



STAFF REPORT

Meeting of October 1, 2007

File No.: MA-LUB-2007.1

To: Mayne Island Local Trust Committee

From: Robert Kojima
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Local Planning Services

Re: Commercial Accommodation Zoning

Preliminary Report

BACKGROUND: At the regular meeting of July 23, 2007 the Mayne Island Local Trust Committee (LTC) asked staff to prepare options for zoning of commercial guest accommodation units. This report will summarize the current zoning and potential for commercial guest accommodation, identify potential impacts of the current development potential, and outline zoning options. As the LTC has recently adopted a revised official community plan (OCP), the analysis will focus primarily on zoning options that would be consistent with existing policy. This report discusses only what is sometimes referred to as indoor commercial guest accommodation¹, and does not address bed and breakfast home occupations, campgrounds or vacation rentals.

CURRENT POLICIES AND REGULATIONS:

Islands Trust Policy Statement:

Directive Policies

- 5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

¹ Hotels, inns, resorts, and lodges that offer guest accommodation in enclosed rooms or self-contained cabins are included in the indoor commercial accommodation category. The two locations zoned for 'Country Guest House' use are included in this category.

- 5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Mayne Island Official Community Plan

Relevant OCP policies and DPA provisions are attached.

Mayne Island Land Use Bylaw

Relevant zoning regulations are attached.

ISSUES SUMMARY:

Existing Inventory

An inventory of existing and potential tourist accommodation in the southern gulf islands was prepared in 2005². This report indicated that, as of 2005, there were 4 tourist accommodation operations on Mayne, offering a total 37 tourist accommodation units³. A current (2007) update to this inventory indicates that the number of units has increased to approximately 58. The increase is attributable to the redevelopment and expansion of the Mayne Inn (please see Table 1 below). The bulk of the existing inventory is in four operations: The Blue Vista (8 units), the Mayne Inn (26 units when complete), the Oceanwood Inn (12 units), and the Springwater (9 units in total).

Development Potential

There is a significant amount of unrealized potential on several of the lots currently zoned C2. With full build-out the number of units could potentially more than triple to 196 (without subdivision) or 211, with subdivision. As there are currently approximately 58 commercial guest accommodation units available (or under construction in the case of the Mayne Inn), full build-out would represent an increase of 138 or 153 units respectively. The bulk of the unrealized development potential is in two locations: the “Bennett” property in Miners Bay and “Marisol Village” in Bennett Bay. The first property is a largely undeveloped waterfront property located on the southern approach to Miners Bay, and could be developed with up to 61 units without subdivision. Marisol currently is developed with 13 small dwellings, most of which are used as residences,

² Southern Gulf Islands Accommodation Inventory and Accommodation Policy Assessment. 2005. Islands Trust. The document can be viewed at:

<http://islandstrust.bc.ca/lrc/ma/pdf/marptsgulfislandsaccomminventory2005.pdf>

³ A ‘tourist accommodation unit’ was defined in the report as either: one enclosed room or a suite of rooms in an indoor commercial accommodation operation. This term is similarly defined in the Mayne Island Land Use Bylaw.

either seasonally or permanently, but which could be developed with up to 53 tourist accommodation units.

Table 1 - 2007 Commercial Guest Accommodation Inventory and Potential

NAME	CURRENT TOTAL	ZONE	C2 AREA (ACRES)	UNIT POTENTIAL	POTENTIAL ADDITIONAL UNITS (NO SUB.)	MIN. LOT AREA	SUB. POTENTIAL (# OF LOTS)	TOTAL POTENTIAL UNITS (WITH SUB.)
Blue Vista Resort	4	C2	0.35	5	1	1 acre	0	5
Blue Vista Resort	4	C2	0.35	5	1	1 acre	0	5
Mayne Inn*	26	C2	2.9	26	0	1 acre	2	26
The Oceanwood Country Inn	12	CGH-B	10.2	12	0	10 acres	0	12
The Springwater Lodge	5	C2	0.8	11	6	1 acre	0	11
The Springwater Lodge	4	C2	1	15	11	1 acre	0	15
Marisol Village	3	C2	4	53	50	1 acre	4	60
Troubadour	0	CGH	4.1	8	8	5 acres	0	8
Bennett Property	0	C2	4.7	61	61	1 acre	4	69
Total	58			196	138			211

* Limited to 26 units by covenant

Zoning Regulations

The existing zoning regulations establish several limits on density for tourist accommodation uses in the C2 zone:

1. There is a maximum floor area limit for tourist accommodation uses of 1630 m² per hectare.
2. There is a total floor area limit of 1630 m² per hectare for all uses in three locations in the C2 zone⁴.
3. The maximum number of units is established at 37 per hectare (15 per acre) for the first hectare and 27 per hectare (11 per acre) for any additional lot area over 1 hectare.
4. Individual tourist accommodation units are limited to a maximum floor area of 61m² (657 ft²) per unit.
5. There is a maximum floor space ratio of 0.25.

The nature of these regulations makes it difficult to categorically determine the maximum development potential for each property. However, the limit on the maximum number of units establishes a ceiling in terms of tourist units. For example, the “Bennett” property would be limited to a maximum 3100 m² (33,374 ft²) of floor space in all uses, and a maximum of 61 units (an average of 547 ft² each if there are no other uses on the lot).

⁴ Blue Vista, Marisol, “Bennett” property

Potential Impacts

The existing zoning would permit significant levels of additional tourist accommodation development. The introduction of new development permit provisions for the form and character of commercial development provides controls on the general appearance, layout and landscaping of future development. The revised guidelines encourage low profile buildings, architectural variety, a mix of building types and protection of views. However, the use of development permits does not limit the overall density, and the potential impacts of new development could still be quite significant in terms of traffic, noise, water use, changes to existing development patterns and neighbourhood character, and overall visual impact. The existence of development permit areas may also create the impression that the LTC has discretionary control over new development, which is not the case. If a development permit application is consistent with the form and character guidelines established for that DPA, the LTC is under an obligation to approve the permit.

Occupancy and Tenure

In addition to density, the current C2 zoning regulations do not define length of occupancy. In order to address this, the OCP includes a new policy (2.4.2.2), which directs the LTC to consider regulating the length of stay for visitor accommodation units, with provisions for long term stays for work crews. This may be a concern as the current industry practice is to develop new commercial tourist accommodation as fractionally owned stratas. This makes sense from the developer's perspective, as it allows for the quick recovery of the significant costs associated with development. It can result, however, in the development of accommodation that is something of a hybrid between traditional resorts and vacation residences. Under the fractional ownership model, individual units are sold as stratas, typically in quarters; in other words, a purchaser buys one quarter of a unit in a strata plan. With this comes the right to occupy the unit one quarter of the time, and if the owner chooses not to occupy the unit for that time it can be rented, either privately or through a rental pool. These developments are typically marketed as both an investment and as vacation homes. As a result, many of the units are not available for rent to visitors at all times, including during peak summer weeks. What the community plan and the zoning may have intended to be for "tourist accommodation", i.e. providing transient accommodation for travelers, may end up being a combination of vacation cottages and units that are available for occasional rent.

The LTC cannot regulate the tenure of land; in other words cannot use zoning to prohibit strata titling. Zoning can, however, control use, including the definition of "tourist accommodation unit". Many bylaws define tourist units in such a way as to establish an explicit length of time which an owner may occupy a unit. If the LTC establishes an acceptable level of future density for tourist accommodation, then the LTC should also ensure that the future development results in units available for tourist use by amending the zoning definitions.

Zoning Options

The OCP establishes several objectives and policies with respect to visitor accommodation:

1. Ensure a supply of safe and healthy accommodations.
2. Disperse accommodation to minimize impact on rural character.
3. Ensure that accommodations can be adequately serviced.
4. Disperse visitor accommodation at a low density.
5. Prohibit high impact destination recreational facilities.

With these policy guidelines in mind, the LTC should consider the existing C2 zoning in terms of:

1. Whether or not the existing development potential is adequate in terms of the overall number of potential units.
2. The appropriateness and potential impacts of development at the existing zoned locations and densities. Specifically, the two locations with the bulk of the unrealized potential would appear contrary to the intent of the OCP objectives and policies for low density, dispersed visitor accommodation.

Without revisiting the OCP, the LTC has a number of options in terms of amending the existing zoning:

1. Status Quo: maintain existing density and uses. This option would rely on existing regulations to address density and use, in combination with the revised development permit area provisions to address the visual impacts of new development.
2. Regulate occupancy: it is suggested in the OCP (policy 2.4.2.2) that the LTC regulate the length of stay in units. This would ensure that units are available for visitor accommodation.
3. Rezone to limit density on certain sites: this option is based on the fact that there are two properties with a significant amount of unrealized development potential, and the future development of these sites could have significant negative impacts on neighbouring properties. OCP policy 2.4.2.1 supports zoning for low density visitor accommodation; consequently, the LTC could consider zoning for lower densities at these selected sites without further amendment to the OCP.

4. Reduce density throughout C2 zone: under this option, the LTC would essentially consider that the current C2 density provisions are too high and amend the zoning to reduce the density. This would also be supported by OCP policy 2.4.2.1. For example, by reducing the total number of guest accommodation units per hectare. This would affect all C2 properties equally; however, the LTC could consider site specific provisions to permit the existing level of development so properties are not rendered non-conforming.
5. Amend density provisions to provide greater flexibility: the zoning provisions institute a number of different limits on density, including total floor area, number of units and floor space ratio. These limits serve to constrain options in terms of constructing larger units and instituting other permitted uses, without limiting the number of units that can be developed. The LTC could consider amending one or more of these provisions, for example allowing larger units to be constructed. This option could be considered in conjunction with reducing the permitted number of units.
6. Country Guest House zoning: the existing country guest house zoning is essentially site specific zoning for two particular locations. The current scheme of having two separate zones for the two locations is cumbersome and repetitive. The zoning could be more simply accommodated in a single zone with site specific provisions. Also, the zoning for the 'Troubadour' location should be reviewed with the owner, as it is not currently used as conventional tourist accommodation.

Once the LTC has considered the appropriate options, staff can be directed to draft the appropriate zoning provisions.

Respectfully submitted by:

Robert Kojima

September 21, 2007

Date

Attachments

Attachment 1 - OCP Policies

Mayne OCP – Visitor Accommodation Policies and DPA guidelines

2.4.2 Visitor Accommodation

Background

The historic pattern of visitor accommodations followed the settlement pattern in the Miners Bay and Bennett Bay areas as represented by the 5 original Commercial Accommodation zones. Visitor accommodations are dispersed throughout the island and vary from inns and motels to bed and breakfast operations. Bed and breakfasts are home occupations and policies for them are located in the home occupation section.

Objectives

The objectives of this section are:

- 1) to ensure a supply of accommodations that are safe and offers a healthy environment,
- 2) to disperse accommodations in quiet natural settings having the least impact on the quiet rural character of the Mayne Island Trust Area,
- 3) to ensure all accommodations can be adequately serviced, and
- 4) to ensure all restaurants are at an appropriate scale to service residents and visitors.

Policies

- 2.4.2.1 Accommodation for visitors shall be at a low density as defined in the Land Use Bylaw and shall be dispersed around the Mayne Island Trust Area.
- 2.4.2.2 There should be regulation in the Land Use Bylaw that would limit the length of stay for visitor accommodation units while acknowledging that the Springwater Lodge and Blue Vista, for example, has for many years allowed works crews to stay for longer durations.
- 2.4.2.3 Commercial campgrounds may be permitted by rezoning application only. The Local Trust Committee should consider the following guidelines in assessing any application for rezoning to permit a commercial campground:
 - i) Large scale campgrounds and facilities oriented to recreational vehicles are discouraged.
 - ii) Applications to permit small scale, low impact campgrounds, primarily oriented to tent camping, without individual power and water hook-up, shall be considered. Such campgrounds should not include retail commercial uses and structures should be

limited to tables, picnic and cooking areas and necessary water and septic facilities.

- iii) Small scale campgrounds may be considered as a site specific accessory use on larger properties in the Rural, Agricultural and Upland designations.
- iv) Applications may also be considered for small scale campgrounds which would be the principal use on a smaller property in any designation outside the ALR; such applications should rezone and re-designate the property to an appropriate commercial accommodation zone and land use designation and may include designating the property as a development permit area for commercial visitor accommodation.
- v) Applications for accessory campgrounds on land in the Agricultural Land Reserve may be considered as a form of agri-tourist accommodation; such applications must comply with Provincial Agricultural Land Commission policies for agri-tourist accommodation.
- vi) In assessing an application to rezone to permit a campground, the Local Trust Committee should ensure that the application includes demonstration of an adequate supply of potable water, appropriate sewage disposal facilities, approved fire suppression measures, adequate access and egress, parking and a site layout in which the individual sites are well screened and adequately separated. The Local Trust Committee should also consider any potential impacts on neighbouring land uses, traffic impacts, environmental impacts and the cumulative impact of campgrounds on the community in assessing the application.
- vii) Approval of a rezoning for a campground should include measures to ensure that accommodation is temporary and short term only.
- viii) The Local Trust Committee should consider an appropriate combination of site-specific zoning regulations such as increased setbacks from lot lines, rezoning to a commercial accommodation zone, designation as a development permit area and Section 219 covenants in the implementation of these guidelines.

2.4.2.4 Bed and breakfasts at a small scale shall be permitted as a home occupation but accommodations of a larger scale may be permitted by rezoning on site specific application only.

2.4.2.5 The scale of use, the degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new visitor accommodation development shall be regulated through development permit.

2.4.2.6 The density of use on a parcel or within a building in this designation may be increased subject to compliance with Section 2.8 (Amenity Zoning Guidelines) of this Plan.

4.6 TOURISM

4.6.1 Tourism

Background

The Mayne Island Trust Committee has a dual mandate to preserve and protect the Islands for the benefit of the local community and the Province generally.

Objectives

The objectives of this section are:

- 1) to maintain the rural ambience of the Mayne Island Trust Area,
- 2) to provide adequate infrastructure for tourist activities, and
- 3) to ensure tourism use that is environmentally, economically and civically sustainable, and within the capability of our community's volunteer base which supports or provides most local services and resources.

Policies

- 4.6.1.1 High impact destination recreational facilities that are not part of, or sensitive to, the natural and rural values of the Mayne Island Trust Area and that are designed to attract visitors to the Area shall not be permitted.

Advocacy Policies

- 4.6.1.2 The Ministry of Tourism shall be requested to ensure the rural ambience is maintained by integrating community values into tourism planning for the Mayne Island Trust Area.
- 4.6.1.3 The Ministry of Tourism shall be requested to ensure that the appropriate authorities provide sanitary services, including fresh water, toilets and garbage cans for the visiting public.
- 4.6.1.4 The Mayne Island Chamber of Commerce shall be encouraged to develop and implement a tourist strategy that supports the values outlined in this Plan.

Development Permits to Define the Form and Character of Visitor Accommodation Development

- Guideline 2 Where an application involves visitor accommodation buildings or structures, which are buildings designed and intended for use as commercial visitor accommodation units, building form and character should adhere to the following guidelines:
- 1) Buildings and structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
 - 2) Where there are significant numbers of visitor accommodation units proposed or permitted on a site, development should incorporate a variety of building types, including attached or multi-unit buildings, in order to minimize the development footprint on the site and to minimize impacts on adjacent properties.
 - 3) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties without being imitative or derivative of adjacent dwellings.
 - 4) Building mass should be limited to two storeys above grade.
 - 5) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.
 - 6) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.
 - 7) Architectural variety should be provided through the use of pitched roofs, peaked roof lines, dormers and similar features.
 - 8) New buildings should result in minimal disturbance to existing vegetation.
 - 9) In order to reduce noise such elements as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design.
 - 10) Development along the shoreline should be visually unobtrusive and conform to the existing contours of the shoreline.
 - 11) Development should be designed and sited in such a manner as to preserve existing significant views, public paths and view corridors from adjacent properties and public lands. Consideration should be given to siting a first storey below grade where it results in a lower profile building and protection of views.

- 12) Structures intended to access the foreshore, docks and marinas should be small-scale and low-profile. Stairs and ramps should follow the existing contours of the site, incorporate landings, public paths, utilize small concrete pilings and have gaps between boards.

Guideline 4 All applications should include landscaping adhering to the following guidelines:

- 1) A landscape plan prepared by a professional such as a landscape architect should:
 - i. provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work;
 - ii. identify existing vegetation by type and identify areas which are to be cleared;
 - iii. provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads;
 - iv. provide for vegetative buffers along lot lines;
 - v. identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides.
- 2) Existing site topography and landscape features, and indigenous vegetation should be retained wherever possible. Significant existing indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetation within the buildable area of the site should be preserved wherever possible through careful and innovative site design.
- 3) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening.
- 4) Landscaped strips or appropriate buffering should be provided adjacent to the boundary of the Agricultural Land Reserve, along abutting residential properties and adjacent to watercourses.
- 5) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and with the other guidelines in this section.
- 6) Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged.
- 7) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual

screen around the whole site and screen all buildings from view; planting should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners.

- 8) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation.
- 9) All landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.
- 10) The application should include a security, in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost.

Guideline 5 All applications should provide a parking layout plan, adhering to the following guidelines:

- 1) Large impervious and surfaced parking areas should be avoided. Parking should be provided through smaller parking areas evenly dispersed throughout the development and separated with planted landscaped areas. Porous or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems.
- 2) Visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas.
- 3) Parking should be located at the sides or rear of buildings wherever feasible.
- 4) Development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment.
- 5) All significant paved parking areas should be included within the context of any stormwater water plan and incorporate oil/water separators.
- 6) The shared use of a common access between businesses is encouraged. The number of accesses should be limited to the number required for traffic safety.
- 7) All new development should include provision for bicycle parking or storage.

Guideline 6 Lighting proposed as part of an application for a new building or overall site development should adhere to the following guidelines:

- 1) Lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths.
- 2) High intensity lighting in parking lots and along roadsides is discouraged.
- 3) Security and other lighting should not be placed so as to shine directly onto residential or agricultural properties or to reduce the effectiveness of any landscaped buffer.

Guideline 7 Signs should adhere to the following guidelines:

- 1) Each site should have no more than one freestanding sign, located on the same lot as the development.
- 2) One sign should be installed for each business premise. All signs should be integrated into the overall design of the building and should not extend above the top wall of a building.
- 3) Signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons.

Guideline 8 The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section.

Attachment 2 – C2 Zoning Regulations

9.10 COMMERCIAL ACCOMMODATION ZONE - C2

9.10.1 Permitted Uses

The following uses and no others are permitted in areas designated as Commercial Accommodation C2:

- (1) Tourist accommodation in hotels, motels, lodges and inns
- (2) Accessory dwelling unit for the accommodation of the owner, operator or employee of a permitted tourist accommodation use
- (3) Accessory restaurant, cafe, and premises licensed under the *Liquor Control and Licensing Act*
- (4) Retail sales uses in connection with a permitted tourist accommodation use
- (5) Public service uses
- (6) Parks
- (7) Utility lines and poles
- (8) Accessory uses, buildings and structures

9.10.2 Despite subsection 9.10.1, the only uses permitted on lands legally described as:

- (1) Lot 14, Section 9, Mayne Island, Cowichan District, Plan 15114
- (2) Lot 15, Section 9, Mayne Island, Cowichan District, Plan 15114
- (3) Lot A, Section 9, Mayne Island, Cowichan District, Plan 6587
- (4) Part of the East 10 Chains of the Fractional South West ¼, Section 12, Mayne Island, Cowichan District, Except Part in Plans 13929, 15136, 21821, and 44664

are those referred to in articles 9.10.1(1), (2), (4), (5), (6), (7) and (8).

9.10.3 Density

- (1) One accessory dwelling unit is permitted per lot.
- (2) The total floor space for all purposes must not exceed 2,500 m² per hectare of lot area, of which not more than 1,630 m² may be tourist accommodation use and not more than 20 m² accessory retail sales area.
- (3) Despite article (2) the total floor space for all purposes on lands referred to in subsection 9.10.2 is 1,630 m² per hectare of lot area of which not more than 70 m² may be accessory retail sales area.
- (4) The total number of tourist accommodation units must not exceed 37 per hectare in respect of the first hectare of any lot

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and 27 per hectare in respect of any additional lot area over 1 hectare.

- (5) Individual tourist accommodation units must not exceed 61 m² in floor area.
- (6) The maximum number of buildings accessory to a permitted tourist accommodation use is 4.
- (7) The floor space ratio must not exceed 0.25.

9.10.4 Lot Coverage

- (1) Lot coverage by buildings and structures must not exceed 20% of the lot area.

9.10.5 Siting of Buildings, Structures and Uses

- (1) No building or structure except a sign, fence or pumphouse may be sited within 8 metres of any lot line.
- (2) The general siting provisions in Part 4 apply in addition to those contained in this subsection.

9.10.6 Height of Buildings and Structures

- (1) No principal building, dwelling unit, restaurant, cafe or premises licensed under the *Liquor Control and Licensing Act* may exceed 9 metres nor 2 storeys in height.
- (2) No accessory building or structure other than a dwelling unit may exceed 5 metres in height.

9.10.7 Subdivision Requirements

- (1) No lot having an area less than 4000 m² may be created by subdivision.