



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: November 21, 2025
Time: 10:00 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Pages

- | | | | |
|-----|---|--|---------|
| 1. | CALL TO ORDER | 10:00 AM - 10:25 AM | |
| | “Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.” | | |
| 2. | TERRITORIAL ACKNOWLEDGEMENT | | |
| 3. | APPROVAL OF AGENDA | | |
| 4. | TRUSTEE REPORT | | |
| 5. | CHAIR'S REPORT | | |
| 6. | ELECTORAL AREA DIRECTOR'S REPORT | | |
| 7. | TOWN HALL AND QUESTIONS | 10:25 AM - 10:40 AM | |
| 8. | COMMUNITY INFORMATION MEETING - None | | |
| 9. | PUBLIC HEARING - None | | |
| 10. | MINUTES | 10:40 AM - 10:50 AM | |
| | 10.1 | Local Trust Committee Minutes Dated October 3, 2025 (for Adoption) | 4 - 14 |
| | 10.2 | Section 26 Resolutions-without-meeting Report Dated Nov 2025 | 15 - 15 |
| | 10.3 | Advisory Planning Commission Minutes Dated October 1 and October 8, 2025 (for Receipt) | 16 - 21 |
| 11. | BUSINESS ARISING FROM THE MINUTES | | |
| | 11.1 | Follow-up Action List Dated Nov 2025 | 22 - 23 |
| 12. | DELEGATIONS | | |

13. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

14. APPLICATIONS AND REFERRALS 10:50 AM - 12:10 PM

- | | | |
|------|--|----------|
| 14.1 | Trust Council Bylaw No. 183 Policy Statement Bylaw Referral - For Response | 24 - 30 |
| 14.2 | NP-PL-DP-2025-0384 (Kerfoot) - Staff Report (attached) | 31 - 50 |
| 14.3 | NP-PL-DP-2025-0399 (Lansdowne) – Staff Report (attached) | 51 - 74 |
| 14.4 | NP-PL-RZ-2024-0110 (Bigham) – Staff Report (attached) | 75 - 196 |

15. LOCAL TRUST COMMITTEE PROJECTS 12:10 PM - 12:45 PM

- | | | |
|------|--|-----------|
| 15.1 | Housing Affordability and Access Project – Staff Report (attached) | 197 - 231 |
|------|--|-----------|

16. REPORTS 12:45 PM - 12:55 PM

- | | | |
|--------|---|-----------|
| 16.1 | Work Program Report (attached) | |
| 16.1.1 | <u>Active Projects Report Dated Nov 2025</u> | 232 - 232 |
| 16.1.2 | <u>Future Projects Report Dated Nov 2025</u> | 233 - 234 |
| 16.2 | Applications Report Dated Nov 2025 (attached) | 235 - 237 |
| 16.3 | Trustee and Local Expense Report Dated Sept 2025 (attached) | 238 - 238 |
| 16.4 | Adopted Policies and Standing Resolutions (attached) | 239 - 241 |
| 16.5 | Local Trust Committee Webpage | |
| 16.6 | Islands Trust Conservancy Report - None | |

17. NEW BUSINESS 12:55 PM - 1:00 PM

- | | |
|------|---------------------------------------|
| 17.1 | 6601 Razor Point Road Covenant Update |
|------|---------------------------------------|

18. UPCOMING MEETINGS 1:00 PM - 1:10 PM

- | | | |
|------|--|-----------|
| 18.1 | Draft 2026-2027 LTC Meeting Schedule - Request for Decision (attached) (for Adoption) | 242 - 247 |
| 18.2 | Next Regular Meeting Scheduled for January 30, 2026 at the St. Peter's Anglican Church Hall, Pender Island | |

19. TOWN HALL 1:10 PM - 1:25 PM

20. CLOSED MEETING (Distributed Under Separate Cover)

20.1 Motion to Close Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(f):

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

AND that the recorder and staff attend the meeting.

20.2 Recall to Order

20.3 Rise and Report

21. ADJOURNMENT

1:25 PM - 1:25 PM

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: October 3, 2025
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Members Present: David Maude, Chair
Aaron Campbell, Local Trustee
Deb Morrison, Local Trustee

Staff Present: Brad Smith, Island Planner
Warren Dingman, Bylaw Compliance and Enforcement Manager (electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were 5 members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:03 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Maude acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

17.4 Short Term Vacation Rentals – Discussion

By general consent, the agenda was adopted as amended.

4. TRUSTEE REPORT

Trustee Morrison reported an increase in realtors referring their clients to Islands Trust to answer questions prior to making purchase decisions and noted dark sky principles had been incorporated into the draft Trust Policy Statement.

Trustee Campbell reported an increase in questions and conversations about short-term vacation rentals and spoke to a recent presentation made by Islands Trust and the Regional District of Nanaimo at the Union of BC Municipalities conference about enabling regulations to permit tiny homes on wheels for rural housing.

5. CHAIR'S REPORT

Chair Maude reported the following:

- Attended a session convened by the Mayor of Bowen Island for ferry affected communities to discuss common concerns
- Attended Trust Council on Gabriola Island
- The draft Trust Policy Statement project is moving forward and public engagement is being undertaken at the Local Trust Committee level
- Upcoming attendance, as Chair of the Denman Island Local Trust Committee, at a government-to-government introduction meeting with member of K'omoks First Nation

6. ELECTORAL AREA DIRECTOR'S REPORT – None

7. TOWN HALL AND QUESTIONS

A member of the public spoke to the proposed changes to the Development Permit Area for Raptor and Heron Nest and the following comments were recorded:

- They have sent two letters to Islands Trust regarding their concerns and have not received a response
- The proposed buffer zones will encompass their entire property causing concerns about any future ability to build a dwelling on the lot
- They would like to understand the reasons for the bylaw amendments as they are not aware of a study that suggests that the local raptor population is threatened
- The bylaw amendments impose on private property rights
- They requested that the bylaw not move forward or a compromise be made with the proposed language

7.1 Policy Statement - Local Engagement

The Senior Policy Advisor provided an introduction to the Policy Statement project and highlighted the following:

- The *Islands Trust Act* states that Trust Council must, by bylaw, adopt a Trust Policy Statement that applies to the Trust Area
- The Trust Policy Statement is a high-level land use and marine area planning document that is used by Trust Council to determine whether local Official Community Plans and land use bylaws are consistent with the greater vision for the Islands Trust Area and it forms the basis of intergovernmental relationships
- The current Policy Statement was developed over 30 years ago
- The draft Policy Statement is organized around 5 goals and contains guiding principles which should inform decisions, directive policies that address matters to which local trust committees must attend in their local bylaws, and advisory policies which should be considered but are not required by Trust Council
- The purpose of the public presentation is for the Local Trust Committee to hear comments from community members to inform further edits prior to moving to second reading

The following comments, clarifications, and answers to question put forth by members of the public were noted:

- The goals within the draft are not listed in hierarchal order but do reflect the three priority areas that Trust Council has recognized
- The directive policies use “should” language instead of “must” which causes confusion
- The language of “should” versus “shall” or “must” has been an issue in the previous Trust Policy Statement and there are considerations to take regarding balance between authority of Local Trust Committees and Trust Council oversight
- The terms “ensure” and “strive to ensure” are both used as there can be other agencies or levels of government that have jurisdiction and ‘ensuring’ an outcome might not be possible
- Allowing an overarching policy to be a pragmatic document provides local issues to be addressed
- If public input is desired then simple language describing the Policy Statement is needed
- A Trustee noted hard copies of the document and survey are available at the library

A member of the public indicated that many residents wonder why two local governments are necessary and inquired if there is a possibility to organize a public meeting to provide an outline of what Islands Trust does and hold the meeting at the Community Hall on a Friday or Saturday night as a weekday meeting does not allow for working people to attend to provide input.

A Trustee noted members of the Local Trust Committee can not attend an event outside of a formal meeting to discuss policy issues and regular weekday meetings have received more turnout than meetings that have taken place on weekends or after hours, and the Senior Policy Advisor indicated that the recording from the September public town hall provides a brief overview of Islands Trust.

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING - None

10. MINUTES

10.1 Local Trust Committee Minutes Dated July 25, 2025 (for Adoption)

By general consent the North Pender Island Local Trust Committee meeting minutes of July 25, 2025 were adopted.

10.2 Section 26 Resolutions-without-meeting Report Dated Sept 2025

Received for information.

10.3 Advisory Planning Commission Minutes Dated June 20, 2025, August 15, 2025 and Draft September 12, 2025 (for Receipt)

Received for information.

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated Sept 2025

Received for information.

12. DELEGATIONS - None

13. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

13.1 Rob Fenton and Mamie Hutt-Temoana re Alternative Housing Option Report

The correspondent noted the report was sent to the Island Planner and the Advisory Planning Commission and it highlights the need to allow recreational vehicles as approved housing options. They provided a summary of the report and asked that the Local Trust Committee consider the option as a solution for housing and provide an endorsement so the proponent can bring a letter of support forward to the Capital Regional District.

In response, Trustees provided the following comments:

- Within the larger discussion on housing needs there has been ongoing discussion regarding the use of recreational vehicles as housing and there are many factors to consider including zoning, safety, environmental issues, waste disposal, Regional District jurisdictional conflicts and building code standards
- If there is a specific piece of property that one identifies as a possibility for alternative housing then that individual could discuss the possibility of a rezoning application with the Planner and bring an application forward prior to the completion of potential zoning amendments coming out of the Housing Access and Affordability project.

The meeting was recessed for a break at 11:38 a.m. and reconvened at 11:45 a.m.

The agenda was re-ordered and item 15.2 was discussed after item 13.

14. APPLICATIONS AND REFERRALS

14.1 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw 546 (for Response)

NP-2025-050

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee respond to the Salt Spring Island Local Trust Committee that interests are unaffected by proposed Bylaw No. 546.

CARRIED

14.2 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw 549 (for Response)

NP-2025-051

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee respond to the Salt Spring Island Local Trust Committee that interests are unaffected by proposed Bylaw No. 549.

CARRIED

14.3 Trust Council Bylaw No. 183 Policy Statement Bylaw Referral - For Response

Discussion ensued and the Local Trust Committee stated they would like to review and incorporate comments received from the public into their referral response.

NP-2025-052

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee request item 14.3 Trust Council Bylaw No. 183 Policy Statement Bylaw Referral be deferred to the November 21, 2025 North Pender Local Trust Committee meeting.

CARRIED

14.4 Mayne Island Local Trust Committee Referral for Draft Bylaws 196 and 197 (for Response)

NP-2025-053

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee respond to the Mayne Island Local Trust Committee that interests are unaffected by draft Bylaws No. 196 and 197.

CARRIED

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Raptor Nest Development Permit Area (DPA) Project - Staff Report

The Planner summarized the staff report and highlighted the following:

- The proposed bylaw amendments are consistent with recommendations in the qualified professionals report and current provincial best practices
- Significant public and property-owner engagement has been completed
- The data set has been verified through two field seasons to confirm and review nest locations and the proposed bylaw reflects nest trees that have been identified and updated through the field investigations
- Proceeding with first reading will initiate further public input and referrals
- Staff recommends that a public hearing be scheduled in November
- The Local Trust Committee could further amend the bylaw following the public hearing

Discussion ensued and the following comments were noted:

- The seasonal restriction period coincides with the typical construction season and a permit would be required to build within that time frame in a buffer area unless exemptions apply
- The permit application process allows an educational opportunity to ensure protection of raptor nesting trees when development is taking place
- The public is not understanding that there are options and think if their property is located in a buffer zone they can not build; however, development is allowed with a permit
- The current, or any future, Local Trust Committee can not implement bylaws that make a lot within the buffer zone undevelopable
- Correspondence received regarding the Development Permit Area is typically addressed as part of the Local Trust Committee's discussion on the topic during a business meeting.

NP-2025-054

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee amend draft Bylaw No. 235, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023" by:

- a. Updating 5.2.8.2 Designation to include a 200 metre non-nesting period buffer area for Peregrine Falcons and 100 metre seasonal nesting period buffer areas for Osprey and Peregrine Falcons to align with provincial guidance
- b. Adding an exemption in 5.2.8.6 Development Permit Exemptions for the construction or placement of a small accessory building or structure such as a pump house, gazebo, garden shed or storage structure if all of the following conditions are met:
 - i. The accessory building or structure is located entirely within the seasonal buffer
 - ii. No native trees are removed or land altered by machinery
 - iii. No building permit is required
 - iv. The total area or coverage of the accessory building or structure is less than 10 m²
- c. Updating 5.2.8.7 Guidelines to include guidance where an application involves the development of a primary residence on a previously undeveloped residential parcel, and a significant portion or all of the developable area of the parcel falls within a raptor or heron DPA
- d. Update 5.2.8.7 Guideline 5 to read "Where an application involves the development of a primary residence on a previously undeveloped residential parcel, and a significant portion or all of the developable area of the parcel falls within a raptor or heron DPA, development is permitted and should, where feasible:".

CARRIED

NP-2025-055

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee Draft Bylaw No. 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” be read a first time, as amended.

CARRIED

NP-2025-056

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” as amended is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

NP-2025-057

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs staff to schedule a public hearing for proposed Bylaw No 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” as amended to be held November 21, 2025.

CARRIED

NP-2025-058

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs staff to update the Raptor Nest DPA Review Project Charter to reflect new timelines and other updates as presented in the October 3, 2025 staff report.

CARRIED

NP-2025-059

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee direct staff to place an advertisement in the Pender Post for the November 21, 2025 Public Hearing on Bylaw No. 235.

CARRIED

15.2 Housing Access and Affordability Project – Staff Report

The Planner summarized the staff report and highlighted the following:

- The Local Trust Committee endorsed the Housing Action Plan at their May, 2025 meeting
- Draft mapping will be prepared based on Suitable Land Analysis work
- Preliminary data from the build-out analysis will be presented at an upcoming Community Information Meeting
- An information mail out has been prepared and is paused due to the Canada Post strike and options to get the information to the public are being looked at

The Chair of the Advisory Planning Commission noted that draft recommendations have been provided, the recommendations are general in nature until Suitable Land Analysis and build-out data is provided, and they have tried to address issues through balanced options that would allow for more affordable and accessible housing.

NP-2025-060

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs staff to prepare draft land use and Official Community Plan bylaws for the Housing Access and Affordability Project.

CARRIED

NP-2025-061

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs staff to update the Housing Access and Affordability Project charter to reflect new timelines and other updates as presented in the October 3, 2025 staff report.

CARRIED

16. REPORTS

16.1 Work Program Report

16.1.1 Active Projects Report Dated Sept 2025

Received for information.

16.1.2 Future Projects Report Dated Sept 2025

Received for information.

16.2 Applications Report Dated Sept 2025

The Planner provided an update on the report.

16.3 Trustee and Local Expense Report Dated July 2025

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage

No updates requested.

16.6 Islands Trust Conservancy Report - None

17. NEW BUSINESS

17.1 6601 Razor Point Road Covenant Update - None

17.2 North Pender Bylaw Compliance and Enforcement Policy - Staff Report

The Bylaw Compliance and Enforcement Manager summarized the staff report.

Discussion ensued and the following comments and clarifications were noted:

- The Local Trust Committee has strengthened their ability to enforce Development Permit Area regulations through the new Development Permit Area contravention penalty and there remains an option to prosecute bylaw enforcement contraventions; however, jurisdictional issues require consideration
- The penalty can be issued each day that a contravention is taking place
- The inspection language appears to read that an inspection can be conducted without notice to the landowner and the Bylaw Compliance and Enforcement Manager clarified section 5.3 of the current policy encourages 24 hours notice and the Local Trust Committee can amend the policy and set whatever notice period they see fit
- Sections 5.5 and 5.6 specify that inspections related to Temporary Use Permits are treated differently
- Screening of a complaint defaults to the Bylaw Compliance and Enforcement Manager and, if there is concern about bias, the policy now allows screening to be done by a Regional Planning Manager

NP-2025-062

It was MOVED and SECONDED,

that the North Pender Local Trust Committee amend the North Pender Island Local Trust Committee Bylaw Compliance and Enforcement Policy Section 5.3 to read “bylaw compliance and enforcement officers are required to request mutually agreeable times to arrange site inspections and provide one week notice.

CARRIED

NP-2025-063

It was MOVED and SECONDED,

that the North Pender Local Trust Committee amend the North Pender Island Local Trust Committee Bylaw Compliance and Enforcement Policy to include Section 6.8 that the Local Trust Committee authorize a daily penalty for work in a Development Permit Area without a permit.

CARRIED

NP-2025-064

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee adopt the North Pender Island Local Trust Committee Bylaw Compliance and Enforcement Policy as amended.

CARRIED

NP-2025-065

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee rescind standing resolutions NP-2019.016 & NP-2022-002.

CARRIED

17.3 North Pender LTC Bylaw Enforcement Notification Proposed Bylaw No. 230 - Consideration of Adoption - Staff Report

The Bylaw Compliance and Enforcement Manager summarized the Staff Report and noted the Local Trust Committee gave first, second, and third reading to proposed Bylaw No. 230 and the amendment bylaw will update penalty schedules and establish a penalty for failure to obtain a permit for work in a development permit area.

NP-2025-063

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee adopt Bylaw No. 230 the “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2022”.

CARRIED

17.4 Short Term Vacation Rentals – Discussion

The Local Trust Committee discussed short-term vacation rentals and the following comments were recorded:

- There are approximately ten Temporary Use Permits currently active for short-term vacation rentals where there is no permanent resident living on the property
- Most complaints are related to those short-term vacation rentals that are not owner occupied
- The provincial regulation has a primary residence requirement
- Should the Local Trust Committee wish to eliminate Temporary Use Permits for short-term vacation rentals they could amend the Official Community Plan guidelines through the current Housing Access and Affordability project
- There is still enforcement occurring in areas that have opted in to the provincial regulation on infractions such as unpermitted use of an accessory building for habitation
- A provincial representative will be providing information on Bill 35 at the December Trust Council meeting

18. UPCOMING MEETINGS

18.1 Special Meeting - Community Information Meeting Scheduled for October 25, 2025 at the St. Peter's Anglican Church Hall

18.2 Next Regular Meeting Scheduled for November 21, 2025 at the St. Peter's Anglican Church Hall, Pender Island

19. TOWN HALL

No members of the public spoke.

20. CLOSED MEETING - None

21. ADJOURNMENT

By general consent the meeting was adjourned at 1:50 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Recorder



Resolutions Without Meetings Log

North Pender Island

Resolution Number	Action	Date
2025-005	Carried	21-Oct-2025
To cancel Oct 25 Special Meeting		
That the North Pender Island Local Trust Committee cancel the special meeting scheduled for Saturday October 25th, 2025, for the purpose of holding a community information meeting on the housing project.		

Minutes of the North Pender Island Advisory Planning Commission

Date: October 1, 2025
Location: Electronic – Zoom

Members Present: Theresa Barker
Jay Gilbert
Peter Pare
Joyce Thayer

Members Regrets: Lisa Baile
Mike Dine

Staff Present: Brad Smith, Island Planner
Carly Bilney, APC Secretary

Members of the Public: There were no members of the public present.

1. Call to Order

Chair Pare called the meeting to order at 9:32 a.m.

2. Approval of Agenda

By general consent, the agenda was approved as presented.

3. North Pender September 12, 2025 APC Minutes (for Adoption)

By general consent, the North Pender Advisory Planning Commission minutes of September 12, 2025 were adopted.

4. Discussion of Draft APC Report and October 25 presentation

Planner Smith outlined a plan for upcoming next steps and made the following comments:

- The staff report at the next Local Trust Committee meeting will broadly present the Advisory Planning Commission draft report and provide an update
- Following the Community Information Meeting, a more robust staff report will be presented at the November 21 meeting that will include the Advisory Planning Commission's final report and staff recommendations

Discussion ensued and the following comments were made:

- Due to the Canada Post strike, the brochure for the Community Information Meeting has not yet been sent

- Advertising in the brochure is a way to get more members of the public to the meeting and gives momentum to the work
- Planner Smith will ask the Trustees if they would consider postponing the Community Information Meeting until the brochure can be sent
- GIS staff is working on build-out mapping and preliminary mapping should be ready to present at the November 21 meeting
- The Regional Planning Team is working on the Suitable Land Analysis with a goal to present at the November 21 meeting
- The final report will close out the current referral and then the Local Trust Committee can request that the Advisory Planning Commission do further analysis of the recommendations based on mapping work

Chair Pare reviewed the draft report and Commissioners made the following comments:

- All the documents Commissioners have reviewed to reach recommendations should be included in the report
- The table used in the staff report could be included in the document
- Planner Smith will follow up with GIS staff about the census data and density on North Pender
- “Ground-oriented” means level access into a unit (which could be more than one story)
- The Province created a suite of policies on a province-wide basis that could be woven into the local context on Pender
- Parking provisions are included in the bylaw for secondary suites

Discussion ensued about how flexible zoning might be applied to Magic Lake. A suggestion was made to flag that there may be some lots in Magic Lake that the Advisory Planning Commission understands may be suitable for flexible zoning, but further analysis when mapping is available can confirm. Another suggestion was made to not include exceptions in the report as they can arise later on a one-off basis.

Discussion continued about the potential opportunity to create affordable housing on the church property. The following comments were made:

- The Anglican Diocese is considering donating land for affordable housing
- The Pender Island Housing Society needs more capacity
- Ideally a survey would be done to rezone a portion of the land and have it ready for future subdivision; proof of water and septic would also be readily available
- Money would need to be raised to do surveying work as the Local Trust Committee budget is strictly limited to land use planning services
- A suggestion was made to note the limits of what the Local Trust Committee can do
- Permitting affordable housing on the church property can be vetted through the community
- The designation in the Official Community Plan can be updated to identify the land as appropriate for affordable housing
- Decreasing the hurdle for a future affordable housing provider is key
- A suggestion was made to note in the report that staff is working with the Anglican Church to determine appropriate zoning to support affordable housing
- Various dioceses across the province are pursuing affordable housing opportunities

General discussion continued about the draft report and the following comments were made:

- Pro-actively rezoning properties close to amenities for higher density could potentially influence the housing market
- The land use zone must be consistent with the Official Community Plan designation

Planner Smith left the meeting at 10:24 a.m. Commissioners agreed that Commissioner Dine should address the public as part of the October 25th public meeting if he is available (or on November 21). Discussion continued and the following comments were made:

- A suggestion was made to recommend that the bylaw be enforced to say recreational vehicles cannot be used except during home construction
- Land owners must have a building permit and approval to live in a recreational vehicle during home construction
- A suggestion was made to recommend that the Local Trust Committee carry out a robust review of the process for permitting recreational vehicle use given their safety risks
- The goal should be to get people who are living in recreational vehicles into housing by facilitating low-income housing
- It is unclear whether the bylaw review can address the safety risks faced by the unhoused population that lives in off-grid recreational vehicles
- Considering zoning for a recreational vehicle village should not be an option as there is no safety standard to which they can be inspected
- Working towards affordable housing for people that can only live in a recreational vehicle should be continued on an ongoing basis
- Some individuals on disability or with extremely low income require wraparound services that Pender does not have
- The report should include the suggestion to “not increase population density on North Pender for any further subdivision for market housing” (this is also congruent to maintaining rural character)

5. Next Meeting

Oct 8 at 9:30 a.m. at the Anglican Church

6. Adjournment

By general consent the meeting was adjourned at 10:57 a.m.

Peter Pare, Chair

Certified Correct:

Carly Bilney, Recorder

Minutes of the North Pender Island Advisory Planning Commission

Date: October 8, 2025
Location: St. Peter's Church

Members Present: Theresa Barker
Mike Dine
Peter Pare
Joyce Thayer (electronic)

Members Regrets: Lisa Baile
Jay Gilbert

Staff Present: Carly Bilney, APC Secretary (electronic)

Members of the Public: There were no members of the public present.

1. Call to Order

Chair Pare called the meeting to order at 9:33 a.m.

2. Approval of Agenda

By general consent, the agenda was approved as presented.

3. North Pender October 1, 2025 APC Minutes (for Adoption)

By general consent, the North Pender Advisory Planning Commission minutes of October 1, 2025 were adopted.

4. Discussion of Draft APC Report

Chair Pare reviewed the updated draft report and invited Commissions to comment. General discussion ensued and the following comments were made:

- Rural (R) zoning needs to be added back into the draft
- It may be useful to include a statement that says RR1 (Magic Lake) is close to capacity for water and sewage, and the lots are smaller
- Magic Lake Property Owners Society should be contacted to confirm how close they are to water and sewer capacity
- This is the final report (no longer preliminary), but it should be noted that specific details are not included in the recommendations because the Build-Out Report and Suitable Land Analysis are not yet available
- The section that notes possible zoning changes could include a sentence that clarifies an additional dwelling is already allowed

- Concern was expressed that secondary dwellings would be used for short term rentals
- A suggestion was made to require a housing agreement for secondary dwellings to ensure they are not used for short-term rentals

Discussion on rezoning the Anglican Church property was held and the following comments were made:

- The Anglican Diocese has expressed interest in rezoning
- The Local Trust Committee could consider rezoning the whole property or a portion of it
- The zoning map has to include the particular designation of a property in the Official Community Plan map
- The recommendation should say rezoning for affordable, subsidized housing and suggest a housing agreement be required

Discussion was held about the use of recreational vehicles and the following comments were made:

- One Commissioner recommended removing the option for the Local Trust Committee to “consider application for rezoning for an RV village on a case-by-case basis;” another suggested it stay in to reflect all available possibilities and the desire of some community members
- Clustering recreational vehicles in a village could ensure adequate infrastructure and shared water for fire suppression, however, there is no inspection standard for their long-term use
- A suggestion was made to more strongly emphasize the safety risks that come with the full-time use of recreational vehicles
- It is paradoxical to say long-term use of recreational vehicles is unsafe, yet it is permissible for up to four years with a building permit during house construction
- The assumption is that use of a recreational vehicle (RV) during home construction is a temporary measure; the majority of people with a temporary use permit for this use have newer RVs that they use temporarily
- The safety risk is from substandard recreational vehicles that are used on a full-time basis

Mixed opinions were expressed about whether or not the present moratorium on enforcement of the existing RV bylaw should remain unchanged (where enforcement is by complaint) or be removed (where enforcement would be by the Capital Regional District). Comments were made that the problem lies in what will happen to people if they are forced out of the recreational vehicles in which they are currently living full-time. The following comments were made:

- The moratorium empowers landlords to provide a venue for substandard living without having to meeting fire or building code safety regulations
- By recommending that the present moratorium be re-examined, we are putting the Local Trust Committee on notice that this should be looked at
- This is a debate that is happening all over B.C.

Chair Pare noted he would send a revised draft to Commissioners for input.

5. Discussion of Draft Power Point – (see Item 6)

6. Discussion of October 25 Community Information Meeting

Chair Pare commented on the challenges that have arisen regarding the October 25 Community Information Meeting as the informational brochure has not been distributed due to the postal strike, and it is unclear whether staff will be available to attend due to the B.C. General Employees' Union (BCGEU) strike. It was suggested that the Commission continues to prepare a PowerPoint presentation. The following comments were made:

- The Advisory Planning Commission's portion of the Community Information Meeting will only be about 15 minutes
- The PowerPoint should not list pros and cons of each recommendation or it will be too detailed
- If the meeting is delayed Commissioner Dine might be able to attend and answer questions
- A photo shared among Commissioners of a recently burned recreational vehicle on North Pender exemplifies the safety risks – risks to the people who live in RVs, as well as their neighbours across the island
- Some RV parks have high standards that do not allow derelict vehicles

7. Next Meeting

A suggestion was made to wait and see how the BCGEU strike progresses before scheduling the next meeting.

8. Adjournment

By general consent the meeting was adjourned at 10:40 a.m.

Peter Pare, Chair

Certified Correct:

Carly Bilney, Recorder

Follow Up Action Report

North Pender Island

03-Oct-2025

Progress	Activity		Responsibility	Dates	Status
100%	1	10.1 July 25, 2025 LTC meeting minutes adopted as presented	Emily Bryant	Target: 17-Oct-2025	Completed
0%	2	14.1 and 14.2 SSI BL 546/549 - respond that LTC interests unaffected	Jas Chonk	Target: 17-Oct-2025	Completed
0%	3	14.4 Mayne Island LTC Referral BL 196/197 - LTC interests unaffected	Jas Chonk	Target: 17-Oct-2025	Completed
0%	4	15.2 Housing Access and Affordability Project 1) Staff to prepare amending OCP and land use bylaws 2) Staff to update project charter as presented	Brad Smith Emily Bryant Jas Chonk	Target: 17-Oct-2025	Completed
0%	5	14.3 Trust Council Bylaw No. 183. - deferred to Nov 21, 2025 meeting - include on Nov 21 agenda.	Jas Chonk	Target: 17-Oct-2025	Completed
0%	6	15.1 Raptor Project 1) BL 235 given 1st reading with proposed amendments A-D implemented (Done) 2) ITPS policy endorsed - update with endorsement date DONE 3) Schedule a public hearing for Jan 30, 2026 at LTC regular meeting 4) Schedule CIM prior to Public hearing on Jan 30, 2026 5) Update project charter as presented - DONE 6) Staff to advertise public hearing in January Pender Post	Brad Smith Emily Bryant Jas Chonk	Target: 13-Dec-2025	In Progress

Follow Up Action Report

North Pender Island

03-Oct-2025

Progress	Activity				Responsibility	Dates	Status
0%	7	17.2	Bylaw Compliance and Enforcement Policy		Jas Chonk	Target: 17-Oct-2025	Completed
			1) Section 5.2.3 amended to read one weeks notice		Warren Dingman		
			2) Add section 6.8 re daily fines for DP infractions without permit				
			2) Adopted as amended				
			3) Rescind Standing resolutions NP-2019.016 and 2022-002 (Done)				
0%	8	17.3	BL Enforcement Notification BL 230 - Adopted as presented		Jas Chonk	Target: 17-Oct-2025	Completed
					Warren Dingman		

MEMORANDUM

DATE OF MEETING:	October 3, 2025	File No.: TC-BL-183 (Policy Statement)
TO:	North Pender Island Local Trust Committee	
FROM:	Jas Chonk, Legislative Clerk, Southern Team	
SUBJECT:	Referral: Proposed Bylaw No. 183	

PURPOSE

The Islands Trust Council has referred proposed Bylaw No. 183 (cited as "Islands Trust Policy Statement Bylaw, 2025") to the North Pender Island Local Trust Committee.

BACKGROUND

Islands Trust [Policy 4.1.9](#) Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this project including the preliminary staff report with site context, photos, correspondence, and other information can be found on the Islands 2050 webpage: <https://islandstrust.bc.ca/programs/islands-2050/>

NEXT STEPS

The following draft resolutions have been provided for consideration:

1. **If the LTC considers their interests unaffected by the bylaw:**
That the North Pender Island Local Trust Committee respond to the Islands Trust Council that interests are unaffected by proposed Bylaw No. 183.
2. **If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**
That the North Pender Island Local Trust Committee recommend to the Islands Trust Council that proposed Bylaw No. 183 proceed for the following reasons:
 - *[list reasons] ...*
3. **If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**
That the North Pender Island Local Trust Committee recommend to the Islands Trust Council that proposed Bylaw No. 183 proceed, subject to the following recommendations:
 - *[list recommendations] ...*
4. **If the LTC wishes to recommend not proceeding with the bylaw:**
That the North Pender Island Local Trust Committee recommend to the Islands Trust Council that proposed Bylaw No. 183 not proceed for the following reasons:
 - *[list reasons] ...*

Submitted By:	Jas Chonk, Legislative Clerk	September 16, 2025
---------------	------------------------------	--------------------

ATTACHMENTS

1. BYLAW REFERRAL FORM



BRIEFING

To: Local Trust Committees and Islands Trust Conservancy **For the Meeting of:** Varies

From: Trust Area Services **Date Prepared:** August 15, 2025

SUBJECT: Bylaw Referral – Policy Statement Bylaw No. 183

PURPOSE: The purpose of this briefing is to update local trust committees (LTCs) and Islands Trust Conservancy that Trust Council expects to receive referral responses from LTCs and Islands Trust Conservancy no later than February 6, 2026, not October 10, 2025 as stated in the original referral package sent out on August 7, 2025.

BACKGROUND: The original bylaw referral package sent to LTCs and Islands Trust Conservancy in August stated that referral responses must be received by October 10, 2025. However, this date did not take into account that the local engagement events requested by LTCs are spread out between September and late November, and so some LTCs may not want to respond to the referral until those events have been held.

It is appreciated by staff if LTCs could submit their referral response as soon as practicable following local engagement events.

ATTACHMENT(S): None

FOLLOW-UP: TAS staff will follow up with individual LTCs and Islands Trust Conservancy as needed.

Prepared By: Jason Youmans, Senior Policy Advisor

Reviewed By/Date: Clare Frater, Director, Trust Area Services/August 20, 2025

From: Islands2050
Sent: Friday, August 8, 2025 10:33 AM
To: Nadine Mourao; Jason Youmans
Subject: Bylaw Referral - Trust Council Bylaw 183 Policy Statement - For Response by October 10, 2025
Attachments: 2025_TC_BL183-FRM-Agency-Referral.pdf; TC_2025-07-29
_BL183PolicyStatement_Schedule-A_First-Reading.pdf

Dear Referral Coordinator(s),

We are reaching out to seek feedback from provincial and federal government agencies, Indigenous Governing Bodies, local trust committees and Bowen Island Municipality, school districts, regional districts, and improvement districts on the proposed Islands Trust Policy Statement, which was given first reading by Islands Trust Council on July 29, 2025.

The Islands Trust Policy Statement is a document required by Provincial legislation to be a general statement of the policies of the Islands Trust Council to carry out the [object](#) (mandate) of the Islands Trust. The proposed Policy Statement sets out Islands Trust Council's proposed principles and policy framework for planning and land use management within the lands and waters of the Island Trust Area. The Policy Statement guides the development of the official community plans and land use bylaws of local trust committees and Bowen Island Municipality, and the development of Trust Council's Strategic Plan. It is not a set of regulations that apply to land in the Islands Trust Area.

First reading of the Policy Statement bylaw followed a year of meetings by Islands Trust Council's Committee of the Whole and Trust Programs Committee, where the draft bylaw was reviewed and revised to address feedback received from Indigenous Governing Bodies, island residents, Islands Trust staff, legal counsel, and government agencies over the course of the project. Work on a new Islands Trust Policy Statement has been ongoing since 2019.

Please visit the Islands [2050 project webpage](#) for full project background information, including frequently asked questions.

Your organization may have provided a response when a previous draft of the new Policy Statement was referred out for comment in 2021. Since then, the document has been substantially revised and is now being referred out anew. If you would like to review a copy of your organization's response to the 2021 referral, please see the agency referral section of the project library on the [Islands 2050 project webpage](#).

Your informed response is important to this process and will support the Islands Trust Council in delivering the Islands Trust's provincially-mandated object "to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia."

Agencies Information Session Webinars

Islands Trust will host two Zoom webinars for referral agencies to provide information about the proposed Policy Statement bylaw and to offer an opportunity for questions and answers.

Please register in advance for one of the two sessions:

- **Friday, September 5, 2025**, from 9:30 a.m. to 10:30 a.m. – [Register here](#)
- **Monday, September 8, 2025**, from 1:30 p.m. to 2:30 p.m. – [Register here](#)

After registering, you will receive a confirmation email with details on how to join the webinar.

Your response to this referral is respectfully requested:

Attached to this email is a bylaw referral package that includes our referral form and the proposed Policy Statement bylaw. Project information can be found on our website here:

<https://islandstrust.bc.ca/programs/islands-2050/>.

We understand that there are numerous demands on your time, however, we genuinely welcome any comments you may have. Your referral response to this proposed bylaw is respectfully requested by **October 10, 2025**. Referral responses will be provided to Islands Trust Council for its consideration, and publicly posted to the project webpage.

Should you have any questions or require further information, please contact Jason Youmans at jyoumans@islandstrust.bc.ca or at 250-405-5177.

Please direct referral responses to islands2050@islandstrust.bc.ca

or by mail to:

Islands Trust - Islands 2050
200 – 1627 Fort Street
Victoria, BC V8R 1H8

Thank you for your time and attention to this matter.

Respectfully,

Nadine Mourao

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2206 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səlilwətał, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune 'luxutth', STAUTW, Stz'uminus, łaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.



ISLANDS TRUST POLICY STATEMENT BYLAW REFERRAL FORM

Islands Trust – Islands 2050
200 – 1627 Fort Street
Victoria, BC V8R 1H8
islands2050@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Islands Trust Area Bylaw No.: TC 183 Date: August 6, 2025

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

The Islands Trust Act requires that Islands Trust Council adopt a Policy Statement. The current Policy Statement has not been substantively updated in over 30 years. The purpose of this bylaw is to update the Policy Statement through the lenses of reconciliation, climate change, and affordable housing.

GENERAL LOCATION:

The Islands Trust Policy Statement is a general policy that applies to all of the Islands Trust Area, including Bowen Island. For a map of the Islands Trust Area, please visit: <https://islandstrust.bc.ca/mapping-resources/mapping/>

YOUR RESPONSE IS RESPECTFULLY REQUESTED:

Your response to this referral will help to ensure that the Policy Statement advances the mandate of the Islands Trust, in cooperation with the Province, other agencies and Indigenous Governing Bodies. The Islands Trust Policy Statement requires the approval of the Minister of Municipal Affairs and Housing if it is to be used by Islands Trust Executive Committee and Trust Council to evaluate and approve bylaws submitted by local trust committees and island municipalities.

The proposed new Policy Statement contains policies that may affect your agency's interests. We would encourage you to review the [Islands 2050 project webpage](#) for additional information about the Policy Statement Amendment Project, including an FAQ. Please return the response form to islands2050@islandstrust.bc.ca

OTHER INFORMATION:

For more information on the Islands 2050 Policy Statement Amendment Project, including the draft Policy Statement: <https://islandstrust.bc.ca/programs/islands-2050/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your response and, if necessary, outline any conditions related to that response. Please note any legislation or official government policy that would affect our consideration of this Bylaw.


(Signature)

Name: David Marlor

Title: Secretary, Islands Trust

This referral has been sent to the following agencies:

Federal Agencies

Environment and Climate Change Canada
Fisheries & Oceans, Canada (Fish Protection and Aquaculture - Pacific Region)
Transport Canada
Parks Canada

Regional Agencies

Capital Regional District
Comox Valley Regional District
Cowichan Valley Regional District
Metro Vancouver Regional District
Nanaimo Regional District
qathet Regional District
Sunshine Coast Regional District

School District Boards

School District No. 45 (West Vancouver – Gambier)
School District No. 46 (Gambier)
School District No. 64 (Gulf Islands: Galiano, Mayne, North Pender, South Pender, Salt Spring, Saturna)
School District No. 68 (Gabriola/Ballenas Winchelsea)
School District No. 69 (Lasqueti/Ballenas Winchelsea)
School District No. 71 (Denman/Hornby)
School District No. 79 (Thetis)

Improvement District Boards

Gabriola Fire Protection District
Graham Lake Improvement District
Schmidt Improvement District
Galiano Estates Improvement District
Gossip Island Improvement District
Montague Improvement District
Spanish Hills Improvement District
Wise Island Improvement District
Bennett Bay Waterworks District
Campbell-Bennett Bay Improvement District
Lighthouse Point Waterworks District
Mayne Island Improvement District
Village Point Improvement District
Georgina Improvement District
Razor Point Improvement District
Trincomali Improvement District
Harbour View Improvement District
Mount Belcher Improvement District
North Salt Spring Waterworks District
Piers Island Improvement District
Salt Spring Island Fire Protection District
Scott Point Waterworks District
Saturna Shores Improvement District
Thetis Island Improvement District
Vaucroft Improvement District

Adjacent Local Trust Committees and Municipalities

Ballenas-Winchelsea Islands Local Trust Committee
Bowen Island Municipality
Denman Island Local Trust Committee
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Islands Trust Conservancy Board

Provincial Agencies

Agricultural Land Commission
Attorney General (Housing Policy Branch)
BC Ferries
Ministry of Agriculture and Food
Ministry of Energy and Climate Solutions
Ministry of Energy and Climate Solutions (Climate Action Secretariat)
Ministry of Mining and Critical Minerals
Ministry of Environment and Parks
Ministry of Environment and Parks (BC Parks and Conservation Officer Service Division)
Ministry of Forests
Ministry of Water, Land and Resource Stewardship (South Coast Office, Crown Lands, Water Licensing (Watershed Stewardship & Security Branch, Ecosystems, Archaeology)
Ministry of Health
Ministry of Indigenous Relations and Reconciliation (West Coast Office; South Coast Office)
Ministry of Housing and Municipal Affairs (Governance and Structure Branch and Land Use Planning and Regional Impacts Branch)
Ministry of Transportation and Transit on Vancouver Island and South Coast (via electronic Development Approvals System)

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Islands Trust Area (Islands 2050)
(Island)

(Signature)

(Date)

TC 183
(Bylaw Number)

(Printed Name and Title)

(Agency)

File No.: PL-DP-2025-0384

DATE OF MEETING: November 21, 2025

TO: North Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: PL-DP-2025-0384

Applicant: Budd Kerfoot
Location: 1329 Mackinnon Rd, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit PL-DP-2025-0384.

REPORT SUMMARY

The purpose of this report is to consider a Development Permit (DP) application for construction within the **Commercial and Industrial Form and Character Development Permit Area (DPA)** on the property. Specifically, it would permit the new construction of a pool deck within the DPA.

BACKGROUND

The application is following the Islands Trust Building Permit Review which determined that the new construction would require a DP based on the following section within the North Pender Island Official Community Plan No. 171, 2007 (OCP):

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- 1) Construction of, addition to or alteration of a building or other structure.

This work is not exempt from the requirement for a DP as a building permit is required.

The applicant plans to construct a pool deck addition, approximately 90 m² in area, adjacent to the existing pool area, including a hot tub and cold plunge. The property includes four smaller rental cottages and one large rental house, all used as a part of the tourist accommodation business. The pool and proposed new deck, hot tub, and cold plunge are all amenities included as part of the commercial tourist accommodation business.

The draft development permit is included as Attachment 4.

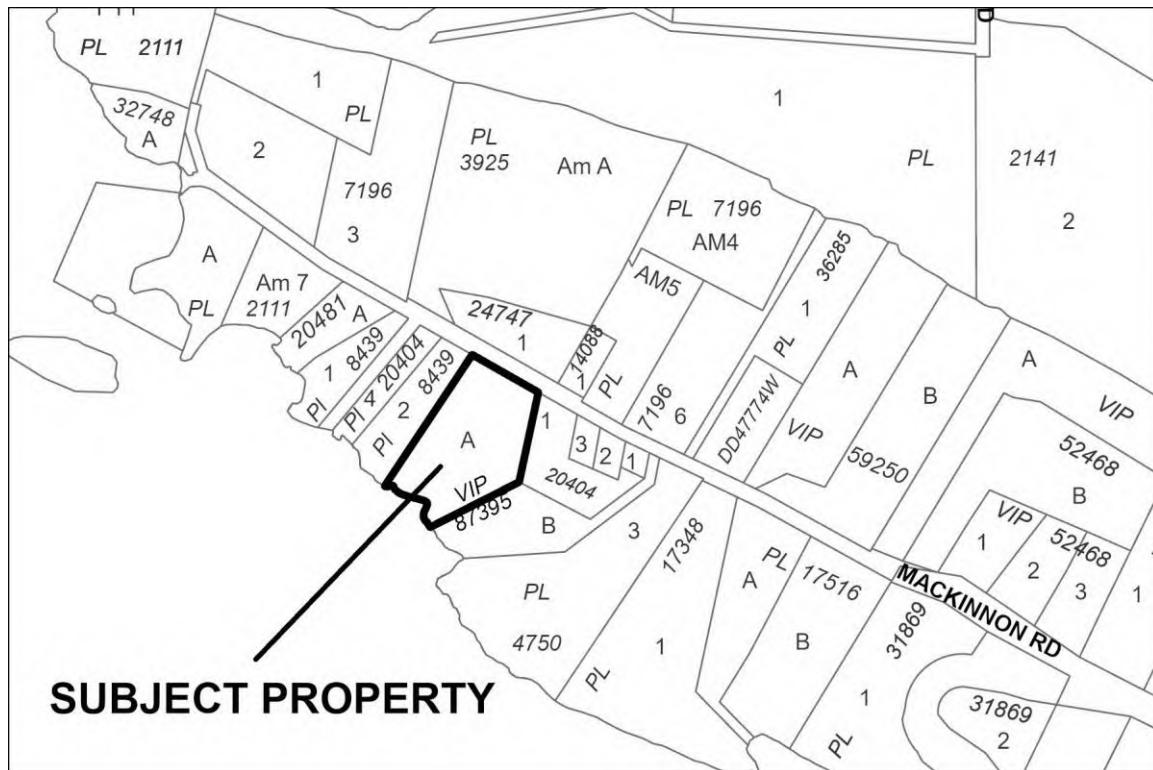


Figure 1: Subject Property Location

ANALYSIS

Official Community Plan:

The entirety of the property is within the Commercial and Industrial Form and Character DPA. The objective of this development permit area is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties.

The new construction does not involve the addition of any new commercial guest accommodation units. The proposal is generally unobtrusive and maintains consistency with the existing landscaping and design of the property. The pool deck addition does not impact the views of adjacent properties and the existing trees along the property boundaries provide adequate screening for the commercial use.

The new construction is consistent with the applicable landscaping guidelines. A landscaping plan was not submitted for the application and is not considered necessary due to the scale of development within the application and the minimal changes to the property's topography and vegetation. The construction will involve limited land alteration through the concrete footings used to support the deck, cold plunge tub, and hot tub. The construction will require the removal of invasive Himalayan blackberries which occupy much of the proposed construction site

The new construction would not require any new parking requirements. Additionally, no lighting or signage changes are proposed as a result of the application. The application is extensively compliant with all of the relevant DPA guidelines. Staff's review of the relevant DPA guidelines is included as Attachment 3.

Land Use Bylaw:

The property is zoned Commercial 2 – variant d (C2(d)) in the North Pender Island Land Use Bylaw No. 224, 2022 (LUB). This zoning permits tourist accommodation as a principal use as well as accessory uses, buildings, and structures. The proposed construction is compliant with the required setbacks for the property.

Staff understand that the two cabins encroaching on the west property line setback likely have pre-existing non-conforming status and pre-date the land use bylaw's setback regulations.

Consultation

There is no public or agency consultation regularly associated with a DP application or amendment, nor any requirement for statutory notification.

Archaeological Potential

There is archaeological potential identified within 100 metres of the subject property. The applicant should be aware that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Rationale for Recommendation

The recommendation on page 1 is supported as:

- The objectives and guidelines of the DPA have been met;
- The approval of the DP allows the applicant to proceed with applying for a building permit.

ALTERNATIVES

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

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 that the applicant submit to the Islands Trust_____.

2. Determine that the DPA guidelines are not being met

The LTC may determine that the application as presented does not meet one or more guidelines of DPA 9. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee has determined that application PLDP20250384 as presented does not meet guideline(s)_____ for the following reasons:_____.

Submitted By:	Bruce Belcher, Planner 2	November 7, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	November 7, 2025

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. DPA Guideline Checklist
4. Draft Development Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT A SECTION 17 PENDER ISLAND COWICHAN DISTRICT PLAN VIP87395
PID	028-093-721
Civic Address	1329 MACKINNON RD, NORTH PENDER ISLAND
Lot Size	1.23 ha

LAND USE

Current Land Use	Commercial Tourist Accommodation
Surrounding Land Use	Commercial Tourist Accommodation, Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-DP-2008.3	Related to Boundary Adjustment Subdivision
NP-SUB-2008.6	Boundary Adjustment Subdivision
NP-SUB-2016.1	Subdivision to create one parcel and one remainder
PLBP20250265	New building permit for deck construction

POLICY/REGULATORY

Official Community Plan Designations	Tourist Commercial – TC DPA 9 – Commercial and Industrial DPA 1 – Woodland Sensitive Ecosystems on property. Development Permit Areas
--	---

Land Use Bylaw	Commercial 2 – variant d
Other Regulations	none
Covenants	FB312715 – Registered to the CRD for flood control and natural boundary of the sea protection.
Bylaw Enforcement	none

SITE INFLUENCES

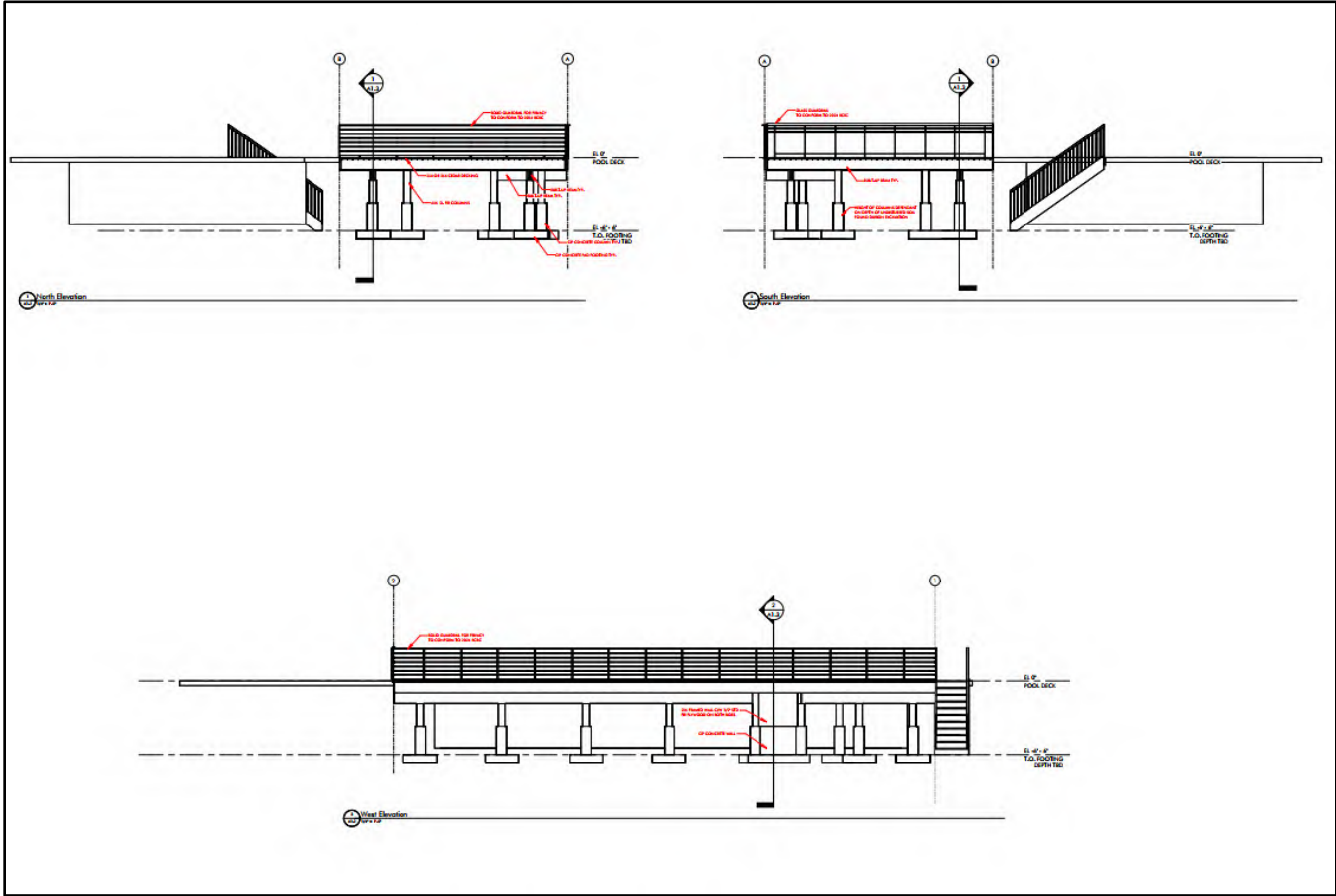
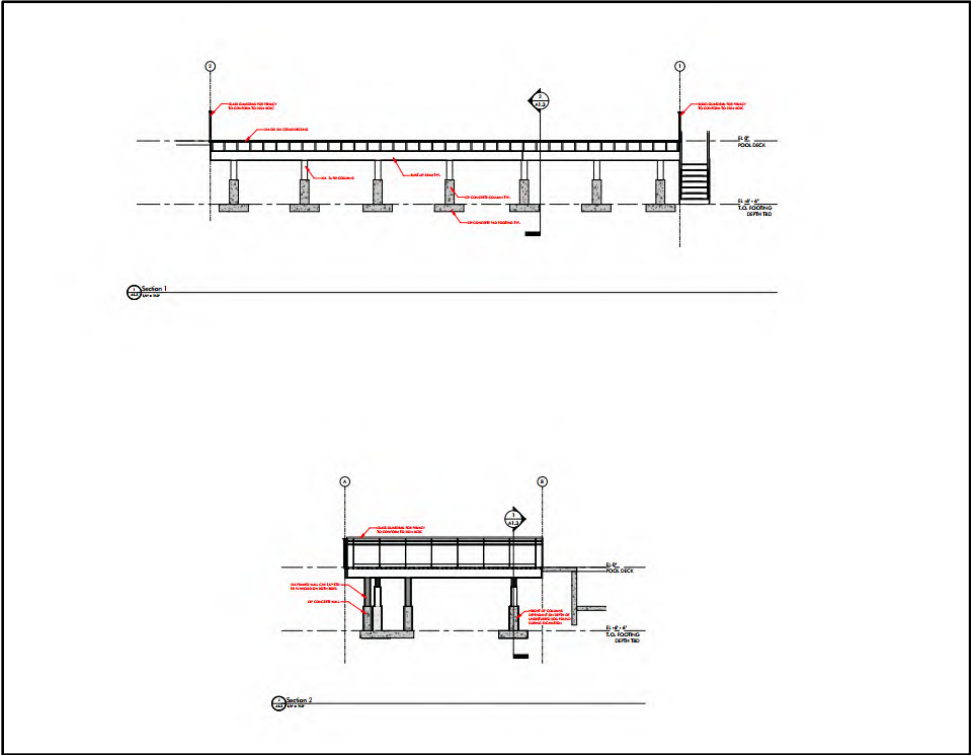
Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Marbled Murrelet, Southern Resident Orca Whale Species at Risk  11/6/2025, 10:55:01 AM • Civic Address □ Property Boundaries - Species at Risk Critical Habitat - ECCC - Marbled Murrelet - Southern Resident Orca Whale - Critical Habitat - DFO ORTHO_2021 - Red: Band_1 - Green: Band_2 - Blue: Band_3 0 0.01 0.03 0.05 mi 0 0.02 0.04 0.08 km Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystemen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community, Esri Community Maps Contributors, Whitcom County, WA State Parks GIS, © OpenStreetMap, Esri Community Maps Contributors, Whitcom County, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, NRCAn, Parks
Sensitive Ecosystems	Woodland Sensitive Ecosystem

	is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological site
Climate Change Adaptation and Mitigation	There are no anticipated increases in greenhouse gas emissions associated with the proposed development.
Shoreline Classification	Low Rock/Boulder
Shoreline Data in TAPIS	Low Rock/Boulder

Islands Trust

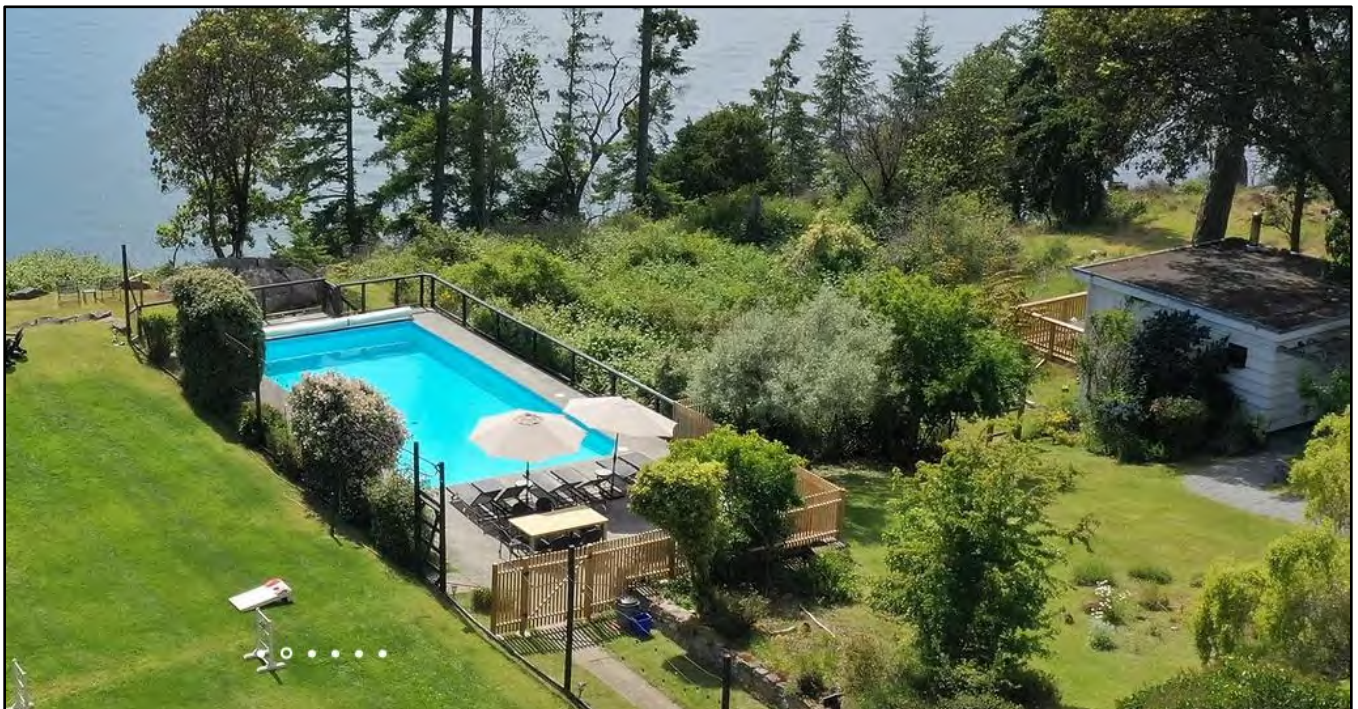


2.3 ELEVATION PLANS



2.4 PHOTOGRAPHS (TAKEN FROM COMMERCIAL WEBSITE)





North Pender Island
OCP Bylaw No. 171, 2007
Commercial and Industrial Form and Character - Development Permit Area (DPA 9)
Guideline Checklist

Guideline	Complies			Staff Comments
	Yes	No	N/A	
2. Where an application involves a proposal to construct or alter tourist commercial buildings or structures, which are buildings designed and intended for use as commercial guest accommodation units, building form and character should adhere to the following guidelines:	☐	☐	☒	
a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.	☒	☐	☐	New construction is unobtrusive and is screened from adjacent properties
b) Where there are significant numbers of commercial guest accommodation units proposed or permitted on a site, development should incorporate a variety of building types, including attached or multi-unit buildings, in order to minimize the development footprint on the site and to minimize impacts on adjacent properties.	☐	☐	☒	No new commercial guest accommodation proposed
c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties without being imitative or derivative of adjacent dwellings.	☐	☐	☒	
d) Building mass should be limited to two storeys above grade.	☐	☐	☒	
e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.	☐	☐	☒	
f) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.	☐	☐	☒	
g) Architectural variety should be provided through the use of pitched roofs, peaked roof lines, dormers and similar features.	☐	☐	☒	
h) New buildings should result in minimal disturbance to existing vegetation.	☒	☐	☐	New structure would create minimal disturbance to existing vegetation, only requiring the removal of invasive Himalayan Blackberry

Guideline	Complies			Staff Comments
	Yes	No	N/A	
i) Such elements as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design.	☐	☐	☒	
j) Development along the shoreline should be visually unobtrusive and conform to the existing contours of the shoreline.	☐	☐	☒	
k) Development should be designed and sited in such a manner as to preserve existing significant views and view corridors from adjacent properties and public lands. Consideration should be given to siting a first storey below grade where it results in a lower profile building and protection of views.	☒	☐	☐	New construction would not impact the views of adjacent properties.
l) Structures intended to access the foreshore, docks and marinas should be small-scale and low-profile. Stairs and ramps should follow the existing contours of the site, incorporate landings, utilize small concrete pilings and have gaps between boards.	☐	☐	☒	
4. All applications should include landscaping adhering to the following guidelines:	☐	☐	☒	
a) A landscape plan should be professionally prepared and should: i. provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work; ii. identify existing vegetation by type and identify areas which are to be cleared; iii. provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads; iv. provide for vegetative buffers along lot lines; v. identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides.	☐	☐	☒	A landscaping plan was not submitted for the application and is not considered necessary due to the scale of development.
b) Existing site topography and landscape features should not be altered in order to create new landscaping.	☒	☐	☐	
c) Existing indigenous vegetation should be retained wherever possible. Significant existing indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetation within the buildable area of the site should be preserved wherever possible through careful and innovative site design.	☐	☐	☒	

Guideline	Complies			Staff Comments
	Yes	No	N/A	
d) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening.	☐	☐	☒	
e) Landscaped strips should be provided adjacent to the boundary of the Agricultural Land Reserve, along abutting residential properties and adjacent to watercourses.	☐	☐	☒	
f) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and with the other guidelines in this section.	☐	☐	☒	
g) Proposed new plantings should consist of indigenous vegetation or other noninvasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged.	☐	☐	☒	
h) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole site and screen all buildings from view; planting should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners.	☒	☐	☐	Existing tree screening provides separation between lot lines.
i) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation.	☐	☐	☒	
j) All landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.	☐	☐	☒	
k) The application should include a security, in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost.	☐	☐	☒	
5. All applications should provide a parking layout plan, adhering to the following guidelines:	☐	☐	☒	
6. Lighting proposed as part of an application for a new building or overall site development should adhere to the following guidelines:	☐	☐	☒	
7. Signs should adhere to the following guidelines:	☐	☐	☒	

Guideline	Complies			Staff Comments
	Yes	No	N/A	
8. Where an application involves a proposal to construct or alter commercial or industrial marine structures over the water or the foreshore, the form and character of development should adhere to the following guidelines:	☐	☐	☒	
9. The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section	☐	☐	☒	



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
PLDP20250384**

To: Leslee Kerfoot
c/o Budd Kerfoot

1. This Development Permit (the “Permit”) applies to the land described below:

LOT A SECTION 17 PENDER ISLAND COWICHAN DISTRICT PLAN VIP87395
PID: 028-093-721

2. This Development Permit PLDP20250384 authorizes the construction of a pool deck within the Development Permit Area Nine (DPA 9) – Commercial and Industrial Form and Character, subject to the following requirements and conditions:
- a) The siting and dimensions of the pool deck shall be substantially consistent with Schedule ‘A’ and Schedule ‘B’ attached to and forming part of this permit.
3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
4. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
5. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 224, 2022 and to obtain other approvals necessary for completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS
##th DAY OF MONTH, YEAR.**

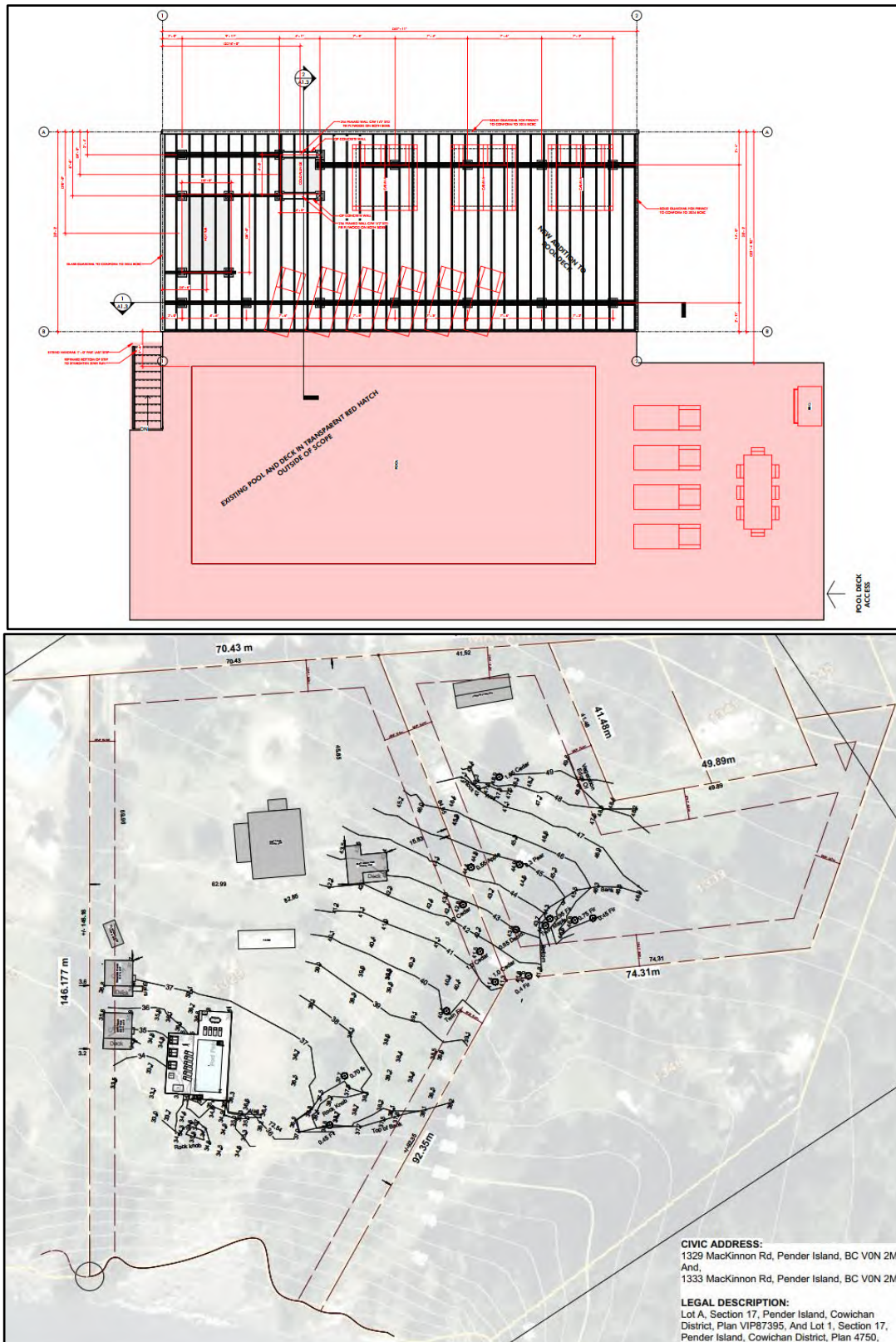
Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR,
THIS PERMIT AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
PLDP20250384

SCHEDULE 'A' – Building and Site Plan





SCHEDULE 'B' – Building Elevations



File No.: PLDP20250399 (Lansdowne)
x-ref NP-DP-2023.6 (Funk)
and NP-DP-2022.2 (Funk)

DATE OF MEETING: November 21, 2025
TO: North Pender Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Permit Amendment Application – Amendment #2
Applicant: Dayton Funk
Location: 1346 MacKinnon Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of amending Development Permit PL-DP-2025-0399 (Lansdowne).

REPORT SUMMARY

This report is to consider a second Development Permit (DP) amendment application for the subject property located at 1346 Mackinnon Road.

The recommendation above is supported as:

- The objectives and guidelines of the DPA have been met in the original permit and the amendments;
- A biologist has provided a report addendum that concludes DPA 1 will not be impacted by the further adjustment to the siting of the proposed dwelling and carport; and,
- Implementation and monitoring conditions in the original and amending DPs will ensure the protection of the sensitive woodland ecosystem.

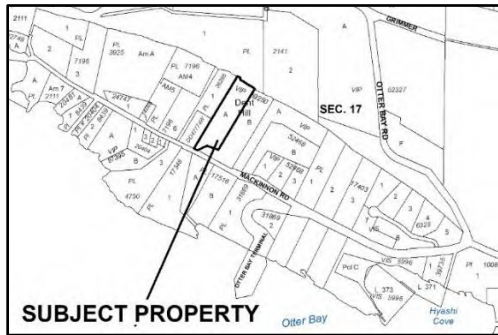
BACKGROUND

The original permit (NP-DP-2022.2) was approved in August 2022 for land alteration, tree removal and establishment of building areas on the subject property located within **Development Permit Area (DPA) One – Woodland Ecosystems**.

The approved amendment permit NP-DP-2023.6 was to allow for an adjustment of the siting of the proposed dwelling and accessory building (garage) within DPA 1.

The property owner is now seeking another amendment to alter the siting of the house and the addition of a carport.

Figure 1 – Subject Property



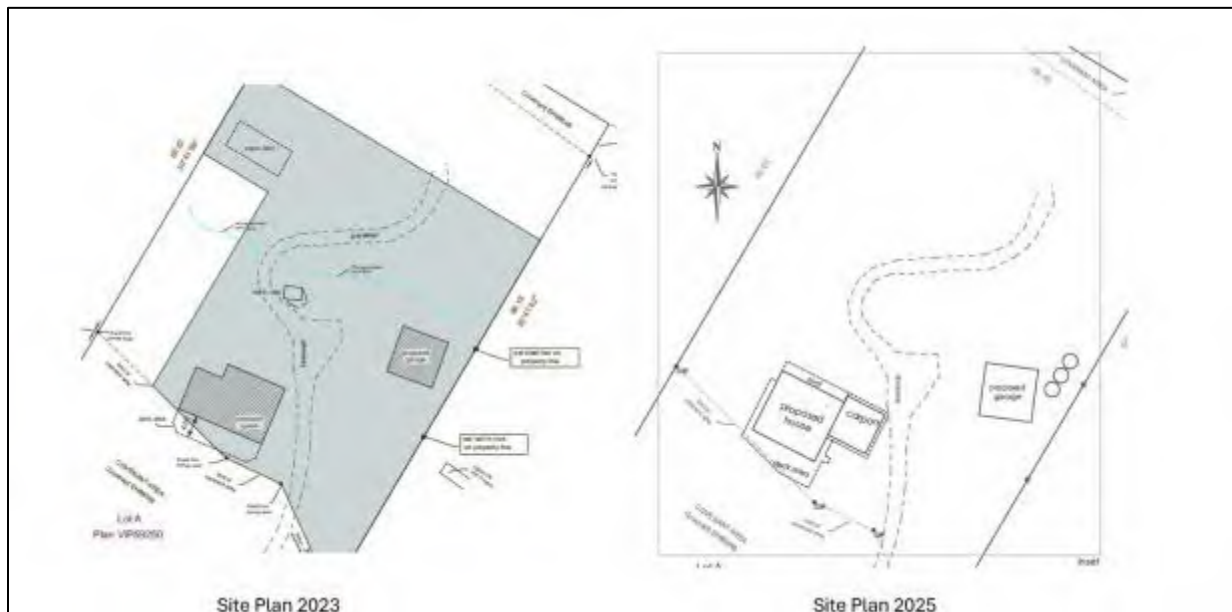
Issued permit NP-DP-2022.2 and NP-DP-2023.6 are included as Attachments 1 and 2 for reference. Also included a rationale letter provided by the property-owner (Attachment 3).

ANALYSIS

Proposed Amendments

Adjustments have been made to the proposed primary dwelling plan, with the proposed dwelling now being smaller in size, and a carport added. The location of the structure has also been altered slightly to avoid the no-build covenant area to the south of the proposed dwelling (covenant held by the Ministry of Transportation and Transit). This adjustment will result in no net increase in the footprint from the previous site plan from 2023.

Figure 1. Comparison of Site Plans from 2023 and 2025 showing altered location of primary dwelling and addition of carport



Draft Permit NPDP20250399 (Attachment 4) includes the following conditions to allow for these adjustments:

- An amended site plan (Schedule A) showing the adjusted location of the dwelling and carport and the new development area boundary; and,

- A condition requiring that the snow/silt management fence follow the new footprint of the dwelling and carport based on their new location.

If the amending DP is approved by the LTC, all other permit conditions of approved permits NP-DP-2022.2 and NP-DP-2023.6 that are unaffected by the new permit would continue to apply.

Figure 2 shows the amended site plan with new house and carport location, and new development area boundary.

Figure 2. Amended Site Plan with New Development Area Boundary

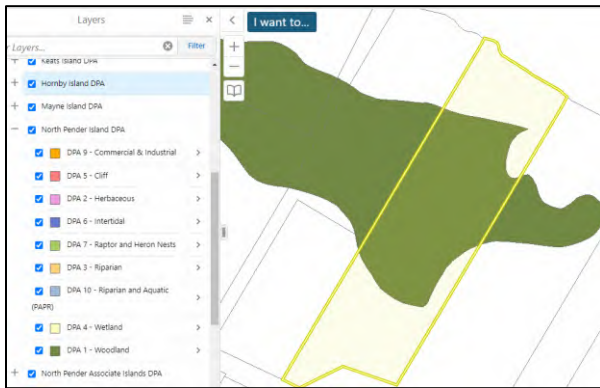


Policy/Regulatory

Official Community Plan

The property is designated **RR - Rural Residential** in the North Pender Island Official Community Plan No. 171, 2007.

DPA 1 is designated on the subject property as shown below:



DPA guidelines were presented at the time of original permit approval and the first amendment, with staff determining that the proposed development substantively meets the objective and guidelines of the DPA. The newly requested amendments are also consistent with these objectives and guidelines.

Land Use Bylaw

The property is zoned **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 22, 2022. The proposed uses and density meet the requirements of the LUB.

Issues and Opportunities

Biologist's Report Addendum

The property owner has obtained a report from the same professional biologist that completed the previous assessments. In the addendum report, dated October 1, 2025 (Attachment 5) the R.P. Bio concludes:

It is my professional opinion that the Woodland Ecosystem DPA will not be impacted by the adjustment of the proposed primary dwelling and a carport at 1346 MacKinnon Road, Pender Island BC. It is my opinion that with continued care of existing seedlings and/or young trees in the Woodland Ecosystem DPA, no further detrimental impacts to the sensitive and threatened ecosystems on the subject will occur.

The recommendations in the report addendum for maintaining native species are already included as conditions in NP-DP-2022.2.

Tree Removal and Planting

Land clearing has already resulted in the removal of the 16 trees approved in the original permit.

For the amending permit, the dwelling location has been adjusted to avoid a 'no-build' covenant area. No additional trees are required to be removed for this adjustment.

The initial permit recommended compensatory plantings consisting of 44 Douglas-fir and 16 arbutus seedlings. The property owner has more than doubled the required plantings by planting 50 arbutus and approximately 100 Douglas-fir trees. Therefore, it is the opinion of the biologist that there is no need for any further tree planting compensation and no further restoration conditions have been added by staff to the draft DP.

Consultation

There is no public or agency consultation regularly associated with a DP application or amendment, nor any requirement for statutory notification.

First Nations

Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Staff have previously provided the Islands Trust Chance Find Protocol and the Provincial Archaeological Branch guidelines on *Heritage Act* to the property owner.

Rationale for Recommendation

The recommendation on page 1 is supported as:

- The objectives and guidelines of the DPA have been met in the original permit and the amendments;
- A biologist has provided a report addendum that concludes DPA 1 will not be impacted by the adjustment to the adjusted siting of the proposed dwelling and carport; and,
- Implementation and monitoring conditions in the original and amending DPs will ensure the protection of the sensitive woodland ecosystem.

Alternatives

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

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 that the applicant submit to the Islands Trust _____.

2. Determine that the DPA guidelines are not being met

The LTC may determine that the application as presented does not meet one or more guidelines of DPA-1. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee has determined that application PL-DP-2025-0399 (Lansdowne) as presented on November 21, 2025 does not meet guideline(s) _____ for the following reasons: _____.

Submitted By:	Brad Smith, Island Planner	November 4, 2025
---------------	----------------------------	------------------

Concurrence:	Robert Kojima, Regional Planning Manager	November 4, 2025
--------------	--	------------------

ATTACHMENTS

1. Original Permit NP-DP-2022.2
2. Addendum Permit NP-DP-2023.6
3. Rationale Letter from applicant
4. Draft Permit PLDP20250399
5. R.P. Bio Addendum Letter, October 1, 2025



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2022.2**

To: Dayton and Carol Funk
Jonathan Funk
Jason Funk and Jennifer Rai

1. This Development Permit (the "Permit") applies the land described below and all buildings, structures and other developments therein:

LOT A, SECTION 17, PENDER ISLAND, COWICHAN DISTRICT, PLAN VIP59250
PID: 018-876-838

2. This Development Permit NP-DP-2022.2 authorizes the alteration of land including site preparation and installation of in-ground infrastructure for the siting of a dwelling and accessory building, including the removal of thirteen (13) mature Douglas-fir and three (3) Arbutus trees and restoration planting within **Development Permit Area ('DPA') 1 – Woodland Sensitive Ecosystem**, subject to the following requirements and conditions:

General

- a. Overall the permitted development within the DPA shall minimize land and vegetation disturbance and maintain undeveloped habitat in as natural a state as possible.
- b. Development shall be substantively consistent with Schedules 'A', 'B' and 'C', attached to and forming part of this permit.
- c. The development of a dwelling and accessory building is permitted in the specific locations and areas shown on Schedules 'A' and 'B', and any expansion or relocation of the areas would require an amendment to this permit or a new permit.

Mitigation and Restoration (Tree Replacement & Retention)

- d. A total of sixty (60) replacement small seedlings (forty-four (44) Douglas-fir and sixteen (16) Arbutus) shall be planted in the DPA outside of the area of permitted development.
- e. Site selection for seedling planting shall be in areas selected for soil type and depth, and shading in consultation with the monitoring QEP.
- f. All seedlings used in replanting shall be selected to suit the soil, light and groundwater conditions of the site, shall be native to the region, shall be of a size that minimizes the need for machinery and should be selected for wildlife habitat values where possible.
- g. All restoration planting shall occur in the fall (Sept-Oct) or spring (Feb-Mar) to allow for plant root establishment and soil stabilization before being exposed to the peak drought season or winter precipitation.
- h. All new seedling trees shall be maintained by the property owner until they have reached a "free to grow" height of 1.5 m. to include; exclusion fencing as per condition 2(i); the removal of invasive weeds (e.g., Himalayan blackberry (*Rubus armeniacus*), Scotch broom); and, irrigation through the summer drought months to ensure seedling establishment.

- i. All new seedlings shall be protected from foraging by wildlife by the use of exclusion fencing consisting of expandable metal cages and/or fencing that starts close to the ground and is expanded and maintained until the trees reach a minimum height of 1.5 metres.
- j. Unhealthy, dying or dead stock shall be replaced at the owner's expense in the next regular planting season to maintain the total replacement number of seedlings at sixty (60).
- k. To maintain ecological integrity of the ecosystem and to provide habitat, nesting opportunities and shelter, all existing trees, including standing dead trees ("snags"), and native plant species shall be retained within the DPA.
- l. With the exception of the minimum amount of excavation and clearing for the designated building sites, there shall be no further soil removal or deposit within the DPA as shown on Schedules 'A' and 'B'.
- m. The retention of mature trees and snags in areas of the property outside of the DPA is strongly encouraged.

Hydrology

- n. Stormwater drainage of roof areas and impermeable landscape features (terrace) should be redirected toward the replacement seedling plantings in the DPA where feasible.
- o. The installation of rainwater catchment systems with the dwelling and accessory buildings are encouraged.

Native and Invasive Species Management (Retention, Planting & Removal)

- p. The area of DPA outside of permitted development areas shall be maintained in an undeveloped habitat in as natural a state as possible.
- q. Additional landscaping and restoration inside the DPA, shall be conducted using only native plant species.
- r. The ongoing removal of invasive plant species (particularly Scotch broom) is required within replanting areas, to prevent its continued spread and improve the quality of natural areas.
- s. Removal of Scotch broom shall be undertaken by cutting larger plants at or just below the ground to avoid soil disturbance and erosional loss, as well as to reduce germination of seeds contained in the soil seed bank.
- t. The use of native plant species for landscaping and removal of invasive species in areas of the property outside of the DPA is strongly encouraged.

Construction Management

- u. Prior to the commencement, and for the duration, of development the following measures shall be undertaken by the property owner:
 - i. The DPA shall be delineated on the ground and construction access limited to the area of development with the installation of a combined snow/silt fence between the proposed development area and the DPA boundary as shown in Schedule 'B' and in accordance with the specification in Schedule 'C', attached to and forming part of this permit.
 - ii. Mature trees adjacent to the construction footprint should be protected from damage with the installation of snow-fencing around the drip line of trees to prevent compaction of root systems by heavy equipment.
- v. Any hired contractors shall inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property; the manual removal of invasive weed species from machinery and equipment should occur regularly, and all machinery and equipment shall be washed prior to arrival.

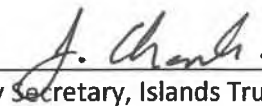
- w. Seedling replanting should be done by hand where feasible, and where machinery is required for replanting and building excavation the lightest possible machinery shall be use.
- x. There shall be no incursion by machinery or equipment into the DPA outside of the permitted building envelopes as shown on Schedules 'A' and 'B'.
- y. There shall be no storage of construction supplies and waste in the DPA outside of the permitted building envelopes as shown on Schedules 'A' and 'B'.
- z. Any soils exposed or deposited for a period of greater than two (2) weeks and/or prior to any significant rainfall event shall be covered and maintained by means of tarps in good repair, jute, straw and/or hydromulch (without seeds).
- aa. Construction, restoration and landscaping should be undertaken during dry weather and not during periods of prolonged wet, windy and rainy weather.
- bb. Where feasible construction activities should avoid the peak annual songbird nesting windows of May 1st to July 22nd.

Monitoring

- cc. A follow-up site visit by a QEP once the revegetation is completed is required to assess the effectiveness of the restoration.
 - dd. The monitoring QEP(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the restoration work being completed.
3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 4. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 5. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 11TH DAY OF AUGUST, 2022.


Deputy Secretary, Islands Trust

August 12, 2022
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 12TH DAY OF AUGUST, 2024, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2022.2
SCHEDULE 'A'
Site Plan

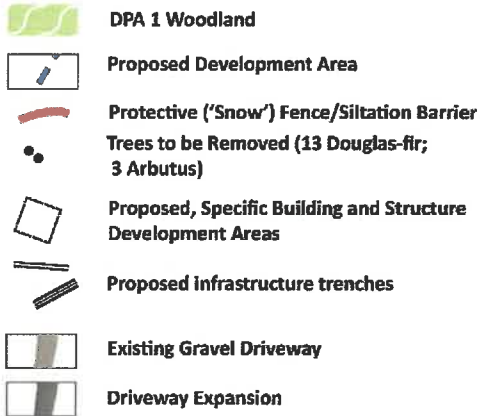


I hereby certify this to be Schedule A which is attached to and forms part of Development Permit No. NP-DP-2022.2.

A. Chank
 Signature of Islands Trust Official

August 12, 2022
 Date of Issuance

Detail Site Plan – Tree Removal



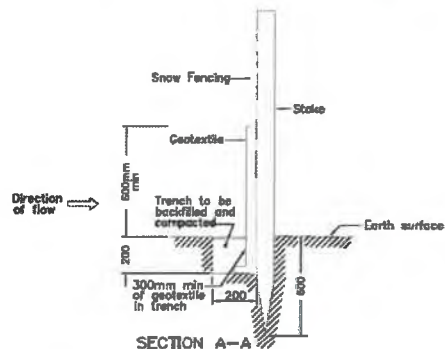
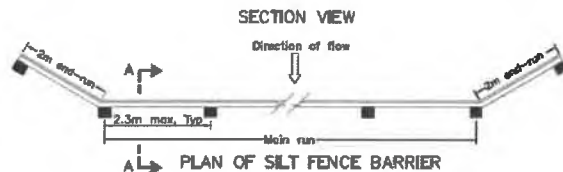

Signature of Islands Trust Official

Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2022.2
SCHEDULE 'C'
Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GROOS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS

I hereby certify this to be Schedule C which is attached to and forms part of Development Permit No. NP-DP-2022.2.


 Signature of Islands Trust Official

August 12, 2022
 Date of Issuance



Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2023.6 (x-ref NP-DP-2022.2)**

To: Dayton and Carol Funk
Jonathan Funk
Jason Funk and Jennifer Rai

1. This Development Permit (the "Permit") amends Development Permit NP-DP-2022.2 and applies to the land described below and all buildings, structures and other developments therein:

LOT A, SECTION 17, PENDER ISLAND, COWICHAN DISTRICT, PLAN VIP59250
PID: 018-876-838

2. This Development Permit NP-DP-2023.6 authorizes the alteration of land including site preparation and installation of in-ground infrastructure for the siting of a dwelling and accessory building, subject to the following amending requirements and conditions:

General

- a. Development shall be substantively consistent with Schedule 'A' attached to and forming part of this permit which supplements and amends Schedule A of Development Permit NP-DP-2022.2.
- b. The development of a dwelling and accessory building is permitted only in the specific locations shown on Schedule 'A' and any expansion or relocation of these structures would require an amendment to this permit or a new permit.

Construction Management

- c. The Development Area boundary is amended as shown in Schedule 'A' attached to and forming part of this permit.
- d. The required installation of a combined snow/silt fence as shown in Schedule B of Development Permit NP-DP-2022.2 must be adjusted to follow the new footprint of the dwelling and accessory building as shown in Schedule A of this amending permit.

Tree Removal

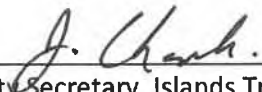
- e. The removal of one (1) additional Douglas-fir (Tag 701) is permitted as shown in Schedule 'B' attached to and forming part of this permit which supplements the permitted removal of 13 Douglas-fir and 3 arbutus as shown in Schedule B of Development Permit NP-DP-2022.2.

3. This permit amends Development Permit NP-DP-2022.2 (Funk). All other conditions described within Development Permit NP-DP-2022.2 and not amended by this Development Permit remain valid and applicable.
4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.

5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
6. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 224, 2022 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 26TH DAY OF JANUARY, 2024.

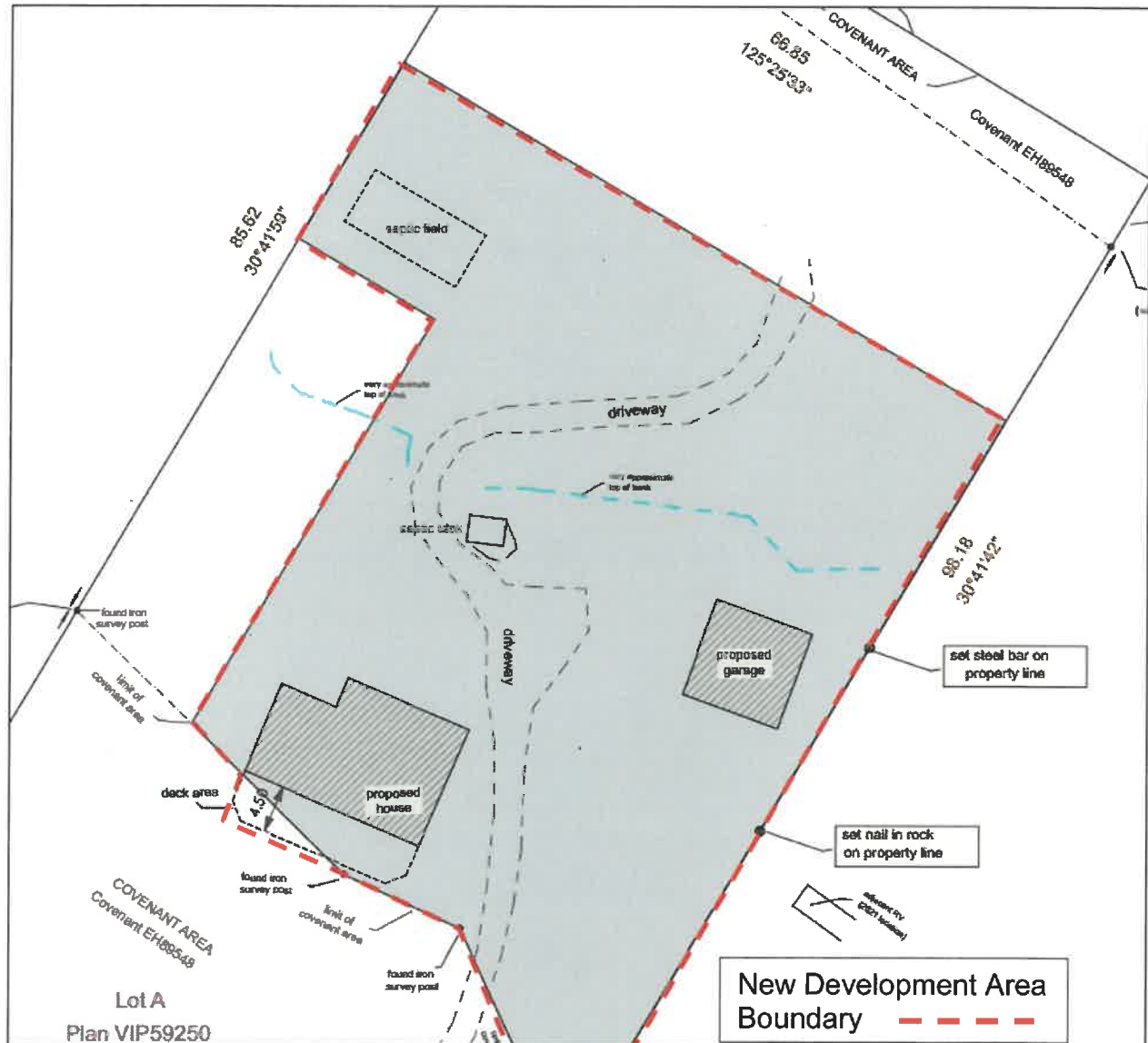


Deputy Secretary, Islands Trust

February 2, 2024
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 2ND DAY OF FEBRUARY, 2026, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2023.6 (x-ref NP-DP-2022.2)
SCHEDULE 'A'
Site Plan - Amended



I hereby certify this to be Schedule A which is attached to and forms part of Development Permit No. NP-DP-2023.6.

J. Charles

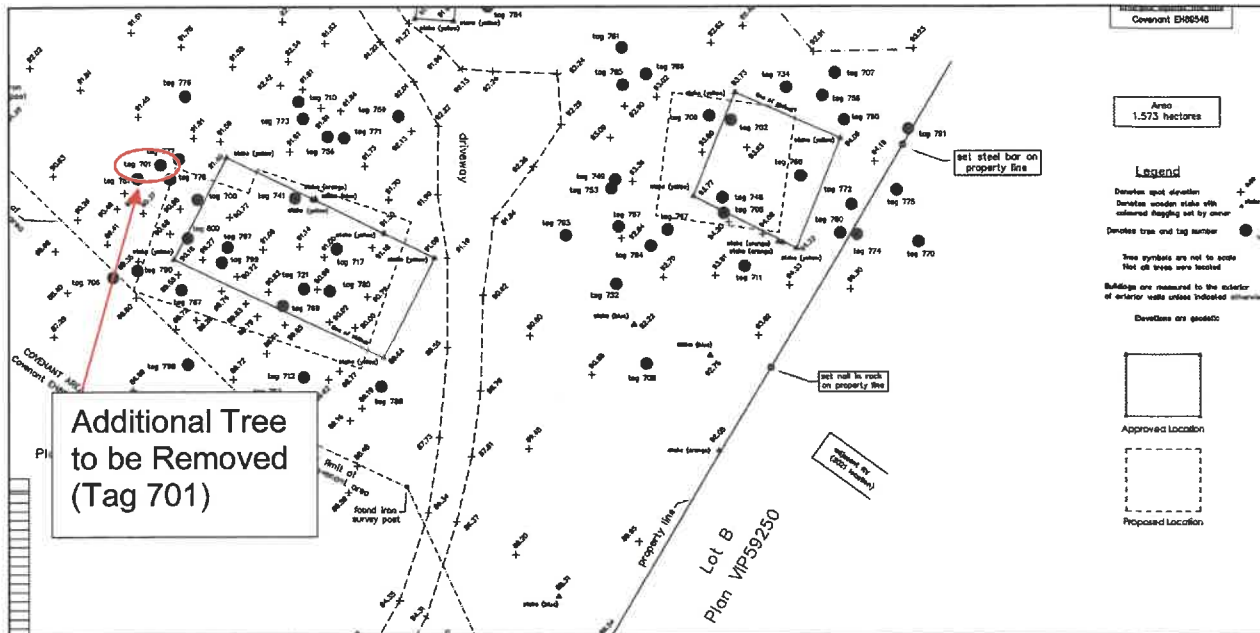
 Signature of Islands Trust Official

February 2, 2024

 Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2023.6 (x-ref NP-DP-2022.2)
SCHEDULE 'B'

Site Plan – Additional Tree Removal



I hereby certify this to be Schedule B which is attached to and forms part of Development Permit No. NP-DP-2023.6.

J. Chalk

 Signature of Islands Trust Official

February 2, 2024

 Date of Issuance

Introduction

The purchase of 1346 MacKinnon Road on December 1, 2020, is a Family Endeavor. Our Family consists of three family units. 1) Carol and Dayton Funk, retired organic farmers currently residing in Saskatchewan 2) Jason Funk, web developer, owner and operator of Whitkow Interactive, currently residing in Vancouver with his wife, Jennifer Rai, office manager of Hub City Cycling. 3) Jonathan Funk, web developer and graphic designer, also currently residing in Vancouver.

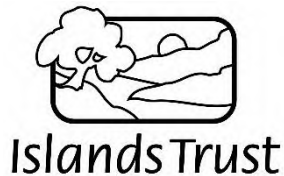
We had explored several islands and locations in B.C. when we came upon this property. Its quiet, rural atmosphere with plenty of natural space, birds, wildlife and beautiful fauna was the perfect fit for us. Prior to our purchase, we did our due diligence and research. We discovered the property was in a DPA - Woodland and also had a non-inhabitable covenant attached to the title. Many hours were spent researching and consulting with several local professionals. As a result, we are convinced we have chosen the best building site. Our plan complies with the existing bylaws, and will create the least amount of disturbance to the DPA and protect our water source. There is an existing driveway to the site and much of the property had already been disturbed as was evident by the invasive species of Scotch Broom and black berry that flourished there. We have spent a considerable amount of sweat equity and expense to clear and dispose of rubbish and invasive plants. We are committed to the ongoing monitoring and care of our property and its unique ecosystem.

Our goal is to develop the property as a full time residence for two family units and part time residence for the third family unit. After examining many options, we decided that the best plan within the existing bylaws is to build a primary dwelling with a secondary suite and an accessory building (garage/workshop).

Enclosed in this package is our Development Permit Application. Biologist report will follow shortly. Accurate set backs and elevations are not included as the design is not complete. The purpose of this application is to proceed with development of infrastructure needed for primary dwelling and accessory building, trenching of electricity, water, propane and sewage lines and installing the electrical substation, septic tank, septic field and driveway. Details are included in the development proposal section of this application.

Respectfully yours,

The Funk Family



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT PL-DP-2025-0399
(x-ref NP-DP-2022.2 and NP-DP-2023.6)**

To: Dayton and Carol Funk
Jonathan Funk
Jason Funk and Jennifer Rai

1. This Development Permit (the "Permit") amends Development Permits NP-DP-2022.2 and NP-DP-2023.6 and applies to the land described below and all buildings, structures and other developments therein:

LOT A, SECTION 17, PENDER ISLAND, COWICHAN DISTRICT, PLAN VIP59250
PID: 018-876-838

2. This Development Permit PL-DP-2025-0399 authorizes the alteration of land including site preparation and installation of in-ground infrastructure for the siting of a dwelling and accessory building, subject to the following amending requirements and conditions:

General

- a. Development shall be substantively consistent with Schedule 'A' attached to and forming part of this permit which supplements and amends Schedule A of Development Permit NP-DP-2023.6.
- b. The development of a dwelling and accessory building is permitted only in the specific locations shown on Schedule 'A' and any expansion or relocation of these structures would require an amendment to this permit or a new permit.

Construction Management

- c. The Development Area boundary is amended as shown in Schedule 'A' attached to and forming part of this permit.
 - d. The required installation of a combined snow/silt fence as shown in Schedule B of Development Permit NP-DP-2022.2 must be adjusted to follow the new footprint of the dwelling and accessory building as shown in Schedule A of this amending permit.
3. This permit amends Development Permit NP-DP-2022.2 and NP-DP-2023.6. All other conditions described within Development Permit NP-DP-2022.2 and NP-DP-2023.6 and not amended by this Development Permit remain valid and applicable.
 4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.

6. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 224, 2022 and to obtain other approvals necessary for completion of the proposed development.

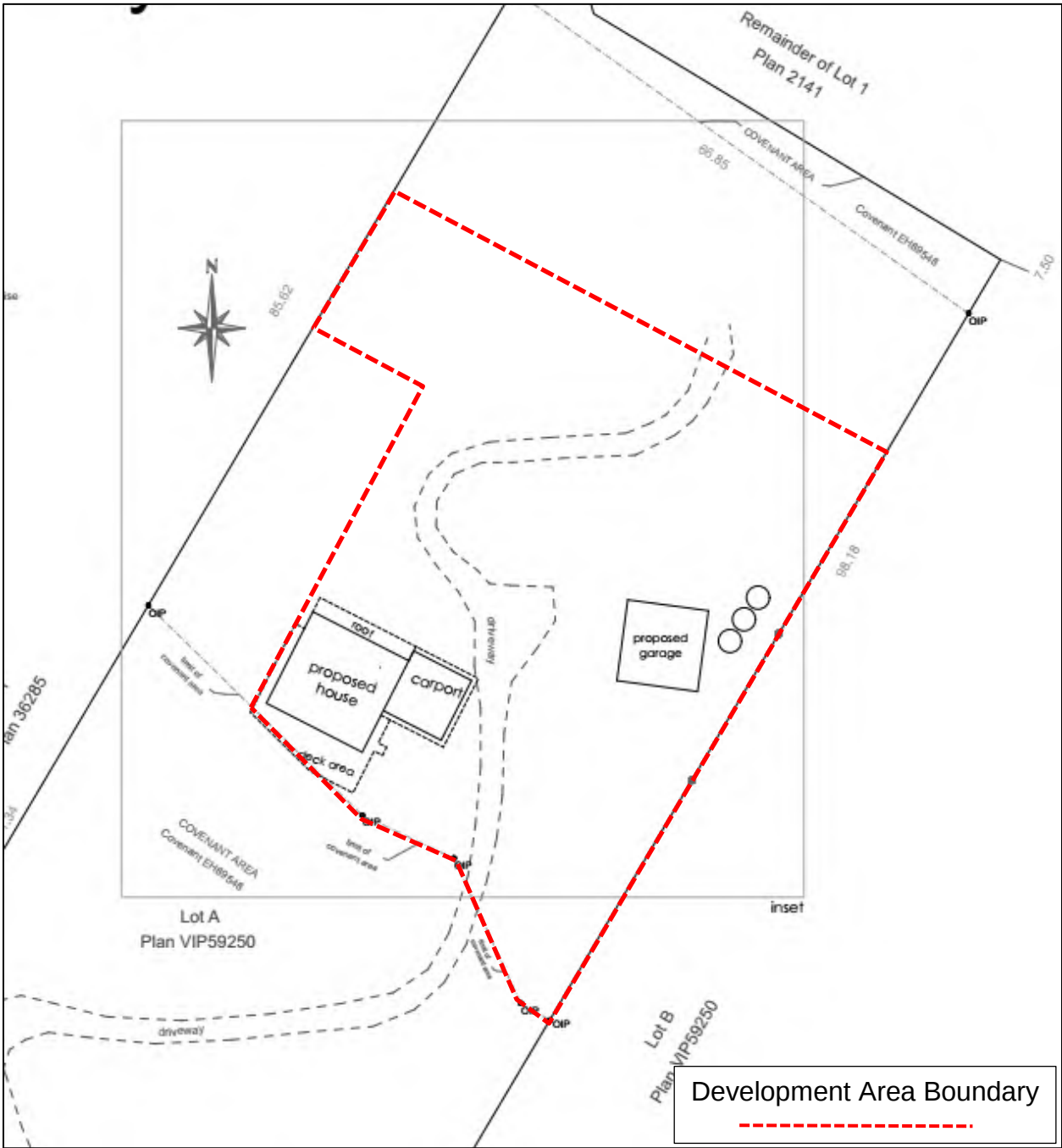
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS DAY OF .

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE DAY OF , THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2025-0399 (x-ref NP-DP-2022.2 AND NP-DP-2023.6)
SCHEDULE 'A'
Site Plan – Amended





Caurinus Environmental

3601 Masthead Cr.
Pender Island BC Canada
V0N 2M0
250-222-4571
caurinusenvironmental@gmail.com

1 October 2025

Brad Smith:

Re: Review of building adjustment in the Woodland Ecosystem Development Permit Area (DPA) located at Lot A Plan, VIP59250 Section 17, Land District 16, Portion Pender Island (PID: 018-876-838) - 1346 MacKinnon Road.

Caurinus Environmental was retained to review a plan to adjust the placement of the primary dwelling within the Woodland Ecosystem Development Permit Area (DPA) located at 1346 MacKinnon Road on North Pender Island. The purpose of the Woodland Ecosystem DPA is to offer protection to the remaining woodland ecosystems on North Pender Island by guiding any new development that might occur within them. Portions of the property at 1346 MacKinnon Road have been locally designated as a Woodland Ecosystem DPA by the Islands Trust. This designation includes forest such as open deciduous and mixed deciduous conifer. They are generally restricted to areas with shallow soils on south-facing slopes in areas with extremely dry summers. The Woodland Ecosystem DPA present is designated as 70% Douglas-fir - Shore Pine – Arbutus, Young Forest; 30% Douglas-fir Salal, Young Forest (Figure 1).

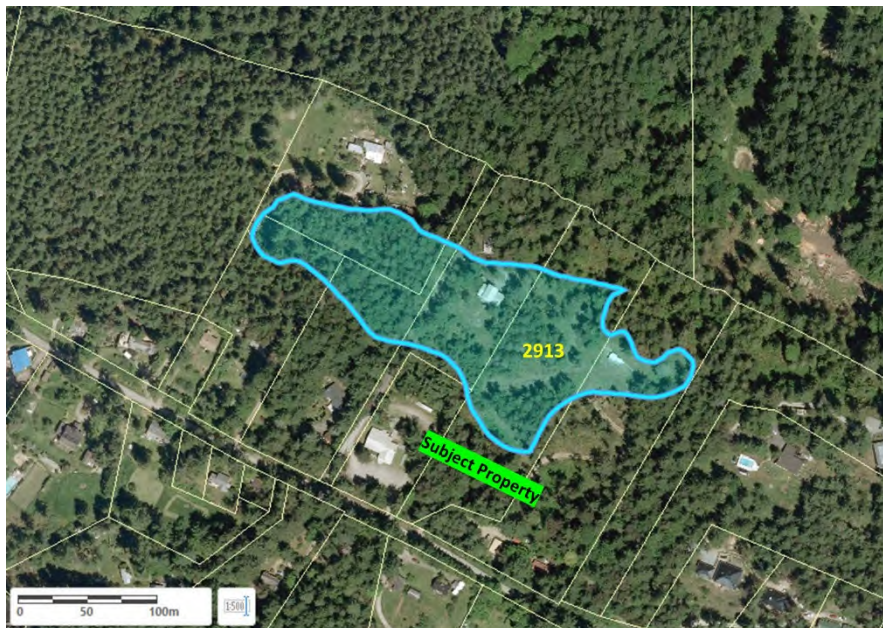


Figure 1. Location of Woodland Ecosystem DPA on subject property. 2913: 70% Douglas-fir - Shore Pine – Arbutus, Young Forest; 30% Douglas-fir Salal, Young Forest (Islands Trust (MapIT) 2023).

Adjustments have been made to the proposed primary dwelling plan located at 1346 McKinnon Road, with the proposed dwelling now being smaller in size, and a carport added. This adjustment will result in no net increase in the footprint from the previous site plan from 2023 (Figure 2).

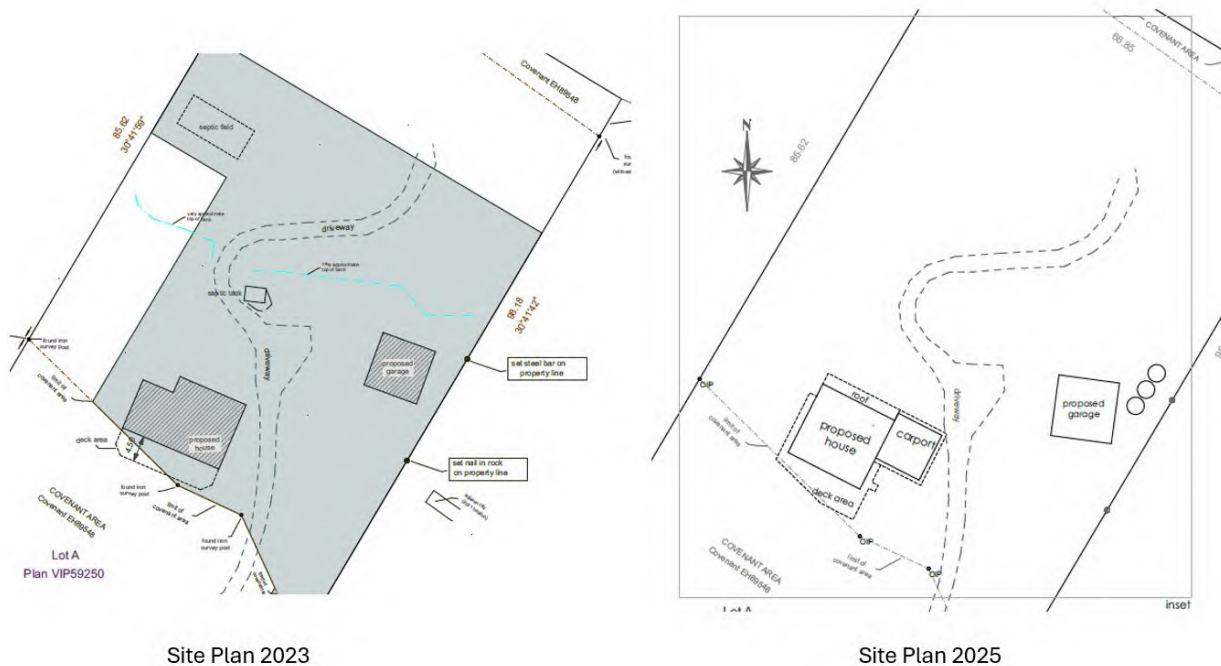


Figure 2. Comparison of Site Plans from 2023 and 2025 showing location of primary dwelling in the Woodland Ecosystem DPA.

The adjustment will result in the proposed structure lying within 1.5m of three Douglas-fir trees (756, 777, 781) and no new trees will be removed from the Woodland Ecosystem DPA (Figure 3). Although no new trees will be removed with the new location of the proposed structure, it is important, given the shallow soil depth on the property, to reduce the likelihood of potential for damage to lateral anchoring roots of trees growing adjacent to the proposed dwelling in the Woodland Ecosystem DPA. Root damage due to equipment or soil compaction can compromise tree health and stability; this has the potential to impact the integrity of the Woodland Ecosystem DPA and could result in risk of tree fall damage to structures, necessitating future tree removal. Of particular concern are any impacts to tree roots caused by large equipment operation during construction; if root damage occurs, this will lead to the loss of these stabilizing trees and further erosional losses, as well as associated detrimental reduction in carbon storage, biodiversity, and groundwater impacts.

It is my professional opinion that the Woodland Ecosystem DPA will not be impacted by the adjustment of the proposed primary dwelling and a carport at 1346 MacKinnon Road, Pender Island BC. It is my opinion that with continued care of existing seedlings and/or young trees in the Woodland Ecosystem DPA, no further detrimental impacts to the sensitive and threatened ecosystems on the subject will occur.

Please do not hesitate to contact me if you have any additional questions or concerns, or if you require additional information.

CAURINUS ENVIRONMENTAL

Per:



Dan Baxter, B.Sc., R.P.Bio. #1999
Project Manager

