



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: May 10, 2021
Time: 1:00 pm
Location: Electronic Meeting

			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		
	None		
6.	MINUTES	1:20 PM - 1:30 PM	
6.1.	Local Trust Committee Minutes Dated March 29, 2021 (for Adoption)		3 - 10
6.2.	Section 26 Resolutions-without-meeting Report Dated May 2021		11 - 11
6.3.	Advisory Planning Commission Minutes - None		
7.	BUSINESS ARISING FROM THE MINUTES		
7.1.	Follow-up Action List Dated May 2021		12 - 13
8.	DELEGATIONS	1:30 PM - 1:50 PM	
8.1.	Capital Regional District - Southern Gulf Islands Transportation Integration Plan		14 - 15
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.	APPLICATIONS AND REFERRALS	1:50 PM - 3:00 PM	
10.1.	MA-DVP-2020.9 (Allison and Casey) - Staff Report (attached)		16 - 88

10.2.	MA-DVP-2020.12 (Begrant) - Staff Report (attached)	89 - 106
10.3.	MA-RZ-2020.1 (Mayne Island Housing Society) – Staff Report (attached)	107 - 110
10.4.	Galiano Island Local Trust Committee Draft Bylaws 256 and 257 Referral (for response) (attached)	111 - 123
11.	LOCAL TRUST COMMITTEE PROJECTS	3:00 PM - 3:30 PM
11.1.	OCP and LUB Minor Amendment project – Staff report (attached)	124 - 125
12.	REPORTS	3:30 PM - 3:40 PM
12.1.	Work Program Reports (attached)	
12.1.1.	<u>Top Priorities Report Dated May 2021</u>	126 - 127
12.1.2.	<u>Projects List Report Dated May 2021</u>	128 - 129
12.2.	Applications Report Dated May 2021 (attached)	130 - 135
12.3.	Trustee and Local Expense Report Dated February 2021 (attached)	136 - 136
12.4.	Adopted Policies and Standing Resolutions (attached)	137 - 140
12.5.	Local Trust Committee Webpage	
12.6.	Chair's Report	
12.7.	Trustee Report	
12.8.	Islands Trust Conservancy Report - None	
13.	NEW BUSINESS	
14.	UPCOMING MEETINGS	
14.1.	Next Regular Meeting Scheduled for June 21, 2021, Location: TBD	
15.	TOWN HALL	3:40 PM - 3:55 PM
16.	CLOSED MEETING	
	None	
17.	ADJOURNMENT	3:55 PM - 3:55 PM



Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: March 29, 2021
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Robert Kojima, Regional Planning Manager
Narissa Chadwick, Island Planner
Phil Testemale, Planner 2
Maple Hung, Planning Assistant (Host)
Pat Todd, Recorder

Public: There were approximately 17 attendees in the webinar.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:05 p.m. Chair Rogers acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

Add: 9.2 Mayne Island Agricultural Society rezoning of Fernhill Road property
9.3 John Aitken - rezoning Felix Jack Park

The agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Rebecca Ewing spoke to correspondence (received by the LTC) regarding Mayne Island Housing Society (MIHS) application in regards to affordability, buffers/setbacks, subdivision concerns on Village Bay Road, wetlands report, aquifer and site maps.

4. COMMUNITY INFORMATION MEETING

4.1 Housing Policy Review

Chair Rogers explained that Community Information Meeting (CIM) is a follow-up from meeting of January 18, 2021 and that information and reports are on the website.

Planner Chadwick reviewed the Housing Regulation and Policy Review to date – looking at distributed density and flexible housing.

Maps displayed showing lots over .6 hectare and under .6 hectare, Water Districts, and number of lots distributed density could apply to.

Chair Rogers opened meeting for discussion.

Sean Skiffington, Trustee and Operations Manager for Campbell /Bennett Bay Improvement District:

- Human imprint more important than foot print (referring to sewage as well as water use);
- Use meters – more units = more meters = increased costs;
- Only 1 tax per property allowed – cannot tax for 2 units and Bylaw only allows for 1 water line per site;
- Water Licensing: volume allowed to draw based on past usage – more pull ;would necessitate going to government to increase allowance;
- Infrastructure costs impact; and
- Increased density due to COVID and reaching limits of infrastructure.

Doug, Village Point Improvement District:

- Issues similar to above;
- District has a sewage system as well and some fields near capacity; and
- Number of lots with Restrictive Covenant prohibiting mobile homes – question of tiny homes on wheels.

Trustee Dodds pointed out that island is nearing build out and the need to address affordability.

Deb Foote: questioned if larger properties in a Water District could have an independent well.

Planner Chadwick confirmed this is allowed however this would increase draw on available water. Focus is on smaller lots to increase density as these lots are more affordable.

Sean Skiffington: spoke in support of affordable housing and while the District supports rain water systems and personal wells are allowed, there can be no interconnection due to possible contamination.

Sean McHugh: working on a cottage to rent but difficulty with trades. Village Bay Road has 2 conduits for Mt. Parke run off which are out of the control of Affordable Housing applicants.

Next Community Information Meeting will be on April 26, 2021 from 10:30 a.m. to 12:30 p.m.

Trustee Maude agreed rainwater catchment is a critical component to lessen aquifer draw however increases costs.

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Special Meeting Minutes Dated January 18, 2021

By general consent the Special Meeting Minutes dated January 18, 2021 were adopted.

6.2 Local Trust Committee Minutes Dated February 22, 2021

The following amendments to the minutes were presented for consideration:

Page 13, 10.2 3rd paragraph:neighbours to right... – change right to west.

By general consent the minutes were adopted as amended.

6.3 Section 26 Resolutions-without-meeting Report - None

6.4 Advisory Planning Commission Minutes Dated June 10, 2019 and February 18, 2021

Received for information.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated March 2021

Chair Rogers commended Planner Chadwick as almost all items have been completed.

8. DELEGATIONS - none

9. CORRESPONDENCE

9.1 Mayne Island Parks and Recreation Commission re Removal of Master Plan from the OCP

Planner Chadwick reported that proposed changes resulting from letters received could be part of a technical amendment project that could also include Indigenous Land acknowledgement

9.2 Mayne Island Agricultural Society rezoning of Fernhill Road property

Request is for rezoning of property adjacent to Thrift Store which has just been purchased by the society.

9.3 John Aitken - rezoning Felix Jack Park

This request is to rezone Felix Jack Park to a Passive Park to preclude construction of any structures.

MA-2021-016

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request Planner Chadwick to add to the Top Priority List a project focusing on minor Land Use Bylaw and Official Community Plan amendments.

CARRIED

A brief break was held between 2:25 p.m. to 2:35 p.m.

10. APPLICATIONS AND REFERRALS

10.1 MA-TUP-2020.2 (Costello & Baker)

Planner Testemale reviewed process to date and outlined concerns: noise, traffic, impact on water system, impact on commercial accommodations, impact of COVID.

Discussion regarding amendments to permit and noted that this would be the only permitted Short Term Vacation Rental (STVR) in neighbourhood.

Applicant requested some flexibility in “off season” allowable days and suggested 30 days between October 1 and April 30; would like maximum to remain 8 guests.

MA-2021-017

It was Moved and Seconded,

that the Mayne Island Local Trust Committee amend draft Temporary Use Permit application MA-2020.2 (Costello & Baker) that is Attachment 1 to this report by:

a. Adding the following conditions to Section 3:

i. The maximum number of days the short term vacation rental use is permitted between May 1 to September 30 in a calendar year is a total of sixty (60) days and between October 1 and April 30 in a calendar year is a total of 30 days;

b. adding to condition 3. a) that a secondary Mayne Island contact be available if the owner or primary other contact is not available on island.

CARRIED

MA-2021-018

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve issuance of Temporary Use Permit application MA-2020.2 (Costello & Baker) as amended for a period of two (2) years commencing July 1, 2021.

CARRIED

It was discussed that there be further discussion with Bylaw Enforcement regarding STVR infractions. Currently there are 4 open files however none are within the Bennett Bay area.

10.2 MA-RZ-2020.1 (Mayne Island Housing Society)

Planner Chadwick reviewed the staff report and proposed a CIM separate from a regular LTC meeting. Draft Bylaws could be ready for May LTC.

Brian Crumblehulme (MIHS) stated there has been collaboration between site owner, MIHS and a Wetlands Specialist for a balanced restoration plan on 5 acres along Village Bay Road; would appreciate 3 m set back be retained; buildings sited to at least 8 m and some more; there is a 3 to 5 m buffer zone on West boundary; bike rack will be installed; looking at 2 electric car charging stations; Hoff's (adjacent property owners) have an agreement to remediate land between their lots in conjunction with MI Conservancy.

David Brown (MIHS) reviewed mapping of site development

Discussion specific to set backs.

MA-2021-019

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request Planner adjust the setback from 3 meters to 8 meters in the draft bylaw.

CARRIED

Community Information Meeting for MIHS application to be on Monday April 26, 2021 at 1:00 pm.

Housing Policy Review next meeting to be Monday April 26, 2021 from 11:00 to 12:00.

Jon Hoff stated that there is no agreement between himself, Dr. McHugh or the MI Conservancy regarding restoration project.

Dr. McHugh mentioned he does not feel construction would impact the property to the west and restated conduit run-off is significant and needs to be conserved.

Tim (owner property to the west) stated that while the existing building (a cottage) is a distance from the proposed development, the identified building site for a home is closer to the boundary and that a setback differs from a buffer.

Chair Rogers expressed appreciation of presentation, information and reports.

10.3 Galiano Island Local Trust Committee Bylaw No. 278 Referral (for response)

MA-2021-020

It was Moved and Seconded,

that Mayne Island Local Trust Committee interests are not affected by Galiano Island Local Trust Committee Bylaw No. 278.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated March 2021

Received for information.

12.1.2 Projects List Report Dated March 2021

Received for information.

12.2 Applications Report Dated March 2021

Received for information.

12.3 Trustee and Local Expense Report Dated January 2021

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

Will be update according to meeting information.

12.6 Chair's Report

Chair Rogers reported on an exhaustive Trust Council meeting. Policy Statement review is moving forward, good delegations and fascinating projects.

12.7 Trustee Report

Trustee Dodds spoke in agreement to extensive Trust Council and this followed by Regional Planning meant a lot of Zoom time. There has been one COVID vaccine clinic on island. Appreciation was expressed to Trustee Maude for advocating for enhanced barriers on Georgina Point Road where there has been a recent loss of shoulder ground.

Trustee Maude stated that Trust Council and Regional Planning made for two long weeks and he is looking forward to “post COVID”.

12.8 Islands Trust Conservancy Report Date January 2021

Received for information.

13. NEW BUSINESS

13.1 Southern Gulf Islands Schedule Enhancement

Report is first step in schedule modification for BC Ferries.

13.2 Development Permits for Environmental Requirements

Regional Planning Manager (RPM) Kojima reviewed Development Permit Areas; generally used on commercial/industrial sites to control design or on sites to address Riparian Areas or Marine issues; manages how development occurs and with the guidelines in the OCP.

For offences or infractions of a DPA there is no ticket process: if no compliance, it has to go to litigation.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for May 10, 2021 - Location: TBD

15. TOWN HALL - None

16. CLOSED MEETING

16.1 Motion to Close the Meeting

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

- Adoption of In-Camera Minutes Dated Feb. 24, May 25, and Sept. 28, 2020
 - Bylaw Enforcement
 - Advisory Planning Commission Appointments
- AND that the recorder and staff attend the meeting.

16.2 Recall to Order

Chair Rogers recalled the meeting at 4:51 p.m.

16.3 Rise and Report

Chair Rogers will address Rise and Report at next regular LTC meeting.

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:15 p.m.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder



Resolutions Without Meetings Log

Mayne Island

Resolution Number	Action	Date
2021-002 That the Mayne Island Local Trust Committee request staff to prepare a draft bylaw to amend Bylaw No. 146 cited as "Mayne Island Land Use Bylaw No. 146, 2008" that would permit a maximum residential density on large remainder parcels not to exceed the maximum number of lots allowed by any s.219 covenants granted to the local trust committee and registered on title.	Carried	09-Apr-2021
2021-001 THAT the Mayne Island Local Trust Committee appoint Gordon Miller to the Mayne Island Advisory Planning Commission, commencing immediately for a term ending January 30, 2024.	Carried	08-Apr-2021



Follow Up Action Report

Mayne Island

25-Jan-2021

Activity	Responsibility	Dates	Status
1 10.3 MA-DVP-2020.8 (Peace) DVP to be issued subject to notification from lawyer that covenant has been registered. Chair to sign covenant. (waiting for CRD to sign covenant).	Maple Hung Narrisa Chadwick	Target: 05-Feb-2021	In Progress

29-Mar-2021

Activity	Responsibility	Dates	Status
1 6.1 LTC special meeting (Jan. 18/2021) minutes adopted.	Maple Hung	Target: 06-Apr-2021	Completed
2 6.2 LTC regular meeting (Feb 2021) adopted as amended (pg 13 3rd paragraph "neighbors to west")	Maple Hung Narrisa Chadwick	Target: 06-Apr-2021	Completed
3 9. LTC requests staff to add to priority projects list LUB and OCP minor amendments (to include Felix Jack park, Ag Society rezoning, removal of parks plan, FN territorial acknowledgement).	Narrisa Chadwick	Target: 06-Apr-2021	Completed
4 10.1 MA-TUP-2020.2 (Costello & Baker) - TUP Approved as amended : issuance commencing July1, include 30 days Oct -April, allow 8 people	Jas Chonk Maple Hung Phil Testemale	Target: 09-Apr-2021	Completed
5 10.2 MA-RZ-2020.1 (MIHS) - setback in draft bylaw to be changed from 3 metres to 8metres, CIM to be scheduled for April 26th 1pm -4pm (change flexible housing meeting to 11am)	Jas Chonk Maple Hung Narrisa Chadwick	Target: 16-Apr-2021	Completed

Follow Up Action Report

Mayne Island

29-Mar-2021

Activity	Responsibility	Dates	Status
6 10.3 Galiano referral - interests unaffected	Jas Chonk	Target: 09-Apr-2021	Completed
7 In Camera - minutes adopted	Maple Hung	Target: 09-Apr-2021	Completed
8 In Camera - All APC members appointed. Maple to notify. (MH - sent out notification and letters/packages)	Maple Hung	Target: 14-Apr-2021	Completed
9 In Camera - Bylaw enforcement follow-up as requested	Phil Testemale Warren Dingman	Target: 30-Apr-2021	Completed



Southern Gulf Islands Transportation Integration Plan

Capital Regional District | April 2021

Project Background & FAQs

The Capital Regional District has initiated a project to develop a Southern Gulf Islands (SGI) Transportation Integration Plan. The Plan will create a blueprint to move from ideas to action for new transportation opportunities on and between the largest Southern Gulf Islands: Galiano, Mayne, Saturna, and North and South Pender Islands (and with links to Sidney and Salt Spring Island).

The project will develop a plan for an integrated transportation system that includes walking and cycling networks, viable public transit options, and passenger ferries to supplement travel between the islands.

The SGI Transportation Integration Plan will build on past studies and consider a new CRD service to advance community goals of sustainability, livability, and mobility throughout the region.

1. What are the project's goals?

The main project deliverables for the SGI Transportation Integration Plan include:

- Developing and costing out transportation service options that are practical, feasible and right-sized to meet the needs for each community and inter-island connection.
- Undertaking community mapping and engagement to confirm existing trail networks, determine future priorities and refine recommendations.
- Outlining the actions and recommending how a CRD transportation service could be structured to enable the creation, phasing and integration of land-based public transportation, inter-island water passenger service, and supporting active transportation improvements on each of the Southern Gulf Islands (Galiano, North and South Pender, Mayne and Saturna).
- Understanding the CRD's role in how it can best support identified community needs and integrated transportation systems going forward.

2. What are the timelines?

The project aims to deliver draft recommendations in summer 2021, undertake community mapping and gather feedback from residents and visitors on the draft recommendations in late summer/early fall 2021, and then revise and deliver the final project report by the end of this year.



3. How do Islanders provide input and get involved?

We encourage islanders to sign up to be added to the project contact list at <https://www.crd.bc.ca/sgi-transportation> to receive project updates and alerts for how to provide feedback.

The project is guided by a steering committee led by CRD SGI Community Liaisons and other staff, as well as a Transportation Advisory Group made up of community and transportation representatives from each of the islands.

The project builds on a large amount of resident feedback and analysis already undertaken through past initiatives. The project team will be reaching out to other community stakeholders in the first phases of the project to check in on past recommendations, current needs, new opportunities and potential partnerships.

As the impacts of COVID 19 hopefully lessens in the late summer and early fall—and ideally as part-time residents and visitors return—the project will engage the public to review and provide feedback on the draft findings and proposals before the recommendations are finalized based on input. The public engagements will include both virtual and online options, as well as hopefully some in-person opportunities at key locations.

4. Why is the CRD undertaking this project?

The CRD is undertaking this project to respond to resident requests for regional coordination of public transit and transportation alternatives.

In its role as a Regional District, the CRD can facilitate outcomes on behalf of the community to support the implementation of services and infrastructure. The CRD can support administrative coordination and can access infrastructure funding from other levels of government. Also, unlike non-profit societies, Regional Districts can hold Licenses of Occupation in the Provincial Road Right of Way that are needed for road side trails.

The CRD's SGI Community Economic Sustainability Commission ("CESC") has previously requested the CRD establish a new Transportation Commission for the SGI EA. Under the Regional District service model, a Commission can be established to advise on or administer a service. Service establishment requires voter assent through a referendum process.

5. How does this project relate to other work underway in the area, such as the BC Ferries Southern Gulf Islands Schedule Consultation?

This SGI Transportation Integration Plan complements work already underway at BC Ferries and the CRD process will be monitoring the outcomes of that project closely. BC Ferries will be consulted as a stakeholder in this work.

The goal is to not duplicate BC Ferries and other services on the islands but instead consider how we can build from this to make them even more connected and interconnected.

6. What are the potential benefits of this work?

One of the project goals is to integrate public transportation options with active transportation trails to encourage visitors to leave their cars at home and arrive on foot or by bicycle. This would free up space on the ferries for locals, while also offering island residents more transportation options.

Similarly, the CRD's project will consider what water-based passenger ferry services can be considered to complement the BC Ferries service and further strengthen inter-island connections, resilience and our economies.

7. Hasn't this already been studied? Do we really need another project and why now?

Yes, past studies have taken place that have looked at active transportation, land-based public transportation and passenger ferry services within the Southern Gulf Islands. However, these tended to look at the components separately. Also, since that time, new service models and technologies have emerged such as on-demand transit services and multi-modal apps that have the ability to plan out and coordinate transportation for users across multiple types of transportation.

Depending on the project's outcomes and public feedback, the timing potentially enables the electorate to consider requesting the CRD to formally establish a transportation service through a referendum in tandem with the 2022 municipal election.

Capital Regional District

625 Fisgard Street, Victoria BC, V8W 2S6

250.360.3000

www.crd.bc.ca



DATE OF MEETING: May 10, 2021

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Narissa Chadwick, Island Planner

SUBJECT: Combined Development Permit & Development Variance Permit Application
Applicant: Mark Allison and Lynn Casey
Location: 539 Dalton Drive

RECOMMENDATION

1. **That the Mayne Island Local Trust Committee direct staff to proceed no further with Development Variance Permit application MA-DVP-2020.9 (Allison and Casey).**

REPORT SUMMARY

This report is to consider a combined Development Permit (DP) and Development Variance Permit (DVP) application.

The purpose of the DP application is for measures for the protection of the sensitive ecosystem and construction management for a proposed elevated walkway (bridge) within the designated Riparian **Area Development Permit Area**.

The DVP application is to consider variances to the setback provisions in the Mayne Island Land Use Bylaw (LUB) to permit the construction of the proposed elevated walkway (bridge) on the subject property.

BACKGROUND

The purpose of the application is to provide improved access to a small waterfront portion of the property by construction of an elevated walkway over Deacon Creek.

Referring to Figures 2 and 3, the proposed development is as follows:

- A 1.22 m (4 ft.) x 12.2 m (40 ft. max) long wood or aluminum clear span structure (walkway) with a minimum clearance of 0.61 m (2 ft.) above the high water mark of Deacon Creek. The walkway would also include 1.0 m (42 inch) high guards (rails) that are not shown.
- The walkway will be supported on either side of the creek on log, timber, Gabion cage, or concrete foundations (constructed without heavy machinery).

- The siting of the proposed walkway will be in the center of a (4.62 m) narrow corridor of the subject property that extends from the main portion of the property to the foreshore of Village Bay.
- The walkway will transition to the ground on the waterfront side using a berm, ramp, or steps and will connect to the main property through a stone and gravel walkway.
- The applicant has indicated that the construction will involve minimal soil and vegetation removal, the removal of a mature big leaf Maple tree (waterfront side), planting of replacement saplings, and removal of invasive species.

The applicant provided an addendum document to the application 'Application and Supporting Information' (Attachment 1). That includes an overview, background, rationale and alternatives, a summary of proposed works, the two separate applications and the applicant's consultation.

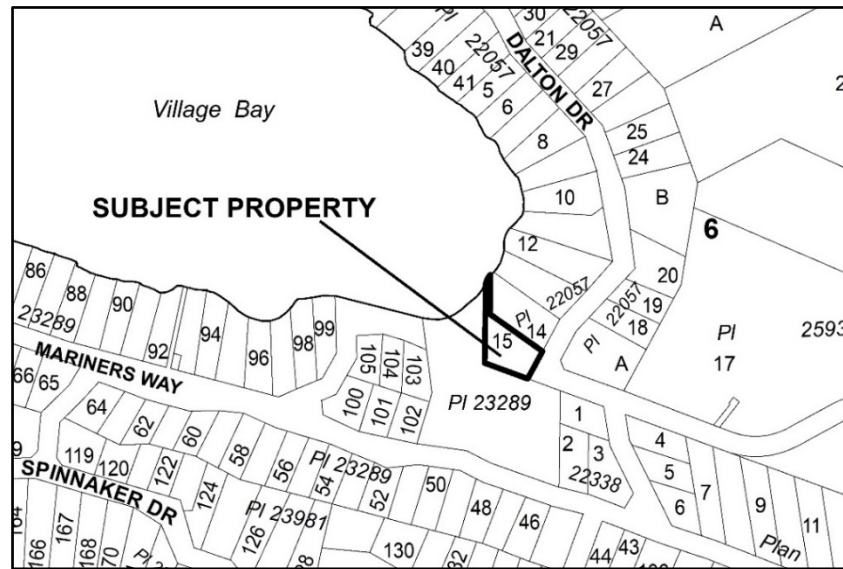
The property is 0.24 hectares in size and located at the head of Village Bay, adjacent to the east boundary of the Village Bay Community Park. The configuration of the property is a panhandle shape with the 4.6 m x 30 m (+/-) corridor extending north from the northwest corner of the main portion of the property to the foreshore. Deacon Creek as shown in Figures 2 and 4 transects the corridor east to west and passes through a weir before flowing into Village Bay.

The property slopes gently and uniformly from the roadway towards Village Bay and levels along the above-described corridor. The main portion of the property is relatively open with some mature trees and vegetative screening along Dalton Drive. The area of the property where the elevated walkway is proposed has numerous mature trees and ground cover vegetation typically associated with riparian and foreshore ecosystems (Attachment 2.5 and Attachment 4). The property has a dwelling and an accessory building both close to Deacon Drive. There is no development on the waterfront portion of the property.

Notification has generated a substantial response from neighbours with concerns. Additionally, the Islands Trust was advised of a complaint from a First Nation about the proposal and potential impacts to registered archaeological sites. In response, staff referred the proposal to the First Nations and the provincial Archaeology Branch. Consultation is discussed further below.

Staff visited the site on August 24, 2020.

Figure 1 – Subject Property



Development Permit Area

The **Riparian Area Development Permit Area** is designated on the property as shown in Figure 3 and Attachment 2.2. The specific objective of the designation of the DPA is *to protect the biological diversity and habitat values of aquatic ecosystems*

The designated DPA as mapped includes the area of the property where the walkway is proposed. However, the Provincial Riparian Areas Protection (RAPR) regulation does not apply to tidal waters. As the upper limit of tidal influence is upstream of the proposed works, there is no requirement for the Qualified Environmental Professional (QEP) to submit a RAPR assessment report to the province for approval. Notwithstanding, the proposed works still require that a DP be obtained.

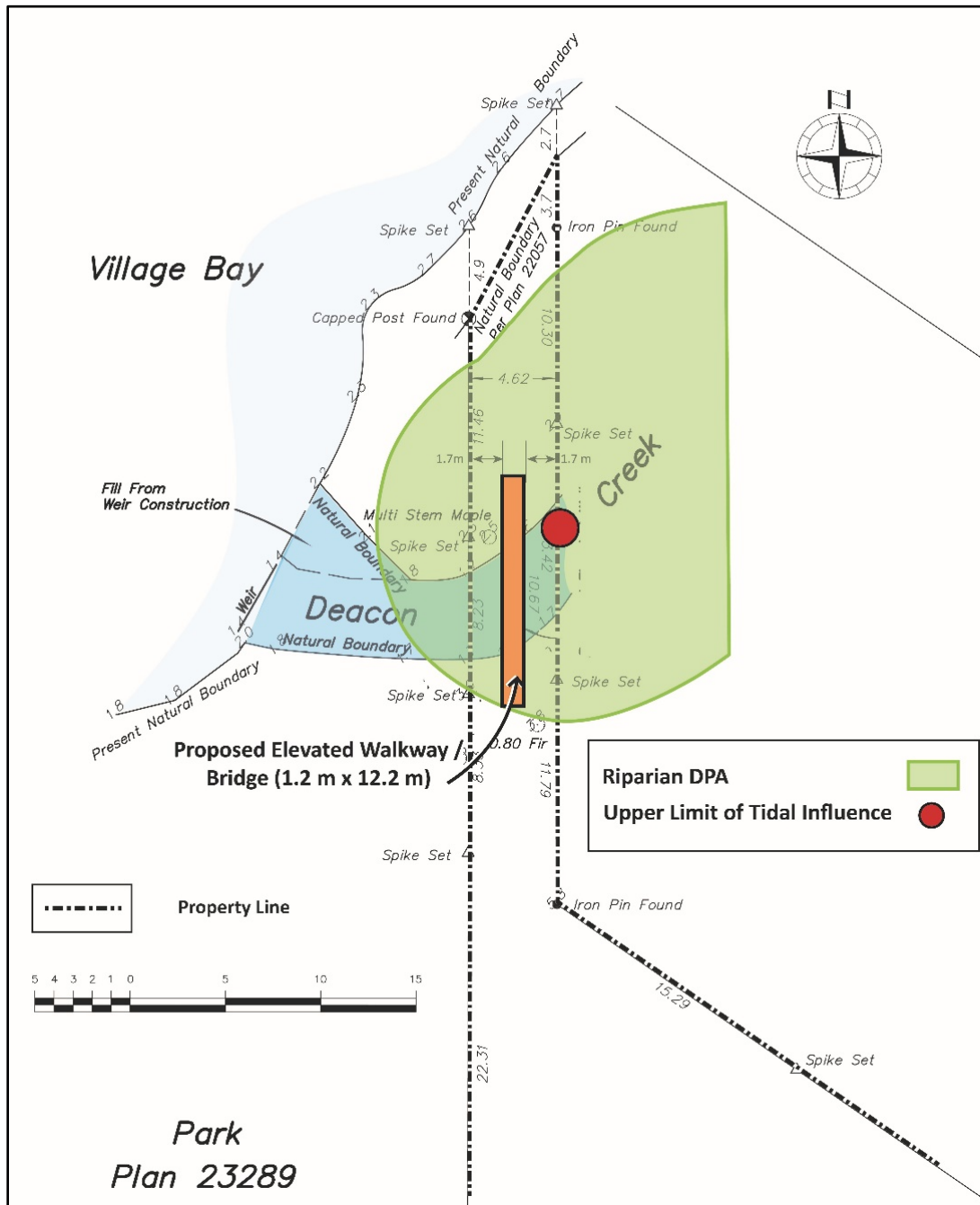
Further, under Section 11 of the *Water Sustainability Act (WSA)*, notification by the QEP to the provincial Ministry of Forest, Lands and Resource Operations and Rural Development (FLNRORD) for works in and about a stream with written confirmation from a Habitat Officer are required before work can proceed. That notification may be flagged for a full review at the discretion of the WSA Habitat Officer. There is no requirement for a Project Review or Authorization by the federal Department of Fisheries and Oceans (DFO) for this type of development as long as appropriate mitigative measures are undertaken to protect fish habitat and riparian habitat.

As required, the applicants hired Madrone Environmental Services Ltd., and submitted an Environmental Management Plan (EMP) prepared by Trystan Willmott, B.Sc., Sc.T. (March 15, 2021 – Attachment 2). The report provides a detailed overview of the site and proposed construction, and analysis of the regulatory framework, methodology, riparian and fish habitat. It further details potential impacts and makes recommendations for mitigation and enhancement options. The report concludes:

“The proposed construction of an elevated walkway over Deacon Creek at 539 Dalton Drive, Mayne Island represents a project with minimal risks to the stream or surrounding riparian area. The application of required mitigation measures will ensure that any potential impacts are properly managed.” (p.14)

As staff's recommendation on page 1 is that the application proceed no further and comments from consultation are pending, a Development Permit has not been prepared as part of this report. If the LTC opts for an alternative to proceed ('Alternatives' - below), then staff will report back with a draft DP, as well as analysis of OCP guidelines and any other required information at a subsequent LTC meeting.

Figure 2 - Riparian DPA



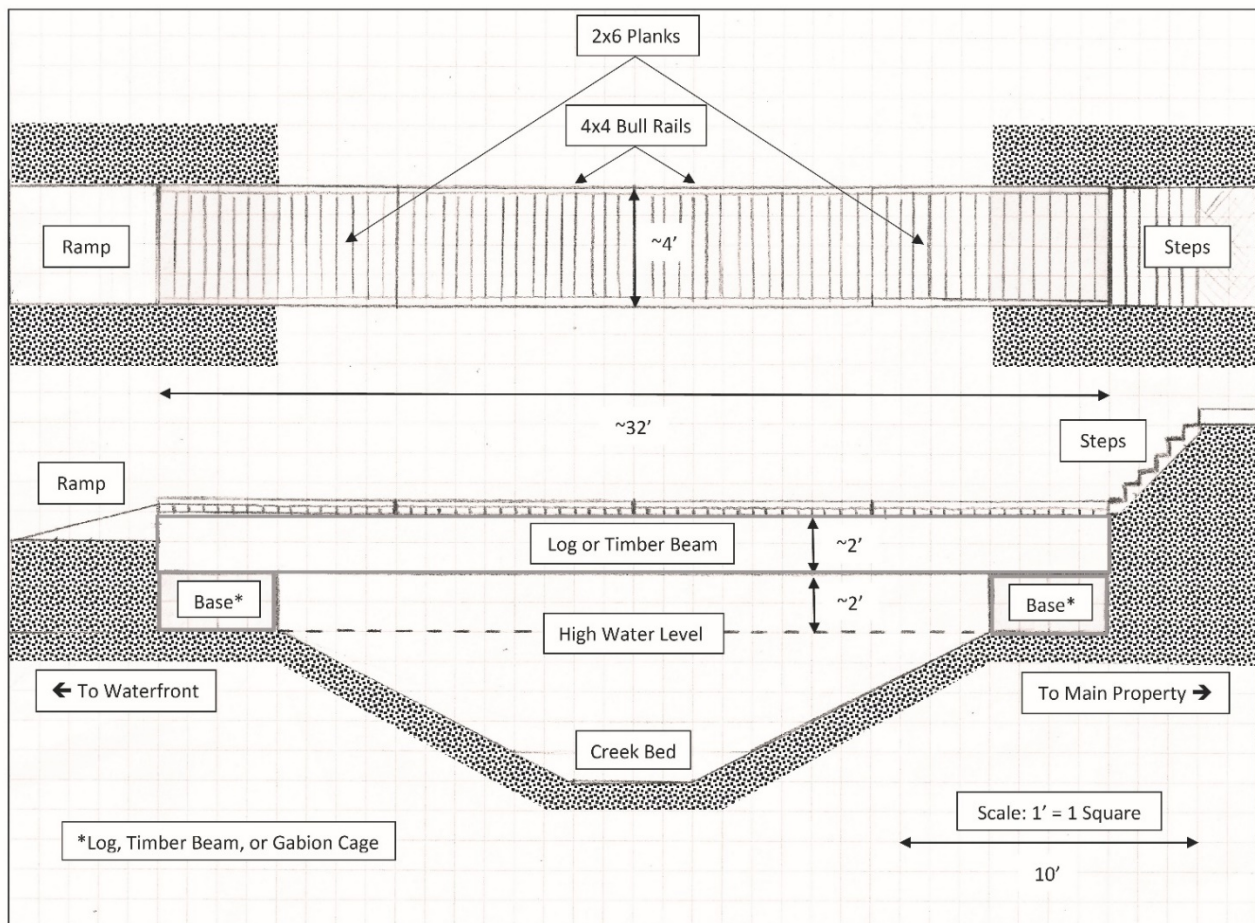
Development Variance Permit

Under Article 3.3 (3) (e) of the LUB, stairs or walkways required to access the foreshore may be constructed within 7.5 metres of the Natural Boundary of the Sea. Given that the proposed location on a narrow (4.6 m) strip of the subject property, a variance to the interior side yard setbacks is required. Further, Subsection 3.3 (5) prohibits buildings and structures with 7.5 m of the natural boundary of a watercourse. The specific variances are shown on Figure 3 and are as follows:

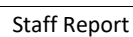
- a) Subsection 3.3 (5) which states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of a watercourse is varied to permit the construction of a structure (an elevated walkway/bridge) within 0.0 metres of a watercourse; and,
- b) Article 5.1(8) (b) which states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit the construction of a structure (an elevated walkway/bridge) within 1.7 metres of two (2) interior side lot lines.

Copies of proposed Development Variance Permit MA-DVP-2020.9 (Allison & Casey) and Notice as circulated are Attachments 6 and 7.

Figure 3 – Construction Details



Islands Trust



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.3.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

Official Community Plan:

The property is designated as **Settlement Residential (SR)** in the Mayne Land Use Official Community Plan (OCP) No. 144.

As above, **Riparian Area Development Permit Area** is designated on the property as shown in Figure 4 and Attachment 2.2.

Land Use Bylaw:

The property is zoned **Settlement Residential (SR)** in the Mayne Land Use Bylaw No. 146.

The existing residential use complies with use and density provisions of the zone on the property.

Issues and Opportunities

Development Variance Permit

Rationale for the Variances

As above, the applicant has provided a rationale for the proposal on page 3 of their submission which is Attachment 3. To summarize from the applicant's statement, the rationale is:

- The configuration of the property, noting that the small waterfront portion isolated from the main portion of the property by Deacon Creek.
- For the provision of an elevated walkway over Deacon Creek to allow safe access to all parts of the property at all times throughout the year, facilitating the use of the property's established waterfront sitting area and providing access to the Village Bay foreshore.
- Concerns about difficulty and safety in accessing the waterfront portion either by fording Deacon Creek (potentially damaging the creek ecosystem), or through the park and the public foreshore and up an embankment

While the rationale of improved access has merit, on balance staff is of the opinion that the rationale is not supportable for the following reasons:

- The absence of the structure to date has not made the use and enjoyment of that portion of the property prohibitive. Rather access can be viewed as inconvenient or limiting, and only at certain times and with certain weather and tide conditions. Based on the site visit, the area of the property in question is accessible via crossing the low magnitude stream at the weir and/or beach and up a small established rock step (Attachment 2.5). The issue of safety is not discounted, however, it does not appear that the proposal of other less impactful means of crossing the weir or beach is acceptable to the applicant.
- The scale of the project is disproportionate to the need indicated with the rationale. An approximation of the size and location are illustrated with a graphic overlay of the proposed walkway demonstrating a visual impacts (Attachment 2.5).
- The property was purchased in its current state, presumably with full knowledge of the limitations, and that should not lead to an expectation that approvals be granted for such a proposal.

Impact on Neighbouring Properties

As above, the walkway location and size will have visual impacts for both the neighbouring property to the east as well as from Village Bay Community Park and from the public foreshore. Some of these will be mitigated by the existing trees and vegetation.

The growing concern over the proliferation of infrastructure and structures on the foreshore such as private docks and other structures specifically for Mayne Island and generally for the Trust Area is noted.

In response to notification (below), neighbours have identified that the lack of delineation between the park and the subject property may lead to trespass on the subject property and properties beyond by the use of the bridge. Limiting that might require fencing or signage, which will have further visual impacts.

Impact on Watercourse and Riparian Ecosystem

The EMP provided does not address potential geotechnical issues such as bank stability and erosion within Deacon Creek. Additionally, potential impacts of extreme tidal and weather events and sea level change on the structure are noted and should also be taken into consideration. These processes could impact the base or the structure subsequently causing damage to the sensitive ecosystem in the case of damage or failure.

If the application proceeds the LTC may want to request that an assessment by a professional geotechnical engineer and/or a geomorphological engineer with experience be submitted.

Neighbour Concerns

The following is a point form summary of potential issues and impacts (not in a particular order) raised through the DVP referral process and correspondence (See: 'Consultation' – below and attachments):

- Visual impacts on views from neighbouring properties and public park and foreshore
- Concerns about ongoing bank erosion, creek geomorphology and siltation in Deacon Creek and potential further issues created by proposal
- Public access and unintended trespass and liability
- Impacts on the nature of the creek and the natural interface between the public and private realm

- Jeopardizing a fish bearing stream/habitat with no public benefit
- Concerns about impacts from extreme tidal action and impacts of climate change

Intent of the Regulations being Varied

The overall purpose of the interior side lot regulations are to minimize impacts on adjacent properties and the public realm related to:

- Limiting the visual impact of development on adjacent properties.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining privacy.
- Establishing a consistent development pattern within a local area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

The overall purpose of the setback from a watercourse:

- Limiting development in proximity to watercourses.
- Minimize impacts of development on the natural environment and sensitive ecosystems.

The proposed variances, particularly for the latter setback to watercourses, challenge the intent of the bylaw regulations.

Potential Impacts of Granting the Variances

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

There is no public or agency consultation regularly associated with a DP application. In addition, there is no statutory notification required.

DVP Notices and the Draft DVP were circulated to surrounding property owners and residents (Attachments 6 and 7). The notification period ended at 4:30 p.m. on April 28, 2021.

At the time of writing, staff has received six (6) written submissions in response to notification (Attachment 5). All responses oppose the proposed variances. The CRD would have received the notification as a neighbouring property and it was forwarded it to the CRD Manager, Southern Gulf Islands Service Delivery requesting that it be forwarded to the Parks Commission

Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

The applicant's submission (Attachment 3) summarizes their consultation with their direct neighbour to the east (535 Dalton) and the Parks Commission.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, there is close proximity of a registered archaeological site and mapping of high potential for archaeological resources where the walkway is proposed.

As above, the Islands Trust was notified that a First Nation had complained about the proposal. Considering obligations to First Nations reconciliation and respect for the interests of the First Nation concerned, staff referred the Notice and draft DVP to the Tsartlip First Nation and the WSA NEC Leadership Council as well as to the Archaeology Branch.

The applicant reported that they did make a site data request in 2020 to the Archaeology Branch and were told that they are not required to obtain a permit. However, the response strongly recommended having a permit in place prior to subsurface work in instances of near conflict with registered archaeological recorded sites. Further, the applicants have reported that they were also contacted by the Archaeology Branch on the above-noted complaint and that the officer was satisfied as the project was on private land and would have minimal impacts.

At the time of writing, staff have not received any response to the referral to First Nations or the Archaeology Branch. Further responses received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting, or if the application proceeds, at a subsequent meeting.

Rationale for Recommendation

The recommendation on page 1 is supported as:

- Although access as a rationale has merit, the absence of such a structure would not prohibit the use and enjoyment of that portion of the property.
- The scale of the project is disproportionate to the rationale of access and options remain for the owner, including the status quo.
- The potential and known impacts from granting the variances, on balance, outweigh the benefit to the owner.
- The variances, particularly for setbacks to a watercourse, challenge the intent of the bylaw provisions.
- Notification to surrounding neighbours has been undertaken, and to date all responses oppose the variances
- First Nations concerns over impacts to known archaeological sites and in area of high archaeological potential and a registered archaeological site does not comply with the Islands Trust Reconciliation Declaration or the Mayne Island Local Trust Committee standing resolution on the implementation of UNDRIP, or the Islands Trust Object that cultural heritage is an unique amenity to be preserved and protected.
- Determining potential geotechnical impacts requires more information.
- Determining potential impacts to the sensitive ecosystem resulting from the susceptibility of the structure to climate change impacts such as storm surge, tidal and sea level rise requires more information.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendations:

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are a potential delay in construction and costs to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

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

2. Refer the DVP application to the Advisory Planning Commission

The LTC may opt to refer the application to the Advisory Planning Commission for their input. Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee refer application MA-DVP-2020.9 (Allison & Casey) to the Mayne Island Advisory Planning Commission.

3. Direct staff to proceed with the applications and report back

The LTC may opt to proceed with the applications and report back to a subsequent meeting once further comments have been received from First Nations and other agencies. Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee direct staff to proceed with MA-DP-2020.2 and report back with First Nations and agency comments on MA-DVP-2020.9 (Allison & Casey) at a subsequent meeting.

4. Approve the DVP and direct staff to and report back with MA-DP-2020.2

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit MA-DVP-2020.9 (Allison & Casey).

NEXT STEPS

- The applicant has the option to apply to the Board of Variance

Submitted By:	Phil Testemale, Planner 2	April 30, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 30, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Applicant Submission 'Application and Supporting Information'
4. Environmental Management Plan (March 15, 2021)
5. Correspondence
6. Draft Development Variance Permit MA-DVP-2020.9
7. Notice (DVP)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 15, Section 6, Mayne Island, Cowichan District, Plan 22057
PID	002-947-072
Civic Address	539 Dalton Drive

LAND USE

Current Land Use	Residential (Settlement Residential)
Surrounding Land Use	Community Park (P- West) and Residential (Settlement Residential)

HISTORICAL ACTIVITY

File No.	Purpose

POLICY/REGULATORY

Official Community Plan Designations	The property is designated Settlement Residential (SR) in the Mayne Island Official Community Plan No. 144, 2007 (OCP) The Riparian Development Permit Areas is designated on the subject property.
Land Use Bylaw	The property is zoned as Settlement Residential (SR) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB).
Other Regulations	N/A
Covenants	DD37701 (Building Scheme – N/A)
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed on TAPIS
Sensitive Ecosystems	Riparian Sensitive (subject of application)
Hazard Areas	None shown on TAPIS
Archaeological Sites	See report body
Climate Change Adaptation and Mitigation	See report body
Shoreline Classification	Sediment Shoreline - Marsh/Fine Sediment
Shoreline Data in TAPIS	Forage Fish – see Attachment 2.4

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTOPHOTO



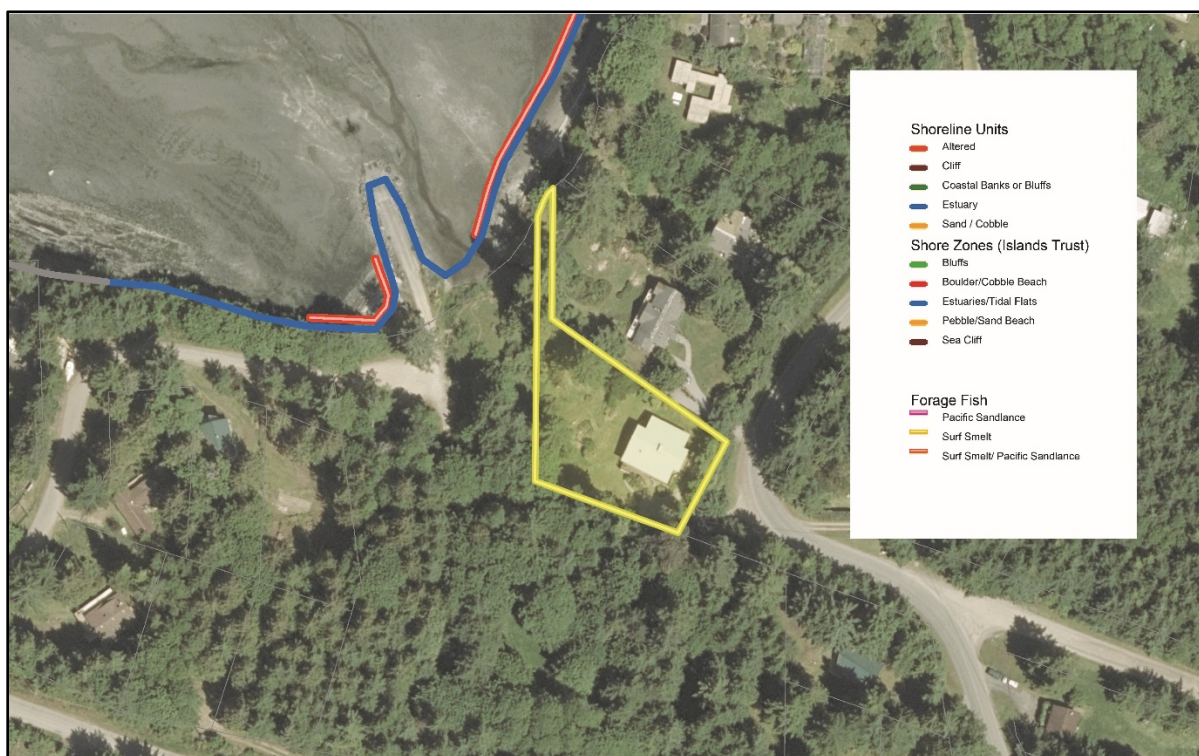
2.2 DPA



2.3 CONTOURS



2.3 MARINE ECOSYSTEMS



2.5 PHOTOGRAPHS



One: View of north portion of property (shown as red - approx.), Deacon Creek and weir (from foreshore).

Two: View southwest toward Deacon Creek and park beyond.



2.5 PHOTOGRAPHS (CONT'D)

Three: View toward south, showing elevated walkway location (approx.)



Four: View of weir, Deacon Creek, elevated walkway location (approx.) and dwelling at 535 Dalton in background

Western Maple to
be removed

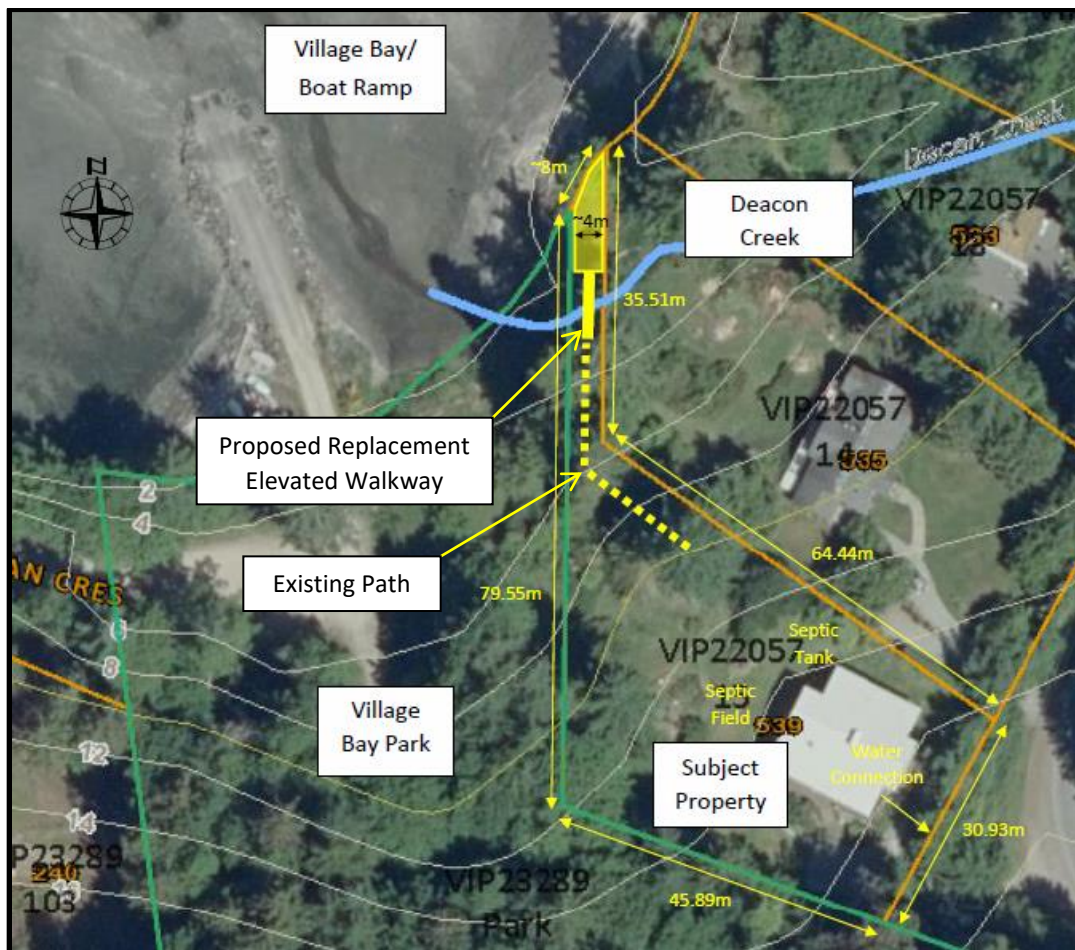


**539 Dalton Drive DP and DVP Application -
Purpose of Application and Supporting Information**

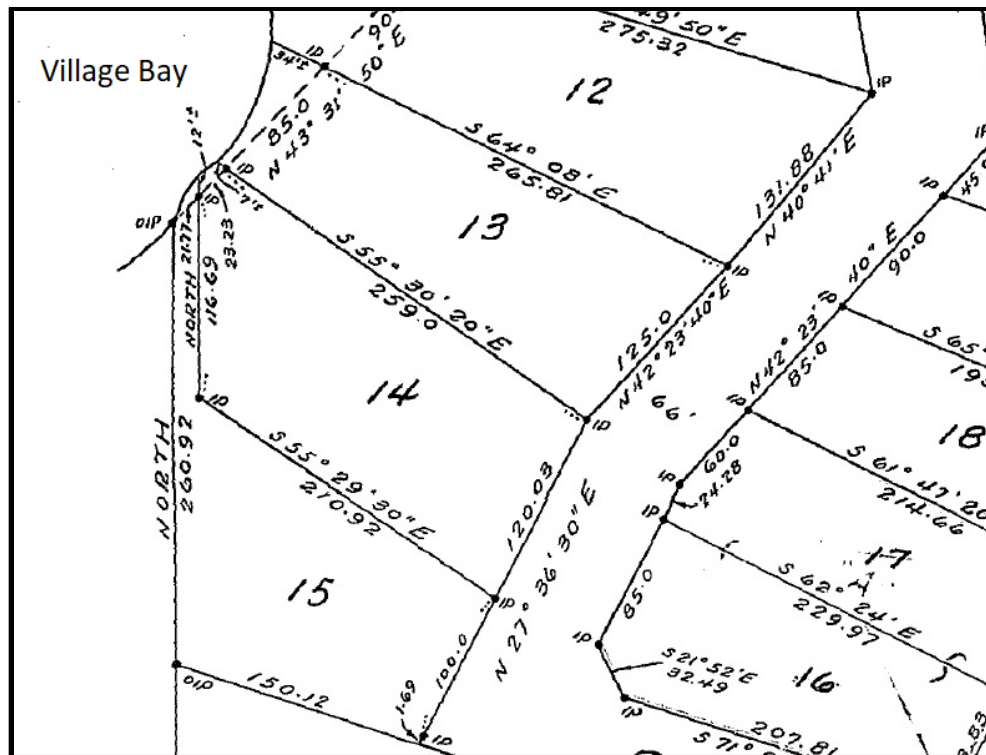
24 March 2021

Overview

The purpose of this combined development permit and development variance permit application is to permit an elevated walkway over Deacon Creek near its outlet at Village Bay within the property of 539 Dalton Drive in order to provide safe foot access to the property's foreshore. The subject area is located on the north and east side of Village Bay Park and east of the Village Bay boat ramp, at a location where the former owner of the property had previously maintained an elevated walkway over the creek, which was accessed via an existing path through the property.



As can be seen below in the expanded view of the subdivision plan for the area, which is included in the application package, properties were subdivided in such a way that both of the properties at 539 Dalton Drive (Lot 15) and at 535 Dalton Drive (Lot 14) were provided with access across Deacon Creek to the Village Bay foreshore. 535 Dalton Drive currently has an elevated walkway over Deacon Creek to access the Village Bay foreshore.



Background

As the section of Deacon Creek that flows through the subject property is located below the upper limit of tidal influence, the Provincial Riparian Areas Protection Regulation (RAPR) generally should not apply. As such, the Streamside Protection and Enhancement Area (SPEA), which is indicated in the Riparian Area Development Permit Area (DPA) mapping and guidelines included in Official Community Plan (OCP) Amendment Bylaw 171, should also not be applicable to the subject property. Development within the 30m Riparian Assessment Area (RAA) should also not trigger the requirement for a Detailed Assessment under RAPR. This is not to say that riparian areas in tidally influenced zones are not still important to fish life processes, but environmental protection mechanisms in these zones do not require the application of the RAPR. Regardless of any RAPR requirements, instream work and associated work in the adjacent riparian zone are always considered under Section 11 of the Provincial Water Sustainability Act (WSA). The application of the Section 11 Provincial review process ensures that sensitive ecological features are protected during instream works. Federal Department of Fisheries and Oceans Canada (DFO) regulations also provide protection of fish habitat in tidal areas under the Federal Fisheries Act.

Regardless of whether or not DPA guidelines should apply at this location, a Development Permit is being applied for with under the assumption that existing bylaw mapping is correct, i.e., assuming that the elevated walkway is actually within an SPEA, instead of seeking to have the OCP's SPEA mapping corrected, in order to expedite the provision of safe access within the applicant's waterfront property and to ensure the protection of sensitive riparian habitat in the intertidal area. The applicants intend to fully address environmental concerns related to the proposed elevated walkway, and the environmental review required for the Development Permit application ensures that any issues are fully addressed and

will support the required Section 11 Notification to the Province under the Water Sustainability Act. Construction work will also address requirements from DFO's "Working Near Water" guidelines.

A Development Variance Permit is also being applied for to address the technicality that, due to the irregular shape of the property in the subdivision plan that was required in order to provide both 535 and 539 Dalton Drive with foreshore access, it is not physically possible to provide an elevated walkway within the existing narrow corridor over the creek that would lie outside of the setback from lot lines as specified in the island's current land use bylaw.

Project Rationale and Alternatives Studied

As is seen in the property survey and Islands Trust GIS mapping that is included with the application package, the property is irregular in that there is a narrow 15' (4.62m) corridor that extends north from the main upland part of the property and crosses Deacon Creek to the waterfront part of the property and the natural boundary and foreshore of Village Bay. As seen in the area's approved subdivision plan that was registered in 1969 before the development of the current homes at 535 and 539 Dalton Drive, this configuration provides legal access to the Village Bay foreshore for both properties.

Besides the high water levels that make crossing the creek on foot difficult throughout the year and for much of the day due to high tides, the large quantity of slippery seaweed that accumulates in the Village Bay foreshore during from late spring until early fall makes the crossing treacherous even at low tide. The applicants have observed a number of persons slip or fall while attempting the crossing in recent years, and this has resulted in several injuries. The provision of an elevated walkway over Deacon Creek will allow safe access to all parts of the property at all times throughout the year, facilitating the use of the property's established waterfront sitting area and providing access to the Village Bay foreshore.

Fording Deacon Creek on a regular basis to access the waterfront part of the property through the narrow corridor would not only be hazardous, but would also contribute to significant environmental damage to the creek over time. Consequently, the waterfront part of the property can only reasonably be accessed on a structure over the creek through the narrow corridor that connects it to the main part of the property, through properties not owned by the applicants, or through a steep, vegetated, 25' (~7.62m)-wide embankment that forms the property's rear lot line and Village Bay's natural boundary.

In addition to the difficulty and safety issues noted above with crossing Deacon Creek and Village Bay during the extended periods when the tide is high or when the bay is covered with slippery seaweed, the construction of stairs or the excavation of steps to climb the existing embankment from the public beach to the waterfront part of the property would provide only limited access at certain times of the day and year, would result in a significant alteration of the natural state of the embankment, and would lead to the eventual deterioration and erosion of the bay's current natural boundary.

Proposed Works

To provide permanent and safe access to the property's waterfront in an environmentally sensitive manner, the applicants propose to construct an elevated walkway over Deacon Creek, in the form of an approximately 4' (1.22m)-wide by 35-40' (10.66-12.2m)-long wood or aluminum clear span structure that sits a minimum of 2' (0.61m) above the creek's high water mark on log, timber, Gabion cage, or concrete foundations in the center of the established access corridor. Any soil disturbances required to create the foundations will be minimized and limited to the maximum width and depth specified by the

539 Dalton Drive DP and DVP Application - Purpose of Application and Supporting Information





While a referral to the province’s Archaeology Branch has determined that the waterfront area of the property has not been identified in the provincial database as a site of archaeological interest, the Village Bay foreshore will be left unaltered and in its current natural state, with an existing narrow path through Village Bay Park used to access the Village Bay foreshore, in order to minimize environmental impacts and to preserve any heritage assets that could potentially exist. The applicants will commit to completing the vegetation enhancements recommended in the Environmental Management Plan (EMP) that was prepared by a QEP, which is included in the DP/DVP application package, including the planting of trees and other native plants as well as the removal of invasive plants and avoidance of unnecessary disturbances in the waterfront area.

Development Permit - Riparian Area Protection

The main objective of Mayne Island's OCP DPA guidelines related to riparian areas on the island¹ is to protect the biological diversity and habitat values of aquatic ecosystems, and in particular to protect riparian areas from development so that these areas may provide natural features, functions, and conditions that support fish life processes. As noted above, instream works and associated works in adjacent riparian areas are generally not subject to the RAPR but are subject to the Provincial WSA and Federal Fisheries Act. As is also noted, tidal areas are not subject to the RAPR, but are protected under the Fisheries Act. By following the Islands Trust's DPA process and considering applicable Provincial and Federal legislation, the applicants are able to ensure that the work is completed appropriately and will protect the biological function of the riparian habitat. There are no documented occurrences of fish in Deacon Creek, but some sources suggest that chum salmon fry from the Goldstream River hatchery had previously been stocked regularly into this system.² Other sources further note that there had been no evidence of long-term success of this initiative.³ Regardless of the current presence or absence of fish, riparian areas are important to wildlife and support unique assemblages of vegetation. The stream represents potential fish habitat that could be used by fish at some point in the future. Therefore, the elevated walkway will be implemented in such a way as to, in accordance with Islands Trust objectives, prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and, where feasible, to protect and enhance future aquatic habitat values.

In order to satisfy these objectives, the applicants have engaged Mr. Trystan Willmott of Madrone Environmental Services Ltd. as the QEP for the project to compile necessary site information and prepare the EMP. Mr. Willmott is thoroughly familiar with the local context, having conducted the background studies and mapping for Mayne Island's bylaw enhancements for riparian areas, and has discussed the project with Islands Trust staff. He has also conducted a site visit to identify site-specific conditions near the proposed elevated walkway location and has discussed low impact construction methods with potential local contractors for the proposed structure.

The applicants will commit, and post security as necessary, to fully implement the recommendations outlined in the attached QEP's report, which was prepared in a manner consistent with Islands Trust, Provincial, and Federal guidelines, that include shoreline protection measures, invasive plant removal, and additional plantings. Of particular note, a small tree that is located in the middle of the corridor upland of the northern bank of the creek will need to be removed to accommodate the elevated walkway's base on the waterfront side of the property. This Bigleaf maple, which is in poor health and has been significantly altered and reduced in size by others in recent years, will need to be replaced by four replacement western red cedars of a five gallon size and the applicants would need to ensure that all replacement trees are properly cared for and protected. The required replacement trees would provide long-term benefits to the biological function of the riparian area as compared to the removed Bigleaf maple. A number of harmful invasive plant species on the property near the creek will also be removed to increase the biological function of the riparian area and native species will be planted to enhance the habitat value of the riparian area as recommended in the EMP.

¹ Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2017 (Mayne Island Local Trust Committee Bylaw No. 171)

² Reimer, K. 2007. Mayne Island Stream Survey Report.

³ Clough, D. 2010. Mayne Island Fish Presence Assessment, July 2010. D.R. Clough Consulting.

Development Variance Permit – Setback from Side Lot Line

According to Mayne Island's Land Use Bylaw 146, no building or structure may be located within 10' (3m) from any interior side lot line which, with respect to the corridor in which the elevated walkway will be located, would include Village Bay Park to the west and the residential property at 535 Dalton Drive to the east. Due to the narrowness of the corridor, it is not physically possible to place a 4'-wide (1.22m) elevated walkway, which is considered to be a reasonable minimum width, inside the 15' (4.62m)-wide corridor while maintaining a 10' (3m) setback from adjacent properties. As a structure would provide safe access between the two parts of the subject property to the property's waterfront and foreshore, and there are no reasonable alternatives to achieve this, a development variance permit is required to permit the proposed elevated walkway over Deacon Creek within the defined setback.

It should be noted that the waterfront part of the subject property is between 130-165' (40-50m) from the nearest building (the detached house at 535 Dalton Drive) and that the proposed structure location and access path would be largely obscured by existing vegetation. After discussions with the QEP, the required replacement trees would be planted at the peripheries of the corridor on the waterfront part of the property close to the location of existing trees in order to minimize any potential future impacts on the view towards Village Bay from 535 Dalton Drive.



To further minimize potential visual intrusion on adjacent properties, and in support of the objective of minimizing impacts on Village Bay's natural shoreline, it is intended that only a limited amount of light, moveable outdoor furniture, such as chairs, side tables and umbrellas, will be placed in the waterfront part of the property along with a basic kayak rack similar to a nearby rack used to store kayaks for the owners of 535 Dalton Drive. The use of illumination devices would be minimized other than for safety purposes in times of low light conditions, in which case lighting levels will be kept to a minimum and directed down and away from adjacent properties. The applicants intend to keep music and noise to a reasonable level when using the waterfront part of the property to minimize impacts on neighbouring

properties and the users of Village Bay Park and the public beach and open fires will not be permitted anywhere within the waterfront part of the property.

Stakeholder Consultation

The applicants have contacted the owners of 535 Dalton Drive and the Mayne Islands Parks and Recreation Commission on behalf of Village Bay Park, which the two neighbouring properties, to advise them of the proposed elevated walkway and to identify and seek to resolve any issues.

Consultation with Mayne Island Parks and Recreation Commission (MIPRC)

At its meeting on 13 August 2020, MIPRC considered the proposed structure and advised the applicants that it had no concerns about the impact of the structure on Village Bay Park other than potential archaeological impacts. The applicants responded to MIPRC that it had referred the proposal to the province's archaeological branch for comment and that the area in question has not been identified as an area of interest, but that the applicants would be minimizing subsurface changes to the waterfront part of their property to protect environmental values and archaeological assets that could be present.

Consultation with Owners of 535 Dalton Drive

A meeting on 18 July 2020 was arranged by the applicants with a representative of the owners of 535 Dalton Drive, who is a co-owner of that property, to present structure designs and proposed mitigation measures to minimize any impacts as well as to discuss any concerns associated with the proposed elevated walkway. The owners of 535 Dalton Drive had been informed in February 2020 of the applicants' intention to construct an elevated walkway and had been advised that all necessary background studies and approvals would be obtained for the structure.

At the July meeting, the applicants advised the representative of the proposed alignment for the elevated walkway and that, due to the narrowness of the corridor, the structure would be within the current 10' setback and require the removal of an existing Bigleaf maple tree. The applicants advised the representative that, as a result of the need to remove the Bigleaf maple, the EMP required that the removed tree be replaced with four western red cedar trees within the waterfront part of the corridor. The applicants also explained that the structure and required replacement trees could be placed in such a way that any impacts on the existing view would be minimized. At this point, the representative expressed significant concerns and was strongly opposed to the removal of the Bigleaf maple tree and, in particular, to the planting of any new trees within the corridor. The representative stated that she would be opposed to new trees being planted whether or not these were placed at the ends of the corridor in the waterfront part of the applicants' property where there are existing Bigleaf maple trees, as is being proposed, due to a concern that the replacement trees could eventually grow to the point where her views to Village Bay were affected.

While the applicants would clearly prefer to have the support of the owners of 535 Dalton Drive for a replacement elevated walkway over Deacon Creek that would permit the same safe access to their property's waterfront as their neighbours now enjoy, it appears that these owners do not support the provision of the structure that is required to permit this use. The applicants believe that impacts of the proposed structure, as confirmed by the EMP, are minimal and fully manageable and that, in addition to full environmental protections and enhancements to be provided, all reasonable steps have been taken to minimize potential negative impacts of the proposed structure on adjacent properties.

Documents in the Application Package

- 539 Dalton Drive DP and DVP Application with Signatures – Final
- 539 Dalton Drive DP and DVP Application - Purpose of Application and Supporting Information – Final (This Document)
- 539 Dalton Drive DP and DVP Application - 11x17 Site Plan and Context - Final
- 539 Dalton Drive DP and DVP Application - Structural Drawings and Precedent Images - Final
- Environmental Management Plan - Deacon Creek Elevated Walkway – Final
- Wey-Mayenburg Property Survey - 12 March 2021 - Final
- Title Search, Right of Way, Restrictive Covenant
- Subdivision Plan VIP22057



ENVIRONMENTAL MANAGEMENT PLAN

Deacon Creek – Elevated Walkway Installation – 539 Dalton Drive, Mayne Island, BC

FOR:

**Mark Allison and Lynn Casey
539 Dalton Drive, Mayne Island, BC**

BY:

Trystan Willmott, B.Sc., A.Sc.T.

Madrone Environmental Services Ltd.

March 15th, 2021

MADRONE ENVIRONMENTAL SERVICES LTD.
1081 CANADA AVENUE • DUNCAN • BC • V9L 1V2
TEL 250.746.5545 • FAX 250.746.5850 • WWW.MADRONE.CA

DOSSIER: 20.0091

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ENVIRONMENTAL MANAGEMENT PLAN

Deacon Creek – Elevated Walkway Installation – 539 Dalton Drive, Mayne Island, BC

1 Introduction and Scope

Madrone Environmental Services Ltd. (Madrone) was retained by Mr. Mark Allison and Ms. Lynn Casey (the clients) to assess the site of a proposed permanent elevated walkway over Deacon Creek where it flows through 539 Dalton Drive, Mayne Island, BC. The walkway is required to provide safe access to an established sitting area located in the waterfront segment of the subject property.

The main scope of Madrone's involvement was to provide required information to ensure protection of sensitive ecological elements during planning and construction phases through completion of an Environmental Management Plan (EMP) required for Islands Trust's Development Permit process. Madrone also provided information related to applicable legislation and government regulators, to help the clients obtain necessary permits and permissions.

2 Study Area

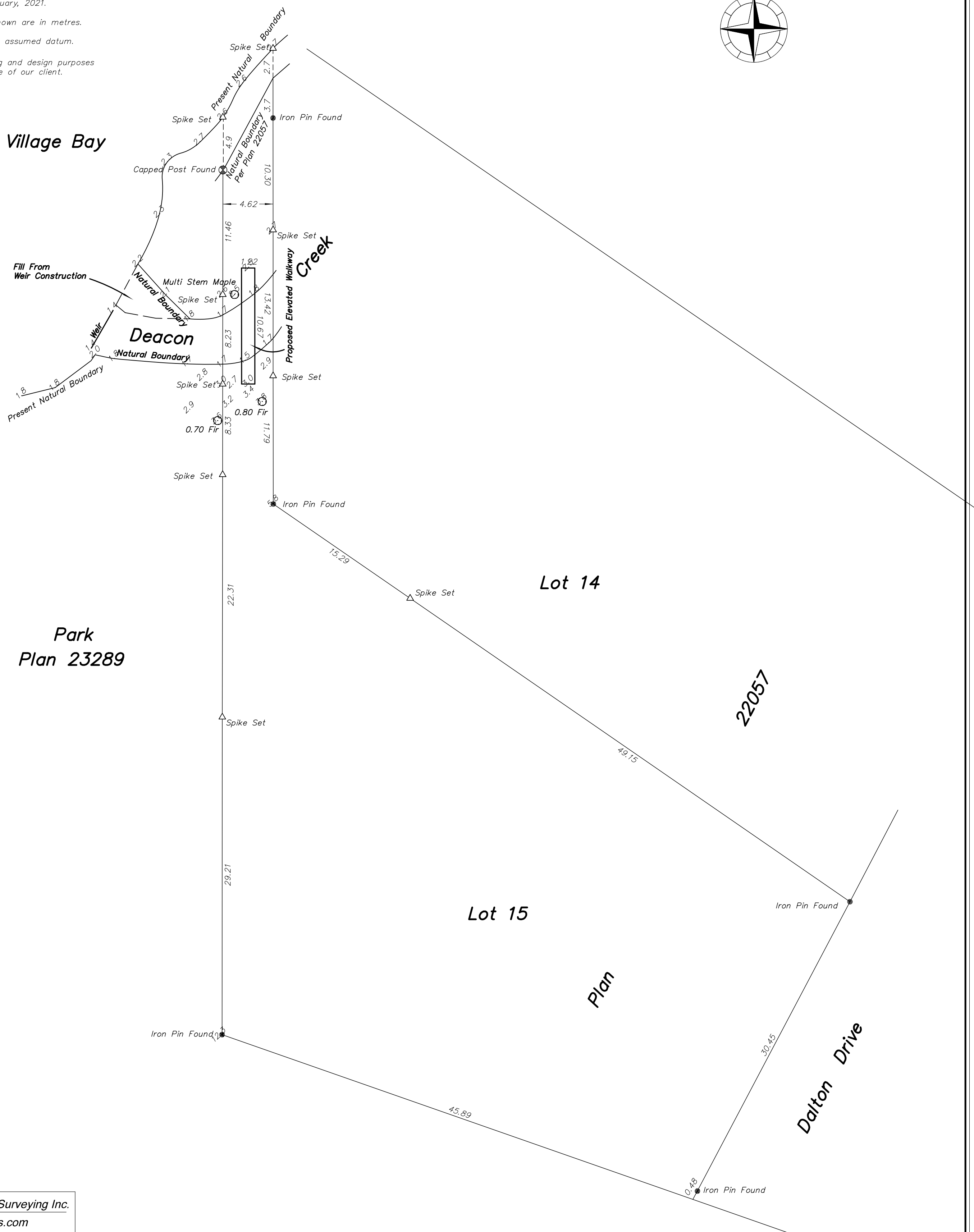
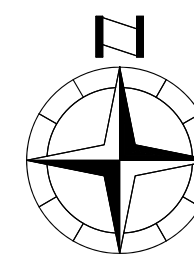
The subject property is located adjacent to Village Bay on Mayne Island. The proposed structure would cross Deacon Creek close to the upper limit of tidal influence and would be located in a narrow corridor that connects the property to Village Bay (Figure 1).

Dated this 12th day of January, 2021.

Distances and elevations shown are in metres.

Elevations are based on an assumed datum.

*This site plan is for building and design purposes
and is for the exclusive use of our client.*



www.weysurveys.com

File: 200030\SIT\GH

The subject property is affected by the following registered documents:
381228G. & 382968G.

3 Project Overview

The subject property contains a narrow (4.62 m wide) corridor that crosses Deacon Creek and connects the property to the eastern shore of Village Bay (Figure 1). At the northern end of this corridor, a historically cleared segment of backshore zone is used by the clients as a sitting area. Currently, this part of the property is accessed by means of the beach, or by crossing Deacon Creek. During periods of high creek flows and/or high tides as well as during deep seaweed coverage in the bay, access to the waterfront part of the property is not possible or is unsafe.

To improve upon access to the sitting area, the client proposes to install a 10.66 m – 12.2 m long wooden or prefabricated aluminum structure over Deacon Creek (specific length dependent upon final design). As part of the proposal, a gravel trail with wooden steps will be constructed through the property, connecting to the walkway's southern end. A wooden ramp would be located at the northern end, to provide access onto and off the structure.

4 Elevated Walkway Design and Construction Methodology

If the wooden walkway design is chosen, it would consist of a series of 1.22 m long 2" x 6" wooden planks secured to a pair of 10.66 m – 12.2 m long log, timber, or engineered wood beams of appropriate dimensions, depending on type of beam used. For round logs, the dimension would be 32"; square timber would be 22.5" and for rectangular engineered beams, 6.76" x 24". Support bases on either side of the creek will consist of log, timber beam, gabion cage, or poured in place concrete foundations. If concrete foundations are required for structural stability, mitigation measures will be implemented to avoid any negative impacts to sensitive features (as described in Section 8). For safety, 42" high handrails will be attached to the walkway sides. Appendix 1 shows concept designs indicating the type of walkway that will be constructed.

Prior to placement of the clear span log or timber beam, or prefabricated aluminum walkway, supporting bases will be prepared. No machinery will be used for excavating the 1.2 m x 1.2 m bases, which will be dug with a shovel to a depth of 0.6 m. The foundations will be placed into the excavated areas. The main walkway will then be seated on the supports approximately 0.6 m above the high-water mark of the creek. Once the main beam or log has been placed (wood option), the wooden planks will be screwed into place to form the walking surface, followed by installation of handrails. If a prefabricated aluminum walkway is used, the structure would be placed onto the foundations and secured.

The gravel trail and steps connecting to the southern side of the walkway will be constructed with hand tools and will not involve any deep excavations. The trail will not require removal of any trees or tall shrubs and will be field fit around mature conifers that occur in the riparian area.

5 Applicable Legislation

5.1 Provincial Level

Works “in and about a stream”, including associated activities in riparian approach areas, are managed through Section 11 of the provincial Water Sustainability Act (WSA). Depending upon level of risk to sensitive aquatic features, works are either categorized as requiring submission of a Notification or Approval, with Notifications representing low risk activities where potential impacts can be easily mitigated. Construction of clear span structures is included under the Notification category.

Based on walkway design, no work will occur below the high-water mark, as it will consist of a clear span structure. As such, the work has triggered submission of a Notification to the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (MFLNRORD). The submission will be reviewed by a provincial Habitat Officer and issuance of a written confirmation is required before work can proceed. The Notification submission includes, but is not limited to, structural designs, proposed work descriptions, property/proponent details and a list of applicable mitigation measures.

5.2 Federal Level

The federal Fisheries Act protects both fish and fish habitat. Recent changes to the Act have brought it back to pre-2012 status, where all species of fish and fish habitat are now protected, as opposed to only protecting fish that were considered important to First Nation, commercial or recreational user groups. Habitat protection measures are also at the forefront now, and it is unlawful to cause the death of fish or a Harmful Alteration, Destruction or Disruption (HADD) of fish habitat without an Authorization.

To ensure that projects in or near water do not result in an unauthorized HADD or death of fish, the Department of Fisheries and Oceans (DFO) provides relevant information on the “Projects near Water” website¹. Unless applicable measures can be implemented that avoid impacts to fish or fish habitat, a Project Review is required, where DFO has the

¹ <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>

opportunity to assess a proposed project to ensure that death of fish or a HADD do not occur.

Where projects can implement appropriate measures, a Project Review or Authorization are not required. Construction of a clear-span structure is included as an activity where a Project Review is not required, as long as appropriate measures are employed to prevent the death of fish, maintain function of riparian vegetation, avoid any work below the high-water mark, ensure proper erosion/sediment control and prevent entry of deleterious substances into water. Based on proposed work in this case (a clear span walkway), a Project Review is not required, as applicable measures (as listed in this EMP) will be incorporated.

5.3 Local Government Level

The objective of Mayne Island's riparian Development Permit Area, implemented by the local government (Islands Trust) is to protect biological diversity and habitat values of aquatic ecosystems, and in particular to protect riparian areas from development. This helps to ensure that natural features, functions and conditions that support fish life processes are maintained. As noted in Section 5.1, instream works and associated works in adjacent riparian areas are subject to the provincial WSA and federal Fisheries Act. In addition, tidal areas are not subject to the provincial Riparian Areas Protection Regulation (RAPR), which is the main legislation associated with Islands Trust's riparian DPA. Riparian habitat in tidal areas is protected under the Fisheries Act.

Islands Trust's Riparian Development Permit process will still be followed but a Detailed Riparian Assessment report will not be submitted, as applicable legislation in this case is the WSA and Fisheries Act (a RAPR report is not applicable to instream works or associated activities in the riparian area). By following the intent of Islands Trust's Riparian DPA process and considering applicable provincial and federal legislation, objectives of the DPA will be maintained.

6 Field Assessment Methodology

The subject area was visited on June 1st, 2020. During the field visit, the proposed crossing location was assessed in terms of fish habitat attributes and composition and function of riparian habitat. Proposed disturbance areas were assessed to determine extent of any potential impacts to sensitive features and to design applicable mitigation measures. Representative photos were taken of the crossing location and surrounding area (Appendix 2).

7 Site Description

7.1 Stream and Riparian Habitat

The proposed crossing location occurs over a tidal portion of Deacon Creek, with the cobble beach of Village Bay approximately 20 m downstream. The proposed crossing is situated close to (within approximately 3-5 m) of the upper tidal limit. Bankfull width of the stream is 3.5 m at the proposed crossing location, but top of bank extends beyond the height of winter flows and upper reach of high tides. The stream is a low energy, riffle-pool system where it flows through the subject property with a substrate consisting mainly of silt and sand and occasional mid channel boulders. Based on low stream magnitude, perennial habitat is extremely lacking.

Riparian vegetation along the right (northern) stream bank where it flows through the subject property consists mainly of low growing dense grasses, herbs and shrubs, with Oregon grape (*Mahonia nervosa*), Nootka rose (*Rosa nutkana*), salal (*Gaultheria shallon*), common rush (*Juncus effusus*), horsetail (*Equisetum arvense*) and bracken fern (*Pteridium aquilinum*) dominating. Daphne (*Daphne laureola*) – an invasive species – occurs sporadically. One multi-stem bigleaf maple (*Acer macrophyllum*), which is showing signs of decay, occurs in the riparian area on the right stream bank. This tree is in the proposed walkway footprint and would need to be removed. No option is available for retention of the tree, based on the narrow width of the property at the crossing location.

Beyond the riparian fringe adjacent to the northern stream bank, an open grassy area occurs between the stream and foreshore. This clearing represents a sitting area that has been used over the years by current and previous landowners. A narrow fringe of bracken fern, grasses and occasional Scotch broom (*Cytisus scoparius*) – another invasive species - occurs between the beach edge and sitting area.

Along the left (southern) stream bank where it flows through the subject property, vegetation in the riparian zone consists mainly of well-established Nootka rose bushes, which overhang the stream channel. Several mature Douglas fir (*Pseudotsuga menziesii*), grand fir (*Abies grandis*) and western red cedar (*Thuja plicata*) also occur. Beyond this fringe of mature trees, the riparian area consists of low growing Oregon grape, salal and bracken fern.

In addition to daphne and Scotch broom, which both occur infrequently on the subject property, yellow flag iris (*Iris pseudacorus*) occurs in the stream channel immediately east of the property boundary. As with daphne and Scotch broom, yellow flag iris is an invasive

species. This plant does not occur on the subject property, likely because of saltwater influence.

7.2 Fish Habitat Potential

There are no documented occurrences of fish in Deacon Creek, but Reimer (2007) stated that chum salmon (*Oncorhynchus keta*) fry from Goldstream River hatchery had previously been stocked regularly into this system. Clough (2010) noted that there had been no evidence of long-term success of this initiative. Despite the lack of documented fish occurrence, there is potential for fish to occur in Deacon Creek. Currently, any fish use would be limited to seasonal occupancy by anadromous species that do not rely upon perennial habitat or temporary use by anadromous cutthroat trout (*Oncorhynchus clarkii clarkii*), which could potentially use the lower reaches in very low numbers on an intermittent basis.

Where Deacon Creek flows out onto the beach adjacent to the subject property, a weir structure has been installed (not by current landowners of the subject property). Anecdotal evidence suggests that this structure was constructed to prevent seaweed from blocking the channel. Aside from the weir, there is no natural barrier between the beach and stream, and potential fish habitat occurs in the low gradient stream. The weir is overtopped by high tides and is apparently open with no constrictions during the fall, winter and spring months, but at the very least, it represents an obstacle to fish passage. Any benefits to the stream channel associated with retaining water during low flow periods when the weir is closed are unknown, and specific reasoning for construction of the weir are unconfirmed.

On the subject property, fish habitat attributes are generally lacking, which is mainly a function of low stream magnitude and lack of flow over the summer months. Spawning habitat does not occur, based on saltwater influence, but the reach could be used on a temporary basis for species such as overwintering coastal cutthroat trout. There is also potential for use by rearing anadromous salmonids that do not rely upon freshwater for extended periods of time. For example, species such as pink salmon (*Oncorhynchus gorbuscha*) and chum salmon that generally move into the ocean shortly after emergence could potentially occur during transition into the marine environment. Riparian vegetation is currently providing proper biological function, especially along the left stream bank, with mature conifers and overhanging shrub vegetation providing water temperature regulation, bank stability, provision of potential Large Woody Debris (LWD) and nutrient input.

8 Potential Impacts and Associated Mitigation

8.1 Vegetation Disturbance

During construction of the walkway and access trail through the riparian zone, vegetation removal and disturbance will be minimal. No removal of trees or tall shrubs will be required during construction of the riparian foot trail. By constructing the trail with non-mechanized hand tools, there is minimal potential for impacts to rooting zones of mature trees growing along the left stream bank. This is because any excavations will be relatively shallow. During trail construction, however, if any tree roots are encountered that are larger than 4 cm, these roots must not be damaged and must be left in place. Any other smaller roots that are encountered must not be shattered, with only clean cuts permitted.

Excavation of pits required for supporting bases on either side of the stream will involve use of hand tools and minimal excavation depths (0.6 m). Areas where pits will be dug currently support species of grass - functioning riparian vegetation will not be disturbed. The same tree root mitigation must also be applied to excavation of base-pits, which would only be applicable to the left stream bank.

The multi-stemmed bigleaf maple that is growing on the right stream bank would need to be removed to allow placement of the walkway. This low-growing tree is currently showing signs of poor health and consists of a number of stems emanating from the stump equivalent to a single tree of approximately 45cm diameter. Because roots of the tree are likely providing bank stabilization, the stump must remain in place, as the walkway can be placed above the stump once stems are removed. It is likely that the tree will continue to grow from the stump, with “sucker” growth produced each spring. It may be necessary to manage any future growth to prevent it from inundating the elevated walkway. Any sucker growth that extends beyond the structure footprint should be allowed to become established.

Even though the big-leaf maple tree will likely continue to grow from the remaining stump following stem removal, replacement trees must be planted in the riparian zone to help mitigate any potential loss of riparian function. Table 1 represents provincial Tree Replacement Criteria that have been used to calculate the required number of replacement trees.

TABLE 1. PROVINCIAL TREE REPLACEMENT CRITERIA.

Diameter at Breast Height (DBH) of tree to be removed	Required Replacement
0-15.1 cm	Two replacement trees, or four tall shrubs (e.g. Indian plum – <i>Oemleria cerasiformis</i> , Pacific ninebark - <i>Physocarpus capitatus</i> or black twinberry – <i>Lonicera involucrata</i>).
15.2 cm – 30.4 cm	Three replacement trees.
30.5 cm – 45.6 cm	Four replacement trees.
45.7 cm – 60.9 cm	Six replacement trees.
61.0 cm – 91.4 cm	Eight replacement trees.

Based on equivalent diameter of the big-leaf maple to be removed and tree replacement criteria, four replacement trees will be required. Western redcedar must be used as the replacement species because of its longevity and associated long-term benefits to riparian areas. Replacement trees must be purchased in 5-gallon pots (at least) to give the trees a competitive advantage over potential deer browse. The trees must not be planted over the summer months, as soil moisture levels will not be at optimal levels for tree survival. The trees should be planted during late autumn when soil moisture will be at an adequate level but must be planted by the end of October 2021. Depending on weather conditions, watering will likely be required during at least the first summer to ensure that the trees survive. The trees must be planted on the right (northern) stream bank along or immediately below top of bank, with two placed near the big-leaf maple to be removed and two at other locations within the foreshore section of the corridor. Planted trees must be kept above any area of potential saltwater intrusion and must be separated by at least 3 m.

8.2 Deleterious Substances

Proposed construction of the elevated walkway and associated access trail through the riparian area represent low risk activities where machine work will be very limited. Machine work will be limited to use of a chainsaw to remove the singular bigleaf maple tree that is growing in the proposed structure footprint on the right stream bank.

If a wooden structure is chosen, laminated wood beams could be used to capitalize on strength and reduced weight. Any reduction in weight of construction material will be of benefit when carrying items to the crossing location. Use of laminated products would not introduce any significant concerns related to introduction of deleterious substances (e.g., solvents) over the short or long-term.

To extend lifespan of the structure, pressure-treated wood may be used. This type of wood contains preservatives that prevent decay and insect infestation. Based on minimal footprint of the proposed structure and corresponding low potential amounts of preservatives, and

because no wood will be located in the water column, no measurable impacts from preservatives are anticipated.

When using a chainsaw to remove the bigleaf maple, there must be no refueling within 30 m of the top of stream bank. In addition, the saw must be clean and free from any leaks of fuel, grease or oil and biodegradable bar oil must be used.

If concrete is required for walkway support bases, extreme caution must be applied. Uncured concrete is caustic and any introduction of liquid or dry concrete powder into Deacon Creek could lead to an increase in pH that might prove to be toxic to aquatic organisms. As such, the following mitigation measures must be implemented:

- Conduct all concrete work during an extended period of dry weather.
- Use a relatively dry concrete mix that sets up quickly.
- Ensure that wooden concrete forms are structurally sound and leak free.
- Make sure that concrete use is kept to the absolute minimum required.
- Avoid any migration of uncured concrete (including dry concrete powder) beyond areas of application.

8.3 Erosion and Sediment Mobility

Based on characteristics of the proposed project, there is minimal risk involved with erosion and associated sediment mobilization. Nevertheless, it will be important to prevent any potential for sediment entry into Deacon Creek during construction of the walkway and access trail.

The most appropriate method to control sediment is to manage potential sediment sources. If potential erosion sources are managed properly, sediment cannot be mobilized. Generally, impact of rain drops upon an exposed (i.e., un-vegetated) surface provides sufficient energy to detach soil particles (depending upon particle size), which then become entrained in surface flowing water. In this regard, any exposed soil that is created during the project must be covered using mulch (leaves or straw are suggested). By covering exposed soil with mulch, sediment will be contained and not transported beyond any disturbed areas.

Organic mulches (i.e., straw) are relatively cheap, but provide effective temporary erosion control. Hay must not be used as mulch, as it often contains seeds of undesirable plant species. In addition, hay can attract wildlife (i.e., deer). As areas are exposed, straw must be applied (where applicable) by hand. It is worth noting that in order to obtain adequate coverage to avoid erosion, 1 straw bale will effectively cover approximately 20 – 25 m².

Straw should be placed evenly at a thickness of 2.5 cm – 5.0 cm and should cover between 80% and 90% of the exposed surface.

To further help reduce risk of erosion and sediment movement, the work must occur between August 15th and September 15th, which is considered the fisheries least risk window of opportunity. This window is in keeping with both provincial and federal legislation.

9 Recommended Enhancement Options

9.1 Invasive Plant Species Removal

As noted, both Scotch broom and daphne occur in the riparian zone on the subject property. Both species should be removed to reduce competition with native vegetation. Scotch broom is currently growing in the vegetated fringe between the sitting area and beach and daphne occurs in the riparian area adjacent to the right bank of Deacon Creek. Yellow flag iris was also noted during the site assessment, but this species is not growing on the subject property. Removal of this species by the neighbouring landowner is recommended.

Scotch broom should be removed when it is in full flower, as the majority of the plant's energy is being directed to the flowers. Note that hand-pulling may encourage broom growth due to unavoidable soil disturbance and is not recommended for mature plants (soil disturbance encourages growth of the seed bank). Instead, broom should be cut just below soil level, ensuring that no part of the stem remains above ground. Broom plants must be cut before seed production, as a mature plant can produce up to 3,500 seed pods, each with 5-12 seeds (typically producing 18,000 seeds per year). Seedling broom plants can be pulled out of the ground because ground disturbance can be minimized.

On going removal of broom will be required because the plant is very pervasive.

Wherever it is encountered on the subject property, daphne should be removed. This invasive plant does not require disturbed ground to become established, and is commonly spread by birds, which feed on the berries. Unfortunately, it is a popular garden shrub and can still be found for sale in nurseries and it is still used in floral displays, despite its toxicity. All parts of daphne are toxic to people, but the berries are not toxic to birds. There is a Work Safe BC "Toxic Plant Warning" associated with daphne, due to the fact that the sap can cause severe skin blistering and airborne sap can cause eye and throat irritations. If ingested, the berries can cause swelling of the tongue, difficulty swallowing, vomiting, weakness and coma. Daphne is listed as a poisonous plant with the Canadian Poisonous

Plants Information System. Daphne is adaptable to both shady and sunny locations and is able to spread quickly and out-compete native vegetation.

Small daphne seedlings can be pulled out of the ground. Larger plants can be cut, following the same methodology described for broom. Daphne stems, however, often grow horizontally along the ground and it can be difficult to identify where the plant is actually rooted (especially if stems are covered by leaf litter). When cutting daphne, therefore, care must be taken to uncover horizontal stems and identify where the stem is coming out of the ground (refer to photograph below). Unlike broom, which loses its ability to re-sprout from the stem as it ages (becomes woody), daphne can re-sprout from the stem at any age.

As noted, all parts of daphne are toxic to humans. Gloves must be worn when handling the plant, to avoid skin irritations. People with respiratory problems, such as asthma, should wear masks when handling the plant.



Correct methodology for cutting daphne. The cut needs to be made below the soil surface to avoid re-sprouting. Note new shoots coming off the main stem in the circled area, close to the base of the plant. Photo courtesy of Conan Webb, Ecosystems Scientist, Parks Canada.

9.2 Planting Native Vegetation

In association with removal of invasive plants, planting native vegetation in the riparian zone along the right bank of the stream where it flows through the subject property would help to enhance function of riparian habitat. Enhancement is not recommended along the left bank of the stream, as this area is currently in good condition.

Any planting would be more effective if completed during the late autumn months because of optimal soil moisture. Watering would likely be required during at least the first summer while plants become established. A minimum spacing of 1.5 m between plants is suggested, with at least 3 m between any trees.

The following list includes appropriate species for planting anywhere in the riparian zone between the sitting area and Deacon Creek:

- Nootka rose (*Rosa nutkana*).
- Oceanspray (*Holodiscus discolor*).
- Pacific ninebark (*Physocarpus capitatus*).
- Flowering currant (*Ribes sanguineum*).
- Tall Oregon grape (*Mahonia aquifolium*).
- Black hawthorn (*Crataegus douglasii*).
- Blue elderberry (*Sambucus cerulea*).
- Snowberry (*Symphoricarpos albus*).
- Bitter cherry (*Prunus emarginata*).
- Flowering dogwood (*Cornus nutalli*).
- Western redcedar (*Thuja plicata*).
- Douglas fir (*Pseudotsuga menziesii*).

10 Closing

The proposed construction of an elevated walkway over Deacon Creek at 539 Dalton Drive, Mayne Island represents a project with minimal risks to the stream or surrounding riparian area. The application of required mitigation measures will ensure that any potential impacts are properly managed.

If you have any questions or concerns related to the assessment, please do not hesitate in contacting the undersigned.

Prepared by:

**This is a digitally signed duplicate of the official manually signed and sealed document.*



Trystan Willmott, B.Sc., A.Sc.T.

References

Clough, D. 2010. Mayne Island Fish Presence Assessment, July 2010. D.R. Clough Consulting.

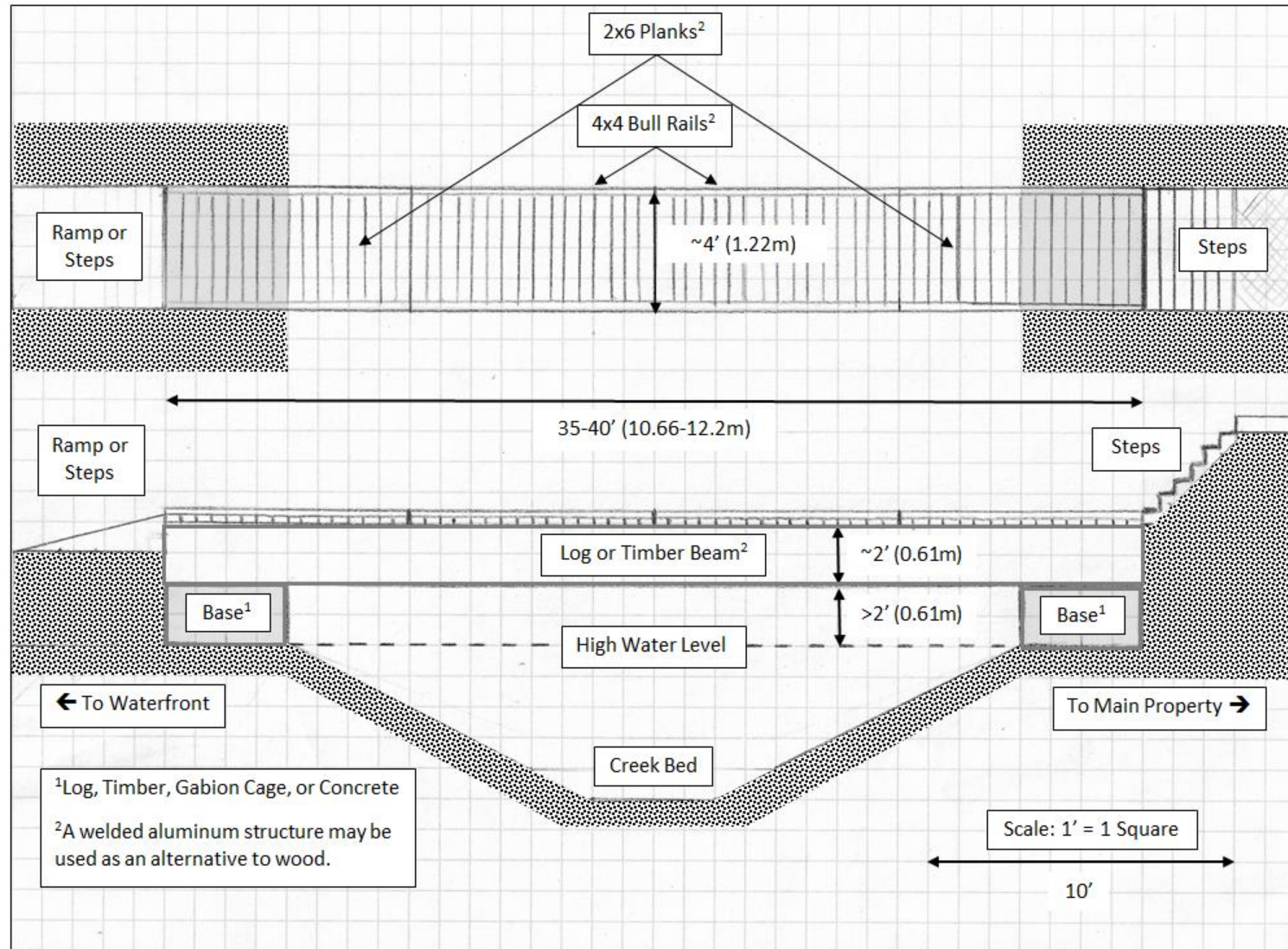
Reimer, K. 2007. Mayne Island Stream Survey Report.

APPENDIX 1

Structure Concept Designs

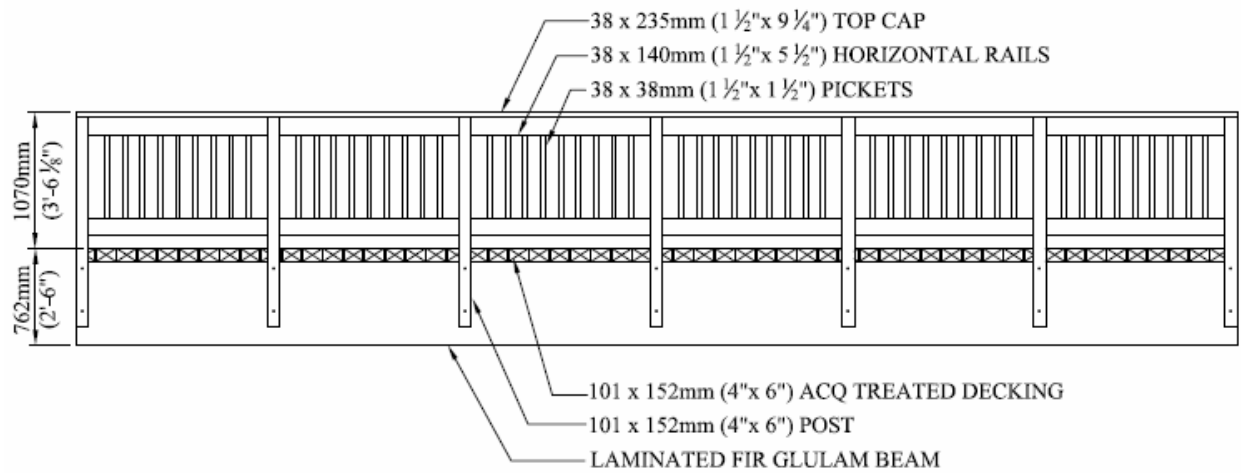
Structural Drawings and Precedent Images

Basic Structure Concept Drawing

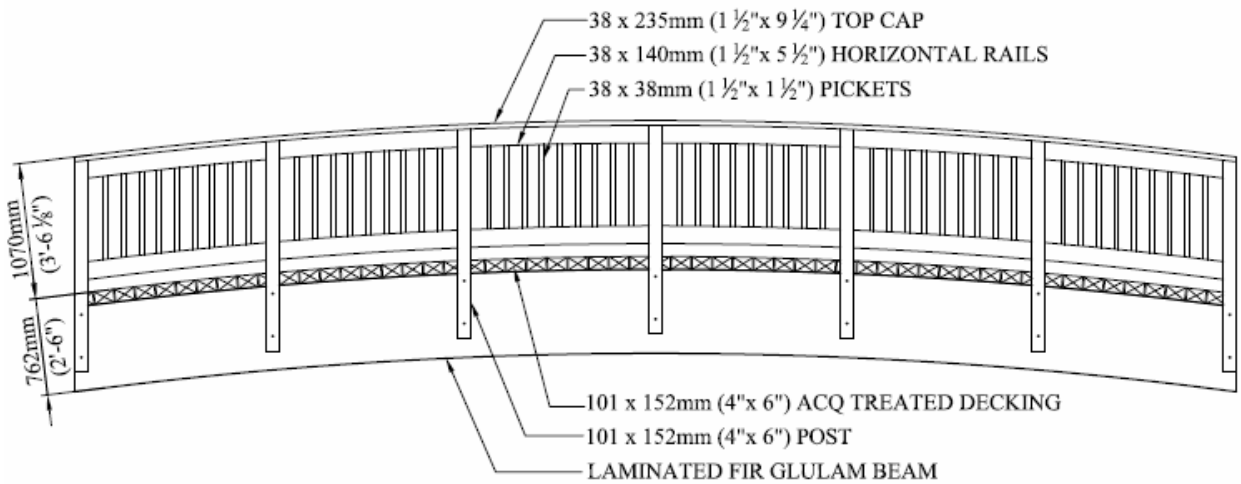


[illegible]

Typical Design Drawing – Engineered Wood Beam Structure with Handrail



LEVEL BRIDGE



ARCHED BRIDGE

Precedent Images – Timber, Aluminum, and Engineered Wood Structures



Typical Log/Wood Structure



Typical Fabricated Aluminum Structure



Typical Engineered Wood Structure

APPENDIX 2

Site Photos



Looking upstream (east) along Deacon Creek towards the proposed elevated walkway location (approximate location highlighted). The house is located on the neighbouring property (535 Dalton Drive).



Looking downstream (southwest) along Deacon Creek towards the proposed elevated walkway location (approximate location highlighted).



Looking north over Deacon Creek towards the proposed elevated walkway location (approximate location highlighted). The sitting area adjacent to Village By has also been highlighted (red arrow).



Bigleaf maple tree adjacent to the right bank of Deacon Creek that would need to be removed to accommodate the proposed elevated walkway.



Looking north over the sitting area adjacent to the riparian zone on the right bank of Deacon Creek.



Looking north through the riparian zone adjacent to the left bank of Deacon Creek where a foot trail would be constructed.



Weir that has been constructed where Deacon Creek flows out over the beach.



Scotch broom that occurs in the vegetated fringe between the sitting area and foreshore.



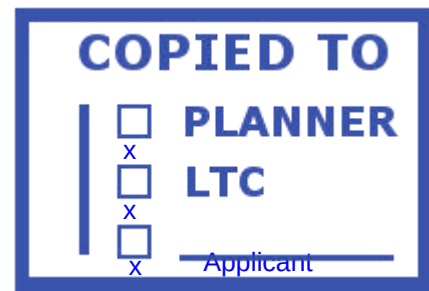
Daphne growing in the riparian zone along the right bank of Deacon Creek adjacent to the sitting area.



Looking upstream (north east) along Deacon Creek where it flows through the neighbouring property (535 Dalton Drive). Yellow flag iris has been highlighted.

Attachment 5

These correspondences have been
received by the Local Trust Committee.



From: Peter Lehmann <[REDACTED]>
Sent: Thursday, April 22, 2021 3:38 PM
To: information <information@islandstrust.bc.ca>
Cc: Narissa Chadwick <nchadwick@islandstrust.bc.ca>; Jeanine Dodds <jdodds@islandstrust.bc.ca>;
David Maude <dmaude@islandstrust.bc.ca>
Subject: Phil Testemale re. 539 Dalton variance

Hi Phil,

I own [REDACTED] on Mayne Island and recently received a notice of a variance request from my neighbours at 539 Dalton. The subject property includes a narrow strip of Village Bay waterfront (may be less than 10% of 539's total lot area), adjacent to Deacon Creek. The variance request is to build a bridge across the creek to the narrow waterfront strip.

I wasn't on Mayne when the waterfront properties were developed, having bought my lot in 2005. However, I built a bridge spanning Deacon Creek on my property in 2009 so am somewhat familiar with the reasoning behind the present setbacks. I'm fairly certain that Mayne Island/Islands Trust ensured the lot construction setbacks were mindful of maintaining the natural interface of the public beach and Village Bay Community Park with the waterfront lots. I believe the proposed bridge would impact the nature of the creek and the natural interface between the public and private properties. The bridge would impact the natural ground cover that would normally grow alongside the creek and from the ocean would impact the view of the creek on its natural course before it exits the waterfront properties. There is no elevation difference between the current high water level and the proposed bridge base. Beach grass can be seen growing very close to the proposed bridge site now. Water levels are rising and the creek needs space to adapt. The proposed bridge will impact the natural watercourse.

For these reasons I don't support this variance request.

Sincerely,
Peter Lehmann
[REDACTED]

From: Patricia Janvrin <[REDACTED]>
Sent: Sunday, April 25, 2021 3:42 PM
To: information <information@islandstrust.bc.ca>
Cc: Phil Testemale <ptestemale@islandstrust.bc.ca>; Narissa Chadwick <nchadwick@islandstrust.bc.ca>; Jeanine Dodds <jdodds@islandstrust.bc.ca>; David Maude <dmaude@islandstrust.bc.ca>
Subject: Proposed Development Variance Permit MA-DVP-2020.9

Date: April 25, 2021

To: Phil Testemale

I am writing in response to the above Variance Permit to allow for the construction of a bridge over Deacon Creek put forward by Lot 15, 539 Dalton Drive.

Peter and I are very opposed to both of these variances.

First and foremost is the effect the bridge would have on the creek and it's banks, which already show erosion in several areas. This structure will be over 40' long, not including the stairs/ramp at either end. The weight alone will be detrimental to the stream ecosystem, as well as all the equipment that would be necessary to lay the foundation and supports.

Several neighbours upstream have lost up to 8 feet of creek bank due to erosion, especially in the last 5 years and this sediment continues to settle in the pond in front of our property. Our volunteers have all worked together to help keep this stream clear and free flowing.

Deacon Creek is designated as a salmon bearing stream. Please refer to the Riparian Rights Protection Regulation, BC Reg 178/2019 and SPEA, Streamside Protection Enhancement Area.

The building of the bridge also contravenes the Official Community Plan for Mayne Island. This area is also located within the 'Red Zone'.

Have First Nations been advised?

This proposed bridge will be located right in front of our home dramatically affecting our water view and our enjoyment of our property. The view we have now is one of the reasons we purchased this lot in 1992 and now they want a variance to erect the proposed bridge within 1.7 metres of our property line, which are adamantly against.

The bridge will also negatively impact the beauty of the natural setting of the waterfront and creek area for anyone enjoying a walk or sitting on the beach.

Properties situated on the beach in Village Bay have experienced unusually high tides this season with fierce windstorms which have caused several large logs to embed themselves on the beach near the creek entrance. Many logs have washed up onto the banks and up into the creek. One log was blown over the weir and the banks and is now straddling the creek. The only reason it didn't make its way further was due to it's base becoming entangled in other logs. If the log was any smaller, it could easily have blown all the way to where the proposed bridge would be, which would have had damaging effects on the bridge and therefore the creek.

We and several neighbours have been involved in keeping the beach clean of seaweed for over 20 years. During high tides, seaweed can wash over the weir and settle into the 'resting pool' just under the proposed bridge. If this seaweed is left to rot, the smell is dreadful and affects the whole beach, so we ensure the creek is cleaned out

when necessary. If there was a bridge spanning this area, this would be very difficult to achieve.

Will the public have access to this bridge? If not, how will it be closed off so people could not use it? Will it have a locked gate at either end with a 'no trespassing' and 'private property' sign? Will they need to build a fence around it as people could easily climb over the handrails to access the bridge.

The public has been accessing Village Bay for decades. A bridge has never been necessary. Lot 15 has been accessing the dogleg by crossing the creek ever since they purchased the property with no problem, as did the previous owners for 24 years. Once this large structure is finished, there would not be much land left to enjoy.

Our volunteers work hard to keep the beach clean of debris and seaweed during the summer months to prevent Village Bay from becoming 'Stinky Bay', as it was called in the past.

The negative impact and destruction of a very sensitive ecosystem far outweigh the need to build a bridge.

I reiterate, Peter and I are adamantly opposed to the construction of a bridge over Deacon Creek.

Patricia Janvrin

Peter Davey

[REDACTED]

[REDACTED]

[REDACTED]

From: CAROLE NEILL <[REDACTED]>
Sent: Sunday, April 25, 2021 9:33 AM
To: information <information@islandstrust.bc.ca>
Subject: Fwd: Proposed Bridge over Deacon Creek

Attention Phil Testamale, Jeanine Dodds, Narissa Chadwick, David Maude

From: "caroleneill" <[REDACTED]>
To: "Patricia janvrin" <[REDACTED]>
Cc: "LAURA CULLEN" <[REDACTED]>, "John Morgan" <[REDACTED]>, "plehmann" <[REDACTED]>, "mbenseignant" <[REDACTED]>, "mamacarolbarnes" <[REDACTED]>
Sent: Saturday, April 24, 2021 9:04:40 PM
Subject: Re: Proposed Bridge over Deacon Creek

I forwarded my concerns to Phil Testemale which match your concern. As homeowners, over the years we have managed the weir. After restoration salmon fry were, with the help of Mayne Island School children, released upstream in the creek and in the pond. Our group was the recipient of Fisheries and Oceans 5 year Award for outstanding service to the fisheries resource in Canada and dedicated to the support of the Habitat and Enhancement program. This alone speaks to the commitment and dedication of local homeowners maintaining the quality of the beach and environs for the public to enjoy. We cleaned out the mouth of the creek which included oil drums, railway tracks, used linoleum, garbage which had to be dug out of the quagmire it had become. The water was black. Truckloads had to be taken to Heartland Landfill.

The boat ramp is now legal and we get Grant in Aid. We have made this successful for 20 years, imperative we keep it going.

We also have one eyesore, 150 foot boat ramp built on crown foreshore although all permits were denied at the time of its illegal construction. now we have another proposed eyesore facing Village Bay with two variances which will cause further erosion and silting in Deacon Creek, What is wrong with crossing on the cement apron in front of the weir like we have done since we came to Village Bay in 1977. What is wrong with natural looking waterfront.

CRD has provided a Grant in Aid to clean the beach since 2000 to resolve the problem caused by the boat ramp stopping the flushing action of the ocean.

Laura Cullen has taken over from Carole Neill and Jill Nolli to manage the summer project and she has done a fine job. Support her in any way you can.

FYI Carole Neill

From: "Patricia janvrin" <[REDACTED]>
To: "LAURA CULLEN" <[REDACTED]>, "caroleneill" <[REDACTED]>, "John Morgan" <[REDACTED]>
Sent: Tuesday, April 20, 2021 2:48:33 PM
Subject: Proposed Bridge over Deacon Creek

Hello neighbours,

I believe you have all received the Proposed Development Variance Permit MA-DVP-2020 laying out the plans for the construction of a bridge over Deacon Creek and the two variances that are needed before this plan can go ahead.

If you haven't received your copy yet, please let me know and I can forward one to you.

)

Concerns should to be forwarded to the Islands Trust before April 28, 2021.

As you know, we have several concerns and would appreciate if you could contact the parties necessary (listed below) and reiterate the negative effects that this bridge would have, not only on the environment, on the banks of the creek, which are already eroding, but also the beauty of the natural setting as anyone walking the beach will see this structure immediately. The creek is also designated as salmon bearing.

The bridge will be approximately 40' long not including the stairs/ramp at either end. It definitely will not blend into the creek setting.

All enquiries and comments are to be forwarded to Phil Testemale at information@islandstrust.bc.ca.

I have also been in touch with Narissa Chadwick, Islands Trust Planner in Victoria and she has advised to contact her and our local trustees should we have any enquiries and/or concerns at any time, so please cc them on any correspondence.

Narissa Chadwick: nchadwick@islandstrust.bc.ca

Jeanine Dodds : jdodds@islandstrust.bc.ca

David Maude: dmaude@islandstrust.bc.ca

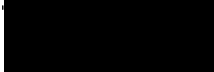
All information collected will be included in the staff report that will be prepared in order for the Trustees to make their decision.

The negative effects of constructing a bridge over Deacon Creek far outweigh any benefit.

Thank you neighbours, much appreciated.

Trish Janvrin

Peter Davey



From: JP MORGAN <[REDACTED]>
Sent: Wednesday, April 28, 2021 9:42 AM
To: Narissa Chadwick <nchadwick@islandstrust.bc.ca>
Subject: Proposed Development Variance Permit MAA-DVP-2020.9

Narissa
Re:Proposed Development Variance Permit MAA-DVP-2020.9

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color: rgb(0,0,0);
font-size: 10.0pt;
font-family: arial , helvetica , sans-serif;
}
/*]]>*/

This proposal is submitted by the owners of Lot 15 at 539 Dalton Drive, Mayne Island B.C. to build an open span bridge across Deacon Creek close to where the waters of Deacon Creek meet the tidewaters of Village Bay.

The proposed construction "in and about" Deacon Creek can be viewed as jeopardizing the fish bearing habitat that for decades after the recovery efforts to the creek by volunteers (many of whom are seniors) from the Village Bay Improvement Association has resulted in a viable, healthy fish and wildlife habitat from Deacon Creek and into Village Bay.

Additionally, the VBIA volunteers expend great energy in the seasonal collection, removal and stock-piling of the nitrogen-rich seaweed washed up on the sandy beach where it decomposes in the sunlight thus developing a foul odour, making a visit to the beach much more unpleasant for the public.

The piles of gathered seaweed are transported from the beach by VBIA volunteers and are stock-piled on farms and small holdings inland where the fertilizing seaweed is put to good use and distributed without charge, thus making a visit to the park and the beach at Village Bay a more pleasant experience for Mayne Island residents and visitors alike.

A great draw for many visitors to the beach and park in the later summer months are the dramatic sunsets enjoyed by waterfront property owners who cherish their fortunate location where they may enjoy these sunsets with an unobstructed view from their homes and decks as the sun sets over Satellite Channel, framed by the mountains of Saltspring and Vancouver Islands a magnificent view.

Proposal MAA-DVP-2020.9 to build a private bridge spanning Deacon Creek at Lot 15 will result in no benefit to neighbours in the immediate vicinity and may promote trespassing to adjacent properties since public access will become easier via a bridge.

If such a bridge is built, it most probably would be a substantial, clear spanned bridge, likely with foundations on each bank of the creek which could be the cause of increased silting of the established fish habitat.

By order of the BC Ministry of the Environment, Water Stewardship Division

"Understanding The Regulation Under British Columbia's Water Act, May 18 2005"

pg 29 Item 4.2 (1) states that "the terms and conditions specified by a Habitat Officer must be approved for any changes to be made in and about a stream" This will apply to building an imposing bridge, with foundations- over Deacon Creek.

Please do not allow this proposed controversial structure to degrade the ambiance of the public waterfront area of the beach at Village Bay.

Regards,
John Morgan
[REDACTED]

From: Michael Barnes <[REDACTED]>
Sent: Tuesday, April 20, 2021 9:05 PM

To: information <information@islandstrust.bc.ca>
Cc: Narissa Chadwick <nchadwick@islandstrust.bc.ca>; Jeanine Dodds <jdodds@islandstrust.bc.ca>;
David Maude <dmaude@islandstrust.bc.ca>
Subject: new proposed bridge over salmon stream, Village Bay

Greetings,

We are the owners and occupants at [REDACTED], Mayne Island. We wish to protest strongly against the construction of the proposed bridge over the salmon-bearing Deacon Creek.

I do not think better reasons could be brought forward than the following quotation from an article in the Globe and Mail, 17 April, by Jason Ramsay-Brown and Kathleen Fu (still on line as of this evening under the Environmental section):

“Every day we are asked to surrender just a little bit more of our existing nature. . . . Believing that the nature we experienced as children is the baseline of what is natural, it’s perhaps easy to see such compromise as a small ask. The problem is that by the time most of us were born our ancestors had already destroyed about 90 percent of our historic wetlands, forests, meadows and savannas, and driven many species to extirpation or extinction. At every step in that journey they too were asked to ‘find balance’ between our rising urbanity and the natural world.”

Here is another reason to say no to the bridge: property owners listed the house to sell just last year.

Sincerely, Michael Barnes, Carol Barnes, Rita Barnes, and Damian Johnson

April 25, 2021

Mr. Phil Testemale
Planner 2

**Re: Variance Permit for Lot 15, Section 6, Mayne Island Cowichan District, Plan 22057
(PID:002-947-072)**

This letter is my response to the variance request above to build an elevated bridge to span Deacon Creek. I am opposed to the overall proposal and specifically both variance requests for the reasons outlined below. Reasons fall into the broad categories of riparian rights, terrain stability, weather changes, visual impact, and user safety (liability).

Variance A – construction of an elevated walkway/bridge within 0.0 metres of the watercourse.

Deacon Creek was designated a salmon-bearing stream in 2000 and school children released salmon fry, 3 years in a row, into a deep pool upstream on Lot 11 and for 2 years prior into the then pool in front of Lot 14. Fisheries approved blasting of huge boulders in the creek upstream to facilitate the water flow.

The stream is a living entity and changes course over time. This has been evidenced by property owners further upstream. What surveyors have assumed to be the current natural boundary is a reflection of the erosion (undercutting of the bank) that has taken place upstream, particularly in the past 5 years as rainfall in the wintertime has become increasingly heavy. Accretion from upstream has gradually filled the pond that existed in front of Lot 14 for many years. The center of the stream was then much closer to the bank of the isthmus, now filled with flag irises, than it is currently. In the past concerned homeowners on the beach have manually dredged the pond to as far as the weir to maintain the integrity of the water flow for salmon, should they return. A bridge across this section of the stream would run counter to SPEA Streamside Protection Enhancement Area legislation.

The fragile ecosystem the length of the stream is insufficiently robust to withstand the erosion that will result from construction of footings 0.0 meters from the stream. This land lost cannot be reclaimed and at present the natural underbrush provides protection from erosion and a habitat for wildlife. A proposed bridge violates the Riparian Rights Protection Regulation, BC Reg 178/2019 which states that one cannot develop in this area as it will be harmful to fish habitat. This legislation mentions the 'threat thereof' of erosion.

Survey markers identify the 'mean ordinary high-water mark'- but for the past 2 years, that line has been much higher as evidenced by the log that currently straddles the creek. It would have settled even higher (well within the proposed set back and therefore damaging the bridge) if it had not become entangled in the scrub on the bank.

During the King tides and fierce storms this past winter, Lots 10 and 11 lost over 8 feet of bank; Lots 12 and 13 experienced erosion that has damaged their lower steps. On the isthmus of land, much of the sea grass had been flattened and serious erosion was only prevented by the massive logs pushed far onto shore. In this section of the beach the boat ramp served as a

barrier to worse damage. The heavy water flow down the creek in the winter has been steadily undercutting the maple tree located where the proposed bridge is to be constructed.

Construction of the footings for the proposed bridge cannot be undertaken with such limited setbacks without fouling the stream. Any machinery and excess human traffic required for bridge construction will negatively impact the creek ecosystem.

Variance B – set back reduced to 1.7 meters of two (2) interior side lot lines.

Such setbacks, if the proposed bridge were approved, will reduce the amount of useable land to almost nothing, making one question the true purpose of what will be a considerable expense. There is no practical benefit and the negative impacts far outweigh any benefit.

As stated above, the stream geomorphology has not been considered in the development of this proposal. The mouth of the stream has shifted by at least 5 feet to the west this winter. There is no consideration of flooding in the winter, debris potential (logs washing downstream) and their passage.

Other considerations:

The huge logs that washed up on the beach this winter make navigating our van and trailer to remove piles of seaweed at the far end of the beach, very challenging requiring that it be piled close to the weir where it is easier to access and remove. The smell of rotting seaweed is not pleasant. Our efforts to remove it every summer for the past 20 years is what has made the beach usable for the public. Long-time owners on the bay recall the pervasive stench common in July and August as being so strong, it was impossible to sit outside. Village Bay was known as 'stinky bay' by the locals and rotting seaweed layered up to a foot deep across the entire beach and bay at low tide. The combined volunteer efforts of several dedicated home-owners on Village Bay plus receipt of a small grant from CRD that allows us to hire a worker and operate a vehicle for these past 20 years, have resulted in the reclamation of the beach. Seaweed that gets past the weir in the summer, if not removed, fouls the creek.

The bridge, 47.5 feet long (12.2 m) and with 42" hand railings, will have a visual impact on what is presently a peaceful and beautiful setting. Owners of Lot 14 in particular will have their ocean view forever marred by such a structure. Installing beams long enough to support a 12.2m bridge cannot be put in place without substantial damage to the geomorphology and eco-system that is Deacon creek.

The weir was legally constructed in 2001 with approval of CRD, Islands Trust, Department of Fisheries, Mayne Island Parks and agencies and its design is intended to assure access by salmon should they return to the creek in the fall. A small team of residents on the bay manage the weir in spring and fall. In 2019 the owners of Lot 15 paid for the construction of a log bridge across the creek, abutting the weir. Their attempts at limiting public use involved a piece of chain to which a private sign was attached. It proved totally useless in preventing public use.

This bridge was not only constructed on Crown Land (without permission), had no hand railings (raising the question of liability if someone should fall off and onto the metal weir or into the creek), but made it impossible to remove or reinstall the weir. The owners of Lot 15 were

threatened with legal action by other property owners on the bay if this misguided effort at a bridge was not removed, which it was. But the logs were left discarded on the grass, not returned to the beach from where they had been taken.

If constructed, no apparent consideration has been given as to how the public will be prevented from using the walkway/bridge. As Lot 15 property is not fenced, unless the bridge is kept gated and locked at both ends, there will be no means to prevent the public from using it. And once landing on the isthmus, the natural tendency will be to use access the beach using Lot 14's stairway. Liability therefore remains a serious issue.

In closing, the stream at low tide is less than 18" wide and easily crossed by a short hop or long stride. The public, some of whom have children in strollers, have no problems crossing the creek. It is when the tide is higher that the creek widens but it is never deep so building a bridge to access the isthmus makes no practical sense.

The building of a bridge runs counter to Mayne's Official Community Plan (OCP), violates the Riparian Rights Protection Regulation, BC Reg 178/2019, the Fish Protection Act (BC), Water Act Parts 7 and 9, and SPEA Streamside Protection Enhancement Area legislation.

I reaffirm my opposition to this proposal.

[REDACTED]

Laura Cullen

[REDACTED]

Cc:

Narissa Chadwick (Islands trust)
Jeanine Dodds (Islands Trust)
David Maude (Islands Trust)



Islands Trust

Proposed

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2020.9**

To: Mark Allison and Audrey Casey

1. This Development Variance Permit applies to the land described below:

Lot 15, Section 6, Mayne Island, Cowichan District, Plan 22057
(PID: 002-947-072)

2. Mayne Island Land Use Bylaw 146, 2008 is varied as follows:

- a) Subsection 3.3 (5) which states that no building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of a watercourse is varied to permit the construction of a structure (an elevated walkway/bridge) within 0.0 metres of a watercourse; and,
- b) Article 5.1(8) (b) which states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit the construction of a structure (an elevated walkway/bridge) within 1.7 metres of two (2) interior side lot lines.

The development shall be consistent with Schedule 'A' and substantially consistent with Schedule 'B' both of which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF [MONTH], 2021.

Deputy Secretary, Islands Trust

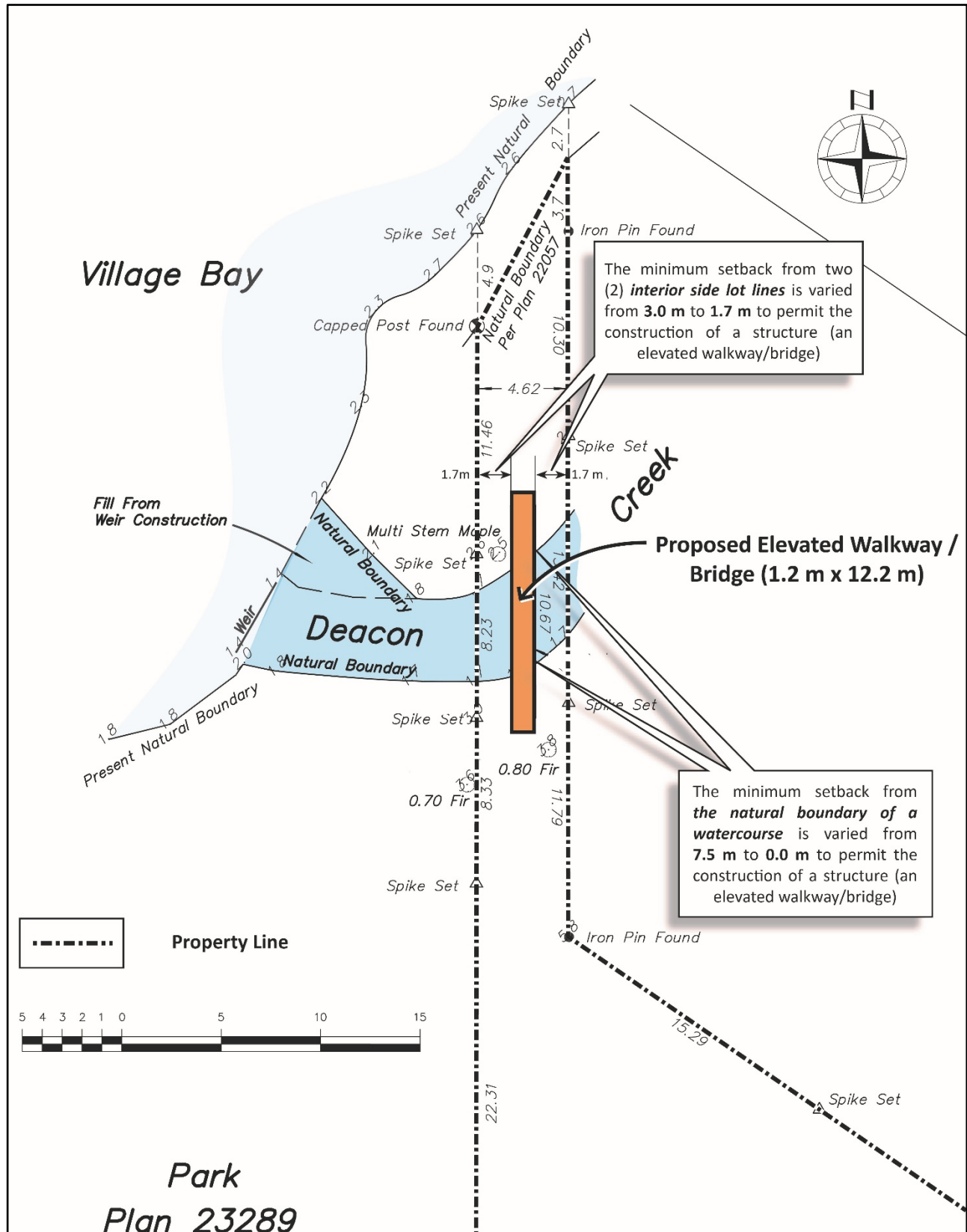
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE [##] DAY OF [MONTH], 202#, THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2020.9

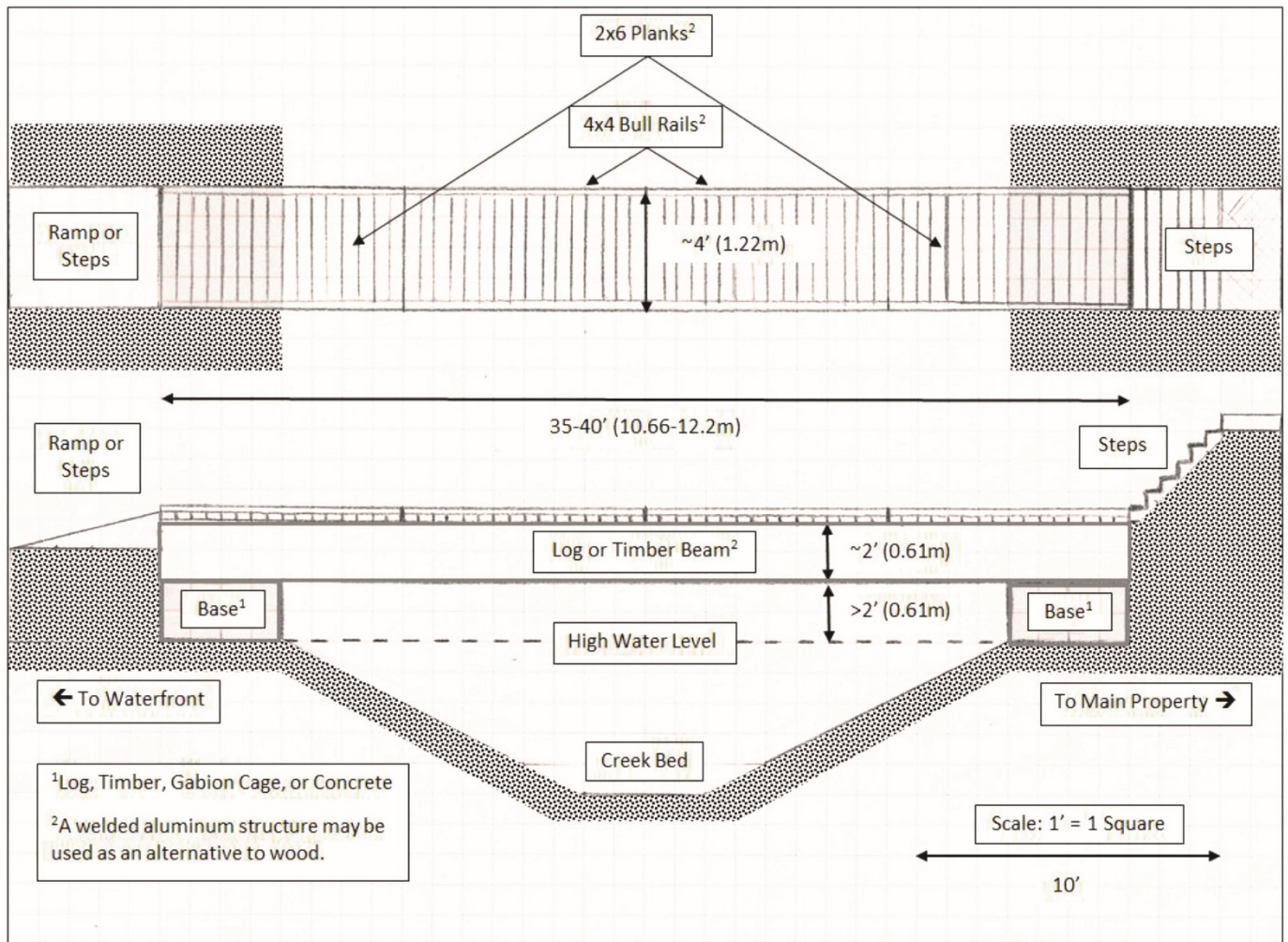
SCHEDULE 'A'

Site Plan



MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2020.9

SCHEDULE 'B'
Walkway/Bridge Plans



Note: The above plan does not show required handrails (to be installed).



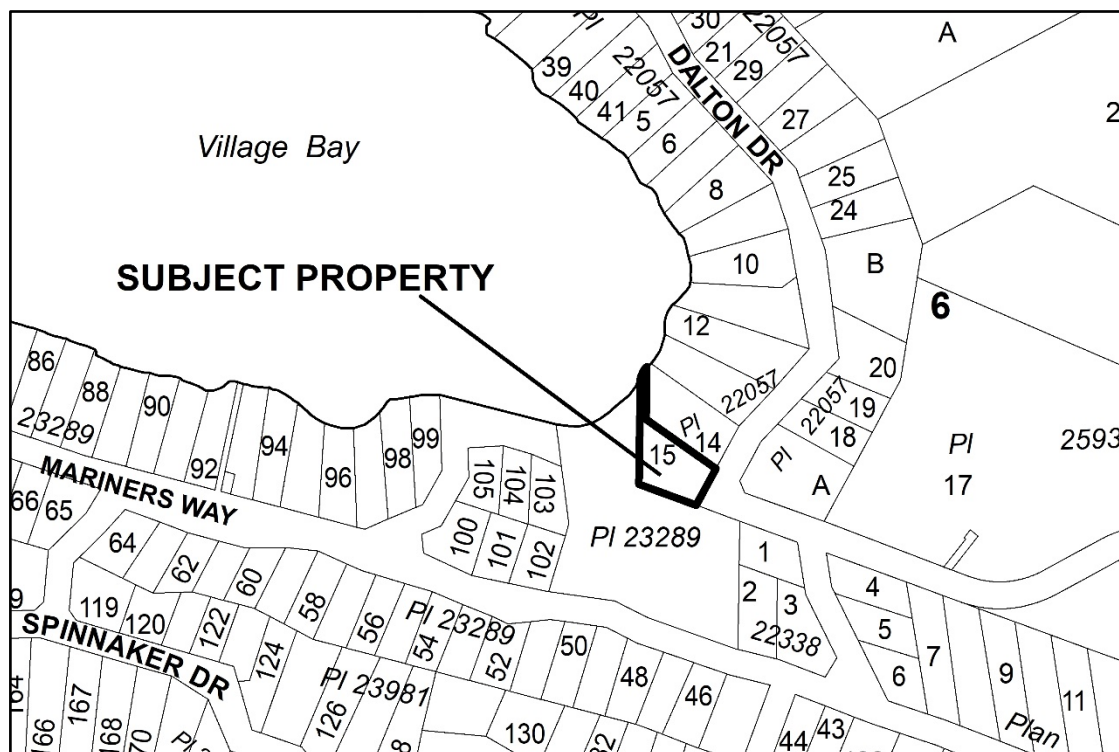
NOTICE
MA-DVP-2020.9
MAYNE ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Mayne Island Land Use Bylaw No. 146 as follows:

- Variances to reduce the setback from the natural boundary of a watercourse and interior side lot line setbacks for a proposed structure (walkway/bridge) as shown on the attached, draft permit.

The property is located at **539 Dalton Drive** and is legally described as Lot 15, Section 6, Mayne Island, Cowichan District, Plan 22057 (PID: 002-947-072).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **April 16, 2021** and continuing up to and including **April 28, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before **4:30 p.m., April 28, 2021**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **1 p.m., Monday, May 10, 2021**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



DATE OF MEETING: May 10, 2021

TO: Mayne Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Narissa Chadwick, Island Planner

SUBJECT: Development Variance Permit Application
Applicant: Laura and Lloyd Markle (Initial application and notice circulated under Robert Begrand)
Location: 511 Arbutus Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2020.12 (Begrand).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The variances are for two (2) existing accessory buildings.

RATIONALE FOR VARIANCE

Granting the variance will:

- Retroactively permit the construction of two (2) accessory buildings (a studio and a shed) within the rear and side yard setbacks on the subject property.
- Bring the property into compliance with the Land Use Bylaw

BACKGROUND

The application is to vary articles 5.1 (8) (a) (**rear yard setback**) and 5.1 (8) (b) (**interior side yard setback**) of the **Settlement Residential Zone** in the Mayne Land Use Bylaw No. 119, 2018 (LUB). Referencing Figure 2 – the specific variances are as follows:

- For the accessory studio building:
 - The rear lot setback would be reduced from 8.0 m to 5.3 m
 - The interior side lot setback would be reduced from 3.0 m to 2.1 m
- For the accessory shed building
 - The rear lot setback would be reduced from 8.0 m to 6.1 m
 - The interior side lot setback would be reduced from 3.0 m to 0.49 m

The subject property is located at **511 Arbutus Drive** and currently contains a single family dwelling and the subject non-conforming buildings all a single storey in height (Figure 2 and Attachment 2.3). According to the original applicant (the previous owner), the building and attached structures were sited using the fence line as a reference and the siting error was not revealed until a survey of the neighbours property was conducted. The CRD Building Inspection Department confirmed that the accessory studio building (including the deck and ramp) was built without a building permit. As the shed is under 10m² in floor area, it does not require a Building Permit, however is still required to meet the setback provisions in the LUB.

Upon application, staff requested that the original applicant provide a legal survey and a detailed floor plan of the studio and indicate the use of that building. He responded only that it was used as a yoga/art studio with ramp access for his mother who has Parkinson's. Images and a floor plan on the real estate listing website, however, showed it as containing a bed with an en-suite bathroom, which is not a permitted use of an accessory building.

The property recently sold and the new owners were contacted by staff and assumed the application in early April. They have been informed that the studio cannot be used for human habitation, and they advised that they do not intend to use it for any habitation and that there is no longer a bed in the building.

The property is relatively flat and well treed with fencing/screening around the south and west side of the property (Attachment 2.3). The boundary with the neighbour to the north is open and unfenced.

A copy of the Notice and proposed permit MA-DVP-2020.12(Begrand) are Attachments 4 & 5.

Staff visited the subject property on April 14, 2021

Figure 1 – Subject Property

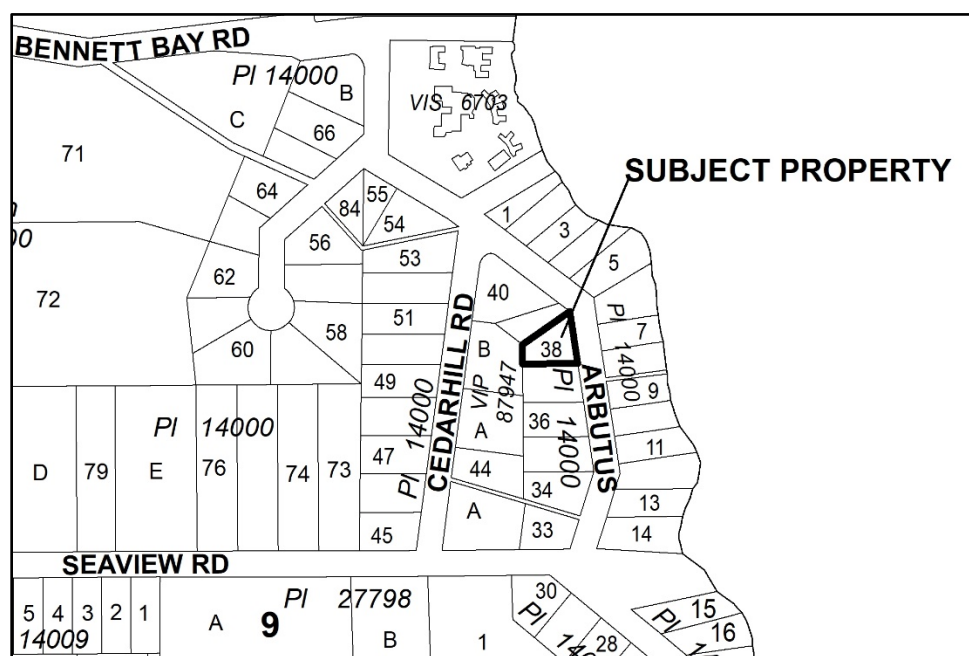
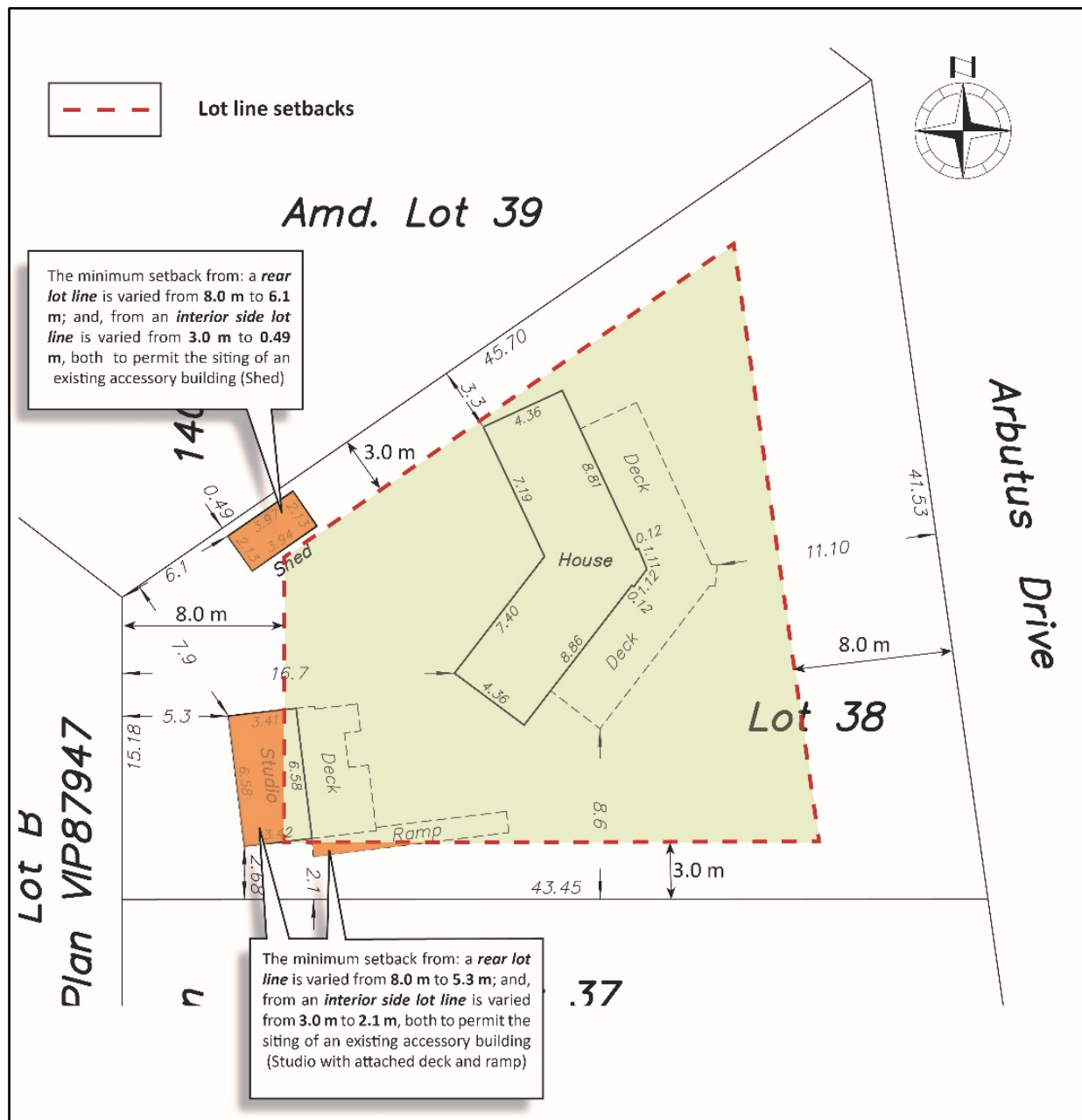


Figure 2 – Site Plan



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **Settlement Residential (SR)** in the Mayne Land Use Official Community Plan (OCP) No. 144.

There are no **Development Permit Areas** designated on the subject property.

Land Use Bylaw:

The property is zoned **Settlement Residential (SR)** in the Mayne Land Use Bylaw No. 146.

The existing residential use complies with use and density provisions of the zone on the property. As above, the variances for the two non-conforming buildings are granted, the property would be fully in compliance with the LUB.

Issues and Opportunities

Impact on Neighbouring Properties

The most impacted neighbours by proposed variances are to the south and north (Attachment 2.3). The property to the rear is less impacted as setback distances are greater and the studio is oriented to the roadway.

Fencing and existing vegetation in the southwest corner helps to screen the studio building. The studio is flat roofed and single storey and only encroaches by less than half a metre to the south. The ramp has a minimal height from ground.

The impacts from the shed are also minor as the structure is relatively small and unobtrusive.

As the application is retroactive, there is no further tree and vegetation removal resulting from the granting of the variances.

The Intent of the Regulation being Varied

The overall purpose of siting regulations are to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent height and siting regulations.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on April 28, 2021.

Staff have received one e-mail in support at the time of writing (Attachment 3). Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Rationale for Recommendation

Staff is recommending that the application be supported for the following reasons:

- The rationale for the variance is reasonable.
- The variances for the studio are minor and due to siting errors and the impacts on neighbouring properties are minimal.
- The variances for the shed are minor and the structure is small and unobtrusive.
- The proposed variance does not challenge the intent of the regulation.
- Neighbours have been notified and, to date, one submission in support has been received at the time of writing.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DVP-2020.12 for the follows reasons _____.

NEXT STEPS

- If the application is denied, the owners could apply to the Board of Variance.

Submitted By:	Phil Testemale, Planner 2	April 30, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 30, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Correspondence
4. Notice
5. Draft Development Variance Permit MA-DVP-2020.12

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 38, Section 9, Mayne Island, Cowichan District, Plan 14000
PID	000-715-751
Civic Address	511 Arbutus Drive

LAND USE

Current Land Use	Residential (Settlement Residential)
Surrounding Land Use	Residential (Settlement Residential)

HISTORICAL ACTIVITY

File No.	Purpose

POLICY/REGULATORY

Official Community Plan Designations	The property is designated Settlement Residential (SR) in the Mayne Island Official Community Plan No. 144, 2007 (OCP) There are no designated Development Permit Areas (DPAs) on the subject property and no development activity is proposed.
Land Use Bylaw	The property is zoned as Settlement Residential (SR) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB).
Other Regulations	N/A
Covenants	270754G – Building Scheme – N/A to Islands Trust regulations
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Fund.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed on TAPIS
Sensitive Ecosystems	None shown on TAPIS
Hazard Areas	None shown on TAPIS
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates areas of archaeological potential on the property. The applicant has been advised and sent the Islands Trust Chance Find Protocol and provincial guidance. Additionally, by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all

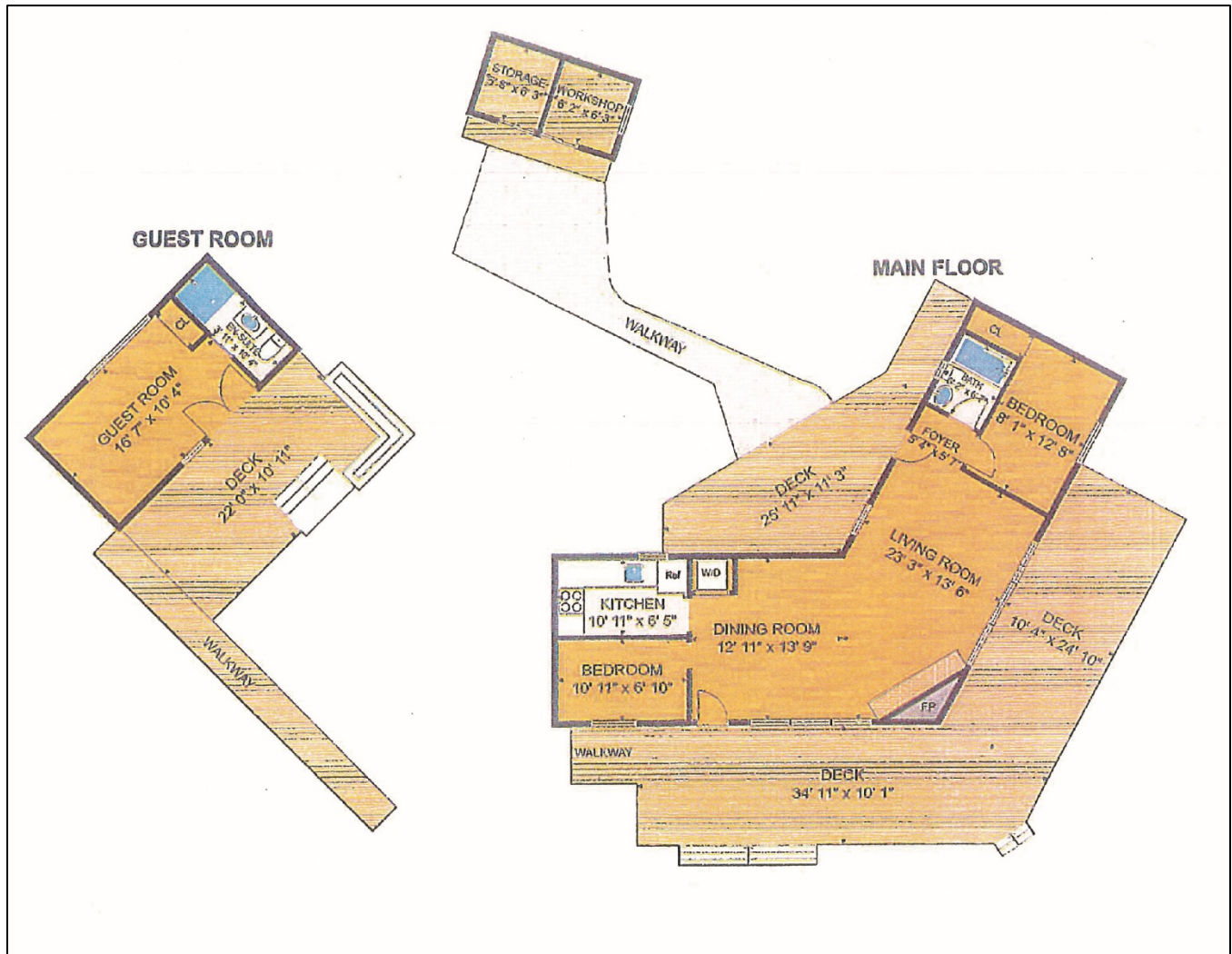
	work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	As application is retroactive, there is no new development associated with this application therefore GHG emission changes resulting from approval are limited. Property is across the road from waterfront properties in Bennet Bay which are high banked limiting potential climate change induced hazards.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTOPHOTO

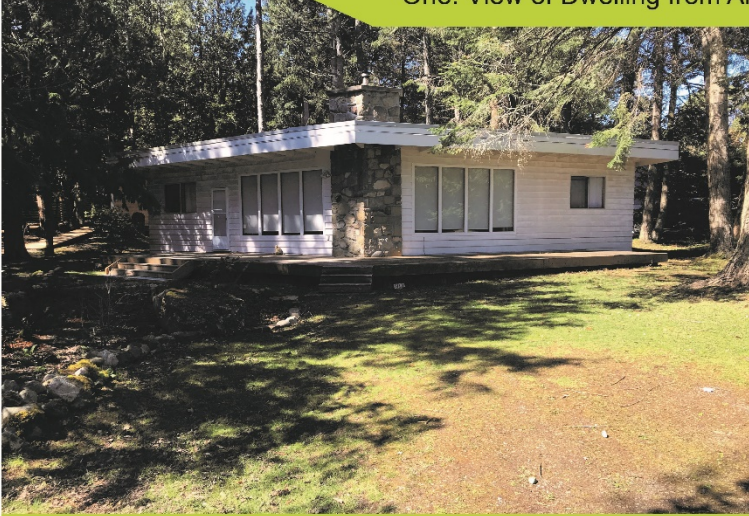


2.2 FLOOR PLAN OF STUDIO (PROVIDED BY NEW OWNERS)

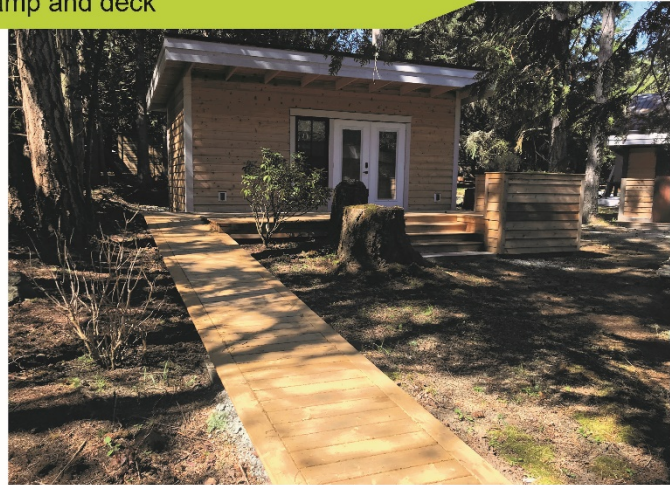


2.3 PHOTOGRAPHS

One: View of Dwelling from Arbutus Drive



Two: Front of accessory studio including ramp and deck

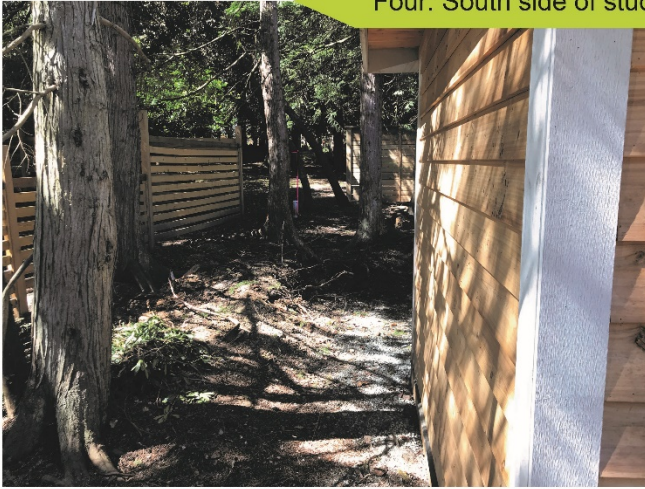


Three: Entrance to studio building



2.3 PHOTOGRAPHS (CONT'D)

Four: South side of studio (corner survey pin in background)



Five: Southwest corner of property



Six: Rear of studio

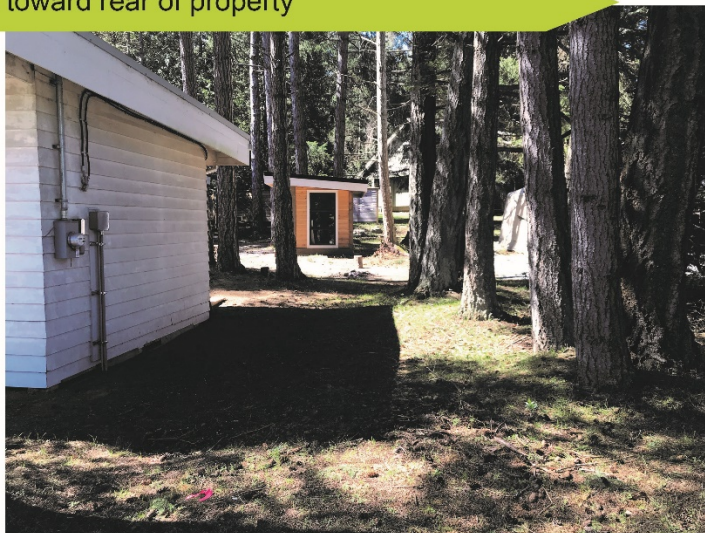


2.3 PHOTOGRAPHS (CONT'D)

Seven: Accessory shed from west toward road



Eight: Accessory shed from east toward rear of property



From: Carol Ashwell <[REDACTED]>
Sent: Wednesday, April 21, 2021 1:24 PM
To: information <information@islandstrust.bc.ca>
Cc: Phil Testemale <ptestemale@islandstrust.bc.ca>
Subject: Application for variance



Hello. I am writing to you to express my support for the application for a variance number. MA-DVP- 2020.12. I live across the street from this residence on Mayne Island.



Proposed

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2020.12**

To: Lloyd and Laura Markle
~~c/o Rob Begrand~~

1. This Development Variance Permit applies to the land described below:

Lot 38, Section 9, Mayne Island, Cowichan District, Plan 14000
(PID: 000-715-751)

2. Mayne Island Land Use Bylaw 146, 2008 is varied as follows:

- a) Article 5.1(8) (a) which states that the minimum setback for any building or structure is 8 metres (26 feet) from any rear lot line is varied to permit:
- i. the siting of an existing accessory building ('studio') within 5.3 metres (17.4 feet) of a rear lot line; and,
 - ii. the siting of an existing accessory building ('shed') within 6.1 metres (20 feet) of a rear lot line.
- b) Article 5.1(8) (b) which states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit:
- i. the siting of an existing accessory building ('studio' including attached 'deck' and 'ramp' structures) within 2.1 metres (6.9 feet) of a an interior side lot line; and,
 - ii. the siting of an existing accessory building ('shed') within 0.49 metres (1.6 feet) of an interior side lot line.

The development shall be consistent with Schedules 'A' & 'B' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF [MONTH], 2021.

Deputy Secretary, Islands Trust

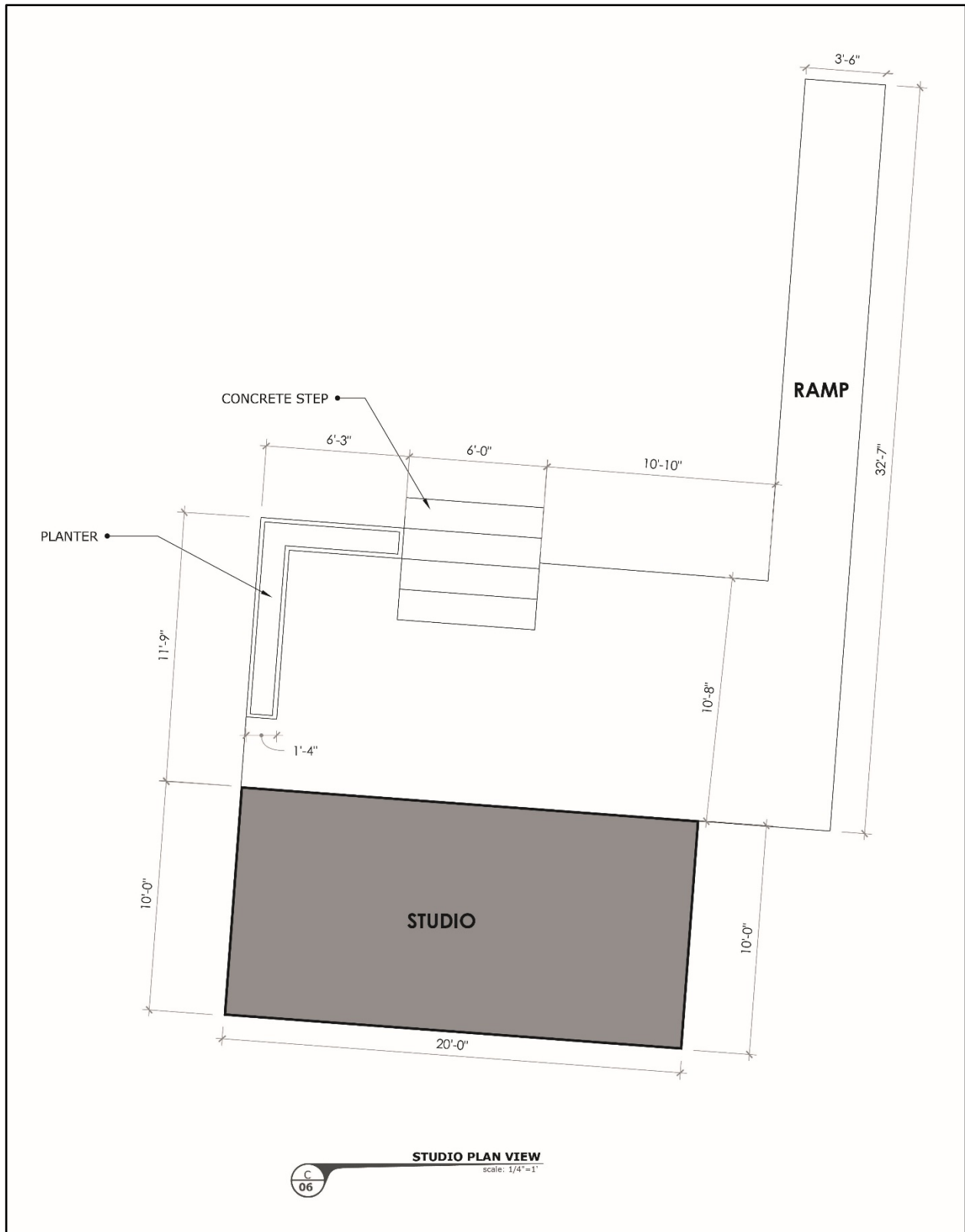
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE [##] DAY OF [MONTH], 202#, THIS PERMIT AUTOMATICALLY LAPSES.



MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2020.12

SCHEDULE 'B'





Islands Trust

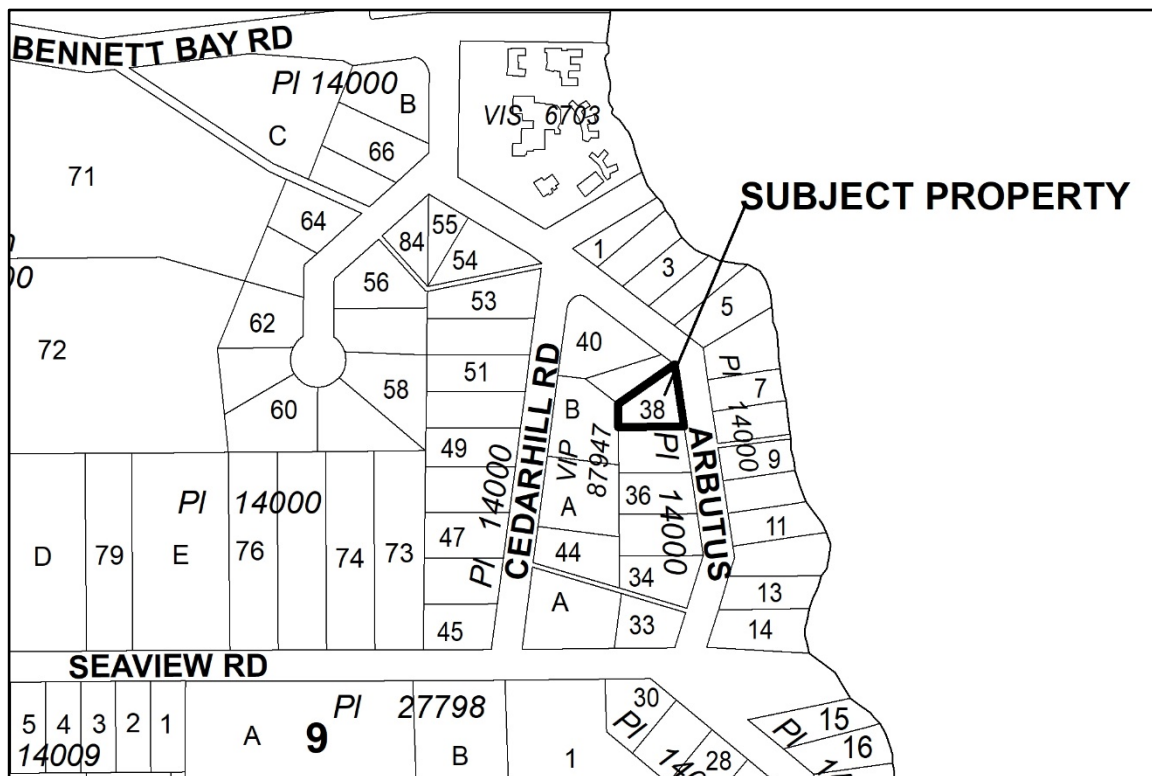
NOTICE
MA-DVP-2020.12
MAYNE ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Mayne Island Land Use Bylaw No. 146 as follows:

- Variances to reduce the rear and interior side lot line setbacks for two (2) existing buildings (a studio with an attached deck and ramp, and a shed) as shown on the attached, draft permit.

The property is located at **511 Arbutus Drive** and is legally described as Lot 38, Section 9, Mayne Island, Cowichan District, Plan 14000 (PID: 000-715-751).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **April 16, 2021** and continuing up to and including **April 28, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before **4:30 p.m., April 28, 2021**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **1 p.m., Monday, May 10, 2021**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

MEMORANDUM

File No.: MA-RZ-2020.1 (MIHS)

DATE OF MEETING: May 10, 2021
 TO: Mayne Island Local Trust Committee
 FROM: Narissa Chadwick, Island Planner
 Southern Team
 COPY: Robert Kojima
 SUBJECT: MA-RZ-2020.1 (MIHS) - Items for Discussion

PURPOSE

The purpose of this memo is to provide a brief update on information received and identify a number of items related to the MA-RZ-2020.1 (MIHS) application for LTC discussion.

UPDATE

Table 1

Information Requested and Received
Assessment of Septic Feasibility
Hydrogeologist Report
Arborist Report
Biologist Report
Information Required for Housing Agreement
Hydrologist Report/Wetland Restoration Report
Revised legal survey to include revised proposed lot boundaries
Site plan drawn to scale identifying location of proposed buildings, structures, clearings
Site development Plan incorporating ecologist, arborist and hydrologist's recommendations
Cost recovery agreement for Covenant and Housing Agreement

Staff will be working with the MIHS on the draft covenant and revisions to the housing agreement. The first draft of the housing agreement is currently being reviewed by Islands Trust lawyers.

The first Community Information Meeting was held on April 26th 2021. There were between 15- 25 community members in attendance during the duration of the meeting. Presentations were made by Planner Chadwick, the MIHS and a number of their consultants: the biologist, the wetland specialist and the hydrogeologist. A representative from BC Housing was in attendance and answered a number of questions related to their funding structure and requirements.

ITEMS FOR DISCUSSION

There are three items related to this application that have been identified by LTC members to be in need of further discussion. These items are identified below.

1. **Early Referral to First Nations:** The LTC could pass a resolution to direct staff to refer this application to First Nations at any point in the process. Referral to First Nations at this point of the process will provide more time to address First Nations concerns if identified thereby reducing the potential for delays later on in the process.

Resolution: *That the Mayne Islands Local Trust Committee request staff send relevant application materials and related to MA-RZ-2020.1 (MIHS) to First Nations for early referral.*

2. **Confirming whether the rezoning proposal is consistent with the OCP.** This is a point that has brought up a number of times given the provision of the additional lot (Lot 2) to the property owner in exchange for the donation of the land for the affordable housing. The decision of whether this approach is consistent with the OCP rests with the LTC. The OCP amenity zoning guidelines are contained in Attachment 1.
3. **Identifying whether the LTC will require proof of funding.** Proof for funding can be required:
 - Before rezoning amendments are adopted. The bylaws could be given 3rd reading and adoption deferred until the MIHS receives funding for the development from BC Housing or another funding agency.
 - As a condition of subdivision approval. The LTC could adopt the bylaw and make proof of funding a condition of subdivision. This could be achieved by restricting subdivision and any development beyond the current permitted uses in the Section 219 covenant.

NEXT STEPS

- Staff will send relevant application materials to First Nations for early referral if directed by LTC.
- Staff will provide additional information to LTC as requested.
- Staff will present the revised Housing Agreement LTC once lawyer revisions have been incorporated
- Staff will continue to work with the applicant on drafting the Section 219 covenant. The draft covenant will be referred to Islands Trust lawyers for review, and for registration prior to adoption.
- Revised rezoning bylaws will be presented to the LTC for first reading.

Submitted By:	Narissa Chadwick, Island Planner	April 27, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 28, 2021

ATTACHMENTS

1. OCP Amenity Zoning Guidelines

Attachment 1 – OCP Amenity Zoning Guidelines

2.10 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.

2.10.3 In evaluating a proposal to increase density consideration shall be given to the appropriateness of the proposed amenity that would be donated and the implications for the parcel and adjoining parcels of permitting the increased density. The LTC should consider the following criteria in assessing such applications:

- a) where the proposal involves the donation of land, the number of additional dwellings or lots permitted should not exceed:
 - i) the equivalent of the area being donated divided by the average lot area, or where the zone has no average lot area, the minimum lot area. Any fractional amount which is equal to or greater than half the minimum or average lot area should be considered as a full density unit; or
 - ii) one dwelling or lot where the area being donated is less than one half of the average lot area, or where the zone has no average lot area, less than one half the minimum lot area
- b) additional density should take the form of residential lots or dwellings;
- c) development should:
 - i) be sited away from sensitive ecosystems,
 - ii) minimize visual impacts,
 - iii) mitigate potential natural hazards,
 - iv) implement sustainable development practices; and

- v) not adversely impact adjacent properties.
- d) where appropriate, such an application may be considered in conjunction with an application to transfer density under the provisions of Section 2.11.
- e) as it is intended that applications should be for relatively modest increases in density, the Local Trust Committee should not consider applications in which 43 more than 10 additional dwelling units are proposed in exchange for a community amenity.

2.10.4 The LTC should require rainwater storage systems through the registration of a legal agreement when considering applications that could result in an increased density.

2.10.5 Where, as a condition of providing a community amenity, a parcel is to be granted greater density than would otherwise be the case in the zone in which it is located, the zoning shall be amended on the property to reflect the new maximum density permitted on the parcel.

2.10.6 Where a community amenity has been provided, consideration may be given to protection of the amenity through the mechanisms of a covenant or a zoning amendment or a combination of both.

2.10.7 Where an amenity rezoning is proposed on land that is not identified elsewhere in this plan, consideration may be given to amending this plan.



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Galiano Island Local Trust Area Bylaw No.: 256 and 257 Date: April 23, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

GL-RZ-2014.1 (Crystal Mountain Society)

PURPOSE OF BYLAW:

The purpose of these bylaws is to amend the land use designation and associated zoning for a 6.14 hectare portion of the two subject properties to allow for a **Spiritual Education** land use. The subject properties are currently designated Rural (Lot 9) and Forestry (Lot A) and would be re-designated as Spiritual Education; with the remainder of the two subject parcels to be re-designated as Nature Protection. The zoning for the 6.14 hectare portion of two subject properties that are currently zoned Rural 2 (Lot 9) and Forest1 (DL 88 & 89 Lot A) in the LUB would be re-zoned to **Spiritual Education 1**.

Professional reports and staff reports are available on the Galiano Island application webpage:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/galiano/current-applications/current-application-documents/>

GENERAL LOCATION:

Galiano Island Local Trust Area

LEGAL DESCRIPTION:

District Lot (DL) Lot 90 Lot 9 and DL 88 & 89 Lot A, North Galiano Island

SIZE OF PROPERTY AFFECTED:

24.6 hectares

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Forestry

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

BSmith

(Signature)

Name:

Brad Smith

Title:

Island Planner

Contact Info

Tel: 250-405-5194

Email: bsmith@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Municipal Affairs
Ministry of Forest, Lands & Natural Resource Operations
- Water Protection
Ministry of Transportation & Infrastructure

Non-Agency Referrals

Galiano Island Trails Society

Regional Agencies

Capital Regional District – Building Inspection
Capital Regional District – Integrated Water Services
Island Health
Galiano Island Fire Rescue – North Department

Adjacent Local Trust Committees and Municipalities

Gambier Island Local Trust Committee
Mayne Island Local Trust Committee
Salt Spring Island Local Trust Committee
Thetis Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation - TE'Mexs Treaty Association
Musqueam Indian Band
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Galiano Island Local Trust Area

(Island)

(Signature)

(Date)

256 and 257

(Bylaw Number)

(Name and Title)

(Agency)

**A BYLAW TO AMEND THE GALIANO ISLAND OFFICIAL
COMMUNITY PLAN BYLAW NO. 108, 1995**

WHEREAS the Galiano Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Galiano Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the Galiano Island Local Trust Committee wishes to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995;

AND WHEREAS the Galiano Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Galiano Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2016”.

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 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	DAY OF	, 20__
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 OF MUNICIPAL AFFAIRS AND HOUSING THIS	DAY OF	, 20__
ADOPTED THIS	DAY OF	, 20__

 SECRETARY

 CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 256
SCHEDULE 1**

A. Bylaw No. 108, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995” is amended as follows:

1. A new subsection 4.4 is inserted as follows in Section II (Community Facilities and Utilities), after Subsection 4.3 (Health and Wellness Facilities) and preceding Subsection 5 (Economic Activity).

“4.4 Spiritual Education

Spiritual Education Objective

The objective of this subsection is:

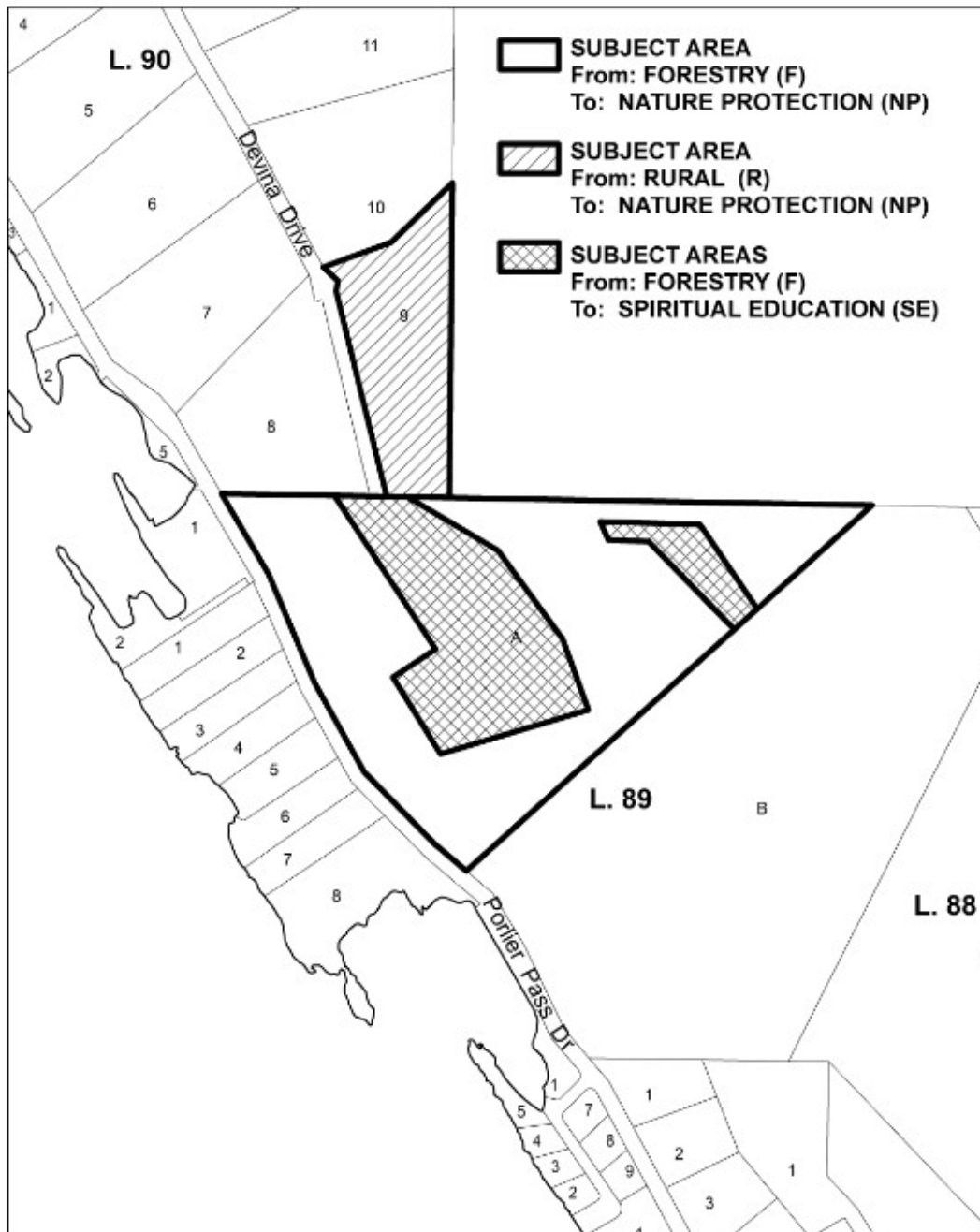
- 1) to allow for spiritual education facilities that enhance the knowledge and wellbeing of residents and visitors and that do not adversely affect the natural environment.

Spiritual Education Policies

- a. The principal use shall be spiritual education including spiritual education retreat use.
 - b. Zoning for any spiritual education use, including a spiritual education retreat, shall be considered on a site-specific basis.
 - c. Zoning for spiritual education retreat use:
 - i) shall not support, provide, or permit any commercial tourism-oriented use, including nature related tourism or visitor accommodation.
 - ii) shall restrict the number of buildings and structures and maximum floor area to minimize their impact on sensitive ecosystems.
2. Schedule B (Land Use Designations) is amended for the lands legally described as Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200 and Lot A, District Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079 as depicted in Plan 1 below.

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 256**

PLAN 1



DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 257

A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW 127, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw 127, 1999, Amendment No. 1, 2016”.

2. Galiano Island Land Use Bylaw 127, 1999, is amended as follows:

2.1 Part 4 (Creation and Extension of Zones) Section 4.1 is amended by:

- 1) inserting a new zone in Column 1 named “Crystal Mountain Spiritual Education Retreat” directly below ‘Community Housing 1’ and directly above ‘Utility Service’
- 2) Inserting a new zone abbreviation in Column 2 named “(SE1)” directly below ‘(CH1)’ and directly above ‘(U)’

2.2 The following is inserted after section 8.6, as a new Section 8.7:

“8.7 Crystal Mountain Spiritual Education Retreat (SE1) Zone

Permitted Uses

8.6.1 The following uses and no others are permitted in the SE1 Zone:

- | | |
|---------|---|
| 8.6.1.1 | contemplative, spiritual or meditative education retreat uses |
| 8.6.1.2 | contemplative, spiritual or meditative educational activities and facilities with accessory overnight accommodation and camping |
| 8.6.1.3 | accessory dwelling unit for a person or persons acting as a caretaker for the spiritual education retreat. |

Permitted Density

8.6.2 The following buildings and structures and no others are permitted in Area A on Schedule D – Plan 6:

- | | |
|---------|--|
| 8.6.2.1 | 2 sleeping huts, each with a maximum floor area of 21 square metres; |
| 8.6.2.2 | 17 sleeping huts, each with a maximum floor area of 15 square metres; |
| 8.6.2.3 | one meditation hall restricted to contemplative, spiritual or meditative education uses only with a maximum floor area of 125 square metres; |

- 8.6.2.4 one dining/kitchen building with a maximum floor area of 125 square metres;
 - 8.6.2.5 one communal bathroom and laundry building with a maximum floor area of 70 square metres;
 - 8.6.2.6 one storage/workshop structure with a maximum floor area of 80 square metres;
 - 8.6.2.7 one office with a maximum floor area of 70 square metres;
 - 8.6.2.8 one accessory dwelling unit with a maximum floor area of 80 square metres, and
 - 8.6.2.9 six tent platforms, each with a maximum floor area of 14 square metres.
- 8.6.3 The following buildings and structures and no others are permitted in Area B on Schedule D – Plan 6:
- 8.6.3.1 three sleeping huts, each with a maximum floor area of 21 square metres;
 - 8.6.3.2 one communal kitchen/bathroom/laundry building with a maximum floor area of 36 square metres; and
 - 8.6.3.3 one storage building with a maximum floor area of 10 square metres.
- 8.6.4 Lot coverage must not exceed 1,479 square metres.

Permitted Height

- 8.6.5 The maximum height of an accessory dwelling unit is 9 metres.
- 8.6.6 The maximum height of a sleeping hut, or a building or structure other than an accessory dwelling unit, is 5 metres in height.

Minimum Setbacks

- 8.6.7 All buildings and structures must be sited
 - 8.6.7.1 at least 7.5 metres from front and rear lot lines; and
 - 8.6.7.2 at least 6.0 metres from interior and exterior side lot lines.

Minimum Lot Size

- 8.6.8 No lot having an area less than 6.1 hectares may be created by subdivision.

Parking

- 8.6.9 Despite Section 14.1, the minimum number of off-street parking spaces is as follows:
 - 8.6.9.1 1 parking space per 3 sleeping huts or tent platforms combined; and

8.6.9.2 2 parking spaces per accessory dwelling unit.”

- 2.2 Section 17 (Definitions) is amended by inserting the following as new definitions in alphabetical order and re-numbering subsequent subsections accordingly:

“spiritual education retreat” means a facility that provides contemplative, spiritual or meditative educational opportunities for retreat users who typically stay at the facility for a period of at least 3 days, but in no case for more than 6 months, and are accommodated in sleeping huts or tent platforms, but does not include, offer, or provide any form of commercial short term or temporary accommodation for the travelling public, or any restaurant or other forms of food service to the general public.

“sleeping hut” means a single-occupancy hut with a maximum floor area of 21 square metres for sleeping, shelter and the practice of contemplative, spiritual or meditative educational activities, but does not include a kitchen or any cooking or food preparation facilities, or any plumbing fixtures.

“tent platform” means a single-occupancy platform with a maximum floor area of 14 square metres for the erecting of a tent for sleeping, shelter and the practice of contemplative, spiritual or meditative educational activities, but does not include a kitchen or any cooking or food preparation facilities, or any plumbing fixtures, or any semi-permanent or permanent walls and roof coverings.

- 2.3 Schedule “A” – Zoning Map, is amended by changing the zoning classification of Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200 from Rural 2 (R2) to Nature Protection (NP), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” to Bylaw No. 127 as are required to effect this change.
- 2.4 Schedule “A” – Zoning Map, is amended by changing the zoning classification of Lot A, Districts Lots 88 and 89, Galiano Island, Plan VIP68079 from Forest 1 (F1) to Crystal Mountain Spiritual Education Retreat (SE1) and to Nature Protection (NP), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” to Bylaw No. 127 as are required to effect this change.
- 2.5 Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Plan No. 2 as a new “Plan 6”.

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.

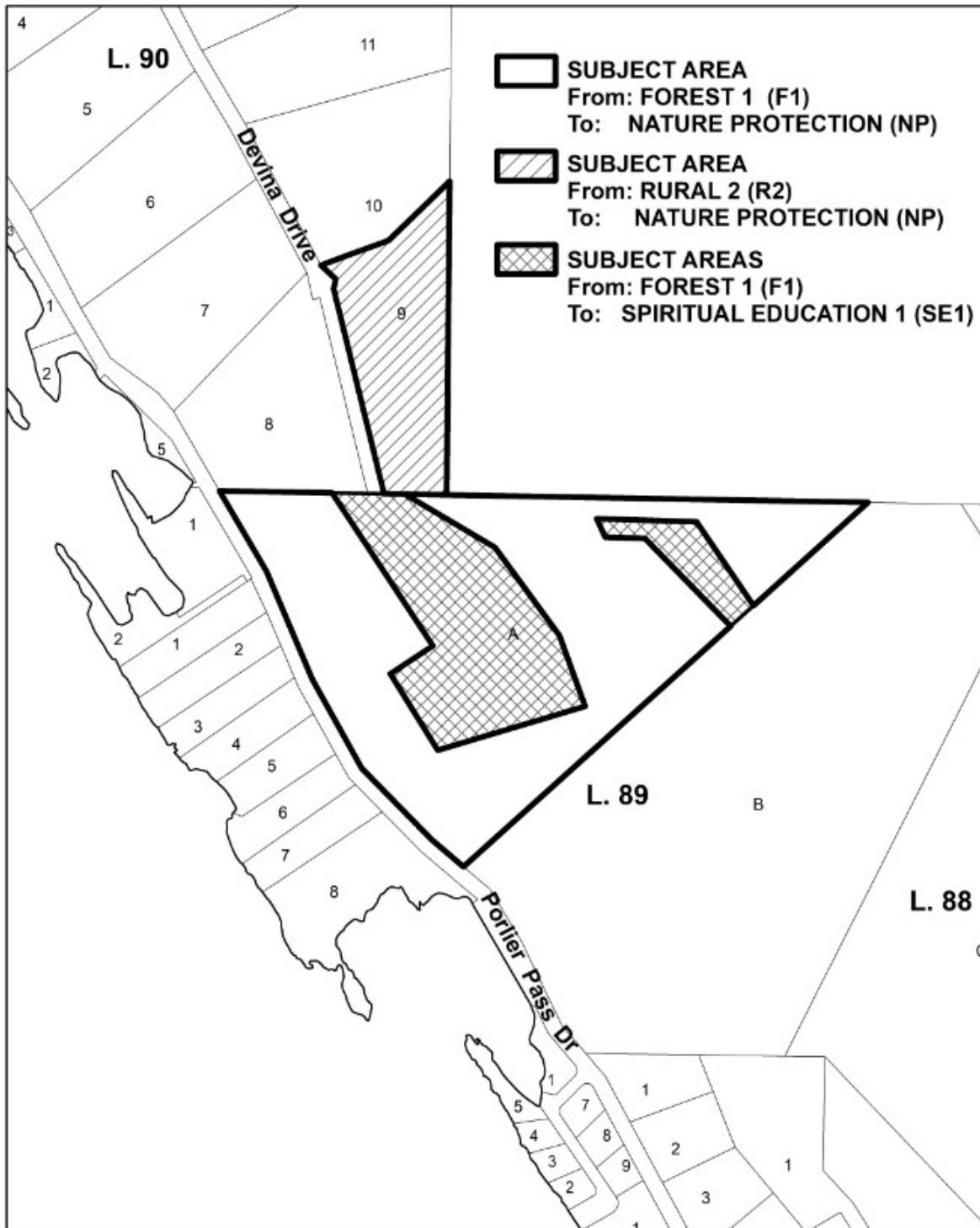
READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

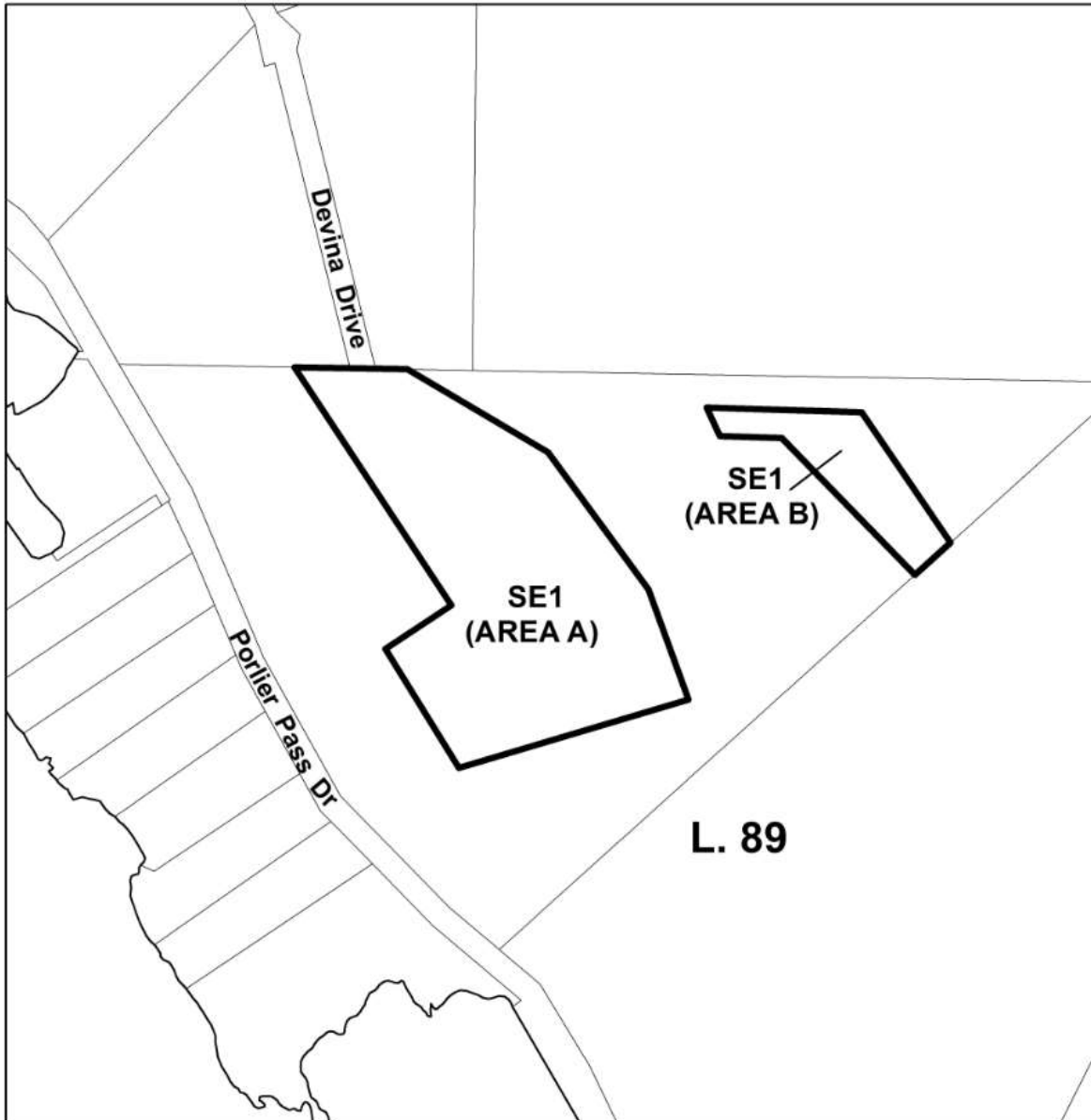
**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257**

Plan No. 1



**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257**

Plan No. 2



STAFF REPORT

File No.: OCP and LUB Minor
Amendments

DATE OF MEETING: May 10, 2021
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: OCP and LUB Minor Amendments

RECOMMENDATION

1. That the Mayne Island Local Trust Committee request staff to prepare a project charter for the OCP and LUB Minor Amendment project to include the amendments identified in the May 10, 2021 Staff Report.

PURPOSE

The purpose of this staff report is to identify potential amendments to be included in the LTC's OCP and LUB minor amendments project and seek direction from the LTC to develop a project charter.

BACKGROUND

At the March 29, 2021 LTC meeting, the LTC reviewed three letters from the Mayne Island Parks and Recreation Commission, the Agricultural Society and John Aiken. Each letter asked the LTC to consider minor amendments to the OCP and LUB. In light of these, and considering other issues the LTC would like to address through minor amendments, the LTC requested that staff add "OCP and LUB Minor Amendments" to the top priority projects list.

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request Planner Chadwick to add to the Top Priority List a project focusing on minor Land Use Bylaw and Official Community Plan amendments.

AMENDMENTS TO BE CONSIDERED

The amendments identified to date are:

1. The removal of the Parks Master Plan from the OCP as requested by the Mayne Islands Parks and Recreation Commission. The Plan has recently been updated and the Commission would prefer it to no longer be attached to the OCP so that it can be updated every five years.
2. The rezoning of the property adjacent to the Thrift Store recently acquired by the Mayne Islands Agricultural Society (MIAS) from Settlement Residential (SR) to Community Service (S1) as requested by the MIAS. The MIAS plan to use the new property to expand the Thrift Store. They currently have submitted a TUP application to support this use until such time that the property is rezoned.

3. Changes in zoning of Felix Jack park to prevent construction of any kind. This request was made by John Aiken, grandson of Emma and Felix Jack who is the steward for Felix Jack Park.
4. The inclusion of an acknowledgement of First Nations in the OCP. This has been brought up a number of times by LTC members. The recent First Nations acknowledgement made in Saturna Island's OCP can be used as a guide. Lisa Wilcox, Islands Trust's Senior Intergovernmental Policy Advisor, will assist with outreach to local First Nations.
5. Restrict commercial uses on Lot 10, Section 8, Mayne Island, Cowichan District, Plan 15263 594 Fernhill Road to indoor only. This was the original intention of the regulation but is not specified under current zoning.
6. Introduction of an amendment that would permit a maximum residential density on large remainder parcels not to exceed the maximum number of lots allowed by any s.219 covenants granted to the local trust committee and registered on title. This would apply to lots where maximum number of lots is not addressed in the covenant as per Section 8.3 (1) in the Land Use Bylaw:

"When a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable average lot size, the applicant must grant a covenant complying with s.2.6 of this Bylaw in respect of every such lot prohibiting further subdivision of the lot and prohibiting the construction, erection, or occupancy on the lot of more than one single family residential dwelling unit and where a cottage is a permitted use, more than one such cottage".

This amendment could apply to two known properties:

- Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587 (316, 327, 344 Campbell Bay Road)
- Lot A, Section 2, Mayne Island, Cowichan District, Plan 51014 (796 Beechwood Drive)

Staff are in the process of identifying other properties this amendment may apply to.

ALTERNATIVES

1. **Add additional items to list of proposed amendments.** The LTC could choose to add additional amendment to the list of proposed amendments. This can be done at later stages in the project as well.
2. **Remove items from the list of proposed amendments.** The LTC could choose to not address one or more of the amendments proposed above.
3. **Remove the OCP and LUB Minor Amendments project from the Top Priority Projects List.** The LTC could choose to not proceed with this project and remove it from the list of Top Priority Projects.

NEXT STEPS

1. Draft project charter and present to LTC for approval.

Submitted By:	Narissa Chadwick, RPP, Island Planner	April 27, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 28, 2021

Top Priorities Report

Mayne Island

1. *Housing Regulations and Policy Review (tiny home initiative)*

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.

2. *OCP and LUB Minor Amendments*

Responsible

Dates

Narrisa Chadwick

Rec'd: 29-Mar-2021

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.

Top Priorities Report

Mayne Island

3. *Groundwater Sustainability Project*

Responsible

Dates

LTC to wait to see what comes out of Galiano and North Pender Projects.

Narrisa Chadwick

Rec'd: 27-May-2019

Update LTC with status of project at July 27, 2020 LTC Meeting.

William Shulba

Target: 31-Mar-2021

Update provided to LTC at November 30th, 2020 LTV meeting.

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



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
MA-DP-2020.2	ALLISON, Mark & Lynn, CASEY Planner: Phil Testemale	24-Jul-2020	539 Dalton Drive - Application for a DP for development in a riparian DPA.
Planning Status			
Status Date: 30-Apr-2021 Pending decision on MA-DVP-2020.9 (May 10, 2021 agenda for consideration).			
Status Date: 01-Apr-2021 Assigned to Phil, applicant emailed e-transfer payment instructions, accts payable cc'd. -DL			
Status Date: 04-Dec-2020 applicant will provide survey, expected in late January			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.10	Kennedy, Eleonora Planner: Phil Testemale	23-Sep-2020	266 LEIGHTON LANE - Development Variance Permit for a deck that is encroaching over neighbour's property.
Planning Status			
Status Date: 18-Mar-2021 June 21, 2021 Agenda for consideration (tentative)			
Status Date: 17-Feb-2021 Owner has signed compliance plan, agreeing to bring property into compliance by Jan 5, 2022. Application to be processed for dwelling encroachments			
Status Date: 06-Jan-2021 BEO has provided owner with a compliance plan, giving 1 year to comply. DVP will be processed upon receipt of owner's agreement			



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.12	BEGRAND, ROB	26-Nov-2020	511 Arbutus Drive - Application for a variance for a studio structure rear lot line allowance

Planner: Phil Testemale

Planning Status

Status Date: 30-Apr-2021

May 10, 2021 agenda for consideration.

Status Date: 06-Apr-2021

E-mail to applicant for further info.

Status Date: 18-Mar-2021

May 10, 2021 Agenda for consideration.

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.8	Peace, Wayne	23-Jul-2020	

Planner: Narrisa Chadwick

Planning Status

Status Date: 28-Apr-2021

Required discharge and re-registration of covenant causing delay for issuing permit. Awaiting lawyer's confirmation of registration.

Status Date: 12-Feb-2021

Awaiting CRD signature on covenant.

Status Date: 12-Feb-2021

Awaiting CRD signature on covenant.



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2020.9	ALLISON, Mark & Lynn, CASEY	24-Jul-2020	539 Dalton Drive - Application for a variance for a placement of a pedestrian crossing over Deacon Creek at 539 Dalton Drive.

Planner: Phil Testemale

Planning Status

Status Date: 30-Apr-2021

May 10, 2021 LTC agenda for consideration.

Status Date: 09-Apr-2021

payment letter sent and mapping emailed - DL

Status Date: 24-Mar-2021

survey received, application opened

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.1	IRVING, ROBERT / IRVING PITCHER ARCHITECTS LTD	25-Feb-2021	511 Bayview Drive - Application for siting of a gazebo and hot tub in a setback

Planner: Phil Testemale

Planning Status

Status Date: 18-Mar-2021

June 21, 2021 Agenda for consideration.

Status Date: 16-Mar-2021

Received additional documents from applicant. -DL

Status Date: 16-Mar-2021

PTA sent application to LTC, notified Leg Clerk, gave file to planner.

**Applications****Development Variance Permit**

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.2	Silverstein, Jeff & Young, Amanda	02-Mar-2021	721 Wilks Road - DVP Application for a variance to rebuild the addition on the existing footprint which is not in compliance with current property setbacks
Planner: Narrisa Chadwick			
Planning Status			
Status Date: 28-Apr-2021 Awaiting clarification on amount of proposed new deck.			
Status Date: 15-Apr-2021 Additional drawings received identifying area of new build.			
Status Date: 07-Apr-2021 Fees received, elevations drawings are received.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2018.1	Capital Regional District (MIPRC)	01-Nov-2018	Application to amend the OCP and LUB to rezone from Rural to Park
Planner: Narrisa Chadwick			
Planning Status			
Status Date: 18-Mar-2021 Has been referred to Ministry of Municipal Affairs			
Status Date: 12-Feb-2021 Going to EC February 24/2021			
Status Date: 18-Jan-2021 Bylaw to be sent to EC after follow up with First Nations.			



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

Status Date: 28-Apr-2021

Planner working with application on draft covenant.

Status Date: 26-Apr-2021

CIM held on April 26th .

Status Date: 19-Apr-2021

Housing Agreement sent to lawyer for review.

Subdivision

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

Planner: Narrisa Chadwick

Planning Status

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.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.3	Wey Mayenburg Land Surveying Inc (Peace)	16-Oct-2018	Referral of a subdivision to decrease size

Planner: Narrisa Chadwick

Planning Status

Status Date: 18-Jan-2021

Covenant drafted, signed by applicant and sent to CRD to sign.

Status Date: 05-Nov-2020

Legal service request for covenant sent and received back.

Status Date: 15-Oct-2020

Preliminary report for water quantity DVP to LTC October 26.

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2020.1	Arbutus Bay Estates Ltd.	04-Jun-2020	797 Beechwood Drive - Subdivision referral application review for two lots.

Planner: Phil Testemale

Planning Status

Status Date: 18-Sep-2020

Letter (August 31, 2020) to LTC req. waiving of req. for survey for DP on September 28, 2020 agenda.

Status Date: 13-Aug-2020

PLRS was received from MoTI Officer, Owen Page. Completion of PR pending receipt of info from applicant.

Status Date: 11-Aug-2020

Applicant is waiting for PLA prior to applying for DVP (required survey)

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending February 2021

645 Mayne	Invoices posted to Month ending February 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	506.00	0.00	506.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	673.00	1,624.71	-951.71
65210-645	LTC - Local Exp - APC Meeting Expenses	253.00	320.33	-67.33
65220-645	LTC - Local Exp - Communications	250.00	779.76	-529.76
65230-645	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>1,470.00</u>	<u>2,724.80</u>	<u>-1,254.80</u>
Projects				
73001-645-2005	Mayne OCP/LUB	2,500.00	1,185.03	1,314.97
73001-645-4100	Mayne Island Housing	3,000.00	360.55	2,639.45
TOTAL Project Expenses		<u>5,500.00</u>	<u>1,545.58</u>	<u>3,954.42</u>

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2021-011 (Standing) 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	Carried	25-Jan-2021
2020-022 (Standing) 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.	Carried	24-Feb-2020



Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2018-049 (Standing)	Carried	24-Sep-2018
- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - 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. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - 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: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - 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. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee		

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2017-028 (Standing)	Carried	26-Jun-2017
That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR): 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: i) they are advertised on the internet, newspapers or other media; ii) they are not managed by an owner of the USTVR property who lives on Mayne Island; iii) more than one dwelling on the lot is simultaneously made available for USTVR; iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers; v) there are issues related to health and safety on the property; 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; vii) the owner of the property uses more than one property on Mayne Island as a USTVR. 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.		
2017-027 (Standing)	Carried	26-Jun-2017
That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 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.		
2016-055 (Standing)	Carried	27-Jun-2016
that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.		

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2012-000 (Standing)	Carried	01-Feb-2012
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.		
2011-044 (Standing)	Carried	02-May-2011
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.		