

DATE OF MEETING: July 25, 2022
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Flexible Housing: Second and Third Reading

RECOMMENDATION

1. That the Mayne Island Local Trust Committee Bylaw 189 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” be read for the second time.
2. That the Mayne Island Local Trust Committee Bylaw 189 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” be read for the third time.
3. 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 second time.
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 third time.
5. That the Mayne Island Local Trust Committee Bylaw No.189 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.
6. That the Mayne Island Local Trust Committee Bylaw No.184 , cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2021” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.
7. That the Mayne Island Local Trust Committee Bylaw No.189 cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2022” be forwarded to the Ministry of Municipal Affairs for approval.

REPORT SUMMARY

This report, to be presented after the Public Hearing, summarizes Bylaws 189 and 184 and recommends consideration of second and third reading.

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 within a pilot area. Permitting larger cottages and secondary suites was also discussed and included in the project. Three community information meetings were held (January 18th, March 29th, May 28th 2021).

Following the presentation of draft bylaws, including a pilot area, the LTC expressed interest in expanding the pilot area. Interest from community members in including additional lots in the pilot area, as well as the finalization of groundwater vulnerability data led staff to develop a larger set of criteria upon which to inform decisions regarding the location of the pilot area. A more detailed look at options also contributed to the inclusion of lots up to 12 acres in size that are part of a subdivision that include smaller lots. The LTC included these larger lots in revisions to the previously endorsed pilot area.

Additional background on the project can be found in staff reports located on the Mayne Island webpage under "Housing Review": <https://islandstrust.bc.ca/island-planning/mayne/projects/>

POST PUBLIC HEARING PROTOCOL

A public hearing is a quasi-judicial process within and following which specific procedures must be followed. Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

- Consideration of Second Reading
- Consideration of Third Reading.
- Forwarding of the bylaw to Executive Committee for approval.
- Forwarding of OCP amendments to the Minister for approval.
- Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

Amendments to the draft bylaws, based on information received or heard by the LTC at any point prior to the close of the public hearing, can be made provided they do not alter use or increase density, or decrease density without the landowner's consent.

If the Executive Committee approves the bylaws, the OCP bylaw will be forwarded to the Minister. Following Ministry approval the LTC can adopt the bylaws.

PROPOSED AMENDMENTS

Draft Bylaw 189, amending the Official Community Plan, enables the changes to the Land Use Bylaw to support Flexible Housing.

Draft Bylaw 184, amending the Land Use Bylaw, contains the following:

- Addition of the definition of “Tiny home on wheels”.
- Amendment to “recreational vehicles” to permit tiny home on wheels that meet the Canadian Standards Association Standard for recreation vehicles can be considered a recreation vehicle.
- Not including recreational vehicles and tiny homes on wheels, which cannot be regulated through building permit, to be considered as dwellings when a distributed square footage approach is taken.
- Increasing the maximum floor area of secondary suites to 95m² (1001ft²) in all zones where secondary suites are allowed.
- Removal of lower cottage size for smaller lots to allow 93m² (1001ft²) to be the maximum floor area for all cottages in all zones allowing cottages.
- Identification of the maximum number of dwellings and maximum combined floor area on different sized lots in the Flexible Housing pilot area. These would be consistent with existing regulations related to the number of dwellings permitted on different sized lots in the Settlement Residential (SR) Zone and the Rural (R) Zone. The total maximum floor area and number of dwellings in the Flexible Housing Pilot area of the Settlement Residential (SR) Zone and Rural (R) 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 2500 square feet/232 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 3500 square feet/325 square metres.
 - On lots having an area of 1.2 ha (3 acres) or greater, and not exceeding 5 hectares (12.355 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).
- Requirement for 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).
- Bed and Breakfast use would be permitted in the primary dwelling only.
- Does not permit STVR rental in additional dwellings.
- Permits only one Secondary Suite per lot.
- Identifies pilot area.

RATIONALE FOR RECOMMENDATIONS

- There has been a number of opportunities for public input throughout the project including 3 CIMs.
- The LTC has incorporate public feedback and detailed analysis of water vulnerability and access to amenities into the consideration of pilot areas.
- The project satisfies the LTC’s goal of providing opportunities for additional housing while limiting lot coverage.

ALTERNATIVES

1. Amend the Bylaws

The LTC could choose to amend the Bylaws provided they do not alter use or increase density, or decrease density without the landowner’s consent.

2. Defer further readings

The LTC may choose to defer further readings to consider new information presented.

That the Mayne Island Local Trust Committee defer further readings of Bylaw 189 and 184 until ...

3. Request further information

The LTC may request further information prior to making a decision. Staff advise that this will extend the timeline for Bylaw adoption. The information being requested will need to be specified in the resolution.

That the Mayne Island Local Trust Committee request that staff report back on

4. To proceed no further with the bylaws

The LTC may choose not to proceed with one or both bylaws, and to conclude the project.

NEXT STEPS

If the bylaws are given further readings:

- Staff will forward Bylaws 184 and 189 to the Executive Committee.
- Once approved by the Executive Committee, Bylaw 189 (OCP) will be sent to the Ministry of Municipal Affairs for approval.
- Once Bylaw 189 is approved by the Minister, Bylaws 184 and 189 will come back to the LTC for final approval.

Submitted By:	Narissa Chadwick, Island Planner	July 14, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	July 14, 2022

ATTACHMENTS

1. Draft Bylaw 189 (OCP)
2. Draft Bylaw 184 (LUB)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 189

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

The Mayne Island Local Trust Committee in open meeting assembled enacts 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, 2022”.

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 28TH 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____

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 189**

SCHEDULE 1

The Mayne Island Official Community Plan No. 144, 2007, is amended as follows:

1. Section 1.2 Broad Community Objectives is amended by adding to Objective 5) "and flexible" after "effective" and before "housing".
2. Section 2.1.1 Settlement Residential Objectives is amended by adding: "4) to support flexible options for housing while preserving and protecting rural character and freshwater sustainability."
3. Settlement Residential policy 2.1.1.2 is amended by deleting the first instance of "One" and replacing it with "In general, one" and by inserting "except where regulations permit additional dwelling units while limiting floor areas" after "or larger" and before ".".
4. Settlement Residential policy 2.1.1.3 is amended by deleting "On" and replacing it with "In general, on" and by inserting "except where regulations permit additional dwelling units while limiting floor areas" after "of lot area" and before ".".
5. Settlement Residential policy 2.1.1.10 is amended by deleting the first instance of "On" and replacing it with "Except where regulations permit additional dwelling units while limiting floor area, on".
6. Section 2.1.4 Rural Objectives is amended by adding "3) to support flexible approaches housing while preserving and protecting rural character and freshwater sustainability".
7. Rural policy 2.1.4.2 is amended by deleting the first instance of "One" and replacing it with "In general, one" and by inserting "except where regulations permit additional dwelling units while limiting floor area" after "of parcel area".
8. Rural policy 2.1.4.3 is amended by inserting "primary" after second instance of "permitted" and before "dwelling unit".
9. Rural policy 2.1.4.12 is amended by deleting the first instance of "On" and replacing it with "Except where regulations permit additional dwelling units while limiting floor area, on".

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 5 hectares (12.355 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 5 hectares (12.355 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	27 TH	DAY OF	JUNE	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)

