

# ADOPTED



Islands Trust

## North Pender Island Local Trust Committee

### Minutes of Special Meeting

**Date:** March 12, 2022  
**Location:** Electronic Meeting

**Members Present:** Laura Patrick, Chair  
Benjamin McConchie, Trustee

**Regrets:** Deb Morrison, Trustee

**Staff Present:** Robert Kojima, Regional Planning Manager  
Kim Stockdill, Island Planner  
Jennifer Kucherka, Recorder

**Public:** There were approximately 20 attendees in the Zoom webinar

#### 1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

#### 2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

#### 3. COMMUNITY INFORMATION MEETING

##### 3.1 North Pender Island Local Trust Committee's Land Use Bylaw Review Project.

Planner, Kim Stockdill, outlined the North Pender Island LTC's Land Use Bylaw Review Project. Information reviewed in the slide presentation included:

##### 1. Project Outline Objective

- To amend various regulations in the Land Use Bylaw to implement policies in the Official Community Plan; and to address legislative changes, and to make technical and other minor amendments to the LUB.

##### 2. Project Status

- Early engagement with First Nations;
- There has been 6 CIM's to date regarding this project;
- Referrals to the Special Agricultural APC;
- Draft LUB regulations; and

- Draft accompanying OCP bylaw.

### **3. Rural Residential 1&2**

- All properties within Magic Lake and the Trincomali areas will be zoned to Rural Residential 1 (RR1);
- All other properties that are zoned RR will be rezoned to a new Rural Residential 2 (RR2) zone; and
- There is no change in density for the Rural Residential zones.

### **4. Maximum Floor Area**

- Maximum floor area regulations for the RR1, RR2, R, RC1, RC2, and AG zones.

### **5. Legal Non-Conforming “Grandfathering”**

- A provision is proposed for non-conforming dwellings.

### **6. Accessory Structure on Bare Land**

- Current LUB only permits an accessory building/structure prior to a house or cottage built on a property if the accessory building is to be used as a temporary dwelling.

### **7. Helicopters**

- May 27, 2021 the NP LTC passed the following resolution: *that the NPI LTC add a prohibition on recreational helicopters as a part of the LUB review;*
- An amendment was added to the Prohibited Uses for heliports and helipad, other than for emergency evacuation use.
- Aeronautics is Federal jurisdiction and therefore may not be enforceable.

### **8. MacKinnon Rd Properties**

- Four properties along MacKinnon Road zoned Commercial 2 (Tourist Accommodation) – C2;
- Potential full build out of 55 Commercial Guest Accommodation Units (CGAU’s);
- One of the four property owners agrees to reduce density from 9 CGAU’s to 3 CGAU’s; and
- Other two property owners are in discussions with the LTC with the possibility to register a S.219 covenant that would restrict any new development beyond the densities currently built on the property.

## 9. 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, all areas with existing docks will retain W1 zoning or with an existing or in-progress private dock license application with the Province; and
- All other W1 without docks (other than marinas or federal transport) will be rezoned to Water 3 (W3) which does not permit private docks.

## 10. Next Steps

- Staff report to be presented at the LTC meeting on March 24, 2022;
- Spring 2022;
  - LTC to finalize draft LUB bylaw.
  - Potential for First Reading.
- Late Spring/Summer 2022;
  - Formal referral to First Nations and agencies.
  - CIM and Public Hearing (late summer or fall)

Members of the community were invited to ask questions and/or comment; and the following discussion points were raised:

- Two owners on MacKinnon Road are open to reduction of density and consideration of sustainability for development of commercial properties on MacKinnon Rd;
- Clarification was provided for accessory buildings on vacant lots;
- Question regarding any polls been considered/conducted of how many helicopters are spotted daily and/or issues related to this on North Pender Island;
- A member of the community questioned the driver for change of private dock rezoning and concerns of land value loss;
- A member of the community asked about multi-level home vs. slab construction for maximum floor area;
- A member of the community encouraged catchment for water in bylaws.
- Confirmation was provided that unlivable space of less than 1.5M is not to be included in the calculated maximum floor area;
- Lot area vs floor area of a dwelling was clarified;
- Multi-family dwellings at Driftwood Centre was raised;
- Average cost of rezoning applications and time frame involved was asked: currently the cost for a rezoning application is \$4400 and can take approximately 9-18 months;
- A member of the community observed long processes involved for regulation changes and supported improvements;
- Recommendation was made for future round table and hybrid meetings;
- Question was asked about tiny homes, issues with Building Code were discussed and reference to BC Housing document for more information;

- A member of the community encouraged the LTC to continue with Zoom for future meetings;
- A member of the community asked for the rationale for the zoning change from W1 to W3 and if the LTC consider a Development Permit Area;
- Concern raised that it is not a one size fits all approach for rezoning W1 to W3 and lack of supporting OCP policies. In addition docks are now built to a higher standard and the rezoning process does not address derelict docks and maintenance; and
- Request for all waterfront property owners to be mailed letters notifying them of the potential zoning changes.

Chair Patrick encouraged anyone to send comments/questions in writing if not available for in person meetings to ensure it's on record: [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca).

Chair Patrick expressed appreciation to staff and the members of the public who came out to support and attend this meeting.

#### **4. ADJOURNMENT**

**By general consent** the meeting was adjourned at 11:56 am.

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Laura Patrick, Chair

Certified Correct:

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Jennifer Kucherka, Recorder