



DATE OF MEETING: June 24, 2021
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Review Project – Options

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee approve the updated Project Charter for the Land Use Bylaw Review Project dated June 24, 2021.**

REPORT SUMMARY

The purpose of this report is to provide further information on the topic areas, seek direction from the North Pender Local Trust Committee (LTC), and introduce bylaw amendments for the industrial regulations.

BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January 2020 (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the North Pender LUB. The project encompasses the following topic areas:

1. Residential floor area review.
2. Tourist Commercial regulation review.
3. Marine shoreline regulations review.
4. Agricultural regulations amendments.
5. Industrial regulation review.
6. Minor and technical amendments

Background information regarding the project, staff reports, Discussion Papers, PowerPoint presentations, correspondence, and the Project Charter can be found on the North Pender Project webpage:

<https://islandstrust.bc.ca/island-planning/north-pender/projects/>

At the May 12, 2021 LTC Special Meeting, the LTC passed the following resolutions:

NP-2021-050

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff to write a letter to the property owners of C2B, C2C, C2D, C2E advising them of the Local Trust Committee's intent to either reduce the number of tourism units or rezone to Rural Residential.

CARRIED

NP-2021-051

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff to have the remaining Commercial Tourism zoned properties remain at the current number of units as established on the property.

CARRIED

By general consent, the LTC requested that staff propose amendments to the campground regulations that would limit or prohibit generator use.

NP-2021-052

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff that stairs would not be exempt from the setback of the natural boundary of the sea.

CARRIED

NP-2021-053

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021.

CARRIED

NP-2021-054

It was Moved and Seconded,

that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Minor and Technical Amendment options as outlined in Table 2 attached to the Staff Report dated May 12, 2021.

CARRIED

A list of all resolutions regarding the topics areas with staff comments are included in Attachment No. 1.

ANLYSIS

Maximum Floor Area

At the May 12, 2021 Special Meeting, the LTC requested further information related to the maximum floor area discussion concerning lot coverage and impermeable surfaces, floor area measure (to internal side of external walls), and the South Pender maximum floor area review.

The following are North Pender LUB definitions applicable to the maximum floor area discussion:

"floor area" means the total area of all storeys of a building measured to the outer surface of the exterior walls, exclusive of any floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection, and for this purpose, all areas of a building having a floor and a ceiling of at least 1.5 metres apart constitute a storey.

"lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof.

"structure" means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes fences, septic fields, concrete and asphalt paving, or similar surfacing of the land.

Lot Coverage Definition:

Lot coverage in the North Pender LUB is the calculation of land covered by buildings and structures divided by the lot area. Furthermore, the definition of 'structures' specifically does not include impermeable surfaces such as concrete and asphalt surfacing, or similar surfacing of the land. The LTC could amend the lot coverage definition so that the term 'structure' would include impermeable material (see Option 1 below). This would support two objectives of the lot coverage provision: to retain greenspace and encourage on-site retention of drainage. There is the potential to render properties with extensive paving as non-conforming, however the effects of non-conformity would be minimal as existing structures could be repaired or maintained.

In terms of administration, there would be increased requirements at time of development (including during minor additions or construction of accessory buildings) in order to determine compliance with regulations. For example, survey plans prepared by a professional surveyor would have to include the area and extent of all paved surfaces which could increase the cost to the applicant. Also, as there is no requirement for a building permit for new paving, administering the regulation in absence of a building permit review for a building or structure could be difficult. Finally, there are going to be interpretive issues with the use of materials like paving stones and permeable materials.

Options for consideration:

1. Amend the definition of 'lot coverage' so that the term structure would include concrete and asphalt surfaces. The definition of lot coverage would then read: "means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof and "structures" includes impermeable material." Amending the definition would then require patios, driveways, cement stairways, etc. to be included in the lot coverage calculation.
2. Retain the current definition of lot coverage.

Floor Area Definition:

The current definition of floor area in the NP LUB measures the floor area to the outside surface of the external walls. The NP LTC could amend this definition to measure floor area to the interior surface of the exterior walls. Currently Gabriola, Galiano (for Environmentally Friendly Buildings), Lasqueti, and Saturna all measure floor area to the interior side of the external walls. Amending the definition of floor area to measure to the internal surface of the exterior wall could encourage environmentally friendly building practices (use of thicker insulation within walls).

Options for consideration:

1. Amend the definition of floor area so that the measurement is to the interior surface of the exterior walls. The definition could then read: "means the total area of all storeys of a building measured to the interior surface of the exterior walls, exclusive of any floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection, and for this purpose, all areas of a building having a floor and a ceiling of at least 1.5 metres apart constitute a storey."
2. Retain the current definition of floor area.

Maximum Floor Area – Gradual Scale:

The South Pender LUB was amended in 2016 to establish maximum floor area for dwellings located in rural residential zones depending on lot size (see table below). The South Pender LTC is in the early stages of discussion with the community to determine if the maximum residential floor area outlined below should be decreased further.

Table 1 - Excerpt from South Pender LUB – Rural Residential Zones

Siting and Size			<u>RR1</u>	<u>RR2</u>	<u>RR3</u>
(5)	Maximum Floor Area per lot:		✓	✓	✓
	Lot Area	The total floor area of all buildings may not exceed:			The floor area of a dwelling may not exceed:
	Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)			353 m ² (3800ft ²)
	0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)			418 m ² (4500ft ²)
	0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)			520 m ² (5600ft ²)
	1.6 ha to 3.9 ha (4 to 10 acres)	836 m ² (9000 ft ²)			543 m ² (5845ft ²)
	4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)			560 m ² (6030ft ²)

The North Pender LTC could consider a similar gradual scale to regulate maximum floor area for properties zoned Rural Residential (RR), Rural (R), Rural Comprehensive 1 (RC1) and Rural Comprehensive 2 (RC2). Table 2 outlines a gradual scale option for consideration based on two options. Example A are maximum floor areas based on South Pender’s LTC, and Example B outlines maximum floor areas that are further reduced. The maximum floor area numbers outlined below are derived from the following considerations:

- Review of Building Permit applications in 2019 and 2020 demonstrate that the majority of dwelling units constructed are under 2000 ft². Although due to the implications of Covid 19 and cost of building materials, could contribute to a reduction in floor area for dwelling units constructed in 2020.
- Used South Pender LUB’s maximum floor area numbers as a template.
- Lot area gradual scale based on minimum lot size for subdivisions, and the minimum lot size for a cottage.
- Consideration given to those properties located within the Agricultural Land Reserve as the North Pender Agricultural Advisory Planning Commission recommended a maximum floor area of 500 m².

Table 2 – Options for North Pender Residential Maximum Floor Area

RR, R, RC1, & RC2 zones		
Lot Area	Maximum Floor Area for Dwelling Units	
	Example A	Example B
<i>Less than 0.4 ha (1 acre)</i>	<i>353 m² (3800 ft²)</i>	<i>278 m² (3000 ft²)</i>
<i>0.4 ha to < 1.2 ha (1 acre to 3 acres)</i>	<i>418m² (4500 ft²)</i>	<i>325 m² (3500 ft²)</i>
<i>1.2 ha to < 4.0 ha (3 acres to 10 acres)</i>	<i>520 m² (5600 ft²)</i>	<i>372 m² (4000 ft²)</i>
<i>4.0 ha (10 acres) or greater</i>	<i>560 m² (6030 ft²)</i>	<i>418 m² (4500 ft²)</i>

<i>Properties located in the ALR (dwelling unit must be located on the portion of the lot located within the ALR).</i>	<i>500 m² (5382 ft²)</i>	<i>500 m² (5382 ft²)</i>
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Direction required from the LTC:

LTC should give direction to staff to amend the definition to lot coverage, floor area, and establishing a gradual scale maximum floor area for the RR, R, RC1 and RC2 zone (options outlined below). If the LTC gives direction to establish a maximum floor area, staff will add a provision in the LUB amendment that would address those dwelling units built prior to the new regulation.

Draft Resolutions:

Option 1 – the LTC wishes to adopt a gradual scale maximum floor areas based on numbers in the South Pender LUB – Table 2, Example A. This resolution would also give direction to staff to amend the definition of lot coverage and floor area.

That the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example A, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff Report dated June 24, 2021.

Option 2 - the LTC wishes to adopt a gradual scale maximum floor areas based on numbers in the South Pender LUB but at a reduced scale – Table 2, Example B. This resolution would also give direction to staff to amend the definition of lot coverage and floor area.

That the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example B, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff Report dated June 24, 2021.

Option 3 – the LTC wishes to amend the definition of lot coverage and floor area only (no maximum floor area is established). This is an option if the LTC believes that by including impervious surfaces to the lot coverage calculation will lessen the mass of the built form, therefore contributing to the preservation of ‘rural character’.

That the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff Report dated June 24, 2021.

Agriculture LUB Amendments

At the April 29, 2021 Special Meeting, the LTC gave direction to staff to draft bylaw amendments based on the recommendations found in the attached table to the staff report dated May 12, 2021 with the following amendments:

- Table Item 1 – Divide the Rural Residential zone into two zones:
 - Rural Residential A (properties located within Magic Lake Estates Water District and the Trincomali Water District.
 - Rural Residential B (all other RR zoned properties).
- Table Item 2 – Agriculture as a primary permitted use in the new RR2 zone.

- Table Item 21 – Amend LUB to require a Bylaw Enforcement Officer to give notification to the occupier may prior to entering onto a property.

The North Pender LTC also requested the North Pender Agricultural Advisory Planning Commission (AAPC) meet to review the staff report dated April 29, 2021 and provide written feedback. The AAPC provided the following additional comments:

- Rural Residential B zoning be created for areas of North Pender Island excluding those within a water works district. Further that agriculture be a permitted primary use within the Rural Residential B zone.
- Rural Residential B zoning table. The AAPC outlined regulations that should be included in the RRB zone. These regulations would mirror the agriculture regulations in the Rural zone. Staff will include these recommendations in the draft bylaw.
- Shipping containers are a form of farm equipment and should be permitted on properties having farm tax status, irrespective of zoning.
- Farm worker accommodation be permitted on all lots having farm tax status and demonstrated need as appropriate to lot size and that the AAPC will provide further details on this recommendation after researching the subject further.
- Temporary Use Permit system be assessed to provide a mechanism that could facilitate temporary accommodation for farm workers on farm land. Further that the Commission requests Staff to provide an assessment of the Temporary Use Permit requirements in this area, and specifically where flexibility and new innovative processes may be possible.

The comments and recommendations from the AAPC and direction given by the LTC will be included in the bylaw amendment.

Commercial Tourist Accommodation

At the May 12, 2021, the LTC gave direction to staff to write a letter to the C2 zoned property owners along MacKinnon Road advising them of the LTC’s intent to either reduce the number of tourism units or rezone to Rural Residential. Below is the chart staff have received to date concerning the four properties.

Table 3 – MacKinnon Rd C2 zoned properties

Property	Zoning	Property Information	Comments
1325 MacKinnon Rd	C2(e) – permits 9 CGAUs.	-1 dwelling unit and 1 trailer 0.56 ha (1.4 acres)	To date, no comments from the property owner
1329 MacKinnon Rd – The Tides	C2(d) – permits 26 CGAUs.	-Currently 6 CGAUs on the property with the intent to expand the commercial accommodation business. -Property was recently purchased in Fall 2020. -Property owners stated they will write a letter to the LTC expressing their opinion regarding the permitted density.	Staff recommends to not amend density or use for this property until the LTC has heard directly from the property owner.
1333 MacKinnon Rd	C2(b) – permits 10 CGAUs.	-1 Dwelling Unit -0.57 ha (1.4 acres)	

		-Property for sale	
1349 MacKinnon Rd – Otter Shores	C2(c) – permits 10 CGAUs	-5 CGAUs currently on property. -Property owner plans to construct 4 more CGAUs (fourplex building) -Property owners recently purchased property -Property owners stated they will write a letter to the LTC expressing their opinion regarding the permitted density.	Staff recommends to not amend density or use for this property until the LTC has heard directly from the property owner.

At this time staff recommends to not make any changes to the four C2 zoned MacKinnon Rd properties until the LTC has heard directly from these property owners. When the LUB Review project was initiated in early 2020, the sleeping densities on these four properties had remained dormant for many years. There had been no major development nor had the properties been sold. Over the past six months, two of the four properties have new property owners, and another has recently been listed for sale. In light of these changes the LTC may wish to consider retaining a portion of the densities as the recently sold lots had been purchased with the intent to develop a commercial guest accommodation business.

Industrial Amendments

Staff have incorporated the items outlined in the NP LTC resolution chart (attachment no. 1) in a blacklined version of the draft bylaw. Due to the size of the draft bylaw, it will not be attached to the staff report but can be found on the Project’s webpage under “LUB Review Project – 8. Draft Bylaws”: [Blackline Draft Bylaw](#). The blackline version of the draft bylaw will be updated on the website prior to each subsequent LTC meeting (if changes have been made).

Below is a chart outlining the current zone for each industrial zoned property and the proposed amendments.

Table 4 – Industrial Zone Amendments

Current Zoning	Address	Zoned Area	Site Specific Regulations (The only uses permitted at the locations)	New Zone/Changes
I1(a)	3338 Port Washington Road (Home Hardware)	1.8 ha	<ul style="list-style-type: none"> storage of goods, materials and equipment other than dangerous or hazardous materials, salvaged motor vehicle parts and scrap; retail sale of building, gardening and landscaping materials and supplies propane sales. 	To be rezoned from I1(a) to a site specific general industrial zone - GI(a). The three permitted uses will not change.
I1(b)	4606 Razor Point Road (portion)	0.5 ha	<ul style="list-style-type: none"> boat storage. 	To be rezoned to a site specific general industrial zone that only permits boat storage.
I2(a)	3323 Port Washington	0.8 ha	As permitted by Bylaw No. 202:	To be rezoned to the General Industrial zone

	Road (portion) (Mainroad Works Yard)		<ul style="list-style-type: none"> the storage and processing of materials, including dangerous or hazardous materials, supplies and equipment used for, or generated from, the construction, maintenance and repair of highways; the storage of materials, including dangerous or hazardous materials, supplies and equipment used for telecommunications networks and the supply of electricity; and, the servicing and repairing of goods, materials and equipment; and the processing, crushing and storage of gravel. 	and to also permit the additional uses as outlined in Bylaw No. 202.
I2(b)	3418 South Otter Bay Road (portion former cement plant) – as shown in Map 1 as property No. 1	1.4 ha	<ul style="list-style-type: none"> the processing, crushing and storage of gravel 	Rezone from I2(b) to a Community Service site specific zone that will only permit waste transfer, composting, and a community or non-profit recycling and reuse facility. Minimum lot size for subdivision will also be reduced to 1.2 ha.
I2(c)	3418 South Otter Bay Road (portion by recycling) – as shown in Map 1 as property No. 2	1.3 ha	<ul style="list-style-type: none"> the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment 	Rezone from I2(c) to General Industrial zone with additional site specific uses for waste transfer, composting, and a community or non-profit recycling and reuse facility.

The following definitions related to industrial activities were also added to the draft LUB:

“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.

“recycling and reuse facility” means the use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from residential, commercial, institutional, demolition or construction sources, and includes public drop off.

Map 1 – Location of 3418 South Otter Bay Rd



To be included in LUB and OCP map amendments:

- Removing industrial designations and zoning from steep slope areas, specifically those industrial lots along Port Washington Rd.
- Zoning amendments to reflect the above noted change in zones (for example, Industrial 1 and 2 zones to the General Industrial zone).

Minor & Technical Amendments

As indicated in the attached resolution list, the LTC added the following items to the minor and technical amendment list or gave further clarification:

- Remove ‘fencing’ from option for Landscape Screening. Screening should be planting/vegetation only.
- Add regulation to require cisterns for all new buildings in every zone, and that cisterns have external connection for fire protection. The LTC may want to consider including this regulation in the Groundwater Project.
- Add regulation to allow one accessory building/structure with a maximum floor area of 10m² prior to construction of principal dwelling.
- Add regulations for shipping containers. Consideration to only allow shipping containers on a certain lot size, and require vegetated screening.
- Add a prohibition on recreational helicopters. Staff will add the following to Section 3.2 Prohibited Uses in the LUB:
 - “Airport and airstrip facilities and related accessory buildings and structures.
 - Heliports and helipads, other than for emergency evacuation use.”

In addition staff will make an amendment to the OCP to include the following policy under Policy 3.1.2 Air Transportation:

- “Land based aircraft facilities are to be limited to those necessary for emergency helicopter evacuations.”

The items noted above will be included in the draft LUB amendment bylaw.

Project Charter

Staff are recommending the Project Charter be updated to adjust the timeline of the draft bylaw and community, agency and First Nations referral, and legislative process (Recommendation on Page 1 of the staff report). The updated Project Charter is attached for the LTC's consideration. Below is an excerpt of the current timeline and the proposed timeline:

Table 5 – Current Project Charter v.1 Timeline

Workplan Overview	
Deliverable/Milestone	Date
<i>Project charter endorsed</i>	<i>January 2020</i>
<i>Staff research and analysis of options, preparation of background documents, reports and discussion papers</i>	<i>Feb – June 2020</i>
<i>LTC review of background material and consideration of public consultation options</i>	<i>June 2020</i>
<i>First Nations engagement</i>	<i>June – Nov 2020</i>
<i>Public consultation (scope, extent and timing to differ for topic areas), early referrals</i>	<i>July – Nov 2020</i>
<i>LTC review of consultation results and consideration of amendment options</i>	<i>Jan – Feb 2021</i>
<i>Preparation of draft bylaw (blackline and new format)</i>	<i>Mar – May 2021</i>
<i>LTC Consideration of draft bylaw</i>	<i>May 2021</i>
<i>Community Information meetings / agency and First Nations referrals</i>	<i>June – Aug 2021</i>
<i>Legislative Process (longer if OCP amendments required)</i>	<i>Sept – Dec 2021</i>

Table 6 – Proposed Project Charter v.2 Timeline

Workplan Overview	
Deliverable/Milestone	Date
<i>Project charter endorsed</i>	<i>January 2020</i>
<i>Staff research and analysis of options, preparation of background documents, reports and discussion papers</i>	<i>Feb – June 2020</i>
<i>LTC review of background material and consideration of public consultation options</i>	<i>June 2020</i>
<i>First Nations engagement</i>	<i>June – Nov 2020</i>
<i>Public consultation (scope, extent and timing to differ for topic areas), early referrals</i>	<i>July – Nov 2020</i>
<i>LTC review of consultation results and consideration of amendment options</i>	<i>Jan – Feb 2021</i>
<i>Preparation of draft bylaw (blackline and new format)</i>	<i>Mar – July 2021</i>
<i>LTC Consideration of draft bylaw</i>	<i>July - Sept 2021</i>
<i>Community Information meetings / agency and First Nations referrals</i>	<i>Sept - Nov 2021</i>
<i>Legislative Process (longer if OCP amendments required)</i>	<i>Nov '21 – April '22</i>

Agencies

A list of referral agencies and First Nations will be provided to the LTC at a subsequent meeting when a draft bylaw is in process.

First Nations

Staff will work with the Islands Trust Senior Intergovernmental Policy Advisor to respond to Cowichan Tribes as they had a number of questions related to the content in the Discussion Paper.

Rationale for Recommendation

If the LTC provides staff with clear direction with how to proceed with the above mentioned topics, staff will continue with drafting the bylaws and will make amendments to the Project Charter to reflect the new timeline.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to provide further information on...

2. Schedule additional Special Meetings

The LTC may wish to hold additional Special Meetings in order to gather further information on one or more of the topic areas. Recommended working for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to schedule a Special Meeting to discuss [insert topic area].

3. Referral to the Advisory Planning Commission

The LTC may opt to refer one or more Discussion Papers, or a table or chart to the Advisory Planning Commission to provide comments on the options outlined in the Discussion Paper(s). Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to XXX Discussion Paper to the North Pender Island Advisory Planning Commission for comment.

4. Proceed no further

The LTC may choose to proceed no further with the project.

NEXT STEPS

Staff to continue with bylaw drafting.

Submitted By:	Kim Stockdill, Island Planner	June 16, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 17, 2021

ATTACHMENTS

1. NP LTC Resolutions Chart
2. Project Charter - updated

LTC Resolutions/Direction to Staff

NP LUB Amendment Project

Date	Topic	Resolution or Informal Direction	Motion/Direction	Staff Comments
January 28, 2021	Marine & Shoreline	Direction	LTC supports removing docks as a permitted use and to grandfather existing docks by zoning tenures.	-Staff will recommend LTC makes this a resolution at the next LTC meeting.
March 18/21	Max Floor Area	Resolution	NP-2021-030 It was Moved and Seconded, that the North Pender Islands Local Trust Committee direct staff to create a report reflecting the discussion on floor area review on March 18, 2021.	-comments regarding floor area definition (to internal side of external walls), lot coverage and impermeable surfaces, and South Pender maximum floor area.
March 18/21	Agriculture Regulations	Resolution	-Invite SAAPC to April 29 th NP LTC meeting to discussion the SAAPC recommendations.	-Give SAAPC a specific time of discussion (10am?) -Highlight question regarding RR zoning and potential Ag regs.
March 18/21	Industrial Regulations	Direction	LTC supports the removal of Industrial designations and and industrial zoning from steep slope areas, specifically Port Washington area and steep slope adjacent to recycling centre.	Chart 7 -Organize with mapping
		Direction	LTC supports amending OCP designation for 005-773-954 to Industrial (lot east of home hardware), level portion only	Chart 9 -Map amendment
		Direction	Amend the OCP and Zoning for portions of 3418 Otter Bay Rd currently zoned I2(b) and I2(c). New OCP designation – Community Service. New zoning for I2(b) would be Community Service that permits waste transfer and new LUB zoning for I2(c) would permit waste transfer, composting and recycling.	
		Resolution	NP-2021-032 It was moved and seconded, That, regarding the <i>North Pender Island Local Trust Committee</i>	Chart 10

			<p><i>Official Community Plan Implementation Options</i> dated March 18, 2021, item 10, the North Pender Island Local Trust Committee direct staff to draft a bylaw to combine the two industrial zones into a single general industrial zone.</p> <p>CARRIED</p>	
		Direction	Review and update the industrial permitted uses and to allow basic, light industrial uses (including contractor yards and storage).	Chart 11
		Direction	Amend subdivision lot sizes to permit industrial zoned lands to be subdivided from split-zoned or hooked lots.	Chart 13
		Decision on hold	Rezone 3338 Port Washington (Home Hardware) to commercial	Chart 14
		Direction	Keep site specific zoning for boat storage on Hamilton Road	Chart 15
		Resolution	<p>NP-2021-033</p> <p>It was moved and seconded,</p> <p>That, regarding the <i>North Pender Island Local Trust Committee Official Community Plan Implementation Options</i> dated March 18, 2021, item 16, the North Pender Island Local Trust Committee direct staff to apply general industrial zoning.</p>	Chart 16 - Rezone 3323 Port Washington (Mainroad) to the general industrial zone.
		Direction	Rezone 3334Port Washington (TUP) to the general industrial zone.	Chart 17
April 29, 2021	AG	Resolution	<p>NP-2021-042</p> <p>It was Moved and Seconded,</p> <p>that the North Pender Island Local Trust Committee give direction to staff to include the recommendations found in Attachment No. 1 to the draft bylaw, including the amendments to items 1, 2, and 21 and that the amendments be referred to the North Pender Agricultural Advisory Planning Commission for comment.</p>	<p>-Focus on scale of agriculture in terms of new RR zone (RR2)</p> <p>-RR2 to be all areas outside of Magic Lake and Trincomali water districts.</p>
	AG	Resolution	<p>It was Moved and Seconded,</p> <p>that the North Pender Island Local Trust Committee request that the North Pender Agricultural Advisory Planning Commission review the staff report on the agricultural review, dated April 29, 2021, and provide written feedback</p>	

May 12, 2021	C2 zone	Resolution	<p>Staff to contact four MacKinnon Rd owners/operators and notify them the LTC is considering reducing the permitted Commercial Guest Accommodation units for each property, and is considering rezoning the properties to Rural Residential. The LTC is also requesting comments from the owners regarding removal of certain accessory uses.</p> <p>NP-2021-050 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to write a letter to the property owners of C2B, C2C, C2D, C2E advising them of the Local Trust Committee’s intent to either reduce the number of tourism units or rezone to Rural Residential. By general consent, the LTC requested that staff include the removal of additional uses in the letter to the property owners of C2B, C2C, C2D, and C2E.</p>	<p>-Staff to provide comments from each property owner in next staff report. -Bring back recommendation to ask staff to draft bylaw based on recommendations in the table (for C2 topic).</p>
		Resolution	<p>NP-2021-051 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to have the remaining Commercial Tourism zoned properties remain at the current number of units as established on the property</p>	Reduce the number of permitted Commercial Guest Accommodation Units to the existing density on each property.
		Direction	Add provision that requires employee accommodation for higher density developments.	
		Direction	Staff to provide options for requiring onsite operators 24/7.	
	Minor Amendments	Direction	By general consent, the LTC requested that staff propose amendments to the campground regulations that would limit or prohibit generator use	Add generator use (restriction of) to campground regulations.
May 12, 2021	Marine/ Shoreline	Resolution	<p>NP-2021-053 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Shoreline and Marine Regulation options as outlined in Table 1 attached to the Staff Report dated May 12, 2021.</p>	Draft bylaws based on recommendations found in Table 1 attached to May 12, 2021 staff report.

		Resolution	NP-2021-052 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff that stairs would not be exempt from the setback of the natural boundary of the sea.	Stairs not to be exempt from the setback to the natural boundary of the sea.
May 12, 2021	Minor Amendments	Direction	Remove 'fencing' from option for Landscape Screening. Screening should be planning/vegetation only.	-“a” in Table of Minor & Tech Amendments
		Direction	Add regulation to require cisterns for all new buildings in every zone, and that cisterns have external connection for fire protection.	-“f” in Table of Minor & Tech Amendments.
		Direction	Add regulation to allow one accessory building/structure with a maximum floor area of 10m ² .	-“l” in Table of Minor & Tech Amendments
		Direction	Add regulations for shipping containers. Consideration to only allow shipping containers on a certain lot size, and require vegetated screening.	-“m” in Table of Minor & Tech Amendments
		Resolution	NP-2021-054 It was Moved and Seconded, that the North Pender Island Local Trust Committee give direction to staff to draft bylaw amendments based on recommendations for Minor and Technical Amendment options as outlined in Table 2 attached to the Staff Report dated May 12, 2021.	Add minor/technical amendments to draft bylaw.
May 27, 2021	Minor Amendments	Resolution	NP-2021-068 It was Moved and Seconded, that the North Pender Island Local Trust Committee add a prohibition on recreational helicopters as a part of the Land Use Bylaw Review.	-This item has been added to the technical amendment list.

Land Use Bylaw Review – Project Charter v2

North Pender Island Local Trust Committee

Date: June 23, 2021

Purpose: project to consider implementation of a OCP policies through amendments to the Land Use Bylaw

Background: The current OCP was adopted in 2007. Subsequently a number of amendments have been made to both the OCP and LUB that implemented some policies in the OCP, however there has not been a comprehensive review of the Land Use Bylaw to implement all relevant policies and initiatives in the OCP, nor to update the LUB for technical and minor amendments.

Objectives

To amend various regulations in the LUB to implement policies in the OCP, to address legislative changes, and to make technical and other minor amendments to the LUB

In Scope

Amendments to LUB regulations based on OCP policies and technical and minor LUB amendments.

- Residential dwelling floor area
- Lot clustering through conservation subdivision
- Tourist commercial zoning amendments
- Marine and shoreline zoning
- Agricultural amendments relating to ALR Act or Regulation changes
- Industrial zoning regulation amendments
- Minor or technical amendments
- Amendments to regulations to implement climate change policies added to OCP in 2010
- Bylaw formatting consistent with model LUB
- Consequential amendments to the OCP if required to fully implement in-scope regulatory changes

Out of Scope

- Substantive policy amendments to the OCP
- Significantly amended or new Development Permit Areas
- OCP mapping amendments establishing new land use designations
- Substantive regulatory changes to the LUB not identified in current OCP policies

Workplan Overview

Deliverable/Milestone	Date
Project charter endorsed	January 2020
Staff research and analysis of options, preparation of background documents, reports and discussion papers	Feb – June 2020
LTC review of background material and consideration of public consultation options	June 2020
First Nations engagement	June – Nov 2020
Public consultation (scope, extent and timing to differ for topic areas), early referrals	July – Nov 2020
LTC review of consultation results and consideration of amendment options	Jan – Feb 2021
Preparation of draft bylaw (blackline and new format)	Mar – July 2021
LTC Consideration of draft bylaw	July - Sept 2021
Community Information meetings / agency and First Nations referrals	Sept - Nov 2021
Legislative Process (longer if OCP amendments required)	Nov '21 – April '22

Project Team

Robert Kojima	Project Sponsor
Kim Stockdill	Project Manager
Phil Testemale	Planning support
Lisa Wilcox	Intergovernmental rel.
Maple Hung/Jas Chonk	Admin Support
Jackie O'Neill	Mapping Support
RPM Approval: Robert Kojima Date: January 20, 2020	LTC Endorsement: Resolution #: Date: Jan 30, 2020

Budget

Budget Sources: LPS Project budget		
Fiscal	Item	Cost
2020-21	Public consultation	\$1000
2020-21	First Nations consultation	\$1500
2020-21	Legal / contingency	\$1500
2020-21	Total (2020-21)	\$4000
2021-22	Consultation, legislative process	\$3000