



**GALIANO ISLAND
LOCAL TRUST COMMITTEE
BUSINESS MEETING AGENDA
TO COMMENCE AT 1:00 PM, MONDAY, JULY 9, 2012
AT THE SOUTH COMMUNITY HALL
141 STURDIES BAY ROAD, GALIANO ISLAND, B.C**

LATE ITEMS/ADDITIONS

- 8.1 J. Patterson submission dated November 2011 re: Accessory Building Entitlements in the Gulf Islands (attached)**

- 11.3.1 LTC Expense Report (attached)**

November 2011

ACCESSORY BUILDING ENTITLEMENTS IN THE GULF ISLANDS

by Jeffrey Patterson

Assuming final passage of the OCP Bylaw by the Local Trust Committee on November 14, 2011, Galiano Island now possesses a revised Official Community Plan (OCP). While the Local Trust Committee was unable to deliver on significant reform of land uses in forestry lots owing primarily to the very real possibility that the priority of local regulation would fall asunder the lack of regulation or just non-regulation under the *Provincial Managed Forest Lands (PMFL) Act*, the Local Trust Committee will continue to seek an exemption from Section 21 of the *PMFL Act*, as well as to pursue other opportunities and more limited land use reform on forestry lots.

The OCP establishes the broad development pattern for Galiano Island for at least the next decade. But what does this mean for what Galiano residents can do on their own lots? Can they raise chickens? pigs? Can they develop a painting studio? How big? These issues are governed by Galiano's Land Use Bylaw (LUB). The LUB coincides more or less with most residents' experience with local planning.

I've often wondered what detailed land use regulations exist on other islands under the general Islands Trust mandate. The following review is a brief attempt to do this. One of the next major initiatives on Galiano Island will hopefully be a new bylaw regulating land use in conformity with the revised OCP. The current Land Use Bylaw dates from 1999 and was adopted four years after the last OCP in 1995. It reviews the LUB on eight Gulf Islands, six in the Capital Regional District in which Galiano Island is located and one each in the Nanaimo and Comox-Strathcona Regional Districts.

Galiano Island and BC are currently in the midst of a municipal election campaign in which local trustees will be elected. The following is not intended to in any way be part of current partisan discussions that are a part of any election competition. I should also caution that the following review of Land Use Bylaws also generalizes. There are many nuances, and I have by no means made any attempts to encompass these.

Eight Gulf Islands

| | <u>Population</u> | <u>Area (ha)</u> | <u>Density (ha/cap)</u> |
|--------------------|-------------------|------------------|-------------------------|
| Gabriola | 4,050 | 5,256 | 1.30 |
| Galiano | 1,258 | 5,810 | 4.62 |
| Hornby | 1,074 | 2,990 | 2.78 |
| Mayne | 1,112 | 2,334 | 2.10 |
| Pender North | 1,996 | 2,709 | 1.36 |
| Pender South | 236 | 911 | 3.86 |
| Saturna | 359 | 3,422 | 9.53 |
| Salt Spring Island | 9,780 | 19,663 | 2.01 |

While the eight islands whose land use regulations are reviewed below differ vastly in density and character, they are nevertheless all rural, and the Islands Trust's preservation and conservation objectives are fully applicable in all of them. Galiano is

more sparsely populated than all but Saturna, and the densest - Gabriola and North Pender - are a bit over three times as densely populated as Galiano.

Galiano Island (1999)

There are generally no specific limits on dwelling sizes on Galiano Island, although total coverage by a single dwelling is limited to 25% of lot area. Agricultural lots larger than 4 ha become entitled to a guest cottage as a result of the OCP revisions. Dwellings, including guest cottages, are limited to 9 m in height. Setbacks are generally 7.5 m (25 ft) for front and rear yards and 6 m (20 ft) for side yards.

In addition, most residential lots are also entitled to a guest cottage of 60 m².

Residential lots on Galiano Island larger than 2 ha (4.94 ac) are generally entitled to 93m² (1000 ft²) of accessory buildings or uses associated with the main residential use, while smaller lots are entitled to 70 m² (750 ft²). Accessory buildings are limited to 5 m (16.25 ft) in height and one storey (9 m in the AG zone). Since a bylaw amendment earlier in 2011, agricultural parcels over 4 ha (approximately 10 ac) have been entitled to 500 m² (5,350 ft²) of accessory buildings.

Mayne Island (2008)

Mayne Island's current OCP was adopted in 2007, and the current Land Use Bylaw was adopted one year later in 2008.

There is similarly no maximum size for dwellings on Mayne Island. Height limits for dwellings and cottages are 9 m.

Guest cottage size entitlement varies by lot size. A maximum size of 60 m² is generally applicable where lot size is less than 1 ha, while 93 m² generally applies where lot size exceeds 1 ha (SR and RR1 zones).

Accessory building entitlements tend to vary by lot size. For instance, in the SR and RR1 zones, entitlement varies from two accessory buildings on lots less than 0.2 ha (0.5 ac) to four buildings on lots of .4 ha (1 ac) or more. Utility sheds (less than 10 m²) and wood sheds may be built outside of other accessory building entitlements. Rather, regulation is also by lot coverage of both dwellings and accessory buildings combined (including utility buildings and wood sheds). For instance, maximum coverage is 20% in the SR zone, 10% in the RR1 zone and 20% in the agricultural zone. Accessory building height limits are generally 5 m in residential zones and 9 m in rural and agricultural zones.

North Pender Island (1996)

North Pender adopted a new OCP in 2007, but still relies on a Land Use Bylaw dating from 1996.

Setbacks are generally 7.6 m for front and rear lot lines and 3 m for other outside boundaries. Height limits for dwellings and cottages are 9.7 m (31.5 ft). Dwellings are generally included as one component of total lot coverage - limited to 25% of lot

area (floor area included in all buildings to drip line/total lot area). Home industries are permitted on lots 2 ha and greater in area. Home occupations are permitted in dwellings - to 65 m².

Guest cottages are generally limited to lots of 1.2 ha (3 ac) and greater. Maximum size is 56 m² (600 ft²).

Accessory building entitlements are not limited except that lot coverage of 25% in residential zones applies to all buildings/structures on a lot (measured to drip lines). The height of accessory buildings is limited to 4.6 m (15 ft) and 1 storey.

Lot coverage in the agricultural zone is limited to 35% coverage plus up to another 40% in commercial greenhouses (min size for subdivision purposes is 16 ha (40 ac)).

South Pender Island (2003)

While a new OCP was adopted in October 2011, a 2003 Land Use Bylaw remains applicable.

Three residential zones (RR1 up to .4 ha; RR2 for .4 ha to 0.8 ha (2 ac) and RR3 for lots 4 ha and over are enumerated in the Land Use Bylaw. Dwellings and cottages are limited to 9.1 m (30 ft) in height. Minimum front yard setbacks are 7.6 m, while side yard setbacks are 6.1 m.

Maximum cottage size in all residential zones is 56 m² (603 ft²). Cottage entitlements in agricultural zones are associated with employment on the farm (cottage entitlements limited by numbers of farm staff).

Accessory buildings are limited to 4.6 m (15 ft), but farm accessory buildings may be up to 12.2 m (40 ft) in height for farm buildings on ALR lands. Accessory building size is not regulated except that total lot coverage by buildings and structures is limited to 25% in residential zones, including farms, 8% on farms in an agricultural zone up to 4 ha (10 ac) and 3% on farms zoned agricultural on lots of 4 ha and larger.

Saturna Island (2002)

The current Land Use Bylaw was adopted in 2002, two years following adoption of the still current OCP.

Height limits are 15 m (50 ft) where structures are used for farming and otherwise 9 m (29.25 ft) for all other structures. Minimum front and rear yard setbacks are 7.6 m (25 ft), while minimum side yard setbacks are 3 m (10 ft). Total lot area coverage is limited to 20% where lot size is less than .4 ha (1 ac). Dwelling entitlement includes home based industrial uses in addition to home occupations. Accessory buildings connected to a dwelling by a covered breezeway no greater than 5 m may be considered part of the dwelling. Farm use is permitted where lot size is 1 ha or more. Maximum lot coverage for agricultural lots is 30% for all structures, including related retail sales, and parking areas.

Guest cottages to a maximum size of 92.9 m² (1,000 ft²), excluding basements of the same footprint as the ground floor, are permitted where lot size is 1.2 ha (3 ac) or more.

Accessory buildings are limited to 140 m² (1,500 ft²) in the rural residential (RR) zone.

Salt Spring Island (2001)

Salt Spring Island adopted a new OCP in 2008, but continues to rely on a Land Use Bylaw (LUB) adopted in 2001.

Minimum setbacks are generally 7.5 m for front and rear yards, 3 m for side yards and 4.5 m for other yards abutting public roads or other zones. Height limits are generally 7.6 m or 2 stories.

Cabins and guest cottages are generally permitted on all lots exceeding 1.2 ha (3 ha). They are generally limited to 56 m² (600 ft²), but may be 85 m² (910 ft²) in the A1 and A2 (Agricultural uses) zones. Basements, carports and attached garages are not permitted for cottages. Secondary suites are also considered on the basis of individual application.

Accessory buildings up to 70 m² (750 ft²) are permitted on lots less than 1.2 ha (3 ac) and up to 185 m² (2000 ft²) on lots greater than 1.2 ha. Maximum height is 6 m on lots under 1.2 ha and 7 m on lots of 1.2 ha or more. An additional building not exceeding 25 m² (270 ft²) may be excluded from these sizes. Maximum coverage of 35%, excluding greenhouses, applies to all buildings/structures in the A1 and A2 zones and up to 75% incl. greenhouses. Up to 15 campground spots permitted in any campground in the A1 and A2 zones and up to 50 spots on any lot.

Gabriola Island (1999)

Gabriola Island's current OCP was adopted in 1997, and its Land Use Bylaw in 1999.

Height limits for dwellings and cottages are 9 m (29.25 ft). Setbacks for lots less than 1 ha are 6 m for front yards, 4.5 m for exterior side yards and 3 m for interior side yards. All setbacks are 10m for lots larger than 1 ha, and setbacks for greenhouses over 46 m² are 20 m. Maximum lot coverage is 20% for small lot residential and 10% for large lot residential. Selected home industries, as well as home occupations are generally permitted in residential areas.

Cottage entitlement of 65 m² (695 ft²) available on all lots over 2 ha (5 ac). Agricultural uses are permitted additional cottage entitlements for housing full-time agricultural workers.

Accessory building entitlements are established by maximum coverage regulations and numbers of buildings/structures. Three buildings plus wood sheds and utility buildings are permitted in the SLR and LLR zones. Maximum lot coverage for all buildings is 20% in small lot residential parcels and 10% in large lot residential parcels. Maximum accessory building heights are 7 m for lots under .4 ha (1 ac) and 6 m for larger lots. Agricultural buildings may be built on non-ALR sites. Maximum coverage on non-ALR

parcels used for agriculture is 35%. Maximum coverage is 35%, excluding greenhouses, and 75% with greenhouses on ALR parcels.

Hornby Island (1993)

Hornby Island's current OCP was adopted in 2002, while it still continues to rely on a 1993 Land Use Bylaw.

Four residential zones are identified in the LUB: small lot (R1), compact (R2), rural (R3) and large lot residential (LR). Residential height limits are 8 m except 7 m less than 100 m from the sea. Bed & breakfast entitlements vary by parcel size: 2 bedrooms if less than .25 ha; 3 bedrooms for .25-1 ha; and four bedrooms for 1 ha and over. Setbacks are 3m for all yards.

Cottage entitlements up to 65 m² are available on lots 3.5 ha (8.75 ac) and over.

Accessory building entitlements - also regulated by maximum lot coverage regulations - are 100 m² in the R1 zone and 200 m² in the R3 and LR zones. On agricultural parcels, maximum lot coverage is 10%, although maximum accessory building entitlement for residential purposes is 200 m². Accessory building height limits are 6 m if for residential use and 10 m for agricultural use.

Observations

Maximum dwelling sizes are largely unregulated on all of the eight islands reviewed except by maximum coverage regulations. Maximum coverage includes all structures on most islands, but only dwellings on Galiano Island. There is considerable variation re the acceptance of home occupation and home industries. Guest cottage entitlements are universal or almost so on some islands, including Galiano, although some islands vary the size of cottages with conditions, lot size or use, etc. Other accessory building entitlements are often regulated by lot coverage, but also by numbers of buildings or total size. Galiano Island appears to have the most restrictive accessory building entitlements of the eight islands.

Again and while regulations by island vary considerably, all eight of the regulatory regimes reviewed are under the purview of the Islands Trust and its objectives and terms of reference. All eight seek to preserve rural character.

Contact Information

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Kathy Jones

From: Nancy Roggers
Sent: June-28-12 5:44 PM
To: Kaitlin Kazmierowski; Ken Hancock; Kris Nichols; Louise Decario; Robert Kojima; Sandy Pottle; Kathy Jones; Sharon Lloyd-deRosario
Cc: Cindy Shelest
Subject: Galiano Expense report - June/12

Islands Trust
LTC EXP SUMMARY REPORT F2013
 Invoices posted to June 30, 2012

| 625 Galiano | Invoices posted to June 30, 2012 | Budget | Spent | Balance |
|--------------------------------|------------------------------------|-----------------|-----------------|-----------------|
| 65000 | LTC "Trustee Expenses" | 1,100.00 | - | 1,100.00 |
| 65200 | LTC Local Exp LTC Meeting Expenses | 6,500.00 | 886.26 | 5,613.74 |
| 65210 | LTC Local Exp APC Meeting Expenses | - | - | - |
| 65220 | LTC Local Exp Communications | - | 395.14 | (395.14) |
| 65230 | LTC Local Exp Special Projects | - | - | - |
| 65240 | LTC Local Exp Miscellaneous | - | - | - |
| TOTAL LTC Local Expense | | 6,500.00 | 1,281.40 | 5,218.60 |
| 73001 | Project OCP update | 6,500.00 | - | 6,500.00 |

Thanks!

Nancy Roggers
 Finance Officer

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Preserving island communities, culture and environment

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