



File No.: MA-6500-20 Housing
Regulations and Policy
Review

DATE OF MEETING: January 27, 2020
TO: Mayne Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
Gary Richardson, Island Planner
SUBJECT: Housing Regulations and Policy Review Project – Additional Research Information

PURPOSE

The purpose of this memo is to provide the Mayne Island Local Trust Committee (LTC) with additional background information and research findings regarding the Mayne Island Housing Regulations and Policy Review Project, and to clarify next steps for LTC consideration.

BACKGROUND

At the June 24th, 2019 Mayne Island LTC meeting staff presented a Mayne Island Housing Regulations and Policy Review project charter for LTC endorsement. The LTC subsequently resolved to endorse the project charter, as amended, and directed staff to begin working on project deliverables.

As a first step in the process, to provide background and context for further LTC discussion and community engagement, planning staff prepared a discussion paper on the issue. This discussion paper was presented to LTC at the October 28th, 2019 Mayne Island LTC meeting.

Following the presentation and subsequent LTC discussion, the LTC directed staff to conduct additional research on tiny home community and garden suite regulatory frameworks, along with maximum floor size provisions and incentives utilized in other jurisdictions. This staff memo provides the results of that additional research.

ADDITIONAL RESEARCH FINDINGS

Tiny Home Communities

There are two types of tiny homes: a tiny house on wheels, legally considered a recreational vehicle (RV), and a tiny house on a foundation, legally considered a dwelling unit, either principal or accessory.

The Mayne Island Land Use Bylaw No. 146, 2008 (LUB) allows RVs to be used as a dwelling or cottage in most residential zones, subject to: (a) the connection of the recreational vehicle to sewage disposal facilities consistent with the provisions of the Public Health Act; (b) the provision of a domestic water supply; and (c) compliance with the use, density and siting requirements of the LUB for dwellings and cottages.

Most other jurisdictions do not allow the use of RVs including tiny houses as a permanent dwelling or cottage. Reasons cited include safety concerns, a lack of adequate water supply and sewage disposal infrastructure, challenges that arise with unsightly premises and derelict trailers, and difficulties with bylaw enforcement. RVs are not necessarily designed for year-round living and are subject to illegal modifications such as the installation of wood stoves, building additions and hydro upgrades. The Capital Regional District will not issue a building permit for any dwelling on wheels.

With a growing demand for affordable housing, there are examples of tiny-home communities on wheels beginning to emerge. The [Bluegrass Meadows Micro Village](#), located 10 minutes from the City of Terrace, offers monthly rental of micro homes and cabins (up to 480 sq ft). Monthly rental rates are from \$700 per month, with a minimum two month stay two month and rental agreements available up to one year. Existing tiny home owners can also rent a site for \$550/month which includes services (power, water and sewage). The property is legally zoned by the Kitimat-Stikine regional district, and zoning, building and health requirements are similar to those for an RV park.

As another example, the City of Kimberley has identified a 'micro-neighbourhood' as a way of enticing younger people to move to the town of 6,600. To this end, it has rezoned some land to allow for multiple tiny-home dwellings. However, in this case the City has made a permanent foundation a requirement, citing the need for the homes to be on a stable base, and connected to the city water and sewer system.

Key Considerations for LTC

If the LTC were to further explore tiny home communities the following should be considered:

- Where on Mayne Island would be a potentially suitable location;
- The reasons for the regulatory challenges and hurdles that are faced in most other communities and whether a tiny home community is appropriate for Mayne Island;
- The potential impact on OCP density provisions and rural development objectives;
- The potential impact on water supplies, groundwater quality and other resources.

Garden Suite Regulations

Canada Mortgage and Housing Corporation (CMHC) defines a garden suite as *a self-contained single-storey dwelling which is accessory to, but detached from, the principal single detached house and has separate cooking, sleeping and bathroom facilities*. From a regulatory perspective, on Mayne Island a garden suite is currently akin to a 'cottage'.

Numerous local government jurisdictions have implemented (or are working towards) garden suite regulations including Victoria, Saanich, Peachland, Gibsons and Edmonton. Their regulatory frameworks have similarities including:

- Garden suites are enabled as an allowable use through zoning bylaws;
- Along with appropriate building permits, a development permit is typically required that includes specific conditions that must be met;
- Garden suites cannot be strata-titled or utilized as short term vacation rentals;
- A maximum floor area is established along with other design guidelines; and,
- Only one garden suite is allowed per lot.

For further context, the following describes the garden suite regulatory frameworks enacted in Victoria and currently proposed for Saanich.

City of Victoria

Eligible locations include all properties that contain only a single-family detached dwelling and are appropriately zoned (this includes most single-family zones except for small lot zones). Garden suites are designed to be long-term rental housing; they cannot be strata-titled or utilized as short-term rental. Garden Suites require a delegated development permit (approved by staff), and all necessary building permits.

The garden suite must meet all requirements of [Schedule M](#) of the City's zoning bylaw and should incorporate the design guidelines contained in the associated [Garden Suite Policy and Guidelines](#). Properties that already have secondary suites, or an existing duplex, are not eligible. Only one garden suite is permitted per lot.

The maximum total floor area of a garden suite for most properties in Victoria is 37 m² (~400 sq ft). Properties that meet the following criteria are considered "Plus Sites":

- a corner lot
- a lot with two street frontages
- a lot with rear yard laneway access
- lots greater than 557 m² (6,000 ft²) in total area.

On "plus sites", there may be an opportunity to increase the floor area up to a maximum of 56 m² (600 ft²). The additional floor area may be considered supportable if it can be demonstrated that it would not have a negative impact on privacy, shading, or overlook of or onto neighbouring properties.

District of Saanich

Following extensive community consultation, Saanich Council has recently endorsed a proposed regulatory framework for garden suites in the District of Saanich. Staff are currently in the process of preparing the formal bylaw amendments. Readings of the amending bylaws and a public hearing are expected to take place in spring 2020.

The proposed regulatory framework is similar to Victoria's including the requirement to obtain a development permit. Regulatory elements that are included as part of the proposed changes are:

- Zoning Bylaw amendments to permit garden suites;
- Design guidelines that outline considerations for building and site design; and,
- An approval process that identifies the process for evaluation and approval of garden suite applications.

The proposed framework is based on three lot size classifications:

- Small lot (400 – 559 m²);
- Medium lot (560 – 999 m²); and
- Large lot (1000 m²+).

The proposed regulations establish the following maximum floor area based on lot size:

- Small - 46.5 m² (500 ft²);
- Medium – 65 m² (700 ft²); and
- Large – 93 m² (1000 ft²).

Maximum lot coverage requirements would also apply. Collectively the floor area and lot coverage requirements aim to provide dwelling unit sizes that relate to the lot size, retain open space and enable the density on the lot to be consistent with neighbourhood character.

Key Considerations for LTC

If the LTC were to further explore garden suite regulations the following should be considered:

- The purpose and intent of garden suites will need to be clearly defined. If the intent is to increase long-term rental options, the LTC may want to explore ways to ensure the units are used for this purpose;
- The regulatory features that separate a 'cottage' from a 'garden suite' (e.g. maximum building size, height etc.) will need to be established, including how garden suite allowances interact with existing cottage and secondary suite density bylaw provisions;
- The potential impact on OCP density provisions and rural development objectives;
- The potential impact on water supplies, groundwater quality and other resources.

Maximum Floor Size Density Provisions

Current regulations on Mayne Island include no provisions for limiting maximum floor area of a primary dwelling unit in most residential zones except for the maximum lot coverage provisions which are seldom approached or exceeded.

The LTC could consider establishing a maximum floor area for primary dwellings in some or all residential zones. This could be implemented on its own, or in conjunction with density provisions that allow for additional dwelling units if a maximum floor area is adhered to.

As offered in the discussion paper, floor area provisions could be established in two ways:

- a) No maximum floor area for one dwelling, with regulations that would permit one or more additional dwelling units if a total, aggregate maximum floor area is not exceeded. For example, a property-owner could build a single dwelling unit on a vacant lot with no maximum floor area requirements (other than lot coverage), or be permitted one or more additional dwelling units if the overall maximum floor area does not exceed a specific area.
- b) Establish a maximum floor area policy on all dwelling units with flexibility built-in for how the floor area is distributed across dwelling units. For example, if the maximum floor area in a particular zone is 375 m², the property-owner could construct one dwelling unit at this maximum floor size, or two or more dwelling units of a smaller size as long as the overall maximum floor size is not exceeded (e.g. two dwellings at 150 m² each, and one at 75 m²). Under this scenario it would be prudent to include in regulation a maximum number of dwelling units allowed/lot.

Both options provide incentives for smaller dwellings through providing greater flexibility. However, Option A may be more amenable to the community and stakeholders as it is a voluntary scheme, versus Option B which would establish a baseline floor size restriction regardless of whether the owner takes advantage of the flexibility.

Approaches in other jurisdictions

Other jurisdictions are implementing a range of provisions linked to floor area. However, given its unique rural island setting and regulatory context, there are limited relevant examples linked to floor area that are applicable to Mayne Island.

There are a few one-off examples in the Islands Trust area where maximum floor area provisions for dwellings are established through zoning, such as the Rural Residential 2 zoning on Mayne Island, and site specific Residential 1 zoning that applies to the Whaling Station Bay/Anderson Drive area of Hornby Island. South Pender Island also has a maximum floor area provision for all residential zones that considers maximum floor area based on lot size and includes all dwellings and accessory buildings.

However, no external examples could be found where a local government is explicit through bylaw in establishing a broadly applicable maximum allowable floor area for a primary dwelling on a residential lot (with or without density provisions). Maximum lot coverage or floor area ratio is sometimes used to achieve this purpose, albeit in a less standardized and measurable way.

Density benefits in other jurisdictions generally apply to the development of multi-unit dwellings in urban environments, where the development pressure is more intense than in rural communities such as Mayne Island. In the urban context, density benefits are used as a zoning tool that permits developers to build more floor space than normally allowed, in exchange for amenities such as community centres, libraries, parks, childcare centres, affordable housing etc.

These density benefit zones allow for:

- Outright density (or base density) with no amenity contribution
- Extra density, up to a limit set in the zone, with a contribution towards community amenities.

Key Considerations for LTC

If the LTC were to further explore maximum floor size limits the following should be considered:

- There may not be community support for mandatory maximum floor area requirements (with or without the flexibility of density provisions built-in);
- There may not be enough demand to construct additional small dwellings to justify the effort of developing regulations;
- The potential impact on OCP density provisions and rural development objectives;
- The potential impact on water supplies, groundwater quality and other resources.

CONCLUSIONS AND NEXT STEPS

The discussion paper presented to the LTC in October 2019 provided significant background information and research on a broad range of housing related regulatory and policy options for consideration by the LTC. This staff report provides supplementary information to that initial discussion paper, as requested by the LTC.

According to the project charter, the next step in the project is to undertake public and stakeholder outreach to disseminate findings of the research phase and to gauge community perspectives on potential changes to residential housing regulations on Mayne Island.

If the LTC is satisfied with the research that has been conducted and no other additional information is required, staff will now proceed to prepare for undertaking consultation, which would include conducting a web-based survey, completing an island-wide mailout sharing results of the research and organizing at least one community information meeting (CIM) to be held in spring 2020.

It is staff's understanding that the consultative process will consider the entire body of research conducted to date, presented both in the discussion paper and this staff report. If the LTC wishes to narrow the scope of

consultation to not include the entire range of options currently identified, direction is needed that clarifies the new scope of the project going forward. Any significant deviations in scope would be reflected in an updated project charter.

Submitted By:	Brad Smith Island Planner	January 17, 2020
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