

# MEMORANDUM

File No.: MA-RZ-2020.1 (MIHS)

DATE OF MEETING: May 10, 2021  
TO: Mayne Island Local Trust Committee  
FROM: Narissa Chadwick, Island Planner  
Southern Team  
COPY: Robert Kojima  
SUBJECT: MA-RZ-2020.1 (MIHS) - Items for Discussion

## PURPOSE

The purpose of this memo is to provide a brief update on information received and identify a number of items related to the MA-RZ-2020.1 (MIHS) application for LTC discussion.

## UPDATE

**Table 1**

Information Requested and Received
Assessment of Septic Feasibility
Hydrogeologist Report
Arborist Report
Biologist Report
Information Required for Housing Agreement
Hydrologist Report/Wetland Restoration Report
Revised legal survey to include revised proposed lot boundaries
Site plan drawn to scale identifying location of proposed buildings, structures, clearings
Site development Plan incorporating ecologist, arborist and hydrologist's recommendations
Cost recovery agreement for Covenant and Housing Agreement

Staff will be working with the MIHS on the draft covenant and revisions to the housing agreement. The first draft of the housing agreement is currently being reviewed by Islands Trust lawyers.

The first Community Information Meeting was held on April 26<sup>th</sup> 2021. There were between 15- 25 community members in attendance during the duration of the meeting. Presentations were made by Planner Chadwick, the MIHS and a number of their consultants: the biologist, the wetland specialist and the hydrogeologist. A representative from BC Housing was in attendance and answered a number of questions related to their funding structure and requirements.

## ITEMS FOR DISCUSSION

There are three items related to this application that have been identified by LTC members to be in need of further discussion. These items are identified below.

1. **Early Referral to First Nations:** The LTC could pass a resolution to direct staff to refer this application to First Nations at any point in the process. Referral to First Nations at this point of the process will provide more time to address First Nations concerns if identified thereby reducing the potential for delays later on in the process.

**Resolution:** *That the Mayne Islands Local Trust Committee request staff send relevant application materials and related to MA-RZ-2020.1 (MIHS) to First Nations for early referral.*

2. **Confirming whether the rezoning proposal is consistent with the OCP.** This is a point that has brought up a number of times given the provision of the additional lot (Lot 2) to the property owner in exchange for the donation of the land for the affordable housing. The decision of whether this approach is consistent with the OCP rests with the LTC. The OCP amenity zoning guidelines are contained in Attachment 1.
3. **Identifying whether the LTC will require proof of funding.** Proof for funding can be required:
  - Before rezoning amendments are adopted. The bylaws could be given 3<sup>rd</sup> reading and adoption deferred until the MIHS receives funding for the development from BC Housing or another funding agency.
  - As a condition of subdivision approval. The LTC could adopt the bylaw and make proof of funding a condition of subdivision. This could be achieved by restricting subdivision and any development beyond the current permitted uses in the Section 219 covenant.

## NEXT STEPS

- Staff will send relevant application materials to First Nations for early referral if directed by LTC.
- Staff will provide additional information to LTC as requested.
- Staff will present the revised Housing Agreement LTC once lawyer revisions have been incorporated
- Staff will continue to work with the applicant on drafting the Section 219 covenant. The draft covenant will be referred to Islands Trust lawyers for review, and for registration prior to adoption.
- Revised rezoning bylaws will be presented to the LTC for first reading.

Submitted By:	Narissa Chadwick, Island Planner	April 27, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 28, 2021

## ATTACHMENTS

1. OCP Amenity Zoning Guidelines

## **Attachment 1 – OCP Amenity Zoning Guidelines**

### **2.10 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 represent a list of potential community amenities which may be acceptable for consideration under this section:

- 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,
- iv) the provision of land for sewage treatment facilities or community water systems, v) the provision of community wells for domestic water supply,
- vi) the provision of fire fighting storage reservoirs,
- vii) the provision of easements or rights of way for utilities or trails,
- viii) the provision of community buildings, ix) the provision of land for community buildings or structures,
- x) the provision of community space in a commercial building,
- xi) the provision of affordable and special needs housing, and***
- xii) the provision of any other amenity which is similar in nature to the foregoing and/or is consistent with the objectives and policies of the OCP.

**2.10.3** In evaluating a proposal to increase density consideration shall be given to the appropriateness of the proposed amenity that would be donated and the implications for the parcel and adjoining parcels of permitting the increased density. The LTC should consider the following criteria in assessing such applications:

- a) where the proposal involves the donation of land, the number of additional dwellings or lots permitted should not exceed:
  - i) the equivalent of the area being donated divided by the average lot area, or where the zone has no average lot area, the minimum lot area. Any fractional amount which is equal to or greater than half the minimum or average lot area should be considered as a full density unit; or
  - ii) one dwelling or lot where the area being donated is less than one half of the average lot area, or where the zone has no average lot area, less than one half the minimum lot area
- b) additional density should take the form of residential lots or dwellings;
- c) development should:
  - i) be sited away from sensitive ecosystems,
  - ii) minimize visual impacts,
  - iii) mitigate potential natural hazards,
  - iv) implement sustainable development practices; and

v) not adversely impact adjacent properties.

d) where appropriate, such an application may be considered in conjunction with an application to transfer density under the provisions of Section 2.11.

e) as it is intended that applications should be for relatively modest increases in density, the Local Trust Committee should not consider applications in which more than 10 additional dwelling units are proposed in exchange for a community amenity.

**2.10.4** The LTC should require rainwater storage systems through the registration of a legal agreement when considering applications that could result in an increased density.

**2.10.5** Where, as a condition of providing a community amenity, a parcel is to be granted greater density than would otherwise be the case in the zone in which it is located, the zoning shall be amended on the property to reflect the new maximum density permitted on the parcel.

**2.10.6** Where a community amenity has been provided, consideration may be given to protection of the amenity through the mechanisms of a covenant or a zoning amendment or a combination of both.

**2.10.7** Where an amenity rezoning is proposed on land that is not identified elsewhere in this plan, consideration may be given to amending this plan.