## POST PUBLIC HEARING PROTOCOL

A public hearing is a quasi-judicial process within and following which specific procedures must be followed. Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

- Consideration of Second Reading
- Consideration of Third Reading.
- Forwarding of the bylaw to Executive Committee for approval.
- Forwarding of OCP amendments to the Minister for approval.
- Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

Amendments to the draft bylaws, based on information received or heard by the LTC at any point prior to the close of the public hearing, can be made provided they do not alter use or increase density, or decrease density without the landowner's consent.

If the Executive Committee approves the bylaws, the OCP bylaw will be forwarded to the Minister. Following Ministry approval the LTC can adopt the bylaws.

## PROPOSED AMENDMENTS

Draft Bylaw 189, amending the Official Community Plan, enables the changes to the Land Use Bylaw to support Flexible Housing.

Draft Bylaw 184, amending the Land Use Bylaw, contains the following:

- Addition of the definition of “Tiny home on wheels”.
- Amendment to “recreational vehicles” to permit tiny home on wheels that meet the Canadian Standards Association Standard for recreation vehicles can be considered a recreation vehicle.
- Not including recreational vehicles and tiny homes on wheels, which cannot be regulated through building permit, to be considered as dwellings when a distributed square footage approach is taken.
- Increasing the maximum floor area of secondary suites to 95m<sup>2</sup> (1001ft<sup>2</sup>) in all zones where secondary suites are allowed.
- Removal of lower cottage size for smaller lots to allow 93m<sup>2</sup> (1001ft<sup>2</sup>) to be the maximum floor area for all cottages in all zones allowing cottages.
- Identification of the maximum number of dwellings and maximum combined floor area on different sized lots in the Flexible Housing pilot area. These would be consistent with existing regulations related to the number of dwellings permitted on different sized lots in the Settlement Residential (SR) Zone and the Rural (R) Zone. The total maximum floor area and number of dwellings in the Flexible Housing Pilot area of the Settlement Residential (SR) Zone and Rural (R) Zone would be as follows:
  - On lots having an area of 0.6 hectares (1.5 acres) or less one additional dwelling would be permitted if the total combined square footage of all dwellings does not exceed 2500 square feet/232 square metres.
  - On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage would be permitted if the total combined square footage of all dwellings and cottages does not exceed 3500 square feet/325 square metres.
  - On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 5 hectares (12.355 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m<sup>2</sup> (4750 square feet).
- Requirement for water catchment and storage for an additional dwelling. Similar to secondary suites, the minimum cistern capacity required for each additional dwelling would be 13640 litres (3000 gallons).
- Bed and Breakfast use would be permitted in the primary dwelling only.
- Does not permit STVR rental in additional dwellings.
- Permits only one Secondary Suite per lot.
- Identifies pilot area.

## RATIONALE FOR RECOMMENDATIONS

- There has been a number of opportunities for public input throughout the project including 3 CIMs.
- The LTC has incorporate public feedback and detailed analysis of water vulnerability and access to amenities into the consideration of pilot areas.
- The project satisfies the LTC's goal of providing opportunities for additional housing while limiting lot coverage.

## ALTERNATIVES

### 1. Amend the Bylaws

The LTC could choose to amend the Bylaws provided they do not alter use or increase density, or decrease density without the landowner's consent.

### 2. Defer further readings

The LTC may choose to defer further readings to consider new information presented.

*That the Mayne Island Local Trust Committee defer further readings of Bylaw 189 and 184 until ...*

### 3. Request further information

The LTC may request further information prior to making a decision. Staff advise that this will extend the timeline for Bylaw adoption. The information being requested will need to be specified in the resolution.

*That the Mayne Island Local Trust Committee request that staff report back on .....*

### 4. To proceed no further with the bylaws

The LTC may choose not to proceed with one or both bylaws, and to conclude the project.

## NEXT STEPS

If the bylaws are given further readings:

- Staff will forward Bylaws 184 and 189 to the Executive Committee.
- Once approved by the Executive Committee, Bylaw 189 (OCP) will be sent to the Ministry of Municipal Affairs for approval.
- Once Bylaw 189 is approved by the Minister, Bylaws 184 and 189 will come back to the LTC for final approval.

|               |  |               |
|---------------|--|---------------|
| Submitted By: | Narissa Chadwick, Island Planner         | July 14, 2022 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | July 14, 2022 |

## ATTACHMENTS

1. Draft Bylaw 189 (OCP)
2. Draft Bylaw 184 (LUB)



# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 189

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### A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

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The Mayne Island Local Trust Committee in open meeting assembled enacts as follows:

#### 1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022".

#### 2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

#### 3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

|   |                  |        |       |        |
|---|------------------|--------|-------|--------|
| READ A FIRST TIME THIS  | 28 <sup>TH</sup> | DAY OF | MARCH | 2022.  |
| PUBLIC HEARING HELD THIS                                      | _____            | DAY OF | _____ | 20____ |
| READ A SECOND TIME THIS                                       | _____            | DAY OF | _____ | 20____ |
| READ A THIRD TIME THIS  | _____            | DAY OF | _____ | 20____ |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | _____            | DAY OF | _____ | 20____ |
| APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS               | _____            | DAY OF | _____ | 20____ |
| ADOPTED THIS  | _____            | DAY OF | _____ | 20____ |

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 189**

**SCHEDULE 1**

The Mayne Island Official Community Plan No. 144, 2007, is amended as follows:

1. Section 1.2 Broad Community Objectives is amended by adding to Objective 5) "and flexible" after "effective" and before "housing".
2. Section 2.1.1 Settlement Residential Objectives is amended by adding: "4) to support flexible options for housing while preserving and protecting rural character and freshwater sustainability."
3. Settlement Residential policy 2.1.1.2 is amended by deleting the first instance of "One" and replacing it with "In general, one" and by inserting "except where regulations permit additional dwelling units while limiting floor areas" after "or larger" and before ".".
4. Settlement Residential policy 2.1.1.3 is amended by deleting "On" and replacing it with "In general, on" and by inserting "except where regulations permit additional dwelling units while limiting floor areas" after "of lot area" and before ".".
5. Settlement Residential policy 2.1.1.10 is amended by deleting the first instance of "On" and replacing it with "Except where regulations permit additional dwelling units while limiting floor area, on".
6. Section 2.1.4 Rural Objectives is amended by adding "3) to support flexible approaches housing while preserving and protecting rural character and freshwater sustainability".
7. Rural policy 2.1.4.2 is amended by deleting the first instance of "One" and replacing it with "In general, one" and by inserting "except where regulations permit additional dwelling units while limiting floor area" after "of parcel area".
8. Rural policy 2.1.4.3 is amended by inserting "primary" after second instance of "permitted" and before "dwelling unit".
9. Rural policy 2.1.4.12 is amended by deleting the first instance of "On" and replacing it with "Except where regulations permit additional dwelling units while limiting floor area, on".

# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 184

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### A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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The Mayne Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Mayne Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008” is amended as follows:

2.1 By attaching Plan 1, attached to and forming part of this Bylaw, as Schedule “E” – Flexible Housing Map.

2.2 Section 1.1 – Definitions, is amended by deleting the definition of “Recreational vehicle” and replacing it with ““Recreational vehicle” means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, including a tiny home on wheels that meets the Canadian Standards Association Standard for Recreational Vehicles, but does not include a mobile home or, manufactured home”.

2.3 Section 1.1 – Definitions, is amended by adding ““Tiny home on wheels” means– a dwelling unit on a wheeled chassis designed to be used as a full-time residence”.

2.4 Subsection 3.13 (3) – Secondary Suites, is amended by inserting “in areas outside the shaded area in Schedule “E” following “constructed” in both instances.

2.5 Subsection 3.13 (8) – Secondary Suites, is amended by replacing “60” with “93”, replacing “646” with “1001” and replacing “40” with “50”.

2.6 Subsection 5.1 (2) –Settlement Residential (SR) Zone, is amended by inserting “unit” after the first instance of “dwelling” and before “per lot”

2.7 Section 5.1 – Settlement Residential (SR) Zone is amended by inserting a new subsection (3.1) following subsection (3):

“(3.1) Despite 5.1(2) and (3), on lots shown on Schedule E, the following density is permitted:

- (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined square footage of all dwellings does not exceed 232 m<sup>2</sup> (2500 square feet).

- (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325m<sup>2</sup> (3500 square feet).
  - (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 5 hectares (12.355 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m<sup>2</sup> (4750 square feet).
  - (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule "E", unless the additional dwelling is equipped with a water catchment system and cisterns for the storage of freshwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
  - (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
  - (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
  - (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6."
- 2.8 Subsection 5.1 (7) – Settlement Residential (SR) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."
- 2.9 Subsection 5.2 (5) – Rural Residential One, is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."
- 2.10 Subection 5.4 (6) – Miners Bay Rural Comprehensive (MBRC) Zone, is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."
- 2.11 Section 5.5 – Rural (R) Zone is amended by inserting a new subsection (3.1) following subsection (3):
- "3.1) Despite 5.5 (2) and (3), on lots shown on Schedule E, the following density is permitted:
- (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined square footage of all dwellings does not exceed 232 m<sup>2</sup> (2500 square feet).
  - (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325m<sup>2</sup> (3500 square feet).

- (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 5 hectares (12.355 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m<sup>2</sup> (4750 square feet).
- (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule "E", unless the additional dwelling is equipped with a freshwater catchment system and cisterns for the storage of rainwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
- (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
- (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
- (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6."

2.12 Section 5.5 (7) – Rural (R) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."

2.13 Section 5.6 (7) – Upland (UP) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."

### 3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

|   |                  |        |       |        |
|---|------------------|--------|-------|--------|
| READ A FIRST TIME THIS  | 27 <sup>TH</sup> | DAY OF | JUNE  | 2022.  |
| PUBLIC HEARING HELD THIS                                      | _____            | DAY OF | _____ | 20____ |
| READ A SECOND TIME THIS                                       | _____            | DAY OF | _____ | 20____ |
| READ A THIRD TIME THIS  | _____            | DAY OF | _____ | 20____ |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | _____            | DAY OF | _____ | 20____ |
| ADOPTED THIS  | _____            | DAY OF | _____ | 20____ |

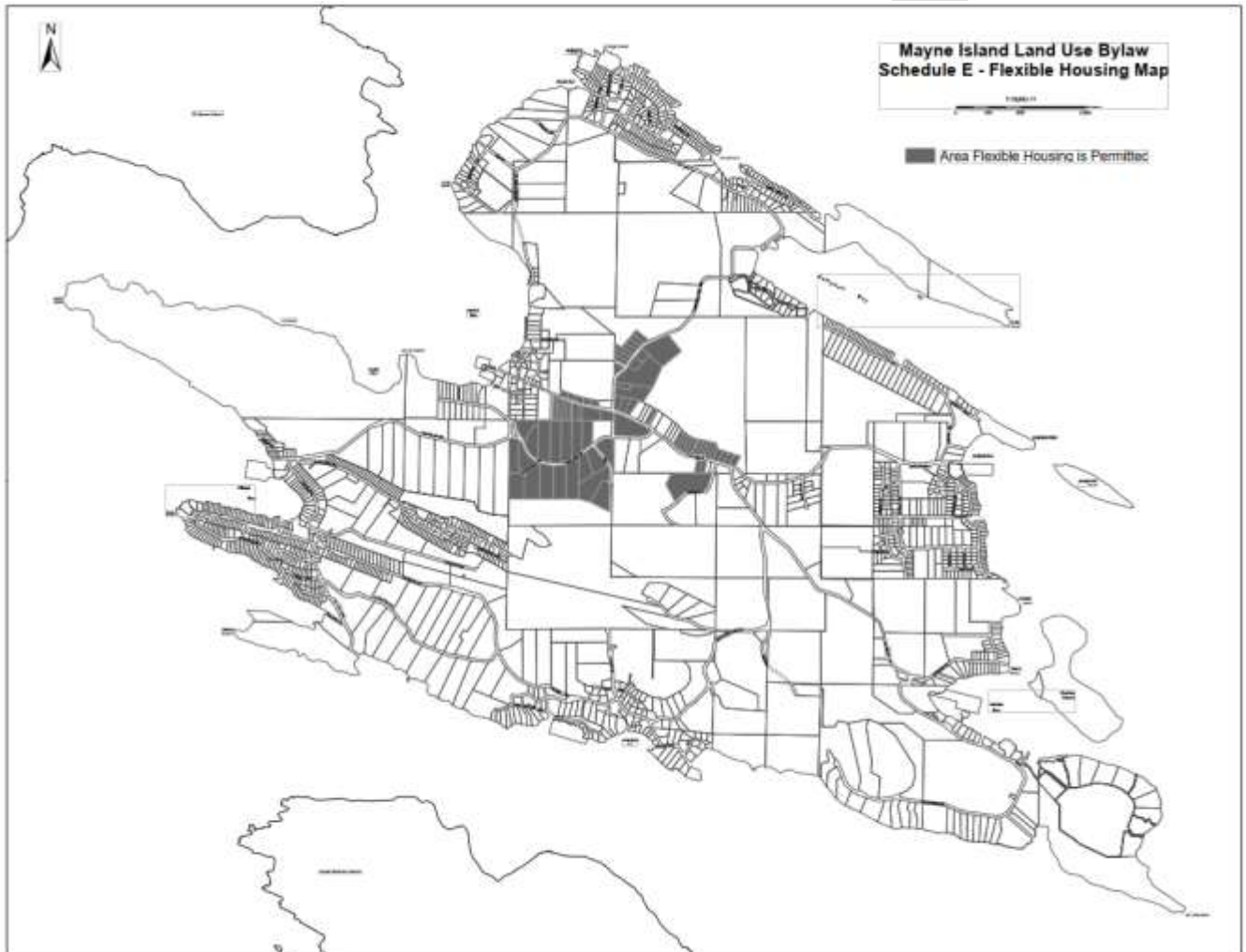
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CHAIR

\_\_\_\_\_  
SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 184**

**Plan 1**

**Schedule E (Flexible Housing Areas Map)**



DATE OF MEETING: July 25, 2022  
TO: Mayne Island Local Trust Committee  
FROM: Narissa Chadwick, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Housing Options – Next Steps for Housing Project

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee request staff place “Housing Options” on the top priorities list once the Flexible Housing project is completed as a continuation of the Mayne Island Housing Regulations and Policy Review Project.
2. That the Mayne Island Local Trust Committee direct staff to schedule a strategic planning session to help define the direction for the Housing Options project.

## REPORT SUMMARY

This report proposes next steps for addressing the need for affordable housing on Mayne Island.

## BACKGROUND

In June 2019 the LTC initiated the Mayne Island Housing Regulations and Policy Review Project. This project began with a review of housing regulations and policies, including a summary of census data, a build-out analysis and options for regulatory and policy changes. The LTC chose to focus on the development of Flexible Housing zoning in a pilot area. Flexible Housing zoning enables the development of an additional units of housing within a maximum floor area.

As the LTC recognizes, addressing housing affordability on Mayne Island will require a number of approaches. These approaches could include taking advantage of land that is already zoned multifamily, supporting rezoning and subdivisions that contribute housing as a community amenity and partnering with organizations such as Habitat for Humanity to address specific housing needs. The CRD is another potential partner. The recent release of the CRD’s Southern Gulf Islands Housing provides the opportunity for collaboration.

## PROPOSED PROJECT FOCUSES

The the next phase of the Housing Bylaws and Policy Review will focus on housing options and could include:

- Needs assessment that considers the work that has been done by the CRD, the MIHS.
- Involving Habitat for Humanity and a wider public engagement process to determine housing needs.

- An inventory of lands currently zoned for multifamily development and assessment of options.
- An identification of areas that are suited for increased density based on data related to groundwater vulnerability and ecology. Staff note that this will have the added benefit of advancing discussions related to the groundwater sustainability project.
- 327 Campbell Bay and 797 Beechwood potential rezoning/amenity contributions.
- Connecting with water service providers regarding support for secondary suites and flexible housing.
- Identification of alternative options for housing (eg. home sharing, temporary summer housing).

#### **Rationale for Recommendation**

- There is a need to understand housing needs on Mayne Island in more detail.
- There is a need to address a variety of housing needs.
- Addressing housing needs will require a variety of approaches.

#### **ALTERNATIVES**

##### **1. Do not place Housing Options on the Top Priorities List**

The LTC may decide to place priority on a different project at this time.

##### **2. Place the Housing Options on the Top Priorities List and wait until after the election to direct staff to move forward with the project.**

The LTC may decide to wait until after the election to support any movement on the Housing Options Project.

#### **NEXT STEPS**

If the LTC supports the staff recommendations staff will:

- Place Housing Options on the top priorities list once the Flexible Housing Project is completed.
- Staff will schedule a strategic planning session for the Housing Options program.

|               |  |               |
|---------------|--|---------------|
| Submitted By: | Narissa Chadwick, Island Planner         | July 15, 2022 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | July 18, 2022 |



## 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.

## Top Priorities Report

### Mayne Island

#### 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

#### 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

05-May-2022



## Applications

### Rezoning

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

**Planner:** Narrisa Chadwick

#### Planning Status

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**Status Date:** 13-Jul-2022

Discussion with staff and MIHS regarding Section 219 Covenant.

**Status Date:** 06-Jul-2022

MIHS signed cost recovery agreement and provided deposit.

**Status Date:** 27-Jun-2022

Bylaws read for the first time.

### Subdivision

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

**Planner:** Narrisa Chadwick

#### Planning Status

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**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.

## Standing Resolutions Log

### Mayne Island

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

## Standing Resolutions Log

### Mayne Island

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

## Standing Resolutions Log

### Mayne Island

| Resolution Number  | Action         | Date               |
|--|----------------|--------------------|
| <b>2017-028 (Standing)</b>   | <b>Carried</b> | <b>26-Jun-2017</b> |
| <p>That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR):</p> <p>a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement:</p> <ul style="list-style-type: none"> <li>i) they are advertised on the internet, newspapers or other media;</li> <li>ii) they are not managed by an owner of the USTVR property who lives on Mayne Island;</li> <li>iii) more than one dwelling on the lot is simultaneously made available for USTVR;</li> <li>iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers;</li> <li>v) there are issues related to health and safety on the property;</li> <li>vi) there is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the USTVR;</li> <li>vii) the owner of the property uses more than one property on Mayne Island as a USTVR.</li> </ul> <p>b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.</p> |                |                    |
| <b>2017-027 (Standing)</b>   | <b>Carried</b> | <b>26-Jun-2017</b> |
| <p>That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists:</p> <ul style="list-style-type: none"> <li>1.1. There is a complaint from an immediate neighbor; or,</li> <li>1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.</li> </ul> <p>2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.</p>  |                |                    |
| <b>2016-055 (Standing)</b>   | <b>Carried</b> | <b>27-Jun-2016</b> |
| <p>that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.</p>   |                |                    |



## Standing Resolutions Log

### Mayne Island

| Resolution Number   | Action         | Date               |
|---|----------------|--------------------|
| <b>2012-000 (Standing)</b>  | <b>Carried</b> | <b>01-Feb-2012</b> |
| 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. |                |                    |
| <b>2011-044 (Standing)</b>  | <b>Carried</b> | <b>02-May-2011</b> |
| 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.   |                |                    |



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

### HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MAY 24, 2022 BOARD MEETING (OPEN PORTION)

*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](#) is responsible for posting the position.
- ITC Board welcomed Aislyn King as the summer Co-op Student to the ITC team. She will be working as the GIS & Conservation Technician over the summer.
- ITC Board received verbal updates from the ITC Chair and Vice Chair about the Islands Trust Governance Review, the final 2022/23 Islands Trust Budget and the Policy Statement Review Process.
- ITC Board approved audited financial statements for 2021/22.

#### 2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Manager presented the request for decision regarding the ITC Plan Review to Board members, advising the plan will have a shorter timeline than previous plans (three years instead of five years), and noted the timelines for internal and First Nations referrals processes. The intent is to move towards a more robust engagement of First Nations over the next two to three years in preparation for the next ITC Plan. ITC Board approved the draft ITC Three-Year Plan and directed staff to refer it to local trust committees, the Bowen Island Municipality, Trust Council and First Nations and to bring a final draft to the Board for approval at its November 2022 meeting.
- ITC Board directed staff to prepare a Project Charter for the next ITC Five-Year Plan (2026-2030) with an emphasis on First Nations engagement.
- ITC Board provided input for the draft, July 13, 2022, ITC/Executive Committee liaison meeting. The liaison meeting provides an opportunity for ITC to liaise with Executive Committee regarding overlapping Trust Council and ITC work priorities.
- ITC Board reviewed correspondence received since the last meeting.

#### 3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Manager presented the Sandy Beach Nature Reserve Management Plan to Board members. Board members discussed adding climate solutions to future management plans including planting of niche species adaptive to climate change. Staff noted that the current



Climate Change Project is examining mitigation and adaptation actions for ITC managed lands. ITC Board approved the plan as amended.

#### 4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board discussed the referral of Proposed Bylaw 526 - Farm Housing Project (Salt Spring). ITC Board recommended approval of Salt Spring Island Local Trust Committee Bylaw 526, subject to the following conditions:
  - Increase of setbacks for any new uses from all lot lines adjacent to the McFadden Creek Nature Sanctuary of 200m, due to potential heron nesting areas (a blue listed species at risk); and
  - Increase of setbacks for any new uses from all lot lines adjacent to other ITC conservation areas to 30 m.

ITC Board also requested the Salt Spring Island Local Trust Committee consider the development of other protections for conservation areas on Salt Spring Island, such as:

- Restrictions on timing of construction to September 15 – January 15 for lots adjacent to ITC and other conservation areas;
- Implementation of erosion controls and soil compaction controls during construction for lots adjacent to ITC and other conservation areas; and
- Increase of setbacks for all lots adjacent to and/or near sensitive ecosystems.
- ITC Board approved placement of a Memorial Bench in the McRae NAPTEP Covenant (Gabriola) noting the bench is in memory of the late Stanley and Maxine McRae..
- ITC Board received a Fallow Deer briefing for Mayne Island and passed a resolution encouraging Trust Council to strongly advocate to the Province for the implementation of sustained, evidence based solutions to invasive Fallow Deer populations on Mayne Island, as requested by the Mayne Island Conservancy Society, to prevent Fallow Deer invasions to other islands.

#### 5. COMMUNICATIONS AND OUTREACH

- ITC Board were presented with the draft 2021/22 Annual Report for approval. Minor edits were noted and the text was approved (as amended) for approval by Trust Council. Communications Specialist noted that this Annual Report was designed to compliment the ITC [Impact Report](#) that is now available on the website.
- The Species at Risk Coordinator briefed Board members on the results of the Gathering for Species at Risk workshop (held March 17, 2022) and [highlighted outcomes of workshop](#).
- The ITC Ecosystem Protection Specialist briefed Board members on the recent Bull Kelp polygon mapping. The [mapping has been uploaded into Map IT and TAPIS mapping](#).

#### 6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board approved the following Opportunity Fund Grants:



ISLANDS TRUST CONSERVANCY

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

- \$6,000 to Gabriola Land and Trails Trust in support of their Nature Stewards program;
  - \$4,950 to the Galiano Conservancy Association for items noted in their application;
  - \$5,000 to help Raincoast Conservation Foundation and the Pender Islands Conservancy Association protect 18 hectares (44.5 acres) of land known as KELÁ\_EKE Kingfisher Forest on North Pender Island. Thanks to the generosity of an anonymous donor and the Sitka Foundation this donation will be matched, making it a \$10,000 contribution towards the protection of this forest. See our [News Release for further details](#).
- ITC Board received a Species at Risk Program update, including information about extension of funding from Environment and Climate Change Canada. ITC Board directed staff to draft and sign an amended contribution agreement with Environment and Climate Change Canada (ECCC), extending the existing Species at Risk Program funding until March 31, 2026, including a budget increase for the 2022/23 fiscal year of \$25,000 and the addition of \$220,000/year in funding for the next three fiscal years (2023/24 through 2025/26).

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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)