

DATE OF MEETING: March 25, 2024  
TO: Mayne Island Local Trust Committee  
FROM: Narissa Chadwick, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: LUB Minor Amendments – Bylaw Presented for 1<sup>st</sup> Reading

## RECOMMENDATION

1. That, pursuant to Local Government Act s. 464(2), the Mayne Island Local Trust Committee resolves to not hold a public hearing for Bylaw No.193, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023” and that staff give notice of First Reading in accordance with s.467 of the Local Government Act.
2. That the Mayne Island Local Trust Committee request staff to send referrals related to Bylaw No.193, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023” to all relevant agencies, and First Nations.

## REPORT SUMMARY

This report:

- Presents draft amendments to the Mayne LTC for review;
- Recommends the LTC not hold a public hearing; and
- Recommends that Draft Bylaw No. 193 be sent out for referral prior to the LTC’s May 2024 meeting.

## BACKGROUND

The Mayne Island Local Trust Committee’s Official Community Plan (OCP) and Land Use Bylaw (LUB) minor amendments project was launched with a project charter in July 2023. Since then the Mayne LTC has focused on LUB amendments only. Direction to draft bylaws was provided via resolution at the LTC’s November 27<sup>th</sup>, 2023 regular meeting. Since that meeting, the LTC has identified and discussed a number of topics and made two referrals to the Advisory Planning Commission. At their February 26<sup>th</sup>, 2024 regular meeting the following motions were passed:

### ***It was Moved and Seconded,***

*That the Mayne Island Local Trust direct staff to amend the Bylaw such that non-porous materials (that is asphalt and concrete) are not permitted in the setback of the sea, and that patios made of wood be restricted to 20m<sup>2</sup>.*

### ***It was Moved and Seconded,***

*That the Mayne Island Local Trust Committee direct staff to return with options related to contractor yard lot coverage, restrictions for set backs on lot lines, regulating the number and types of equipment and home industry as an allowed use.*

The draft bylaws presented in Attachment 1 include the above direction. The draft bylaws also include an amendment to permit a dwelling unit (the Teacherage) at 453 Deacon which is located in the Community Service Zone (S1). The proposed site specific zoning will permit one dwelling unit as an accessory use.

The table below provides a list of all the draft amendments contained in Bylaw 193 with the associated number in the draft bylaw for reference.

**Table 1: Summary of Draft Bylaws**

TOPIC	#	Draft Amendment
Permitted Livestock	2.1 2.5	Definition of livestock changed to indicate “livestock” can include more than those animals currently listed.
Personal Watercraft	2.2 2.6	Reference to “rental or sale of personal watercraft” deleted from list of prohibited uses .
Permit poultry in residential areas	2.4	Permission to have poultry in all zones added.
Removal of permission for paving and asphalt from the setback from the sea	2.7	Amendment made to prohibit concrete and asphalt paving in setback from the sea
Woodsheds in Setbacks	2.8	Added permission for “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> ” in setbacks
Patios in setback from the sea	2.9 2.10	Permission for “wooden patios up to 20m <sup>2</sup> (215ft <sup>2</sup> )” in setback from sea added.
Adding contractor yards to home occupation	2.3 2.12 2.13 2.14 2.15	Contractor yards recognized as home occupation. Regulations specific to contractor yard as home business drafted.  Note: Some items to be confirmed by LTC.
Derelict boats and trailers	2.16 2.17 2.19	Changes made in order that derelict boats and trailers on properties will be regulated in the same way as derelict cars.
Permitting Vet Clinic in zoning	2.20 2.21 2.30	Vet clinic permitted at 500 Felix Jack Road.
Permitting musicfest in zoning	2.21 2.22 2.31	Musicfest permitted at 327 Campbell Bay Road (with attached plan).  Note: A plan showing only parking and camping area will replace map in draft bylaw.
Permitting Teacherage (453 Deacon)	2.23 2.32	Permitting accessory dwelling in Community Service Zone.
Agricultural Society Lands Setbacks	2.23 2.29 2.33	Change setback for 430 and 437 Fernhill Road to 0.
Permitting Thrift Store	2.23 2.34	Permitting Thrift Store and other Agricultural Society uses
Limiting lot coverage in resources conservation zone	2.24	Limiting lot coverage to 2%. Note: need to discuss with LTC

Increasing the flexibility of housing type on Church lands	2.25	Changing “Senior Citizen” housing to “ Seniors and Multi-family Residential” and 8 duplexes to 16 units.
	2.26	
	2.27	
	2.28	
Bennett Estate (Naylor Road)	2.29	Change to site specific zone to allow all uses throughout CD2 zone.

The LTC has an opportunity to review the draft amendments and provide further direction related to revisions prior to first reading of the bylaw.

**ANALYSIS**

***Islands Trust Policy Statement:***

The proposed amendments are consistent with the Islands Trust Policy Statement. If the LTC decides to proceed, the ITPS policy checklist will be presented to LTC for review and consideration in a future staff report when the draft bylaws are presented for 1<sup>st</sup> reading.

***Official Community Plan:***

All proposed amendments are consistent with the Official Community Plan.

***Land Use Bylaw:***

The proposed amendments are consistent with all other parts of the Land Use Bylaw.

***Islands Trust Conservancy:***

The proposed amendments do not impact Islands Trust Conservancy interests.

**Consultation**

***Statutory Requirements***

In accordance with regular statutory requirements, a public hearing is typically required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. This would occur after draft bylaws have received at least first reading. Public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing.

In this case, where land use bylaw amendments are consistent with the OCP, under *Local Government Act* s. 464 (2), the LTC could decide to not hold a public hearing. However, notice would need to be given prior to First Reading. The draft amendments are suitable for moving straight to first reading without public hearing as appear not to be minor in nature and respond to a variety of community interests.

The LTC can decide whether they would like to hold a CIM prior to First Reading.

***Agencies***

Draft bylaws will be referred to the following agencies:

The Mayne Island Agricultural Hall Society  
 Campbell Bay Musicfest Society  
 Galiano Island Local Trust Committee

Saturna Island Local Trust Committee  
 North Pender Island Local Trust Committee  
 CRD Building Inspection

## **First Nations**

Cowichan Tribes  
Halalt First Nation  
Lake Cowichan First Nation  
Lyackson First Nation  
Malahat First Nation

Pauquachin First Nation  
Penelakut Tribe Semiahmoo  
First Nation Snuneymuxw First  
Nation Stz'uminus First Nation  
Tsartlip First Nation

Tsawout First Nation  
Tsawwassen First Nation  
Tseycum First Nation  
WSANEC Leadership Council

## **Rationale for Recommendation**

- The amendments are consistent with the OCP.
- Not holding a public hearing and sending referrals out prior to 1<sup>st</sup> reading will allow the LTC to move through 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings at a single LTC meeting.

## **ALTERNATIVES**

### **1. Request further information**

The LTC may request further information prior to making a decision. If the LTC chooses this option they will need to provide staff with detailed direction on the information requested.

*“That the Mayne Island Local Trust Committee request staff to provide the following information: .....”*

### **2. Amend the draft bylaws**

The LTC could choose to amend the draft bylaws. In this case the LTC will need to provide staff with specific direction on how they would like the draft bylaw to be amended.

*“That the Mayne Island Local Trust Committee request staff to amend Draft Bylaw No. 193, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023” as follows:....”*

### **3. Decide to read the bylaws for the first time and hold a public hearing**

The LTC may decide to read the bylaws for the first time. In this case a public hearing will need to be held. Notice of public hearing will be sent out before 3<sup>rd</sup> reading. This may delay adoption of the bylaw.

*That the Mayne Island Local Trust Committee Bylaw No.193, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023” be read for the first time.*

*That the Mayne Islands Local Trust Committee request staff to circulate notice of public hearing for Bylaw No.193, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023”*

### **4. Decide not to have staff send out referrals at this stage**

If this is the case, referrals will need to be sent before 3<sup>rd</sup> reading. This may delay adoption of the bylaw.

*That the Mayne Island Local Trust Committee request staff send out referrals prior to 3<sup>rd</sup> reading.*

### **5. Decide to hold a Community Information Meeting before First Reading**

The LTC could decide to hold a community information meeting before first reading. If this is the case the LTC will need to pass a related resolution.

*That the Mayne Islands Local Trust Committee request staff schedule a CIM prior to first reading of Bylaw No. 193*

**NEXT STEPS**

If the staff recommendations are supported, staff will:

- Circulate notice of first reading
- Send out referral
- Present Bylaw No. 193 for 1<sup>st</sup>, 2<sup>nd</sup> and third reading and referral to EC at the May 2024 LTC meeting

Submitted By:	Narissa Chadwick RPP, Island Planner	March 11, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	March 12, 2024

**ATTACHMENTS**

1. Draft Bylaws

# DRAFT

## MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 193

---

### 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. 1, 2023”.

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 Section 1.1 – Definitions is amended by inserting:

“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.

2.2 Section 1.1 – Definitions is amended by deleting the definition for “Personal watercraft” in its entirety

2.3 Section 1.1 – Definitions is amended by deleting the definition of “contractor yard” and replacing it with ““contractor yard” means the use of land, buildings, or structures for the storage of materials, equipment, and vehicles for a building, construction, landscaping business, or other trades and services.”

2.4 Section 3.1 – Permitted in All Zones, Subsection 3.1 is amended by adding “(9) the raising of poultry excluding roosters”.

2.5 Section 3.2 – Prohibited in All Zones, Subsection 3.2(1) is amended by deleting “cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus” and replacing it with “livestock.”

2.6 Section 3.2 – Prohibited in All Zones, Subsection 3.2(3) is deleted in its entirety and the following subsections re-numbered.

2.7 Section 3.3 – Siting and Setback Regulations, Subsection 3.3(3) is amended by adding “and for the purposes of this subsection paved parking areas or similar surfacing, concrete and asphalt paving, or similar surfacing of the land are “structures” after “(e) stairs or walkways required to access the foreshore or a permitted dock”.

2.8 Section 3.3 – Siting and Setback Regulations, Subsection 3.3(2) is amended by adding “structures used exclusively for storing fire wood, that are open on at least one side and do not exceed 108ft<sup>2</sup>/10m<sup>2</sup> in area” after “height,” and before “or utility shed”.

- 2.9 Section 3.3(– Siting and Setback Regulation, Subsection 3.3(3) is amended by adding “(f) wooden patios up to 20m<sup>2</sup> (215ft<sup>2</sup>)”
- 2.10 Section 3.3 – Siting and Setback Regulation, Subsection (4) is amended by adding “(f) wooden patios up to 20m<sup>2</sup> (215ft<sup>2</sup>)”
- 2.11 Section 3.3 – Siting and Setback Regulations, article 3.3(6)(a) is amended by deleting “area less than 3 metres in width” and replacing it with “of 3.0 metres or less.”
- 2.12 Section 3.6 Home Occupation Regulations, Subsection 3.6(1) is amended by adding “(j) contractor yards”.
- 2.13 Section 3.6 Home Occupation Regulations, Subsection 3.6(3) is amended by adding “or contractor yard” after “agricultural” and before “use”.
- 2.14 Section 3.6 Home Occupation Regulations, Subsection 3.6(5) is amended by adding “On properties with home occupations other than contractor yards” before “There may be no”.
- 2.15 Section 3.6 Home Occupation Regulations is amended by adding “(13) The following additional regulations apply to contractor yards as a home occupation:
- (a) The storage of a maximum of one contractor vehicle is permitted on lots smaller than 1.0ha
  - (b) No vehicles, equipment or materials may be stored within a setback area
  - (c) Vehicles, equipment and material storage must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5m in height and complying with the provisions of Section 3.8.
  - (d) The area used for the storage of vehicles, equipment, and materials, in combination with all other buildings and structures, may not exceed the maximum permitted lot coverage.
  - (e) The total exterior area used for the storage of vehicles, equipment, and materials may not exceed 19m<sup>2</sup> (200ft<sup>2</sup>)
  - (d) Contractor vehicles and equipment may only be operated on the property from 8:00am to 8:00pm Monday to Saturday.”
- 2.16 Section 3.14 – Derelict Vehicles, is amended by inserting “, Boats and Trailers” in the section title.
- 2.17 Section 3.14 – Derelict Vehicles, Subsection 3.14(1) is amended by inserting after “one” “of the following: trailer, boat, or” before “unlicensed motor vehicle” and replacing “the vehicles” with “they.”
- 2.18 Section 3.14 – Derelict Vehicles, Subsection 3.14(2) is amended by inserting “,boats,” after “trailers” and before “or”.

2.19 Section 3.14 Derelict Vehicles, Subsection 3.14(3) is amended by inserting “, boat or trailer” after “motor vehicle,” and before “parts or scrap”.

2.20 Section 5.5 Rural (R) Zone, Subsection 5.5(14) Site-Specific Zone R(c) is amended by deleting “Lot 1, Section 8, Mayne Island Cowichan District, Plan VIP70074 and” and “500 and.”

2.21 Section 5.5 Rural (R) Zone, Subsection 5.5(14) is amended by inserting two new rows in the table as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (h)	Lot 1, Section 8, Mayne Island, Cowichan District, Plan VIP70074  500 Felix Jack Road	(1) In addition to the uses permitted in 5.5(1) above, community water storage and distribution facilities, and a veterinarian clinic are permitted in this location.
R (i)	Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587  327 Campbell Bay Road	(1) In addition to the uses permitted in 5.5(1) above, a music festival is permitted in this location, subject to:  (a) Camping and occupancy of recreational vehicles is restricted to the area designated as ‘Camping Area’ on Schedule 5.5(a). (b) The owner must provide on-site parking for two hundred (200) vehicles on the property in the areas designated as ‘Day Parking’ and ‘Overnight Parking’ on Schedule 5.5(a).

2.22 Section 5.5 Rural (R) Zone, Subsection 5.5(14) is amended by inserting Plan 1, attached to and forming part of this bylaw, as ‘Schedule 5.5(a)’ following the table.

2.23 Section 5.14 Community Service (S1) Zone is amended by inserting four new rows into the table as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
S1 (b)	Lot 6, Section 8 and 11, Mayne Island, Cowichan District, Plan 8200	(1) In addition to the uses permitted in 5.14(1) above, an accessory dwelling unit is permitted in this location
S1 (c)	Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126  437 Fernhill Road	(1) In addition to the uses permitted in 5.14(1) above, a thrift store, archive, museum storage, and fall fair activities are permitted in this location.  (2) Despite 5.14 (3), front, rear, exterior and interior site line setback are 0 metres (0 feet)



S1(d)	Lot 9, Section 12, Mayne Island Cowichan District, Plan 3138	(1) Despite 5.14 (3), front, rear, exterior and interior site line setbacks are 0 metres (0 feet)
S1 (e)	Lot 16, Section 12, Mayne Island, Cowichan District, Plan 715  430 Fernhill Road	(1) Despite 5.14 (3), front, rear, exterior and interior site line setback are 0 metres (0 feet)

2.24 Section 5.19 Resource Conservation (RC) Zone, Subsection 5.19 (2) is amended by replacing “The maximum lot coverage is 5%” with ““The maximum lot coverage is 2%.””

2.25 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone, is amended by deleting “Senior Citizens Housing” and inserting “Housing” after “Comprehensive Development One” in the section title.

2.26 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone is amended by replacing “The purpose of Senior Citizens Comprehensive Development One Zone is to provide for and regulate the development of housing for senior citizens in one location in a comprehensive manner” with “The purpose of the Housing Comprehensive Development One Housing Zone is to provide for, and regulate, the development of multiple units of attached and detached housing, including housing for seniors and affordable housing, in a concentrated area”.

2.27 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone, Subsection 5.25(1)(a) is amended by replacing “Senior citizen residential use” with “residential use”.

2.28 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone, Subsection 5.25(2) is amended by replacing “A maximum of eight duplexes, containing two dwellings each to “16 dwelling units”.

2.29 Section 5.26 Comprehensive Development Two (CD2) Zone, is amended by deleting subsection 5.26(17), subsection 5.26(18), and removing “Schedule 5.26 (a) CD2 zone”.

2.30 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 1, Section 8, Mayne Island, Cowichan District, Plan VIP70074 from “R” to “R(h)”.

2.31 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587 form “R” to “R(i)”.

2.32 Schedule “B” – Zoning Map, is amended by changing the zoning of Lot 6, Section 8 and 11, Mayne Island, Cowichan District, Plan 8200 from “S1” to “S1 (b)”

2.33 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126 from “S1” to “S1(c).”

2.34 Schedule "B" – Zoning Map, is amended by changing the zoning classification of -Lot 9, Section 12, Mayne Island Cowichan District, Plan 3138 from "S1" to "S1(d)".

2.34 Schedule "B" – Zoning Map, is amended by changing the zoning classification of Lot 16, Section 12, Mayne Island, Cowichan District, Plan 715 from "S1" to "S1 (e)".

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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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. 193

Plan 1

