



DATE OF MEETING: January 30, 2026  
 TO: North Pender Island Local Trust Committee  
 FROM: Southern Team  
 COPY: Robert Kojima, Regional Planning Manager  
 SUBJECT: Rezoning Application – Draft Amending Bylaw No. 242  
 Applicant: Braedon Bigham - Big Digem Contracting  
 Location: 3334 Port Washington Road, Pender Island

## RECOMMENDATIONS

1. That the North Pender Island Local Trust Committee receives draft bylaw No. 242, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 2, 2025", and directs staff to initiate bylaw referrals.

## REPORT SUMMARY

The purpose of this staff report is to provide an update on rezoning application PL-RZ-2024-0110 (Bigham), and to seek direction from the North Pender Island Local Trust Committee (LTC) on draft bylaw No. 242.

The above recommendation is supported as:

- Professional reports demonstrate adequate proof of water and conclude that there would be minimal further environmental impacts from future proposed uses over the existing conditions;
- The area proposed for rezoning is designated as Industrial and the proposed use is consistent with the Industrial land use policies of the North Pender Island Official Community Plan No. 171 (OCP); and,
- Draft Bylaw No. 242 will facilitate First Nations and agency referrals and enable further public input.

## BACKGROUND

The applicant has submitted a rezoning application to permit the continued operation of aggregate storage, sales and associated uses on a portion of the subject property located at 3334 Port Washington Road, which is currently zoned Rural (R) and does not permit industrial uses.

At the November 21, 2025 meeting, the LTC passed the following resolution:

### NP-2025-071

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee directs staff to prepare a draft bylaw for rezoning application PL-RZ-2024-0110 (Bigham).

Staff are now seeking direction on proceeding with Draft Bylaw No. 242, including agency and First Nation referrals.

### **Regulatory**

#### **Land Use Bylaw**

If approved, draft bylaw No. 242 would result in the following uses to be permitted through a site specific zoning amendment in the portion of the subject lot designated as Industrial:

- a) *Contractor Yard*;
- b) Storage, handling and wholesale of aggregates, soils and mulches up to a maximum of 460 cubic metres;
- c) Storage of empty propane tanks up to a maximum of 5 tanks;
- d) Storage of diesel fuel up to a maximum of 10,000 litres; and,
- e) *Accessory buildings and structures*.

The 'Schedule 1 Zoning Map' of the LUB would also be amended to change the zoning classification of a portion of the lot from Rural to General Industrial h (GI(h)), as shown on Plan No. 1 attached to draft bylaw No. 242.

#### **Islands Trust Policy Statement**

The proposed rezoning to permit the site-specific industrial uses listed in draft Bylaw No. 242 on the portion of the lot designated for industrial use does not appear to be contrary or at variance with any Policy Statement directive policies; however a more comprehensive review with a checklist would be provided at consideration of First Reading, should the application proceed to that stage.

#### **Official Community Plan**

The property is split designated as Rural (R) and Industrial (I) in the OCP as shown below. As the portion of the property proposed for rezoning is already designated Industrial, and the proposed uses are consistent with the Industrial Land Use policies of the OCP, rezoning would not require an OCP amendment, only a LUB amendment.



#### **Issues and Opportunities**

#### **Wastewater/Stormwater Management Plan**

The terms of reference for the application requires that a Wastewater/Stormwater Management Plan be submitted that considers the following:

An Industrial Wastewater/Stormwater Management Plan, prepared by a qualified professional engineer, which includes requirements to minimize impacts on the environment and adjacent properties, based on site conditions and proposed industrial uses for:

- a. The safe storage and disposal of all industrial wastewater produced on the site;
- b. Effective management of all stormwater; and,
- c. Compliance monitoring and reporting.

The applicant has provided a draft Industrial Wastewater/Stormwater Management Plan by a qualified professional engineer that indicates a stormwater management system is feasible. Staff are currently in the process of reviewing the draft document with the applicant and their professional engineer in regards to a number of technical aspects of the proposed plan. The expectation is that the plan will be ready to bring the LTC at the next LTC meeting.

### ***Section 219 Covenant***

The LTC could require that the applicant grant a s. 219 *Land Title Act* covenant to the LTC for any additional restrictions not included in the LUB amendments including any relevant aspects and recommendations of the professional reports in respect of groundwater use, storm and wastewater management, and mitigation of ecological impacts.

### **Consultation**

#### ***Agency Referrals***

Staff have identified the following agencies for bylaw referral; the LTC may direct staff to include other agencies:

- CRD – Planning and Protective Services, Building Inspection
- Island Health
- Ministry of Transportation and Transit
- Islands Trust Conservancy
- Ministry of Water, Land and Resource Stewardship - Strategic Land Use - Coast Area South Coast Region
- Mayne Island Local Trust Committee
- South Pender Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee

#### ***First Nation Referrals***

Staff will initiate referrals to all identified First Nations consistent with the standardized list maintained by staff.

#### ***Statutory Requirements***

In this case, as there is no required OCP amendment, the LTC will need to provide direction on whether to hold a public hearing. If the LTC chooses to not hold a public hearing, then staff would need to provide notice of first reading.

If a public hearing is held, public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing, including notification of the proposed rezoning to all properties located within 100 metres of the subject property.

Typically, a Community Information Meeting (CIM) is also held prior to a public hearing. With direction from LTC, these would be scheduled either separately or concurrently after draft bylaws are complete, reviewed and have received at least First Reading. If no public hearing is held, the LTC could still choose to hold a CIM.

**Rationale for Recommendation**

The recommendation on page 1 is supported as:

- The area proposed for rezoning is designated as Industrial and the proposed use is consistent with the Industrial land use policies of the North Pender Island Official Community Plan No. 171 (OCP); and,
- Draft Bylaw No. 242 will facilitate First Nations and agency referrals and enable further public input.

**ALTERNATIVES**

The LTC may consider the following alternatives to the staff recommendation:

**1. Request further information**

The LTC may refer back to staff requesting further information prior to making a decision. Recommended wording for a resolution is as follows:

*That the North Pender Island Local Trust Committee request that staff report back with...*

**2. Deny the application**

The LTC may deny the application. Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee proceed no further with application NP-PLR20240110 (Bigham).*

**3. Hold the application in abeyance**

The LTC may choose to hold the application in abeyance.

**4. Receive for information**

The LTC may receive the report for information

**NEXT STEPS**

Based on direction from the LTC, staff will initiate bylaw referrals.

|               |  |                  |
|---------------|--|------------------|
| Submitted By: | Brad Smith, Island Planner               | January 13, 2026 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | January 14, 2026 |

## **ATTACHMENTS**

1. Draft Bylaw No. 242

# DRAFT

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 242

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### A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW NO. 224, 2022

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The North Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the North Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

#### 1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 2, 2025”.

#### 2. North Pender Island Local Trust Committee Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022,” is amended as follows:

- 2.1. A new site-specific regulation is added to Table 5.10 in Subsection 5.10(12) following site-specific zone GI(g) that reads:

|   | Table 5.10         |  |   |
|---|--------------------|--|---|
|   | 1                  | 2  | 3   |
|   | Site-Specific Zone | Location Description   | Site-Specific Regulations   |
| 7 | GI(h)              | Lot 7, Sections 18 And 22, Pender Island, Cowichan District, Plan 6294 | Despite Subsection 5.10(1), the only uses permitted in this location are:<br>a) <i>Contractor Yard</i> ;<br>b) Storage, handling and wholesale of aggregates, soils and mulches up to a maximum of 460 cubic metres;<br>c) Storage of empty propane tanks up to a maximum of 5 tanks;<br>d) Storage of diesel fuel up to a maximum of 10,000 litres; and,<br>e) <i>Accessory buildings and structures</i> |

- 2.2. Schedule “1” – Zoning Map, is amended by changing the zoning classification of a portion of Lot 7, Sections 18 And 22, Pender Island, Cowichan District, Plan 6294 from Rural to General Industrial h (GI(h)), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” of Bylaw No. 224 as are required to effect this change.

#### 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____ |
| ADOPTED THIS  | _____ | DAY OF | _____ | 20____ |

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 242

Plan No. 1

