



DATE OF MEETING: April 28, 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) provide direction on any further 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 introduce draft Bylaw No. 224.

BACKGROUND

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 March 24, 2022 LTC regular meeting the LTC passed the following resolutions:

NP-2022-036

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to increase the maximum floor area of cottages to 80 square meters (861 square feet).

CARRIED

NP-2022-037

It was Moved and Seconded,

that the North Pender Local Trust Committee direct staff to remove “Lot Area coverage” from Land Use Bylaw and replace with “Total Floor Area of all buildings and structures”.

CARRIED

NP-2022-038

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to refer Figure 2– the excerpt from draft Land Use Bylaw Amendment Bylaw – Rural Zoning to the North Pender Island Agricultural Advisory Committee to provide their recommendation(s) for house size on Agricultural Reserve Lands.

CARRIED

NP-2022-039

It was Moved and Seconded,

that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw to decrease commercial guest accommodation units density for 1329 MacKinnon Road to fifteen (15), for 1333 MacKinnon Road to five (5) and for 1349 MacKinnon road to eight (8).

CARRIED

NP-2022-040

It was Moved and Seconded,

that the North Pender Local Trust Committee direct staff to mail out to MacKinnon Road property owners the proposed reduced densities to C2 properties.

CARRIED

NP-2022-041

It was Moved and Seconded,

that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw and draft Official Community Plan to legalize the uses as outlined in NP-TUP-2019.7 (4415 Bedwell Harbour Road).

CARRIED 2/1 Trustee McConchie

Due to the size of the draft bylaws, they will not be attached to the staff report but can be found on the [Project's webpage](#) under "LUB Review Project – 3. Draft Bylaws".

ANLYSIS

Rezone Port Washington store from C1(a) to RR2

At the December 4, 2021 LTC meeting, the LTC requested more information from the property owner regarding their request to rezone 1200 & 1201 Port Washington Road from Commercial 1(a) to Rural Residential 2. As stated in the attached is a letter from the property owner, they have provided the following rationale for their request:

"As part of any potential plan to develop these properties, a boundary adjustment would be proposed. This has been surveyed, and would provide a community amenity by moving the lot lines to create permanent access to public parking spaces in Port Washington, which currently lie on the property. From an environmental standpoint, I believe a small, energy-efficient, residence would have less impact than a commercial enterprise in this location. Previous discussions with neighbouring property owners have demonstrated support for a residential use in this location."

The North Pender Island Official Community Plan (OCP) does include a policy referencing this property:

2.4.11 Preservation of the store at Port Washington will be encouraged because of its heritage character.

In 2016, the property owner at that time received a demolition permit from the Capital Regional District to remove the building from the land. Since the building is no longer there, OCP Policy 2.4.11 is no longer applicable.

Direction is required from the LTC if they agree with rezoning the property:

That the North Pender Island Local Trust Committee rezone 1200 & 1201 Port Washington Road from Commercial 1(a) to Rural Residential 2 as part of the Land Use Bylaw Review Project.

Rezone Medicine Beach Garbage Drop off

At the December 4, 2021 LTC meeting, the LTC also requested further information from the applicant and property owner regarding legalizing the garbage drop off use at Medicine Beach that is currently authorized by a Temporary Use Permit (NP-TUP-2019.4). As the TUP will be expiring in December 2022, staff recommended incorporating the TUP uses into the LUB Review Project as part of the technical amendments. Staff is still in the process of reaching out to the property owner and applicant to see if they support incorporating the use into the project. Staff will report back with further information at the April 28th LTC meeting.

Maximum Floor Area & Lot Coverage

Staff have amended the draft bylaw to include total floor area maximums buildings and structures – see Figure 1 below. The direction at the last LTC meeting was to remove lot coverage from the bylaw, but to include impervious material in the calculation of floor area. The issue with this approach is that the intent is to limit impervious surfaces such as paved driveways and other hardened areas, which do not have a floor area; floor area is the measurement of the area of all storeys of a building to the inner surface of the walls. For example, a patio would not have a floor area as it is not a ‘building’, does not have any storeys and does not have walls.

Staff recommend retaining lot coverage in the draft bylaw, including impervious surfaces in the calculation of lot coverage, and also including total maximum floor areas for all buildings and a maximum floor area for dwellings. Thus there would be three regulations:

- Lot coverage, which would limit developed areas of a lot, including paved or other impervious surfaces
- Total floor area of all buildings – dwellings, cottages and accessory buildings
- Maximum floor area of dwellings and of cottages.

Figure 1: Excerpt from draft RR1 zone

(7)	Lot coverage may not exceed 25 percent.		
(8)	The maximum <i>floor area</i> 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 (Less than 1 acre)	500 m ² (5382 ft ²)	232 m ² (2500 ft ²)
	0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m ² (10,764 ft ²)	279 m ² (3000 ft ²)
	1.2 ha to < 1.2 ha (3 to 10 acres)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
	4.0 ha or greater (10 acres or greater)	10,000 m ² (107,639 ft ²)	372 m ² (4000 ft ²)
(9)	The maximum <i>floor area</i> of a <i>cottage</i> must not exceed 80 m ² .		
(10)	Despite Subsection 5.1(8), on a <i>lot</i> that contains a legal <i>dwelling</i> constructed prior to the adoption of this Bylaw, a replacement <i>dwelling</i> may constructed, or the existing <i>dwelling</i> re-constructed or altered, provided the <i>floor area</i> of the replacement, re-constructed or altered <i>dwelling</i> does not exceed the <i>floor area</i> of the <i>dwelling</i> on the <i>lot</i> at the time of the adoption of this Bylaw.		

Items for Staff to Complete

The following are a list on incomplete items staff will complete prior to the May 26, 2022 LTC meeting:

- Insert subdivision regulations into draft LUB Bylaw No. 224.
- Make amendments to draft Bylaw No. 224 based on direction from the LTC from the April 28, 2022 LTC meeting.
- Update table of contents and references to 'Schedules' for the draft LUB Bylaw No. 224.
- Draft policies for Rental Housing in the draft OCP Bylaw No. 223.
- Review map amendments and make changes as requested on the FUAL.
- Draft bylaws to be reviewed by other planning staff and legislative clerk.

Timeline

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

- Consideration of First Reading – 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

Staff is seeking direction from the LTC on the above topics in order to finalize the draft LUB bylaw.

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 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 present draft LUB Bylaw No. 224 and draft OCP Bylaw No. 223 at the May 26, 2022 LTC meeting.

Submitted By:	Kim Stockdill, Island Planner	April 21, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	April 21, 2022

ATTACHMENTS

1. Letter from N. Hoag – Dated March 8, 2022
2. Resolution Chart

Nathan Hoag and Amber Bourgeois

March 8, 2022

Dear North Pender Island Trustees,

We are writing to provide information for discussion regarding properties that we have purchased on North Pender Island. Possession date is set for March 15, 2022.

This pertains to [REDACTED] which used to be the location of the [REDACTED] [REDACTED] I viewed the Dec. 4, 2021, LTC meeting where the LUB technical zoning amendment was discussed, and the trustees requested more information on potential plans.

When I met with Kim Stockdill and Robert Kojima to review potential options, I was informed that as part of the current Land Use Bylaw Review Project, there was a recommendation from the planners that these properties be rezoned from C1a to RR2. The rationale behind proposing this change was to help protect the rural character of Port Washington.

As a specialist physician based in Victoria, I am planning to hold outreach specialist clinics at the Pender Islands Health Centre. VIHA has agreed to support these clinics with ongoing funding. I believe this would add value for the community by improving access to specialist medical care on Pender Island. If the properties were converted to RR2, as suggested in the LUB review, our plan would be to build a small home in this location. This would afford the ability to serve the patients of Pender Island while having a place for our family to stay. We would also like to preserve and restore "The Shed", which was built on the property in 1910.

As part of any potential plan to develop these properties, a boundary adjustment would be proposed. This has been surveyed, and would provide a community amenity by moving the lot lines to create permanent access to public parking spaces in Port Washington, which currently lie on the property.

From an environmental standpoint, I believe a small, energy-efficient, residence would have less impact than a commercial enterprise in this location. Previous discussions with neighbouring property owners have demonstrated support for a residential use in this location.

I believe the potential benefits of conversion of these properties from C1a to RR2 would outweigh any potential downsides, and hope that the trustees will agree with the planners' recommendations outlined in the technical amendments of the LUB Review to change zoning from C1a to RR2.

Sincerely,

Nathan Hoag and Amber Bourgeois

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.
February 24, 2022	Marine/Shoreline	Resolution	NP-2022-24 that the North Pender Local Trust Committee request staff to retain the Water 1 zoning for the 11 instream private moorage applications with the Province.	-staff will amend the LUB map to retain W1 zoning for the 11 properties.
March 24, 2022	Max Floor Area		NP-2022-036 It was Moved and Seconded, that the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to increase the maximum floor area of cottages to 80 square meters (861 square feet).	-included in LUB amendment
	Max Floor Area		NP-2022-037 It was Moved and Seconded, that the North Pender Local Trust Committee direct staff to remove “Lot Area coverage” from Land Use Bylaw and replace with “Total Floor Area of all buildings and structures”.	-Staff included total floor area AND lot coverage due to rationale in April 28, 2022 staff report.
	Max Floor Area & AG Regulations		NP-2022-038 It was Moved and Seconded, that the North Pender Island Local Trust Committee direct staff to refer Figure 2– the excerpt from draft Land Use Bylaw Amendment Bylaw – Rural Zoning to the North Pender Island Agricultural Advisory	-Referral sent to the SAAPC

			Committee to provide their recommendation(s) for house size on Agricultural Reserve Lands.	
	C2 Zoning		NP-2022-039 It was Moved and Seconded, that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw to decrease commercial guest accommodation units density for 1329 MacKinnon Road to fifteen (15), for 1333 MacKinnon Road to five (5) and for 1349 MacKinnon road to eight (8).	-draft LUB amended.
	C2 Zoning		NP-2022-040 It was Moved and Seconded, that the North Pender Local Trust Committee direct staff to mail out to MacKinnon Road property owners the proposed reduced densities to C2 properties.	-Letter sent to MacKinnon Rd property owners
	Industrial Regulations		NP-2022-041 It was Moved and Seconded, that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw and draft Official Community Plan to legalize the uses as outlined in NP-TUP-2019.7 (4415 Bedwell Harbour Road).	-TUP uses included in draft LUB; OCP map amendment also required.