

DATE OF MEETING: November 30, 2020

TO: Mayne Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Report subject: Rezoning Application  
Applicant: Mayne Island Housing Society  
Location: 375 Village Bay Road

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee request staff to prepare draft bylaws to amend Land Use Bylaw No. 146, 2008 and Official Community Plan Bylaw No.144, 2007 to rezone Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091.
2. That the Mayne Island Local Trust Committee request that a Section 219 covenant be granted by the owners of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 that would identify the location of development, require water treatment and monitoring and areas to be preserved, as condition of adoption of the bylaws
3. That the Mayne Island Local Trust Committee require that a housing agreement related to the use of Lot B, Section 7, Mayne Island, Cowichan District, Plan 27091 be adopted prior to the adoption of the rezoning bylaws.
4. That the Mayne Island Local Trust Committee enter into a cost recovery agreement with the applicant for the drafting and registration of the Housing Agreement and Section 219 Covenant.
5. That the Mayne Island Local Trust Committee request the applicant to provide all requested information:
  - Hydrogeologists report
  - Arborist report
  - Hydrologist report
  - Information required for housing agreement
  - Site plan drawn to scale location of any proposed buildings, structures and land clearing
  - Site development plan identifying how ecologist recommendations have been incorporated
6. That the Mayne Island Local Trust Committee request staff to schedule a community information meeting prior to first reading.

## **REPORT SUMMARY**

The purpose of this report is to provide an overview of the information that has been received from the applicant so far and identify additional information that may be requested by the LTC and submitted to staff, prior to the scheduling of a community information meeting.

## **BACKGROUND**

The application would amend the Mayne Island Official Community Plan No. 144, 2007 (OCP) and Land Use Bylaw (LUB) No. 146, 2008 by rezoning the subject property from the Rural (R) zone to a new zone that would permit multi-family residential rental housing on about a third of the lot. The application is also to rezone to permit subdivision of the land to create a new parcel for the multi-family residential rental housing zone and create two lots out of the remaining Rural (R) land.

A preliminary report was submitted to the Mayne Island LTC on July 27, 2020. Since then most of the requested reports and required information have been received. There is some outstanding information and the potential for more information needed before the application is ready to be presented at a community information meeting. At the July 27, 2020 meeting:

### **MA-2020-049**

#### **It was Moved and Seconded,**

that the Mayne Island Local Trust Committee ask staff to proceed with processing application MA-RZ-2020.1 (Mayne Island Housing Society).

To proceed with the application the following items were identified to be prepared and provided to staff:

- Report from Registered Professional Biologist
- Hydrogeologist report identifying proof of water and downstream impact
- Professionally prepared site survey and plan
- Professionally prepared site development plan/ building renderings
- Documentation relating to the feasibility of septic
- Documentation identifying the nature and management of the affordable housing unit to be used in drafting a housing agreement
- A pro forma providing a financial summary of the development plan

### **MA-2020-50**

#### **It was Moved and Seconded,**

that the Mayne Island Local Trust Committee ask staff to have the proponent prepare and provide a report prepared by a professional hydrogeologist with relevant experience demonstrating proof of potable water and identifying downstream impacts.

### **MA-2020-51**

#### **It was Moved and Seconded,**

that the Mayne Island Local Trust Committee request staff do an early referral of this application to Forest Lands and Natural Resources, Operations and Rural Development seeking feed back related to potential salt water intrusion and other water quality issues.

## Items Received

### 1. Report from Registered Professional Biologist

An [ecological assessment report](#) for the proposed housing project was submitted on September 21, 2020. This report provides an assessment of the ecological values present on the site, an overview of the proposed property's surrounding land-use and ecological context and site-specific recommendations for incorporating ecological values into development design.

Recommendations included:

- Reducing fragmentation of the forest by keeping the development compact and minimizing the footprint of structures and services
- Retaining and establishing a Tree Protection Zone around remaining old veteran trees on the property.
- Retaining large diameter wildlife trees (dead standing trees).
- Minimizing the encroachment of the development footprint into moist/wet ecosystems.
- Minimizing disturbance to Douglas-fir / dull Oregon-grape Provincially red-listed ecological community within mapped Ecological Community
- Focusing development in and around areas where soils are already heavily disturbed and compacted as much as possible.
- Minimizing area of impervious surfaces and area of soil compaction including during the construction phase and post-construction ongoing use.
- Retaining as much forest structure and natural vegetation cover as possible.
  - a) Minimize impacts to vegetation during the construction process, and immediately revegetate/ restore any areas where temporary damage is necessary for construction purposes.
  - b) Retain large diameter coarse woody debris within undeveloped areas of the property to provide critical wildlife habitat.
- Restore areas outside of the development footprint where soils have been previously compacted (skid roads, logging landing sites) through 'rough and loose' treatment.
- Incorporate 'wildlife zones' into the design where no ongoing use occurs. Restoration and wildlife enhancement measures should be focused in these areas.
- Monitor, evaluate and if necessary employ further mitigation measures during all phases of the development and construction process.

In addition to the above, the following was also recommended:

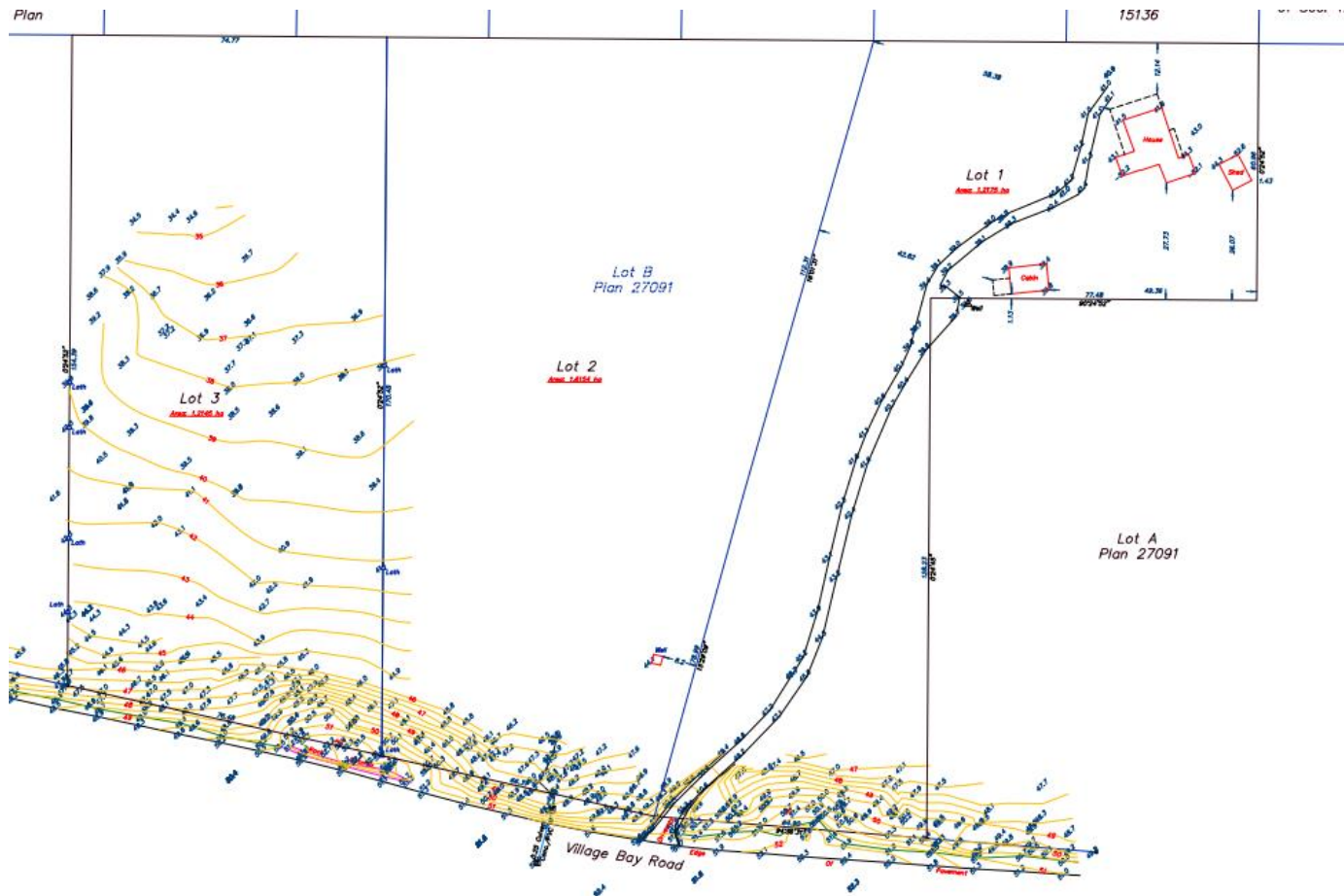
- **Consulting with a certified arborist** to determine the health the veteran trees, assess the impacts from the proposed development and provide recommendations for tree protection and establishing a critical rooting zone.
- **Consulting with a certified arborist** to determine safety considerations and setback requirements around wildlife trees. If necessary, top wildlife tree to reduce setback rather than remove completely.
- **Consulting with professional hydrologist** to determine direct impacts to hydrology from development and to prescribe measures required to mitigate on-site and downslope impacts.

Potential measures might include:

- a) Installation of bioswales, creation of rainwater gardens, constructed wetlands or retention ponds to promote infiltration of surface water and any diverted water into the ground.
- b) Installation of rainwater catchment and storage systems to reduce roof runoff and reduce pressure on groundwater resources.

## 2. Professionally prepared site plan and site development plan/ building renderings

1. **Site Survey and Site Plan:** The professionally surveyed plan of the proposed three lots for subdivision is identified below and is contained in Attachment 1. Lot 3 is the proposed area to be donated to the MIHS. Lot 2 is being proposed as a bonus density to the landowner in exchange for the donation of land to MIHS. A site plan, identifying the proposed location of the buildings, drawn to scale is still required.



2. **Site Development Plan/Building Renderings:** A proposed site development plan has been prepared by Architect Richard Iredale that considers and incorporates many of the recommendations made in the Biologist's report. The site plan and building renderings contained in Appendix 2 were presented at the community meeting the MIHS organized on September 14<sup>th</sup>. An additional drawing was submitted

identifying the location of the well and proposed septic field. Staff has requested the MIHS provide more details related to the incorporation of the ecologists report recommendations.

### 3. Hydrogeologist Reports

Two studies were commissioned from Professional Hydrogeologist Alan Kohut. One report was received in September. The second report had not been received at the time this report was drafted. However, a certified letter from the hydrologist summarizing key findings was submitted.

1. [A Preliminary Assessment of Groundwater Supply \( Report September 22, 2020\).](#) This was a desktop assessment of groundwater conditions for the property. It summarizes available information on ground water conditions, the prospects for developing an adequate and potable water supply and the potential effects of development on neighbouring properties, existing wells and surface water supplies. The report recommended a well be drilled and a 72-hour pump test be conducted to include water level monitoring of one or more neighbouring wells and springs.
2. [Findings of Groundwater Investigations for Proposed Affordable Housing \(Letter November 9, 2020 \).](#) The findings of the ground water investigations are based on a 72-hour pump test between October 3 and October 6, 2020 on a newly drilled well. The water level monitoring was carried out on the nearest neighbouring bedrock well and licenced spring on the property and on a private bedrock well off Maple Road.

**Water Quantity:** It was identified that the well is “more than capable” of supplying the estimated demand of the project. Also, none of the neighbouring wells or spring monitoring during the test showed any signs of water level interference from the pumped well.

**Water Quality:** Samples collected and submitted for laboratory testing indicate the water is low in overall mineralization, with low sodium, low chloride and no detectable coliform or E.coli bacteria. Dissolved manganese was reported at 349 parts per billion (ppb) exceeding the *Canadian Drinking Water Guideline* of 20 and 120 ppb.

Once the second report is received it will be reviewed by the Islands Trust’s Freshwater Specialist and sent to the Ministry of Forest Lands and Natural Resources, Operations and Rural Development seeking feedback related to potential salt water intrusion and other water quality issues (as requested by the LTC at the July LTC meeting).

### 4. Feasibility of Septic

[BWD Engineering Inc. conducted a general assessment](#) of the site with respect to the installation of a community onsite wastewater system of the proposed 10 units of housing on the proposed Lot 3 of the proposed subdivision. It was determined that an onsite sewerage system suitable for the proposed

development can be constructed to meet the current BC Provincial Sewerage System Regulation 326/2004.

## 5. Documentation identifying the nature and management of the affordable housing units

The purpose of the housing agreement bylaw is to ensure that a development provides affordable rentals in the long term, as intended. It is the LTC's only tool to enforce affordable housing terms, such as rent amounts and fee increases. The MIHS has provided some of the information required for a housing agreement. This includes:

1. **Identification of type of housing, number of units and proposed fees:** The breakdown of 20% shelter rate, 50% rent-geared-to-income subsidized housing, and 30% affordable market housing is in keeping with the BC Housing Community Housing Fund's prescribed rental structure.

Housing Type	Type of Rate	Cost	Number of Units
1 Bedroom	Subsidy	\$375.00	2
1 Bedroom	Rate Geared to Income	\$744.00	3
2 Bedroom	Rate Geared to Income	\$980.00	2
2 Bedroom	Market	\$1500.00	2
3 Bedroom	Market	\$1900.00	1

2. **Costs and Revenue Calculations:** In a detailed pro forma the MIHS has identified expected costs and existing and potential funding contributions. Maintenance costs have also been calculated as well as total revenue. Both maintenance costs and expected revenue consider inflation based increases per annum.

Staff have requested the MIHS provide further information needed for the housing agreement. This includes identification of criteria for housing rates, tenant selection and management of housing units.

## ANALYSIS

### Policy/Regulatory

A review of policy and regulatory consideration is contained in the Preliminary Report presented at the [July LTC meeting](#).

Additional considerations are identified below.

### Issues and Opportunities

***Biologist's Recommendations*** – As has been identified, many of the recommendations made in the Biologist's report have been incorporated into the site development plan (Attachment 2). As indicated, the report recommended further studies to be done. These include consulting an arborist regarding older trees and wildlife trees, and consulting a hydrologist to determine direct impacts to hydrology from development and to prescribe measures required to mitigate on-site and downslope impacts. The information gathered from these studies could identify additional conditions to be put into a Section 219 Covenant.

***Issues with water quality*** – As identified in the hydrogeologist's letter (November 9, 2020), dissolved manganese was reported at 349 parts per billion (ppb) exceeding the *Canadian Drinking Water Guideline* of 20 and 120 ppb. The letter from the Hydrogeologist identifies that this issue can be addressed through treatment measures. At the time of subdivision a covenant would be required to ensure that filtration and monitoring requirements run with the land. Staff is recommending that a covenant containing these measures be registered as a condition of rezoning.

***Housing Affordability Breakdown and Amenity Zoning*** – The subdivision plan for the property, creating three lots, is predicated on the idea that the additional lot for the current property owner will be permitted as a result of 3 acres being donated toward affordable housing. The LTC should consider whether the proposal, including 30% of the development rented at market rate, is consistent with community amenity provisions in the OCP supporting the increased density and the subdivision of the property into three lots.

***Section 219 Covenant*** – Staff recommend that if the application proceeds, a Section 219 covenant be registered which would address water quality and identify conditions related to site design. Such a covenant could also limit development on the proposed Lot 2 to preserve the ecological integrity of a portion of the lot, retain a buffer, or pre-designate development sites. This may require additional work by a registered biologist to identify areas recommended for preservation on proposed Lot 2.

### Consultation

#### **Statutory Requirements and Community Information Meeting**

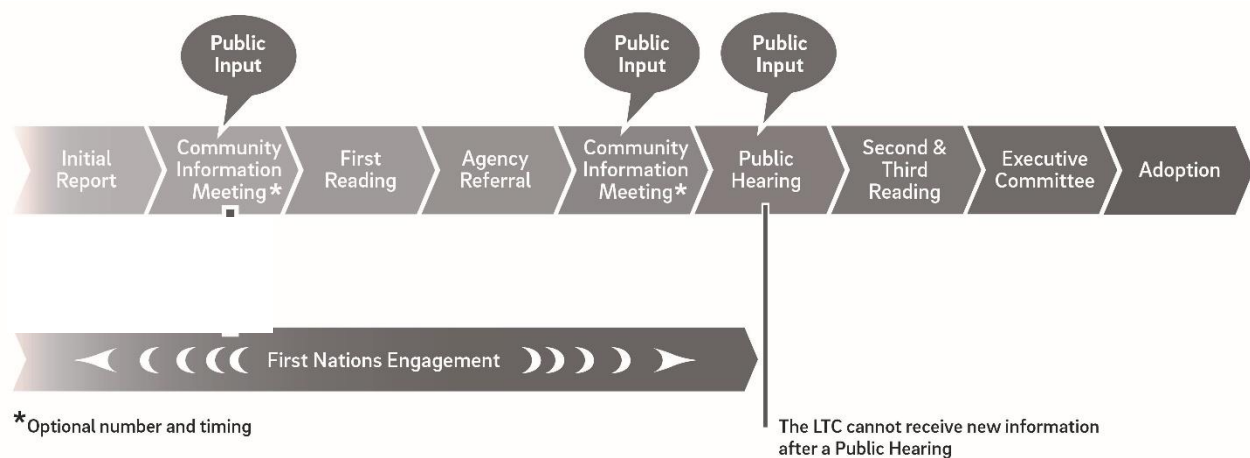
In accordance with statutory requirements, a public hearing is required and it is normal practice to hold at least one Community Information Meeting (CIM) prior to that. Because of the amount of community interest in the rezoning, staff is recommending that a CIM be held before First Reading.

Staff is recommending that bylaws be drafted and all the information requested from the application be received before scheduling the community information meeting. This would include information to be contained in the Housing Agreement and Section 219 Covenant.

The LTC could choose to have the Housing Agreement and Covenant drafted before the community information meeting. However, if changes are required after the community information meeting the applicant will incur additional legal fees to amend the covenant and/or housing agreement.

### **Timeline**

A draft process timeline is identified below. Public input can be provided and considered at any time into the process up until the conclusion of the public hearing. The general process may also be updated at any time.



Please note that prior to adoption, the OCP amendment bylaw will need to be sent to the Ministry of Municipal Affairs and Housing for approval. Also, a second community information meeting will be held only if required.

### **Other Timing Considerations**

**Submission of all outstanding reports and information** – Staff are still waiting to receive the hydrogeologists report and updated site plan.

**Additional studies** - Additional studies (e.g. arborist, hydrogeologist) are recommended. Staff recommend that these reports be submitted prior to scheduling the community information meeting.

**Housing Agreement Information** – Staff recommend all information contributing to the housing agreement be received prior to scheduling the community information meeting.

**Section 219 Covenant Information** – Staff recommend all information contributing to the section 219 covenant be received prior to the scheduling of the community information meeting. This includes:

- Updated site development plan reflecting recommendations related to the ecologist's report.
- Water treatment and monitoring requirements. This will involve consultation with the Islands Trust Freshwater Specialist and review of the hydrogeologist report.
- Covenant requirements for proposed Lot 2. This will involve consultation with staff regarding location of buildings and possible consultation with biologist to identify areas recommended for preservation.



### Agencies

As listed in the preliminary report, draft bylaws will be referred to a number of agencies and First Nations.

### First Nations

Meaningful engagement between the Island's Trust and these First Nations will be required. The Province will also be required to meet their consultative obligations as a decision to rezone would trigger an OCP bylaw amendment which would need ministerial approval.

At this time staff have conducted a desktop review that indicates there are potential archaeological sites within 100 m of the proposed development area. Therefore, land owners should seek clarification on the location of the sites in relation to development, review the provincial archaeological branch website, and be guided by the Islands Trust Chance Find Protocol.

### **Rationale for Recommendations**

1. Given the strong amount of interest from the community in this project it is important that there be opportunity to provide input early in the process.
2. Having all the required information and draft bylaws prior to the community information meeting will help facilitate effective public engagement.
3. The need for consultation with an arborist and hydrologist is the result of recommendation made in the ecology report.

### **ALTERNATIVES**

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

1. **That staff be requested to schedule a community information meeting before all required information is received.**  
This would involve excluding recommendation #5.
2. **That staff be requested to schedule a community information meeting after first reading.**  
Recommendation #6 would be amended as follows: *That the Mayne Island Local Trust Committee request staff to schedule a community information meeting after first reading.*
3. **That consultation from an arborist and hydrologist not be required.**  
Recommendation # 5 would be amended as follows: *That the Mayne Island Local Trust Committee request the applicant to provide all requested information to staff prior to the scheduling of a Community Information Meeting.*
4. **That the application be placed in abeyance**  
Resolution: *That the Mayne Island Local Trust Committee hold application MA-RZ-2020.1 (MIHS) in abeyance pending.....*

## 5. Proceed no further with the application

The LTC could choose to not move forward with the application: *That the Mayne Island Local Trust Committee proceed no further with the application MA-RZ-2020.1 (MIHS).*

### NEXT STEPS

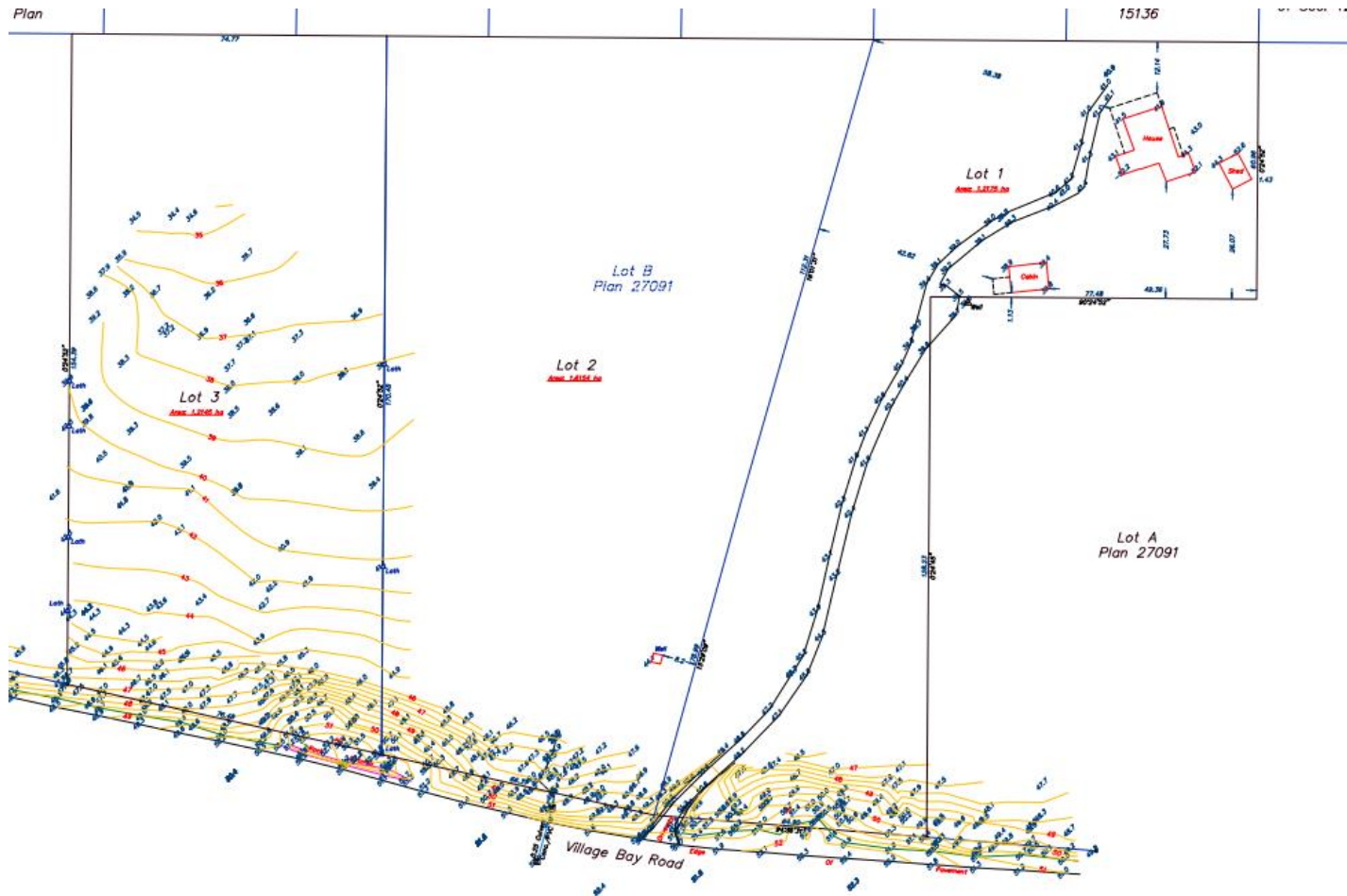
- Staff will request additional information from the applicant.
- Staff will draft bylaws.
- Staff will schedule community information meeting once all information is received.

Submitted By:	Narissa Chadwick RPP, Island Planner	November 13, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	November 17, 2020

### ATTACHMENTS

1. Site Survey
2. Site Development Plan/Building Renderings

## Attachment 1 – Site Survey

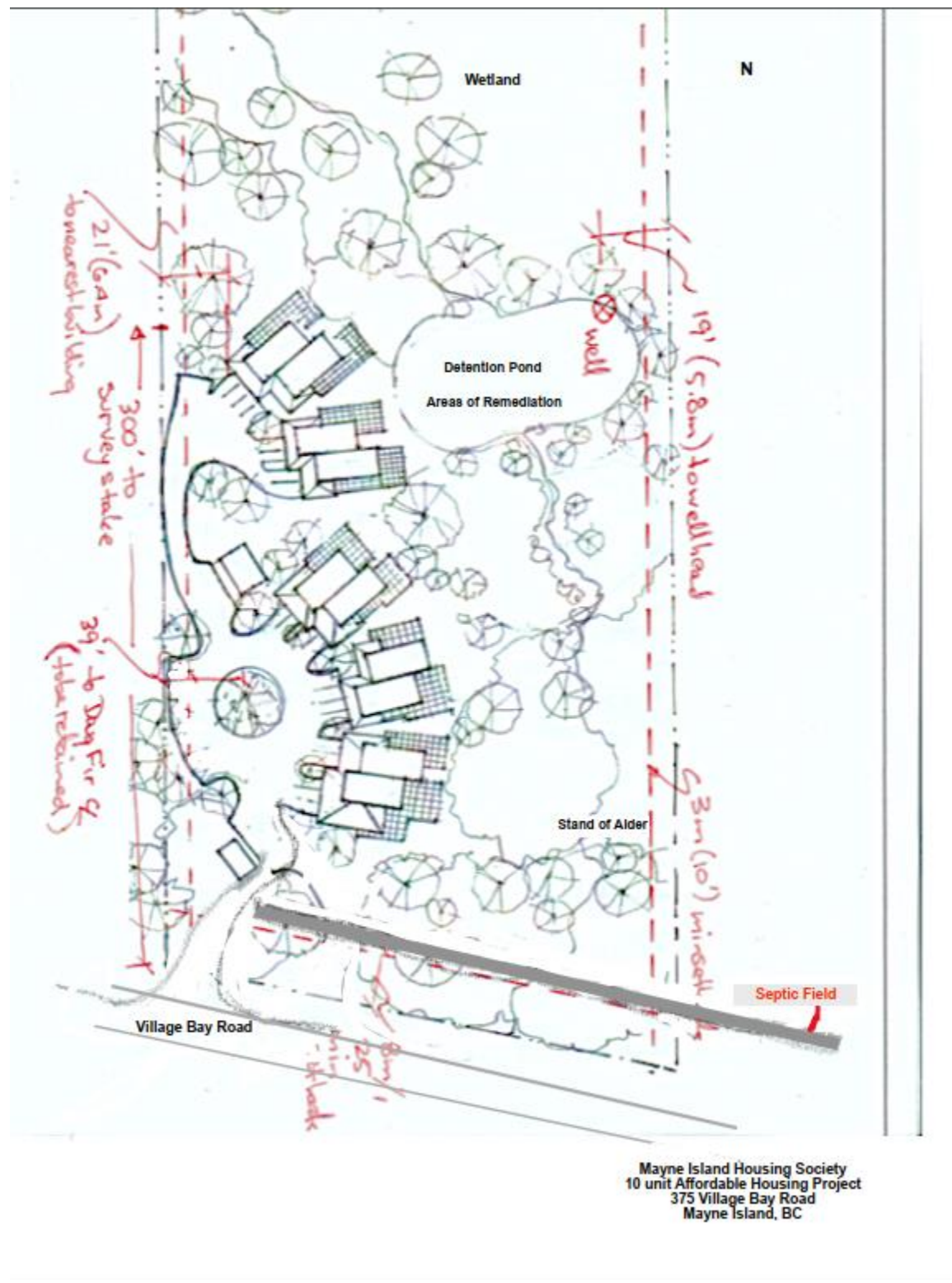


## Attachment 2 : Site Development Plans/Building Renderings

### Site Development Plan



## Site Development Plan with Well and Septic





## Building Renderings

