

DATE OF MEETING: June 27, 2022
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Flex Housing Map

RECOMMENDATION

1. That the Mayne Island Local Trust Committee first reading of Bylaw 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” be rescinded.
2. That the Mayne Island Local Trust Committee amend Plan 1 attached to Bylaw 184, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021”, by deleting the non-residential properties.
3. That the Mayne Island Local Trust Committee amend Plan 1 attached to Bylaw 184, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021”, to add those lots identified on the map in the June 27th 2022 staff report as E, B and D to the areas where flex housing is permitted.
4. That the Mayne Island Local Trust Committee Bylaw 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” be read for the first time as amended.

REPORT SUMMARY

The purpose of this report is to present necessary changes to the flex housing pilot area map and to discussion options for including additional residential properties in close proximity to those already identified by the LTC to be part of the pilot area.

BACKGROUND

This project was initiated in May of 2019. The initial phase of the project focused on understanding the issues and engaging the community in discussions related to the idea of establishing an option of a maximum 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 2021).

After providing the LTC with options based on the analysis of a number of different factors including groundwater vulnerability and proximity to amenities, the LTC identified a pilot area. The bylaw was read for the first time with the approved pilot area identified on the map attached to the bylaw as Plan 1 (see Attachment 1). The map – Plan

Z:\12 Long Range Planning\08 MA\6500 LTC Work Program\20 Projects (P)\2019 Housing Bylaw & Policy Review\Staff reports\Staff Report - June 27_2022\MA-LTC-2022_06_27_flex housing.docx

1, included more than just residential areas and should be replaced by the map in Attachment 2, requiring First Reading to be rescinded. Rescinding first reading also provides the opportunity to discuss the addition of other lots for consideration.

ANALYSIS

Map 1 below identifies lots that have been suggested for consideration in the pilot area by LTC members and the public.

A = (001-309-323) Property is larger than 10 acres (11.88 acres).

B = (018-895-212) Property could be included based on rationale supporting other lots.

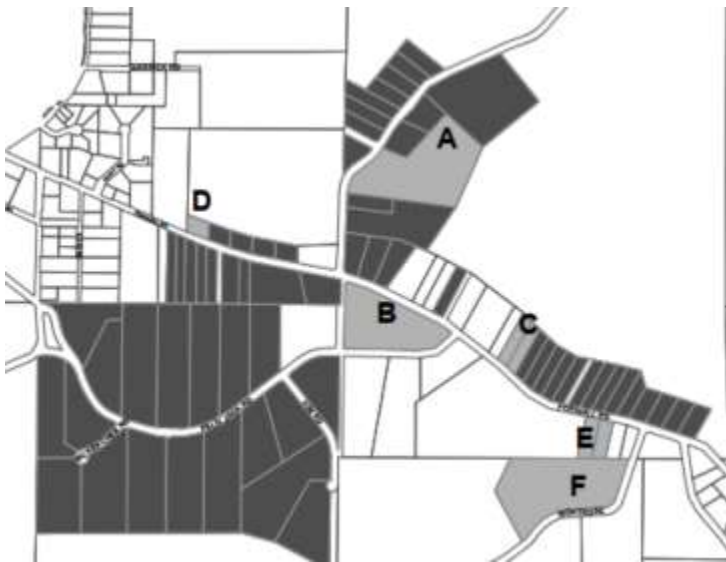
C = (005-480-159/005-480-200) Properties to be removed from the pilot as they are not residential.

D = (003-471-942) Property was identified to have high potential for saltwater intrusion.

E = (00-737-429/004-121-902) Properties could be included based on rationale supporting other lots.

F = (000-229-971) Owner expressed interest in being included in the pilot. Property is larger than 10 acres (11.79)

Map 1 – Approved residential properties (dark grey) and suggested (light grey) properties to include in flexible housing pilot



- Staff see no issue with including lots identified on the map as “B” and “E”.
- As indicated, lots identified as “C” cannot be included as they are not residential. They are zoned Community Service.
- Lot “D”, because it is close to amenities could be included. However, staff do note the high potential for salt water intrusion that should be considered with all decisions supporting increased density.
- Including lots “A” and “F” would require a change to the bylaw to allow flexible housing on lots up to 12 acres. The LTC could choose to make this change now to include lots “A” and “F” in the pilot or consider this change during a subsequent phase to expand of flexible housing zoning.
- If lot “B” and/ or lot F is to be included at this time, staff recommend also considering the rural lots across from lot “B” on Felix Jack Road as they share similar characteristics.

Rationale for Recommendation

Rescinding First Reading is necessary in order for the map to be amended to identify only residential properties in the pilot area. Staff also support additions to the pilot area that conform to previously identified criteria.

ALTERNATIVES

1. Do not include any other residential properties to the pilot area at this time

The LTC may decide not to add to the previously approved pilot areas.

That the Mayne Island Local Trust Committee add no properties, additional to those previously approved, to the flexible housing pilot area.

2. Add additional or different properties to the pilot area

The LTC may choose to add to the pilot area properties identified in the June 27th staff report and/or other properties.

That the Mayne Island Local Trust Committee amend the map in Bylaw 184 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No.2, 2021” to include previously approved residential properties as well as those lots identified in the June 27th 2022 staff report as....and (identify PID number)

NEXT STEPS

If the recommendations are supported by the LTC staff will:

- Refer the bylaw to relevant agencies and First Nations
- Schedule Public Hearing
- Provide the LTC with a staff report including all comments received
- Present bylaws to LTC for Second and Third reading

Submitted By:	Narissa Chadwick RPP, Island Planner	June 15, 2022
Concurrence:	Robert Kojima, RPM	June 16, 2022

ATTACHMENTS

1. Draft Bylaw 184 (1st Reading)
2. Revised Map 1/ Schedule E (only residential areas)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 184

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

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 By attaching Plan 1, attached to and forming part of this Bylaw, as Schedule “E” – Flexible Housing Map.
- 2.2 Section 1.1 – Definitions, is amended by deleting the definition of “Recreational vehicle and replacing it with ““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 a wheeled chassis designed to be used as a full-time residence”.
- 2.4 Subsection 3.13 (3) – Secondary Suites, is amended by inserting “in areas outside the shaded area in Schedule “E” following “constructed” in both instances.
- 2.5 Subsection 3.13 (8) – Secondary Suites, is amended by replacing “60” with “93”, replacing “646” with “1001” and replacing “40” with “50”.
- 2.6 Subsection 5.1 (2) –Settlement Residential (SR) Zone, is amended by inserting “unit” after the first instance of “dwelling” and before “per lot”
- 2.7 Section 5.1 – Settlement Residential (SR) Zone is amended by inserting a new subsection (3.1) following subsection (3):

“(3.1) Despite 5.1(2) and (3), 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 is permitted if the total combined square footage of all dwellings does not exceed 232 m² (2500 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 dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325m² (3500 square feet).
 - (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 4 hectares (10 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m² (4750 square feet).
 - (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule “E”, unless the additional dwelling is equipped with a water catchment system and cisterns for the storage of freshwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
 - (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings 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 dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6.”
- 2.8 Subsection 5.1 (7) – Settlement Residential (SR) Zone is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.9 Subsection 5.2 (5) – Rural Residential One, is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.10 Subection 5.4 (6) – Miners Bay Rural Comprehensive (MBRC) Zone, is amended by deleting articles (a) and (b) and replacing them with “(a) 93 square metres (1001 square feet).”
- 2.11 Section 5.5 – Rural (R) Zone is amended by inserting a new subsection (3.1) following subsection (3):
- “3.1) Despite 5.5 (2) and (3), 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 is permitted if the total combined square footage of all dwellings does not exceed 232 m² (2500 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 dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 325m² (3500 square feet).

- (c) On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 4 hectares (10 acres), three dwellings and a cottage are permitted if the total combined square footage of all dwellings and cottages does not exceed 436 m² (4750 square feet).
- (d) A building permit shall not be issued for any dwelling additional to one dwelling and a cottage on a lot within the shaded area on Schedule "E", unless the additional dwelling is equipped with a freshwater catchment system and cisterns for the storage of rainwater with a minimum cistern capacity of 13640 litres (3000 gallons) for each additional dwelling.
- (e) Despite subsection 3.9 (1), recreational vehicles and tiny homes on wheels are not permitted dwellings 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 dwellings may be used for short term vacation rentals, and on lots 0.6 hectares (1.5 acres) or greater only one cottage may be used for short term vacation rental, consistent with Section 3.6."

2.12 Section 5.5 (7) – Rural (R) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 93 square metres (1001 square feet)."

2.13 Section 5.6 (7) – Upland (UP) Zone is amended by deleting articles (a) and (b) and replacing them with "(a) 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	28 TH	DAY OF	MARCH	2022.
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____

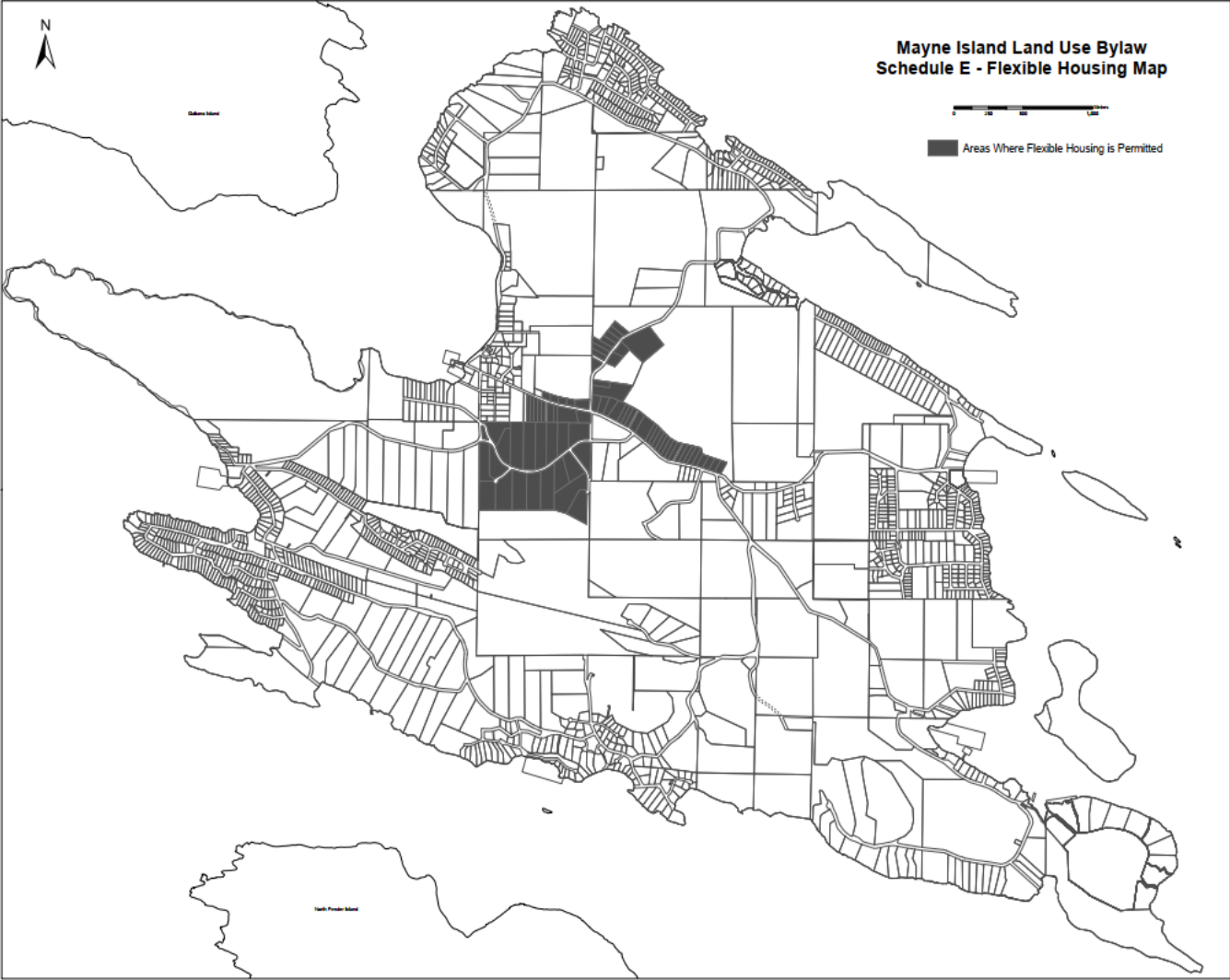
CHAIR

SECRETARY

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 184

Plan 1

Schedule E (Flexible Housing Areas Map)



Attachment 2: Amendment to Plan 1

