

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 197

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. 1, 2025”.

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 inserting the definition ‘Accessory residential unit’:

“Accessory residential unit” means a dwelling unit, either in a detached building or within a portion of a building, on the same lot as a non-residential principal use.

2.2 Section 1.1 – Definitions, is amended by revising the definition of ‘Cottage’ so that it reads:

“Cottage” means a detached dwelling unit with a limited floor area that is located on the same lot as another dwelling unit.

2.3 Section 3.2 – Prohibited in All Zones, is amended by inserting a new Subsection 3.2(7) as follows: “3.2 (7) Groundwater-fed swimming pools.”

2.4 Section 3.9 – Use of Recreational Vehicles, is amended by deleting and replacing Subsection 3.9(1) so that it reads:

“(1) The temporary use of a recreational vehicle as a dwelling prior to the construction of a permanent dwelling on the same lot is permitted on all lots where residential use is permitted subject to:

- (a) a building permit being issued for a permanent dwelling on the property and the building permit remaining in effect;
- (b) the occupancy of a recreational vehicle not exceeding two years;
- (c) connection to a wastewater system consistent with the provisions of the *Public Health Act*;
- (d) the provision of a domestic water supply; and
- (e) compliance with the use, density and siting requirements of the land use bylaw for dwellings and cottages.”

2.5 Part 3 is amended by inserting the following new section as Section 3.15 – Cistern Requirements:

“3.15 Cistern Requirements

- (1) A building permit for a lot outside a community water system shall not be issued for a new dwelling or secondary suite larger than 93 square metres (1001 square feet) unless a cistern (or combination of cisterns) for the storage of freshwater having a total capacity of at least 18,000 litres (4755 gallons) is located on the property.

- (2) A building permit for a lot outside a community water system shall not be issued for a new dwelling or secondary suite 93 square metres (1001 square feet) or smaller unless a cistern (or combination of cisterns) for the storage of freshwater having a total capacity of at least 13,340 litres (3000 gallons) is located on the property.”
- 2.6 Section 5.1 – Settlement Residential (SR) Zone, is amended by inserting the following new Subsection 5.1 (2.1) that reads:
“(2.1) One cottage is permitted on lots with an area of 0.4 hectares (1.0 acre) or greater, but less than 0.6 hectares (1.5 acres), provided the total combined floor area of the dwelling and cottage does not exceed 232 m² (2500 square feet);

and amending Subsection 5.1(3.1) by adding “2.1” between “Despite 5.1(2)” and “and (3)”
- 2.7 Section 5.2 – Rural Residential One (RR1) Zone, is amended by inserting the following new Subsection 5.2 (3.1) that reads:
“(3.1) One secondary suite is permitted per lot subject to section 3.13.”
- 2.8 Section 5.3 – Rural Residential Two (RR2) Zone, is amended by inserting the following new Subsection 5.3 (3.1) that reads:
“(3.1) One secondary suite is permitted per lot subject to section 3.13.”
- 2.9 Section 5.4 – Miners Bay Rural Comprehensive (MBRC) Zone, is amended by inserting the following new Subsections 5.4(3.1) and 5.4(3.2) that read:
“(3.1) One secondary suite is permitted per lot subject to section 3.13.
(3.2) Despite 5.4(2) and (3), on lots shown on Schedule E, the following density is permitted:
- (a) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 5 hectares (12.355 acres), three dwellings and a cottage are permitted if the total combined floor area of all dwellings and cottages does not exceed 436 m² (4750 square feet).
 - (b) 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 93 square metres (1001 square feet) or smaller.
 - (c) 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 at least 18,000 litres (4755 gallons) for each additional dwelling larger than 93 square metres (1001 square feet).
 - (d) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings or cottages for the purposes of this subsection.
 - (e) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
 - (f) 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.”

- 2.10 Section 5.6 – Upland (UP) Zone, is amended by inserting the following new Subsection 5.6 (3.1) that reads:
“(3.1) One secondary suite is permitted per lot subject to section 3.13.”
- 2.11 Article 5.10(1)(h) is amended by deleting “dwelling” and inserting “residential” and deleting “for the accommodation of the owner, operator, or employee of a permitted principal use” so that it reads:
“(h) Accessory residential unit”
- 2.12 Subsection 5.10(2) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(2) One principal building accommodating one principal use and one accessory residential unit per lot.”
- 2.13 Subsection 5.10(3) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(3) The maximum number of accessory buildings, other than an accessory residential unit, utility shed, or woodshed is 4.”
- 2.14 Subsection 5.10(6) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(6) The maximum height for any principal building or accessory residential unit is 9 metres (29.5 feet).”
- 2.15 Subsection 5.10(7) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(7) The maximum height for any accessory building or structure, other than an accessory residential unit, is 5 metres (16.4 feet).”
- 2.16 Subsection 5.10(13) is amended by inserting “one” and deleting “dwelling” and inserting “residential” to Site Specific Regulation (1) for Site-Specific Zone C3(a) so that it reads:
“(1) Despite 5.10(1) the only permitted uses at these locations are repair shops, machine shops, accessory retail sales, and one accessory residential unit.”
- 2.17 Article 5.11(1)(f) is amended by deleting “dwelling” and inserting “residential” and deleting “for the accommodation of the owner, operator, or employee of a permitted principal use” so that it reads:
“(f) Accessory residential unit”
- 2.18 Subsection 5.11(2) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(2) One principal building accommodating one principal use and one accessory residential unit per lot.”
- 2.19 Subsection 5.11(3) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(3) The maximum number of accessory buildings, other than an accessory residential unit, utility shed, or woodshed is 4.”

- 2.20 Subsection 5.11(7) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(7) The maximum height for any principal building or accessory residential unit is 9 metres (29.5 feet).”
- 2.21 Subsection 5.11(8) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(8) The maximum height for any accessory building or structure, other than an accessory residential unit, is 5 metres (16.4 feet).”
- 2.22 Article 5.13(1)(d) is amended by deleting “dwelling” and inserting “residential” and deleting “for the accommodation of the owner, operator, or employee of a permitted principal use” so that it reads:
“(d) Accessory residential unit”
- 2.23 Subsection 5.13(2) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(2) One principal building accommodating one principal use and one accessory residential unit per lot.”
- 2.24 Subsection 5.13(3) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(3) The maximum number of accessory buildings, other than an accessory residential unit, utility sheds, or woodsheds is 4.”
- 2.25 Article 5.13(6)(b) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(b) 5 metres (16.4 feet) from any interior side lot line, or 3 metres (9.8 feet) for an accessory dwelling residential unit.”
- 2.26 Subsection 5.13(8) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(8) The maximum height for any principal building or accessory residential unit is 9 metres (29.5 feet).”
- 2.27 Subsection 5.13(9) is amended by deleting “dwelling” and inserting “residential” so that it reads:
“(9) The maximum height for any accessory building or structure, other than an accessory residential unit, is 5 metres (16.4 feet).”
- 2.28 Subsection 5.13(16) is amended by deleting “and” and inserting “and one accessory residential unit” to Site Specific Regulation (1) for Site-Specific Zone I1(b) so that it reads:
“(1) Despite 5.13(1) the only permitted uses in this location are waste transfer stations, the maintenance, repair and storage of vehicles, equipment and materials used for the provision, maintenance or repair of utilities, accessory uses, buildings and structures, and one accessory residential unit.”
- 2.29 Subsection 5.14(1) is amended by inserting the following new article as Article 5.14(1)(f)
“Accessory residential unit.”

- 2.30 Section 5.14 is amended by inserting the following new subsection as Subsection 5.14 (2.1) that reads:
“(2.1) One accessory residential unit per lot.”
- 2.31 Subsection 5.14 (4) is amended by inserting “or accessory residential unit” so that it reads:
“(4) The maximum height for any principal building or structure, or accessory residential unit, is 9 metres (29.5 feet).”
- 2.32 Subsection 5.14(7) is amended by inserting “and one accessory residential unit” to Site Specific Regulation (1) for Site-Specific Zone S1(a) so that it reads:
“(1) Despite 5.14(1), the only uses permitted in this location are clubs, halls and recreation facilities, and one accessory residential unit.”
- 2.33 Section 8.11 is amended by deleting Subsection 8.11(1) – 8.11(7) and inserting the following Subsections 8.11(1) – 8.11(13) so that it reads:
- “(1) Where potable water is proposed to be supplied to lots in a subdivision by an established community water system, the applicant for subdivision must provide written confirmation from the community water system that it is able to supply potable water for the permitted principal use and density to each lot.
 - (2) Where potable water is proposed to be supplied to lots in a subdivision by creating a community water system, the applicant for subdivision must provide proof of all authorizations required under the *Drinking Water Protection Act*, the *Water Utility Act* or any other enactment pertaining to water supply systems.
 - (3) Where potable water is proposed to be supplied to lots in a subdivision from a stream, the applicant for subdivision must provide proof of authorization in the form of a water licence confirming that the total volume of water granted to the licence holder is able to supply potable water for domestic uses at the volume specified in Table 1 to each lot.
 - (4) Where potable water is proposed to be supplied to lots in a subdivision by drilled wells the applicant for subdivision must provide written certification under seal of a hydrogeologist that:
 - (a) each well has been constructed in accordance with the Groundwater Protection Regulation;
 - (b) each well has been constructed in accordance with Subsections 8.11(6), 8.11(7) and 8.11(8);
 - (c) each well has sufficient available groundwater to provide the daily required volume of potable water for the permitted domestic uses on each lot in accordance with Table 1;
 - (d) each well for which a water licence has not been issued has sufficient available groundwater volume for all permitted non-domestic, non-agricultural, non-park, non-conservation area principal uses for each lot at the permitted density of use; and
 - (e) includes recommendations for mitigation measures, if applicable, to ensure long-term sustainable yield of the drilled well.

TABLE 1 DOMESTIC POTABLE WATER SUPPLY STANDARDS FOR SUBDIVISION	
USE	VOLUME (litres per day)
<i>Per lot (including one dwelling)</i>	2000
<i>each additional permitted dwelling and cottage per lot</i>	2000

- (5) Where the potable water is proposed to be supplied to lots in a subdivision by drilled wells, for any well where a water licence has not been issued the applicant for subdivision must also provide written certification under seal of a hydrogeologist:
- (a) results of a water quality analysis, completed by an accredited laboratory;
 - (b) plan of the proposed subdivision indicating the location where each water sample was taken;
 - (c) a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan;
 - (d) confirmation, based on the accredited laboratory water quality analysis, that each proposed water supply source is potable, or can be made potable, with a treatment system; and
 - (e) confirmation, based on the accredited laboratory water quality analysis of chloride concentrations, that each drilled well is not likely to be affected by the intrusion of saline groundwater or sea water in accordance with the Province of British Columbia guidance documents.
- (6) Where a water license has not been issued and where potable water is proposed to be supplied to lots in a subdivision by a drilled well, a pumping test shall be carried out on each well in a proposed subdivision by:
- (a) pumping groundwater, at a constant rate, for a minimum period of 12 hours; and
 - (b) withdrawing the total daily required volume specified in Subsection 8.11(4) over a maximum period of 24 hours; and
 - (c) monitoring groundwater levels continuously during the pumping test and during the recovery period.
- (7) Where potable water is to be supplied by a drilled well a sounding tube or wellhead port must be installed to enable the insertion of water level monitoring equipment.
- (8) Drilled wells used for the purposes of subdivision must not be located within 50 metres of the natural boundary of the sea.
- (9) If the daily required volume of potable water cannot be supplied in accordance with Subsection 8.11(1) or if the certification in Articles 8.11(4)(c) and 8.11(4)(d) cannot be made, the Approving Officer may nonetheless approve the subdivision provided that the applicant grants a s.219 covenant to the Mayne Island Local Trust Committee and the Capital Regional District that restricts the

development of the subdivision to the uses or density of the uses for which a certification has been made under Subsections 8.11(1) or 8.11(4).

- (10) Where the certification under Article 8.11(5)(d) states that a water supply is not potable but can be made potable with a treatment system, the Approving Officer may approve subdivision provided that the applicant grants a s. 219 covenant under the *Land Title Act* to the Mayne Island Local Trust Committee and the Capital Regional District that requires on-going treatment of the water to potable water standards recommended by a hydrogeologist.
- (11) For the purposes of subdivision, drilled wells impacted by seawater intrusion or whose operation is likely to cause seawater intrusion are not permitted sources of potable water.
- (12) For the purposes of subdivision, alternative potable water supplies including, but not limited to, shallow dug wells, rainwater catchment and desalination are not permitted sources of potable water.
- (13) The requirements of Subsections 8.11(1) through 8.11(8) do not apply where the proposed subdivision is a boundary adjustment that does not result in an increase in the number of lots or permitted dwelling units, provided that all lots in the subdivision are currently serviced by existing wells, community water system connection or water licence.”

2.34 Schedule E is updated to expand flexible housing zoning.

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	29 TH	DAY OF	SEPTEMBER	2025.
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. 197

Schedule E (Flexible Housing Areas Map)

