



DATE OF MEETING: February 24, 2022
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Review Project

RECOMMENDATION

1. That the North Pender Island Local Trust Committee (LTC) to provide direction to make any revisions to the draft Land Use Bylaw.

REPORT SUMMARY

The purpose of this report is to introduce further amendments to the draft bylaw document and to outline next steps for the project.

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 Land Use Bylaw (LUB). The project encompasses the following topic areas: residential floor area review, tourist Commercial regulation review, marine shoreline regulations review, agricultural regulations amendments, industrial regulation review, and 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 December 4, 2021 LTC regular meeting the LTC requested the following by general consent:

By general consent the LTC requested an amendment to the draft bylaw for the addition of a column to Figure 2 that communicates maximum lot coverage.

By general consent the LTC requested that a requirement for water catchment and for fire suppression be added to the draft bylaw.

By general consent the LTC agreed to defer providing direction on this matter until a discussion with the property managers could be held. (*Staff note: this is in reference to the proposed rental housing zone on the Driftwood property*).

Staff have incorporated the items outlined in the NP LTC resolution chart (attachment no. 3) 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). A draft OCP amendment Bylaw No. 223 is also attached.

ANLYSIS

Maximum Floor Area/Lot Coverage

At the December 4, 2021 the LTC requested staff to provide an additional column to the proposed maximum floor area regulations that would regulate floor area for all buildings and structures on a lot based on lot coverage. The intent for this request was to better communicate lot coverage and maximum floor area regulations in the bylaw, and also to potentially align regulations with the South Pender LUB. There are a number of challenges with this approach as discussed below.

The benefit of using lot coverage is that the lot coverage is correlated to the lot size; the smaller the lot, the smaller the maximum floor area, and the larger the lot, the higher the maximum floor area. However, lot coverage and floor area are indirectly correlated. The amendments to the LUB also include the addition of impermeable surfaces to the calculation of lot coverage. This alone will help reduce the massing of buildings as driveways, other paved surfaces and grouted pavers would now be included in the lot coverage calculation.

Figure 1 – Excerpt from draft LUB Amendment Bylaw – Rural Zoning

8.2.4 Lot Coverage

(1) Lot coverage may not exceed 25 percent.

8.2.5 Maximum Floor Area

(1) Maximum floor area per lot:

Lot Area	The floor area of a dwelling must not exceed:
Less than 0.4 ha <i>(Less than 1 acre)</i>	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha <i>(1 to 3 acres)</i>	279 m ² (3000 ft ²)
1.2 ha to <4 ha <i>(3 to 10 acres)</i>	325 m ² (3500 ft ²)
4.0 ha or greater <i>(10 acres) or greater</i>	372 m ² (4000 ft ²)
For dwelling located within the <i>Agricultural Land Reserve</i>	500 m ² (5382 ft ²)

(2) The maximum floor area of a cottage must not exceed 56 m², except for a cottage located in the *Agricultural Land Reserve* is permitted to have a maximum floor area of 90 m².

(3) Despite Article 8.2.5(1), on a lot that contains a legal dwelling constructed prior to the adoption of this bylaw, a replacement dwelling may constructed, or the existing dwelling re-constructed or altered, provided the floor area of the replacement, re-constructed or altered dwelling does not exceed the floor area of the dwelling on the lot at the time of the adoption of this bylaw.

The LTC requested staff to add an additional column to the above chart to regulate the total floor area for all buildings based on lot coverage (25 percent). The main issue with this approach is that it would only be successful

if ‘total floor area for all buildings’ was replaced by lot coverage. In other words, lot coverage would be removed from the bylaw. This is how the South Pender LUB regulates building mass: the SP LUB does not regulate lot coverage, but rather regulates the maximum floor area for all buildings.

The other challenge with this approach is the LTC must determine what the appropriate total for floor area is within a range of lot sizes. Figure 2 below shows the possible range of maximum floor areas for all buildings derived from the lot coverage of the lowest, middle, and top of scale for lot size. For example, the lot area scale (shown as Scale No. 2) from 0.4 ha to 1.2 ha has the following possible ranges of total maximum floor areas as seen as 10,764 ft² to 32,292 ft² (Figure 3). There are challenges with trying to determine one exact maximum floor area for all buildings that would be appropriate for properties within the lot area scale from 0.4 ha to 1.2ha. If the LTC decides to establish a total maximum floor are based on the lower scale range (for example, 0.1 ha or 10,764 ft²) for all properties within the 0.4-1.2ha range, the larger properties are penalized.

Figure 2 – Proposed Additional Column to Maximum Floor Area

	Lot Area (Size of lot)	The total floor area of all buildings must not exceed: (Range in possible floor areas based on lot coverage)			The floor area of a dwelling must not exceed*:
		Lowest of Scale**	Middle Scale**	Top of Scale**	
1.	Less than 0.4 ha (Less than 1 acre)	N/A	0.05 (5,382 ft ²)	0.1 ha (10,764 ft ²)	232 m ² (2,500 ft ²)
2.	0.4 ha to < 1.2 ha (1 to 3 acres)	0.1 ha (10,764 ft ²)	0.2 ha (21,528 ft ²)	0.3 ha (32,292 ft ²)	279 m ² (3,000 ft ²)
3.	1.2 ha to <4 ha (3 to 10 acres)	0.3 ha (32,292 ft ²)	0.65 ha (69,965 ft ²)	1 ha (107,639 ft ²)	325 m ² (3,500 ft ²)
	4.0 ha or greater (10 acres) or greater	1 ha (107,639 ft ²)	N/A	N/A	372 m ² (4,000 ft ²)
*For dwelling located within the <i>Agricultural Land Reserve</i>					500 m ² (5,382 ft ²)

Figure 3 – Scale No. 2 (0.4 ha to 1.2 ha) of Possible Maximum Floor Areas

Scale No. 2	Lot Area (size of lot)	25 percent Lot Coverage	Total Maximum Floor Area for All Buildings
Lower Scale	0.4 ha (1 acre)	X 0.25	0.1 ha (10,764 ft²)
Middle Scale	0.8 ha (2 acres)	X 0.25	0.2 ha (21,528 ft²)
Higher Scale	1.2 ha (3 acres)	X 0.25	0.3 ha (32,292 ft²)

Based on the above staff, recommend retaining the current regulations for lot coverage in the LUB, continue to add impervious surfaces to the lot coverage calculation, and not include additional regulations for total maximum floor areas for all buildings.

Cottage Floor Area

At the December 4, 2021 and February 5, 2022 CIM there was discussion regarding increasing the size of cottages. The current LUB defines a cottage as a dwelling with a floor area of 56 m² or less. As the maximum floor area is within the definition section of the LUB, and definitions cannot be varied, a Development Variance Permit is not permitted to vary the maximum floor area of a cottage. The LUB amendment bylaw is proposing to remove the maximum floor area of a cottage from the definition, and locate the regulation within each zone. This would allow a property owner to apply to vary (increase) the maximum floor area of a cottage.

If the LTC wishes to increase the maximum floor area, then direction from the LTC is required. The South Pender LUB currently regulates cottages to have a maximum floor area of 70 m² (750 ft²).

Impermeable Material Definition

At the February 5, 2022 CIM a discussion was held regarding what would be considered impermeable material. The draft LUB bylaw includes adding impermeable material to the definition of lot coverage:

"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 and "structures" includes impermeable material.

The LTC may consider adding a definition of impermeable material to the LUB. The following are examples from other LUB and zoning bylaws:

City of Edmonton: *Impermeable Material means material that is impenetrable by water and includes building coverage, asphalt, concrete, and brick, stone, and wood that do not have permeable spacing. Impermeable Material does not include gravel, river rock, wood chips, bark mulch, permeable pavers, permeable concrete, permeable asphalt, soil pavement, wood decking with spaced boards, and other materials which have permeable characteristics when in place and are not placed on a layer of material that is impenetrable by water such as plastic sheeting.*

City of Delta: *Impermeable material means buildings, structures, asphalt, concrete, brick, stone, and wood, grouted pavers and other surfaces that prevent water from penetrating into the ground beneath.*

Staff recommend adding the following definition of 'impermeable material' to the draft LUB amendment bylaw:

"impermeable material" means buildings, structures, asphalt, concrete, brick, stone, and wood, grouted pavers and other surfaces that prevent water from penetrating into the ground beneath.

Commercial Tourist Accommodation (C2 Zoning)

C2 Zoned MacKinnon Road Properties

At the October 22, 2021 the LTC discussed options to regulate development while protecting groundwater resources for the Commercial 2 (C2) zoned parcels along MacKinnon Road. Direction was given to staff to contact the owners of 1329 and 1349 MacKinnon Road to discuss the willingness of the property owners to register a Section 219 covenant on the subject properties. The intent would be to retain the existing density (26 and 10

Guest Accommodation Units) but register a S. 219 that limits development. The purpose of the covenant would restrict any new development, beyond the densities currently built on the property, and any further construction of commercial guest units would be reliant on the property owner/operator providing a groundwater management plan and implementing the measures recommended in the plan. In addition, commercial operations are also required to apply to the Province for a groundwater licence by March 1, 2022. The property owners are aware of this option to register a S. 219 covenant. If the LTC would like to continue with this option, the following outlines the process:

1. The draft LUB by remains the same (permits 10 CGAUs on 1333, 1349 MacKinnon Rd and 26 on 1329 MacKinnon Rd).
2. Property owners agree to register a S.219 covenant on their property. The covenant would restrict any further development until a Groundwater Management Plan prepared by a Registered Engineer states there is sufficient quality and quantity of groundwater and provides recommendations. The Groundwater Management Plan can be prepared at a later date.
3. Property owners at their expense register the S. 219 covenant prior to the Public Hearing.
4. When the property owners are preparing to build new units, the property owners must hire a Professional Engineer to prepare the Groundwater Management Plan. Any new CGAUs (as permitted by zoning) is only allowed to be constructed if the Engineer determines there is sufficient quality and quantity of groundwater.

Next steps:

Staff recommend the LTC request from each property owner of 1329, 1333, 1349 MacKinnon Road to indicate in writing the following by March 7, 2022:

- Build out plan for each property;
- Current and proposed methods to protect groundwater (this has been provided by owners of 1329 & 1333 – see Attachment No. 3); and
- Confirmation they will work with staff to register a S. 219 covenant this spring.
- Direction to amend draft zoning for LTC consideration if the owners do not agree to a s.219 covenant.

Staff will be meeting with the Senior Freshwater Specialist on February 17, 2022 to provide further guidance on the C2 MacKinnon Road properties. The Senior Freshwater Specialist will also be attending the February 24, 2022 LTC meeting.

Figure 5 – 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) with the intent to eventually have one dwelling unit and 3 CGAUs on the property.	Draft LUB amendment reduces density to 3 CGAUs.
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.	The property owner has indicated a desire to retain the current

		-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. -1.2 ha	density as permitted in the zone (26 CGAUs).
1333 MacKinnon Rd	C2(b) – permits 10 CGAUs.	-1 Dwelling Unit -0.57 ha (1.4 acres) -Property for sale	Property is currently 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. -0.75 ha	Property owner has indicated a desire to retain the current density as permitted in the zone (10 CGAUs).

Driftwood Centre

At the December 4, 2021 special meeting, the LTC stated that no decision will be made regarding the proposed rental housing zoning until each Trustee has met with the property’s manager and report back at a subsequent LTC meeting. The Driftwood property manager has also provided a letter to the LTC which is attached to this staff report (Attachment No. 4).

The draft LUB amendment bylaw would rezone a portion of the Driftwood property to a new Rental Housing (RH) zone. Highlights of this new zone:

- Minimum lot size for subdivision will be 1.2 ha which could potentially allow this portion of the subject property to be subdivided off.
- Maximum number of residential rental dwelling units is 16 (current zoning permits 27 guest units with a maximum floor area of 56m²).
- Maximum floor area for residential rental dwelling units is 93 m² (1000 ft²).
- Rental zoning must be multi-family (two or more connected units) as per LGA Section 481.1.

Direction is required from the LTC on how to proceed with the Driftwood Centre property. Water catchment and fire suppression requirements will be add to the draft bylaw when the LTC provides direction on how to proceed with the Driftwood Centre property.

Instream Docks

At the October 22, 2021 Special Meeting, the LTC discussed options for in-stream dock applications with the Province. To date, the province has 11 applications for private moorage. Although there is currently a two year moratorium for new private moorage applications, the province has indicated that the in-stream applications will continue to be processed. The LTC then passed the following resolution:

NP-2021-086

It was MOVED and SECONDED

That the North Pender Island Local Trust Committee request staff to amend the zoning in the draft Land Use Bylaw of the foreshore to Water 3 for the eleven in-stream private moorage applications.

CARRIED

If the LTC would like to proceed with this resolution, no amendments are required at this time. The foreshore areas for those 11 application will then be rezoned from W1 (which permits private docks) to W3 (to restrict private docks). If their provincial private moorage application is approved, and the foreshore area is zoned W3, a rezoning application is required to rezone a portion of the foreshore area back to W1 to permit the private dock. Docks for which tenure has been approved and work has commenced prior to adoption of a new bylaw would be pre-existing non-conforming. The LTC still has the option to retain the W1 zoning for those 11 provincial applications (LTC resolution would be required).

CIM/Open House – February 5 & March 12, 2022

An electronic special meeting was held on February 5, 2022. The following summarizes some of the comments received from community members:

- Increased property value to foreshore areas that retain W1 zoning.
- Use of interior vs. exterior in definition of floor area.
- Rationale/concerns for proposed regulation for maximum floor area for dwellings.
- Rationale/concerns for provincial in-stream dock applications and rezoning to W3.
- Support for zoning/regulations to restricting docks on North Pender.
- Clarification on impermeable surfaces.
- Support for the new RR1 & RR2 zones.
- Consideration for tiny homes.
- Update project website for clarity and more information.

A second electronic special meeting is scheduled for [March 12, 2022](#).

Timeline

The following outlines a general timeline for the remainder of the project:

- LTC gives direction to staff for final amendments - March 24, 2022
- Staff presents final draft bylaws to LTC – April 24, 2022
- Consideration of First Reading – April/May 2022
- Formal referrals to First Nations and agencies after First Reading – May to July 2022
- Community Information Meeting and Public Hearing – Summer/September 2022
- Second & Third Reading – September 2022
- EC Approval – September/October 2022
- Minister Approval and Final Adoption – Early 2023

Rationale for Recommendation

The LTC may provide staff with direction on the above topics, if there are further revisions, staff will continue with drafting the bylaws, and will prepare for the CIM on March 12, 2022.

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 wording 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 an item or topic to the Advisory Planning Commission for comment. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to refer XXX 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 and prepare for the Community Information Meeting in March 2022.

Submitted By:	Kim Stockdill, Island Planner	February 17, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	February 17, 2022

ATTACHMENTS

1. Draft OCP Amendment Bylaw No. 223
2. NP LTC Resolutions Chart
3. Letter from B. Kerfoot dated January 25, 2022
4. Letter from D. Murdoch dated February 5, 2022

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 223

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

The North Pender Island Local Trust Committee in open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20____

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223**

SCHEDULE 1

The North Pender Island Official Community Plan No. 171, 2007, is amended as follows:

1. By adding the following new policy to Section 2.1 Residential Land Uses:
“2.11 If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, the following should be incorporated into the building proposal where feasible:
 - a) The design and construction of a dwelling should incorporate energy efficient features.
 - b) Installation of a rainwater collection and storage system with a minimum cistern storage capacity of 18,000 litres.
 - c) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
 - d) Limit site coverage of impermeable surfaces.
 - e) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation and unnecessary removal of trees should be avoided.
 - f) Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.
 - g) Maximize undisturbed areas and consider measures for protect sensitive ecosystems.
 - h) Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.”
2. By deleting Rural Residential Policy 2.1.1.1 and replacing it with:
“2.1.1.1The principal use shall be residential. Agriculture is also a principal use on those Rural Residential lots not connected to a water system with the exception of those lots connected to the Razor Point Water System. Accessory uses shall not detract from the rural character of the island.”
3. (Placeholder for Rental Housing policy).
4. By adding the following new policy to Section 4.2 Coastal Area Policies:
“4.2.11 Existing private moorage for docks permitted on a site-specific basis in those areas designated as Marine (M) on Schedule “B”. New applications for private moorage for docks may be considered by site-specific rezoning subject to:
 - a) the proposal demonstrating minimal impacts on the marine environment, including eelgrass, bull kelp, forage fish, or other important habitat;
 - b) the proposal demonstrating minimal impacts on upland sensitive ecosystems or habitat;
 - c) the proposal demonstrating no impacts on archaeological or cultural sites or resources;
 - d) structures being appropriately sited and of a scale to minimize visual impacts;
 - e) structures incorporating current best practices for dock construction;

- f) consideration being given to providing for shared or common moorage; and
- g) consideration being given to the cumulative impacts of private moorage.”

5. Schedule “B” – LAND USE MAP is amended as shown on Plan No. 1 attached to and forming part of this bylaw.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223**

PLAN NO.1

(placeholder)

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 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	Chart 10

			zones into a single general industrial zone.	
		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	NP-2021-033 It was moved and seconded, 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.	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	NP-2021-042 It was Moved and Seconded, 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.	-Focus on scale of agriculture in terms of new RR zone (RR2) -RR2 to be all areas outside of Magic Lake and Trincomali water districts.
	AG	Resolution	It was Moved and Seconded, 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	
May 12,2021	C2 zone	Resolution	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	-Staff to provide comments from each property owner in next staff report.

			<p>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>	-Bring back recommendation to ask staff to draft bylaw based on recommendations in the table (for C2 topic).
		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	<p>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.</p>	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.
June 24, 2021	Max Floor Area	Resolution	NP-2021-073 It was Moved and Seconded, 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 with the amendment to reduce each of the floor areas by 500 square feet.	-include options to regulation total maximum floor area for all buildings and structures.
		Resolution	NP-2021-074 It was Moved and Seconded,	

			that the North Pender Island Local Trust Committee direct staff to provide a list of incentives in the Official Community Plan for addressing house size variance.	
July 29, 2021	Agriculture	Resolution	NP-2021-081 It was Moved and Seconded that the North Pender Island Local Trust Committee request that staff refer farm worker accommodation and the new Agricultural Land Commission residential rules to the North Pender Island Agricultural Advisory Planning Commission.	
	C2 Zoning	Direction	-Defer decision on MacKinnon Road properties until after Groundwater Project presentation in September 2021 -Requirement for alternative methods/sources of groundwater other than from a well for existing uses and new density. -Water storage for fire also a requirement for existing uses and new density. -Add provision that requires employee housing where tourist accommodation units exceeds 20 units.	
	Marine/Shoreline	Direction	-Active private moorage applications with the province should receive conditional zoning (permitting the private dock) only if the application with the province is approved.	
	Community Engagement	Resolution	NP-2021-081 It was Moved and Seconded that the North Pender Island Local Trust Committee request staff to schedule two Special Meetings in the Fall 2021 to present the draft bylaws for the Land Use Bylaw Review Project.	
Oct 22, 2021	Max Floor Area	Resolution	NP-2021-082 It was MOVED and SECONDED That the North Pender Island Local Trust Committee invite the South Pender Island Local Trust Committee Trustees to the December Special Meeting on Land Use Bylaw.	-South Pender Trustees invited to join the December 4, 2021 LTC meeting.

	C2 Zoning	Resolution	NP-2021-083 It was MOVED and SECONDED That the North Pender Island Local Trust Committee request staff to contact the owners of 1329 MacKinnon Road and 1349 MacKinnon Road to discuss the option of entering into a 219 Covenant.	-Property owners emailed.
	C2 Zoning	Resolution	NP-2021-084 It was MOVED and SECONDED That the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to change the zoning behind the Driftwood from C2 to rental residential.	
	Marine/Shoreline	Resolution	NP-2021-085 It was MOVED and SECONDED That the North Pender Island Local Trust Committee request staff to amend the zoning in the draft Land Use Bylaw of the foreshore to Water 3 for the eleven in-stream private moorage applications.	
	Meeting Scheduling	Resolution	NP-2021-086 It was MOVED and SECONDED That the North Pender Island Local Trust Committee request staff to schedule a Special Meeting in December 2021 to present the draft bylaws for the Land Use Bylaw Review Project to the Local Trust Committee for review and comment.	
Oct 28, 2021	Community Engagement	Resolution	NP-2021-098 It was Moved and Seconded, That the North Pender Island Local Trust Committee schedule a Community Information Meeting regarding the Land Use Bylaw Review on February 5, 2021 at 11:00 am.	-Meeting scheduled for Saturday, February 5, 2022
December 4, 2021	Meeting Scheduling	Direction	By general consent it was agreed that the South Pender Island Trustees be invited to the North Pender LTC February 5, 2022 meeting.	

	Max Floor Area	Direction	By general consent the LTC requested an amendment to the draft bylaw for the addition of a column to Figure 2 that communicates maximum lot coverage.	
	C2 Zoning	Direction	By general consent the LTC requested that a requirement for water catchment and for fire suppression be added to the draft bylaw.	
	C2 Zoning	Direction	By general consent the LTC agreed to defer providing direction on this matter until a discussion with the property managers could be held.	-this is in reference to the proposed rental housing zone on the Driftwood property.

1329 & 1333 Land Use Review

Trustee's,

We would like to thank you, Ben and Deb, for taking the time to visit our site this week – 1329 and 1333 Mackinnon Road. Both of you requested that we put our plan in writing for your consideration at your January 27th meeting. We will be available for comment via Zoom at the meeting if necessary.

Water management has been identified as the major concern for us moving forward. Our number one commitment is to be the leader in water management and sustainability through the development of our historic resort properties.

I think it is important to understand what our current well situation and usage is. We operate two wells on the property. We have a deep well (375ft) and a dug well (16 ft). The deep well currently operates two cottages and laundry. The shallow well supplies 3 cottages with water. We have added 5000 gallons of storage this year. We went through our first summer with zero water issues at 100% occupancy. The one piece I would like to add is with regard to our shallow well. It has been there since the 40's and does not affect any neighbours as it is only 16 feet deep and produces all year. It does not affect their well supply.

We also educate our guests on water consumption and island life. We have found our guests to be keen to support our water management stance. We estimate each cottage is using 40-50 gallons a day at 100% occupancy.

Our Proposal:

- Current Water Storage is 5000 gallons. We are adding another 5500 gallons this year with this proposed plan going forward. 4000 gallon in well storage and 1500 gallon in rain catchment. This is a set in stone plan.
- Old cottages all need new roofs. On every new replacement we are adding metal roofs for rainwater catchment. Arbutus House(1920's old home) will be completed in January and have rainwater collection. With the new roofs we will be adding individual cisterns to every existing unit for storage and use in the cottages.
- New builds will also have the same system in place. Metal Roofs and individual cisterns(rainwater) for every unit.
- Our goal is to have little impact on the surrounding areas. Our current cottage consumption is low, so we are going way overboard to protect the summer water table through our storage plan.
- All tanks would be 100% filled after the winter freeze.
- This plan would allow water access from the fire department anywhere on property.

Our Commitment:

- For every unit on the property, we will have 1000 gallons of well storage on property for each unit.
- For every new unit we will add 1000 gallons of rainwater catchment for each unit. This will be used for the high use items (showers/toilet) Some units will have more storage based on location. The goal is to be able to catch 20,000+ gallons of rainwater in the future.
- For existing units, where metal roofs can be installed, we will add a minimum of 500 gallons of rainwater catchment storage.

We truly are looking to develop our properties sustainably and want to be the example in the resort field for eco tourism. We are committed to responsible water management.

As discussed, we are willing to enter an agreement with the Islands Trust that reflects this water management plan.

Budd & Leslee Kerfoot

Hardal Management Inc.

150 – 3751 Jacombs Road, Richmond, BC V6V 2R4

Tel: (604) 269-0030
Email: hardal@shaw.ca

5th February 2022

To North Pender Islands Trustees

Kim Stockdill Planner

The proposed changes to C2 zoning in the Land Use Bylaw Review Project for Driftwood Centre, are not acceptable to our plans for the property.

We are in the process of looking into designing a camp ground type facility for the property which is allowed under C2 zoning.

While a Rental Housing designation is a good idea, we strongly feel that this should be a permitted use added to C2 zoning rather than a change.

Hardal Management would also consider changing the Rural Residential zoning on the adjacent 10.5 acre property to include Rental Housing.

Also, for the Trustees consideration, Driftwood Centre's original building was designed to have a second storey, and small apartments could be added to the structure if the zoning allowed. Over the years we have tried numerous times to have the Trustees consider this, but it was always shot down.

Happy to discuss this further.

Dorothy Murdoch

Property Manager

driftwoodcentre@shaw.ca

