



DATE OF MEETING: November 22, 2021  
TO: Mayne Island Local Trust Committee  
FROM: Narissa Chadwick, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manger  
SUBJECT: Report subject: Flexible Housing – Draft Bylaw 184

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee endorse Draft Bylaw No. 184 cited as “ Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”.
2. That the Mayne Island Local Trust Committee request staff to amend the Official Community Plan to enable the Land Use Bylaw amendments proposed in Draft Bylaw No. 184 cited as “ Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”
3. That the Mayne Islands Local Trust Committee request staff to explore options related to expanding the flexible housing pilot area to include portions of Wooddale Drive, lots along Fernhill Road, and the Gallagher Bay Road area outside of the Mt. Parke Estates Improvement District.

## REPORT SUMMARY

The purpose of this report is to:

1. Present Daft Bylaw 184 cited as “ Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” to the Mayne LTC for review and endorsement.
2. Introduce options for expansion of the pilot area.

## BACKGROUND

This project was initiated in May of 2019. A first step in the process was the drafting of a Housing Regulations and Policy Review Discussion Paper. The report was presented to the LTC at their regular meeting on September 28th 2019. The LTC indicated interest in focusing on understanding and engaging the community in discussions related to the idea of establishing a maximum floor area policy which would allow for floor area to be distributed among a number of units. Permitting larger cottages and secondary suites was also discussed. Three community information meetings were held (January 18th, March 29th, May 28th).

At the June 21, 2021 meeting the LTC requested staff “draft Land Use Bylaw amendments supporting the distribution of a maximum square footage on lots under 2h/5 acres outside of all water service areas and groundwater regions that are identified as critical through Groundwater Mapping”.

The July 19, 2021 staff Memo identified the following elements of the draft bylaw which had been informed by feedback gathered at community information meetings as well as discussions at LTC meetings:

- The bylaw will be initially drafted for a “pilot area”, including lots under 2h/5 acres that are outside of water service areas and areas currently identified on groundwater mapping as critical or potentially critical with respect to groundwater vulnerability.
- The bylaw will include regulations related to rainwater catchment.
- A maximum total density will be identified based on square footage- may vary for different sizes of lots.
- Use of additional dwellings for STVR use will be prohibited.
- RVs will not be considered dwellings in a flexible housing arrangement.

The September 27, 2021 Staff Memo identified why, because of regulatory challenges, tiny homes on wheels should not be considered to be dwellings in a flexible housing arrangement. The memo also identified the lots outside water service areas and areas currently identified on groundwater mapping as critical or potentially critical with respect to groundwater vulnerability. This limits the pilot area to 20 lots.

## ANALYSIS

### Draft Bylaw Amendment

The draft bylaw amendment addresses the following:

**Addition of the definition of “Tiny home on wheels”** – As previously indicated, based on regulatory challenges staff recommend that “tiny homes on wheels” not be part of a distributed square footage scenario.

**Amendment to “recreational vehicles”** – Amendment is made to identified that tiny home on wheels that meet the Canadian Standards Association Standard for recreation vehicles can be considered a recreation vehicle. The effect would be to clarify that tiny homes that meet the standard would be permitted in other areas as a dwelling or cottage.

**Limitation on what can be considered to be a dwelling in a distributed square footage scenario** – The draft bylaw disallows recreational vehicles and tiny homes on wheels to be considered as dwellings when a distributed square footage approach is taken. The intention of the bylaw is to support the creation of additional dwellings that can be regulated through building permits.

**Increase in size of secondary suite** - The draft bylaw increases the maximum floor area of secondary suites to 95m<sup>2</sup> (1001ft<sup>2</sup>) in all zones where secondary suites are allowed. This addresses interests identified earlier in the project and implements changes to the BC Building Code.

**Removal of lower cottage size for smaller lots** - The draft bylaw identifies 93m<sup>2</sup> (1001ft<sup>2</sup>) to be the maximum floor area for all cottages in all zones allowing cottages. This addresses interests identified earlier in the project.

**Identification of number of dwellings and maximum combined square footage on different sized lots** – The approach taken is consistent with existing regulations related to the number of dwellings permitted on different

sized lots in the Settlement Residential Zone. The total maximum square footage and number of dwellings in the Settlement Residential Zone would be as follows:

- On lots having an area of 0.6 hectares (1.5 acres) or less one additional dwelling would be permitted if the total combined square footage of all dwellings does not exceed 2475 square feet/230 square metres.
- On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwellings and a cottage would be permitted if the total combined square footage of all dwellings and cottages does not exceed 3498 square feet/325 square metres.
- On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 1.8 hectares (4.5 acres), three dwellings and a cottage would be permitted if the total combined square footage of all dwellings and cottages does not exceed 4750 square feet/385.5 square metres.

In the Rural zone, the distributed square footage approach is proposed to only apply to lots 4 hectares (10 acres) or less in area, consistent with the current lot area regulations for dwellings equivalent to lots. For lots 1 hectare (2.4 acres) or less, where no cottage is currently permitted, one additional dwelling would be permitted, with the total floor area not exceeding 2475 ft<sup>2</sup>/ 230m<sup>2</sup>. On lots greater than 1 hectare but 4 hectares or less in area, where one dwelling and one cottage is currently permitted, two dwellings and a cottage would be permitted if the total combined square footage of all dwellings and cottages does not exceed 3498ft<sup>2</sup>/325m<sup>2</sup>. If the LTC wishes to limit the potential to only smaller Rural lots, the maximum could be reduced (i.e only applying lots that have been created through lot averaging); the LTC may want to re-consider once the pilot areas are finalized.

**Requires water catchment and storage for an additional dwelling** – Similar to secondary suites, the minimum cistern capacity required for each additional dwelling would be 13640 litres (3000 gallons).

**Allows Bed and Breakfast in primary dwelling only** -This is consistent with the current regulations and but does not allow additional bed and breakfasts in additional dwellings.

**Not allowing STVR rental in additional dwellings**– Consistent with Section 3.6 which allows “No more than one cottage per lot” to be used for short term vacation rental, only one cottage may be used for short term vacation rental where cottages are allowed.

**Only one Secondary Suite** – consistent with the secondary suite regulations (s. 3.13) only one secondary suite would be permitted per lot, regardless of the number of dwellings.

**Identification of pilot area** – Schedule E with a map identifying the pilot area will be added to the Bylaw once the areas are identified.

### **Pilot Area**

Requests to explore the expansion of the pilot area are as follows:

**Initiated by Trustees** - Through the October 25 resolution without meeting the Mayne Island Local Trust Committee requested “*staff to ask the Capital Regional District (CRD) if they would be willing to have the Flexible Housing pilot project expanded into the area serviced by the CRD Surfside Park Estates Water System*”.

Staff are in the process of discussing this opportunity with the CRD. The Surfside Park Estates Water System services the Wooddale Neighbourhood.

**Property Owner Requests** – Staff have received an email from an owner of the property on Fernhill Road and a property owner on Gallagher Bay Road interested in having their properties included in the flexible housing pilot. In light of these requests, planning staff would like explore with the Senior Freshwater Specialist the potential impact of adding a number of lots along Fernhill Road and those in the Gallagher Bay area that are not within the water service area to the pilot area. The extent of the area to be suggested will depend on the identified potential impacts to groundwater sustainability.

### **Rationale for Recommendation**

**Recommendation 1:** *That the Mayne Island Local Trust Committee endorse Draft Bylaw No. 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”.*

The draft amendments have considered the input of the community and Trustees. The amendments address interest in increasing the maximum size of secondary suites and of cottages (on smaller properties) as well as focussing on accommodating a distributed maximum square footage approach on lots up to 4.5 acres within an identified pilot area.

**Recommendation 2:** *That the Mayne Island Local Trust Committee request staff to amend the Official Community Plan to enable the Land Use Bylaw amendments proposed in Draft Bylaw No. 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021”.*

If the LTC supports proceeding with the amendment in the form generally outlined in the draft bylaw, enabling policy amendments will need to be made to the OCP. Staff have recommended that the LTC pass a resolution requesting staff to initiate an OCP amendment bylaw.

**Recommendation 3:** *That the Mayne Islands Local Trust Committee request staff to explore options related to expanding the flexible housing pilot area to include portions of Wooddale Drive, lots along Fernhill Road, and the Gallagher Bay Road area outside of the Mt. Parke Estates Improvement District.*

Expanding the pilot area will increase the potential for the distributed floor area approach to be implemented. The pilot area can be increased or decreased at any time through bylaw amendment.

### **ALTERNATIVES**

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

#### **1. Request further information**

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

*That the Mayne Island Local Trust Committee request staff provide additional information related to.....*

#### **2. Amend the Draft Bylaws**

The LTC may request staff to amend the draft bylaw by removing, changing or adding items.

*That the Mayne Island Local Trust Committee request staff amend the draft bylaw by.....*

**3. Make no changes to the Pilot Area at this time**

The LTC may request staff to not do any additional work related to expanding the pilot area.

*That the Mayne Island Local Trust Committee request staff make no further changes to the pilot area...*

**NEXT STEPS**

If the recommendation are endorsed:

- Staff will continue to explore whether the CRD would be interested in including the Wooddale neighbourhood in the flexible housing pilot.
- Staff will consult with the Senior Freshwater Specialist regarding expanding the pilot to lots along Fernhill Road and Gallagher.
- Staff will prepare an OCP amendment bylaw to support the zoning changes.
- Staff will present proposed changes to the pilot area at the January 2022 LTC meeting and recommend First Reading.

Submitted By:	Narissa Chadwick, RPP, Island Planner	November 9, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	November 10, 2021

**ATTACHMENTS**

1. Land Use Bylaw Proposed Changes
2. Draft Bylaw 184

## Land Use Bylaw Proposed Changes

### Definitions:

"Recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, **including a tiny home on wheels that meets the Canadian Standards Association Standard for recreational vehicles**, but does not include a mobile home or manufactured home.

**"Tiny home on wheels" means a dwelling unit on wheeled chassis designed to be used as a full-time residence.**

### 3.13 Secondary Suites

- (3) On parcels less than 4 hectares **in areas outside the shaded area on Schedule "E"**: a secondary suite shall not be permitted on the parcel if a cottage has been constructed; and a cottage shall not be permitted on the parcel if a secondary suite has been constructed.
- (8) The floor area of the secondary suite shall not exceed **93m<sup>2</sup> (1001ft<sup>2</sup>)** nor shall it exceed **50** per cent of the floor area of the principal dwelling unit.

### 5.1 Settlement Residential (SR) Zone

#### **Density**

- (2) One dwelling **unit** per lot and one additional dwelling for every 0.6 hectares (1.5 acres) of lot area greater than 0.6 hectares (1.5 acres)
- (3) One cottage is permitted on lots 0.6 hectares (1.5 acres) or greater in area

#### **3.1) Despite 5.1(2), on lots shown on Schedule E, the following density is permitted:**

- (a) **On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling unit is permitted if the total combined square footage of all dwelling units does not exceed 230 square metres (2475 square feet).**
- (b) **On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwelling units and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325 square metres (3498 square feet).**
- (c) **On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 1.8 hectares (4.5 acres), three dwelling units and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 440 square metres (4736 square feet).**

- (d) A building permit shall not be issued for an additional dwelling unit on a lot within the shaded area on Schedule “E”, other than for a cottage, unless a water catchment and storage system for the storage of rainwater is put in place for each additional dwelling unit. Minimum cistern capacity required for each additional dwelling unit is 13640 litres (3000 gallons).
- (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not dwelling units or cottages for the purposes of this subsection.
- (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
- (g) No dwelling units may be used for short term commercial rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term commercial rental, consistent with Section 3.6.”

#### **Siting and Size**

- (7) The maximum floor area for a cottage is **93 square metres (1001 square feet)**

#### **5.2 Rural Residential One (RR1) Zone**

The purpose of the Rural Residential Zone is to provide regulations for areas of limited application used for acknowledging historical situations of multiple land owners where individuals bought land cooperatively as a company expecting that each share holder could build a dwelling and guest cottage.

#### **Siting and Size**

- (5) The maximum floor area for a cottage is **93 square metres (1001 square feet)**

#### **5.4 Miners Bay Rural Comprehensive (MBRC) Zone**

#### **Siting and Size**

- (6) The maximum floor area for a cottage is **93 square metres (1001 square feet)**.

#### **5.5 Rural (R) Zone**

#### **Density**

- (2) One dwelling unit per lot and one additional dwelling unit for every 4 hectares (10 acres) of lot area greater than 4 hectares (10 acres).

- (3) One cottage is permitted in respect of each permitted dwelling unit on lots having an area of at least 1 hectare (2.4 acres).

**(3.1) Despite 5.5(2), on lots shown on Schedule E, the following density is permitted:**

- (a) On lots having an area less than 1 hectare (2.4 acres), one additional dwelling is permitted if the total combined square footage of all dwelling units does not exceed 230 square metres (2475 square feet).
- (b) On lots having an area of 1 hectare (2.4 acres) or greater, and not exceeding 4 hectares (10 acres), two dwelling units and a cottage are permitted if the total combined square footage of all dwelling units and cottages does not exceed 325 square metres (3498 square feet).
- (c) A building permit shall not be issued for an additional dwelling unit on a lot within the shaded area on Schedule "E", other than for a cottage, unless a water catchment and storage system for the storage of rainwater is put in place for each additional dwelling unit. Minimum cistern capacity required for each additional dwelling unit is 13640 litres (3000 gallons).
- (d) Despite subsection 3.9(1), recreational vehicles and tiny homes on wheels are not dwelling units 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 dwelling units may be used for short term commercial rentals, and on lots 1 hectare (2.4 acres) or greater only one cottage may be used for short term commercial rental, consistent with Section 3.6."

**Siting and Size**

- (7) The maximum floor area for a cottage is **93 square metres (1001) square feet** .

**5.6 Upland (UP) Zone**

The purpose of the Upland Zone is to provide regulation for upland slopes on Mayne Island which have special features, including forested slopes, habitat areas, ground water recharge areas, steep terrain conditions and aesthetic and recreational attributes.

**Siting and Size**

- (7) The maximum floor area for a cottage is **93 square metres (1001) square feet**.



Schedule E Map (May be Amended)



# DRAFT

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 184

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### A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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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. 2, 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 Schedule “E” – Flexible Housing Map, is attached to and forms part of this bylaw

2.2 Section 1.1 – Definitions, is amended by adding “Recreational vehicle means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, including a tiny home on wheels that meets the Canadian Standards Association Standard for Recreational Vehicles, but does not include a mobile home or, manufactured home”.

2.3 Section 1.1 – Definitions, is amended by adding “Tiny home on wheels” means a dwelling unit on wheeled chassis designed to be used as a full-time residence”.

2.4 Section 3.13 (3) – Secondary Suites, is amended by adding “in areas outside the shaded area in Schedule “E” at the end of the sentence.

2.5 Section 3.13 (8) – Secondary Suites, is amended by replacing “60” with “93”, replacing “646” with “1001” and replacing “40” with “50”.

2.6 Section 5.1 (2) –Settlement Residential (SR) Zone, is amended by adding “unit” after “dwelling” and before “per lot”

2.7 Section 5.1 – Settlement Residential (SR) Zone, by inserting after (3):

“(3.1) Despite 5.1(2), on lots shown on Schedule E, the following density is permitted:

(a) On lots having an area less than 0.6 ha (1.5 acres) hectares, one additional dwelling unit is permitted if the total combined square footage of all dwelling units does not exceed 230 square metres (2475 square feet).

(b) On lots having an area of 0.6 ha (1.5 acres) or greater, and not exceeding 1.2 hectares (3 acres), two dwelling units and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325 square metres (3498 square feet).

- (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 1.8 hectares (4.5 acres), three dwelling units and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 440 square metres (4736 square feet).
  - (d) A building permit shall not be issued for an additional dwelling unit on a lot within the shaded area on Schedule "E", other than for a cottage, unless a water catchment and storage system for the storage of rainwater is put in place for each additional dwelling unit. Minimum cistern capacity required for each additional dwelling unit is 13640 litres (3000 gallons).
  - (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not dwelling units or cottages for the purposes of this subsection.
  - (f) Only one dwelling unit may be used for bed and breakfast home occupation per lot.
  - (g) No dwelling units may be used for short term commercial rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term commercial rental, consistent with Section 3.6."
- 2.8 Section 5.1 (7) – Settlement Residential (SR) Zone by deleting subsections (a) and (b) and replacing with the following "The maximum floor area for a cottage is 93 square metres (1001 square feet)."
- 2.9 Section 5.2 (5) – Rural Residential One by deleting subsections (a) and (b) and replacing with the following: "The maximum floor area for a cottage is 93 square metres (1001 square feet)."
- 2.10 Section 5.4 (6) – Miners Bay Rural Comprehensive (MBRC) Zone by deleting subsections (a) and (b) and replacing with "The maximum floor area for a cottage is 93 square metres (1001 square feet)."
- 2.11 Section 5.5 – Rural (R) Zone by inserting after (3): "(3.1) Despite 5.5(2), on lots shown on Schedule E, the following density is permitted:
- (a) On lots having an area less than 1 hectare (2.4 acres), one additional dwelling is permitted if the total combined square footage of all dwelling units does not exceed 230 square metres (2475 square feet).
  - (b) On lots having an area of 1 hectare (2.4 acres) or greater, and not exceeding 4 hectares (10 acres), two dwelling units and a cottage are permitted if the total combined square footage of all dwelling units and cottages does not exceed 325 square metres (3498 square feet).
  - (c) A building permit shall not be issued for an additional dwelling unit on a lot within the shaded area on Schedule "E", other than for a cottage, unless a water catchment and storage system for the storage of rainwater is put in place for each additional dwelling unit. Minimum cistern capacity required for each additional dwelling unit is 13640 litres (3000 gallons).

- (d) Despite subsection 3.9(1), recreational vehicles and tiny homes on wheels are not dwelling units 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 dwelling units may be used for short term commercial rentals, and on lots 1 hectare (2.4 acres) or greater only one cottage may be used for short term commercial rental, consistent with Section 3.6.”

2.12 Section 5.5 (7) – Rural (R) Zone by deleting subsections (a) and (b) and replacing with “The maximum floor area for a cottage is 93 square metres (1001 square feet).”

2.13 Section 5.6 (7) – Upland (UP) Zone by deleting subsections (a) and (b) and replacing with “The maximum floor area of a cottage is 93 square metres (1001 square feet).”

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 \_\_\_\_\_ 20\_\_\_\_

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. 184

SCHEDULE E