



# STAFF REPORT

File No.: Minor LUB Review

DATE OF MEETING: January 29, 2024  
TO: Mayne Island Local Trust Committee  
FROM: Narissa Chadwick, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: LUB Review

## RECOMMENDATION

1. That the Mayne Island Local Trust Committee remove shipping containers, outhouses, and seawalls from the project.
2. That the Mayne Island Local Trust Committee endorse staff recommendations related to limiting the size of patios in the setback from the sea.
3. That the Mayne Island Local Trust Committee refer the topic of contractor yards to the Advisory Planning Commission and request the APC provide recommendation by February 22.

## REPORT SUMMARY

This report summarizes the amendments to the LUB that the LTC has provided direction on, identifies items staff recommend be removed and identifies topics in need of further direction (contractor yards and patios).

## 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. The list of options was discussed further at the September 25, 2023 meeting and the November 27, 2023 meeting. At the November 27, 2023 meeting the following resolution was passed:

### MA-2023-056

*that 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.*

Upon further review, staff are encouraging three topics to be removed from the project and have identified need for the LTC to provide direction on two of the topics discussed by the LTC at the November 27, 2023 meeting (patios and contractor yards). The tables below identify the topics for which clear direction from the LTC has been provided, topics where removal from draft bylaw is recommended by staff, and topics for which further direction from the LTC is required (patios and contractor yards).

## ANALYSIS

Table 1 identifies topics where direction from the LTC has been clear. The LTC could chose to have further discussion on these topics and provide alternative direction where they see the need. The LTC can refer to the November 27, 2023 staff report for additional details on some of the topics.

**Table 1: Topics with Clear Direction from the LTC**

TOPIC	Proposed Change
Permitted Livestock	Definition of livestock to be changed to indicate “ <i>livestock</i> ” can include more than those animals currently listed. Livestock is referred to as “grazing animals”. This would not include chickens.
Personal Watercraft	Removal of definition of “ <i>personal watercraft</i> ” (Removal of 3.2 (3))
Derelict boats and trailers	Changes to 3.14 to add “ <i>boats and trailers</i> ”
Agricultural Society Lands Setbacks	Change setback for 430 and 437 Fernhill Road to 0.
Bennett Estate (Naylor Road)	Change to site specific zone to allow all uses throughout CD2 zone.
Church Property (360 Georgina Point Road)	Change to site specific zone to increase flexibility.
Thrift Store (437 Fernhill Road)	Change to site specific zone to permit use.
Vet Clinic (500 Felix Jack Road)	Change to site specific zone to permit use.
Campbell Bay Musicfest (327 Campbell Bay Road)	Change to site specific zone to permit use.
Permit poultry in residential areas	The LTC requested staff identify changes to LUB to permit poultry in residential areas. This topic was added at the November 2023 LTC meeting.  This can be done by adding to 3.1 Permitted in All Zones “ <i>poultry excluding roosters</i> ”.
Woodsheds in Setbacks	The LTC requested that staff identify changes to the LUB that would allow woodsheds under 100ft <sup>2</sup> that are not enclosed to be in setbacks.  This can be done with a change to 3.3 (2) to permit “ <i>structures used exclusively for storing fire wood, that are open on at least one side and do not exceed 100ft<sup>2</sup>/10m<sup>2</sup></i> ”
Limiting the size of utility buildings in the resource conservation zone	This item was added to the project list at the November 2023 LT meeting. Currently the maximum lot coverage is 5%.  Staff recommend that the size of utility sheds be limited to 10m <sup>2</sup>

The table below identifies topics that staff recommend be removed from the project. This recommendation has been made previously. Following LTC direction to staff for further consideration, removal from the project is still recommended for the reasons identified below.

**Table 2: Topics Staff Recommend be Removed from the Project**

<b>Topic</b>	<b>Proposed Change</b>
Shipping Containers	<p>LTC requested staff explore defining shipping containers to make regulation more clear.</p> <p>As shipping containers are accessory structures there is no need to add a definition of shipping container to the LUB. This will not change how shipping containers are currently regulated. Staff recommend no change at this time.</p>
Regulation of Outhouses	<p>LTC requested staff define outhouse to make regulation more clear.</p> <p>As outhouses are accessory buildings there is no need to add a definition of outhouse. This will not change how outhouses are currently regulated. Staff recommend no change at this time.</p>
Definition of Seawall	<p>LTC requested staff explore excluding seawalls of a limited size made of natural materials from the definition of structure.</p> <p>Staff see the exclusion of a certain types of erosion control measures in zoning as technically challenging as the characteristics of each site would be different as would the corresponding impacts. Additionally, the foreshore is zoned separately from the upland and is within provincial jurisdiction. What the LTC may exempt from the definition of structure may still require permission from the Province. Staff recommend no change at this time and, given the complexity, this topic be reviewed as part of a foreshore/marine protection project.</p>

**Table 3: LTC Direction Required**

<b>TOPIC</b>	<b>LTC Request and Staff Comments and Recommendation</b>
Patios in the setback from the sea	<p>Following discussion leading to the LTC requesting that patios be permitted in the setback from the sea, the LTC requested staff define type of patio permitted in the setback from the sea.</p> <p>Patios are currently not permitted in the setback from the sea. The LTC suggested that by permitting patios in the setback from the sea which could be made of wood, there will be less likelihood of property owners using concrete or asphalt paving. Concrete and asphalt paving are currently excluded from the definition of a structure and therefore permitted in the setback from the sea. Staff have cautioned that not placing limitations on what is built in the setback from the sea may be seen a contrary to OCP policies related to foreshore protection as well as related policies in the Islands Trust Policy Statement.</p> <p>Staff recommend that to reduce foreshore impacts an area limit be placed on “patios” regardless of the material used (including paving and asphalt). The recommendations is as follows:</p>

	<ul style="list-style-type: none"> <li>• Allow patios in the setback from the sea if they do not exceed 10m<sup>2</sup></li> <li>• Restrict the size of paving and asphalt in the setback from the sea to 10m<sup>2</sup></li> </ul>
Expanding Permission for Contractor Yards	<p>The LTC has requested staff explore options for small business owners to park/store their contractor equipment on their residential properties as a home occupation. Currently contractor yards are permitted in the Commercial 3 zone, but the home occupation regulations are restrictive of external storage of vehicles, equipment and materials.</p> <p>Prior to drafting amendments, staff need further direction. The LTC is requested to more clearly define the problem to be addressed and direction on options.</p> <p>As identified in Attachment 1, other LTCs permit contractor yards under home occupation or industry provisions. Galiano has Temporary Use Permit (TUP) guidelines for contractor yards which could be used as reference for developing home occupation regulations for contractor yards.</p> <p>If the LTC wants to add contractor yards to home occupation there are a number of things to consider. These include screening, area taken up by contractor yard, limits on structures and vehicles, noise etc.</p> <p>Staff is recommending this topic be referred back to the APC to provide specific recommendations on expanding the permission for contractor yards.</p>

**Rationale for Recommendation**

- The LTC has provided direction to staff to draft bylaws. Prior to bringing draft bylaws back staff are seeking specific direction on staff recommendation to remove a number of items.
- The LTC requested staff further consider allowing patios in setbacks. LTC approval or further direction related to the staff recommendation is required at this time.
- There is also need for further considerations related expanding permission for contractor yards. This is very specific to the local context. Therefore, staff are recommending the APC be involved in the identification and detailing of options.

**ALTERNATIVES**

- 1. Do not support staff recommendations to remove items from the project.**  
If the LTC chooses this option specific direction on how to proceed will need to be provided.
- 2. Request an alternative approach to regulating patios and asphalt and cement paving in the setback from the sea.** If the LTC chooses this option specific direction will need to be provided.
- 3. Do not refer the topic of contractor yards to the APC and provide staff with details related to regulating contractor yards (eg. size? Screening? Etc.)**  
The LTC could choose to provide staff with specific details related to contractor yards at the LTC meeting. Examples on policies and regulations from other LTCs are provided in Appendix 1.
- 4. Do not refer the topic of contractor yards to the APC and organize a special meeting to discuss details related to contractor yards**

If the LTC does not choose to refer the topic of contractor yards to the APC or provide specific details at this meeting related to regulating contractor yards, staff suggest a special meeting be set up to discuss details related to contractor yards.

**NEXT STEPS**

If the staff recommendation is supported:

- Staff will refer contractor yard questions to the APC. This request will include Appendix 1 and other additional details to help facilitate their discussion.
- LTC reviews draft LUB amendment
- Draft Bylaws will be presented to the LTC
- Notice of First Reading circulated (as required).
- Community Information meeting
- Referrals sent out (as needed)
- 1<sup>st</sup> 2<sup>nd</sup> and 3<sup>rd</sup> readings
- Bylaw sent to EC

Submitted By:	Narissa Chadwick, RPP Islands Planner	January 17, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	January 18, 2024

**ATTACHMENTS**

1. Regulations/Guidelines Related to Contractor Yards

Attachment 1: Regulations/Guidelines Related to Contractor Yards

LTC	Regulations/Policies Related to Contractor Yards
Gabriola	<p><b>Home Industry Provisions</b></p> <p>B.3.4.1 The following uses and no others are permitted as home industry uses:</p> <ol style="list-style-type: none"> <li>a. Construction and repair of heavy equipment, boats, trailers or the body of a vehicle, including the outside parking or storage of no more than a total of two pieces of heavy equipment, boats, trailers or vehicles that are being, or waiting to be, or have been constructed or repaired;</li> <li>b. Contractor yards and related outdoor storage of equipment and materials, including the parking of a maximum of two vehicles used in the home industry; and</li> <li>c. Water distribution, including associated equipment and storage.</li> </ol> <p>B.3.4.2 In addition to B.3.3, the following provisions must be complied with for a home industry to be permitted:</p> <ol style="list-style-type: none"> <li>a. Lot sizes must be greater than 2.0 ha (4.94 acre) in area;</li> <li>b. Home industry equipment and storage areas must be visually buffered from neighbouring properties and the road;</li> <li>c. The combined areas of all home occupations on a lot must be in accordance with the maximum size provisions Clause B.3.3.1.b.;</li> <li>d. Home industries shall only operate from 8:00 am to 8:00 pm Monday to Saturday inclusive; and</li> <li>e. Home industry areas and activities must be a minimum of 30 metres (98.4 feet) from any lot line.</li> </ol>
Galiano	<p><b>TUP Guidelines</b></p> <p>In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a contractor yard:</p> <ol style="list-style-type: none"> <li>a) for the purpose of a temporary use permit, “contractor yard” means the use of land or buildings for the storage of materials, equipment, and vehicles for a building, construction, landscaping business, or other trades that is accessory to a dwelling unit, and exceeds the home occupation regulations.</li> <li>b) the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for a contractor yard;</li> <li>c) the Local Trust Committee should consider potential impacts from the contractor use or activity to the surrounding groundwater resources;</li> <li>d) in addition to any other conditions the Local Trust Committee may consider appropriate, the permit may include the following conditions: <ul style="list-style-type: none"> <li>• No more than one contractor yard may be conducted per lot;</li> </ul> </li> </ol>

- Combined floor areas of all buildings and structures for the contractor yard should be limited;
- Lot coverage for areas used for outdoor storage which includes vehicles (trucks, trailers, etc.) and materials related to the contracting business should be limited;
- Contractor yard buildings and structures should not exceed 5metres in height unless a rationale is provided for the increase to height;
- All outdoor storage areas should be screened from view by a landscape screen from abutting lots and highways and should meet or exceed Section 15 (Screening and Landscaping Regulations) in the Galiano Island Land Use Bylaw No. 127, 1999 in order to mitigate impacts to surrounding neighbours.
- All outdoor storage areas should be sited not less than 15 metres from any lot line and not less than 30 metres from any lake, wetland, stream, the sea, or a well;
- The number of vehicles or equipment used for the purpose of the contractor yard should be limited;
- Not more than one unilluminated sign is permitted not exceeding 0.6 m<sup>2</sup> in area is permitted on the subject property;
- Parking requirements for the contractor yard shall meet or exceed Section 14 (Parking Requirements) in the Galiano Island Land Use
- Contractor yard operation hours must be compliant with the noise prohibitions as outlined in the Capital Regional District Noise
- Suppression Bylaw (Southern Gulf Islands) ☐ The number of persons employed in any contractor yard per lot should be limited;
- Owner of the contractor yard must permanently reside on the lot in which the Temporary Use Permit for a contract yard has been issued; and
- Potential for leaching of undesirable contaminants must be addressed.

e) The operator of the contractor yard must comply with all licensing, health and other applicable regulation of the Province of British Columbia and the Capital Regional District including building inspection, public health, noise, air quality, and water quality regulations.