

DATE OF MEETING: January 25, 2021

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: MIHS  
Location: 375 Village Bay Road

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee receive Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” for information and direct staff to make any changes.
2. That the Mayne Island Local Trust Committee receive Bylaw No. 183, cited as as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021” for information and direct staff to make any changes.
3. That the Mayne Island Local Trust Committee request staff schedule a community information meeting once all information requested from the applicant has been received.

## REPORT SUMMARY

The purpose of this report is to 1) present draft bylaws related to the rezoning of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 to accommodate the development of ten units of rental housing considered to be affordable (as defined by BC Housing) 2) provide an update and next steps.

## BACKGROUND

A preliminary report on the application was submitted to the Mayne Island LTC on [July 27, 2020](#). An update was provided at the [November 20<sup>th</sup>](#) LTC meeting.

At the November 20<sup>th</sup> meeting the LTC:

- Asked staff to write to Dr. McHugh(owner) requesting information on his expectations and intent for Lot 2 and proposed plans for environmental protection
  - Letter was written but there has been no reply to date.
- Requested that staff prepare draft bylaws
  - Draft bylaws are attached (Attachment 1 and 2)

- Requested that a Section 219 covenant be granted to the property owners to identify the location of development, require water treatment and monitoring, and areas to be preserved as a condition of adoption of bylaws
  - Staff require additional information from applicant before covenant can be drafted.
- Required a housing agreement be adopted prior to the adoption of the rezoning bylaws
  - Staff requires additional information from applicant before housing agreement can be drafted.
- Requested that the Mayne LTC enter into a cost recovery agreement with the applicant for the drafting and registration of the Housing Agreement and Section 219 Covenant
  - LTC resolution adopted
- Requested that the applicant provide the following information:
  - Hydrogeologist's report – have received and reviewed
  - Arborist report – pending
  - Hydrologist report –pending
  - Information required for housing agreement -
  - Site plan drawn to scale location of any proposed buildings, structures and land clearing - pending
  - Site development plan identifying how ecologist's recommendations have been incorporated - pending

The applicant indicates that they have received new reports and will be providing them to staff once they had reviewed them.

- Request staff to schedule a community information meeting prior to first reading
  - To be scheduled once all information identified above has been received as per staff recommendation in November 30<sup>th</sup> staff report.

## Draft Bylaws

The draft bylaws include:

1. **An amendment to the Land Use Bylaw** (Bylaw No.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)
  - Removes the new CD3 zone from the area permitted to have secondary suites
2. **An amendment to the Official Community Plan** (Bylaw No.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.

## ANALYSIS

### Policy/Regulatory

#### ***Official Community Plan:***

The suggested changes to density appear to be consistent with the Official Community Plan policies that support affordable housing and an increase in permitted density in exchange for a community amenity in areas designated rural (see below).

#### ***Rural Zoning Policy:***

- 2.1.4.4** Affordable housing is encouraged through joined or multiple housing units which may be considered by site specific rezoning of a parcel subject to compliance with Section 2.10 (Amenity Zoning Guidelines) of this Plan.

#### ***Amenity Zoning Guidelines***

- 2.10.1** In the case where a property owner offers to provide a voluntary community amenity as a condition of subdivision or rezoning, consideration may be given to increasing the permitted density on a parcel in any designation other than Public Service, Park or Resource Conservation.

- 2.10.2** The following community amenities represented in a list of potential communities amenities which may be acceptable for consideration under this section:

- xi) the provision of affordable and special needs housing

#### ***Land Use Bylaw:***

The proposed Bylaw 183 creates new residential rental tenure permitted under new provisions of the Local Government Act. (S.481.1 (1))

- 481.1 (1)** A zoning bylaw may limit the form of tenure to residential rental tenure within a zone or part of a zone for a location in relation to which multi-family residential use is permitted.

### Issues and Opportunities

**Land Use Bylaw could be more prescriptive** - The current draft of Bylaw No.183 is modeled after regulations identified in other zones (where most applicable). These regulations are flexible in nature (for example identifying maximum lot coverage as opposed to maximum floor area for dwellings and accessory buildings). The LTC could choose to be more prescriptive with zoning

**Section 219 Covenant provides opportunity to address specific interests** - As previously requested, the covenant will address areas to be preserved. It can also pre-designate development sites and restrict size and type of units.

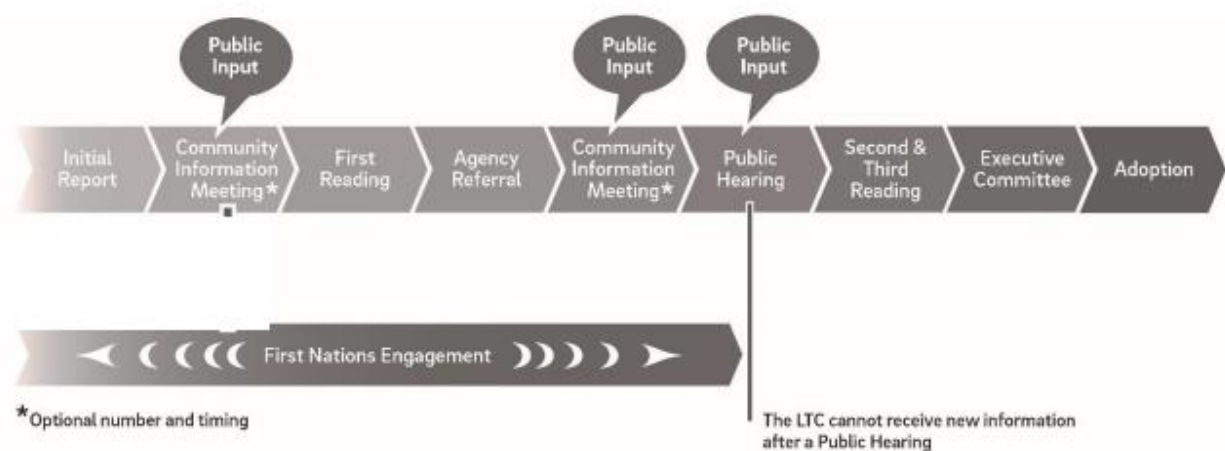
# Consultation

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. At the November LTC meeting the LTC requested staff schedule a community information meeting prior to 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.

# 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.



# Agencies

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

# First Nations

As identified in the November 20<sup>th</sup> report, meaningful engagement between the Islands 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.

The applicant is encouraged to seek clarification on the location of archeological sites in relation to development, review the provincial archaeological branch website, and be guided by the Islands Trust Chance Find Protocol.

# Rationale for Recommendation

1. At the November 20<sup>th</sup> 2020 Mayne LTC meeting the LTC requested that a community information meeting be held before first reading of the bylaws.

2. Staff have recommended that all information requested of the applicant be received before a community information meeting is held.
3. Staff are still waiting for the following items from the applicant: XXX

## ALTERNATIVES

### 1. The LTC just receive the proposed bylaws at this time

The LTC may choose to receive the draft bylaws and wait until the process has moved further along before suggesting changes to the bylaws.

*That the Mayne Island Local Trust Committee receive for information Bylaw No. 181, cited as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021".*

*That the Mayne Island Local Trust Committee receive for information Bylaw No. 183, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021".*

### 2. The LTC may request that a Community Information Meeting be held before all the information requested from the applicant has been received

If the LTC chooses this option they will need to specify when they would like the community information meeting to be held.

*That the Mayne Island Local Trust Committee request staff schedule a community information meeting....*

### 3. The LTC could read give First Reading to the bylaws

*That the Mayne Island Local Trust Committee Bylaw 181, cited as ""Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021", be read for the first time.*

*That the Mayne Island Local Trust Committee Bylaw No. 183, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021", be read for the first time.*

## NEXT STEPS

- Applicant provide all outstanding information
- Staff schedule community information meeting once all information has been received
- Staff will bring back draft bylaws to the LTC for first reading
- Housing Agreement will be drafted and adopted before adoption of rezoning bylaws
- Section 219 Covenant will be drafted and registered before adoption of rezoning bylaws

Submitted By:	Narissa Chadwick, Island Planner	January 15, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 15, 2021

## ATTACHMENTS

1. Draft Bylaw 181
2. Draft Bylaw 183

# PROPOSED

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 181

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

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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__

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Chair

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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.





# PROPOSED

## 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) 3 metres (10 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.

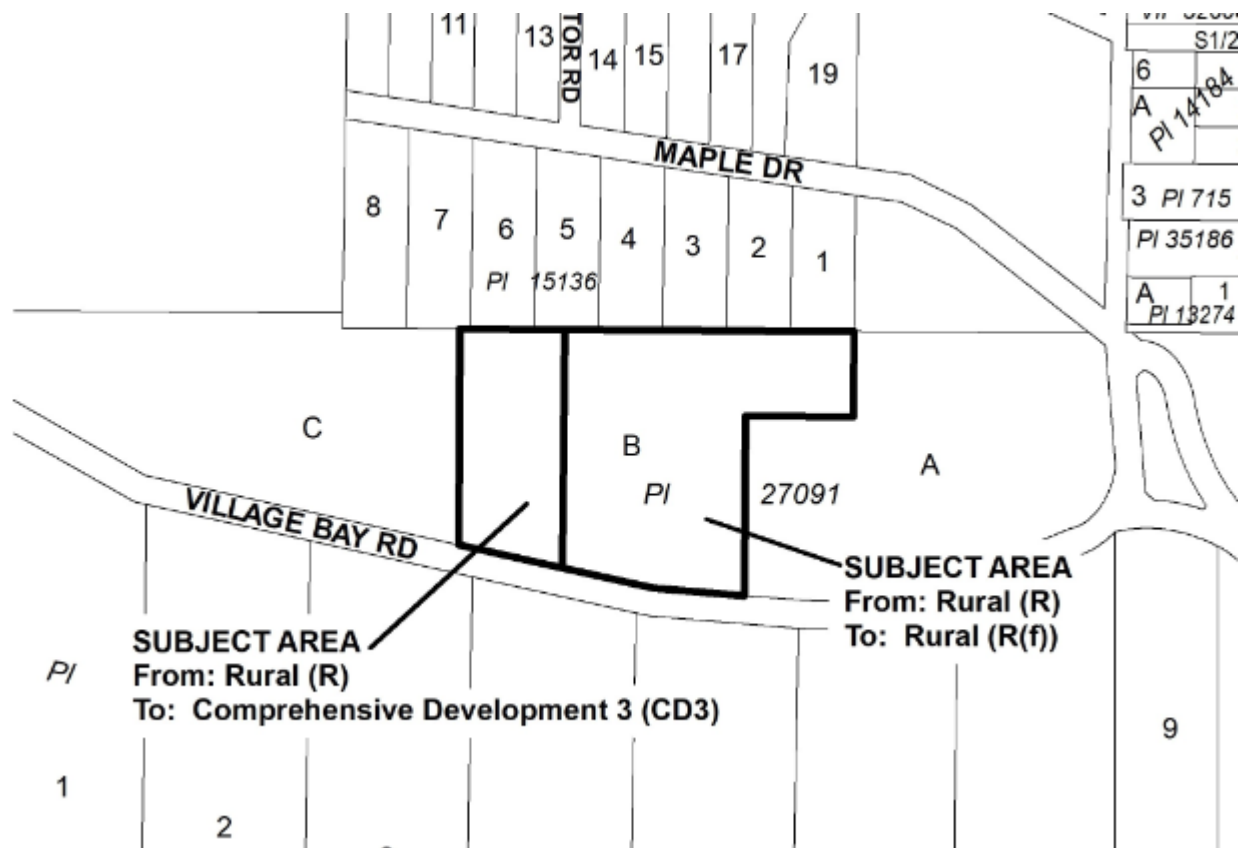
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\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 183

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 183

Plan No. 2

