



File No.: LUB Minor Amendment
Project

DATE OF MEETING: February 26, 2024

TO: Mayne Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: LUB Review – Patios and Contractor Yards

RECOMMENDATION

1. That the Mayne Island Local Trust Committee refer the discussion of patios in the setback from the sea to the Advisory Planning Commission (APC) for response by March 14th, 2024.
2. That the Mayne Island Local Trust Committee request staff revise the draft bylaw amendments to Bylaw No. 187, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 3, 2021” in accordance with the APC’s recommendations.

REPORT SUMMARY

This report identifies options for the two remaining LUB topics that are still in need of direction: contractor yard and patios in the setback from the sea.

BACKGROUND

At their January 29, 2024 regular meeting, the LTC discussed a number of items originally identified to be included in the LUB Minor Amendment Project. These items included shipping containers, outhouses, seawalls, patios in the setback from the sea, and contractor yards. The following resolutions were approved:

MA-2024-005

That the Mayne Island Local Trust Committee remove shipping containers, outhouses, and seawalls from the project.

MA-2024-008

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.

MA-2024-007

That the Mayne Island Local Trust Committee direct staff to retain patios within the setback to the sea as part of the LUB review project.

ANALYSIS

Contractor yards:

As identified in the January 29th, 2024 staff report, if the LTC wants to include contractor yards as a home occupation there are a number of things to consider. These include: screening, area taken up by the contractor

yard, limits on structures and vehicles etc. The APC reviewed the subject of contractor yards at their February 13th, 2024 meeting. Their recommendations, as indicated in the resolution below, are as follows:

MA-APC-2024-001

It was MOVED and SECONDED that

the Mayne Island Advisory Planning Commission recommend that the following items should be addressed within the Land Use Bylaw:

- a) A contractor yard means the use of a residential property for storage of commercial equipment, vehicles, supplies and / or materials on said residential property;
- b) The contractor yard must be the principal residence of the contractor;
- c) Different size lots should have varying allowances for contractor yard equipment storage;
- d) A visual buffer is required;
- e) Setbacks for buildings and storage of equipment should be the same as existing building setbacks;
- f) Equipment and materials storage can not exceed the size of residential use lot coverage allowances;
- g) Storage of commercial equipment needs to take into consideration fitting in with the residential character of the neighborhood;
- h) Potential of leaching of undesirable contaminants must be addressed; and
- i) The operator of the contractor yard must comply with all licensing, health and other applicable regulations of the Province of British Columbia and the Capital Regional District including building inspection, public health, noise, air quality, and water quality regulations, and any other provincial or Capital Regional District regulations that would apply to the property.

Some of these recommendation, such as the varying allowances for contractor yard equipment storage as it relates to lot size, will need additional details. The LTC may also want staff to explore other considerations. Staff can return with options. Clear direction from the LTC is encouraged prior to staff drafting options.

Rationale for Staff Recommendation

Staff recommend the LTC support the APC recommendations as they consider a number of ways to mitigate the potential negative impacts of contractor yards within residential areas.

Alternatives:

1. Remove contractor yards from the project – If this alternative is chosen the regulations related to contractor yards will remain as is. Contractor yards will be allowed only in designated areas and not as a home business in residential areas.
2. Identify considerations for contractor yards in addition to or instead of the APC recommendations – If this alternative is chosen the LTC will need to provide clear direction to staff regarding what draft regulations should contain.

Patios in the setback from the sea:

The staff recommendation to place a limit on the size of patios, including paving and asphalt, in the setback from the sea was defeated at the January 29th, 2024 LTC meeting. However, the LTC did not provide direction on an alternative. Trustee Maude was in favour of permitting patios in the setback from the sea and Trustee Elliot was opposed to permitting patios in the setback from the sea. Trustee Dodds, while supporting the resolution,

suggested that the limit on size be larger than the staff recommended 10m². Given this impasse, the LTC resolved to keep the topic as part of the project for further discussion.

The relevant information contained in the January 29, 2024 staff report is identified below:

“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.

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.

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:

- Allow patios in the setback from the sea if they do not exceed 10m²
- Restrict the size of paving and asphalt in the setback from the sea to 10m²

Rationale for Recommendation

Staff recommend that the topic be sent to back to the APC for detailed review given that all Trustees have a different opinion on the matter.

Alternatives:

1. Remove patios in the setback from the sea from the project – if this option is chosen patios will continue to not be permitted in the setback from the sea and there will be no limits on size of paving and asphalt in the setback from the sea.
2. Identify an option for patios in the setback from the sea – Staff will require clear direction in order move forward.

NEXT STEPS

- The Topic of patios in the setback from the sea will be referred to the APC
- Staff will draft bylaw amendments
- 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)
- 1st 2nd and 3rd readings
- Bylaw sent to EC

Submitted By:	Narissa Chadwick, Island Planner	February 13, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	February 13, 2024

