

## **NORTH PENDER ADVISORY PLANNING COMMITTEE**

### **Analysis, options and recommendations to the LTC for increasing Housing Options on North Pender Island**

**November 21, 2025**

#### **Background:**

The focus of the North Pender Island [Housing Access and Affordability Project](#) is to increase the diversity of housing on North Pender Island. Since Magic Lake Estates, which historically provided opportunity for smaller lots at a lower cost, is now almost built out, new options to create lower cost housing elsewhere on the Island are being explored. Options need to ensure that the unique natural environment and rural character of North Pender island remain protected and that any future developments are sustainable.

With increasing property costs, affordable housing is unattainable for many low- and middle-income residents of North Pender. Changes in the Official Community Plan “OCP” and Land Use Bylaws (“LUBs”) have the potential to increase the opportunity for more rental, subsidized, and affordable smaller unit dwellings to be built. Part of the project is for the North Pender Local Trust Committee (“NP LTC”) to engage the Community by liaising with a Special Advisory Committee (“APC”) on housing. In response the APC has submitted two reports to the NP LTC in [November 2024](#) and [January 2025](#) and a Housing Action Plan in the summer of 2025.

Some of the content of these reports were incorporated into the [Housing Action Plan](#), consisting of 5 goals and 22 Actions.

The five goals of the Housing Action Plan:

#### **1. Updating and using available data**

Inform where additional density and intensity of land use will likely have the least negative impact on the land

**2. Diversifying housing options through zoning**

Provide a broader diversity of housing options on North Pender Island through amendments to land use zoning and associated OCP policies

**3. Increasing opportunities for affordable non-profit housing**

Increase opportunities for land to be made available for affordable subsidized housing by a not-for-profit organization, and to generate greater community interest and capacity to support this development

**4. Increasing community education and outreach**

Increase community education and outreach in respect to housing initiatives, improve the information available to the public, and make it more accessible to a broader audience in order to raise awareness of existing challenges and options to address or otherwise ameliorate the current status.

**5. Incorporating First Nations interests in land use decision making**

Foster collaborative working relationships with local First Nations who have an interest in housing initiatives on North Pender Island, and to address housing needs of First Nations on the island.

The LTC has subsequently asked the APC to:

***“report back with analysis, options and recommendations for Housing Action Plan Numbers 4-9, 12 and 18.”***

These Actions items are:

4. Expand opportunities to create secondary suites and permit Accessory Dwelling Units (ADU).
5. Explore opportunities for zoning changes to permit higher density Multi-Unit Development in areas with which have a concentration of community amenities.

6. Explore legalizing the use of RVs in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics, and fire safety.
7. Explore opportunities to permit worker accommodation (e.g. at community firehalls, Driftwood Center etc.).
8. Explore permitting the use of Tiny Homes as ADUs or establishing zones for higher density tiny homes (e.g. modular home villages) in appropriate areas considering, set-backs, parking, access, septic, available water, visual aesthetics and fire safety.
9. Explore permitting non-market housing in all residential land use zones and in some public land use zones, where appropriate (e.g. school properties, community service).
12. Explore options at time of subdivision to increase opportunities for affordable housing (e.g. land donation in exchange for rezoning to permit subdivision, allowing smaller lot sizes for affordable housing).
18. Review guidelines for Short Term Vacation Rentals (could include consideration of removal or amendment of Temporary Use Guidelines from OCP) and develop educational materials.

In developing recommendations regarding these Action Items, the APC has reviewed the Islands Trust Mandate, the existing and proposed new Trust Policy Statement. and the existing NP OCP and LUBs, in addition to the documents listed in the bibliography at the end of this report.

Any recommended changes in the NP OCP and/or LUBs related to housing should be in accordance with the Islands Trust's Object which is to preserve and protect this region for the benefit of residents of the Islands and of all British Columbians, and concordant with the Trust Policy Statement, which states that the Trusts mandate is to, **"support the preservation and protection of unique island character and aim to foster sustainable, inclusive, rural and resilient island communities"**.

North Pender's existing OCP recognizes these overarching principals in its broad Community Goals with the statement, ***"... land use decision-making should be based on the precautionary principle that when an activity raises threats of harm to the natural environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically."*** (NP OCP – Part 1: 1.1)

The need for the possible expansion of the housing stock on Pender Island has also been informed by the Housing Survey which identified as priorities worker housing, seniors housing, and affordable housing.

The recommendations in this report are preliminary and await completion and study of the Suitable Land and Build Out Analyses, which are vital tools to identify possible locations for zoning, LUB, or OCP changes, to allow additional housing units.

It is also important to note when considering expanding density to accommodate more housing units, that Pender Island already has the highest per capita density of any of the Southern Gulf Islands. Based on the 2021 census, the number of residents per square kilometer on Salt Spring Island is 63, on Mayne Island is 62, on Galiano is 23, on Saturna is 15 and on North Pender Island is 90.5.<sup>1</sup>

Related to housing issues the goals listed in the NP OCP includes:

***“To encourage a more compact, complete and connected community, in a manner that ensures that overall development potential and density are not increased unless authorized elsewhere in the plan.”***

With respect to Residential Land Uses the present OCP lists the following objectives:

- 1) To encourage a housing pattern that is appropriate to the rural character of the Island.***
- 2) To provide for a range of housing options that serve the needs of all residents and property owners of North Pender Island.***
- 3) To plan for a land use pattern which ensures the sustainable use of natural resources and minimizes greenhouse gas emissions.***
- 4) To promote use of indigenous vegetation for plantings in residential lot use.***
- 5) To protect the island's visual and ecological amenities.***
- 6) To preserve and enhance the scenic quality along roadways.***

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<sup>1</sup> The density is based on the area of North Pender set out in the North Pender OCP and the population obtained from the 2021 census.

In keeping with these objectives, the OCP states the following Residential Policies

***2.1.D Except where specifically authorized elsewhere in this plan, consideration may not be given to applications to rezone land within the Rural Residential and Rural designations to a higher density without amendment to this plan.***

***2.1.E No consideration may be given to applications to rezone land within the Rural Residential and Rural designations that would result in the transfer of density without amendment to this plan.***

However, the OCP offers considerable flexibility with respect to these policies as it relates to seniors and affordable housing:

***2.1.F Subject to policies in Subsection 2.3 of this plan (Seniors and Affordable Housing policies) consideration may be given to applications to rezone land within the Rural Residential and Rural designations to a higher density where the additional density takes the form of seniors and affordable housing.***

A proposed modification of this statement that the APC is recommending is the addition of workers' housing. In our report we note additional changes in the OCP that would be required if some of the APC's recommendations were adopted.

With respect to the potential rezoning of RR and R land, the different subclasses of RR zoning on Pender need to be considered. RR1 refers to the Magic Lake Estates where density has been maximized (to the extent that formation of Magic Lake Estates was a major driver of the formation of the Islands Trust.) Thus, any change in the OCP or zoning which could increase density on North Pender should be limited to RR2 and R. **Potential exceptions could be considered for larger lots within RR1.**

Any proposed rezoning decisions need to consider the potential for increasing Wildfire Risk. Pender Island is a forested, rural area and as such the effects of adding residential units into the forested areas must be considered. Consideration for access for emergency vehicles, water supply for fire suppression, and safe setbacks from other structures and combustible materials should be a priority.

All of the recommendations which follow assume that sufficient resources will be put in place to ensure adequate enforcement so that any additional housing units approved under these new criteria are used for their intended purposes.

The recommendations of the APC with respect to the action items that were proposed for review are contained in the attached Table 1.

## **ANALYSIS, OPTIONS AND SPECIFIC RECOMMENDATIONS REGARDING ACTION ITEMS 4-9, 12 + 18):**

### **4. Expand opportunities to create secondary suites and permit Accessory Dwelling Units (ADU).**

#### **ANALYSIS AND OPTIONS**

##### **Flexible Housing Zoning**

Flexible Housing Zoning allows for additional dwelling units on a lot provided that the combined floor area of all dwellings does not exceed specified limits.

Mayne Island has developed a [Flexible Housing Zoning proposal](#). The number of permitted dwellings and cottages on flexible housing zoned lots are limited by lot's size and combined total floor area.

The location of lots appropriate for Flexible Zoning would be:

- close to amenities (preferred but not required)
- where additional density is unlikely to increase the vulnerability of groundwater resources or involve archeological sites or Development Permit Areas.

Bylaws for Flexible housing zoning would need to incorporate appropriate setbacks, parking, access, septic, visual aesthetics and fire safety for the ADUs.

The development of a map indicating which lots fall within the Flexible Housing Zones is dependent on study of the Suitable Land and Build Out Analyses for North Pender Island (in preparation).

In addition, the revised zoning on Mayne includes requirement for a cistern for freshwater catchment and storage with a minimum cistern capacity of 13,640 litres per unit for each secondary suite, cottage, or additional dwelling.

Possible zoning changes could be:

- Lots 0.4 hectares (1.0 acre) to 0.6 hectares (1.5 acres): one secondary suite and one additional dwelling with a maximum combined floor area: 232 m<sup>2</sup> (2,500 ft<sup>2</sup>)
- Lots 0.6 to 1.2 hectares (1.5 to 3 acres): one secondary suite, and two additional dwellings with a maximum combined floor area: 325 m<sup>2</sup> (3,500 ft<sup>2</sup>)
- Lots 1.2 to 5 hectares (3 to 12.35 acres): one secondary suite, and three additional dwellings with a maximum combined floor area: 418 m<sup>2</sup> (4500 ft<sup>2</sup>)

As mentioned above flexible zoning could be limited to RR2 and R zoned lots and preference would be for lots closer to amenities to encourage active transport and limit environmental impact. Large RR1 lots in Magic Lake Estates could be considered as exceptions although the capacity of the Magic Lake Water and Sewage system would have to be considered.

One factor that will need to be considered in this regard is the Agricultural Land Reserve. Many of the lots close to the Driftwood Centre, which might qualify for Flexible Housing Zoning, are in the ALR. The APC does not support removal of land from the ALR.

Adopting flexible housing zoning would require modification of the existing LUBs and OCP for North Pender.

**Ideas for Broader Flexible Housing:**

In addition to consideration of allowing ADUs in Flexible Zoned areas the APC suggests considering broader flexibility. This would include the possible development of duplexes, triplexes or fourplexes. Such units have a lesser cost and environmental impact because of shared infrastructure such as wells, septic and solar. They would appeal to multigeneration families and allow elders to age in place. In addition, renting of one or more of the units would represent a revenue source for the owner making the cost of construction less daunting.

As for zoning for additional ADUs, the development of such units could be governed by a sliding scale. For example, a duplex allowed on lots 0.4 hectares (1.0 acre) to 0.6 hectares (1.5 acres), a triplex on lots 0.6 to 1.2 hectares (1.5 to 3 acres) and a fourplex on 1.2 to 5 hectares (3 to 12.35 acres). As with the addition of ADUs, multiplex units would be constrained by presently permitted, or potential reduced, total square foot requirement.

A concern about flexible housing zoning would be that the additional ADUs would be used for short term rentals. This could be prevented by requiring a housing agreement, even for ADUs permitted on individual lots.

The locations for introduction of flexible housing zoning will be informed by the Suitable Land and Build Out Analyses and should be considered in the context of the Islands Trust mandate to preserve and protect the natural environment and rural character of the island.

While the provincial legislation related to enabling small-scale multi-unit housing (SSMUH) does not pertain to properties on North Pender (lands in a local trust area under the Islands Trust Act are specifically exempted), the guidance issued by the Province, as well as the associated work already undertaken by a variety of municipalities as part of implementing the new requirements, could provide a suitable source of policy language/ideas/approaches related to the introduction of expanded opportunities to create secondary suites and permit Accessory Dwelling Units - noting the need to appropriately customize some of the elements to better align with the local context.

According to the Province, Small Scale Multi-Unit Housing includes secondary suites, detached accessory dwelling units and du/tri-plexes (amongst other forms) and is meant to provide options that are ground-oriented and compatible in scale and form to the surrounding area. "Ground oriented" means that the units can be entered from ground level, unlike some apartment buildings.

The APC recognizes that this is not a simple, straight forward linkage to the community needs of North Pender Island (and is not advocating to have the legislation amended to include the Islands Trust) but notes that there are sufficient comparable elements that would help to facilitate further analysis of the flexible zoning concept and how it might be part of the solution in the future, while still respecting the existing natural and rural character of the island.

## **RECOMMENDATION**

The APC recommends that the NP LTC consider adopting Flexible Housing Zoning as has been done on Mayne Island, and the broader flexible options such as multiplexes. The intention of such Flexible Housing Zoning is to support the creation of smaller, more affordable housing units to meet the



housing needs of the community. Flexible housing zoning has the potential to increase options for smaller unit housing and non-market housing to be built in ways that balance housing needs with preserving and protecting the environment on North Pender Island. Flexible housing zoning would allow for the creation of additional housing units to accommodate family members, caregivers, workers and low-income families and seniors. These units would predominantly be rental units as the recommendation does not contemplate the subdivision of these properties. A housing agreement to ensure that the ADUs are not used for short term rentals should be considered.

### **5. Explore opportunities for zoning changes to permit higher density Multi-Unit Development in areas with a concentration of community amenities**

**Analysis:** At present there is only one such cluster of dwellings on Pender Island, Plum Tree Court (<https://www.penderhousing.ca/>). Plum Tree Court is a low-density, non-market housing complex, owned and operated by the Pender Islands Housing Society (PIHS). Land for the complex was originally donated. The complex includes six 550 square foot units. Although PIHS has Zoning approval to double the number of units on the present site there is no funding in place for expansion and the subsidized rental agreement for existing tenants is under threat. When the current funding agreement with BC Housing expires PIHS will have to charge market rental rates.

PIHS is looking for additional sites for subsidized multiunit housing in order to better serve a business case for a housing provider.

#### **Options:**

1. Rezoning Anglican Church Property: The Anglican Church on Pender has already explored the possibility of allowing non-market housing on their property. Their land is zoned Community Service (CS) and is large enough to situate multiple small units or a larger multiunit dwelling and the site is in fairly close proximity to amenities at Driftwood.

The Anglican Church and the Diocese are open to having the whole, or part of their property re-zoned to allow multi-unit subsidized dwellings. The LTC could rezone the property and facilitate discussions between the PIHS and the Church. Of course, re-zoning does not make such a development happen but makes it possible for PIHS and/or another agency to explore the possibility of situating such a development there. To ensure that such rezoning would meet the

goals of this project any expansion should be subject to a housing agreement which ensures affordable (subsidized) housing.

2. Proactively re-zone properties (preferably close to amenities) that are presently zoned RR2 or R for multiple dwellings as has been done on Mayne Island. There are presently a number of properties within fairly close proximity to amenities that are for sale. Proactively re-zoning these properties as suitable for multiple dwellings might attract community groups or individuals to purchase and develop them as such. This option is subject to the same issue that some of them are ALR. A housing agreement would be needed to ensure units are affordable. Any decision on this issue needs to be informed by the Suitable Land and Build Out analyses. The OCP map would have to indicate this designation.

### **RECOMMENDATION**

- The APC recommends that the NP LTC go ahead with rezoning all or part of the Anglican Church property and further consider the wider rezoning of appropriate lots for multiple unit dwellings. Any such rezoning should include the stipulation that the new dwellings are affordable subsidized housing and that a housing agreement would be required.
- This recommendation would not require any modification of the present NP OCP since it is provided for, as mentioned above, although it would require altering the OCP designation map.

6. Explore legalizing the use of RVs in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics, and fire safety.

#### **Analysis:**

At present the [NP LUBs](#) state that a recreational vehicle (ADU) may only be used as a temporary residence during the construction of a permitted dwelling on the same lot. The RV or ADU can be ***“.....placed and occupied as a temporary dwelling prior to the construction of a principal building or structure on the same lot provided that a building permit has been issued for the principal building or structure and the water supply and sewage disposal facilities for the principal building or structure have been installed.”***

A "recreational vehicle" is defined as a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities. The bylaw does not include a mobile home or manufactured home. RVs are not approved for primary dwellings by the CRD and there are no standards or inspections for such units serving as ADUs.

The bylaw makes no mention of fire safety. Fire safety is of particular concern for RVs as summarized by the Pender Island Fire Chief:

***“Recreational Vehicles were not designed or constructed for full time residential occupancy. They were specifically designed for short term recreational use. They are constructed from light weight construction materials meant for easy transportation. The ventilation, heating, electrical and plumbing systems are intended for short term use and much less robust than their residential construction type counter parts. The use of recreational vehicles for full time residential occupancy strains all of their operational systems to their maximum therefore placing them at the top end of Fire and Life Safety risk to the occupants and to the surrounding community.***

***The materials that RV’s are constructed of are more volatile than regular residential construction material. They ignite more easily, spread more quickly, burn more intensely and give off more deadly gasses. Ultimately this combination of factors results in a higher incidence of fires and a higher fatality rate than exists in regular residential construction types.***

***Although recreational vehicles are initially built to a safety standard, designed for their intended recreational use, they are seldom maintained to that standard. Because the systems were intended for short term use, they often are augmented and modified using additional space heaters, refrigeration units, and other devices. All of which further increases the Fire and Life Safety hazards.***

Despite the existing NP bylaw RVs are increasingly being used as primary dwellings on North Pender and the LTC has stated that the bylaw will not be enforced except in response to complaints. This leaves those dwelling in RVs in a permanent state of uncertainty. Most of the RVs are placed on lots that already have a dwelling, although some are the sole dwelling on the property. It

is likely that most of the RVs are not plumbed for drinking water or sewage disposal although there is no way of determining this since there is no process for approval or inspection.

A similar situation on other Gulf Islands has resulted in altered bylaws. Saturna Island permits RVs to be used as primary dwellings.

While Mayne Island bylaws presently allow RV's as primary residences the recommendation is to allow RVs as dwellings by issuing Temporary Use Permits provided that there is sewage and water. These TUPs would be time limited to six years. It is unclear whether the TUPs will only be issued if a RV was being used while a permanent home was being built.

### **Options, pros and cons:**

1. **Do nothing.** The LTC could leave the bylaw as is (maybe alter it to include fire safety inspection) and leave the moratorium on enforcement in place. The rationale would be that the other zoning changes could enable affordable housing and that those in RVs would take advantage of these more permanent, legal options and the use of RVs would decrease. A downside of this course of action is that the number of people living in unsafe conditions in RVs would likely increase before it decreases. Maintaining the status quo has the potential for bad outcomes. An RV on Pender recently burnt down, fortunately without injury to anyone.
2. **Institute TUPs for RVs, accompanied by mandated inspections.** This is similar to what Mayne has done. The advantage is that the inspections would increase safety. However, the CRD is presently not prepared to adopt standards or inspect RV's. Who would do the inspections and to what standards? In addition, TUPs are time limited to a maximum of six years or "until" a situation is normalized. What would be that normalization in this case? If it is the construction of a permanent CRD-permitted home, then this reverts to the present bylaw which has a 4-year window.
3. **Re-examine the present moratorium on enforcement of the bylaw prohibiting use of RVs and permanent residences.**  
This is a difficult issue. The present moratorium may be contributing to increased occupancy of RVs as permanent residences. The moratorium

empowers landlords to provide a venue for substandard living without having to meet fire, safety or building code regulations.

However, enforcement raises the question of what happens to individuals who would be forced out of the recreational vehicles in which they are currently living full-time. Since there are at present no fall-back options they would become un-housed.

#### RECOMMENDATION:

1. Make changes to the wording of the existing bylaw re the use of RV's during home construction to include a mandatory inspection for Fire Safety.
2. RVs should not be allowed as primary residences or ADUs until proper standards, inspection and enforcement are in place.
3. Reexamine the present moratorium on enforcement of the existing RV Bylaw. Does maintaining the moratorium promote the expansion of unsafe housing?

#### **7. Explore opportunities to permit worker accommodation (e.g at community firehalls, Driftwood Center etc.).**

#### **Analysis:**

Lack of affordable accommodation for permanent and temporary workers represents an important problem on North Pender island. This could be addressed by allowing Public Service and commercial entities to build worker accommodation on their property. For example, ADUs could be built at Browning, Driftwood, Poet's and Woods. Other potential locations could be The Fire stations, the Health Centre, the Community Hall and the School. In addition to rezoning to allow for worker ADUs on existing commercial and other sites the LTC could consider measures to increase worker housing on future commercial sites.

Critical to this re-zoning would be the development of a housing agreement that would legally bind the commercial entity to use the housing for Pender workers at their facilities. Such ADUs would be subject all of the other zoning regulations for ADUs on RR2 and R lots.

A pro of such rezoning would be to develop much needed on-site housing for critical workers on whom the smooth functioning of the Island Community depends. By limiting the occupancy of such units to workers at the specific location of the rezoning reduces the environmental impact of the increased density (i.e. the workers would not travel to work and the dwellings would be serviced by water and septic already in place).

A con would be if the housing agreement was not honored and the ADUs were used as market housing thus increasing density without benefit to workers. This would breach the Housing Agreement and could be remedied by enforcement.

### **RECOMMENDATION:**

The APC recommends that the LTC develop zoning, Bylaws and modifications of the OCP to enable such worker housing and in parallel establish a template for a Housing Agreement to accommodate these changes. As in all cases such zoning would be subject to the Suitability and Build Out Analyses.

### **8. Explore permitting the use of Small Footprint Homes (as ADUs or establishing higher density home zones (e.g. modular home villages) in appropriate areas considering, set-backs, parking, access, septic, available water, visual aesthetics and fire safety.**

#### **Analysis, Pros and Cons:**

- One possible development to alleviate the present lack of affordable housing might be clustered, small unit housing; higher density “villages” of small footprint homes (sometimes termed Tiny Homes). Advantages include: the cost per unit of such dwellings would be lower; the infrastructure (water, sewage and fire protection) could be shared among units and the environmental impact per unit would be lower than a traditional detached single-family dwelling.
- We have used “small footprint homes” throughout this report to clearly differentiate dwellings primarily designed for permanent residence from those designed to be moved. The terminology is confusing, especially the term “tiny home on wheels” which does not necessarily imply a unit designed for, and meeting standards for, permanent residence.
- Small footprint homes promote more efficient land use and help reduce rural sprawl. Environmentally, smaller homes require fewer resources to build and maintain, reducing material and utility costs.

- Clusters of small footprint homes [close to amenities] encourage a simpler, more community-focused lifestyle.
- Such a concept does not include a trailer park but refers to small units that are constructed to the BC Building Code, or CSA standards for manufactured homes, or equivalent.
- Such developments could be for market housing or for subsidized affordable housing. For subsidized affordable housing developments, a Housing Agreement, similar to that for a multiunit affordable housing development would be implemented.
- Units could be on wheels for transport but once in situ would need to be anchored to the ground, connected to a source of potable water, and connected to an approved sewage and wastewater system.
- Zoning could stipulate that the total floor area of units does not exceed the maximal dwelling floor area for that zone, or could stipulate that the total floor area is less than the maximal dwelling floor area for that zone.
- The location of such zoning would preferably be near amenities and subject to the results of the Suitable Land Analysis with respect to water, environmental impact, etc.
- Such a change would require new bylaws and modifications to the present NP OCP. Wording for such a change in the OCP is being considered by other Trust Councils and represents a template for such additions on North Pender Island. Possible wording for such changes is attached.
- A disadvantage of such a change would be an increase in density (people per square kilometer). As mentioned above North Pender already has, by far, the highest population density of the Southern Gulf Islands.
- A major concern is that at the present time the CRD has not approved or adopted building standards for the construction or inspection of most small footprint homes.

### **RECOMMENDATIONS:**

1. Small footprint manufactured homes with an area of 250 square feet or more which meet CSA standards (Z240MH or A277) or BC building code requirements should be approved as ADU's.
2. Do not approve Small Footprint homes on wheels, which do not meet CSA or building code standards, for use as ADU's or in clustered villages.

3. Consider stipulating height restrictions for small footprint homes.

**9. Explore permitting non-market housing in all residential land use zones and in some public land use zones, where appropriate (e.g. school properties, community service).**

**RECOMMENDATION:**

1. Much of this action item has been addressed in the response to action items 5 and 7 above. Such changes are heavily dependent on the results and study of the Suitable Land and Build out analyses.

**12. Explore options at time of subdivision to increase opportunities for affordable housing (e.g. land donation in exchange for rezoning to permit subdivision, allowing smaller lot sizes for affordable housing).**

**Options:**

1. Do nothing
2. Deal with applications on a case by case basis ensuring that common law and regulatory requirements are met.

**Analysis:** Recommendation 12 suggests exploring options, at the time of subdivision, to increase opportunities for affordable housing and notes the possibility of land donation "in exchange for" rezoning to permit subdivision or allowing smaller lot sizes for affordable housing. While there may be elements of this concept worth exploring further, the APC notes the need to be careful as to how such approaches are constructed in order to meet the provincial legislation, and associated regulatory requirements, that govern land use decision making as well as the common law traditions that relate to such practices. As such, the focus of future work in this regard would need to carefully consider the creation and use of voluntary agreements / developer agreements in order to ensure that a clear legal framework is put in place to govern such arrangements - agreements that would almost necessarily be structured on a case by case basis.

As the Union of BC Municipalities states in its Fact Sheet #25 (Land Use Regulation):



***The process of responding to an application for a rezoning frequently involves negotiation regarding the nature of the development that the owner intends to build. If the council or board believes that it is in a strong bargaining position it might anticipate that the owner will be willing to voluntarily offer to include design features or contribute amenities to the community that are not legally required if that might help ensure a "yes" vote on the rezoning application. Great care must be taken in the wording of these discussions with developers. There is no provision in the legislation for "selling zoning," and common law tradition forbids the practice. If the provision of voluntary amenities is a consideration in rezoning separate legal contractual arrangements may be required to ensure that they are provided.***

To enter into such agreements, the LTC would need to consider the creation and use of voluntary developer agreements in order to ensure that clear legal framework is in place. As this would need to be done with the assistance of counsel on a case by case basis no action at this time is required.

#### **RECOMMENDATION:**

Do not increase population density on N Pender for any further subdivision for market housing

**18. Review guidelines for Short Term Vacation Rentals (could include consideration of removal or amendment of Temporary Use Guidelines from OCP) and develop educational materials.**

#### **PROS**

Provides housing for tourists creating a viable industry on N Pender.

#### **CONS**

Takes away from long term market rental accommodation for middle income families, seniors and workers.

#### **OPTIONS:**

- a. Keep as is and retain ability to consider each request individually - could also pass a standing resolution to not approve STVRs for now

- b. Remove TUP guidelines for STVRs altogether from OCP and restrict outright
- c. Amend TUP guidelines to make them more restrictive e.g. limit number of total permits further

## RECOMMENDATIONS

1. Prohibit any new STVR's and let lapse any current SUPs.
2. Do not Opt into Bill 35 in 2025 but allow existing TUPs for such STVRs to lapse after their 3-year extensions and not be extended beyond that. This provides owners of such STVRs time to adjust to the change.
3. Study what happens on Gabriola and Salt Spring, which have adopted the Provincial statute. A comprehensive report back from staff on the impacts on these islands would inform a decision on the next anniversary for inclusion.

## Bibliography of Documents and Links referred to in the creation of this report:

- North Pender Zoning Map
- North Pender OCP
- North Pender Land Use Bylaws
- Draft of New Trust Policy Statement
- NP-LTC\_Housing Needs Survey Data Rollup\_Nov 2024.xlsx
- North Pender Island Housing Action Plan
- Island Trust Housing Strategic Action Plan  
(<https://islandstrust.bc.ca/document/trust-council-housing-strategic-action-plan/> )
- Island Trust Housing Affordability Plan  
(<https://islandstrust.bc.ca/programs/housing-affordability/> )
- ISLANDS TRUST HOUSING OPTIONS TOOLKIT  
(<https://islandstrust.bc.ca/document/housing-options-toolkit-tools-1-10/> )
- Southern Gulf Islands Housing Needs Assessment (2018)
- Mayne island housing action plan (draft may 2024)
- Mayne Island - Housing Review – Flex housing Expansion-Staff Report

- Mayne island -Housing Options – Identifying properties for additional density-Staff Report
- Mayne island -Housing Related Bylaw Amendment Options-Staff Report
- Mayne island-Draft Suitable Land Analysis
- RVs An Alternative Housing Option. BC RV Housing Alliance
- Gabriola Housing Advisory Planning Commission Report
- Denman Island Housing Advisory Planning Commission Final Report (November 3, 2023)
- Denman Island Housing Action Implementation Plan
- A Guide to the Denman Island Housing Advisory Planning Commission’s Final Report
- Positively Forward: Pathways to Affordable Housing on Salt Spring Island
- SMALL FOOTPRINT HOMES:
  - Island Trust Steering Committee and Technical Panels to Explore Tiny Home Enablement in the Islands Trust Area
  - Tiny Homes on Wheels “Sandbox” Conceptual Proposal
  - Tiny Homes In British Columbia: Everything You Need To Know
  - <https://www.smartmod.ca/homes-for-sale>
  - <https://cottage.life.com/realestate/canadas-best-builders-for-tiny-prefab-homes/>
  - [sustain.ca](https://sustain.ca)
  - [murchtechcorp.com](https://murchtechcorp.com)
  - [nomadmicrohomes.com](https://nomadmicrohomes.com)
  - <https://www.rewildhomes.com/about>

**Table 1. Preliminary Recommendations of the APC ordered by Priority Action**

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
7	Explore opportunities to permit worker accommodation	1. Do nothing 2. Amend the OCP to allow worker housing as well as seniors and affordable housing with a housing agreement in community service zones and commercial zones	That the LTC develop Bylaw zoning and OPC modifications to enable worker housing in both commercial and community service sites such as the Fire hall, Driftwood, and the School. Critical to this rezoning would be the development of a housing agreement that would ensure that these housing units would be used for workers.	Lack of affordable accommodation for permanent and temporary workers on NP has been identified as a critical housing issue. Such rezoning and modification of the OCP to include worker housing as well as senior and affordable housing, as an exception to the density requirement, would help address this shortage. Such ADUs would be subject to all of the other zoning regulations for ADUs on RR2 and R lots with the exception of square foot restrictions.

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
4	Expand opportunities to create secondary suites and permit Accessory Dwelling Units (ADU).	<ol style="list-style-type: none"> <li>1. Do nothing</li> <li>2. Adopt Flexible zoning as contemplated by Mayne Island.</li> <li>3. Add multiplexes as alternatives to the creation of ADUs. For example a duplex on 0.4 to 1.2 hectare lots, and a triplex on 1.2 to 5 hectare lots.</li> </ol>	<p>That the LTC consider adopting flexible zoning to create additional housing units on RR2 and R lots and modify the OCP to accommodate these changes. RR1 lots with a lot size of 0.4 hectares or larger could be considered on a case by case basis.</p> <p>Possible flexible zoning could be:</p> <ul style="list-style-type: none"> <li>• Lots 0.4 hectares (1.0 acre) to 0.6 hectares (1.5 acres): one secondary suite and one additional dwelling with a maximum combined floor area: 232 m<sup>2</sup> (2,500 ft<sup>2</sup>)</li> <li>• Lots 0.6 to 1.2 hectares (1.5 to 3 acres): two dwellings, one secondary suite, and one cottage with a maximum combined floor area: 325 m<sup>2</sup> (3,500 ft<sup>2</sup>)</li> <li>• Lots 1.2 to 5 hectares (3 to 12.35 acres): three dwellings and one cottage with a maximum combined floor area: 436 m<sup>2</sup> (4,500 ft<sup>2</sup>)</li> </ul> <p>The APC also recommends exploring the option of adding multiplexes as an alternative to ADUs.</p>	<p>Flexible housing zoning would allow for the creation of smaller unit housing and non-market housing to be built in a manner that would balance preserving and protecting the environment with the creation of additional housing units which could be used to house family members, caregivers workers, low income families and seniors. These ADUs could be rental units as the recommendation does not contemplate subdivision of these properties. Minimum square footage for ADUs would be 250 square feet. Minimum lot size for flexible zoning would be 0.4 hectares (one acre) to balance preserving the rural character of the island with the creation of more affordable housing. The APC does not consider it consistent with these recommendations to allow ADU's on RR1 lots in Magic Lake, smaller than one acre, as an alternative to secondary suites.</p>

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
5	Explore opportunities for zoning changes to permit higher density Multi-Unit Development	<ol style="list-style-type: none"> <li>1. Do nothing.</li> <li>2. Rezone Anglican Church lands for higher density multi unit affordable housing</li> <li>3. Rezone further additional lots for low income multiunit affordable housing.</li> </ol>	Rezoning the Anglican Church lands to allow multi unit affordable housing. The number of units would be dependant on the usual process for determining capacity. The APC further recommends the determination of whether or not other lots are suitable for multiunit affordable housing after the Suitable Land and Build Out Analyses are complete.	Zoning for not for profit affordable housing is already contemplated by the NP Bylaws and the OCP. Currently funding for further expansion of the existing facility Plumtree Court is not available. The Pender Island Housing Society ("PIRS") is prepared to consider other suitable sites for the possible development of low income housing. The Anglican Church and the Diocese are open to having their property rezoned to accommodate additional multiunit low income housing. Other suitable lots for multi-unit low income housing could be identified when the Suitable Land and Build Out Analyses are completed. The rezoning of such properties would not guarantee the development of low income housing but would facilitate it if and when funds for such developments becomes available.

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
18	Review guidelines for Short Term Vacation Rentals	<ol style="list-style-type: none"> <li>1. Do nothing</li> <li>2. Keep as is and consider each application individually</li> <li>3. Enact a standing resolution suspending applications for now</li> <li>4. Remove TUP guidelines for STVR's from the OCP and restrict outright</li> <li>5. Amend TUP guidelines to make them more restrictive e.g. placing lower limits on the number of permits</li> <li>6. Allow existing Temporary Use Permits ("TUPs") for Short Term Vacations Rentals ("STVRs") to lapse and issue no new TUPs for STVRs.</li> <li>7. Opt in to Bill 35 by which the Province regulates STVRs.</li> </ol>	Allow existing Temporary Use Permits ("TUPs") for Short Term Vacations Rentals ("STVRs") to lapse at the end of their six year term (assuming renewal raises no issues) and issue no new TUPs for STVRs. The APC further recommends that the NP LTC not opt in to Bill 35 at this time."	Allowing existing TUPs for STVRs to lapse while not issuing further TUPs for STVRs would allow more housing for long term rentals. It would also be fair to those who have gone through the process of applying and met the criteria of the current OCP for STVRs. It is unclear whether Bill 35 will provide improved enforcement of STVRs over the current regime. As Gabriola and Salt Spring Islands have opted into Bill 35 waiting to see how the Bill works there, before considering adoption after the current STVR's lapse, seems prudent.
6	Explore legalizing the use of RVs	<ol style="list-style-type: none"> <li>1. Do nothing</li> <li>2. Modify the existing bylaws to allow RVs as ADUs</li> <li>3. Allow RVs as primary residences</li> <li>4. Issue TUPs for Recreational Vehicles ("RVs")</li> </ol>	<p>No change in the existing bylaws which allow the temporary use of RVs during home construction. RVs should not be permitted to be used as ADUs or primary residences unless standards and inspection regimes are in place to ensure that they are safe for year round occupancy.</p> <p>The APC further recommends that the</p>	<p>RVs are not approved for primary dwellings by the CRD and there is no standards or inspections for such units as ADUs.</p> <p>The bylaw makes no mention of fire safety. Fire safety is of particular concern as summarized by the Pender Island Fire Chief:</p> <p>"Recreational Vehicles were not designed or constructed for full time residential occupancy. They were specifically designed for short term recreational use.</p>

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			LTC reconsider the current moratorium on enforcing the use of RVs outside of the currently permitted use. At present the non compliant RV's are generally providing substandard unsafe accommodation to the benefit the landlords. Enforcing the bylaw would ensure the safety of the occupants.	They are constructed from light weight construction materials meant for easy transportation. The ventilation, heating, electrical and plumbing systems are intended for short term use and much less robust than their residential construction type counter parts. The use of recreational vehicles for full time residential occupancy strains all of their operational systems to their maximum therefore placing them at the top end of Fire and Life Safety risk to the occupants and to the surrounding community".
8	Explore permitting the use of Tiny Homes as wheels as ADUs	1. Do nothing 2. Modify the existing bylaws and OCP to allow Small Footprint Homes (i.e. Tiny Homes on Wheels) as ADUs	Small foot print homes on wheels (tiny homes on wheels) of 250 square feet or larger, built to CAS standards Z240MH or A277 or equivalent installed on a permanent foundation compliant with the BCBC should be approved. Small footprint homes on foundations built to the BCBC should also be approved. This does not apply to any small footprint homes of wheels which do not meet the CSA standards. The necessary OCP and bylaw changes to enable the use of CSA compliant small footprint homes on wheels use as ADU's should be enacted.	Manufactured or modular small footprint homes on wheels (tiny homes on wheels) if designed to meet CSA standards Z204MH or A277 of 250 square feet or larger are suitable for full time occupancy if installed on a foundation compliant with the BCBC.



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9	Explore permitting non-market housing in all residential land use zones and in some public land use zones	1. Do nothing 2. Wait until the Suitable Land Analysis and Build Out Study are done before proceeding on this action item.	The APC does not recommend any action on this item. As the need for such changes to current zoning to create affordable housing are adequately covered by action items 5 and 7.	The need for such changes to current zoning to create affordable housing are adequately covered by action items 5 and 7.
12	Explore options at time of subdivision to increase opportunities for affordable housing	1. Do nothing 2. Deal with applications on a case by case basis ensuring that common law and regulatory requirements are met.	The APC does not recommend exploring this option.	The APC does not consider it consistent with the preserve and protect mandate of the Islands Trust to approve any subdivision which would increase density. In addition any such application would face significant legal hurdles.