



DATE OF MEETING: March 11, 2023
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Review Project – Proposed Bylaw Nos. 223, 224, & 229

RECOMMENDATIONS

Draft motions are included throughout the staff report for the North Pender Island Local Trust Committee’s (LTC) consideration. These motions should be considered first prior to the recommendations (no. 1 to 7) below.

1. That the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be read a first time.
2. That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be read a first time.
3. That the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be read a first time.
4. That the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be read a second time.
5. That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be read a second time.
6. That the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be read a second time.
7. That the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting prior to the Public Hearing for the Land Use Bylaw Review Project.

REPORT SUMMARY

The purpose of this report is to provide information on the final topics requested by North Pender LTC for the Land Use Bylaw (LUB) Review Project.

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 February 10, 2023 LTC special meeting the LTC passed the following resolutions:

NP-2023-11

that the Second Reading of Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be rescinded.

CARRIED

NP-2023-12

that the First Reading of Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be rescinded.

CARRIED

NP-2023-13

that the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 as follows: to update the subdivision regulation, add a definition for compost facility and to create a site specific Community Park 2 Zone that would allow for a boat storage structure.

CARRIED

NP-2023-14

that Second Reading of the Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021,” be rescinded.

CARRIED

NP-2023-15

that First Reading of the Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021,” be rescinded.

CARRIED

NP-2023-16

that Second Reading of the Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022,” be rescinded.

CARRIED

NP-2023-17

that First Reading of the Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022,” be rescinded.

CARRIED

NP-2023-18

that the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 223 to redesignate 1200 and 1201 Port Washington Road from Commercial to Rural Residential.

CARRIED

NP-2023-19

that the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 229 to rezone 1200 and 1201 Port Washington Road to a site specific Rural Residential 2 zone that would only permit 1 dwelling within the zone and to rezone the Upland Magic Lake area from Rural Residential 1 zone to a site specific Community Park 2.

CARRIED

NP-2023-20

that the North Pender Island Local Trust Committee direct staff to write a letter to the Province to request a conversation about the future of the Port Washington Road shed.

CARRIED

Summary of Proposed Bylaws

Bylaw No. 223

The proposed Official Community Plan (OCP) amendment Bylaw No. 223 is attached to the staff report. Proposed Bylaw No. 223 would support and enable the amendments to the Land Use Bylaw in Bylaw No. 229.

Bylaw No. 224

Proposed Bylaw No. 224, if adopted, will replace the Land Use Bylaw (LUB) No. 103. Proposed Bylaw No. 224 is attached to this staff report and will be posted to the project webpage.

Bylaw No. 229

Proposed Bylaw No. 229 includes amendments to the Land Use Bylaw that require enabling policies in the OCP. Proposed Bylaw No. 229 is attached to the staff report.

February 10, 2023 Special Meeting

At the February 10, 2023 Special Meeting, the North Pender LTC rescinded second and first reads for the three bylaws associated with the LUB Review Project in order for the bylaws to be in draft format. Rescinding the bylaws into draft format allowed staff to amend the bylaws with direction from the LTC. The tracked changes made to the bylaws can be found on the project webpage: <https://islandstrust.bc.ca/island-planning/north-pender/projects/>

ANALYSIS

At the February 25, 2023 Special Meeting the following topics were flagged as those that required further discussion and decision by the LTC.

1. Magic Lake Tennis Courts

The LTC received a request from the Magic Lake Property Owners Society to legalize the uses of the tennis courts and playground on Privateers Road which is currently zoned Rural Residential (RR). The LTC may wish to consider the following draft motion to rezone the lot to a site specific Community Park 2 zone.

Draft Motion:

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to rezone Lot 18, Section 10, Pender Island, Cowichan District, Plan 22424 to a site specific Community Park 2 zone that would also permit the existing tennis courts.

2. Accessory Uses in RR1 zone

The LTC received a request from the Magic Lake Property Owners Society requesting the LTC to review the following accessory uses in the RR1 zone in draft Bylaw No. 224: pig farming, dog breeding, boarding kennels, and keeping of livestock. All these accessory uses, except for the keeping of livestock, are only permitted on lots greater than 1.2 ha. There are only a small number of lots within Magic Lake that exceed 1.2 ha in lot area, and they are all owned by the Capital Regional District (CRD). If the LTC wishes to remove the accessory uses, the following draft motion may be considered. Staff to recommend the keeping of livestock as an accessory use as it was a recommendation from the Agricultural Advisory Planning Commission.

Draft Motion:

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to remove the following accessory uses from the Rural Residential 1 zone: pig farming, dog breeding, and

3. Driftwood Centre – Commercial 2 Zoning

A portion of the Driftwood Centre property is zoned a site-specific Commercial 2 g (C2(g)) that would permit all uses in the Commercial 2 zone except for Tourist Accommodation use. A campground and accessory uses would still be a permitted. If the LTC wishes to add back the ‘Tourist Accommodation’ use for the Commercial 2 zone at Driftwood centre, the following draft motion should be considered.

Draft Motion:

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to allow all uses in the Commercial 2 zone for that portion of 4605 Bedwell Harbour Road zoned Commercial 2 g (C2g).

4. MacKinnon Road – Commercial 2 Zoning

The proposed density for the four Commercial 2 zoned parcels on MacKinnon Road are shown below in Figure 2. If the LTC wishes to further amend draft Bylaw No. 224 for the MacKinnon Road zoning, the following draft motion may be considered.

Draft Motion:

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to allow the following densities for the Commercial 2 zoned properties: 1325 MacKinnon Road is permitted X Tourist Accommodation Units; 1329 MacKinnon Road is permitted X Tourist Accommodation Units; 1333 MacKinnon Road is permitted X Tourist Accommodation Units; and, 1349 MacKinnon Road is permitted X Tourist Accommodation Units.

Figure 2 – MacKinnon Rd C2 Density

Property	Lot Area (ha)	Current Density as per Bylaw No. 103	Proposed Density agreed to by Property Owners and LTC (as shown in proposed Bylaw No. 224)	Proposed reduction at Aug 11/22 meeting (motion was rescinded)
1325 MacKinnon Rd	0.56	9	3	3
1329 MacKinnon Rd	1.23	26	15	7
1333 MacKinnon Rd	0.57	10	5	5
1349 MacKinnon Rd	0.75	10	8	3

5. Remove Waste Transfer Zoning from 3418 South Otter Bay Rd

The LTC requested a draft motion to remove the following uses from the two portions of 3418 South Otter Bay Road: waste transfer facility, composting facility, and recycling and reuse facility. Table 1 outlines the existing zoning, zoning proposed in draft Bylaw No. 224, and the changes reflecting the removal the three uses. The two portions of 3418 South Otter Bay Road are located on the map in Figure 1.

Draft Motion:

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to rezone those portions of 3418 South Otter Bay Road as outlined in Column 4 in Table 1 of the staff report dated March 11, 2023.

Table No. 1

Property	Existing Zoning	Proposed Zoning in Bylaw No. 224	Proposed Zoning with removal of waste transfer related uses.
3418 South Otter Bay Rd – Gulf Excavating Old Batch Plant	Industry 2 (b): “the only uses permitted in this location are the processing, crushing and storage of gravel.”	Community Service (q): (1) The only uses permitted in this location are: (a) Waste transfer facility; (b) Composting facility; (c) Recycling and reuse facility; (d) Contractor yard; and, (e) Storage of gravel. (2) Despite Subsection 5.11(2), no building or structure may be located: (a) within 9.2 metres of any front lot line or rear lot line; or (b) within 15 metres of any interior side lot or exterior side lot line. (3) Despite Subsection 5.11(7), no lot having an area less than 1.2 ha may be created by subdivision that is zoned CS(q).	General Industrial (e): (1) The only uses permitted in this location are: (a) Contractor yard; (b) Storage of gravel; and, (c) Accessory buildings and structures. <i>Information Note:</i> "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.
3418 South Otter Bay Rd – between recycling depot and waste transfer site	Industry 2 (c): “the only uses permitted in this location are the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment.”	General Industrial (d): the only uses permitted in this location are: (a) Waste transfer facility; (b) Composting facility; (c) Recycling or reuse facility; (d) The processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment; and, (e) Accessory buildings and structures.	General Industrial (d): the only uses permitted in this location are: (a) The processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment; (b) Contractor Yard; and, (c) Accessory buildings and structures.

Figure No. 1



6. Stairs within the setback to the sea

Draft Bylaw No. 224 currently would not exempt stairs from the setback to the natural boundary of the sea. If the LTC wishes to include stairs in the exemption from this setback, the following draft motion may be considered.

Draft Motion:

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to allow stairs to be exempt from the setback to the natural boundary of the sea.

8. Docks – Retaining Water 1 Zoning

Draft Bylaw No. 224 currently would zone the foreshore area around North Pender as Water 3, which does not permit a private dock. Additionally if there is currently a private dock or a Provincial moorage licences in process, those areas have retained the Water 1 zoning which permits private docks. If the LTC wishes to retain the zoning as it is in the currently LUB No. 103 (all foreshore areas upland to residential lots are zoned Water 1), then the following draft motion may be considered.

Draft Motion:

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to rezone the area around North Pender to be rezoned from Water 3 zone to Water 1 zone.
boarding kennels.

7. Maximum Floor Area

Attached to this staff report are the current maximum floor areas in the draft Bylaw No. 224 for the Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2, and Agriculture zones. The LTC may want to remove maximum floor area from this project in order to address it in a future LTC project dedicated to housing options and distributing floor area. If the LTC wishes to amend the maximum floor area, establish one maximum floor area for all zones, or remove maximum floor area from draft Bylaw No. 224, the following motions may be considered.

Draft Motions:

Option 1:

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to increase/decrease the maximum floor area for the Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2, and/or Agriculture zones to:

- XX m² (XX ft²) for those lots less than 0.4 ha (1 acre);
- XX m² (XX ft²) for those 0.4 ha (1 acre) to less than 1.2 ha (3 acres); and or,
- XX m² (XX ft²) for those 1.2 ha (3 areas) or greater.

Option 2:

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to change the maximum floor area to 325 m² (3500 ft²) for all dwellings in the Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2, and/or Agriculture zones, to remove total floor area of all buildings in those zones, and to keep maximum floor area of dwellings located in the Agricultural Land Reserve to 500 m² (5382 ft²).

Option 3:

That the North Pender Island Local Trust Committee direct staff to amend draft Bylaw No. 224 to remove maximum floor area and/or total floor area for the Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2, and/or Agriculture zones.

COMMUNITY INFORMATION MEETING & PUBLIC HEARING

After all final amendments are made to the draft bylaws, and if first and second reading is given, staff suggest the LTC pick a date for the Public Hearing in late May or June. A motion is not required as the LTC gave direction in September 2022 to staff to schedule public hearings for proposed Bylaw Nos. 223, 224, and 229. Direction is required to hold a Community Information Meeting (CIM) prior to the Public Hearing (but at the same meeting) – see recommendation no. 7.

ALTERNATIVES

1. Proceed no further

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

Submitted By:	Kim Stockdill, Island Planner	March 8, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	March 8, 2023

ATTACHMENTS

1. Maximum Floor Areas for the RR1, RR2, R, RC1, RC2, and AG zones as shown in draft Bylaw No. 224

Attachment No 1 – Maximum Floor Areas in Draft Bylaw No. 224

Rural Residential 1

(9) The maximum *floor area per lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, 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 or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)

Rural Residential 2

(9) The maximum *floor area per lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, 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 or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
For dwelling located within the Agricultural Land Reserve		500 m ² (5382 ft ²)

Rural

(8) The maximum *floor area per lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, 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 or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
16 ha or greater (40 acres or greater)		500 m ² (5382 ft ²)

Rural Comprehensive 1

(7) The maximum *floor area per lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, 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 or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
For dwelling located within the Agricultural Land Reserve		500 m ² (5382 ft ²)

Rural Comprehensive 2

(7) The maximum *floor area per lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, 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 or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
For dwelling located within the Agricultural Land Reserve		500 m ² (5382 ft ²)

Agricultural

(8) The maximum *floor area per lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, 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 or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
For dwelling located within the Agricultural Land Reserve		500 m ² (5382 ft ²)