



# ADOPTED

## Mayne Island Local Trust Committee Minutes of Regular Meeting

**Date:** June 27, 2016  
**Location:** Mayne Island Agricultural Hall  
430 Fernhill Road, Mayne Island, BC

**Members Present:** George Grams, Chair  
Jeanine Dodds, Local Trustee  
Brian Crumblehulme, Local Trustee

**Staff Present** Gary Richardson, Island Planner  
Pat Todd, Recorder

**Others Present** There were approximately fifty-six (56) members of the public.

### 1. CALL TO ORDER

Chair Grams called the meeting to order at 1:00 pm. and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

Presentation by the Capital Regional District (CRD) to be part of Community Information Meeting:

Item 10.4 to precede 5.1.

The agenda as amended was adopted by consensus.

### 3. TOWN HALL AND QUESTIONS

none

### 4. COMMUNITY INFORMATION MEETING

#### Presentation by CRD

**Carl Bunnin** presented information regarding the rezoning of Anson Road to allow for construction of a community wharf.

Points:

- Uplands Zone
- All weather anchorage
- Dept. of Highways holds road allowance
- CRD has had water lease since 2007
- Dock is noted within the Official Community Plan (OCP)
- Dock/pump out station would be available to all boaters
- Limited dockage on island
- Environmental study completed, and no significant marine impact and less impact than numerous anchorages
- Southern Gulf Islands Harbours Commission (CRD) would manage

Planner Richardson reviewed the staff report. Bylaws have been drafted to amend the OCP and the site would be designated as a Development Permit area. Drafted bylaws would amend the Land Use Bylaw (LUB) for the upper portion of Anson road and create a Community Wharf zone.

Draft Bylaws have been referred out and no concerns have been received from First Nations, Ministry of Transportation, the surrounding LTCs and the CRD. There were some proposed changes submitted by the Mayne Island Conservancy.

Chair Grams opened the discussion to the public.

**Sid Mister** questioned why notice was not published in the MayneLiner. Planner Richardson explained the requirements to comply with legislation guidelines as to what constitutes a newspaper so Islands Trust has to use the Driftwood. There were concerns stated as to maintenance of Miners Bay Dock and that funds may be diverted to the new project.

**Wayne Peace** questioned designated parking for trailers if there is no launch ramp. Staff stated this would be accessory to community dock facility.

**Ian Beattie** restated the importance of advertising in the MayneLiner and the importance of Miners Bay Dock. There is concern with Horton Bay area as there is limited access to community resources.

Chair Grams restated that the Community Information Meeting (CIM) is to raise questions to the applicant and comments should be brought forth at the Public Hearing.

**Chris Rhoerig** spoke to the LTC adopting a policy to advertise in the MayneLiner and on Facebook.

Chair Grams stated that this seemed a reasonable request and restated that for the purposes of a Public Hearing the process is detailed within the Local Government Act which stipulates what is considered a newspaper.

#### 4.1 **Mayne Island Local Trust Committee Bylaws 165, 166, 167, 168 & 169 and**

Staff reviewed short term vacation rentals (STVR) and that a number of LTCs are dealing with regulating practice. Draft Bylaws 165 and 166 would allow use of a legal cottage for STVR with a limit of 1 per lot. Draft Bylaw 167 details the guidelines for use of a Temporary Use Permit (TUP) for the purpose of a STVR. A TUP could be approved for up to 3 years with one renewal and neighbours are notified of application.

Questions from the public:

**Sid Mister** asked the size of a lot to permit a cottage which is 1.5 acres.

**Chris Rhoerig** raised concerns as to guidelines regarding operator on site, no stipulation as to commercial operation and asked if applicant can be required to be a resident of island. The wording could more clearly identify being resident on island vs. resident on property.

Planner Richardson spoke to the guidelines giving the Trustees more structure for consideration of applications and the LTC cannot regulate based on residency of applicants.

There was discussion as to what constitutes a “contact person” and requirements for their availability to respond to concerns. The LTC could detail this through the TUP.

The TUP applicant may be the owner or a person designated by the owner.

The LTC has the ultimate decision regarding each application and there is no recourse if the application is turned down.

**Barbara Judd** spoke to the TUP draft bylaw and questioned neighbours being responsible to ensure TUP regulations are being complied with by operator.

Staff explained that it is usually neighbours who complain to Bylaw Enforcement.

**Mary Cooper** questioned at what point a Bylaw Officer would investigate complaints and it was explained that only one complaint needs to be made in confidence and in writing to Bylaw Enforcement. If there are ongoing issues between neighbours the permit would not likely be renewed. It was also explained that if the bylaw is successful there could be operation of a B&B and STVR on the same property.

**Millie Leathers** suggested neighbours working out issues without Bylaw being involved however if a complaint is made to Bylaw Enforcement it must be investigated.

**Mary Cooper** asked if there are restrictions as to the number of STVR management properties as guidelines only identify a “contact person” and who is notified when TUP application is put forth.

Staff spoke to the statutory requirements and that Planners identify who/what agencies would be sent a referral. Typically, applications are sent to water districts and in the case of CRD water districts would be received by the CRD Referral Clerk for distribution.

**Vicki Bovet** raised concerns that the letter sent to Skana Gate water board was not dealt with and users were not aware of application.

**Barbara Judd** asked the consequences of bylaw infractions.

The newly adopted Bylaw Enforcement Notification Bylaw (BEN) was explained. A TUP cannot be revoked however BEN process “pushes” towards compliance.

**Angela Pike** commented on the TUP being used to allow commercial use of property – an interim rezoning permit.

It was restated that TUPs can go as long as 3 years – may only be for 1 day e.g. special event.

## **5. PUBLIC HEARING**

### **5.1 Mayne Island Local Trust Committee Bylaws 165, 166, 167, 168 & 169**

The Public Hearing was called to order at 1:59pm. See separate Public Hearing (PH) record dated June 27, 2016.

### **5.2 Recall to order**

Chair Grams recalled the meeting to order at 2:37pm.

## **6. MINUTES**

### **6.1 Local Trust Committee Minutes Dated May 30, 2016 (for Adoption)**

The following amendments to the minutes were presented for consideration:

- First sentence of Chair’s report: The probationary period of the...
- 8.1 Campbell Bay: Adam Iredale-Grey

**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 2016**

There is one item on-going and Committee expressed appreciation to staff for completion of other items.

**8. DELEGATIONS**

none

**9. CORRESPONDENCE**

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

none

**10. APPLICATIONS AND REFERRALS**

**10.1 MA-TUP-2016.1 (Leathers) - Staff Memo**

Planner Richardson stated that the Islands Trust has received a number of comments regarding this application.

Trustee Crumblehulme spoke to a conflict with application due to the number of exceptions i.e. a B&B in an accessory building. There is a concern of setting precedence and water consumption.

Trustee Dodds spoke to the water concerns, and that the building is not a legal cottage and proposed the compromise of TUP approval till October 1, 2016 so the applicant can fulfill existing bookings.

**MA-2016-040**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee direct staff to proceed with the application and issue the Temporary Use Permit effective for the period July 1, 2016 to October 1, 2016.

**CARRIED**

The applicant read a letter sent to LTC that addressed water issues and other concerns that had been raised by neighbours.

There were a number of property owners, from the neighbourhood, who spoke against the application (and had submitted letters of non-support).

Chair Grams stated that the motion had passed, correspondence had been received and it was the opinion of the LTC that to close operation of the B&B immediately was unreasonable.

## 10.2 MA-TUP-2016.2 (Lane) - Staff Memo

Staff reviewed happenings since the May LTC meeting and noted that boundary line has been delineated and signage erected.

Trustee Dodds spoke to ongoing concerns regarding size of operation and number of guests and that maybe application should be referred to Advisory Planning Commission (APC).

Trustee Crumblehulme concurred with the issue of number of guests and supported referral to APC.

### **MA-2016-041**

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

that application MA-TUP-2016.2 (Lane) be referred to the Mayne Island Advisory Planning Commission for consideration of size, boundaries delineation and suitability of usage as a Short Term Vacation Rental.

**CARRIED**

The applicant spoke to his understanding from the May meeting that his application would be allowed if the boundary is delineated and signage posted. There are ongoing efforts to resolve issues with neighbours and the majority of guests are families with children. There is now increased screening of rental requests.

**Barbara Judd** (neighbour) stated appreciation of fencing however she had requested a survey and to date has not heard if this has been initiated. There continues to be concerns.

## 10.3 Galiano Island Local Trust Committee Bylaw Nos. 259 & 260 Referral

### **MA-2016-042**

#### **It was Moved and seconded**

that Mayne Island Local Trust Committee interests are not affected by Galiano Island Local Trust Committee Bylaw Nos. 259 and 260.

**CARRIED**

## 10.4 MA-RZ-2015.1 (CRD) - Anson Road Community Dock - Staff Memo

Bylaws 168 & 169 (for further consideration)

Staff reviewed the considerations.

### **MA-2016-043**

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

that the Mayne Island Local Trust Committee proposed Bylaw No. 168, cited as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2016" be read a Third Time.

**CARRIED**

**MA-2016-044**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 168, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2016” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

**CARRIED**

**MA-2016-045**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 168, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2016” be forwarded to the Minister of Community, Sport and Cultural Development for approval.

**CARRIED**

**MA-20165-046**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 169, cited as “Mayne Island Land Use Bylaw, 146, 2008, Amendment No. 1, 2016” be read a Third time.

**CARRIED**

**MA-2016-047**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 169, cited as “Mayne Island Land Use Bylaw, 146, 2008, Amendment No. 1, 2016” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

**CARRIED**

Trustee Dodds, in response to the question of how long approval would take, informed those present that it may take a number of months to hear from the Ministry.

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1 Cottage - Commercial Vacation Rental - Staff Memo**

Bylaws 165 & 166 (for further consideration)

**MA-2016-048**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 165, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2015” be read a Second time.

**CARRIED**

**MA-2016-049**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 165, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2015” be read a Third time.

**CARRIED**

**MA-2016-050**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 165, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2015” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

**CARRIED**

**MA-2016-051**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 165, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2015” be forwarded to the Minister of Community, Sport and Cultural Development for approval.

**CARRIED**

**MA-2016-052**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 166, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2015” be read a Second time.

**CARRIED**

**MA-2016-053**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 166, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2015” be read a Third time.

**CARRIED**

**MA-2016-054**

**It was Moved and Seconded**

that the Mayne Island Local Trust Committee proposed Bylaw No. 166, cited as “Mayne Island Land Use Bylaw No. 2, 2015” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

**CARRIED**

**11.2 Temporary Use Permits (TUP) Guidelines for Short Term Vacation Rentals (STVRs) - Staff Memo**

Bylaw 167 (for further consideration).



There was discussion regarding the drafted guidelines. Further consideration is needed for number of units in operation, water consumption, drafting guidelines similar to those for secondary suites.

Staff will come back with options.

## **12. REPORTS**

### **12.1 Work Program Reports (attached)**

#### **12.1.1 Top Priorities Report Dated June 2016**

Commercial Land Use Review is top priority.

#### **12.1.2 Projects List Report Dated June 2016**

Received for information.

### **12.2 Applications Report Dated June 2016 (attached)**

Received for information.

### **12.3 Trustee and Local Expense Report Dated May 2016**

Received for information.

### **12.4 Adopted Policies and Standing Resolutions (attached)**

Received for information.

There was discussion as to a policy for advertising in the Mayne Liner. Notices in the Times Colonist instead of the Driftwood could be more accessible.

#### **MA-2016-055**

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

that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.

**CARRIED**

### **12.5 Local Trust Committee Webpage**

Staff will update.

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

Chair Grams reported that recent Trust Council on North Pender resulted in a letter to the Ministry regarding the TransPacific Trade agreement and LNG concerns.

## **12.7 Trustee Report**

Trustee Crumblehulme attend a workshop in Sidney by the Western Canada Marine Response Corporation and to date there is no one on the islands to respond to spills. There was a Tsarlip Band gathering at Brentwood Bay and opposition to the LNG and increased tanker traffic was voiced.

## **12.8 Trust Fund Board Report**

none

## **13. NEW BUSINESS**

### **13.1 Invitation to Gulf Islands Groundwater Management Presentation by Diana Allen**

This presentation will be held on Salt Spring Island.

## **14. UPCOMING MEETINGS**

### **14.1 Next Regular Meeting Scheduled for July 25, 2016, at 1:00 pm, at the Agricultural Hall, Mayne Island**

## **15. TOWN HALL**

**Chris Rhoerig** spoke in support of referral of Short Term Vacation Rentals (STVRs) to the Advisory Planning Commision.

**Heather Dow** also agreed with referral and concerns raised regarding non-resident operators of STVRs. Appreciation was expressed for considering the Mayne Liner for future notifications.

## **16. CLOSED MEETING**

none

## **17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:45 pm.

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George Grams, Chair

Certified Correct:

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Pat Todd, Recorder