



Mayne Island Local Trust Committee

Regular Meeting Agenda

Date: June 27, 2022
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

			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	1:20 PM - 1:50 PM	
4.1.	Minor Official Community Plan and Land Use Bylaw Minor Amendments Project - Proposed Bylaws 186 and 187		
5.	PUBLIC HEARING	1:50 PM - 2:50 PM	
5.1.	Minor Official Community Plan and Land Use Bylaw Minor Amendments Project - Proposed Bylaws 186 and 187		
5.1.1.	<u>Recess for Public Hearing</u>		
5.1.2.	<u>Recall to Order</u>		
6.	MINUTES	2:50 PM - 3:00 PM	
6.1.	Local Trust Committee Minutes Dated May 30, 2022 (for Adoption)		4 - 12
6.2.	Section 26 Resolutions-without-meeting Report - None		
6.3.	Advisory Planning Commission Minutes - None		
7.	BUSINESS ARISING FROM THE MINUTES		
7.1.	Follow-up Action List Dated June 2022		13 - 14
8.	DELEGATIONS		

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

3:00 PM - 3:30 PM

10.1. MA-RZ-2020.1 (Mayne Island Housing Society) – Staff Report (attached) 15 - 46

11. LOCAL TRUST COMMITTEE PROJECTS

3:30 PM - 4:10 PM

11.1. Minor Official Community Plan and Land Use Bylaw Minor Amendments Project - Proposed Bylaws 186 and 187 - Staff Report (attached) 47 - 62

11.2. Flexible Housing Project - Proposed Bylaws 184 and 189 - Staff Report (attached) 63 - 70

11.3. Mayne Island Local Trust Committee Fees Bylaw No. 185 (for consideration) 71 - 79

12. REPORTS

4:10 PM - 4:20 PM

12.1. Work Program Reports (attached)

12.1.1. Top Priorities Report Dated June 2022 80 - 81

12.1.2. Projects List Report Dated June 2022 82 - 83

12.2. Applications Report Dated June 2022 (attached) 84 - 84

12.3. Trustee and Local Expense Report Dated May 2022 (attached) 85 - 85

12.4. Adopted Policies and Standing Resolutions (attached) 86 - 88

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 - Date Change

4:20 PM - 4:25 PM

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

15. TOWN HALL

4:25 PM - 4:40 PM

16. CLOSED MEETING

None

17. ADJOURNMENT

4:40 PM - 4:40 PM



DRAFT

Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee

Mayne Island Local Trust Committee

Minutes of Regular Meeting

Date: May 30, 2022
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

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

Staff Present: Narissa Chadwick, Island Planner
Pat Todd, Recorder

Public: There were fourteen (14) members of the public present.

1. CALL TO ORDER

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

1.1 Rise and Report

Chair Rogers reported the following candidates had been appointed to the Board of Variance at the March 28, 2022 In-Camera meeting: Priscilla Zimmerman, Chuck Zuckerman and Bert Hol.

2. APPROVAL OF AGENDA

Item 10.3 will be heard prior to Item 10.2.

By general consensus the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Brian Crumblehulme spoke in support of the Mayne Island Housing Society (MIHS). Numerous studies and reports have identified the need for affordable rental housing.

Chair Rogers intervened as comments began to address the divisiveness of the community adding that the Local Trust Committee (LTC) is well aware of community sentiments regarding project and issues are better addressed at Public Hearing (PH).

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated March 28, 2022

By general consent the Local Trust Committee meeting minutes of March 28, 2022 were adopted.

6.2 Section 26 Resolutions-without-meeting Report

None

6.3 Advisory Planning Commission Minutes Dated April 11, 2022

Received for information.

A number of questions were directed to staff and Commission will meet again after response.

Chair Rogers reported fees schedule, from Regional Planning Committee, has been adopted by seven LTCs while others are still reviewing bylaw.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated May 2022

Received for information.

8. DELEGATIONS

None

9. CORRESPONDENCE

9.1 Western Canada Marine Response re New Sidney Spill Response Base

There are now 8 response units at Van Isle Marina which is a better location.

9.2 Minister Lisa Beare re Connectivity Infrastructure

Letter details the stage the project is at however there is need for more awareness, on behalf of the Minister, regarding Island resources/infrastructure.

Mayne Island Internet Group has mapped island and will be forwarding information to the Minister and will forward same to the LTC.

9.3 Islands Trust Conservancy re: fallow deer

Trustee Dodds spoke on behalf of the Fallow Deer Committee: there has been little activity over the past few months. Capital Regional District (CRD) was unable to acquire funding for a Fallow Deer Plan. Islands Trust Conservancy may get some grant dollars.

MA-2022-039

It was Moved and Seconded,

that the Chair of the Mayne Island Local Trust Committee write a letter to the Islands Trust Conservancy to request they work with the Mayne Island Local Trust Committee and Ad Hoc Fallow Deer Committee to find funding to develop a Fallow Deer Management Plan.

CARRIED

9.4 Emma and Felix Jack Park re rezoning

A number of letters have been received in support of rezoning site.

10. APPLICATIONS AND REFERRALS

10.1 MA-DVP-2022.1 (Percival)

Planner Chadwick reviewed application which is to vary set backs to allow for the extension of the main dwelling and support the siting of an existing building. A third building within set back has been identified. The applicant can apply for a second Development Variance Permit (DVP) or remove structure (a wood shed). There has been no community response to application.

Applicant is undecided at this time as to wood shed but will take appropriate measures to conform with siting regulations.

MA-2022-040

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2022.1 (Percival).

CARRIED

10.2 MA-RZ-2020.1 (MIHS)

Presentation

Dave Brown:

- Number of reports have been completed and reviewed;
- Well depth monitoring – recharging naturally;
- Water Management Plan: under review – adequate supply;
- Engineering review on development impact on surface water;
- Water Retention Plan – Remediation Plan;
- Storm Water Management during construction; and
- Driveway redesigned: traffic removed from set back/more neighbour friendly.

Question raised as to number of parking spaces – “car heavy”. There will be a charge station and bicycle parking. Current plans reflect 1 vehicle per dwelling/2 spaces for 2-bedroom unit.

Eleni Gibson, Wiser Projects

- Identified correction to comment in IT report, Mayne Liner: to date MIHS has not applied for funding from BC Housing;
- Number of other funding applications have been completed;
- MIHS would like Housing Agreement to be attached to Covenant and presented at Public Hearing (PH) so community can comment;
- MIHS Proposed clause for Covenant – Lot 2 not be developed till housing project completed in 5 years: if no housing project after 5 years, building on Lot 2 can commence;
- Housing crisis continues to increase: 29 households currently on wait list for 10 units.

Discussion:

Planner Chadwick noted that within the staff report the draft Housing Agreement and Covenant address concerns raised earlier:

- Another approach to rental structure;
 - Adding Housing Agreement to Covenant;
 - Adding development freeze for Lot 2; and
 - Changes highlighted on drafts provided to LTC.
-
- Staff has been waiting to know what Trustees will support before sending the Housing Agreement and Covenant for legal review;
 - Trustees discussed interest in there being an alternative community amenity attached to Lot 3 if Lot 2 is not built on. They suggested the land be zoned for conservation. Staff will work with lawyer to identify what could be possible;
 - MIHS identified that with existing covenant the land would be locked into affordable housing as proposed which would leave it to be unbuilt if funding for the proposed development was not found;
 - Staff will have a focussed discussion with MIHS regarding the implications related to connecting the Housing Agreement for the purposes of not having the current property owner’s name on the Housing Agreement. Staff continue not to support this as it creates additional process and uncertainty for both the LTC and MIHS;
 - The impact of the septic system was raised by Trustee Maude. Staff advised that these considerations will be part of the subdivision process; LTC members identified appreciation of the proposed change of drive/road;
 - Staff indicated that the water management plan submitted by MIHS was being reviewed by the Senior Freshwater Specialist; and
 - MIHS identified their commitment to including retention pond on the land to address stormwater issues. This will happen during construction.

MA-2022-041

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request a covenant under section 219 of the *Land Title Act* be granted by the registered owners of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 to address water and waste water treatment monitoring, location of development on Lot 2 and 3, wetland protection, areas to be preserved, site remediation and development restrictions on Lot 2 prior to any Public Hearing on Bylaws 181 and 183.

CARRIED

MA-2022-042

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request that the covenant under section 219 of the *Land Title Act* be granted by the registered owners of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 include the revised site plan identified as the “New Site Plan” in the May 20, 2022 staff report.

CARRIED

MA-2022-043

It was Moved and Seconded,

that the Mayne Island Local Trust Committee endorse draft Housing Agreement changes to the structure of rental rates as proposed by the Mayne Island Housing Society.

CARRIED

MA-2022-044

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff to investigate default options if affordable housing is not built on if Lot 3. This is to include options for Lot 2.

CARRIED

MA-2022-045

It was Moved and Seconded,

that the Mayne Island Local Trust Committee request staff further explore the option of adding the Housing Agreement to the Covenant and discuss this with the MIHS.

CARRIED

Discussion regarding whether the bylaw should refer to affordable housing and a definition of “affordable housing” be included in the bylaw. Staff identified that by attaching Housing Agreement the type of housing is defined.

Chair Rogers expressed appreciation to the MIHS for their time and efforts on behalf of this extensive project.

10.3 MA-TUP-2022.1 (Iredale Grey)

Planner Chadwick detailed that application is a Temporary Use Permit (TUP) renewal for Music Festival. Existent permit conditions remain in place.

MA-2022-046

It was Moved and Seconded,

that the Mayne Island Local Trust Committee approve the issuance of renewal of Temporary Use Permit MA-TUP-2022.1 (Iredale-Grey) for a period of (3) years.

CARRIED

10.4 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw 530

MA-2022-047

It was Moved and Seconded,

that Mayne Island Local Trust Committee interests are not affected by Salt Spring Island Local Trust Committee Proposed Bylaw 530.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 OCP/LUB Minor Amendments

Correspondence received from owner of Beechwood site. Proposed amendment to Land Use Bylaw (LUB) would permit 2 dwellings and 2 cottages. Owner is requesting 3 dwellings and 1 cottage or 3 dwellings and 3 cottages.

Discussion:

- Property was purchased knowing proposed changes; and
- LTC indicted support for three dwellings and 1 cottage with a cap on size of third dwelling.

There will be a Community Information Meeting (CIM) and PH before second reading. The bylaw can be amended prior to second reading.

11.2 Flexible Housing

Planner Chadwick reviewed project and map. Planner Chadwick indicated that the map will need to be amended to identify only residential properties. Planner Chadwick identified that there has been a request by a property owner for inclusion in the pilot area. This property is 12 acres. The bylaw limits flexible housing to 10 acres. Including

requested property would require an amendment to the bylaw to increase limit to 12 acres.

Discussion:

- Go with current area/no changes at this time
- Can invite additional participants later

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated May 2022

Received for information.

12.1.2 Projects List Report Dated May 2022

Received for information.

12.2 Applications Report Dated May 2022

Received for information.

12.3 Trustee and Local Expense Report Dated March 2022

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage – to be update at conclusion of meeting.

12.6 Chair's Report

Chair Rogers reported a rather quiet May. First quarter busy with Trust Policy Statement and report on Public Engagement. Trust Programmes Committee presenting at Trust Council meeting being held June 21-23. There is now a mail out package for new home owners to provide information regarding the purpose and functions of Islands Trust. Southern Gulf Islands Forum will be meeting in July, in Sidney, regarding anchorages.

12.7 Trustee Report

Trustee Maude stated deer issues are escalating. Bylaw complaints are being made to Trustees. Community needs to be more aware of online Bylaw complaint process.

Trustee Dodds spoke to the “reactivation” of the fallow deer committee. Approach is going to be made to the Ministry regarding funds to assist with this problem that Ministry created. Environmental destruction is significant.

12.8 Islands Trust Conservancy Report Dated March 2022

Chair spoke to report: number of successful programs recently; Opportunity Fund with ½ to Salt Spring Island and ½ to remaining islands. May be an avenue for fallow deer committee as Conservancy focuses on Species at Risk which applies to plants as well as animals.

13. NEW BUSINESS

13.1 Draft Annual Report Wording

MA-2022-048

It was Moved and Seconded,

That the Mayne Island Local Trust Committee approves the format and outline of contents for the 2021/22 Annual Report.

CARRIED

13.2 Rainwater Harvesting

Received for information.

Following website very informative:

https://www.ssiwpa.org/wp-content/uploads/Public-Library/SSIWPA-Projects-Reports-and-Presentations/Communications-Materials/SSIWPA_rainwaterHarvesting_FinalSeptember2020_Web.pdf

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 27, 2022 at the Agricultural Hall, Mayne Island.

15. TOWN HALL

Nikko Preston, neighbour to proposed affordable housing project, raised a number of concerns:

- Number of inconsistencies in reports;
- Seasonal water issues need to be addressed;
- Housing concept is not the issue – site is a wet land;
- Request hydrologist study be redone: monitor well aside from wet season; and
- Boundary issues to be resolved prior to rezoning.

LTC requested speaker to provide comments in writing to the LTC and Planner.

16. CLOSED MEETING

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:05 pm.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder

Follow Up Action Report

Mayne Island

28-Mar-2022

Activity	Responsibility	Dates	Status
1 11.1 Flexible Housing - 1) Bylaw 189 read for the first time 2) Bylaw 184 read for the first time as amended (2.4 "in both instances") 2) Staff to schedule PH	Jas Chonk Narrisa Chadwick	Target: 21-Apr-2022	In Progress
2 11.3 Add to projects list: 1) Connecting with Water Service providers regarding secondary suites and flexible housing 2) Rezoning of Campbell Bay property 3) Add rezoning of Campbell Bay property to the July agenda for discussion	Jas Chonk Narrisa Chadwick	Target: 28-Mar-2022	In Progress

30-May-2022

Activity	Responsibility	Dates	Status
1 6.1 Minutes approved as drafted	Robin Ellchuk	Target: 10-Jun-2022	Completed
2 6.3 Staff to respond to APC questions regarding Fees Bylaw. Fees Bylaw to be brought back to LTC for first reading.	Jas Chonk Narrisa Chadwick Robert Kojima	Target: 10-Jun-2022	Completed
3 9.3 Fallow Deer Correspondence - Chair to send letter on behalf of LTC to ITC regarding exploring funding to address fallow deer problem.	Jas Chonk Robin Ellchuk	Target: 17-Jun-2022	Completed
4 10.1 MA-DVP-2022.1 (Percival) - DVP approved	Jas Chonk Phil Testemale Robin Ellchuk	Target: 10-Jun-2022	Completed

Follow Up Action Report

Mayne Island

30-May-2022

Activity	Responsibility	Dates	Status
5 10.3 MA-TUP-2022.1 (Iredale Grey) - TUP renewal approved	Jas Chonk Narrisa Chadwick Robin Ellchuk	Target: 10-Jun-2022	Completed
6 10.3 MA-RZ-2020.1 (MIHS): 1)identify with lawyer options for "sunset" clause including timelines 2)Share concerns re: stormwater design, surge capacity with Senior Freshwater Specialist for input 3) Further explore connecting HA to covenant 4) Rate structure of HA endorsed 4) New site plan endorsed 5) Send draft HA and covenant highlighting questions and additions to lawyer to review	Narrisa Chadwick	Target: 10-Jun-2022	In Progress
7 11.1 OCP/LUB review - Staff to return with option for limiting combined dwelling size for 757 Beechwood when change to rezoing to 3 dwellings, 1 cottage is considered. Staff to consult with property owner. Take picnic tables out of Felix Jack park rezoning.	Narrisa Chadwick	Target: 20-May-2022	Completed
8 13.1 Format and outline of contents for the 2021/22 Annual report approved.	Robert Kojima	Target: 17-Jun-2022	Completed

DATE OF MEETING: June 27, 2022

TO: Mayne Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager
William Shulba, Senior Freshwater Specialist

SUBJECT: MA-RZ-2020.1 (MIHS) – Bylaws for first reading, water management report, update on process

RECOMMENDATION

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

REPORT SUMMARY

The purpose of this report is: to provide the opportunity for first reading of the bylaws supporting the rezoning of the subject property to accommodate multi-family rental housing; present the recently reviewed water management report and findings of groundwater investigations; and provide an update on process.

BACKGROUND AND UPDATE

Bylaws

At the November 2020 LTC meeting, the LTC requested staff prepare draft bylaws to amend Land Use Bylaw and Official Community Plan.

The draft bylaws include:

1. ***An amendment to the Land Use Bylaw (Attachment 1 : Bylaw 183)*** which would:
 - Create a new zone (Comprehensive Development Three (CD3) Zone) to support multi-family rental housing.
 - Introduce additional definitions
 - Create a split zoned lot
 - Rezone the portion of the property being contemplated for multi-family rental from Rural (R) to Comprehensive Development Three (CD3)
 - Rezone the parent portion of the property to R(f) to enable the subdivision of the lot into two (in concurrence with amenity zoning provisions in the OCP)
 - Remove the new CD3 zone from the area permitted to have secondary suites
2. ***An amendment to the Official Community Plan (Attachment 2 – Bylaw 181)*** which:
 - Designates the proposed multi-family rental housing portion of the parent property from Rural designation to Rural – Multi-family residential (R-MR) designation.

Water Reports

William Shulba, Senior Freshwater Specialist reviewed two reports submitted by MIHS. A summary of this review is identified below.

Hy-Geo Consulting, February 24, 2022 Groundwater Level Monitoring, Well WID 43943 (WTN 122538) at Village Bay Road, Mayne Island (Attachment 3) - This report was submitted to supplement water level monitoring conducted between September 30, 2021 and February 17, 2022. The Senior Freshwater Specialist found the conclusions of the report to be reasonable.

Hy-Geo conclusions:

1. During the overall monitoring period the water level in well WID 43943 rose 3 m.
2. For the duration of the monitoring period, minor tidal effects of about 5 to 10 cm are evident in the water level hydrograph data for Well WID 43943
3. No significant interference effects from neighbouring wells pumping were observable in the hydrograph record.
4. The monitoring results obtained during the monitoring period are consistent with the observations, assumptions and results reported on the pumping test carried out on well WID 43943 in September 2020 (Kohut, 2020b).

MSR Solutions, April 21, 2022: Mayne Island Housing Society Water Management Plan (Attachment 4) - This report was not requested by the LTC. The report provides some standard information regarding water management but does not directly relate to the development with the exception of a site visit for the purposes of

describing stormwater in general terms. Further work, by a professional will be needed to satisfy the requirements of the covenant for “a design for a water treatment system (the “**Water Treatment System**”) for Lot 3 which is effective to make the water from any well that is proposed to supply domestic water in respect of any use of Lot 3 potable” prior to development on Lot 3.

Update on legal review of Covenant and Housing Agreement

- A new cost recovery agreement will need to be signed before any further legal review of the Housing Agreement and Covenant can commence.
- Staff have consulted with legal counsel and received an estimate for the work based on the current draft submitted by MIHS. Staff is drafting a cost recovery agreement based on this estimate.
- MIHS has indicated that they will be consulting with the McHugh family regarding their interest in proposed Lot 2 and addressing the issue of having their name on the Housing Agreement.
- Staff will wait to hear back from MIHS regarding changes to their proposed draft Housing Agreement and Covenant (following discussions with the McHugh family) before proceeding to legal review.
- Staff will bring the Housing Agreement and Covenant back to the LTC for discussion if the MIHS requests any significant changes following with discussions with the McHugh family. If significant changes are not requested, the Housing Agreement and Covenant will be brought back to the LTC for discussion following legal review and prior to the scheduling of a public hearing.

Rationale for Recommendation

Reading the bylaws for the first time will support proceeding to the next step in the rezoning process.

ALTERNATIVES

1. Request further information from staff or the applicant.

The LTC may request further information from staff or the applicant before considering first reading. This information should be specified in the resolution.

That the Mayne Island Local Trust Committee request staff provide information regarding...

That the Mayne Island Local Trust Committee request the MIHS provide additional information regarding..

2. Make amendments to Bylaw 181 and/or Bylaw 183 before moving to first reading.

That the Mayne Island Local Trust Committee Bylaw 181, cited as ““Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” and Mayne Island Local Trust Committee Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”, be altered by....

3. Wait until the Housing Agreement and s. 219 Covenant have been reviewed by legal counsel and endorsed by the LTC before consideration of first reading.

That the Mayne Island Local Trust Committee Bylaw 181, cited as ““Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” and Mayne Island Local Trust Committee Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”, be brought back for first reading concurrently with final draft housing agreement and covenant.

NEXT STEPS

- New cost recovery agreement to be drafted by staff.
- The Housing Agreement and Covenant will be sent for legal review once cost recovery agreement is signed by MIHS.
- If significant changes are made by the MIHS to the Housing Agreement and Covenant they will be brought back to the LTC before being sent for legal review.
- If bylaws are read for the first time staff will schedule public hearing once the Housing Agreement and Covenant drafts are finalized.

Submitted By:	Narissa Chadwick RPP, Island Planner	June 16, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	June 17, 2022

ATTACHMENTS

1. Draft Bylaw 181
2. Draft Bylaw 183
3. Groundwater Investigation Report
4. Water Management Plan

DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 181

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS _____ DAY OF _____ 2021.

READ A SECOND TIME THIS _____ DAY OF _____ 2021.

READ A THIRD TIME THIS _____ DAY OF _____ 2021.

PUBLIC HEARING HELD THIS _____ DAY OF _____ 2021.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20__

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING
THIS _____ DAY OF _____ 20__

ADOPTED THIS _____ DAY OF _____ 20__

Chair

Secretary

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 181**

SCHEDULE 1

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

1. By amending Schedule B by changing the land use designation on a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from Rural (R) to Rural – Multi-Family Residential (R-MR) as shown on Plan No. 1, which is attached to and forms part of this bylaw.

DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 183

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

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.

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

2.1 By adding to Definitions ““Multi-family rental housing” means residential use of attached dwelling units that are limited to residential rental tenure.’

2.2 By adding to the definition of Dwelling unit “multi-family housing” after “secondary suite”

2.3 By adding to Definitions ““Residential rental tenure” means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit.’

2.4 By inserting a new row in the table in subsection to 5.5 (14) in the Rural (R) zone as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	A portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091	(1) Despite 5.5(13) above the average lot area must not be less than 1.3 hectares (3.3 acres).

2.5 By adding “5.28 Comprehensive Development Three (CD3) Zone” as a new zone following subsection 5.27:

“The purpose of the Comprehensive Development Three Zone is to provide for and regulate the development of multi-family rental housing.

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

- (a) Multi-family rental housing
- (b) Accessory uses, buildings and structures

Density

- (2) The maximum number of dwelling units in the CD3 zone is 10
- (3) The maximum lot coverage is 20%.

Size and Siting

- (4) The minimum setback for any building or structure is:
 - (a) 8 metres (26 feet) from any front, rear or exterior side lot line;
 - (b) ~~8.3~~ metres (~~26.9~~ feet) from any interior side lot line;
- (5) The maximum height for any dwelling unit is 9 metres (29.5 feet).
- (6) The maximum height for any accessory building or structure is 5 metres (16.5 feet).

Subdivision Lot Area Requirements

- (7) The minimum lot area is 1.3 hectares (3.3 acres).

Form of Tenure

- (8) All dwelling units in the Comprehensive Development Three (CD3) Zone shall be limited to residential rental tenure."

- 2.6 By adding "Comprehensive Development Three CD3" to 4.1(1) (Division into Zones) following "Comprehensive Development Two CD2"
- 2.7 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to Comprehensive Development Three (CD3) as shown on Plan No.1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule "B" to Bylaw No. 146 as required to effect this change.
- 2.8 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to (R(f) as shown on Plan No.1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule "B" to Bylaw No. 146 as required to effect this change.
- 2.9 Schedule "D" – Zoning Map, is amended by removing a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from " areas where secondary suites are permitted" as shown on Plan No.2, which is attached to and forms part of this bylaw, and the making of such alterations to Schedule "D" to Bylaw No.146 as required to effect this change.

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.

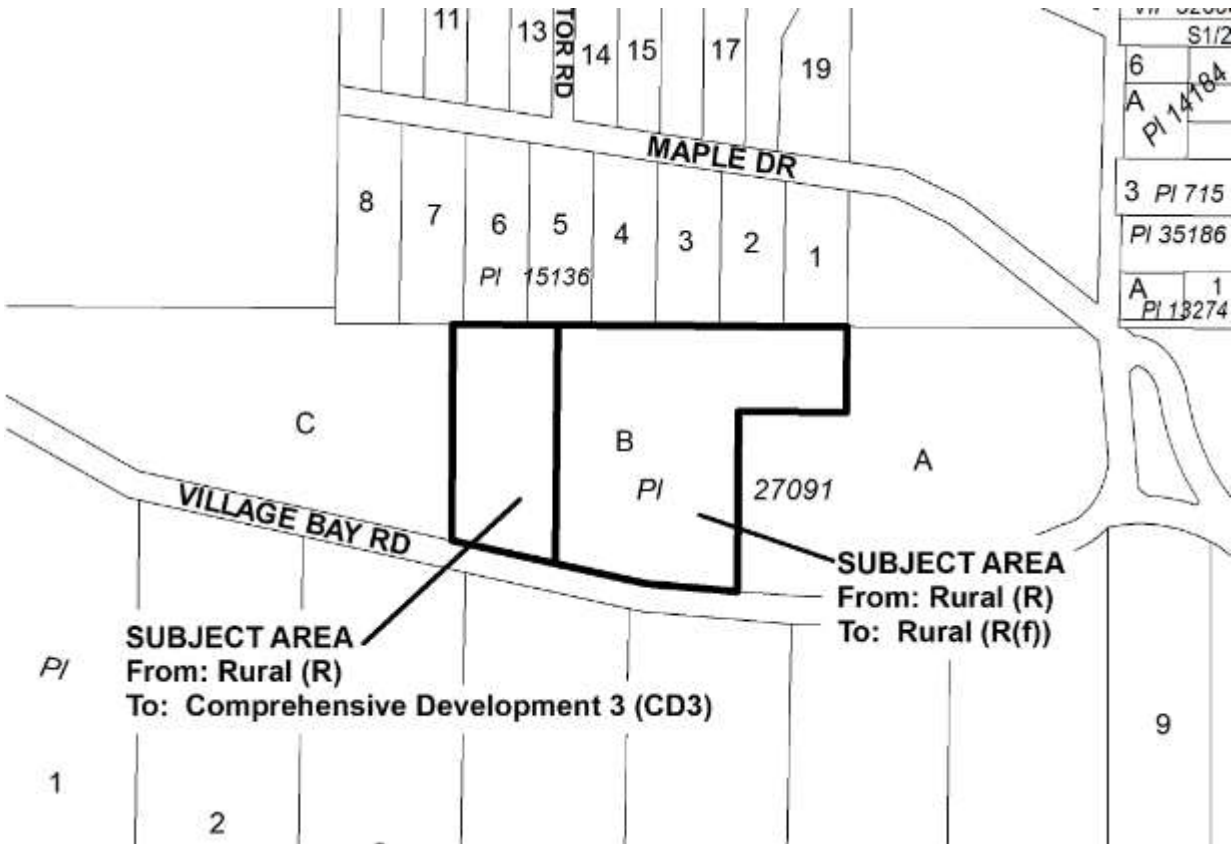
READ A FIRST TIME THIS	DAY OF	2021.
READ A SECOND TIME THIS	DAY OF	2021.
READ A THIRD TIME THIS	DAY OF	2021.
PUBLIC HEARING HELD THIS	DAY OF	2021.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		
_____	DAY OF _____	20__
ADOPTED THIS	_____ DAY OF _____	20__

Chair

Secretary

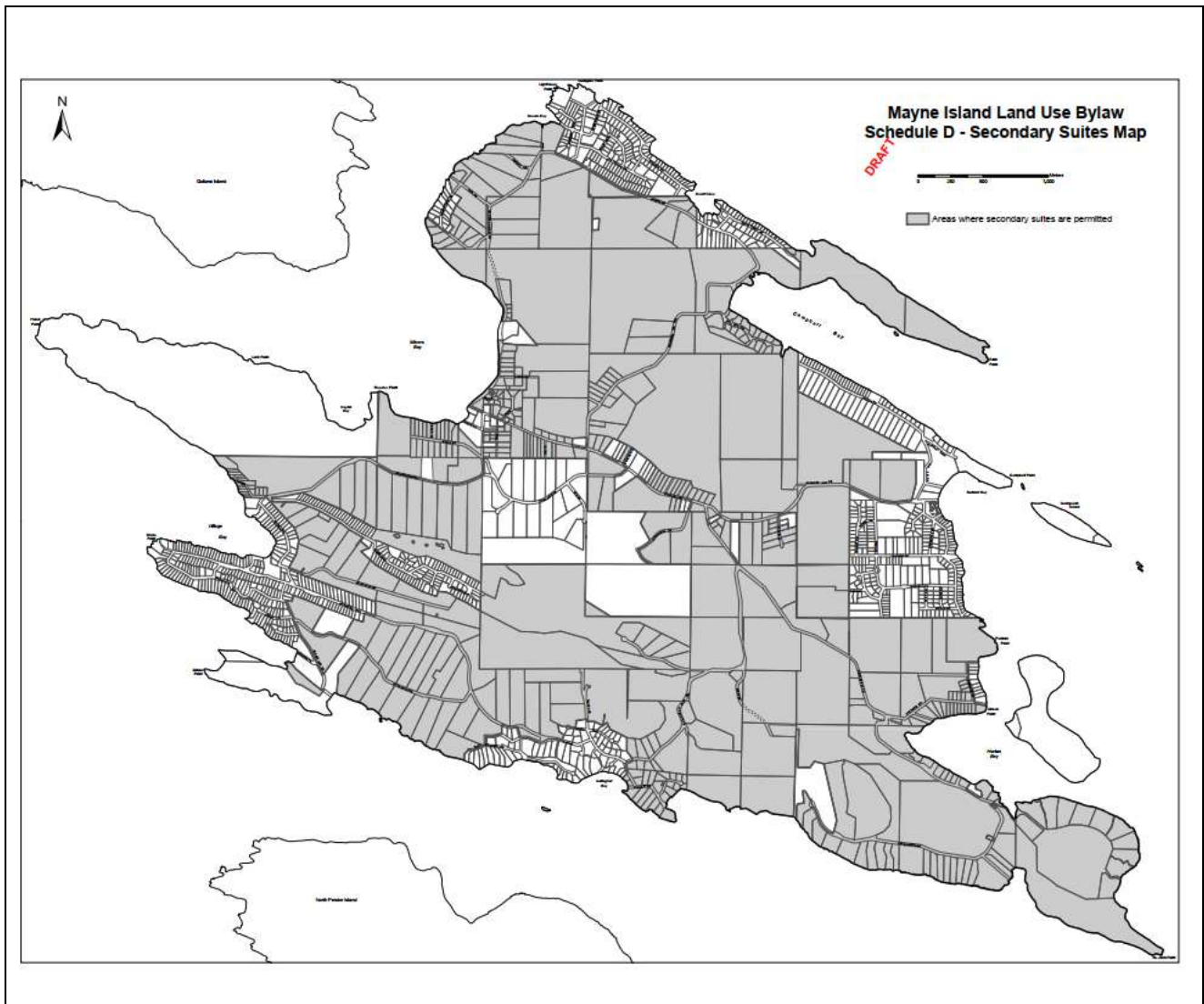
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 2



File: 2007261

February 24, 2022

Mayne Island Housing Society
Mayne Island BC

Attention: Deborah Goldman

Re: Groundwater Level Monitoring, Well WID 43943 (WTN 122538) at Village Bay Road, Mayne Island

Monitoring Installation

As requested, a Diver™ datalogger Serial No. DG948 was installed in the above well on September 30 2021 by Hy-Geo Consulting. Well WID 43943 was constructed on September 29, 2020 to a depth of 140 feet (42.67 m). The well was completed in fractured brown to grey sandstone encountering a major water-bearing fracture zone from 106 to 111 feet (32.32 to 33.83m) below ground yielding 20+ USgpm as reported by the driller. The well was subsequently lined with 4 inch diameter slotted PVC casing from 6 to 106 feet (1.83 to 32.31m) as chunks of rock were reported coming from the major fracture zone. Lithology of the drilling record indicates the well was drilled into the Geoffrey Formation comprised mainly of sandstone (Muller and Jeletzky, 1970). A 72 hour pumping test was carried out on the well in 2020 as reported by (Kohut, 2020b).

The recording interval for the datalogger was set at 10 minutes to detect any potential water level variations from neighbouring pumping wells and tidal effects. The corrected manually measured water level in the well at 8:30 am on September 30, 2021 was 4.7592 m below ground. A second Diver™ datalogger Serial No. DG951 was also set near the well to record variations in barometric pressure at the same recording interval of 10 minutes synchronized with datalogger Serial No. DG948.

On February 17, 2022 the datalogger and barologger were removed from the site by Hy-Geo Consulting and data was downloaded offsite. The corrected water level in the well at 9:20 am on February 17, 2022 was manually measured at 1.692 m below ground.

Precipitation Data 2021-22

Although no longer operational, the historic Mayne Island climate station may be considered representative of the general longer-term (monthly) precipitation patterns for Mayne Island (Government of Canada, 2022a). The most recent (2021-22) precipitation data for the region is available for climate station 1015638 on North Pender Island (Government of Canada, 2022b).

Precipitation in 2021 as observed at climate station 1015638 on North Pender Island was well below normal from February to August as shown in Table 1. Heavy rains beginning in September through November resulted in above normal monthly precipitation. Overall precipitation in 2021 of 789.6 mm was 93.8 percent of the annual normal (842 mm) for Mayne Island.

Table 1. Monthly 2021 precipitation data for North Pender climate station (Climate ID.1015638) compared to 1981-2010 normals for Mayne Island.

Month	Precipitation in 2021 (mm)	Monthly Precipitation Normal (mm)	Percent of Normal	Cumulative Percent of Normal
January	134.1	129.9	103.2	103.2
February	63	87.7	71.8	90.6
March	15	75.4	19.9	72.4
April	17.4	55.3	31.5	65.9
May	22.4	44	50.9	64.2
June	23.9	36.9	64.8	64.3
July	0	21.2	0	61.2
August	10.6	23.8	44.5	60.4
September	66.0	28	235.7	70.2
October	91.8	79.9	114.9	76.3
November	252.1	135.4	186.2	97.0
December	93.3	124.5	74.9	93.8
Total:	789.6	842		

Data from Government of Canada (2022a and 2022b).

Monitoring Results

September 30 to February 17, 2022

Given the frequent recording interval of 10 minutes chosen for the monitoring project, a large dataset of over 20,160 water level readings was generated for the above period. A hydrograph for this period was prepared to process the large data set and precipitation data was subsequently plotted on a separate graph for comparative purposes.

Figure 1 shows the water level below ground in Well WID 43943 from September 30 to February 17, 2022 compared with precipitation data for the North Pender Island climate station (Climate ID.1015638). Water level data shown has been corrected for barometric effects. The raw water level data for the September 30 to February 17, 2022 monitoring period is provided in Excel[®] spreadsheet titled “Mayne Island Sept to February 2022.csv”.

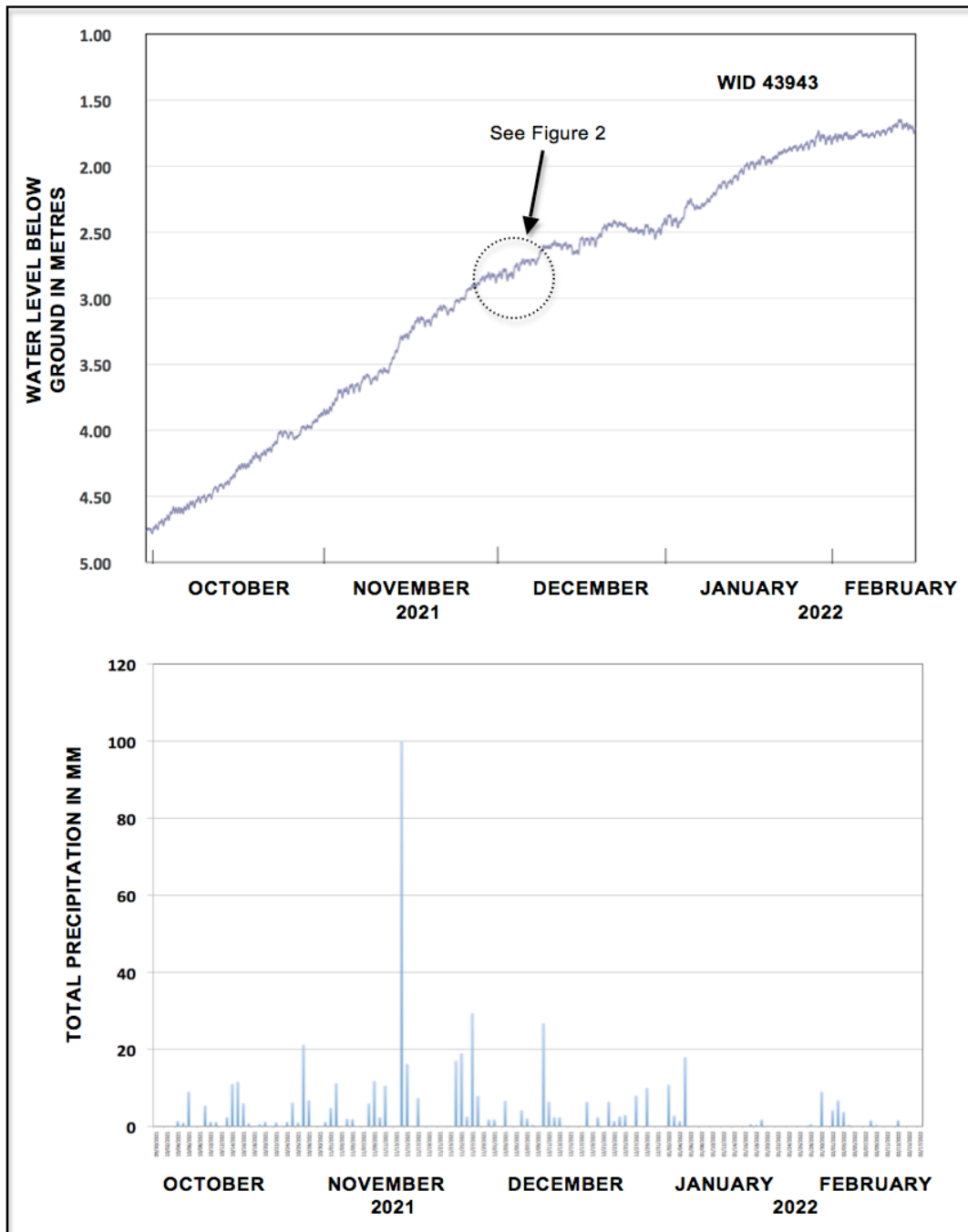


Figure 1. Water level below ground in Well WID 43943 from September 30, 2021 to February 17, 2022 compared with precipitation data from North Pender Island climate station (Climate ID.1015638).

The hydrograph in Figure 1 shows water levels rising just over 3 m during the monitoring period with minor fluctuations of about 0.1 m to 0.2 m. Apart from the overall rising water level trend, major precipitation events beginning in early October do not show any significant effects on water levels. The cumulative effects of fall precipitation, however, are apparent in the overall rising trend in water level. Frequent daily water level fluctuations are evident in Figure 2 and are discussed below.

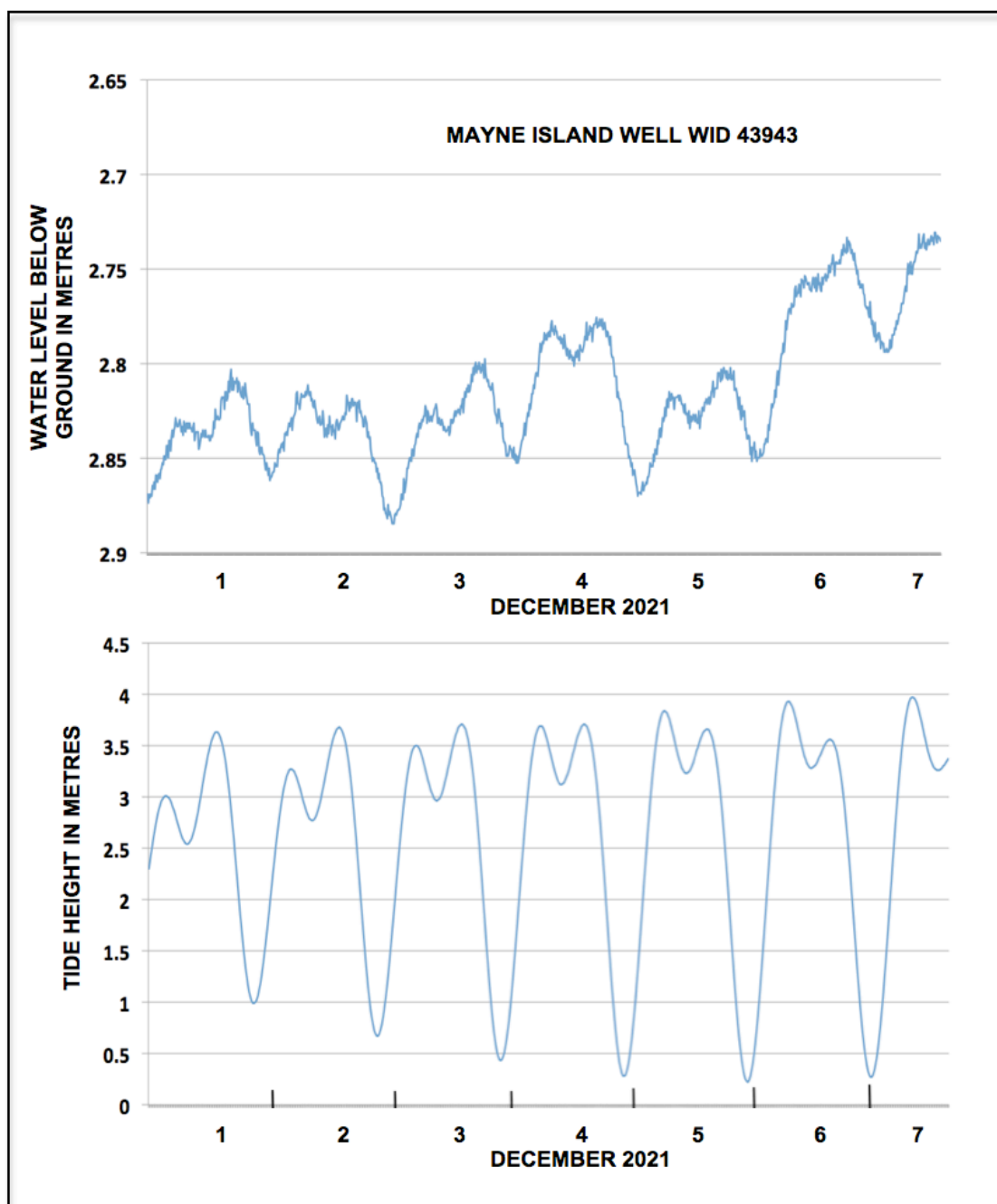


Figure 2. Comparison of water level fluctuations in Well WID 43943 from December 1 to December 8, 2021 with predicted tidal fluctuations at Montague Harbour. Tidal graph adapted from Government of Canada, 2022c.

A detailed representative portion of the hydrograph from December 1 to December 8, 2021 is shown in Figure 2 in comparison to tidal fluctuations at Montague Harbour for the same period. Generally there is a good overall correspondence between the tidal fluctuations and the water levels. The water level peaks, however, lag behind the tidal peaks and only vary by about 5 to 10 cm in amplitude. While the fractured aquifer system at this location

is subject to tidal loading to a minor degree, there is no possibility of sea water intrusion occurring at this site as pumping levels would not be drawn down below sea level.

The overall, non-pumping behaviour of the water level in well WID 43943 rising about 3 m during the fall winter recharge period is consistent with a well completed in a regional groundwater discharge area as discussed previously at this site (Kohut, 2020a). The monitoring results obtained above are also consistent with the observations, assumptions and results reported on the pumping test carried out on well WID 43943 in 2020 (Kohut, 2020b).

Conclusions

Based on the water level monitoring conducted on the project well WID 43943 between September 30, 2021 and February 17, 2022, the following conclusions can be made:

1. During the overall monitoring period the water level in well WID 43943 rose 3 m.
2. For the duration of the monitoring period, minor tidal effects of about 5 to 10 cm are evident in the water level hydrograph data for Well WID 43943.
3. No significant interference effects from neighbouring wells pumping were observable in the hydrograph record.
4. The monitoring results obtained during the monitoring period are consistent with the observations, assumptions and results reported on the pumping test carried out on well WID 43943 in September 2020 (Kohut, 2020b).

Respectfully submitted:

A.P. Kohut
Feb 24/22



Alan P. Kohut, PEng
Senior Hydrogeologist

Hy-Geo Consulting
Permit to Practice Number: 1001034

References

- Government of Canada. 2022a. *Canadian Climate Normals*. 1981-2010 Climate Normals & Averages. Internet website http://climate.weather.gc.ca/climate_normals/index_e.html
- Government of Canada. 2022b. *Historical Climate Data*. Internet website <http://climate.weather.gc.ca/>
- Government of Canada. 2022c. *Water levels at Montague Hbr - 07420 relative to chart datum*. Internet website <https://www.tides.gc.ca/en/stations/07420/2021-12-01?tz=PST>
- Kohut, A.P. 2020a. *Preliminary Assessment of Groundwater Supply for Proposed Affordable Housing Project, Mayne Island*. Letter report to Mayne Island Housing Society, Hy-Geo Consulting, Victoria, British Columbia. File 2007261. September 22.
- Kohut, A.P. 2020b. *Assessment of Pumping Test on Well WID 43943 for Proposed Affordable Housing Project, Mayne Island*. Letter report submitted to Mayne Island Housing Society, Hy-Geo Consulting, Victoria, British Columbia. File 2007261. November 22.
- Muller, J. E. and J.A. Jeletzky. 1970. *Geology of the Upper Cretaceous Nanaimo Group, Vancouver Island and Gulf Islands, British Columbia*. Geological Survey of Canada Paper 69-25.

Date: April 21, 2022

To: Mayne Island Housing Society

From: MSR Solutions

Subject: Mayne Island Housing Society Water Management Plan

1. Introduction

375 Village Bay Road is a proposed affordable housing development on Mayne Island, BC by the Mayne Island Housing Society (MIHS). The proposed development includes five 1-bedroom units, four 2-bedroom units and one 3-bedroom unit. MIHS has retained MSR Solutions Inc. (MSR) to investigate water demand requirements as well as a preliminary investigation into stormwater management for the property. There is currently no plan to utilize graywater. This report has been prepared in support of an application for Rezoning made to Islands Trust.

2. Design Basis

2.1. Water Demand

Residential water demand is attributed to the following general categories:

- **Indoor Demand** – includes all regular indoor usage of water within a residence, including from sinks, toilets, showers, wash machines, dishwashers, indoor plants, etc.
- **Outdoor Demand** – includes regular outdoor usage such as irrigation and use of outdoor hoses (e.g. for washing cars).
- **Leakage** – losses from leakage tend to increase as systems age and with the size of the system. For a newly installed small system such as proposed for MIHS, leakage will be minimal.

2.2. Water Sources

Indoor water demands will be supplied by well water. The recently drilled well on site had a 72-hour variable rate pump test performed in October of 2020¹. The project well WID 43943 was subsequently pump tested by Red Williams Well Drilling & Pump Installations Ltd., at a constant rate of 11.84 L/min (3.13 USgpm) for just over 72 hours from October 3 to October 6, 2020. The average drawdown of the cumulative pumping was equal to 4.52% of the available head in the well. The Hydrogeologist has indicated that the well has a sustainable yield of a minimum of 11.84 L/min (3.13 USgpm).

¹ Hy-Geo Consulting Report on Assessment of Pumping Test on WID 43943 for Proposed Affordable Rental Housing Project, Mayne Island (2020)

A water licence application (Tracking number 100351846) was submitted in 2021 for 7.36 m³/day and a total annual quantity of 2686 m³/year to be diverted. The groundwater licence will require that the water volumes diverted be measured and recorded.

To ensure the safety of the water supply, all requirements of the Drinking Water Protection Act and Drinking Water Protection regulation should be followed in regards to wellhead protection. Wellhead protection will be thoroughly assessed through the regulatory approvals through Island Health that will be required for development.

The Hy-Geo consulting report noted that “pumping water levels would not be drawn below sea level precluding the possibility of sea water intrusion” at any time. However, management practices for the prevention of saltwater intrusion shall be adhered to². Strategies will include well level monitoring, water conservation, detection and mitigation of leakage, setting the timing of the well pump to provide “Well sipping”, and the provision of adequate storage. The well was monitored from September 2021 to February 2022 and the results were consistent with the original Hy-Geo report from 2020³.

Water demand at the development will vary depending on the occupancy of the 10 units. To balance the flow from the well against varying daily demand over a 12-16 hour period, storage and replenishment will be implemented.

2.3. Population

Using Table II- 9 from the BC Ministry of Health Sewerage System Standard Practice Manual (SPM) Version 3, a different population equivalent can be assigned to each unit type. These values fit closely to MSR's experience. The population data can be seen in Table 1 below. In the preliminary concept design, the development will have five 1-bedroom units, four 2-bedroom units and one 3-bedroom unit.

Table 1: Occupancy Equivalents

Units	SPM Occupancy per Unit	Total Occupancy
1 Bedroom (x5)	2	10
2 Bedrooms (x4)	3	12
3 Bedrooms (x1)	3.75	3.75
Total		25.75

² Province of British Columbia *Best Practices for Prevention of Saltwater Intrusion* (2016)

³ Hy-Geo Consulting Groundwater Level Monitoring, Well WID 43943 (WTN 122538) at Village Bay Road, Mayne Island (2022)

MIHS estimates occupancy of 25.75 persons. As such, the water management plan will account for a minimum of 25 and maximum of 30 occupants.

2.4. Indoor Water Demand for Anticipated Use

Using the maximum and minimum population buildouts and projected flows, the total water demand can be calculated. The BC Design Guidelines for Rural Residential Community Water Systems (RRCW) uses an Average Daily Demand (ADD) of 230 L/person/day. These guidelines are generally over-estimations of actual use in small systems built with modern low-flow fixtures. For a user based average flow we can use the Capital Regional Districts (CRD) data of 232 L/p/d along with an estimate of indoor usage percentage (72%) to come to an average of 167 L/p/d for indoor use. Based on a previous assessment by Hy-Geo (2020), the potential residential water demand at the proposed facility is 7,360 L/day, or equivalent to a continuous pumping rate of 5.11 L/min. All three values were used as a comparison to show a range of potential water demands. Results can be seen in Table 2.

Table 2: Average Daily Demand using RRCW, CRD, and Hy-Geo Consulting flows

	RRCW		CRD		Hy-Geo Consulting	
Population (persons)	25	30	25	30	25	30
Flow (L/person/day)	230	230	167	167	245	245
Total (L/day)	5,750	6,900	4,175	5,010	6,125	7,360

The total demand in the highest case scenario (30 people @ 245 L/p/d) equals the maximum daily flow specified in the water license application. This represents a maximum value of indoor usage for the development.

In MSR Solutions' experience with water and sewer servicing and monitoring in British Columbia, it has been found that Average Daily Flows can be as low as 160 L/p/d in similar properties. This data has previously been used as a design basis for projects in Port Renfrew, Mill Bay, and other locations in BC. Water usage at Surfside Park Estates on Mayne Island in 2020 was 424 L/day/house, or 170 L/day/capita on a system with noted leaks and damages.⁴

Water conservation measures are mandated by the current BC Plumbing Code, which requires low flow fixtures. For example, toilets must now use no more than 6 L per flush, whereas older toilets typically use 18+ L per flush. Generic guidance documents such as the RRCW still factor in older homes, thereby providing daily flows that are

⁴ Capital Region District *Surfside Water System 2020 Annual Report* (2020)

higher than anticipated for homes built to the current code. It can then be assumed that estimated water consumption will be less than the usage numbers provided in the RRCW. Having storage of potable water also ensures an adequate buffer for peak events, maintenance or incidents such as a water leak that may take the treatment plant offline.

2.4.1. Emergency Conditions

Should demand become greater than the designed storage and water runs low or out, MIHS would have to consider the following options:

1. Contact plumber to identify potential leaks or bursts in the system
2. Notify residents that water is scarce and conservation efforts need to be taken
3. Truck in potable water to replenish the storage

The water distribution network will include valving so that the network can be isolated into smaller zones to facilitate leak detection. Detailed record drawings will provide accurate locations of all water piping and fittings to assist in locating and repairing any leaks. A regular log of a flow totalizer from the well will be maintained, allowing for the operator to spot trends in increased usage that may be due to leakage.

2.5. Rainwater

Rainwater availability for irrigation can be determined by the collection surface area and rainfall data. Using the average rainfall data from 1981-2010 from the Mayne Island Climate Station, in a typical year Mayne Island will see 842 mm of rain. Allowing for 20% losses in collection, a conservative estimation of 670 L/m² of available rainwater can be collected. Using preliminary unit designs, an estimate of 563 m² of roof area can be used for a collection surface for a total of 379 m³ of available water in a typical year.

The distribution of rainfall events on Mayne Island are seasonal in nature, with most of the rainfall occurring between October and April, and prolonged dry periods common during summer months. Total monthly rainfall available for collection (after losses) is shown in Figure 3. Irrigation demand will likely be greater than the available water through the summer months unless sufficient storage is used.

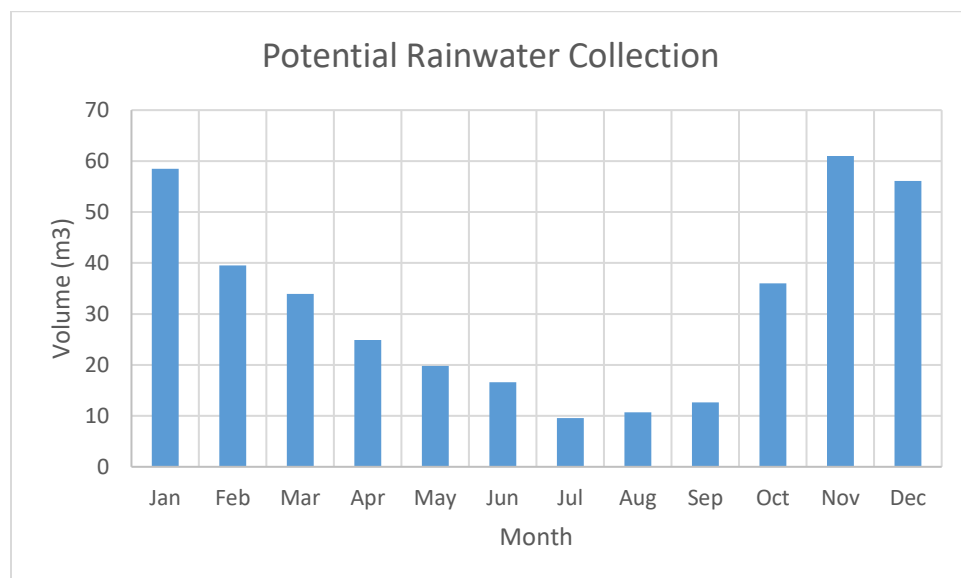


Figure 1: Potential Rainwater Collected

Rainwater collection will be used for irrigation of any garden areas. Rainwater will not require any treatment other than coarse filtration before irrigation, therefore the costs associated are generally collection and storage. There are currently no dedicated garden areas but there may be some native plants along the perimeters and possibly residents requiring access to rainwater for gardening.

3. Treatment

Based on the previous Hydrogeologist's report, the water quality samples obtained in 2020 showed a generally clean source, with only a few parameters of concern. The dissolved manganese levels at 349 µg/L exceeded the new Aesthetic Objectives from the Canadian Drinking Water Guidelines. If required based on a construction permit application with Island Health, Manganese can be removed with a media filter. Chlorine will act as an oxidant that will also reduce levels.

A source approval is to be obtained through Island Health, which will assess the risk factors of the water source and mandate minimum levels of treatment. If multiple barriers of disinfection are deemed necessary, this can typically be provided with a treatment system consisting of filtration, UV disinfection, and residual chlorination. Filtration will be provided in 4" x 20" filter cannisters with a 5 micron and 1 micron filter, which is easily maintained by opening the cannister and replacing the cartridge. The UV systems will either be simple for a typical cleaning required every 2-3 months, or a more expensive model, which will have a built-in wiper, requiring only annual maintenance. Both UV options require annual bulb changes. If the source is deemed at low risk and does not require multi-barrier disinfection, residual chlorination may still be anticipated.

Chlorine disinfection may be kept at a residual of 0.5 mg/L to minimize concerns for odour and taste. This will also mitigate regrowth within the distribution systems, thereby reducing the frequency of line flushing. Treated water will need to be stored to meet required chlorine contact times. These components (except the storage tank) will need to be installed inside a secure, watertight building. If a dedicated water treatment building is required, keeping the building under 100 ft² will prevent the need for additional permits and should be sufficient for the required treatment equipment.

4. Reservoir Storage

Using *Section 4.7 – Distribution Storage Reservoirs* from of the Design Guidelines for Rural Residential Community Water Systems (2012), the storage reservoir can be designed using the following:

- **Balancing Storage:** To balance the fluctuations in domestic demands and irrigation and allow for reasonable on/off frequencies of the supply pumps;
- **Fire Storage:** To provide sufficient water for the critical fire flow/duration demands in the system;
- **Emergency Storage:** To provide water in case of power outages and restriction in source supply.

4.1. Balancing Storage

Section 4.7.1 – *Balancing Storage* states that the balancing storage required is the difference between instantaneous demands and the average demands should be minimum 25% of the maximum daily demand (MDD). As such, the volume required for balancing storage is 1,840L (405 iGal).

4.2. Fire Storage

Mayne Island Fire Rescue supplies their own water when a fire occurs through the use of pumper trucks and dry hydrant storage ponds. Through discussions with the Mayne Island Fire Chief, Kyle Stobart, no storage is required for this the development as the Fire Department has sufficient capacity.

4.3. Emergency Storage

Section 4.7.3 – *Emergency Storage* states that emergency storage provides water during events such as natural disasters, pump failure, source failure, or watermain breaks.

The emergency storage is calculated using:

$$\text{Emergency Storage} = 0.25 \times (\text{Balancing Storage} + \text{Fire Storage})$$

As such,

$$\text{Emergency Storage} = 0.25 \times (1,840 \text{ L} + 0 \text{ L})$$

$$\text{Calculated Minimum Emergency Storage} = 460 \text{ L}$$

The above Emergency Storage calculation results in only 460 L due to the lack of fire storage required at this site. However Emergency Storage is warranted for other considerations, such as the disruption of the well source. Taking the MDD of 7,360 L/d and considering a typical peaking factor of 2.5 for MDD relative to ADD, an average consumption of 2,940 L/d may be assumed. To provide seven days of average demand, 20,580 L of storage would be required. This will be rounded to 20,890 L to account for commonly available tank sizes (5000 iGal).

$$\text{Recommended Emergency Storage} = 20,890 \text{ L}$$

4.4. Total Reservoir Storage

Total reservoir storage is found using the following:

$$\text{Total Storage} = \text{Balancing Storage} + \text{Emergency Storage}$$

The total storage summary is shown in Table 3.

Table 3: Total Reservoir Storage Summary

Balancing Storage (0.25 x MDD)	1,840 L
Emergency Storage	20,890 L
Total Reservoir Storage	22,730 L

A minimum reservoir storage of 22,730 L is recommended. This can be achieved with NSF61 rated poly tanks, either a single 22,730 L (5,000 iGal) or two 11,365 L (2500 iGal) tanks. This storage volume can also provide chlorine contact time if multi-barrier disinfection is required by Island Health. The design shall follow the most recent version of the British Columbia Building Code (BCBC), National Building Codes and AWWA D-103-09 specifications.

4.5. Rainwater Storage

Due to the highest demand period for irrigation being during the driest months of the year, the storing of rainwater through the winter months will be necessary. Demand will be about 0.02 m³/day or about 0.6 m³ per month for every 10 m² of garden space. Gardens will only be installed bordering sections of each unit, containing native species with minor footprints. It is recommended that a landscape consultant be contacted, and storage is built to suit cost and minimal needs.

5. Wellhead and Protection

Protection of the well is critical to ensure water contamination is mitigated. Wellhead protection will be in accordance with the Drinking Water Protection Regulation and the Groundwater Protection Regulation (GPR). The well was properly installed by Red Williams Drilling with a bentonite surface seal and steel casing; and vermin proof well cap, with appropriate stick up. Any works required to modify the well shall include well head protection as per the GPR.

Salt water intrusion in this well is not anticipated to be an issue, as the well pump will also be located above sea level (HyGeo Consulting). However in support of downstream users, best practices from *Best Practices for Prevention of Saltwater Intrusion* will be utilized including the following:

- Large water storage tanks for times with peak demand;
- Low water use appliances and irrigation systems will be implemented;
- Leaks will be monitored and rectified as soon as possible;

6. Monitoring and Reporting

Water use will be regularly monitored and reported. Volume totals can be tracked from a flow meter either at the well head or located inside the treatment building. This will ensure usage is staying within the allowable limits from the license and assist with any future works by providing more accurate per capita water use data.

A well data logger will be installed for water level monitoring. Data is downloaded from the probe at the well head in digital form.

When an operating permit is issued by Island Health further reporting requirements will be laid out. Regular sampling of the treated water for quality will be required. Bacteriological sampling will be required to be submitted to Island Health, likely on a monthly basis. Any other reporting will be done as needed to the appropriate governing bodies.

7. Stormwater Management

New developments are required to prepare a stormwater management plan to obtain a building permit, typically after the site design is done. The plan requires the area and location of all impermeable surfaces before you can properly calculate the required runoff control. The objective generally is to minimize erosion and to keep stormwater runoff equivalent to pre-construction flows. Rainwater collection is planned for irrigation and can be used as a means of managing the stormwater from the property. The preliminary stormwater design is outlined in the following sections and will be further designed with the completion of the final architectural plans.

Upon completion of the final design, peak discharge and runoff volumes can be calculated. The soil properties will be obtained using a permeator test at the Building Permit Stage. Using the final design, soil conditions and models

predicting future stormwater conditions, a stormwater design will be developed to ensure there is adequate storage to accommodate the difference in run off from post-development and pre-development for a 15-minute storm event. The design will include retention ponds and swales to provide storage during the storm events.

In addition to the stormwater collection, the grading plan will ensure drainage runs away from the structures towards swales and central roadways.

7.1. Site Context

During a site visit in February of 2022, it was observed by MSRS that stormwater from the upslope catchment area transitions through the property at 375 Village Bay Road. The contributing catchment consists of the steep north face of a ridge, with an estimated catchment area of at least 7.5 Ha (18.5 acres) directly contributing to the flows which transit the property, which are conveyed across Village Bay Road via two existing culverts. During winter storm events, the existing soils have been observed to be compacted and fully saturated, and therefore have a high runoff coefficient. Although forested areas are often assigned low runoff coefficients such as 0.15 (as referenced in the section below), the Ministry of Transportation and Infrastructure (MoTI) acknowledges that under saturated conditions, steep forest areas can have runoff coefficients upwards of 0.8 and therefore requires this consideration in the design of highway infrastructure⁵. It is observed that a high runoff coefficient in keeping with MoTI's conservative estimates is applicable to this catchment and contributes to stormwater management issues and concerns for downslope residents on Maple Drive.

Due to this context, it is acknowledged that responsible stormwater management is a critical aspect of the proposed development. Best practices for stormwater management as outlined in the following sections shall be adhered to in order to ensure there are no impacts on the downslope properties relative to pre-development conditions. The pre-development runoff coefficient of 0.15 used in the calculations below results in a conservatively sized retention system which likely goes well beyond merely compensating for the net change in impermeable surfaces (as discussed above, actual pre-development coefficients are much higher than 0.15). Plans for habitat restoration and retention ponds are anticipated to further reduce the intensity of runoff existing the site. Parcels are generally not responsible for the attenuation stormwater flows originating from offsite, and this would be a contentious precedent to set. However, it has been stressed by the MIHS that the proposed development intends to go well beyond the minimum requirements of accounting for the post-development onsite runoff, and to ideally provide a net benefit to the stormwater management of downslope properties.

7.2. Sediment and Erosion Control

Erosion and sediment control (ESC) procedures will be adhered to during construction. The erosion and sediment control measures will be monitored throughout the entirety of construction. Sediment and erosion control measures ensure that the quality of site run-off is maintained.

⁵ BC MoTI Supplement to TAC Geometric Design Guide (2019), Table 1020.A

To improve the quality of discharged stormwater from the site and considering Section 8 of Ministry of Environment (MoE)- Province of British Columbia *General BMPs and Standard Project Considerations*, the following are proposed to control silt during the construction period in rain season:

Table 4: Silt Control During Construction

Method	Photo
A silt trap is a designated area where water that is contaminated with suspended sediment as a result of construction activity or water runoff is contained. While the water is in the trap, the sediment can settle to the bottom of the trap until it can be removed. These devices can be made using silt fence. Silt Fence is used on construction sites to help protect streams, rivers, lakes and other aquatic resources as well as terrestrial resources from contamination by silt, sediment and construction debris.	 A Silt Trap
Straw Wattles are an effective and economical alternative to silt fence and straw bales for sediment control and stormwater runoff. The wattles consist of 100% agricultural straw wrapped in tubular ultra-violet stabilized synthetic netting.	 Straw Wattles

Downstream of the construction points can be considered as an appropriate location to set up the silt fences or straw bales.

7.3. Pre-Development Condition

The land is at its highest elevation at Village Bay Road. North from the road the land slopes quite steeply for between 20 and 40 meters at which point the slope is reduced but continues to the north end of the property. Much of the property has poor drainage and results in some areas with standing water. There are no significant surface streams on the property.

The pre-development discharge can be calculated using the rational method, $Q = CIA/360$

Where:

Runoff flows (Q) = Total runoff volume

Runoff Coefficient (C) = 0.15 (for forested areas)

Rainfall Intensity (I) = 34 mm/hr x 130% = 44.2 mm/hr (30% additional to account for climate change)

Total Lot Area (A) = 1.2145 ha

360 = conversion factor

Therefore,

$$\text{Pre development discharge} = \frac{(0.15) \left(44.2 \frac{\text{mm}}{\text{hr}} \right) (1.2145 \text{ ha})}{360} = 0.0224 \frac{\text{m}^3}{\text{s}} \left(22.4 \frac{\text{L}}{\text{s}} \right)$$

7.4. Post-Development Condition

The development of the land will create impervious areas that will increase runoff discharge. Post-development discharge is calculated using the same method accounting for all the different coefficients for different parts of development. Coefficients and areas for post-development can be seen in Table 5.

Table 5: Post-Development Runoff Coefficients and Areas

Type of Area	Area (m ²)	Runoff Coefficient
Buildings	563	0.85
Paved Areas	125	0.9
Gravel Areas	1,000	0.85
Undeveloped	10,288	0.15

By adding up the sum of each coefficient multiplied by its respected area and then multiplying by the same intensity used in the pre-development calculations, a post development runoff will be equivalent to 0.0296 m³/s (29.6 L/s). Based on a 15 min storm duration as recommended in the BC Building Code, this equals a runoff difference of 6.527 m³.

7.5. Stormwater Retention

A general requirement for the issuance of a subdivision approval through MoTI and building permit through the CRD is for a qualified engineer to provide a stormwater plan which is to ensure that post-development runoff is equivalent to pre-development conditions for the applicable design rainfall event. To balance the post-development runoff to pre-development runoff levels, stormwater retention basins are to be built on site. These basins will be sized to hold a minimum of 6.5 m³ of runoff within the available freeboard above the discharge. Flow from the retention basin will be release in a controlled manner, equal to or less than pre-development flow

rates by use of a control orifice. The overflow structure will be constructed to ensure an overland flow path to convey a minimum of a 100-year event in a controlled manner.

8. Summary

The following points are addressed within the report, or as noted below:

Issue	Comment
Water Source	- Well licence application for 7.36 m³/day (5.11 L/min) - Pumping at up to the minimum sustainable yield of 3.13 USgpm will amply provide for demand while not stressing the well
Water Demand	- Demand at the highest case will be 7,600 L/day - Expected demand around 4,000 to 5,000 L/day
Managing Water Demand	- Low flow fixtures required as per BC Plumbing Code - Install recording water meter at well head for comparison to user consumption flows - There will be ongoing education to residents about water conservation measures
Storage	- A recommended 22,730 L for potable water will meet balancing and emergency demand while maintaining a safe residual - Rainwater to be discussed to suit cost and demand of irrigation
Treatment	- Manganese removal and residual chlorination anticipated. - If required by VIHA, additional treatment including UV and cartridge filtration may be included. - Equipment to be stored in secure building
Grey Water Recycling	Constraints are additional operating costs and complexity in system impacting affordability
Wellhead Protection	- Completed in accordance with the Groundwater Protection Regulation. - Location of well pump to be above sea level

Saltwater Intrusion	• Not anticipated to be an issue on this property. • Water conservation practices are in effect for the development • The pump location is setback from the ocean and the pump zone will be set below the 120 day average draw down (plus NPSH) • Pumping will be by low volume – high frequency
Monitoring and Documentation	• Recording flow meters and dataloggers will be installed. • Data will be stored for upwards of 6 months to allow retrieval of information and reporting as required.
Stormwater Management	• To be addressed in detailed design to directed impervious areas back to ground through bioswales and retention

9. Conclusion

375 Village Bay Road can treat and distribute water to meet indoor demands for its desired population when relying on well capacity with adequate storage. A multi-barrier treatment system (filtration, UV disinfection and residual chlorination) will be required to treat the well water to meet health standards. Rainwater can be harvested for irrigation demands assuming storage requirements are met. Fire storage, balancing and emergency demands for the development will be accommodated in the 22,730 L storage reservoir.

10. Recommendations

A well treatment system with filtration and residual chlorination is anticipated to meet Island Health requirements and ensure well water is safe to consume. If multi-barrier disinfection is deemed necessary by the health officer, UV treatment may be included. The treatment equipment will need to be housed indoors. If space is not available in an existing building a small treatment shed will need to be constructed. It is recommended that redundancies are put in place to ensure water is always available. Storing spare pumps and other equipment will prevent shutdowns from malfunctioning equipment. Providing backup power generation for the treatment plant will also prevent prolonged shutdowns of the potable water system from a power disruption.

22,730 Litres of potable water storage is recommended for the development. It will meet the maximum month condition for reasonably assumed flows and can be supported in an application for a construction permit to Island Health, as it will support demand for the max population for over 7 days for responses and fixes to any emergencies or problems.

A rainwater collection system will provide a means of additional water source to help assist in irrigation demands. Because there is no requirement to treat rainwater before irrigation it is a very cost-effective means for providing

the water needed to irrigate. MIHS will need to ensure adequate storage meets their decided irrigation outcomes. Usage can be minimized through Xeriscaping of the site.

Prepared by:



Jeff Brett, EIT
Project Engineer

Approved by:



2022-04-25

Karl Williaume, P.Eng.
Project Engineer

DATE OF MEETING: June 27, 2022
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 (Bylaw 186 & 187) – Post Public Hearing

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw No.186 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.2, 2021” be read a second time.
2. That the Mayne Island Local Trust Committee Bylaw No. 186 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No.2, 2021” be read a third time.
3. That the Mayne Island Local Trust Committee amend Bylaw No. 187 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.3, 2021” as follows:
 - a. By removing picnic tables as permitted structures in the proposed site specific park zone
 - b. By permitting three dwellings and one cottage, with a maximum floor area of 372m² for one of the dwellings in the proposed R(f) site specific zone
4. That the Mayne Island Local Trust Committee Bylaw No. 187 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021” be read a second time as amended.
5. That the Mayne Island Local Trust Committee Bylaw No.187 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.3, 2021” be read a third time.
6. That the Mayne Island Local Trust Committee Bylaw No.186 , cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.
7. That the Mayne Island Local Trust Committee Bylaw No.187 , cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.3, 2021” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.
8. That the Mayne Island Local Trust Committee Bylaw No. 186, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” be forwarded to the Ministry of Municipal Affairs for approval.

REPORT SUMMARY

This report, to be presented after the Public Hearing, summarizes Bylaws 186 and 187, proposes amendments, and recommends consideration of second and third reading.

BACKGROUND

At the March 28th, 2022 Mayne Island LTC meeting, the LTC gave first reading to Draft Bylaw 186 (OCP- Attachment 1) and Draft Bylaw 187 (LUB -Attachment 2) and requested staff schedule a Public Hearing.

Proposed Bylaw No. 186 will amend the Mayne Island Official Community Plan by removing the Parks Master Plan (as requested by the Mayne Island Parks and Recreation Commission) and changing the land use designation on 437 Fernhill Road to conform with the zoning changes proposed in Bylaw No. 187.

Proposed Bylaw No. 187 introduces amendments to the Mayne Island Land Use Bylaw that: support land uses currently existing under Temporary Use Permit and address other concerns and community interests. Amendments to zoning are proposed for the following properties: 490 Fernhill Road, 437 Fernhill Road, 594 Fernhill Road, 797 Beechwood Drive and Emma and Felix Jack Park. Proposed Bylaw No. 187 also includes a new definition of patio allowing patios in setbacks, and places limits on election sign posting.

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

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

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

LTC members have identified potential amendments to Draft Bylaw No. 186 to be considered prior to second reading. The amendments described below, and any other changes based on information received or heard by the LTC at any point prior to the close of the public hearing, can be made provided they do not alter use or increase density, or decrease density without the landowner's consent.

If the Executive Committee approves the bylaw, the OCP bylaw will be forwarded to the Minister, following which the LTC can adopt the bylaws.

PROPOSED AMENDMENTS

Flex Jack Park Rezoning

Responding to public interest to have Felix Jack Park zoned for passive park use, the LTC requested that picnic tables not be permitted in the proposed site-specific zoning (P(c)). Under this zoning, existing picnic tables located

in Emma and Felix Jack Park prior to the new zoning can remain. No additional picnic tables can be added. The proposed amendment to Draft Bylaw 187 is as follows:

Site Specific Zone	Land Description	Site Specific Regulations
P (c)	Emma and Felix Jack Park	Despite 5.17 (1)(b) no buildings or structures are permitted except: - a welcoming statue - picnic tables - vegetation protection fencing

797 Beechwood Rezoning

Proposed Bylaw 187 would create a site-specific zone (R(f)) for 797 Beechwood which would limit density to two dwellings and two cottages. Correspondence was received from the owner of the property requesting that the zoning allow three dwellings and one cottage or three dwellings and three cottages. The LTC indicated support for three dwellings and one cottage, adding that a maximum combined floor area should be considered. The LTC requested that staff consult with the property owner to determine a potential maximum. The number requested by the property owner was 1400 square metres (15,000 square feet).

The property owner identified to staff that they would prefer the LTC place a maximum size on the third dwelling as opposed having a maximum floor are for all dwellings combined. This approach will provide more flexibility for the owner. The property owner suggested a 375 square metre (4,000 square feet) limit on the third dwelling. Both options are identified below (underlined in red).

Option One (Suggested by the LTC)

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	The south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 797 Beechwood Drive	(1) Despite 5.5(2) and 5.5(3) the maximum density is two <u>three</u> dwellings and two <u>one cottages if the total combined floor area of all dwellings and cottages does not exceed 1400 m² (15,000 square feet).</u>

Option Two (Suggested by the property owner)

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	The south east 1/4 of section 2, Mayne Island, Cowichan	(1) Despite 5.5(2) and 5.5(3) the maximum density is two <u>three</u>

	District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 797 Beechwood Drive	dwelling and two <u>one</u> cottages and the floor area of one of the dwellings does not exceed 372m ² (4000 square feet).
--	--	--

Staff are supportive of Option Two given the lot is close to 90 acres, density is being reduced from what is currently permitted by the Land Use Bylaw and the property owners have indicated interest in environmental protection and providing housing for workers they may hire to support farming interests.

Given the possibility of an amenity contribution in return for permission to build an additional two cottages, staff recommend that this property be added to the LTC Rezoning Project which was added to the LTC's project list in May. The LTC Rezoning Project currently includes 327 Campbell Bay.

Patios in Setback from the Sea

The LTC has identified interest in allowing patios in the setback from the sea. However, Draft Bylaw 187 as written would not allow patios in the setback from the sea. As stated previously, staff do not recommend permitting patios in the setback from the sea. However, the following amendment to 2.3 of Draft Bylaw 187 (underlined in red) would need to be made to effect this:

2.3 Section 3.3 (2) Siting and Setback Regulation is amended by adding "a patio" after "a fence" and before ", utility line" , adding "(f) patio." to 3.3 (3), removing "or" from 3.3 (3) (d), adding "or" to 3.3 (3)(e) and removing "." from 3.3 (3)(e).

None of the proposed amendments to Draft Bylaw 187 (LUB) impact the Draft Bylaw 186 (OCP).

RATIONAL FOR RECOMMENDATIONS

Moving Draft Bylaws 186 and 187 through second and third reading at this time will increase the possibility of having the Bylaws adopted by the end of term.

ALTERNATIVES

1. Proceed with bylaws without making amendments

The LTC could choose to proceed with the bylaws without making amendments.

2. Defer further readings

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

That the Mayne Island Local Trust Committee defer further readings of Bylaw 186 and 187 until ...

3. Request further information

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

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

4. To proceed no further with the bylaws

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

That the Mayne Island Local Trust Committee proposed Bylaw No. 186, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.3, 2022” proceed no further with bylaws 186 and 187.

NEXT STEPS

If the bylaws are given further readings:

- Staff will forward Bylaws 186 and 187 to the Executive Committee.
- Once approved by the Executive Committee, Bylaw 186 (OCP) will be sent to the Ministry of Municipal Affairs for approval.
- Once Bylaw 186 is approved by the Minister, Bylaws 186 and 187 will come back to the LTC for final approval.

Submitted By:	Narissa Chadwick RPP, Island Planner	June 9, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	June 9, 2022

ATTACHMENTS

1. Draft Bylaw 186 (OCP)
2. Draft Bylaw 187 (LUB)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 186

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

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

1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2021".

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS 28TH DAY OF MARCH 2022.

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20____

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 186**

SCHEDULE 1

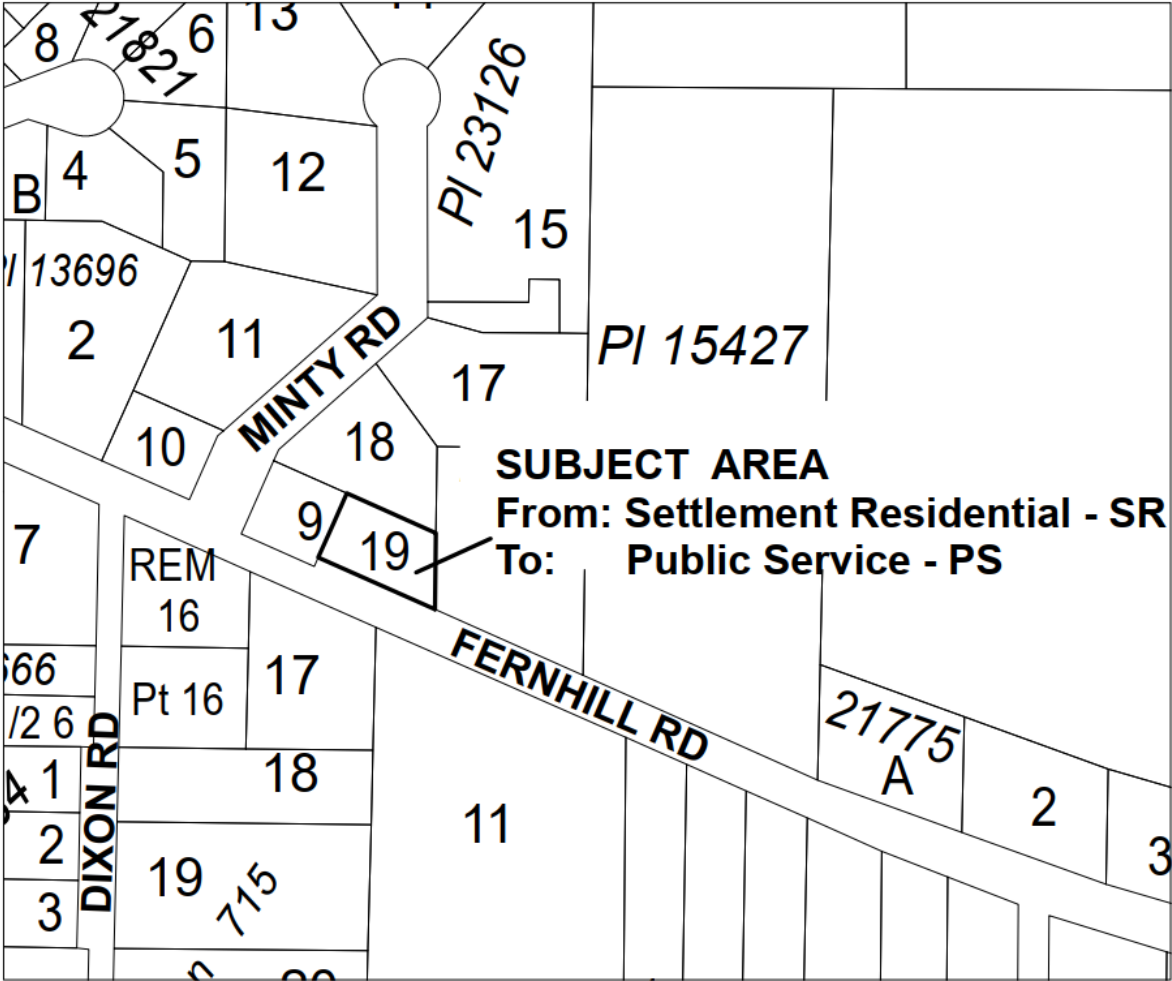
The Mayne Island Official Community Plan Bylaw No. 144, 2007, is amended as follows:

1. Schedule “H” Mayne Island Parks and Recreation Commission Parks Master Plan is removed.
2. Schedule “B” Land Use Designations is amended by changing the designation of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126, 437 Fernhill Rd from Settlement Residential (SR) to Public Service (PS), as shown on Plan No. 1 attached and forming part of this bylaw.

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 186

Plan No. 1



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 187

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

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021”.

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

2.1 Section 1.1. Definitions is amended by adding “ ”Patio” means a horizontal developed area constructed directly on the ground, which can be attached or detached from a building. A patio may not exceed a maximum height of 45 cm above natural grade and may not have walls, railings or a roof.”

2.2 Section 1.1 Definitions is amended by removing from the definition of “Secondary suite” the words “self-contained dwelling unit” and replacing them with “residential unit”.

2.3 Section 3.3 (2) Siting and Setback Regulation is amended by adding “a patio” after “a fence” and before “ , utility line”.

2.4 Section 5.1 – Settlement Residential (SR) Zone is amended by adding the following as a new subsection (13) under the new heading “Site Specific Regulations”:

“The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
SR (a)	Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702 490 Fernhill Road	(1) in addition to the uses permitted in 5.1 (1) above, an accessory brewery, tasting room and outdoor patio, and accessory food and beverage sales, are permitted in this location, subject to: (a) the maximum floor area of the combined brewing, storage, retail and interior brewery product sampling area is 150m ² (1615 ft ²)

		(b) the total number of seats for sampling area guests (inside + outside) shall not exceed 46 (c) the accessory brewery, tasting room and outdoor picnic area, and accessory food and beverage sales, must be screened from residential uses on adjoining lots by a landscape screen complying with section 3.8(1)(a).
--	--	--

2.5 Section 5.5(14) Rural (R) Zone is amended by adding the following as a new row to the table:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	The south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 797 Beechwood Drive	(1) Despite 5.5(2) and 5.5(3) the maximum density is two dwellings and two cottages.

2.6 Section 5.10 (13) – Commercial 3 (C3) Zone Site Specific Regulations is amended by adding “(3) Repair shops, machine shops and retail sales uses must be located within buildings.” in column three.

2.7 Section 5.17(6) – Community and Regional Park (P) Zone Site Specific Regulations is amended by adding the following as a new row to the table:

Site-Specific Zone	Land Description	Site Specific Regulation
P (c)	Emma and Felix Jack Park	Despite 5.17 (1)(b) no buildings or structures are permitted except: - an honouring figure - picnic tables - vegetation protection fencing

2.8 Section 6.2 Permitted Signs is amended by adding “except signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 48 hours of the date of election” after “Third party signs are prohibited” and before “.”

- 2.9 Section 6.3 is amended by removing “3) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 48 hours of the date of election.”

Map Amendments

- 2.10 Schedule “B” – Zoning Map is amended by changing the zoning classification of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126, (437 Fernhill Rd) from Settlement Residential (SR) to Community Service (S1), as shown on Plan No. 1 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.
- 2.11 Schedule “B” - Zoning Map is amended by changing the zoning classification of Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702, (490 Fernhill Road) from Settlement Residential SR to Settlement Residential SR(a) as shown on Plan No. 2 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.
- 2.12 Schedule “B” - Zoning Map is amended by changing the zoning classification of the south east 1/4 of section 2, Mayne Island, Cowichan District, Except those parts in plans 6166, 49353, 51014, VIP52279, VIP55242, VIP59475, VIP72321, VIP78014, VIP80525 AND VIP83602 (797 Beechwood Drive) from Rural R to Rural R(f) as shown on Plan No.3 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.
- 2.13 Schedule “B” - Zoning Map is amended by changing the zoning classification of Felix Jack Park from Park (P) to Park P(c) as shown on Plan No. 4 attached and forming part of this bylaw, and making such alternations to Schedule “B” to Bylaw 146 as required to effect this change.

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 28TH DAY OF MARCH 2022.

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20____

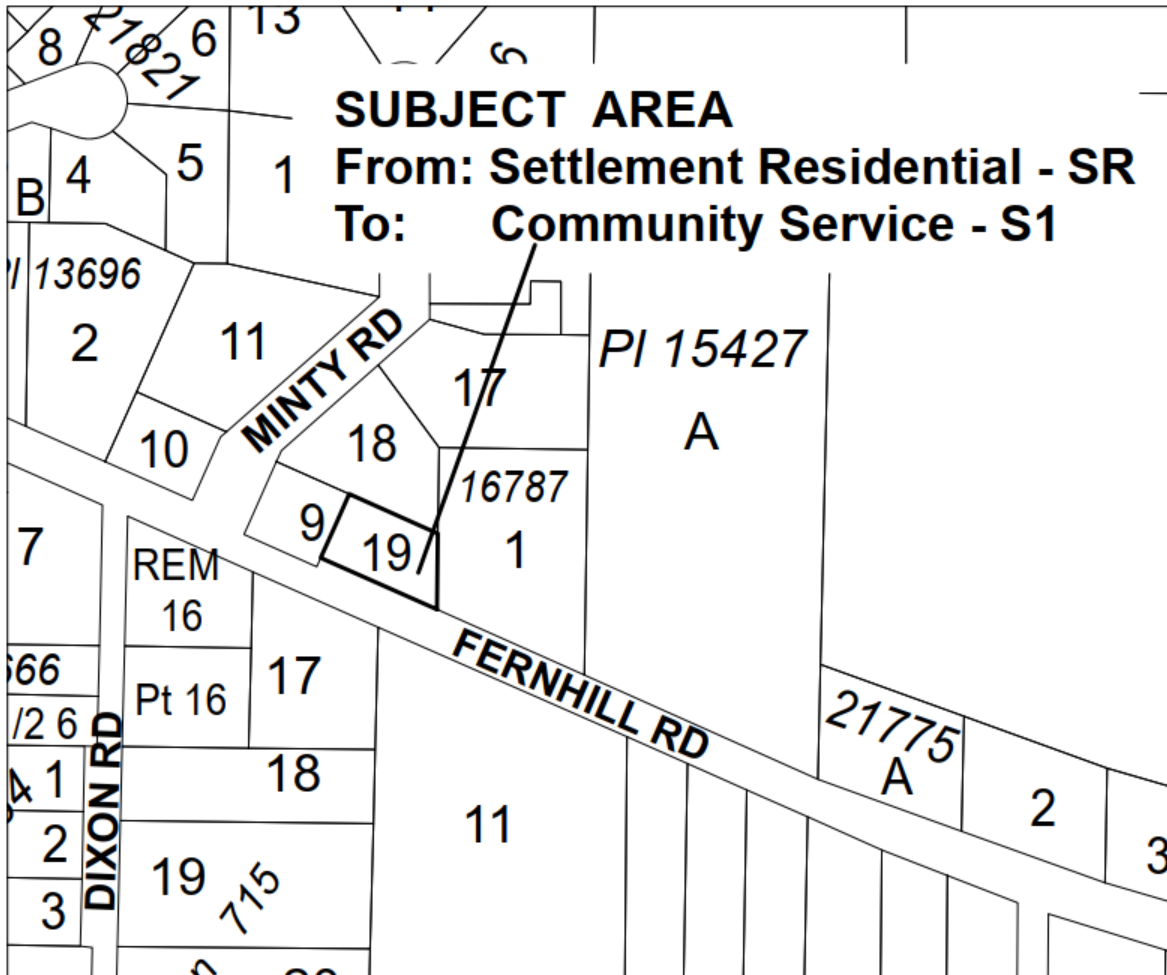
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

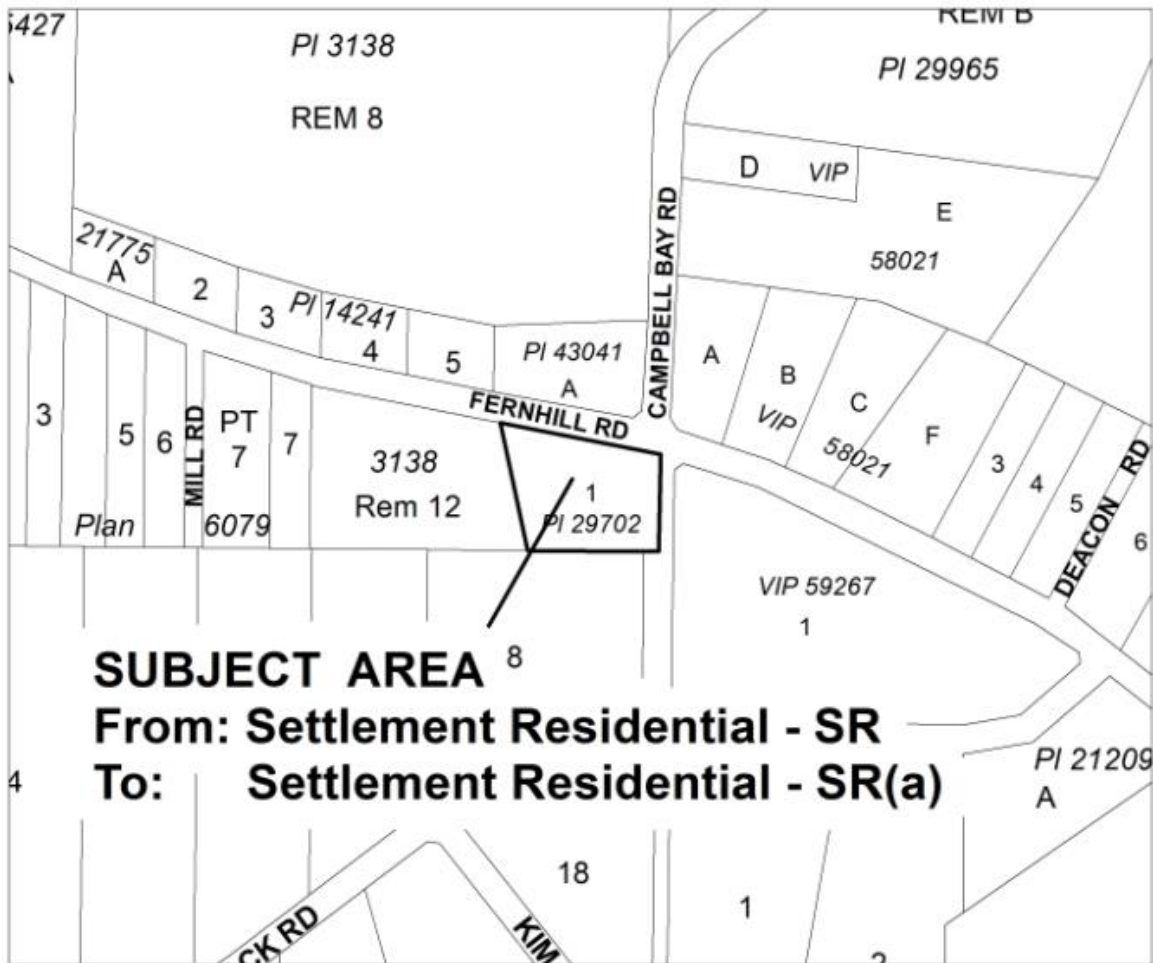
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 1



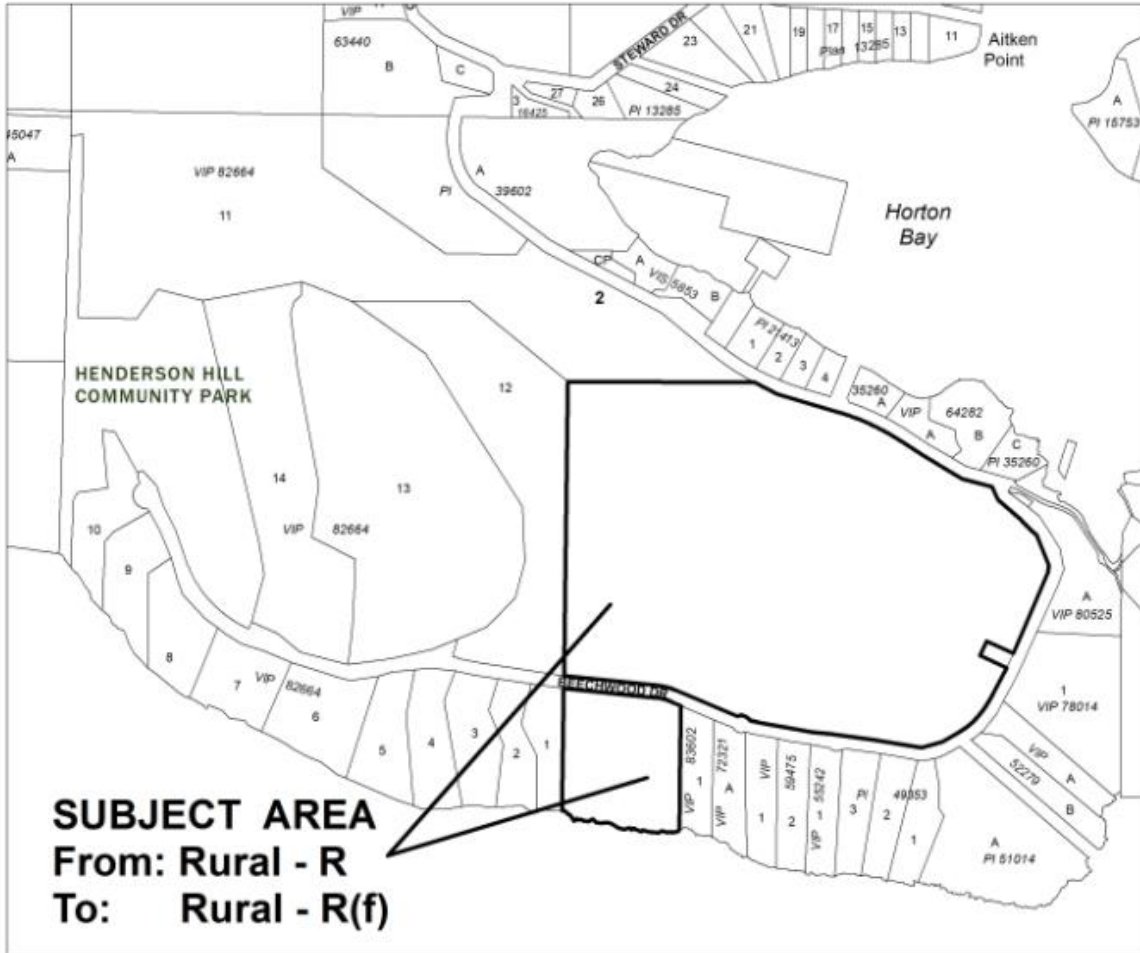
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 2



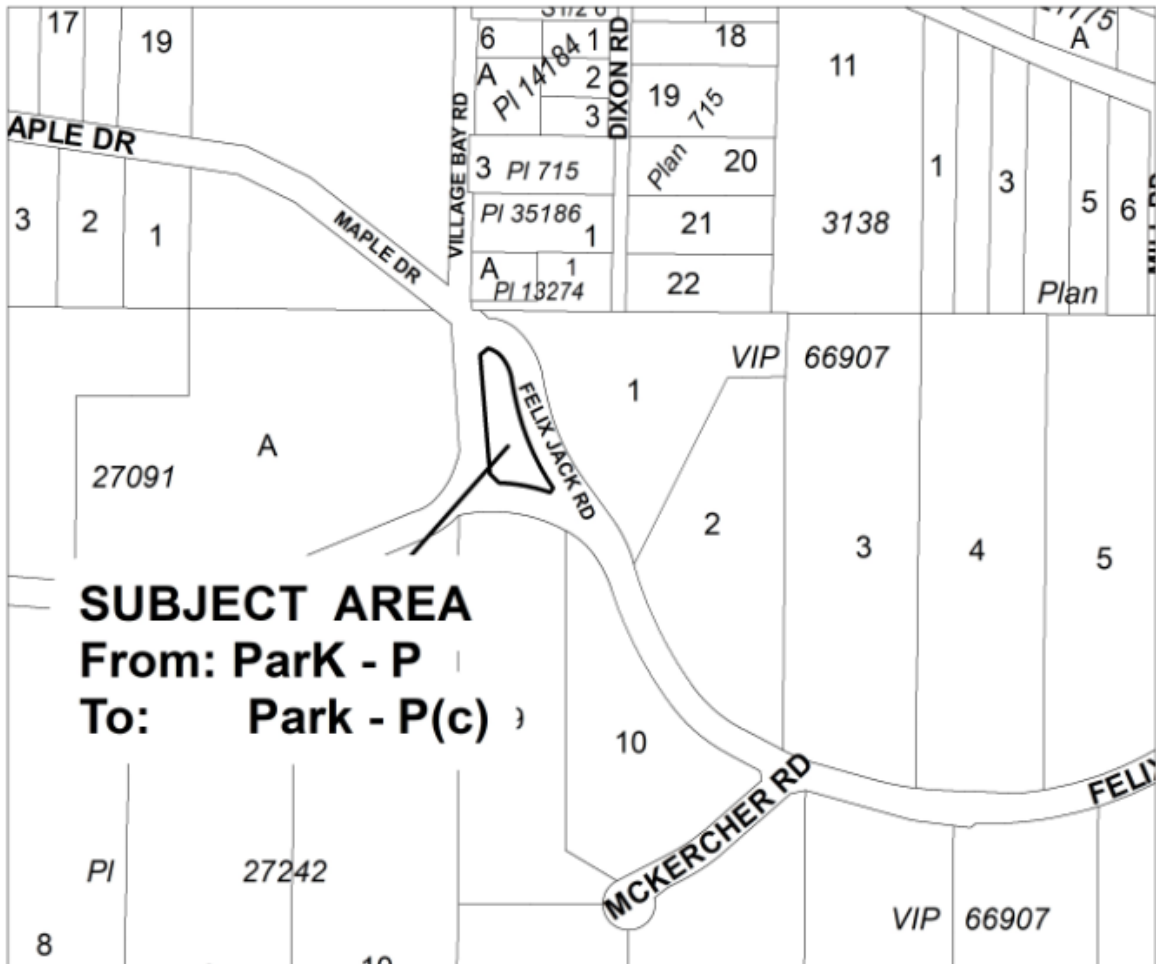
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 3



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 187

Plan No. 4



DATE OF MEETING: June 27, 2022
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Flex Housing Map

RECOMMENDATION

1. That the Mayne Island Local Trust Committee first reading of Bylaw 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” be rescinded.
2. That the Mayne Island Local Trust Committee amend Plan 1 attached to Bylaw 184, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021”, by deleting the non-residential properties.
3. That the Mayne Island Local Trust Committee amend Plan 1 attached to Bylaw 184, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021”, to add those lots identified on the map in the June 27th 2022 staff report as E, B and D to the areas where flex housing is permitted.
4. That the Mayne Island Local Trust Committee Bylaw 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” be read for the first time as amended.

REPORT SUMMARY

The purpose of this report is to present necessary changes to the flex housing pilot area map and to discussion options for including additional residential properties in close proximity to those already identified by the LTC to be part of the pilot area.

BACKGROUND

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

After providing the LTC with options based on the analysis of a number of different factors including groundwater vulnerability and proximity to amenities, the LTC identified a pilot area. The bylaw was read for the first time with the approved pilot area identified on the map attached to the bylaw as Plan 1 (see Attachment 1). The map – Plan

Z:\12 Long Range Planning\08 MA\6500 LTC Work Program\20 Projects (P)\2019 Housing Bylaw & Policy Review\Staff reports\Staff Report - June 27_2022\MA-LTC-2022_06_27_flex housing.docx

1, included more than just residential areas and should be replaced by the map in Attachment 2, requiring First Reading to be rescinded. Rescinding first reading also provides the opportunity to discuss the addition of other lots for consideration.

ANALYSIS

Map 1 below identifies lots that have been suggested for consideration in the pilot area by LTC members and the public.

A = (001-309-323) Property is larger than 10 acres (11.88 acres).

B = (018-895-212) Property could be included based on rationale supporting other lots.

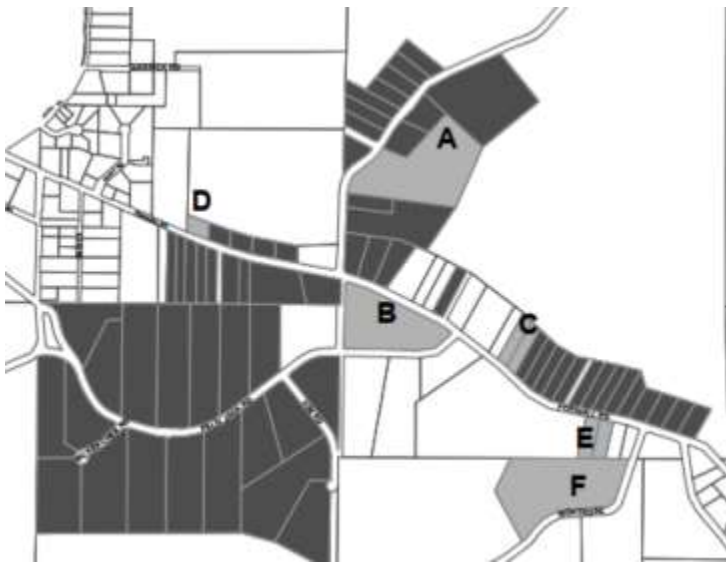
C = (005-480-159/005-480-200) Properties to be removed from the pilot as they are not residential.

D = (003-471-942) Property was identified to have high potential for saltwater intrusion.

E = (00-737-429/004-121-902) Properties could be included based on rationale supporting other lots.

F = (000-229-971) Owner expressed interest in being included in the pilot. Property is larger than 10 acres (11.79)

Map 1 – Approved residential properties (dark grey) and suggested (light grey) properties to include in flexible housing pilot



- Staff see no issue with including lots identified on the map as “B” and “E”.
- As indicated, lots identified as “C” cannot be included as they are not residential. They are zoned Community Service.
- Lot “D”, because it is close to amenities could be included. However, staff do note the high potential for salt water intrusion that should be considered with all decisions supporting increased density.
- Including lots “A” and “F” would require a change to the bylaw to allow flexible housing on lots up to 12 acres. The LTC could choose to make this change now to include lots “A” and “F” in the pilot or consider this change during a subsequent phase to expand of flexible housing zoning.
- If lot “B” and/ or lot F is to be included at this time, staff recommend also considering the rural lots across from lot “B” on Felix Jack Road as they share similar characteristics.

Rationale for Recommendation

Rescinding First Reading is necessary in order for the map to be amended to identify only residential properties in the pilot area. Staff also support additions to the pilot area that conform to previously identified criteria.

ALTERNATIVES

1. Do not include any other residential properties to the pilot area at this time

The LTC may decide not to add to the previously approved pilot areas.

That the Mayne Island Local Trust Committee add no properties, additional to those previously approved, to the flexible housing pilot area.

2. Add additional or different properties to the pilot area

The LTC may choose to add to the pilot area properties identified in the June 27th staff report and/or other properties.

That the Mayne Island Local Trust Committee amend the map in Bylaw 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” to include previously approved residential properties as well as those lots identified in the June 27th 2022 staff report as....and (identify PID number)

NEXT STEPS

If the recommendations are supported by the LTC staff will:

- Refer the bylaw to relevant agencies and First Nations
- Schedule Public Hearing
- Provide the LTC with a staff report including all comments received
- Present bylaws to LTC for Second and Third reading

Submitted By:	Narissa Chadwick RPP, Island Planner	June 15, 2022
Concurrence:	Robert Kojima, RPM	June 16, 2022

ATTACHMENTS

1. Draft Bylaw 184 (1st Reading)
2. Revised Map 1/ Schedule E (only residential areas)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 184

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

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

1. Citation

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

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

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

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

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

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

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

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

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

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

- (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined square footage of all dwellings does not exceed 232 m² (2500 square feet).

- (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325m² (3500 square feet).
 - (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 4 hectares (10 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m² (4750 square feet).
 - (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule "E", unless the additional dwelling is equipped with a water catchment system and cisterns for the storage of freshwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
 - (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
 - (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
 - (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6."
- 2.8 Subsection 5.1 (7) – Settlement Residential (SR) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."
- 2.9 Subsection 5.2 (5) – Rural Residential One, is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."
- 2.10 Subection 5.4 (6) – Miners Bay Rural Comprehensive (MBRC) Zone, is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."
- 2.11 Section 5.5 – Rural (R) Zone is amended by inserting a new subsection (3.1) following subsection (3):
- "3.1) Despite 5.5 (2) and (3), on lots shown on Schedule E, the following density is permitted:
- (a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling is permitted if the total combined square footage of all dwellings does not exceed 232 m² (2500 square feet).
 - (b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325m² (3500 square feet).

- (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 4 hectares (10 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m² (4750 square feet).
- (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule "E", unless the additional dwelling is equipped with a freshwater catchment system and cisterns for the storage of rainwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
- (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
- (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
- (g) No dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6."

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

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	28 TH	DAY OF	MARCH	2022.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

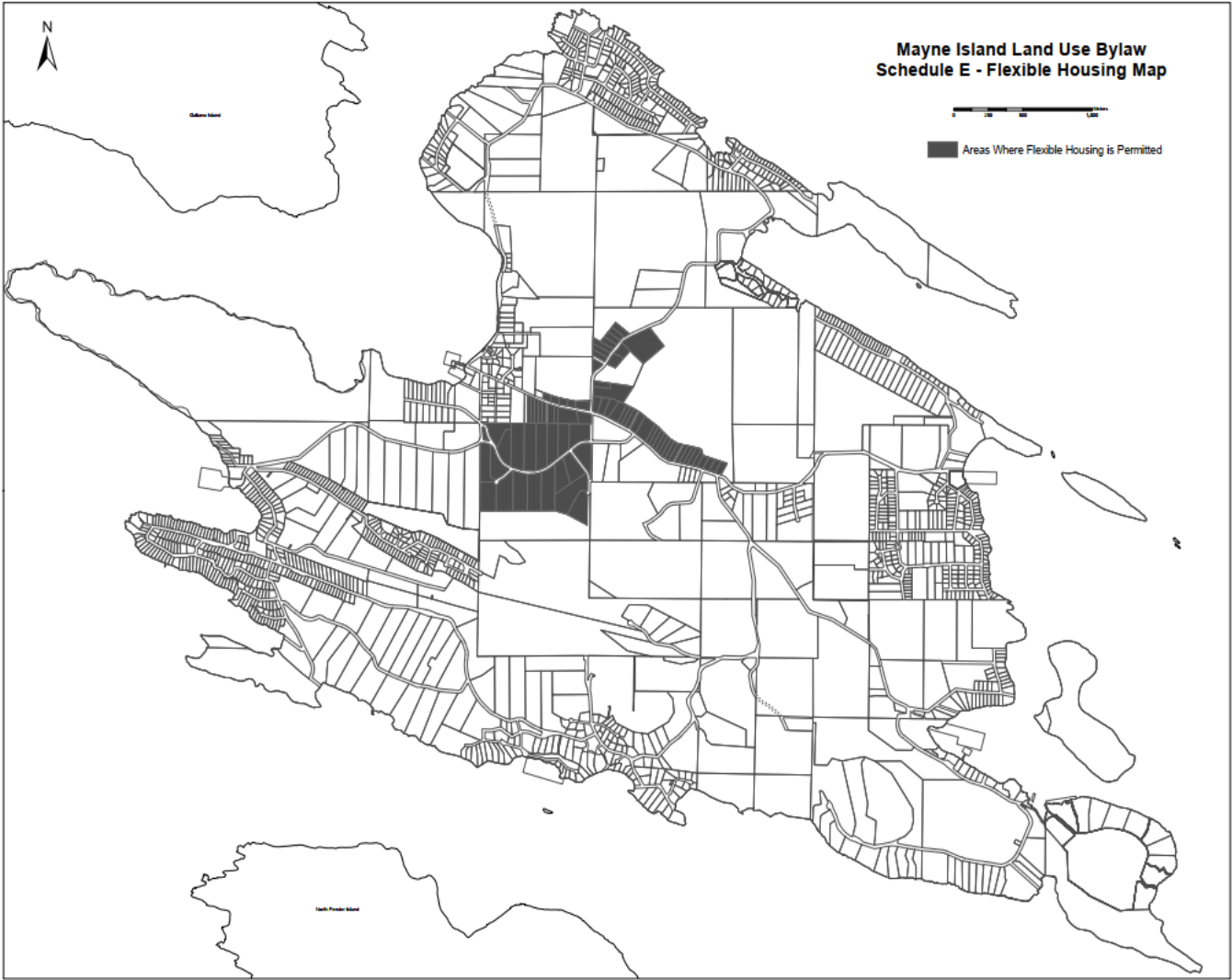
CHAIR

SECRETARY

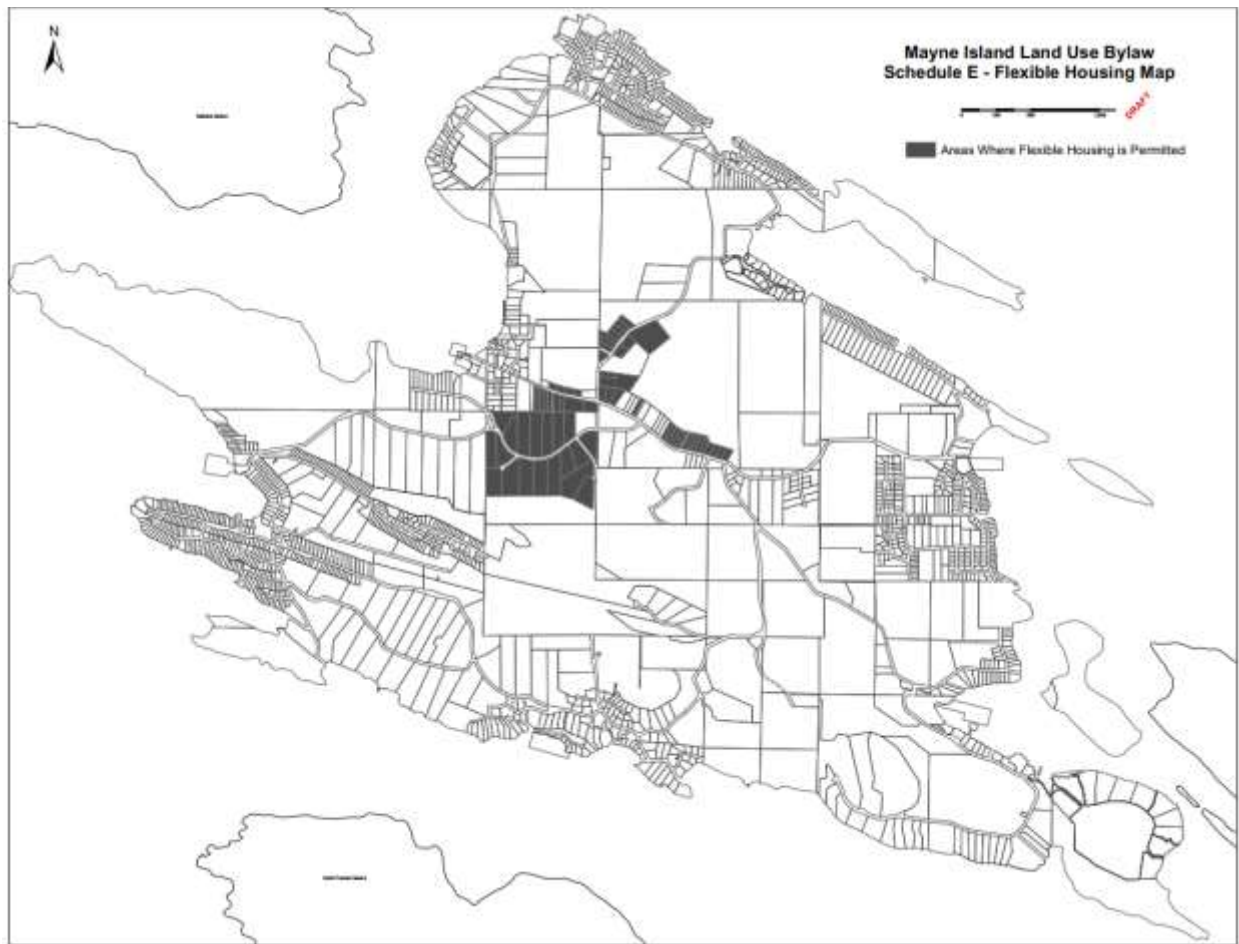
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 184

Plan 1

Schedule E (Flexible Housing Areas Map)



Attachment 2: Amendment to Plan 1



DATE OF MEETING: June 27, 2022
TO: Mayne Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Proposed Fee Bylaw No. 185

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be given First Reading
2. That the Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be given Second Reading
3. That the Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be given Third Reading
4. That the Mayne Island Local Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee

REPORT SUMMARY

The purpose of this report to provide an update on the referral of the fee bylaw to the Advisory Planning Commission and for the Mayne Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 185 which would replace Bylaw No. 145 (LTC Fees Bylaw). The principle changes in the new bylaw would include:

- An expanded Interpretation section.
- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

BACKGROUND

At the September 2021 regular business meeting, the LTC passed the following resolution:

MA-2021-055

It was **MOVED and SECONDED**,

that the Mayne Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

CARRIED

At the February 28, 2022 Mayne Island Local Trust Committee (LTC) meeting, the LTC passed the following resolution:

MA-2022-023

It was Moved and Seconded,

that the Mayne Island Local Trust Committee refer the draft fees bylaw to Advisory Planning Commission for comment.

CARRIED

The APC met on April 11th and raised five questions about the fees bylaw. The questions, with staff comments in italics, are as follows:

1. Have staff looked into cost savings through more efficient processes to see if the increases can be reduced; and, that overlaps in service be identified between Islands Trust and CRD?

Yes, efficiencies in current planning processes are constantly being considered. The 2018 Local Planning Services review made a number of recommendations that are currently being implemented, including dedicated planners in each office assigned exclusively to project planning and exclusively to application processing. Permit and referral procedures and templates are currently being reviewed for efficiency and consistency. Recent changes to provincial legislation permits LTCs to delegate the issuance of development permits to staff, this would save staff time in processing DPs and improve the process for applicants. LTCs with high DP application volumes will be requested to consider bylaws delegating DPs to staff. This year a provincial grant has been obtained to replace outdated application tracking software. There are no overlaps between CRD and Islands Trust staff, the two local authorities have statutorily defined, distinct jurisdictions.

2. If there is no increase approval, will that affect staffing levels for our island?

Local Trust Committees are obliged to consider applications, so funding for application processing would continue to be funded overwhelmingly from general revenues. As summarized in the recent Governance Review: “There is a large gap between the application fees being received by Islands Trust and the cost incurred to process them. The difference is made up from general tax revenue. Greater cost recovery is required” (Islands Trust Governance Review, 2022, pg 27: <https://islandstrust.bc.ca/document/governance-review-final-report-february-2022/>). However, if there are some LTCs that have not adopted new fee bylaws, Trust Council could reduce the amount of staff time allocated to that LTC (Islands Trust Governance Review, 2022, pg 42). And, Trust Council could be reluctant to provide resources for planning projects to local trust areas that are not contributing the same proportion of fee revenue as other local trust areas.

3. If cost recovery (80% or 100%) occurs, will there be a trickle-down effect in tax reductions?

Trust Council sets the budget annually. If revenue from sources such as fees have increased, and services

levels are kept constant (or reduced), Trust Council may choose to reduce property taxes. (Cost recovery of 80%-100% will not likely be achieved, even with new fees).

4. A comparison of existing and proposed fees is requested which clearly delineate the new fees.

The current and proposed fees are set out in tables in each respective bylaw and can be readily compared

5. Why is it necessary to apply a 20% higher fee for applications where development began without a permit; and, how many applications in the last two years would have been subject to the 20% penalty?

Where work has been undertaken without a permit there is, on average, more staff work involved, typically including bylaw enforcement staff, involvement with CRD Building Inspection, and often more time spent with the owner to obtain surveys or plans. The proportion of files where work has occurred without a permit varies depending on the application type and other factors; a significant portion of variances are for legalization of structures.

Rationale for Recommendation

In June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fee bylaws based on the model. In September 2021, the LTC requested staff to draft a new Fee Bylaw based on the model fee bylaw. In February 2022 the Islands Trust Governance Review recommended that LTCs adopt the same fee bylaws and that application fees be reviewed to ensure appropriate cost recovery.

Draft Bylaw No. 185 is attached. It is consistent with the model with the exception of the removal of the option for fees for Siting and Use Permits (Denman and Hornby only); and the removal of the option for TUPs for community benefit – this option was in the model to provide for flexibility to allow for reduced temporary use permits fees for community benefits as defined by a local trust committee in its official community plan. Applicants can continue to seek sponsorship of applications from Executive Community for applications that provide a community benefit.

Submitted By:	Robert Kojima Regional Planning Manager	June 9, 2022
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ATTACHMENTS

1. Draft Bylaw No. 185

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 185

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Mayne Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Mayne Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "Mayne Island Local Trust Committee Fees Bylaw, 2021".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Mayne Island Local Trust Committee Development Procedures Bylaw No. 83, 1992 to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;
- 2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity (Development Areas – DP1, DP2, DP4, DP5, DP6, DP3)	\$1,000
2. Protection of Development from Hazardous Conditions (Development Area DP6)	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000
Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit Renewal	\$700
Other Permits	
13. Heritage Alteration Permit	\$1,700
Combination Applications	
14. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
15. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenants at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is more than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Mayne Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 202X

READ A SECOND TIME THIS _____ DAY OF _____, 202X

READ A THIRD TIME THIS _____ DAY OF _____, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

Top Priorities Report

Mayne Island

1. Flexible Housing Regulations and Policy Review

Responsible

Dates

Narrisa Chadwick

Rec'd: 26-Nov-2018

Initial staff report prepared for Oct 28, 2019 LTC meeting

Further staff report prepared for January 27, 2020 LTC Meeting

Report brought back to July 27, 2020 LTC meeting

Report prepared for September 28, 2020 LTC meeting

Report prepared for October 26, 2020 LTC meeting

Special meeting to be scheduled for January.

Special meeting held January 18, 2021.

Additional special meetings to be scheduled for March and April 2021.

Three special meetings have been completed.

Staff to provide report to June 21, 2021 meeting.

Addition proposed at Sept 27, 2021 meeting.

Draft bylaws presented at November 22, 2021 LTC meeting. Extension of pilot area discussed.

CIM held March 28, 2022

Bylaws Presented for First Reading March 28, 2022

2. OCP and LUB Minor Amendments

Responsible

Dates

Narrisa Chadwick

Rec'd: 29-Mar-2021
Target: 30-Sep-2022

To include: Felix Jack Park, removal of Parks Plan, rezoning for Agricultural Association new building purchase, addressing maximum density on lots that have covenants

Top Priorities Report

Mayne Island

restricting further subdivision, First Nations acknowledgement.
 Staff report including list of proposed amendments presented to May 10, 2021 LTC Meeting.
 Patios and Signs added to list of amendments. Project Charter developed.
 Mayne Island Brewery added to list of amendments.
 Bylaws presented for First Reading March 28, 2022.

3. Groundwater Sustainability Project

LTC to wait to see what comes out of Galiano and North Pender Projects.
 Senior Freshwater Specialist to present Groundwater work at Mayne Conservancy event in December 2021.

Responsible

Dates

Narrisa Chadwick
 William Shulba

Rec'd: 27-May-2019
 Target: 31-Mar-2021

Projects Report

Mayne Island

1. *Climate Change Adaptation*

Responsible

Date Received

Consider regulatory changes and implementation of new DPA authority

02-Mar-2009

2. *Waste Management*

Responsible

Date Received

31-Oct-2017

3. *Fallow Deer*

Responsible

Date Received

26-Mar-2018

4. *Cannabis Production - Regulating structures*

Responsible

Date Received

24-Sep-2018

5. *Review of Contractors Yards*

Responsible

Date Received

27-May-2019

6. *Paved surfaces and patios.*

Responsible

Date Received

28-Sep-2020

Projects Report

Mayne Island

7. *Groundwater Implementation*

Responsible

Date Received

Will wait until Galiano has gone through their process.

30-Nov-2020

8. *Housing Review Item*

Responsible

Date Received

Connecting with water service providers regarding flexible housing and secondary suites

05-May-2022

9. *LTC Rezoning Project*

Responsible

Date Received

327 Campbell Bay rezoning

05-May-2022



Applications

Rezoning

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

Planner: Narrisa Chadwick

Planning Status

Status Date: 02-Jun-2022

MIHS presented new draft of Housing Agreement and Covenant.\nNew cost recovery agreement required before legal review of Housing Agreement and Covenant.

Status Date: 05-May-2022

MIHS provided Water Management Report and Groundwater Assessment.

Status Date: 07-Mar-2022

LTC resolution to re-activate application.

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.

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending May 2022

645 Mayne	Invoices posted to Month ending May 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	288.00	0.00	288.00
LTC Local				
65050-645	LTC "Executive Expense on LTC's"	769.00	0.00	769.00
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,171.00	0.00	1,171.00
65210-645	LTC - Local Exp - APC Meeting Expenses	333.00	175.18	157.82
65220-645	LTC - Local Exp - Communications	250.00	140.00	110.00
65230-645	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>2,799.00</u>	<u>315.18</u>	<u>2,483.82</u>
Projects				
73001-645-2005	Mayne OCP/LUB	1,000.00	0.00	1,000.00
73001-645-4100	Mayne Island Housing	1,500.00	0.00	1,500.00
TOTAL Project Expenses		<u>2,500.00</u>	<u>0.00</u>	<u>2,500.00</u>

Standing Resolutions Log

Mayne Island

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

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2018-049 (Standing) - 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	Carried	24-Sep-2018

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.		