

ADOPTED

**MINUTES OF THE MAYNE ISLAND
LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY FEBRUARY 1, 2012 AT 1:00 P.M.
AT THE MAYNE ISLAND AGRICULTURAL HALL, MAYNE ISLAND, BC.**

<u>PRESENT:</u>	Peter Luckham	Chair
	Jeanine Dodds	Local Trustee
	Brian Crumblehulme	Local Trustee
	Robert Kojima	Regional Planner Manager
	Gary Richardson	Island Planner
	Pat Todd	Recorder

Sixty-eight (68) members of the public were in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 1:00 p.m. He introduced himself, the Trustees and the Planners. The Chair explained that the information session later in the agenda is not a Public Hearing but an opportunity to outline and present the facts regarding the item and questions could be directed to the Planners.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

12.3 Discuss Multijurisdictional Open House that Trustees wish to organize.

2.2 Questions From Public on Agenda Items

In reply to a question regarding copies of meeting package, it was stated that while there had been some copies available at the meeting the package is also accessible on line.

The agenda as amended was approved by consensus.

3. COMMUNITY INFORMATION MEETING

3.1 MA-TUP-2011.1 (Burke) re: Short Term Vacation Rental

Gary Richardson, Island Planner, spoke to the application. He advised that the community was asked to provide comments to the Planners. He stated that the Temporary Use Permit (TUP) can be issued for up to 3 years and renewed for 3 years. It can include a number of conditions to control issues and/or concerns. The property is located on the corner of Charter Road and Arbutus Drive. The Planners have received correspondence regarding concerns including: noise, privacy, water, decrease in property values, unfair to commercial enterprises.

Planner Richardson added that a TUP allows use for a short term to determine the appropriateness of usage while rezoning allows the use in perpetuity. Residential rental of a property is generally for more than 30 days. Short Term Vacation Rental (STVR) is for the benefit of the traveling public and is usually done on a weekly basis.

Trustee Crumblehulme spoke to the process of the Local Trust Committee (LTC) and the responsibility of the Islands Trust to preserve and protect the ecology and islands communities. There are a number of policies that address these two areas. Ecology is of primary importance. For a business, a significant majority of the community population has to support the enterprise. There is a moral imperative for the LTC to listen to feedback and dialogue to determine interest and concerns.

The community has indicated no support for Short Term Vacation Rentals. It is not in the OCP and to allow would require and to allow it would require an amendment to the bylaw. It was clarified that a TUP does not affect the OCP or bylaws.

Questions Regarding Application (it was stated that a decision would not be made until next LTC and that questions should be for clarification only)

Maja Jordan: Questioned summary of correspondence.

Planner Richardson outlined the procedure and stated that letters are available on web site.

Bill Borges: Questioned why opinions were not wanted.

It was explained that this is an opportunity to clarify the application. A TUP generally does not include a Community Information Meeting however the Trustees felt it important to have a meeting for clarification. The TUP is similar to “spot zoning” and gives rights to an individual that others don’t have. A TUP is a legal tool and allowed for within the OCP.

It was questioned as to whether a TUP should be used for a STVR. The LTC could address this through the OCP.

There was discussion as to the legality of “spot zoning”.

Marilyn Turner: Questioned the use of such a permit elsewhere and the ramifications.

Planners detailed that Gabriola has had three or four TUP applications for STVRs and while some are approved other applications have not been issued.

David Burrows: There is an issue in that the owner is not on the property. If permit issued would be on the same level as a commercial property. He questioned the fairness. A Bed and Breakfast is not classified as commercial.
Sheila Dunachie: Questioned the setting of a precedent. Would allowing this TUP make it easier for the next application?

It was explained that this is an individual process and while it does not set a precedent it may create an expectation. TUP allows the LTC to look at cumulative effect.

Murray Rosengren: The most effective tool to control the operation of a STVR is in not allowing advertising. Questioned if the TUP would permit advertising. If yes – then this affects commercial operations.

Planners stated that the TUP could specify no advertising. The TUP allows for negotiation of terms and conditions with applicant and can be a good tool to test “use”.

Carmen and Andrew Pearson: STVRs have occurred and there is a lack of bylaw enforcement. Questioned the availability of historical concerns and data regarding the impact of STVR. Also voiced concern regarding the inadequate resources to deal with bylaw infractions and if there are additional stipulations how will this be controlled.

Planners indicated that there have been initiatives over the past year to identify issues on islands re: STVR. Bylaw concerns are complaint driven. Trustees are aware of historical concerns and issues. There is a need to examine the application on an individual basis.

Doug Peers: Noted that the applicant is not the owner and questioned who will operate the STVR and is the applicant on island.

It was stated that the owner will manage the STVR and that the applicant is the daughter of the owner. Should the property be sold the “use” goes with it unless stipulated otherwise in the TUP.

Edward Gale: This will impact on other businesses and is viewed as unfair. Questioned why not just a rental (long term).

Judy Englehardt: If OCP says no to STVR why is application being considered?

Louis Vallee: There was a Task Force which reviewed STVRs.

Wesley Mulvin: Questioned if the TUP would be renewed after 3 years or would site be rezoned?

The TUP term is not necessarily 3 years (this is the maximum) and can be renewed once.

Andrew Pearson: Were this to go ahead can they operate different to a Bed and Breakfast or commercial enterprise? Expressed a concern regarding control of activities and absentee owner.

TUP could stipulate that someone be available to respond to concerns.

Ellen Vissor: Is consideration given to neighbouring businesses?

The Planners review submissions, concerns and comments received.

Bill Borges: How does community get information to staff and Trustees?

There will be a Town Hall session at next meeting prior to a decision on application. Contact can be made through emails, written letters and calls to Planners and Trustees.

Maya Jordan: Comment that for \$1,100 (cost of TUP application) can turn self into a commercial property without having to meet commercial standards. Questioned inspections, safety of renter, parking.

Staff explained that site would be under Building Code for residential use.

Asked if TUP could stipulate standards/inspections.

Yes, but Islands Trust would have to determine if standards are met and inspection is under CRD.

4. **PUBLIC HEARING**

None

5. **PREVIOUS MEETINGS**

5.1 Local Trust Committee Minutes

5.1.1 Mayne Island Local Trust Committee Business Meeting Minutes of December 19, 2011.

The following amendments were made to the minutes:

- Under Call to Order: after introduced himself..."shared his desire to support open communication within the meeting guidelines as described in Islands Trust policy".
- Page 4: bullet 7: to read – Chair Luckham reminded that only recommendations are asked for and decision rests..."

- Page 6 Chair’s Report: To read “New Members of Trust Council ...” and delete sentence “At his point...”
- Page 7 last bullet: after comma to read ...”which are creating an unsafe condition on the roads”.
- Section 16 to read: ...”a review in August to evaluate how er are doing as a committee”

Resolution MA-LTC-01-12

It was Moved and Seconded that the Mayne Island Local Trust Committee Business Meeting Minutes of December 19, 2011, as amended, be Adopted.

CARRIED

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions without meeting

None

5.4 Advisory Planning Commission and/or Mayne Island Commercial Land Use Task Force Minutes

5.4.1 Commercial Land Use Task Force Meeting Minutes Meeting dated December 6, 2011

No questions /no action at this time

5.4.2 Commercial Land Use Task force Meeting Minutes dated January 3, 2012

No questions/no action at this time

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Gary Richardson reported that the Bylaw Enforcement Officer was not available to come to an LTC meeting until April. This will be advertised in the Mayneliner Newspaper and there will be a Community Information Meeting.

7. DELEGATIONS

None

8. CORRESPONDENCE

Staff has received a significant volume of correspondence regarding MA-TUP-2012.1 (renewal) and MA-RZ-2010.2 (rezoning). Staff has tried to organize according to the two different applications.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 Galiano Island Bylaws 233 and 234 Referral

These Bylaws amend the OCP and LUB to allow the provision of affordable housing and the Staff Report is attached to meeting package. The information was included to allow opportunity to comment if felt that neighbouring communities may be impacted.

Resolution MA-LTC-02-12

It was Moved and Seconded that Galiano Island Local Trust Committee Bylaws 233 and 234 do not affect the interests of Mayne Island

CARRIED

9.2 MA-TUP-2011.1 (Burke)

Planner Richardson gave a summary of the application to operate a STVR and referred to the earlier Community Information Meeting. He outlined some of the issues which include: noise, water usage, pets, screening of property, number of guests allowed, use of recreational vehicles. There have been long term rentals of the property which were unsuccessful. This is seen as a trial. Planner Richardson said the application could be disallowed today or proceed to the next LTC meeting where a draft permit could be considered.

Trustee Crumblehulme voiced that he is not prepared to make a decision today and would like to follow process and is interested in community response. A Draft Permit would allow more information to the public for discussion and the LTC is always able to deny application.

Trustee Dodds feels there are a number of people who have not read the application and would like there to be draft permit brought forward to the March meeting for Town Hall discussion. She encouraged submissions of concerns.

Resolution MA-LTC-03-12

It was Moved and Seconded that Staff draft a Temporary Use Permit for the Local Trust Committee's consideration at the March 21, 2012 Local Trust Committee meeting. It is recommended that the draft TUP contain conditions regarding numbers of guests, numbers and control of pets, water consumption, length of stay, use of recreational vehicles and tents on the property, signage, parking, emergency contact, garbage disposal, screening from surrounding properties, outdoor fires, outdoor lighting and noise. It is further recommended that the draft TUP limit operation to the months of May to October, that there be no advertising and that there be a management plan in place.

CARRIED

The applicant queried if there would be a refund should the TUP be denied. Staff explained that the applicant pays for the process of the TUP not the outcome and that there would be no refund.

Trustee Dodds excused herself from the meeting while the LTC considered MA-TUP-2012.1 as there is a community perception that Trustee Dodds has a conflict of interest.

9.3 MA-TUP-2012, Renewal (McDougall)

Trustee Crumblehulme, advised that he had received a legal opinion from Islands Trust counsel that he was not in conflict, however concerns were raised by a member of the public as to Trustee Crumblehulme's bias regarding this application.

Planner Richardson reviewed the renewal application which is for a retail sales food items operation. There has been extensive correspondence in favour of this enterprise a few concerns raised regarding traffic and that the business has operated outside of TUP conditions.

The renewal can be for up to 3 years and should the property be rezoned the TUP is no longer in affect.

The Bylaw Officer has attended the site and reported no contraventions.

Chair Luckham queried why the Bylaw Officer had been called in.

Staff cited the TUP as allowing for "accessory sales of processed food items" and there had been a complaint that merchandise exceeded this parameter. The Bylaw Officer felt that the current operation was within this definition.

Resolution MA-LTC-04-12.

It was Moved and Seconded that MA-TUP-2010.1 (McDougall) be re-issued for two years.

CARRIED

9.4 MA-RZ-2010.2 (McDougall)

Planner Richardson spoke to the application for rezoning. Property is currently zoned for a machine shop and rezoning would permit retail sales in a 3000 sq. ft. building. To date there has not been a Public Hearing nor Community Information Meeting. Staff Report recommends a Community Information Meeting.

Trustee Crumblehulme suggested a draft bylaw be developed to allow LTC to proceed with the Community Information Meeting and Public Hearing. It was also questioned as to the appropriateness of C1 or C3 zoning for that site,

Resolution MA-LTC-05-12.

It was Moved and Seconded that Staff be directed to draft an amending bylaw and to schedule a community information meeting regarding MA-RZ-2010.2.

CARRIED

It is also recommended that the draft bylaw be referred to the Advisory Planning Committee and governmental agencies (e.g. Ministry of Transportation and Infrastructure) for review and comment.

Trustee Dodds rejoined the meeting and Chair Luckham advised of the actions regarding the TUP and Rezoning applications.

10. **LOCAL TRUST COMMITTEE PROJECTS**

None

11. **REPORTS**

11.1 **Work Program Reports**

11.1.1 Mayne Island Local Trust Committee Work Program – Report dated January, 2012

Legal advice is being sought in regard to Riparian Area Regulations and that information will be brought forth at another meeting. Trustee Dodds is in receipt of information, which has been copied to the LTC, from Landowners Coalition.

11.1.2 2008-2011 Trust Council Strategic Plan

This is a 6 month process scheduled to begin in March. There will be 1 or 2 sessions of Trust Council, and is likely to be ratified in Fall 2012.

11.2 Applications Report

11.2.1 Mayne Island Applications report dated January 2012

Planner Richardson provided details on the report.

Resolution MA-LTC-06-12.

It was Moved and Seconded that Staff be asked to add a new item to projects list regarding the requirement of proof of potable water for boundary adjustments in subdivisions.

CARRIED

Chair Luckham is concerned regarding the number of applications being put forth for the next meeting. It was decided that MA-RZ-2010.2 (McDougall) application for rezoning will be put to the April meeting.

The Manager of Farm Gate spoke to a concern in delaying the rezoning application as the Development Permit cannot go forward until rezoning is finalized which restricts operation over summer peak season.

11.3 Expense/Budget Reports

11.3.1 Trustee and Local Expenses

Report was attached and any questions are best directed to staff, Cindy Shelest.

11.3.2 Confirmation of 2012-2013 Budget Requirements

\$5,000 has been requested for implementation of Housing Options recommendations. This item is felt to be a priority.

11.4 Bylaw Enforcement

None

11.5 **Adopted Policies and Standing Resolutions**

Standing Resolution regarding STVR: Staff to review and report to Trustees as pertains to TUP application.

11.5.1 Special Occasion Liquor License Referrals

Robert Kojima, Regional Planning Manager (RPM) spoke to the need of a special occasion liquor license to be approved by local government, which for this purpose is the LTC and RCMP. Other islands have a standing resolution to allow staff to respond to applications if there is no history of complaints and it is for public assembly. He has drafted a standing resolution for Mayne.

There was a question as to how an application for a license with concerns would go forward to LTC. The Agricultural Society has a form for renters of the hall. The Society requires a significant security deposit. Typically application goes to the Pender RCMP detachment and is then taken to the liquor store. The suggestion is if no complaints from preceding 3 years application can be approved by staff. The Agricultural Hall has had a number of complaints due to residential setting. This will be brought back to next Agenda.

11.6 **Mayne Island LTC Web Page**

Discussed need to ensure people are aware of TUP applications. Staff can post those issued on the web page. Trustees can refer to the web site in the monthly update in the Mayne Liner.

11.7 **Chair's Report**

Chair Luckham reported that March Trust Council Meeting will include a second look at the budget. There are a number of fixed costs.

Trust Council has started a First Nations Task Force of which Chair Luckham is a member along with Department Heads. The Task Force is looking at how Islands Trust might engage and work with First Nations better.

Chair Luckham also chairs North Pender and Denman as well as being on Islands Trust Fund Board.

The Chair is happy to hear from the constituents.

11.8 Trustee **Report**

Trustee Dodds reported she is on the Financial Committee. Islands Trust focus is on programs and people – to cut budget – cuts staff and Islands Trust not able to deliver programs.

Trustee Crumblehulme reported he is on the Local Planning Committee. David Howe, CRD, is forming an Economic Development Commission for the Southern Gulf Islands and has asked Trustee Crumblehulme to be the Mayne Island representative.

Chair Luckham suggested that this appointment also represent the LTC once there is a formal request for a representative.

12. **OTHER BUSINESS**

12.1 Upcoming Meetings

12.1.1 Next Business Meeting – Wednesday March 21, 2012 at 1:00 pm. at the Mayne Island Agricultural Hall.

12.2 Advisory Planning Commission Appointments

Committee needs 1 more member. There are 2 members who's term will expire in February 2011, and they have expressed interest in staying on the committee. Recommendation is to advertise for 3 vacancies and then a decision can be made at LTC regarding appointment/reappointment.

Resolution MA-LTC-77-12.

It was Moved and Seconded that Staff be asked to advertise the need for 3 members for the Advisory Planning Commission. It was also recommended that the ad indicate there may be a reappointment of existent members.

CARRIED

13. **TOWN HALL MEETING**

Deb Foote: spoke to the budget and setting of taxes. Questioned if property value decreases does mill rate increase so taxes stay the same.

Noted that requirements stay the same. Explained this would depend if there was a drastic decrease.

Andrew (Manager at Farm Gate Store): Suggested a large print agenda be projected on wall to allow participants for follow. Or having more copies of agenda available – not necessary to copy whole package.

David Maude: in regards to web site – suggested some things looked misleading. A lot of information regarding Galiano with no explanation as to why it was there.

Barry Wilks: was confused by the Galiano information as well. Also raised serious concern regarding the safety of two areas – 1. junction of Horton Bay Road and Fernhill Road and 2. Village Bay Road and Felix Jack Road. Also spoke to the poor road conditions with respect to.

14. **ADJOURNMENT**

Resolution MA-LTC-08-12

It was Moved and Seconded that Mayne Island Local Trust Committee meeting be adjourned at 4:15 p.m.

CARRIED

RECORDER

CHAIR