

ADOPTED



Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: November 26, 2018
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Miles Drew, Bylaw Enforcement Manager
Patricia Todd, Recorder

Public: There were approximately seventeen (17) members of the public in attendance.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:00 p.m. Chair Rogers acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. As this was the first meeting since the election, Chair Rogers introduced: himself, the Trustees and staff present.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted as presented.

3. TOWN HALL AND QUESTIONS

Ian Dow raised concerns regarding roads, safety issues citing the corner of Horton Bay Road and Stewart Drive.

Trustee Dodds spoke to having Ministry of Transportation attend an LTC meeting as there are a number of road issues.

MA-2018-053

It was Moved and Seconded,

That the Mayne Island Local Trust Committee direct staff to invite Ministry of Transportation staff to attend a Local Trust Committee meeting.

CARRIED

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated September 24, 2018 (for information)

Received for information.

6.2 Section 26 Resolutions-without-meeting Report Dated November 2018

Received for information.

6.3 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated November 2018

RPM (Regional Planning Manager) Kojima spoke to the report. Bylaw Enforcement Notification bylaw is on agenda; Commercial Land Use review is on-going and remaining items have been completed. Board of Variance appointment terms have been completed. There will be an ad for interested persons to apply.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1 MA-RZ-2018.1 CRD (Cotton Park) - Staff Report

Trustee Maude recused himself and left the meeting room at 1:20 p.m. for the next two agenda items due to conflict of interest.

RPM Kojima reviewed staff report on the the CRD (Capital Regional District) application to amend the OCP (Official Community Plan) designation and zoning on a waterfront property that has been donated for park purposes, from a residential designation/zone to a community park designation/zone.

The question was raised as to the possibility of including rezoning of St. John Point in the application.

Trustee Dodds spoke in favour of linking applications and the need to clarify different parks in the OCP/LUB.

RPM Kojima stated there is only one park zone with a number of uses. This could be amended to have Active Park Zone and Passable Park Zones.

RPM Kojima will contact the CRD as to appropriateness of combining the applications.

Deb Foote reported that the Conservancy holds a Covenant for St. John Park which limits uses.

Discussion was held on various park classifications.

Peter Askin raised concern regarding the combining of the applications delaying the process for Cotton Park.

MA-2018-054

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to prepare a draft bylaw to amend Mayne Island Official Plan Bylaw No. 144, 2007 to amend the Official Community Plan designation of South West ¼ of the North East ¼ of Section 14, Mayne Island, except Parcel G (DD89729) from Rural to Community Park.

CARRIED

MA-2018-055

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to prepare a draft bylaw to amend Mayne Island Land Use Bylaw No. 146, 2008 to amend the zoning of South West ¼ of the North East ¼ of Section 14, Mayne Island, except Parcel G (DD89729) from Rural to Community Park.

CARRIED

MA-2018-056

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to contact Capital Regional District staff regarding St. John Point rezoning clarifying time line impacts.

CARRIED

10.2 MA-DVP-2018.4 (Maude) - Staff Report

RPM Kojima reviewed the application for a variance that would allow two lots to be created that do not comply with the depth to width requirements of the LUB (Land Use Bylaw).

Staff noted that the posted/distributed notification had an error: 2 a) should read “depth greater than” not “less than”. This can be amended.

There were comments received from neighbours.

RPM Kojima reviewed the process and regulations for a subdivision.

Chair Rogers asked about Park Dedication as required by Local Government Act, staff explained this only applies if more than 3 lots being created.

Chair Rogers spoke to the requirement of Ministry of Transportation to approve.

RPM Kojima noted that the subdivision application is referred to the Capital Regional District, Ministry of Health, Ministry of Transportation and other agencies as required.

Chair Rogers asked about the notice. He questioned if it would meet notification requirements.

Islands Trust Staff clarified that it’s the application that is being amended – not the notice.

Debra Bell raised the following concerns:

- Cited inaccuracy.
- Address stated as Cherry Tree Lane.
- Staff report recommendation to exempt from frontage.

- Personal information in correspondence was not redacted.
- People may not have made comments as they were given insufficient/inaccurate information.
- Future subdivision potential should be considered as should amenity allotment.

RPM Kojima responded:

- Cherry Tree Bay Road is the civic address (staff report).
- 1/10 perimeter frontage: no requirement to notify.
- Names are not part of personal information, which would be an email and address.

Islands Trust Staff reported that the Ministry of Transportation determines if an Archeological Assessment is required.

Deb Foote spoke about: access, environmental impact, setting a precedent, parcels could be divided differently, doesn't need to be waterfront.

RPM Kojima stated that a Subdivision Referral Report has been prepared and forwarded to the Ministry.

Jo Fox raised concern as to eagles nest and 2 skinny waterfront lots likely to disturb nesting site.

Chris Roehrig questioned applicant speaking to subdivision and in lieu of applicant would have been beneficial to have surveyor speak to proposal.

It was stated that building permits could address many of the issues or concerns.

The following motion was moved:

It was Moved,
that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2018.4(Maude) and amend 2a) to read greater than.

Chair Rogers spoke to the motion regarding concern and error in documents. Trustee Dodds withdrew the motion.

MA-2018-057

It was Moved and Seconded,

that the Mayne Island Local Trust Committee defer consideration of MA-DVP-2018.4(Maude) and request staff to repost the notices with word changes as cited in discussion.

CARRIED

Trustee Maude returned to the meeting room at 2:30 p.m.

10.3 Salt Spring Island Local Trust Committee Bylaws No. 510 & 511 Referral

MA-2018-058

It was Moved and Seconded,

that Mayne Island Local Trust Committee interests are not affected by Salt Spring Island Local Trust Committee Bylaw 510 and 511.

CARRIED

10.4 Salt Spring Island Local Trust Committee Bylaws No. 512 Referral

MA-2018-059

It was Moved and Seconded,

that Mayne Island Local Trust Committee interests are not affected by Salt Spring Island Local Trust Committee Bylaw 512.

CARRIED

10.5 Salt Spring Island Local Trust Committee Bylaws No. 515 Referral

MA-2018-060

It was Moved and Seconded,

that Mayne Island Local Trust Committee interests are not affected by Salt Spring Island Local Trust Committee Bylaw 515.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Commercial Land Use Review Correspondence - Staff Report

RPM Kojima reviewed the history of the Commercial Land Use Review project, proposed boundary of Miners Bay and policies as to rezoning and increased mixed uses.

The draft bylaw addresses inconsistencies in OCP and LUB wording.

Correspondence has been received regarding proposal.

1. MI (Mayne Island) Brewery: currently operates as a Home Occupation which doesn't allow serving of beverages and food. The amendment would allow

for a sampling area. MI Brewery is requesting a larger space as a tasting room.

2. Neighbour has concerns regarding auto repair on Horton Road. Amendments would allow for increased uses.

Trustee Dodds responded and in support of Staff Report: as to the MI Brewery's request, the business is likely to outgrow a Home Occupation. Operators could apply for a Temporary Use Permit.

MA-2018-061

It was Moved and Seconded,

that the Mayne Island Local Trust Committee direct staff not to prepare policy amendments in response to the request by the MI Brewery made September 24, 2018 and that staff notify the Brewery.

CARRIED

Glenda Johnson spoke to her concerns regarding auto repair. As a 45-year resident she has seen the business develop from a Home Occupation to Commercial. She was not aware that lot had been changed from Site Specific and is opposed to addition of other uses on this site.

Staff reported that the Land Use Bylaw, adopted in 2008, already allows for expanded uses.

There will be other opportunities for community input.

MA-2018-062

It was Moved and Seconded,

That Mayne Island Local Trust Committee direct staff to not proceed with proposed changes to Bylaw 174 regarding the Auto Repair Shop (Horton Bay/Fernhill Road).

CARRIED

A break was taken at 2:36 p.m. - 2:46 p.m.

11.2 Fee Bylaw Amendment - Retail Cannabis Referrals - Staff Report

Staff reviewed the report presented for information.

MA-2018-063

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 176, cited as “Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018”, be read a first time.

CARRIED

MA-2018-064

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 176, cited as “Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018”, be read a second time.

CARRIED

MA-2018-065

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 176, cited as “Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018”, be read a third time.

CARRIED

MA-2018-066

It was Moved and Seconded,

That the Mayne Island Local Trust Committee Bylaw No. 176, cited as “Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018”, forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

11.3 Bylaw No. 171 - Riparian Area Development Permit Area for consideration of adoption - Staff Report

Staff reviewed the proposed Bylaw which would amend the Mayne Island OCP by adding a Riparian Area Development Permit Area.

MA-2018-067

It was Moved and Seconded,

that the Mayne Island Local Trust Committee Bylaw No. 171 cited as, “Mayne Island Official community Plan Bylaw 144, 2007, Amendment No. 1, 2017” 2018 be adopted.

CARRIED

1 OPPOSED

Trustee Maude spoke in opposition to the Motion which protects a species that doesn't exist on the island, however he does appreciate that it is a Provincial requirement.

Trustee Dodds reviewed the extensive history of Riparian Areas Regulation process over the past 11 years. While in agreement with Trustee Maude, she supported the Motion just to complete the project.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated November 2018

Staff stated #3 is now completed and off the priorities list.

Trustee Dodds proposed adding the Tiny Homes Initiative to priorities: defining density, what constitutes a "home", enabling more dwellings on a site.

Trustee Maude spoke in favour of this item.

RPM Kojima added that housing is an important item for a number of island communities and is consistent with the Islands Trust strategic plan.

Bylaw Manager Drew reported that this is the second most common issue for bylaw enforcement.

MA-2018-068

It was Moved and Seconded,

that Mayne Island Local Trust Committee direct staff to remove Priority #3 (completed), move Priority #2 to #1 and add the Tiny Homes Initiative to Priorities List as #2.

CARRIED

12.1.2 Projects List Report Dated November 2018

MA-2018-069

It was Moved and Seconded,

that the Mayne Island Local Trust Committee direct staff to

remove Density on large lot remainders from Projects List.

CARRIED

12.2 Applications Report Dated November 2018

Received for information.

12.3 Trustee and Local Expense Report September 2018

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

Chair Rogers expressed appreciation to Bylaw Manager Miles for his efforts on bylaw items.

12.5 Local Trust Committee Webpage

Will be updated according to meeting discussions.

12.6 Chair's Report

Chair Rogers reported that Executive will be meeting Wednesday where he will report on Mayne Island LTC and top priorities. Trust Council will be meeting in January. The Annual Report was presented to the legislature and there were a number of positive comments.

12.7 Trustee Report

Trustee Dodds reported that the Fallow Deer Committee met with CRD Planner regarding a draft deer management plan.

Trustee Maude stated that it has been an interesting month and that he is pleased the LTC is looking at a number of election issues such as: housing, RAR and Bylaw enforcement.

12.8 Electoral Area Director's Report

None

12.9 Islands Trust Conservancy Report

None

13. NEW BUSINESS

13.1 Development of Management Plan for St. John Point & Mount Park, Regional Parks on Mayne Island

Discussion points included:

- Asking staff to write a letter urging CRD to include a fallow deer management plan.
- Consideration be given to a terminal to Saturna which has been discussed for a number of years

MA-2018-070

It was Moved and Seconded,

that Mayne Island Local Trust Committee direct staff to send a letter, under the signature of the Chair, urging the Capital Regional District to include a fallow deer management plan and that consideration given for a British Columbia Ferries short link ferries proposal as part of the St. John Point Regional Park Management Plan.

CARRIED

13.2 Mayne Island BEN Bylaw No. 173 - Staff Report

Staff spoke to the staff report and reviewed the bylaw enforcement notification process. The use of North Shore Registry for adjudication has not been working well due to limited spaces. Islands Trust bylaw can now use own facilities and under Provincial mandate, use an adjudicator from Mediate BC. An individual can attend by phone, by letter or in person.

An overview of BEN (Bylaw Enforcement Notification) use on Mayne Island was presented. There have been 16 tickets issued on 10 properties. 7 for STVR (Short Term Vacation Rental) and 9 for other issues. 10 of these have been closed.

BEN appears to be effective for the island.

Some issues have been identified related to bylaw processes/procedures versus BEN.

MA-2018-071

It was Moved and Seconded,

that Mayne Island Local Trust Committee defer Bylaw Enforcement Notification amendments to the January 2019 meeting.

CARRIED

14. UPCOMING MEETINGS

14.1 2019 LTC Annual Meeting Schedule For Adoption

MA-2018-072

It was Moved and Seconded,

that the Mayne Island Local Trust Committee 2019 meeting schedule, as presented, be adopted noting location is Agricultural Hall.

CARRIED

15. TOWN HALL

Ian Dow questioned BEN and what happens if a person pays fines and continues to violate the bylaw. Staff reported that they would continue with enforcement.

Staff also stated that STVR is now covered by a standing resolution as opposed to complaint driven.

Paula Buchholz questioned the St. John Point short link by ferry to Saturna. Access to St. John Point would necessitate access across her property and is concerned as to land value.

Trustee Dodds related that this proposal had been put forward many years ago and is just an idea.

16. CLOSED MEETING - (Distributed Under Second Cover)

16.1 Motion To Close the Meeting

MA-2018-073

It was Moved and Seconded,

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

- *Adoption of In-Camera Meeting Minutes Dated July 30, 2018*
- *Legal Advice*

AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall To Order

Regular meeting was recalled to order at 3:58 p.m.

16.3 Rise and Report

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:00 p.m.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder