



NORTH PENDER ISLAND LTC COMMUNITY INFORMATION MEETING

Land Use Bylaw Review Project

Draft Bylaw Nos. 223, 224, & 229

February 25, 2023

BYLAW READINGS – 223, 224, 229

- May 26, 2022 – Bylaws given **First Reading**
- Summer 2022 – two electronic CIMs and one in-person CIM
- September 1, 2022 – Bylaws given **Second Reading**
- September 2022 – Direction given to staff to schedule a Public Hearing
- October 2022 – Project on hold until after the election
- January 20, 2023 – Summary of the project and next steps outlined to the LTC

Bylaw Overview

There are currently three bylaws associated with this project. The North Pender Island LTC gave first reading to the three proposed bylaw Nos. 223, 224 and 229 on May 6, 2022. The Policy Statement/Directions Checklist were endorsed, and second reading was given on September 1, 2022. The bylaws are summarized below and can be found on the project's webpage:

Bylaw No. 223 – OCP Amendment Bylaw
The proposed Official Community Plan (OCP) amendment 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. 203 and the zoning map. Proposed Bylaw No. 224 includes the majority of changes to the LUB and is structured with the new LUB template. This Bylaw No. 224 can be adopted prior to the adoption of Bylaw No. 223, as it currently complies with the North Pender OCP.

Bylaw No. 229
Proposed Bylaw No. 229 includes amendments to the Land Use Bylaw that require enabling policies in the OCP. Without the adoption of amending OCP Bylaw No. 223, adoption of Bylaw No. 229 would not be possible. The bylaws can be found on the project's webpage: <https://islandstrust.bc.ca/land-use-planning/our-bylaws-projects/>

Timeline

The following is a basic timeline of the project:

- Spring/Summer 2020 - Staff provided the LTC with discussion papers on each topic.
 - Includes background, current policy and regulations, and options for the LTC to consider.
- Fall 2020 - Early engagement letters to First Nations.
- Fall 2020 & January 2021 - Free online Community Information Meetings.
- Spring 2021 - Referral to the Special Agricultural Advisory Planning Committee (SAAPC).
- Summer/Fall 2021 - LTC narrowed scope of each topic and provided staff with direction to draft bylaws.
- Early 2022 - Two CIMs outlining "hot topic" items included in the draft bylaws.
- May 2022 - Bylaws were given first reading.
- July/August 2022 - three CIMs with community were held.
- September 2022 - Bylaws were given Second Reading. TFS endorsed, direction to schedule Public Hearing.
- October 2022 - Special Meeting was deferred until the new term.

Next steps:

- Schedule a special meeting to finalize decisions (see section below)
- Schedule Public Hearing

Directions given to staff and resolutions related to the project can be found in the attached **Resolution Tracking document** (Attachment No. 2).

ANALYSIS

The following summarizes decisions made to date by the previous LTC:

*R1 - Rural Residential, R2 - Rural Residential 2, *R3 - RCL - Rural Comprehensive 1, RCL - Rural Comprehensive 2, AG - Agricultural, TUP - Temporary Use Permit

TOPIC	PROPOSED CHANGES/SUMMARY
Residential Floor Area	<ul style="list-style-type: none"> Maximum floor areas for dwellings established for *R1, R2, R, RCL, RCL, RCL, and AG zones. Total floor areas for all buildings, excluding secondary suites, established for R1, R2, R, RCL, RCL, and AG zones. Legal non-conforming related clause added to zones with newly established maximum floor areas for dwellings. This clause would allow the dwelling to be rebuilt to the previous floor area.
Tourist Commercial (C2 Zoning)	<ul style="list-style-type: none"> Reduced the number of tourist accommodation units for the Woods and Otter Bay to reflect the current build-out (10 and 18 respectively). Reduction of the number of tourist accommodation units for four Mackinon Road properties. From a total of 50 tourist accommodation units to 13 units. Clarified regulations, uses, and density in the C2 zone.
Rural Residential 1 & Rural Residential 2	<ul style="list-style-type: none"> Separated Rural Residential (RR) zone into two zones: <ul style="list-style-type: none"> RR1 - Magic Lake & Tricorral RR2 - all other areas that were zoned RR Difference between RR1 vs RR2 zone: <ul style="list-style-type: none"> RR2 zone permits horticulture, keeping of livestock and bees as a principal permitted use. Restrict buildings and structures (except for a dwelling or cottage) to 4.6 metres in height for the RR1 and RR2 zone.
Agriculture	<p>Attachment 2:02</p> <ul style="list-style-type: none"> Increase maximum floor area of a cottage from 56 m² to 90 m² to align with new Agricultural Land Commission (ALC) Residential Rules. Add new agricultural uses that align with ALC policies. <p>Other agriculture considerations:</p> <ul style="list-style-type: none"> Restrict agricultural buildings to zones that only permit agricultural in a principal permitted use (R1, RCL, RCL, and AG zones). Updated agricultural regulations based on recommendations from the ALC and the North Pender Agricultural Advisory Planning Committee. Consolidated the existing industrial zones (Light Industrial & Industrial) into one zone (General Industrial Zone). Incorporate TUP (Buckley) user for waste transfer at 4415 Bowdell Harbour Rd (MacDonald Farm) as permitted uses in the LUB (OCP & LUB amendments required - Bylaw No. 228 & 229). Permitted "accessory buildings and structures" on site specific General Industrial uses, 3414 South Otter Bay Rd. <ul style="list-style-type: none"> Western portion (Old Batch Plant) retained to allow the following uses: waste transfer facility, composting facility, recycling and reuse facility, contractor yard, and storage of grain.
Industrial	

Marine/Shoreline	<ul style="list-style-type: none"> Easier permit level to recycling deposit related to the existing use, and also waste transfer facility, composting facility, and recycling or reuse facility uses. Legalized waste drop-off at Machine Beach. Restrict on private docks by removing area around North Pender to the Water 3 (W3) which does not permit private docks. All areas with existing private docks, or those with in progress private dock licenses with the Province would retain the Water 1 (W1) zone. The W1 zone permits private docks. New regulation that requires buildings and structures to be 1.5 metres from the nearest boundary (MS) of the sea on a westward plot. The NP LUB currently has a 1.5 metre (horizontal) setback from the MS of the sea. Stays are no longer permitted within the setback from the MS of the sea, unless they are accessory to a permitted private dock.
Stormwater Regulation	<ul style="list-style-type: none"> New requirement for cistern(s) with total capacity of 18,000L for freshwater required for new dwellings or cottages if located outside of a community water system. Updates to the subdivision regulations (further amendments are still required).
Minor/Technical Amendments	<p>Other/Unresolved Submissions</p> <ul style="list-style-type: none"> New regulation would allow the construction of an "Outbuilding" (floor area of 10 m² or less) on a lot prior to the principal use. Revised setback portion of Magic Lake to permit a community park, and allowed a community dock in the WS zone. Increase cottage maximum floor area from 56 m² to 90 m² for all zones (except for AG to 90 m²).

DECISIONS TO BE MADE/ITEMS FLAGGED FOR DISCUSSION

The following items require further discussion and decision by the LTC. Staff will provide further information on each item at a future Special Meeting.

- Staff to provide further comments on "outdoor" regulations (ie. Stinky Point).
- Staff to provide further comments on outdoor lighting and Dark Sky initiatives.
- Confirm intent with Mackinon Road C2 Zoning and invite C2 Mackinon Road property owners to future special meeting.
- Confirm intent with C2 zoned portion of Driftwood Centre.
- Review 1200/1205 Port Washington Road from C1(a) to a site specific Rural Residential zone would only permit one dwelling unit.
- All General Industrial (GI) zoned lots are site-specific zones. Confirm with LTC to see if some GI lots could be rezoned to allow the GI permitted uses.
- Incorporate NP-TUP-2021-4 (Grimmer) into LUB Review project for 3334 Port Washington Rd which would legalize the uses in the TUP.
- Incorporate NP-TUP-2021-4 (Grimmer) into LUB Review project for 4415 Bowdell Harbour Rd to legalize the commercial batch plant use as permitted in the TUP.
- Add definition of "compost facility" to LUB.
- Confirmation that **ALC conditions** have been met for 4006 Rizzo Point prior to allowing "accessory buildings and structures" on site specific GI zoned portion of the lot.



BYLAW READINGS – 223, 224, 229

February 10, 2023 – Special Meeting between the LTC and staff

GOAL: to present **a final draft of the bylaws that incorporates all the 10th meeting** to community members at the today's Special Meeting

- Benefit of a draft bylaw is the LTC can give direction to staff to amend a bylaw by having the exact amendments in hand.
- At the Feb 10th meeting the LTC:
 - gave direction to rescind second and first reading for all bylaws
 - gave direction to amend the bylaws the include the following:
 - Update subdivision regulations (bylaw 224)
 - Add definition of "composting facility" (bylaw 224)
 - Allowed non-motorized boat storage for the CRD owned upland lot on Magic
 - Rezoned 1200/1201 Port Washington Road to a site specific Rural Residential dwelling in the zone

7 - Other Information

- [2021-01-04_NPAAPC-Recommendations.pdf](#)
- [2021-01_Legal-Non-Conforming-FAQ.pdf](#)
- [2021-03-17_ALC-Decision_4606-Razor-Point-Rd\(Burdett\).p](#)
- [2021-05-24_NP-LUB_DRAFT_BLACKLINE.pdf](#)
- [2021-07-29_NP-LUB_DRAFT_BLACKLINE.pdf](#)
- [2021-09_Helicopter-Legal-Opinion-Public.pdf](#)
- [2021-10-22_NP-LUB_DRAFT_BLACKLINE.pdf](#)
- [2021-12-04_NP-LUB_DRAFT_BLACKLINE.pdf](#)
- [2021-12-04_NP-LUB_Full-Map-Amendments.pdf](#)
- [2021-12-04_NP-LUB_Individual-Map-Amendments.pdf](#)
- [2021-12-04_NP-OCP_Full-Map-Amendments.pdf](#)
- [2022-03-24_NP-LUB_DRAFT_BLACKLINE\(Integrated amen](#)
- [2022-03-24_NP-LUB_DRAFT_BLACKLINE.pdf](#)
- [2022-05-16_AAPC_MIN_FINAL.pdf](#)
- [2022-05-26_NP-BL-223_OCP_AMD_1st-Reading.pdf](#)
- [2022-05-26_NP-BL-224_LUB_BASE_1st-Reading.pdf](#)
- [2022-05-26_NP-BL-224_LUB_MAP_1st-Reading.pdf](#)
- [2022-05-26_NP-BL-229_LUB_AMD_1st-Reading.pdf](#)
- [2022-08-13_Draft_motions.pdf](#)
- [2023-02-10_LTC-Meeting-Presentation.pdf](#)

DRAFT BYLAWS



- Island Planning
- Conservancy
- Programs
- Mapping & Resources
- What's Happening
- About Us

Enforcement

Bylaws

Current Applications

Land Use Application Guides & Forms

Meetings and Minutes

North Pender Island Local Trust Area Trustee Corner

Projects

Salt Spring



Saturna



South Pender



Thetis



Find Your Local Trust Area

Land Use Bylaw Review

The project will consider implementation of OCP policies through amendments to the Land Use Bylaw.

[1 - About the Project](#)

[2 - Staff Reports](#)

[3 - Proposed Bylaws](#)

[NP-BL-223_OCP_AMD_DRAFT_2023-02-10.pdf](#)

[NP-BL-223_OCP_AMD_DRAFT_2023-02-10_BLACKLINE.pdf](#)

[NP-BL-224_LUB-MAP_2nd-Reading.pdf](#)

[NP-BL-224_LUB_BASE_DRAFT_2023-02-10.pdf](#)

[NP-BL-224_LUB_BASE_DRAFT_2023-02-10_BLACKLINE.pdf](#)

[NP-BL-229_LUB_AMD_DRAFT_2023-02-10.pdf](#)

[NP-BL-229_LUB_AMD_DRAFT_2023-02-10_BLACKLINE.pdf](#)

[4 - Public Correspondence](#)

[5 - Community Consultation](#)

[6 - Discussion Papers](#)

[7 - Other Information](#)

DRAFT BYLAWS



Bylaws

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Land Use Application Guides & Forms

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[2021-12-04_NP-LUB_Individual-Map-Amendments.pdf](#)

[2021-12-04_NP-OCP_Full-Map-Amendments.pdf](#)

[2022-03-24_NP-LUB_DRAFT_BLACKLINE\(Integrated amendments\).pdf](#)

HOT TOPICS



- Maximum Floor Area
- Legal Non-Conforming
- MacKinnon Rd (C2 zoned) Properties
- Docks
- Stairs to the Foreshore
- Groundwater Regulations

MAXIMUM FLOOR AREA – BYLAW NO. 224



- Maximum floor area regulations for the RR1 zone

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)

MAXIMUM FLOOR AREA – BYLAW NO. 224

- Maximum floor area regulations for the RR2, R, RC1, RC2, and AG zones

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)

LEGAL NON-CONFORMING – “GRANDFATHERING”



- Local Government Act (LGA) Section 529
- Despite Article [maximum floor area regulation], on a lot that contains a legal dwelling constructed prior to the adoption of this bylaw, **a replacement dwelling may be 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.**

MACKINNON RD PROPERTIES – C2 ZONE

- Four properties along MacKinnon Road zoned Commercial 2 (Tourist Accommodation).
- Potential full build out is 55 Tourist Accommodation Units.
- Proposed Bylaw No. 224 is proposing the following reduction in density:

Property	Current Density	Proposed Density
1325 MacKinnon Rd	9	3
1329 MacKinnon Rd	26	15
1333 MacKinnon Rd	10	5
1349 MacKinnon Rd	10	8

- Potential reduction of 24 Tourist Accommodation Units.

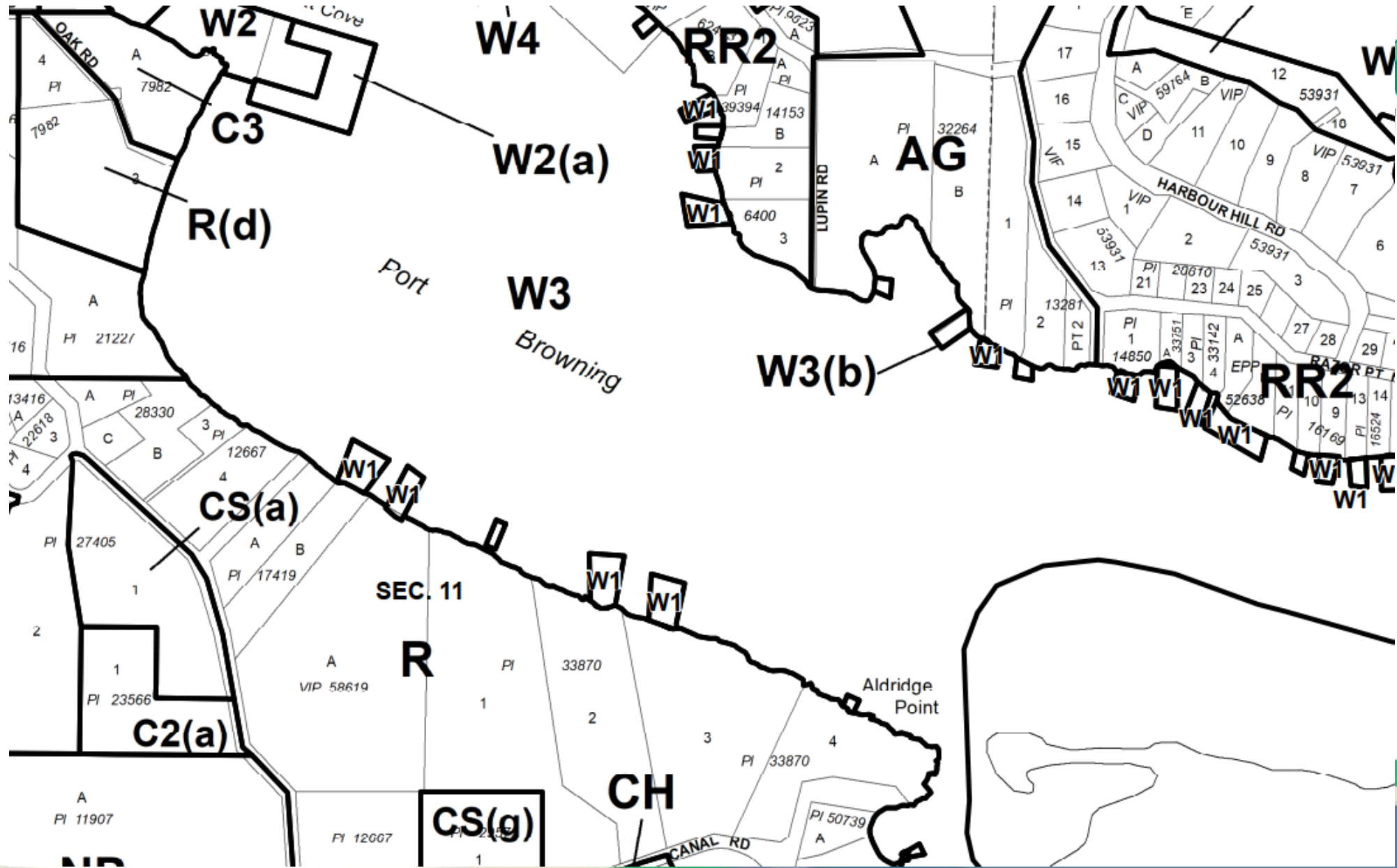
DOCKS



- Currently the majority of area surrounding North Pender is zoned Water 1 (W1) which permits the use of private docks for upland residential use.
- Proposed amendments:
 - All areas with existing docks will retain W1 zoning or with an existing or in-progress private dock license application with the Province.
 - All other W1 without docks (other than marinas or federal transport) will be rezoned to Water 3 (W3) which does not permit private docks.



Woodslands Trust



5.20 Water 1 (W1) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Private docks accessory to the residential use of an abutting upland *lot* or *lots* abutting the sea, and providing access to that *lot* or those *lots*;
 - (b) Pilings necessary for the establishment or maintenance of the *uses* permitted by Article 5.20(1)(a); and,
 - (c) Marine navigation, marine navigation aids and marker buoys.

5.22 Water 3 (W3) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Marine navigation, marine navigational aids and marker buoys and no other *uses* are permitted in the Water 3 Zone.



STAIRS TO THE FORESHORE



- Current LUB No. 103
 - Permits stairs within the 15 metre (50 feet) setback from the Natural Boundary (NB) of the Sea

STAIRS – CURRENT BYLAW NO. 103

- **3.7.1 No building or structure other than one referred to in Subsection 3.7.2 may be sited, nor fill placed to support a building or structure, within 15 metres upland of the natural boundary of the sea nor 7.6 metres upland of the natural boundary of a lake, wetland or stream, and for this purpose paved areas of asphalt, concrete or similar material are "structures".**
- **3.7.2 Walkways and stairs to access a dock or the foreshore and not exceeding a height of 1 metre and a width of 1.2 metres,** anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland, up to 3 metres length of a dock walkway or ramp, and pumphouses are exempt from Subsection 3.7.1, and pumphouses used exclusively for housing an individual water system are exempt from the setback provisions specified in Part 8 of this Bylaw.

STAIRS TO THE FORESHORE



- **Current LUB No. 103**
 - Permits stairs within the 15 metre (50 feet) setback from the Natural Boundary (NB) of the Sea
- **Proposed LUB No. 224**
 - Does not exempt stairs to the foreshore from the 15 metre setback from the NB of the sea
 - There are exceptions to this regulation
 - Stairs are permitted within the 15 metre setback from the NB of the sea if to access a permitted private dock in the Water 1 or Water 6 zone.
 - Existing stairs would be legal non-conforming. They can be rebuilt as long as they stay in the same foot print, and are not larger than the original stairs.
 - A Development Variance Permit (DVP) would be required if a new set of stairs is proposed within the 15 metre setback from the NB of the sea.

STAIRS – PROPOSED BYLAW NO. 224

- (1) No building or structure, other than those in Subsection 3.3(2), may be sited, nor fill placed to support a building or structure, within:
- (a) 15 metres upland of the natural boundary of the sea;
 - (b) 1.5 metres from the natural boundary of the sea as measured on the vertical plane; and,
 - (c) 7.6 metres upland of the natural boundary of a lake, wetland or stream, and for the purpose of this subsection paved areas of asphalt, concrete or similar material are "structures".
- (2) The following buildings or structures are exempt from Subsection 3.3(1):
- (a) **Walkways, stairs or a ramp accessory to a permitted private dock in the Water 1 or Water 6 zones with a width less than 1.2 metres and a length less than 3 metres;**
 - (b) Anchor pads or abutments up to 1.5 metres in width for the purpose of securing a permitted private or community dock or wharf to the upland lot;
 - (c) Pump/utility shed with a floor area of 10 m² or less; and,
 - (d) Fences.

GROUNDWATER – NEW & UPDATED REGULATIONS



- New groundwater-related definitions
- Updated the 'Water Supply Standards' subdivision requirements
- New cistern regulation:

3.11 Cistern Requirements

- (1) A building permit for a *lot* outside a *community water system* shall not be issued for a new *building* to be used as a *dwelling*, including a *cottage*, unless a cistern (or combination of cisterns) is located on the *lot* for the storage of freshwater having a total capacity of at least 18,000 litres.
- (2) The *floor area* occupied by any cistern located in a *building* and the housing provided for such cistern is excluded from the calculation of the *floor area* of the *building* and the *lot coverage* of the *lot* on which it is located.

Groundwater Sustainability Project

When: Saturday March 11

Time: 12PM to 3PM

Where: Anglican Hall

Presentations by:

Narissa Chadwick (lead project Planner) & William Shulba (Freshwater Specialist)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE



NOTICE OF COMMUNITY INFORMATION MEETING NORTH PENDER ISLAND GROUNDWATER SUSTAINABILITY IMPLEMENTATION PROJECT

On **March 11, 2023** the North Pender Island Local Trust Committee (LTC) will be holding an in person **Community Information Meeting** on the Groundwater Sustainability Implementation Project.

Come out to find out:

- What mapping groundwater recharge tells us about freshwater vulnerability
- How the new mapping of groundwater recharge is informing the development of a Groundwater Recharge Protection Development Permit Area
- Options to support groundwater recharge protection

Saturday March 11th, 2023

Time:

12:00pm- 1:00pm Open House (in person)
1:00pm-2:00pm Presentation (in person/ livestream)
2:00pm- 3:00pm Informal Discussion (in person)

Location: St. Peter's Anglican Church Hall, 4703 Canal Rd, North Pender Island, BC

Livestream Access:

<https://islandstrust.bc.ca/event/north-pender-special-meeting-cim/>

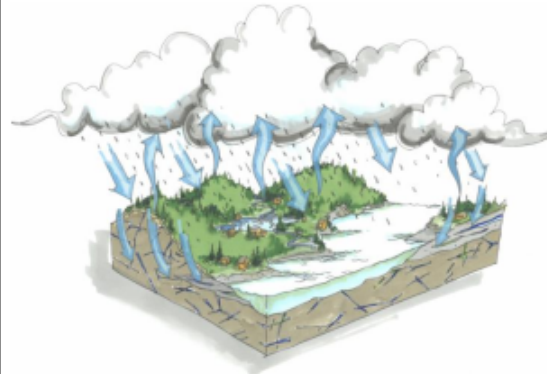


Illustration: Phil Testemale

If you have any questions please contact:

Narissa Chadwick, Island Planner: nchadwick@islandstrust.bc.ca 250-405-5189

William Shulba P.Geol, Freshwater Specialist: freshwater@islandstrust.bc.ca 250-405-5162

THE LTC WANTS TO HEAR FROM YOU!



QUESTIONS/COMMENTS



Please send all correspondence regarding the LUB Amendments project to:

southinfo@islandstrust.bc.ca