



File No.:
12_08_6500_20_2023 OCP
and LUB Minor
Amendments

DATE OF MEETING: November 27, 2023
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Minor Amendment with APC Feedback

RECOMMENDATION

- 1. That the Mayne Island Local Trust Committee request staff to prepare draft amendments to Bylaw No. 187, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021” in accordance with the staff report dated November 27, 2023 and any further direction from the LTC provided at the November 27, 2023 LTC meeting.**

REPORT SUMMARY

The purpose of this report is to provide staff review of the Advisory Planning Committee (APC)’s recommendations regarding amendments to Mayne Island’s Land Use Bylaw and to seek direction from the LTC to move forward with drafting bylaw amendments.

BACKGROUND

The LUB minor amendments project is projected to receive first reading by the spring of 2024. At their May, June and July 2023 meetings, the LTC identified and discussed topics to include in the project. The project charter was adopted at the July 2023 meeting and the list of options to address was amended at that time. Relevant resolutions passed at the LTC’s September 25, 2023 and follow up actions are identified below.

MA-2023-050

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff to add to the Mayne Islands Local Trust Committee’s Housing Options Project rezoning, to permit multiple dwelling units, of the portion of the Capital Regional District’s land in the Upland zone at the end of Wooddale Drive that the Capital Regional District has identified as “surplus land”.

Islands Trust staff have discussed this with CRD staff. As the CRD is yet to delineate the boundaries of a potential residential area staff recommend that this action be addressed as part of the Mayne Island’s housing project.

MA-2023-049

It was Moved and Seconded,

that Mayne Island Local Trust Committee request staff to refer to the Advisory Planning Commission the September 25, 2023 staff report, with the exception of those items beyond the scope of the project, and request that the Advisory Planning Commission provide recommendations no later than November 13, 2023.

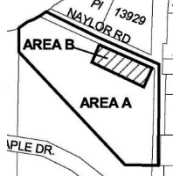
The APC held a meeting on November 6, 2023 to review the proposed amendments to the LUB. Their feedback was received on November 13th, 2023. Their feedback and staff response is identified in the table below.

ANALYSIS

TOPIC: CURRENT BYLAW/APPROACH	RECOMMENDATIONS/OPTIONS	
<p>Shipping Containers Issue: Clarity needed with respect to regulating shipping containers. Current Regulation: Shipping containers are accessory structures and are regulated as such.</p>	<p>Permission could be more explicit like in South Pender’s LUB: <i>“Shipping containers are a permitted accessory use on a lot subject to the following:</i> <i>(a) On a lot less than 0.8 ha (2 acre) in area, a maximum of one (1) shipping container is permitted.</i> <i>(b) On a lot 0.8 (2 acres) or greater in area, but less than 1.2 ha (3 acres) in area, a maximum of two (2) shipping containers are permitted.</i> <i>(c) On a lot with an area greater than 1.2 ha (3 acres), a maximum of three (3) shipping containers are permitted”.</i></p>	
	<p>APC Comments:</p> <ul style="list-style-type: none"> • Include definition of shipping containers • Define # allowed 	<p>Staff Response:</p> <ul style="list-style-type: none"> • Definition can be drafted • LTC needs to identify # to be allowed on each size of lot
<p>Permitted Livestock Issue: List of livestock permitted is restricted to certain types of livestock. Current Regulation: 3.2 Prohibited in All Zones “ For certainty, the following uses, buildings and structures are prohibited in any zone, except where expressly permitted in Part 5: (1) In all zones except the R and A zones, the keeping on a lot having an area of less than 2000m2 (0.5 acres) of cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus and more than one horse;</p>	<p>North Pender Example: <i>“livestock” means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, horses, goats, sheep, hogs, llamas, and alpacas</i></p> <p>Option: Add definition of livestock similar to North Pender definition and amend 3.2 (1) as follows: 3.2 Prohibited in All Zones (1) In all zones except the R and A zones, the keeping on a lot having an area of less than 2000m2 (0.5 acres) of cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus livestock and more than one horse;</p>	
	<p>APC Comments: Staff recommendation supported</p>	
<p>Personal Watercraft Issue: There have been no issues with personal watercraft, no need to regulate Current Regulation: . 3.2 Prohibited in All Zones (except where expressly permitted) (3) The rental or sale of personal watercraft;</p>	<p>Removal of definition of “personal watercraft” Removal of 3.2 (3)</p>	
	<p>APC Comments: Staff recommendation supported</p>	
<p>Definition of Motor Vehicle Issue: Need to regulate derelict boats on land as well as trailers, RVs and vehicles</p>	<p>Option: 3.14 Derelict Vehicles, Boats and Trailers Lots under 1 acre/ 0.4 hectares shall not be used for:</p>	

	<p>(1) the storage of more than one of the following: unlicensed motor vehicle, trailer or boat, unless the vehicles they are stored within a permitted building;</p> <p>(2) the wrecking or storage of derelict or abandoned vehicles, trailers, boats, or other discarded machinery or equipment; and</p> <p>(3) the storage of detached or salvaged motor vehicle, boat or trailer parts or scrap, unless the parts are stored within a permitted building that is completely enclosed.</p>
<p>APC Comments: Staff recommendation supported</p>	

The APC supported all the options related to technical changes to zoning on specific properties and the rezoning of properties to permit uses that are currently permitted through temporary use permit. These are identified below.

PROPERTY/ISSUE	OPTIONS/RECOMMENDATIONS
<p>Bennett Estate (Naylor Road)</p> <p>Issue: CD2 zone is divided into A and B Areas. Residential use only permitted in B.</p> 	<p>Remove Areas A and B and allow all uses throughout CD2 zone. This will provide more flexibility for the development of housing.</p> <p>Currently in "A" - (a) Tourist accommodation; (b) Retail sales; (c) Restaurant; (d) Offices, including financial services and travel agencies; (e) Personal services; (f) Medical and dental clinics; (g) Employee housing; (h) Accessory dwelling units; (i) Accessory uses, buildings and structures.</p> <p>Currently in "B" - (a) Residential; (b) Uses, buildings and structures accessory to residential use</p>
<p>Church Property (360 Georgina Point Road)</p> <p>Issue: Property is currently zoned for "Seniors Citizens Housing". Zoning could be made more flexible to accommodate all affordable housing that is not seniors housing exclusively. Property would still have Housing Agreement and Covenant registered on title which restrict occupancy to Seniors.</p>	<p>LTC can make technical changes to language related to use. However the existing housing agreement and covenant would still restrict the type of housing and occupancy. If property is proposed to be developed for affordable housing that is not seniors the Housing Agreement and Covenant can be amended with the consent of the property owner.</p> <p>By changing the zoning the LTC is signally support for amending the housing agreement and covenant at a later date. The housing agreement and covenant will have to be changed in cooperation with the property owner.</p>
<p>Thrift Store (437 Fernhill Road)</p> <p>Issue: Property is zoned settlement residential. Use was permitted through TUP in 2021.</p>	<p>The LTC can make the temporary use permanent by creating a site specific zone in the settlement residential zone. Staff will follow up with the property owner to see if there is interest in an amendment to make the use permanent.</p>
<p>Vet Clinic (500 Felix Jack Road)</p> <p>Issue: Property is zoned settlement residential. Use was permitted through TUP in 2022.</p>	<p>The LTC can make the temporary use permanent by creating a site specific zone in the settlement residential zone. Staff will follow up with the property owner to see if there is interest in an amendment to make the use permanent.</p>

<p>Campbell Bay Musicfest (327 Campbell Bay Road). Property is zoned rural. The original TUP permitting an annual music festival was issued in 2017 and renewed in 2022.</p>	<p>The LTC can make the temporary use permanent by creating a site specific zoning in the rural zone. Staff will follow up with the property owner to see if there is interest in an amendment to make the use permanent.</p>
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The amendments below were identified by staff in the September 25, 2023 as requiring further analysis and discussion.

TOPIC: CURRENT BYLAW/APPROACH	ANALYSIS/RECOMMENDATION
<p>BC Ferries Property (487 Letour rd) Issue: Property is currently zoned settlement residential. Property has TUP permitting temporary housing for workers. Area could be used to support other community interests in the future.</p>	<p>This is more than a simple technical amendment as it would require discussions with the property owners (BC Ferries) and the community about the types of uses the property could support and an OCP amendment.</p> <p>Staff Recommendation: Remove from LUB technical review and initiate discussion with BC Ferries about the kinds of uses they would support. Encourage an application for rezoning or add to list for future OCP/LUB update.</p> <p>APC Comments: Staff Recommendation Supported</p>
<p>Definition of Seawall Issue: There is no definition of seawall in the LUB. Property owners sometimes take measures to protect property from erosion. Greater certainty over what types of approaches are permitted may be useful.</p> <p>Current Regulation: A seawall would be considered a structure. Structures are not permitted in the setback from the sea without a variance, nor on the foreshore without a rezoning.</p>	<p>Issues related to shoreline protection should be part of a shoreline review and may require OCP amendment, including the development of a shoreline DPA.</p> <p>The Mayne OCP 4.2.1.2 (a) permits the LTC to “<i>amend its bylaws to allow erosion protection structures to be regulated through development permits</i>” and (b) “<i>consider on a case by case basis applications from property owners to provide protection of existing structures from foreshore erosion in situations where the erosion protection works will not disrupt natural coastal processes</i>”.</p> <p>The Galiano Shoreline DPA identifies hard structures related to the shoreline protection as including rock (rip rap) revetments, gabions, concrete groins, retaining walls or bulkheads and seawalls.</p> <p>Staff Recommendation: the LTC could address shoreline protection and potential development of a shoreline DPA as a major project.</p>
<p>APC Comments: Request staff to develop a definition of a seawall detailing location within the setback – height and materials specific to erosion protection</p>	<p>Staff Response: Erosion control in the foreshore can be very site specific contributing to variations in what could be consider a seawall structure. Given this, defining seawall will be challenging and have limited value. The OCP encourages case by case regulation of erosion protection structures through development permits. Staff recommend this continue to be the approach. Effectively addressing the problem of erosion control in a way that considers impacts on the foreshore environment requires a more comprehensive approach.</p>
<p>Height of Accessory Buildings in SR Issue: Volume of DVP applications</p> <p>Current Regulation: In zones excluding Rural and Agricultural “<i>The maximum height for any accessory building or structure is 5 metres (16.5 feet)</i>”.</p>	<p>In the past five years there have been four applications for development variance permits related to the height of accessory buildings outside the rural and agricultural zones (where permitted height is higher). In all cases the variance did not exceed 6 metres.</p> <p>The LTC could consider permitting an increase in the height of accessory buildings in zones outside rural and agricultural. However, consideration of impacts such as visual and environmental should be considered.</p>

	<p>Staff recommendation: Make no change at this time. As there are on average less than one DVP related to height of accessory building a year, changing the bylaw is not necessary to address workload. If a change is considered it should not exceed 6 metres as all applications for DVP in the last 5 years were less than 6 metres.</p> <p>As Mayne Island has the second highest number of DVPs (37 in the last 5 years) in the Southern Islands (with Salt Spring being the highest) the LTC may want further analysis and identification of options to address the volume of applications.</p>
APC Comments: Staff Recommendations Supported	
<p>Mooring Buoys Issue: Lack of clarity regarding what is permitted</p> <p>Current Regulation: Mooring buoys are not permitted in the Water Protection Zone (W1)</p>	<p>The LTC could choose to permit mooring buoys in the Water Protection Zone (W1). However, unless some kind of regulatory approach is designed to limit the number of buoys providing outright permission for mooring buoys in W2 could lead to a proliferation.</p> <p>Staff recommendation: Make no changes to the bylaw with respect to mooring buoys. This provides the opportunity to enforce if there are issues.</p>
APC Comments: That the LTC create a long term project to develop regulations regarding mooring buoys	Staff Response: If the LTC was to permit mooring buoys a regulatory approach would need to be developed. This would require staff resources to implement. This could be added to the future projects list.
<p>Woodsheds in Setbacks Issue: Perceived volume of applications</p> <p>Current Regulation: woodsheds are not permitted in setbacks</p>	<p>Over the past 5 years there have be 5 applications for development variance permits related to sheds in setbacks. It is not clear how many of these are woodsheds.</p> <p>Option: 3.3 (2) <i>No building or structure, except a fence, a patio, utility line, navigational aid, water storage tank not exceeding 3 metres (10 feet) in height, woodshed, or utility shed, may be constructed, reconstructed, moved, extended or located within the setback areas established in the regulations in Part 5 of this Bylaw.</i></p> <p>Staff recommendation: Make no change at this time. As the number of applications for sheds is limited, there does not appear to be a need to permit woodsheds in setbacks. The application for DVP provides an opportunity to consider the impacts. If the LTC would like exempt woodsheds from setbacks a size maximum should be identified.</p>
APC Comments: Recommends staff develop a clear definition of a woodshed that specifies size and type of structure	Staff Response: If the LTC supports permitting woodsheds in setbacks, staff recommends that size and type of structure be defined. LTC should request staff identify options in draft bylaw.
<p>Outhouses Issue: Enforcement issues related to outhouses.</p> <p>Current Regulation: Outhouse is considered an accessory structure and is regulated as such.</p>	<p>Currently any Islands Trust initiated enforcement related to outhouses is limited to size and siting. They are currently permitted as accessory buildings. Provincial regulation could be enforced by Island Health (see below).</p> <p>Outhouses, also known as a 'privy', are regulated by the Sewerage System Regulation administered by Island Health. The intent of the regulation is to regulate sewerage systems for residential use of a maximum size. The Sewerage System Regulation prior to 2004 did include, by definition, a privy to be a sewerage system. However the current Sewerage System Regulation, adopted in 2004, does not consider a privy to be a 'sewerage system'. The Regulation defines a sewerage system as "a system for treating domestic sewage that uses one or more treatment methods and a discharge area, but does not include a holding tank or a privy"; therefore, a privy is not a permitted use for a sewerage system.</p> <p>Staff recommendation: Make no change.</p>
APC Recommendation: Permit outhouse structures	Staff Response: Outhouses are considered accessory structures and regulated as such, so are already permitted. If the LTC would like them to be considered differently than other structures (eg. allowed in setbacks,

	<p>allowed in addition to other accessory buildings) staff could include this in the draft amendments.</p>
<p>Agricultural Society Lands Setbacks (430, 437 Fernhill Rd) Issue: Concerns with setbacks</p>	<p>Buildings on this property that are currently located in setbacks are legally non-conforming because of their existence pre-bylaws. A DVP was recently approved to permit the deck on the Thrift Store to extend into the setback from the front lot line.</p> <p>Staff recommendation: Make no change. A DVP can be applied for to address any future desired variance to setback regulations. As the Mayne Island Agricultural Society is a non profit society providing benefit to the community the application fee can be waived by the Islands Trust Executive Committee. As this is a highly trafficked area it will be useful to the LTC to retain the ability to decide on variances to existing setbacks on a case by case basis.</p>
<p>APC Comments: Recommends setbacks be change to zero</p>	<p>Staff Response: As above. Maintaining existing setbacks will enable the LTC to regulate setbacks through DVP application process.</p>
<p>Patios in Setback from the Sea Issue: Patios are not permitted in the setback from the sea</p> <p>Current Regulation: <i>“Patio” means a horizontal developed area constructed directly on the ground, which can be attached or detached from a building. A patio may not exceed a maximum height of 45 cm above natural grade and may not have walls, railings or a roof”.</i></p> <p>“3.3 (2)” permits patios in the setback areas.</p> <p>“3.3 (3)” does not exempt patios from the setback form the sea.</p>	<p>The topic of wooden patios came up with respect to the DVP application (MA-DVP-2020.6 (Beardsley)). Given that wooden platforms were considered structures under the LUB, the platform on the property in question which was in the front yard setback had to be removed. This raised questions with Trustees at the July 27, 2020 meeting related to the definition of “structure” which includes wooden platforms/patios, but excludes concrete and asphalt paving.</p> <p>As the defined in the LUB <i>“Structure” means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water but does not include septic fields, septic tanks, sewage absorption fields, wells, underground water storage tanks and related appurtenances below ground, paved parking areas or similar surfacing, concrete and asphalt paving, or similar surfacing of the land”.</i></p> <p>During the last LUB review staff recommended not amending the bylaw to exclude low level stand-alone decks (“patios”) from the definition of structure. This could result in this type of structure being built to any size and anywhere on a lot including in the setback from the sea, potentially having negative impacts on neighbours and the environment. The bylaw was amended to include a definition for “patio” and permit “patios” in setbacks but not in the setback from the sea.</p> <p>Option: If the LTC would like to permit patios in the setback from the sea the bylaw could be amended to add “patios” to the list of items under 3.3 (3) <i>“3.3 (3) No building or structure may be constructed, reconstructed, moved, extended or located within 7.5 metres (25 feet) of the natural boundary of the sea except:”</i></p> <p>Staff recommendation: Make no changes. The shoreline is a sensitive ecosystem. Permitting patios in the setback from the sea may be seen as contrary to OCP policies related to foreshore protection as well as Island Trust Policy Statement Directive Policy <i>“3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes”.</i></p> <p>Property owner can apply for a DVP if they are wanting to extend patios into the setback from the sea. This process provides the opportunity for impacts to be assessed. Allowing patios in setbacks outright will mean that the size, unless specified, cannot be regulated.</p> <p>If the LTC would like to consider this topic further, staff recommend it be referred to the APC for review.</p>
<p>APC Recommendations: Allow patios in the setback from the sea</p>	<p>Staff response: As indicated above, allowing “patios” in the setback from the sea would permit structures of unlimited area along the foreshore, and may be seen as contrary to OCP policies related to foreshore protection as well as the related Islands Trust Statement Directive Policy.</p>

<p><u>Expanding Permission for Contractor Yards</u> Issues: Contractor yard use as a home business is limited.</p> <p>Current regulations: <i>“Contractor's yard” means the use of land for the storage of materials and equipment used by a building contractor or subcontractor”</i></p> <p>Currently permitted in the Commercial 3 (C3) Zone only.</p>	<p>Including contractor yards as a home business would require consideration of impacts and how potential impacts could be mitigated. Things to consider include: amending the use, the area a contractor yard could take up on a lot, setbacks, what size of lots could accommodate contractor yard, if there should be restricted uses, which uses should be indoors only and other issues that may impact neighbours and the surrounding area.</p> <p>Staff recommendation: If the LTC would like to consider this topic further staff recommend it be directed to the APC for consideration of where the expansion of contractor yards would be appropriate and the conditions under which permission for contractor yards could be expanded.</p>
<p>APC Recommendations: The Local Trust Committee identify parameters for regulations for a contractor yard</p>	<p>Staff response: LTC should identify specifics to be included in the draft bylaws or request staff report back with options.</p>

Issues and Opportunities

Consultation and Referrals

As indicated in the project charter, staff are recommending a community information meeting be held prior to first reading of the bylaws.

The draft bylaw containing all the requested amendments, will be sent to relevant agencies, including First Nations, for review prior to first reading. A list of those to be consulted will be provided in the next staff report accompanying the draft bylaws.

Timeline

As indicated in the updated Project Charter (see Attachment 1):

Deliverable/Milestone	Date
Project Charter Endorsed	July 2023
Staff review of proposed LUB amendments	July – October 2023
APC review of proposed LUB amendments	October 2023
Draft LUB amendments reviewed by LTC	January – February 2024
Community Information Meeting	February 2024
LTC review community comments and consider further changes	March – April 2024
Referrals	April 2024
Consideration of First Reading	April – May 2024
Second and Third Readings, referral to EC	June 2024
Consideration of Adoption	September 2024

Rationale for Recommendation

Requesting staff draft bylaws now will support the efficient movement of this project toward First Reading in the spring of 2024.

Alternatives

1. Request further information

The LTC may request further information prior to making a decision. Staff caution that this will likely impact the timing of the project.

2. Refer to the APC

The LTC may refer the staff report to the APC for further recommendations. In this case the LTC should specify what they would like feedback on. Staff caution that this will likely impact the timing of the project.

3. Request changes to proposed amendments

The LTC will need to provide specific details related to the changes they would like to make to the recommendation above in order for staff to be able to draft the corresponding amendment.

4. Request additional amendments

The LTC may propose additional amendments. In this case, if staff are requested to draft bylaws, the additional amendment will be included in the draft to be presented to the LTC at the next regular LTC meeting.

NEXT STEPS

If the recommendation is supported.

- Draft bylaws will be presented to the LTC
- Staff will schedule a community information meeting
- LTC will review community comments and consider further changes
- Bylaws will be sent out for referral
- Bylaws will be presented for first reading
- Second and Third Readings, referral to EC
- Consideration of bylaw adoption

Submitted By:	Narissa Chadwick, Island Planner	November 14, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	November 14, 2023

ATTACHMENTS

1. Revised Project Charter
2. APC Minutes

Mayne Island OCP and LUB Minor Amendments – Project Charter

Mayne Island LTC

Date: November 27, 2023

Purpose: This project is intended to provide targeted amendments to the Mayne Island Land Use Bylaw No. 146, 2008 .

Background: This project was initiated by the Mayne Island Local Trust Committee (LTC) at its June 2023 LTC meeting. The project will include a number of zone changes to address community interest and other issues.

Objectives

- Targeted updates to the LUB

In Scope

- Staff review of minor amendments proposed by Local Trust committee.
- Community Consultation
- First Nations consultation
- Amendments to the LUB

Out of Scope

- Substantive amendments to regulations in the LUB
- Amendments to OCP policies

Workplan Overview

Deliverable/Milestone	Date
Project Charter Endorsed	July 2023
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Community Information Meeting	February 2024
LTC review community comments and consider further changes	March – April 2024
Referrals	April 2024
Consideration of First Reading	April – May 2024
Second and Third Readings	June 2024
Consideration of Adoption	September 2024

Project Team

Narissa Chadwick, Island Planner	Project Manager
Emily Bryant, Planning Assistant	Admin Support
Jackie O’Neil, GIS Technician	GIS Support
RPM Approval: <i>Robert Kojima</i> Date: June 2, 2021	LTC Endorsement: Resolution Date: July 31, 2023

Budget

Budget Sources: LTC Project Budget (Fiscal 2020-2021)		
Fiscal	Item	Cost
2021-22	Open House/CIM	\$500
2021-22	Advertising, communications and materials	\$500
2021-22	Contingency (legal, additional public/stakeholder meetings etc)	\$2000
	Total	\$3000



DRAFT

Mayne Island Advisory Planning Commission Meeting Minutes

Date: November 6, 2023
Location: St. Mary Magdalene Church
360 Georgina Point Road, Mayne Island, BC

Members Present: Stephen Cropper, Chair
Ian Birtwell
Aaron Reith
Christie Meers
Gordon Miller

Regrets/Absent: Debra Cleland, Deb Foote, Chris Roehrig and Liam Bender

Staff Present: Narissa Chadwick, Island Planner
Pat Todd, Recorder

Others Present: Trustee Dodds and Trustee Maude. There were no members of the public.

1. CALL TO ORDER

Chair Cropper called the meeting to order at 7:00 p.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. APPROVAL OF MINUTES

3.1 Advisory Planning Commission (APC) minutes of Sept. 6, 2022

Amendments for consideration:

Page 2 – first bullet under discussion – change John to Sean

Motion regarding LTC Fees Bylaw #185 – to read:

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend to the Mayne Island Local Trust Committee approval of the structure as recommended by the Trust Council.

CARRIED

By general consent the minutes were adopted as amended.

4. BUSINESS ARISING FROM THE MINUTES - none

5. REFERRALS

5.1 MA-2023-049 – Staff report of Sept. 25, 2023

Planner Chadwick stated the purpose of the report is to provide options and recommendations on the items identified by the Local Trust Committee (LTC) to include in the 2023 Land Use Bylaw (LUB) Minor Amendment Project. Items are grouped as technical amendments, amendments to zoning of specific properties and amendments requiring further analysis/discussion.

Technical Amendments - discussion

- Shipping Containers: clarification needed in respect to regulation

MA-2023-001

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend further definition of shipping containers and a number allowed on a site.

CARRIED

- Livestock: currently restricted to certain types

MA-2023-002

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the addition of a definition of livestock similar to North Pender Island and that 3.2 (1) be amended as follows: 3.2 Prohibited in All Zones: (1) in all zones except the R and A zones, the keeping on a lot having an area of less than 2000m² (0.5 acres) livestock and more than one horse.

CARRIED

- Personal Watercraft: suggestion is to remove

MA-2023-003

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the removal of 3.2 (3) definition of "personal watercraft".

CARRIED

- Definition of Motor Vehicle: need to regulate derelict boats on land as well as trailers, RVs and vehicles.

MA-2023-004

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the following: 3.14 Derelict Vehicles, boats and trailers – Lots under 1 acre/0.4 hectares shall not be used for: (1) the storage of more than one of the following: unlicensed motor vehicle, trailer or boat, unless they are stored within a permitted budling, (2) the wrecking or storage of derelict or abandoned vehicles, trailers, boats or their discarded machinery or equipment and (3) the storage of

detached or salvaged motor vehicle, boat or trailer parts or scrap, unless the parts are stored within a permitted building that is completely enclosed.

CARRIED

Amendments related to Zoning of Specific Properties – discussion

- Bennett Estate: zone is divided into A and B – residential use only permitted in B

MA-2023-005

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend removing designation of A and B and allowing all uses throughout CD2 Zone.

CARRIED

- Church Property: currently zoned for “Senior Citizens Housing” – zone could be made more flexible to accommodate all affordable housing. Property would still have Housing Agreement and Covenant registered on title which restrict occupancy to Seniors.

MA-2023-006

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend changing the zoning to expand housing options.

CARRIED

- Thrift Store: property zoned Settlement Residential – currently Temporary Use Permit (TUP) in place to allow for operation.

MA-2023-007

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend creating a site specific zone in the settlement residential zone.

CARRIED

- Vet Clinic: property zoned settlement residential – clinic permitted through a TUP

MA-2023-008

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the addition of Vet Clinic to permitted uses within this specific site.

CARRIED

- Campbell Bay Music Festival: currently allowed on agricultural site through a TUP

MA-2023-009

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend creating a site specific zoning in the rural zone specific to conditions within existent Temporary Use Permit.

CARRIED

Amendments Requiring Further Analysis/Discussion

- **BC Ferries Property:** currently zoned settlement residential. TUP in place permitting temporary housing for workers. Area could be used to support other community interests in future. Suggested to rezone to link with terminal.

APC supported staff recommendation to remove from the LUB technical review and to initiate discussion with BC Ferries about the types of uses they would support and to encourage an application for rezoning.

- **Seawall:** no definition of seawall in LUB: seawall considered a structure which is not permitted in the setback from the sea without a variance, nor on the foreshore without a rezoning. Issues related to shoreline protection should be part of a shoreline review, importance of erosion protection, use of natural materials, limitations

MA-2023-010

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission request staff to develop a definition of seawall detailing location within the setback. height and materials, specific to erosion protection.

CARRIED

- **Height of Accessory Buildings within SR Zoning:** limited applications for variance

MA-2023-011

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend acceptance of staff recommendation for no change at this time.

CARRIED

- **Mooring Buoys:** lack of clarity regarding what is permitted. Currently mooring buoys are not permitted in the Water Protection Zone (W1) According to recent legal opinion Islands Trust can regulate – identified as a large project to develop regulations.

MA-2023-012

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the Mayne Island Local Trust Committee create a long term project to develop regulations regarding mooring buoys.

CARRIED

- **Wood Sheds within Setbacks:** needs definition

MA-2023-013

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend staff develop a clear definition of a wood shed that specifies size and type of structure.

CARRIED

- Outhouses: enforcement issues – considered an accessory building – IT enforcement as to size and siting – regulated by the Sewerage System Regulation (which does not consider a privy to be a sewerage system) administered by Islands Health.

MA-2023-014

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the Mayne Island Local Trust Committee permit outhouse structures.

CARRIED

- Agricultural Society Lands Setbacks: existent buildings are legal non-conforming located within setbacks.

MA-2023-015

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend setbacks be changed to zero.

CARRIED

- Patios in Setback from the Sea: patios are not permitted in the setback from the sea. Wooden platforms considered structures under the LUB (concrete and asphalt paving are excluded)

MA-2023-016

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend adding “patios” to 3.3(3) after “except”.

CARRIED

- Expanding Permission for Contractor Yards: contractor yard use as a home business is limited – would require consideration of impacts and how potential impacts could be mitigated.

MA-2023-017

It was Moved and Seconded,

that the Mayne Island Advisory Planning Commission recommend the Mayne Island Local Trust Committee identify parameters for regulations for a contractor yard.

CARRIED

6. TRUSTEES REPORT

Noted: Open House for proposed Oceanwood development on November 24, 2023. There is the possibility that new owners of Springwater may come forward with a Development Permit Application. Mooring buoys will be a significant project. New legislation is coming forward regarding Short Term Vacation Rentals. Currently are allowed as a Home Occupation if adjacent to residence.

7. NEW BUSINESS

Ian Birtwell informed the APC that he is planning to leave the island so will be stepping down from the APC. He expressed how much he had enjoyed his time with Commission: learning more about the island -meeting the other participants.

Trustees expressed appreciation for his long time service on the Commission.

Chair Cropper noted his valuable contributions over the years and added his appreciation.

8. NEXT MEETING – to be announced

9. ADJOURNMENT

By general consent the meeting was adjourned at 9:00 pm.

Stephen Cropper, Chair

Certified Correct:

Pat Todd, Recorder