



DATE OF MEETING: September 25, 2023
TO: Mayne Island Local Trust Committee
FROM: Charly Caproff, Planner 1
Salt Spring Island Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Rezoning application – preliminary report
Applicant: Robert Blaney (Robert Blaney Design Inc.)
Location: 630 Dinner Bay Road

RECOMMENDATION

- 1. That the Mayne Island Local Trust Committee proceed no further with application MA-RZ-2023.1 (Blaney).**

REPORT SUMMARY

The purpose of this report is to provide background on the proposed bylaw amendment and seek direction from the Mayne Island Local Trust Committee (LTC) regarding whether to proceed with application MA-RZ-2023.1 (Blaney) or to proceed no further.

The application would amend the Mayne Island Land Use Bylaw No. 146, 2008 by rezoning the existing site-specific zone, Country Guest House Commercial (a) – C5(a) to support twenty (20) tourist accommodations with a total floor area of 1068m² (8999ft²), four (4) accessory buildings, and an accessory dwelling unit (“staff accommodations”) exceeding the permitted maximum floor area of 140 m² (1507 ft²) at 916 m² (9860 ft²).

Staff consider that the application as proposed is inconsistent with subsection 2.4.2.6 of the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP) as the proposed amenity contribution would not be appropriate for the proposed density increase. Also, the applicants have not provided neighbourhood feedback for the project as was requested by the LTC.

Due to the aforementioned, staff recommend that the Mayne Island LTC proceed no further with the application.

BACKGROUND

The waterfront property is 4.13 ha (10.21 ac) in area and operated as a country guest house and restaurant. The infrastructure for the former Oceanwood Country Inn, which includes a guest house with 12 tourist accommodation units, a restaurant, an accessory building, and an accessory dwelling unit, are still on the property. Additional site information, plans and photos can be found as Attachments 1 and 2. The Mayne Island LTC adopted Bylaw No. 88 on October 25, 1994, increasing the number of permitted tourist accommodation units from eight (8) to twelve (12) in the Country Guest House –B (CGH-B) zone.

The permitted density for CGH-B was:

18.B.2 Permitted Density

- i) One guesthouse containing up to 12 tourist accommodation units and one restaurant per lot 4 hectares (9.88 acres) or more.
- ii) One residential dwelling unit is permitted per lot.
- iii) The floor area of the guesthouse must not exceed 836 sq. metres (9000 sq. ft.).
- iv) The seating area of the restaurant must not exceed 56 sq. metres (603 sq. ft.) of floor area.
- v) The floor area of the dwelling unit must not exceed 140 sq. metres (1507 sq. ft.).
- vi) Four buildings or structures accessory to permitted uses are permitted.
- vii) Lot coverage must not exceed 10% of the lot.

Bylaw No. 88 was replaced by Bylaw No. 148 in 2009 and the property was now zoned Country Guest House Commercial 5(a) – C5(a). There were no changes to the permitted number of tourist accommodation units:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
C5(a)	Lot 22, Sections 5 And 6, Mayne Island, Cowichan District, Plan 29750 630 Dinner Bay Road	(1) In addition to the uses permitted in 5.12(1), Riding Stables, are also permitted in this location. (2) The maximum number of tourist accommodation units is 12 and the maximum floor area of a guest house use is 836 m ² (9000 ft ²). (3) The maximum floor area of an accessory restaurant use is 56 m ² (603 ft ²). (4) The maximum floor area of an accessory dwelling unit is 140 m ² (1507 ft ²)

Table 1. C5(a) site specific zoning for 630 Dinner Bay

A rezoning and OCP amendment application (MA-RZ-2012.1) was submitted to Islands Trust in 2012, which proposed to rezone from C5(a) to Senior Citizen Housing Comprehensive Development 3 – CD3. The application proposed to retain the existing twelve (12) units and restaurant within the guest house, adding ten (10) additional units for either tourist accommodation or residential use, ten (10) seniors residential units, and three (3) staff accommodation units. The application was withdrawn in 2015. Concerns raised by neighbours, some who were in support of the previous rezoning, included:

- Issues with water quality and quantity;
- Proximity of the property’s well to well No. 15, part of the Village Bay Improvement District water system;
- Whether senior citizen housing could be considered a community amenity in exchange for additional density;
- Septic system capacity; and
- Off-street parking and potential for traffic congestion

The current owners propose to increase the total tourist accommodation floor area to 1069 m² (11500 ft²), creating twenty (20) detached units. The accessory dwelling unit is proposed to be relocated north of the easement access (E79236) and the floor area increased from 140 m² (1507 ft²) to 916.02 m² (9860 ft²) for staff accommodations. According to the owners, the existing septic tank, located at the southeast section of the lot near the ocean, would be relocated to approximately where the eight (8) parking stalls and ‘grass area’ are shown on the site plan (Attachment 2). The owners would not operate a restaurant, but propose to allow food trucks, catering, and/or a

pop-up café within the building labelled as ‘Accessory – Barn/Communal.’ According to the owners, the intent is for the property to be a luxury style resort.

The proposed community amenities are summarized in a letter provided by the applicant (Attachment 3). They propose to offer community access to the proposed ‘Communal Facility’ and a nature trail through the property, north of the easement. Although the letter states neighbour feedback has been provided as part of the application, this has not been provided to staff. Staff have repeatedly requested that the applicant and owners speak with neighbours and provide this feedback to the LTC for their consideration. To the planner’s knowledge, there was an attempt to organize an informal meeting at the property in early September, but as minimal notice was provided, the neighbours were unable to attend. Staff met with the applicant on September 6 and requested that a summary be provided of all efforts to engage with neighbours. This was to be provided to staff by September 8th but at the time of writing is still outstanding.

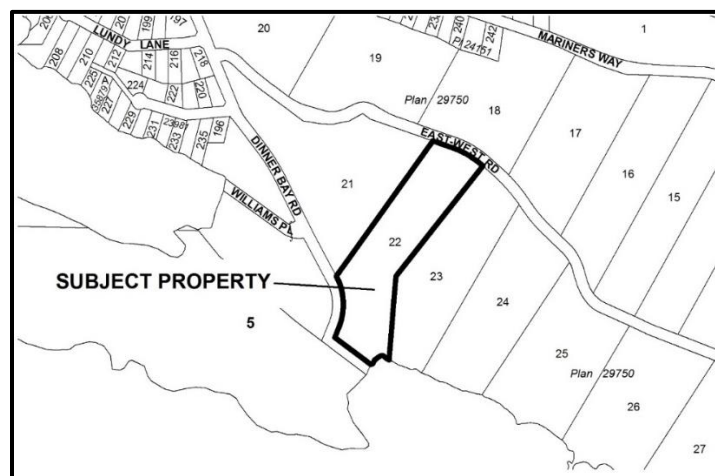


Fig 1. Subject Property



Fig 2. Site Plan

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Relevant sections of the ITPS include:

5.2 Growth and Development

5.2.2 Trust Council holds that tree cover on the islands is of great importance and should be preserved.

5.7 Economic Opportunities

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan:

The property is designated Visitor Accommodation in the Mayne Island OCP Bylaw No. 144, 2007. The objectives of the Visitor Accommodation designation are:

1. to ensure a supply of accommodations that are safe and offers a healthy environment,
2. to disperse accommodations in quiet natural settings having the least impact on the quiet rural character of the Mayne Island Trust Area,
3. to ensure all accommodations can be adequately serviced, and
4. to ensure all restaurants are at an appropriate scale to service residents and visitors

During the site visit the owners stated that they would be regrading the waterfront area of the property to reduce slope steepness and to reduce stormwater runoff. The existing guesthouse has significant water damage due to

surface runoff, insufficient drainage pipes, and the slope of the upper deck. The owners intend to demolish the existing guest house and construct detached units, citing health concerns raised during the COVID-19 pandemic. The property is located in a well-treed area and the owners state that they will retain trees to ensure that the development is screened from neighbours. The proposed staff accommodations would likely be visible to the adjacent neighbours to the west. Professional reports would need to be received from the applicant to confirm that adequate servicing is provided. No rainwater storage systems have been proposed, which under subsection 2.10.4 of the OCP, the LTC should require through registration of a legal agreement where increased density is proposed. It is not known whether the combination of proposed food trucks, catering, and a pop-up café would be at an appropriate scale to service guests and visitors. It is unclear whether the proposed development would align with the community character of Mayne Island.

As additional density is proposed, the application is subject to the Amenity Zoning Guidelines. The applicant states that by providing community access to an accessory building on the property, this satisfies Subsection 2.10.2 x), *the provision of community space in a commercial building*. The applicant has not provided any additional detail regarding the proposed space and how building access will benefit Mayne Island residents. The applicant states that by providing access to a nature trail, this satisfies the following under Section 2.10.2:

- i) the provision of land for preservation of unique natural environments and sensitive areas,
- ii) the provision of land to preserve forests, watersheds and wetlands,
- iii) the provision of land for community park or public open space, and
- vii) the provision of easements or rights of way for utilities or trails,

No details have been provided as to the extent of the trail. No land is proposed to be dedicated for park or conservation land as part of the application. The easement (Attachment 4) is specifically to allow the neighbour to access their property (Figure 3) and is not intended to be utilized as a right of way access for recreational use. It is unclear where the trail would be accessed, what it would access and if this would impact the easement access for Lot 23.

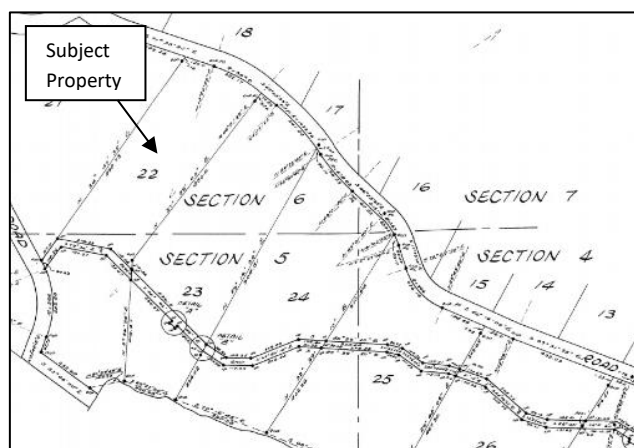


Fig 3. Plan 3076 Right of Way Plan

Staff accommodations could be viewed as an amenity contribution, if affordable housing was provided for staff in compliance with 2.10.2 xi). No details have been provided regarding the number of staff that could live in the proposed accessory dwelling unit and if rent would be below market rate.

Land Use Bylaw:

The property is zoned Country Guest House Commercial 5(a) – C5(a). The applicant is seeking a rezoning, amending the existing zone to allow for 20 tourist accommodation units with a total floor area exceeding 836 m² (9000 ft²) and an accessory dwelling unit exceeding 140 m² (1507 ft²).

Islands Trust Conservancy:

There are no Islands Trust Nature Reserves or Covenant Areas on the property or adjacent to the property. Regional Conservation Plan mapping shows that the property has pockets of high value natural areas (Figure 4).

Islands Trust Conservancy sensitive ecosystem mapping shows that there are mature forest and woodland sensitive ecosystems on the property (Attachment 2).

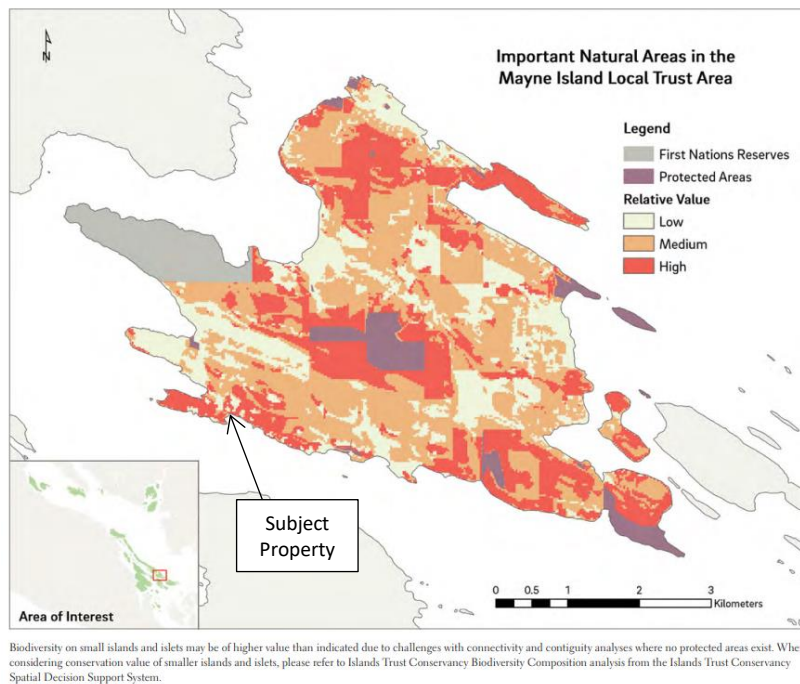


Fig. 4 Important natural areas, Mayne Island

Issues and Opportunities

The applicant and owners do not appear to have meaningfully engaged with neighbours and have not provided their feedback prior to this meeting. For the previous application, MA-RZ-2012.1, impacts to well water were raised as a concern. The property is in an area with high risk for aquifer vulnerability to saltwater intrusion from development (Figure 4).

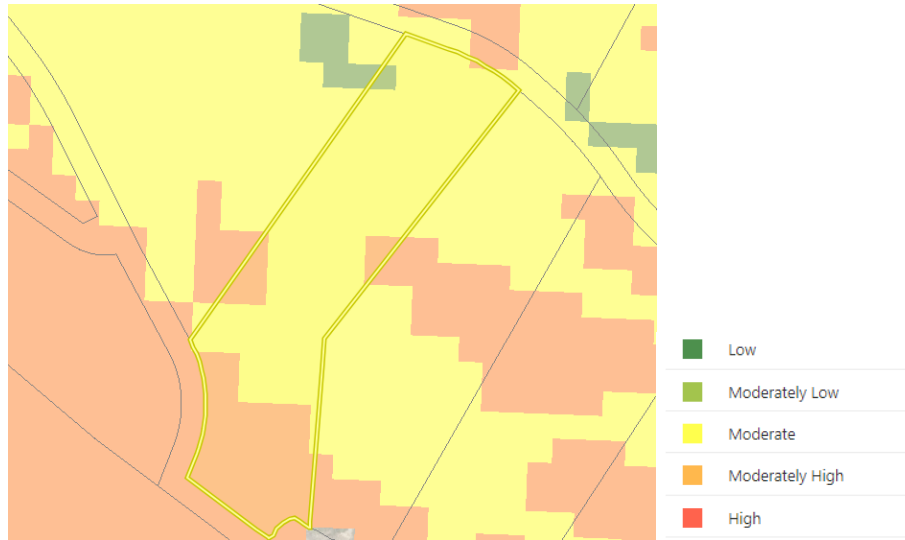


Fig. 3 Aquifer vulnerability to saltwater intrusion for 630 Dinner Bay Road

The density increase proposed is less than 10 additional dwelling units, consistent with subsection 2.10.3 of the OCP. The amenity contributions proposed are, in the opinion of staff, inappropriate, insufficient and lack detail (e.g. how Mayne Island residents would benefit from access to the Communal Space/Barn).

Correspondence

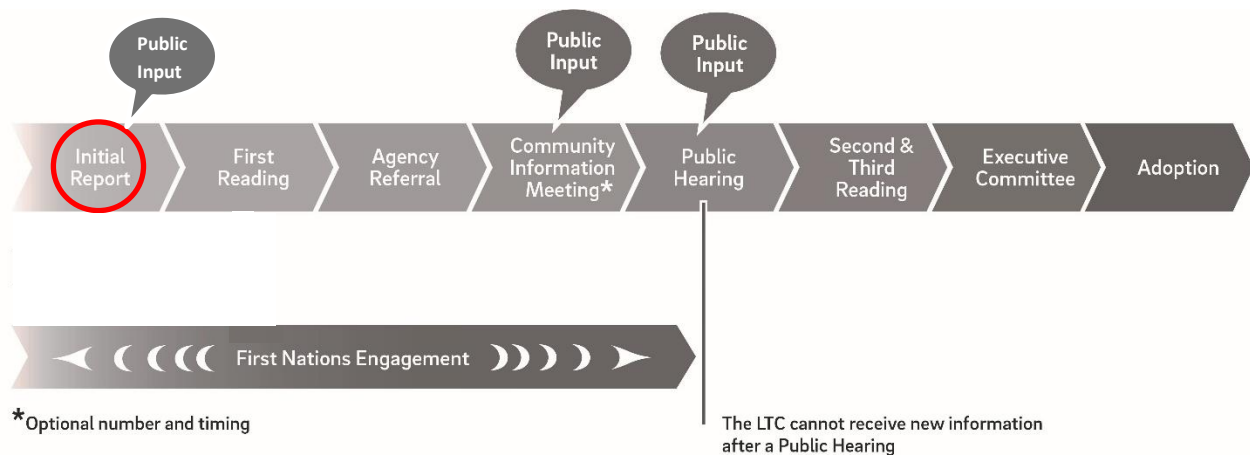
One submission in opposition to the application was received from the Village Point Improvement District (VPID) which can be found as Attachment 5. VPID is concerned that the proposed density would increase water demand for the property and potentially impact an adjacent well. According to them, this well supplies up to 43% of the water supply for their water treatment plant. The letter has been circulated to the Mayne Island LTC.

Consultation

Statutory Requirements

Public notification is not required for a preliminary report to the LTC for a potential rezoning. Should the LTC decide to proceed with the application, then a public hearing is required. It is normal practice to hold at least one Community Information Meeting (CIM) in advance of the public hearing.

Timeline



Agencies

If applicable, once draft bylaw is prepared it will be referred to relevant agencies.

First Nations

As identified in the provincial Consultative Area Database (CAD), the property is within the traditional territories of the following First Nations:

- Semiahmoo First Nation
- Halalt First Nation
- Lake Cowichan First Nation
- Stz'uminus First Nation
- Lyackson First Nation
- Penelakut Tribe
- Tsawout First Nation
- Tsawwassen First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Pauquachin First Nation

If the LTC decides to proceed with the application, meaningful engagement between the Islands Trust and these First Nations will be required.

Staff have conducted desktop review that indicates there is archaeological potential on the property and an archaeology site in proximity to the property. Therefore, the land owners should seek clarification on the location of any sites in relation to development, review the provincial archaeological branch website, and be guided by the Islands Trust Chance Find Protocol.

Rationale for Recommendation

The recommendation on page one (1) is supported as:

- The applicants have not provided neighbourhood feedback and the suggested amenity contribution is not considered appropriate for the density increase proposed.

ALTERNATIVES

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

1. Proceed with the application following neighbour consultation

The LTC may wish to require consultation with neighbours to ensure that there is community support for the application. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. This includes requesting that the applicant provide the following professional reports:

- Groundwater Assessment report;
- Water management and treatment report;
- Septic tank and field assessment;
- Environmental and sensitive ecosystem report (restoration works may be required for work within the mature forest sensitive ecosystem);
- Arborist report; and
- Renderings, building, and elevation plans

Note: this is not an exhaustive list – additional reports may be required.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that prior to proceeding further, that the applicant consult with surrounding neighbours and provide their feedback to LTC for consideration. Should the aforementioned be completed, the applicant is requested to submit the following professional reports and plans:

- Groundwater Assessment report;
- Water management and treatment report;
- Septic tank and field assessment;
- Environmental and sensitive ecosystem report (restoration works may be required for work within the mature forest sensitive ecosystem);
- Arborist report; and
- Renderings, building, and elevation plans

2. Request further information

The LTC may receive further information prior to making a decision.

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Charly Caproff, Planner 1	September 14, 2023
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Concurrence:	Robert Kojima, Regional Planning Manager	September 14, 2023
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ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Applicant Purpose Letter
4. Access Easement Plan 3076 RW
5. Correspondence

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 22, SECTIONS 5 AND 6, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 29750
PID	000-085-928
Civic Address	630 DINNER BAY RD

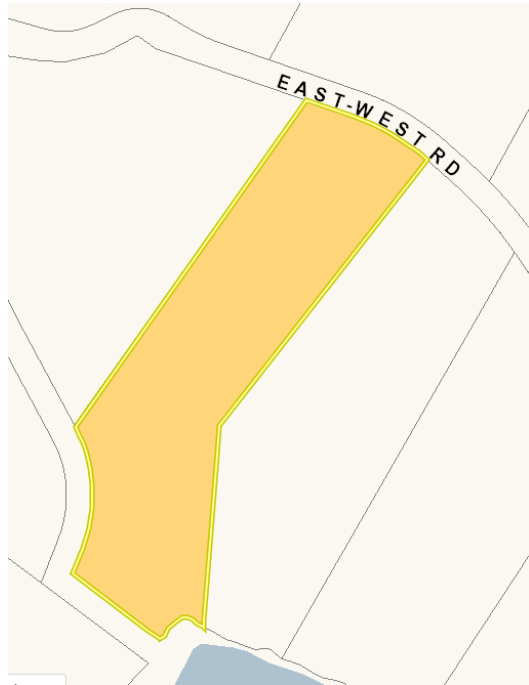
LAND USE

Current Land Use	Tourist accommodation (not in current operation)
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

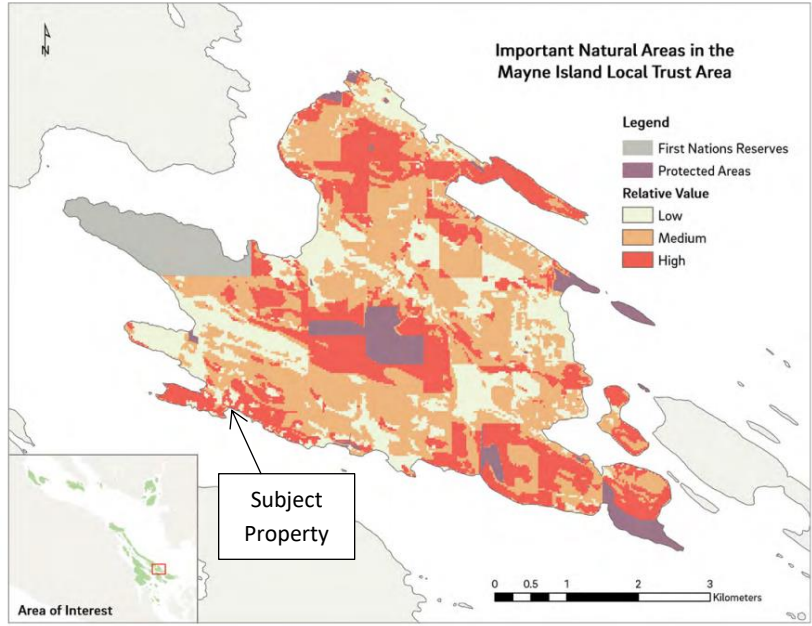

File No.	Purpose
MA-RZ-1994.2	Density increase for proposed Inn
MA-RZ-2012.1	Rezoning and OCP amendment – withdrawn

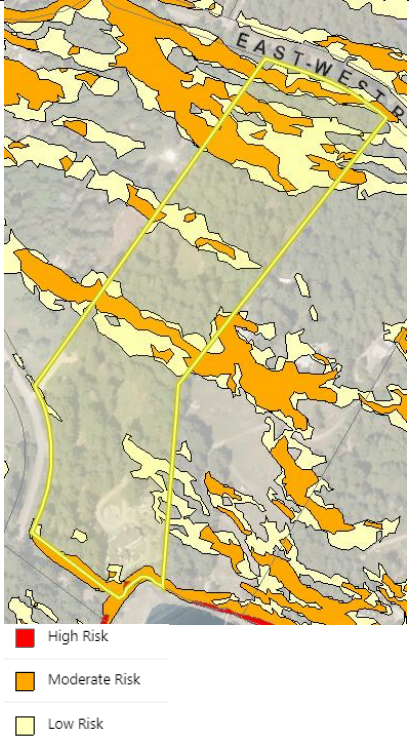
POLICY/REGULATORY

<p>Official Community Plan Designations</p>	<p>The property is designated Visitor Accommodation in the Mayne Island OCP Bylaw No. 144, 2007.</p> <p>The entire property is within the Visitor Accommodation DPA (Section 2.8 of the OCP):</p> 
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Land Use Bylaw	The property is zoned Country Guest House Commercial 5(a) – C5(a)
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	There are no Islands Trust Nature Reserves or Covenant Areas on the property or adjacent to the property.
Regional Conservation Plan	<p>Regional Conservation Plan mapping shows that the property has pockets of high value natural areas.</p> 
Species at Risk	N/A
Sensitive Ecosystems	 <p> ■ Mature Forest ■ Woodland </p>

<p>Hazard Areas</p>	
<p>Archaeological Sites</p>	<p>Staff have conducted desktop review that indicates there is archaeological potential on the property and an archaeology site in proximity to the property. Therefore, the land owners should seek clarification on the location of any sites in relation to development, review the provincial archaeological branch website, and be guided by the Islands Trust Chance Find Protocol.</p>
<p>Climate Change Adaptation and Mitigation</p>	<p>Unknown at this time, finalized design and servicing plans would need to be received.</p>
<p>Shoreline Classification</p>	<p>Rock Shoreline - Low Rock/Boulder</p>
<p>Shoreline Data in TAPIS</p>	<p>Eelgrass meadow in Navy Channel</p>

ATTACHMENT 2 – MAPS, PLANS, PHOTOGRAPHS

2.1 AERIAL VIEW



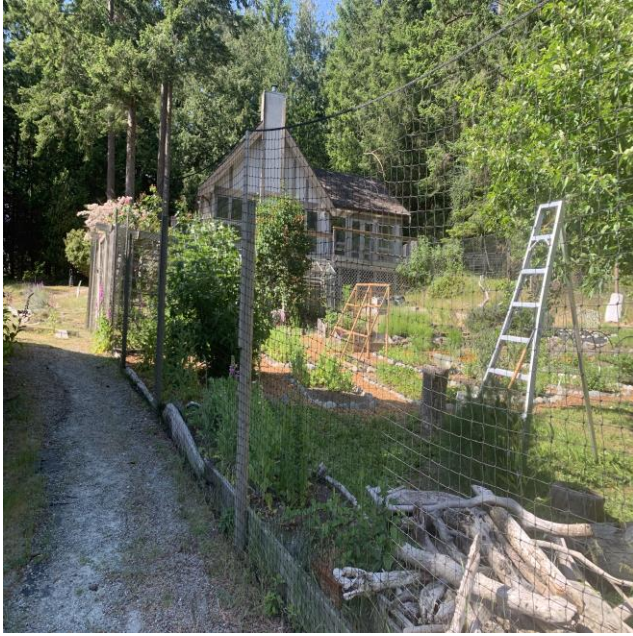
2.2 SITE PLAN



2.3 SITE VISIT JULY 17, 2023









ROBERT BLANEY DESIGN INC.

██
██
██
██
WWW.ROBERTBLANEYDESIGN.COM

September 8, 2023
Rezoning Letter for the Island Trust Committee
630 Dinner Bay Road

The existing property is currently zoned as a Commercial Zone(C5a) with a well known Country Guest House (Oceanwood Inn) for Visitor Accommodation (OCP - VA). There is currently a 3 bedroom accessory dwelling unit used by the resident owners, a guest house with 12 tourist accommodations and an accessory garage. The owners would like to propose changes to the site specific zone regulations that will allow temporary housing for seasonal visitors to the Island with supporting amenities for these tourists as well as housing for the staff. Specifically to revise the permitted uses and density to allow an increase of Tourist Accommodations Units to 20 from the existing 12, an increase of allowable accessory buildings on site from 4 to 5 and allow Tourist Accommodations Units to be their own separate cabins instead of within a Guest House. The proposed buildings are differently styled Cabins for these Tourist Accommodations, Housing for staff, a Service Facility, a Laundry Facility, a Gym Facility and Communal Facility. In addition, the owners would like to provide community amenity for use of the neighbourhood. Specifically, community access to the proposed Communal Facility as well as a nature hike trail through the untouched parcel north of the existing easement. Access through the easement will be provided for the community to reach these amenities on site. The proposal will not request changes in allowable lot coverage, setbacks, parking requirements or request increased floor area for the tourist accommodations. Furthermore, the development would be isolated at the south portion of the property. The intent is to provide an updated form to the original Oceanwood Inn while addressing the needs of tourists of this day.

Once reviewed and approved, the clients would like to begin development quickly. The plan would be to remove existing buildings, prepare services to accommodate the proposal and begin a staged approach to the construction of the new structures.

Looking at the site in a clockwise fashion, it is adjacent to Rural zoning on the NW side of the property to the East side of the property, the South PL is rural residential and the West PL is Park. Neighbouring properties' buildings are far set back from the site, and are mostly residential cottages screened by existing trees and fencing. Neighbours have been asked for feedback and have been attached with this application.

The proposal follows the spirit of the OCP and is based on the existing bylaws. This proposal addresses concerns regarding the pressure of seasonal housing for tourists on the island by providing accommodations for them on an underutilised property. By providing 20 Tourist

Accommodation Units via separate smaller structures, the impact on the existing environment is diminished in comparison to a larger structure such as a guest house. Smaller cabins will also emulate the rural community setting of the existing neighbourhood and can disperse these accordingly to minimise privacy impacts on the neighbourhood. The request to increase allowable accessory buildings is to ensure these new accommodations are adequately serviced with appropriate amenities. The concern of affordable housing is also addressed via staff housing structures to maintain operations. Furthermore, the development is envisioned to follow the smart growth principle outlined in the OCP by providing tourist housing opportunities within walking distance of local attractions such as the Japanese Memorial Park and the shore, a small community within a rural area and preserving large swathes of the property while providing amenities for the use of this community

E79236

*John G. ...
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...*

Substitute for form C

E79967
E79968
E79969
E79970
E79971
E79972
E79973

Date Feb 25 1976

Nature of Interest Easement of Right of Way

Declared value 1.00

Applicant [Redacted]

Please merge N/A

Tel No.

... COMPANY
6th Floor, 240 Hastings St.
Vancouver, B. C.

EASEMENT OF RIGHT OF WAY

THIS AGREEMENT made the 23rd day of February, 1976.

BETWEEN:

GULF LAND CORPN. LTD., a body corporate, having an office and place of business at 1701 West Broadway, Vancouver, British Columbia

Inc. No.: 74,837

(hereinafter called the "Grantor")

OF THE FIRST PART

TO SEP 3 14:33 AND:

GULF LAND CORPN. LTD., a body corporate, having an office and place of business at 1701 West Broadway, Vancouver, British Columbia

Inc. No.: 74,837

(hereinafter called the "Grantee")

OF THE SECOND PART

WHEREAS the Grantor is the registered owner of those parcels or tracts of lands described on Schedule "A" hereto (hereinafter called the "servient lands");

AND WHEREAS the Grantee is the registered owner of those parcels or tracts of land described on Schedule "B" hereto (hereinafter called the "dominant lands");

AND WHEREAS the Grantor has agreed with the Grantee

... Land Registry Act (Soc. Sec. Reg.)
... OF REGISTRATION
... 1976
... of the time
... the application
... of the ...

... B. C.

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- 2 -

to grant an Easement of Right of Way over those portions of the servient lands in favour of those portions of the dominant lands all as respectively set out in Schedule "C" hereto (hereinafter sometimes called the "Rights of Way");

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises and of the sum of One (\$1.00) dollar of lawful money of Canada and of other lawful consideration, now paid by the Grantee to the Grantor, the receipt whereof is hereby acknowledged by the Grantor;

(1) The Grantor does hereby grant unto the Grantee, its agents, invitees and workmen, forever, in common with the Grantor and all others having or who may hereafter acquire a similar right, for the benefit of each of those respective portions of the dominant lands and appurtenant thereto Easements of Right of Way for purposes of ingress and egress, with or without vehicles, connected with the use and enjoyment of said respective portions of the dominant lands over those respective portions of the servient lands, all as shown and more particularly described on Schedule "C" hereto, subject to the reservations, limitations, provisos and conditions expressed in the original grant from the Crown, and subject to the following terms and conditions.

(2) The Grantor and the Grantee covenant not to erect any physical structures over the said Rights of Way nor to interfere with the use thereof by the Grantee or Grantor respectively.

(3) The Grantor or the owner for the time being of the servient lands shall pay all taxes and assessments in connection with the ownership of the fee simple thereof.

(4) The Grantee shall maintain the said Rights of

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Way and in particular shall pay for all costs of removing trees and constructing roads or ditches thereon and shall do nothing thereon that constitutes a nuisance or interference with the enjoyment of the servient lands.

(5) Wherever the singular or masculine is used throughout this Agreement the same shall be construed as meaning the plural or feminine or body corporate or politic where the context or the parties hereto so require, and where a party is more than one person, all covenants shall be deemed to be joint and several.

(6) This Agreement shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Seals in the presence of their proper Officers the day and year first above written.

THE COMMON SEAL of GULF LAND CORPN. LTD. was duly affixed in the presence of:

[Redacted Signature] President

THE COMMON SEAL of GULF LAND CORPN. LTD. was duly affixed in the presence of:

[Redacted Signature] President

AK

THIS IS SCHEDULE "A" ATTACHED TO THE EASEMENT OF RIGHT
OF WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR
AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23rd
DAY OF February, 1976

In the Gulf Islands Assessment District, Mayne Island
Improvement District, Province of British Columbia,
and more particularly known and described as;

Lots 22, 23, 24, 25, 28, 29, 31 and 32, Sections
3, 4, 5, 6, and 7, Mayne Island, Cowichan District,
Plan 29750

5

THIS IS SCHEDULE "B" ATTACHED TO THE EASEMENT OF RIGHT OF
WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR
AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23rd
DAY OF February, 1976.

In the Gulf Islands Assessment District, Mayne Island
Improvement District, Province of British Columbia,
and more particularly known and described as;

Lots 23, 24, 25, 26, 27, 29, 29 and 31, Sections
3, 4, 5, 6, and 7, Mayne Island, Cowichan District,
Plan 29780 .

6

THIS IS SCHEDULE "C" ATTACHED TO THE EASEMENT OF RIGHT OF WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23rd DAY OF February. 1976.

The Easements granted by the grant to which this Schedule is attached shall be construed so that the grant is made in favour of those portions of the dominant lands described under the column entitled "dominant lands" over those portions of the servient lands under the corresponding column entitled "servient lands"

DOMINANT LANDS

SERVIENT LANDS

E99252

Lot 23	over	Lot 22
Lot 24	over	Lots 22, 23
Lot 25	over	Lots 22, 23, 24
Lot 26	over	Lots 22, 23, 24, 25
Lot 27	over	Lots 28, 29, 31, 32
Lot 28	over	Lots 29, 31, 32
Lot 29	over	Lots 31, 32
Lot 31	over	Lot 32

all of which Lots are situated in the Gulf Islands Assessment District, Province of British Columbia and are within Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, Plan 28219 as shown outlined in red on Plan 304 R.W., a print of which is attached hereto.

[Faint handwritten notes and signatures]

7

WE, VICTORIA MORTGAGE CORPORATION LTD., a body corporate, (Inc. No. 74,837), 990 Blanshard Street, Victoria, British Columbia, and RAY THOMAS BRYANT, Solicitor, 620 View Street, Victoria, British Columbia, holders of the following Mortgages;

First Mortgage No. D67102 as extended by E72691
In favour of Victoria Mortgage Corporation Ltd.,

Second Mortgage No. D95579 as extended by E72692
In favour of Ray Thomas Bryant, and

Third Mortgage No. E31426 as extended by E72693
In favour of Ray Thomas Bryant,

hereby consent to the granting by Gulf Land Corpn. Ltd. of an Easement to Gulf Land Corpn. Ltd. charging the following lands;

In the Gulf Islands Assessment District, Province of British Columbia, and more particularly known and described as;

Those portions of Lots 22, 23, 24, 25, 28, 29, 31 and 32 of Sections 4, 5, 6 and 7, Mayne Island, Cowichan District, Plan 29750,

and hereby join in said grants and give priority to the Grantee named thereunder over ou said Mortgages.

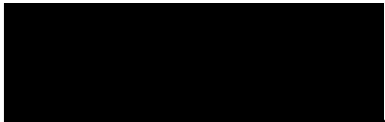
DATED at Victoria, British Columbia, this 10th day of September 1976.

THE COMMON SEAL of VICTORIA MORTGAGE CORPORATION LTD. was duly affixed in the presence of



SIGNED, SEALED AND DELIVERED by)
the said RAY THOMAS BRYANT in)
the presence of:)

Name _____
Address J. J. Fern
620 View Street,
Victoria, B. C.,
Occupation Secretary



Ray Thomas Bryant

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Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 10th day of September, 19 76,
 at Victoria, in the Province of British Columbia,
 (whose identity has been proved by the evidence on
 oath of [redacted], who is) personally known to me,
 appeared before me and acknowledged to me that he is the Director of
Victoria Mortgage Corporation Ltd., and that he is the person
 who subscribed his name to the annexed instrument as Director of the said
Victoria Mortgage Corporation Ltd. and affixed the seal of the
Victoria Mortgage Corporation Ltd.

to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal
 to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of
 British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
 at Victoria in the Province of
 British Columbia, this 10th day of September
 one thousand nine hundred and seventy-six.

[redacted]

A Notary Public in and for the Province of British Columbia,
 A Commissioner for taking Affidavits for British Columbia.

For Maker

I HEREBY CERTIFY that, on the _____ day of September, 19 76 at
Victoria, in the Province of British Columbia,
Ray Thomas Bryant
 (whose identity has been proved by the evidence on
 oath of _____ who is) personally known to me, appeared
 before me and acknowledged to me that he is the person mentioned in the annexed instrument
 as the maker thereof, and whose name is subscribed thereto as part Y, that he knows the
 contents thereof, and that he executed the same voluntarily, and is of the full age
 of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
 at Victoria in the Province of
 British Columbia, this _____ day of September
 in the year of our Lord one thousand nine hundred and seventy-six.

A Notary Public in and for the Province of British Columbia,
 A Commissioner for taking Affidavits for British Columbia.

NOTE--Where the person making the acknowledgment is personally known to the Officer taking the same, strike out the words in brackets.

LAND REGISTRY ACT

FORM R.
(Section 57 (a).)

Affidavit for Witness

To Wit:

I, Jennifer Jane Fern, of the City
of Victoria, in the Province of British Columbia, make oath and say:—

1. I was personally present and did see the within instrument duly signed and executed by
RAY THOMAS BRYANT


the part Y thereto, for the purpose named herein.

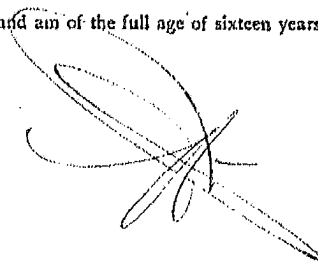
2. The said instrument was executed at Victoria, B.C.

3. I know the said part y, and that he is of the full age of twenty-one years.

4. I am the subscribing witness to the said instrument and am of the full age of sixteen years.

Sworn before me at the City of Victoria
in the Province of British Columbia, this 13th
day of September 19 76


A Commissioner for taking Affidavits for British Columbia



10

WE, VICTORIA MORTGAGE CORPORATION LTD., a body corporate, (Inc. No. 74,837), 990 Blanshard Street, Victoria, British Columbia, and RAY THOMAS BRYANT, Solicitor, 620 View Street, Victoria, British Columbia, holders of the following Mortgages;

First Mortgage No. D67102 as extended by E72691
In favour of Victoria Mortgage Corporation Ltd.,

Second Mortgage No. D95579 as extended by E72692
In favour of Ray Thomas Bryant, and

Third Mortgage No. E31426 as extended by E72693
In favour of Ray Thomas Bryant,

hereby consent to the granting by Gulf Land Corpn. Ltd. of an Easement to Gulf Land Corpn. Ltd. charging the following lands;

In the Gulf Islands Assessment District, Province of British Columbia, and more particularly known and described as;

Those portions of Lots 22, 23, 24, 25, 28, 29, 31 and 32 of Sections 4, 5, 6 and 7, Mayne Island, Cowichan District, Plan 29750,

and hereby join in said grants and give priority to the Grantee named thereunder over our said Mortgages.

DATED at Victoria, British Columbia, this 10th day of September 1976.

THE COMMON SEAL of VICTORIA MORTGAGE CORPORATION LTD. was duly affixed in the presence of

[Redacted signature]

Director

SIGNED, SEALED AND DELIVERED by)
the said RAY THOMAS BRYANT in)
the presence of:)

Name

Address

Occupation

[Redacted Name]
[Redacted Address]
J. J. Fern
620 View Street
Victoria, B.C.
Secretary

[Redacted Signature]

Ray Thomas Bryant

11

Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 20th day of September, 19 76,
 at Victoria, in the Province of British Columbia,
 (whose identity has been proved by the evidence on
 oath of [redacted], who is) personally known to me,
 appeared before me and acknowledged to me that he is the director of
Victoria Mortgage Corporation Ltd., and that he is the person
 who subscribed his name to the annexed instrument as director of the said
Victoria Mortgage Corporation Ltd. and affixed the seal of the
Victoria Mortgage Corporation Ltd.
 to the said instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal
 to the said instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of
 British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
 at Victoria in the Province of
 British Columbia, this 20th day of September
 one thousand nine hundred and seventy-six.

[redacted]

A Notary Public in and for the Province of British Columbia.
 A Commissioner for taking Affidavits for British Columbia.

For Maker

I HEREBY CERTIFY that, on the _____ day of September, 19 76 at
Victoria, in the Province of British Columbia,
Ray Thomas Bryant
 (whose identity has been proved by the evidence on
 oath of _____ who is) personally known to me, appeared
 before me and acknowledged to me that he is the person mentioned in the annexed instrument
 as the maker thereof, and whose name is subscribed thereto as part Y, that he knows the
 contents thereof, and that he executed the same voluntarily, and is of the full age
 of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
 at Victoria in the Province of
British Columbia, this _____ day of September
 in the year of our Lord one thousand nine hundred and seventy-six.

.....
 A Notary Public in and for the Province of British Columbia.
 A Commissioner for taking Affidavits for British Columbia.

NOTE--Where the person making the acknowledgment is personally known to the Officer taking the same, strike out the words in brackets.

13

E79967
E79968

E79969

E79970

E79971
E79972

E79973

THIS IS SCHEDULE "C" ATTACHED TO THE EASEMENT OF RIGHT OF WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23RD DAY OF FEBRUARY 1976.

The Easements granted by the grant to which this Schedule is attached shall be construed so that the grant is made in favour of those portion of the dominant lands described under the column entitled "dominant lands" over those portions of the servient lands under the corresponding column entitled "servient lands".

DOMINANT LANDS

SERVIENT LANDS

Lot 23	over	Lot 22
Lot 24	over	Lots 22, 23
Lot 25	over	Lots 22, 23, 24
Lot 26	over	Lots 22, 23, 24, 25
Lot 27	over	Lots 28, 29, 31, 32
Lot 28	over	Lots 29, 31, 32
Lot 29	over	Lots 31, 32
Lot 31	over	Lots 32

all of which portions of the servient lands are situated in the Gulf Islands Assessment District, Province of British Columbia, and are within Sections 4, 5, 6, and 7, Mayne Island, Cowichan District, shown on a subdivision of Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, shown outlined in red on a Subdivision Plan of Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, shown by Ralph B. Turner, B.C.L.S., a print of which is attached, and as shown outlined in red on Plan of Right of Way sworn to by Ralph B. Turner, B.C.L.S., January 26, 1976, a print of which is attached.

14

E79967
E79968
E79969

E79970
E79971
E79972
E79973

THIS IS SCHEDULE "B" ATTACHED TO THE EASEMENT OF RIGHT OF WAY
MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR AND: GULF
LAND CORPN. LTD. AS GRANTEE DATED THE 23RD DAY OF FEBRUARY
1976.

In the Gulf Islands Assessment District, Mayne Island
Improvement District, Province of British Columbia, and
more particularly known and described as;

Lots 23, 24, 25, 26, 27, 28, 29, 31 and 32, Sections
3, 4, 5, 6, and 7, Mayne Island, Cowichan District,
shown on a subdivision of Sections 3, 4, 5, 6 and 7,
Mayne Island, Cowichan District, shown outlined in
red on a Subdivision Plan of Sections 3, 4, 5, 6, and
7, Mayne Island, Cowichan District, sworn to by Ralph
B. Turner, B.C.L.C., December 4, 1975, a print of which
is attached.

15

E79967

E79968
E79969
E79970

THIS IS SCHEDULE "A" ATTACHED TO THE EASEMENT OF RIGHT OF WAY MADE BETWEEN: GULF LAND CORPN. LTD. AS GRANTOR AND: GULF LAND CORPN. LTD. AS GRANTEE DATED THE 23RD DAY OF FEBRUARY 1976.

E79971

E79972

E79973

In the Gulf Islands Assessment District, Mayne Island Improvement District, Province of British Columbia, and more particularly known and described as;

Lots 22, 23, 24, 25, 28, 29, 31 and 32, Sections 3, 4, 5, 6, and 7, Mayne Island, Cowichan District, shown on a subdivision of Sections 3, 4, 5, 6 and 7, Mayne Island, Cowichan District, shown outlined in red on a Subdivision Plan of Sections 3, 4, 5, 6 and 7, Mayne Island, Cowichan District, sworn to by Ralph B. Turner, B.C.L.S., December 4, 1975, a print of which is attached.

RIGHT-OF-WAY PLAN THROUGH PORTIONS OF SECTIONS 4, 5, 6 AND 7, MAYNE ISLAND COWICHAN DISTRICT.
FOR WATER DISTRIBUTION PURPOSES.

PLAN 3076 RW

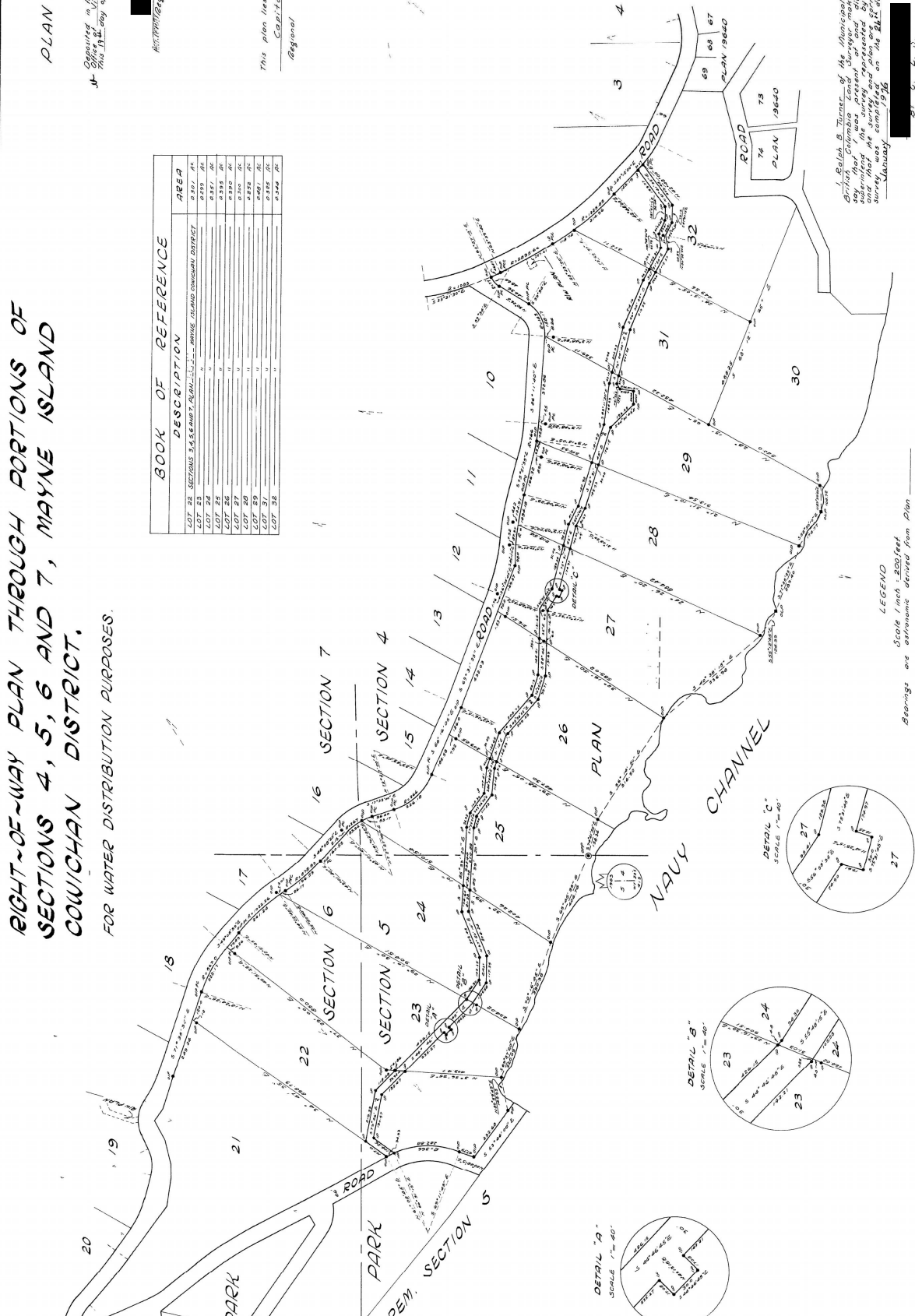
Obtained in the Local Registry
This 1st day of August, 1976.

BOOK OF REFERENCE	
DESCRIPTION	AREA
LOT 28 - SECTIONS 3, 4, 5 & 6 AND 7, MAYNE ISLAND COWICHAN DISTRICT	0.807 AC.
LOT 23	0.899 AC.
LOT 24	0.887 AC.
LOT 25	0.894 AC.
LOT 26	0.890 AC.
LOT 27	0.893 AC.
LOT 28	0.899 AC.
LOT 29	0.894 AC.
LOT 30	0.893 AC.
LOT 31	0.894 AC.
LOT 32	0.894 AC.

This plan lies within the
Capital
Regional District

U66 NR M-2455-12-R/W-2

U66 NR M-2455-12-R/W-2



Scale 1 inch = 80 feet
Bearings are assumed derived from Plan
--- are indicated old road
--- are indicated new road
--- are indicated old pipe post found
--- are indicated old pipe post found

By Ralph B. Turner of the Municipality of Richmond British Columbia and Surveyor maps each and submitted the survey represented by this plan. The survey was completed on the 24th day of January, 1976.

Sworn before me at Richmond, B.C. This 24th day of January, 1976
[Signature] a Commissioner in, being authorized within British Columbia

Madison Park & Towne
Surveyors & Engineers
Richmond, B.C. V6V 3K7



Village Point Improvement District

September 14, 2023

Dear Trustees Dodds and Maude:

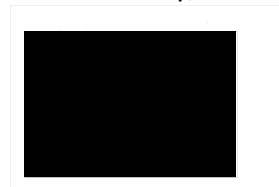
I am writing to you on behalf of the Village Point Improvement District. As I'm sure you know, we supply water and sewer services to households in the southwest corner of Mayne Island, including Mariners Way, Spinnaker Drive, Lundy Lane, Leighton Lane, Wood Dale Drive, Merryman Drive, Dinner Bay Road, and Dalton Drive. Our water treatment plant supplies potable water to **239** households in this area. The plant is supplied by water from six wells in our district.

It has recently come to our attention that the new owners of the property at the end of Dinner Bay Road, known as "The Oceanwood", are applying for permission to redevelop the property. Our understanding is that they are proposing to demolish the existing structures on the property and redevelop up to 20 individual units (cabins) for short-term rental. If this were to occur, it would likely result in a substantial increase in water demand for this property, which would presumably be met by the owners drilling at least one additional well.

One of the wells that supplies water to our treatment plant is on the property adjacent to the Oceanwood property. This well is vitally important to us – it supplies as much as **43%** of our water most days. It is also, of our six wells, the one that is closest to the ocean. We are acutely aware of the potential risks of a salt-water incursion into this well, and restrict the amount of time that the pump runs each hour to mitigate this risk. **Consequently, we are deeply concerned about the increased risk to our well that would result from additional wells being drilled and operated on an adjacent property.**

When the Islands Trust considers this redevelopment proposal, we urge you to take these concerns into consideration.

Yours sincerely,



Michael Jones, Chair
Village Point Improvement District, Board of Trustees



Cc: Paul Brent, CRD