



**SATURNA ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING AGENDA
12:30 PM, THURSDAY, FEBRUARY 14, 2013
AT THE SATURNA ISLAND COMMUNITY HALL
105 EAST POINT ROAD, SATURNA ISLAND, B.C.**

***Approximate** time is provided for the convenience of the public only and is subject to change without notice.

	Page #	*Approx. Time*
1. CALL TO ORDER		12:30 pm
2. APPROVAL OF AGENDA		
Additions/Deletions		
2.1 Questions from public on Agenda Items		
3. COMMUNITY INFORMATION MEETING		
3.1 Proposed Bylaws No. 110 (Ocean Loop Geo-exchange)		
4. PUBLIC HEARING		
4.1 Proposed Bylaws No. 110 (Ocean Loop Geo-exchange)		
5. PREVIOUS MEETINGS		1:30 pm
5.1 Adopted Local Trust Committee Minutes - for information only (attached)		
5.1.1 Adopted Minutes of November 8 , 2012 Local Trust Committee Business Meeting	1	
5.2 Public Hearing Records and Community Information Meeting Notes - for information only (attached)		
5.2.1 Received Notes of November 8, 2012 Community Information Meeting	12	
5.2.2 Received Record of November 8, 2012 Public Hearing	17	
5.3 Section 26 Resolutions-without-meeting (attached)	19	
5.4 Advisory Planning Commission - none		

6.	BUSINESS ARISING FROM THE MINUTES	
6.1	Follow-up Action Report (attached)	20
7.	DELEGATIONS - none	
8.	CORRESPONDENCE (none) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>	
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS	2:00 pm
9.1	SA-DVP-2012.1 (Quaintaince) (attached)	22
9.2	North Pender Bylaw No. 192 Referral (attached)	42
9.3	SA-RZ-2012.1 (Nepenthe Holdings Ltd) Staff Report (attached)	45
9.4	SA-SUB-2012.1 (Sewell) (attached)	56
10.	LOCAL TRUST COMMITTEE PROJECTS	3:45 pm
10.1	Ocean Loop Geo-exchange Bylaw No. 110 – for further consideration (attached)	59
11.	REPORTS	
11.1	Work Program Reports – for information	
11.1.1	Saturna Island Local Trust Committee Work Program Report dated February 2013 (attached)	60
11.2	Applications Report – for information	
11.2.1	Saturna Island Applications Report dated February 2013 (attached)	62
11.3	Expense/Budget Reports	
11.3.1	Trustee and Local Expenses– for information (attached)	65
11.4	Bylaw Enforcement - none	
11.5	Policies and Standing Resolutions Report – for information (attached)	66
11.6	Saturna Island LTC Web Page – for information (attached)	68
11.7	Chair’s Report	
11.8	Trustee Report	

12. OTHER BUSINESS

12.1. Next Business Meeting – April 18, 2013, Saturna Island Recreation Centre, Lounge

12.1.1 Amend the 2013 LTC Meeting Schedule by changing the September 19th meeting to September 26th.

12.2 Natural Marine Conservation Area Exclusion Zones (attached)

70

12.3 Appointment of Advisory Planning Commission Secretary

13. TOWN HALL MEETING

14. MOTION TO CLOSE MEETING

THAT, pursuant to Section 90(a) and (f) of the Community Charter, the Saturna Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting June 21, 2012 Saturna LTC In Camera Minutes and to consider Advisory Planning Commission appointments; and further that staff and Recording Secretary Beverley Neff remain present.(distributed under separate cover)

15. RECALL TO ORDER

15.1. Rise and Report from Closed Meeting

14. ADJOURNMENT

4:00 pm

ADOPTED

**MINUTES OF THE SATURNA ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, NOVEMBER 8, 2012, AT 12:30 P.M.
AT THE SATURNA ISLAND COMMUNITY HALL,
105 EAST POINT ROAD, SATURNA ISLAND, B.C.**

PRESENT:	Ken Hancock Paul Brent Pam Janszen Gary Richardson Katie Jones	Chair Local Trustee Local Trustee Island Planner Minute Taker
-----------------	---	--

There were approximately twenty-five (25) members of the public in attendance.

1. CALL TO ORDER

Chair Hancock acknowledged that the meeting was being held in the traditional territory of the Coast Salish People.

Chair Hancock called the meeting to order at 12:31 and introduced the panel.

2. APPROVAL OF AGENDA

Chair Hancock asked for any amendments to the agenda. There being none, the agenda, as presented, was approved by consensus.

2.1 Questions from Public on Agenda Items

John Hutchinson stated that he had questions about Priscilla Ewbank's letter, and asked when it would be appropriate to pose such questions.

Chair Hancock responded that Priscilla Ewbank's letter would be added to the agenda and that the Town Hall Meeting would be a better place to raise these questions.

Wayne Quinn said he wished to correct the record regarding section 8.1 of the September 6th, 2012 Saturna Island Local Trust Committee (SALTC) business meeting minutes. At the September 6th meeting the chair stated that eliminating the landscaping at the rear of the lot was a good compromise, and the adopted minutes inferred that Quinn agreed with that statement. However, his comment actually was that while the Saturna Island Fire Protection Society (SIFPS) has enough money, he'd prefer to spend it elsewhere instead of on redundant landscaping.

Chair Hancock extended his apologies and noted that while the minutes of the September 6th meeting had already been adopted, these minutes should have better reflected Quinn's statement. He wished to go on record that under 8.1 of

the September 6th, 2012 SALTC Business Meeting minutes it should say that Chair Hancock and Quinn “discussed a proposed compromise”.

Robert Montgomery asked if the committee had received his letter regarding Proposed Bylaw 109.

Chair Hancock stated that they had received the letter and that it would be recognized during the Community Information Meeting by Planner Richardson.

3. COMMUNITY INFORMATION MEETING

3.1 Proposed Bylaw No.109 (Riparian Areas Regulation)

Chair Hancock closed the Business Meeting at approximately 12:38 pm to hold the scheduled Community Information Meeting.

See Notes of Community Information Meeting (CIM) of same date.
Chair Hancock reopened the Business Meeting at 1:22 pm.

4. PUBLIC HEARINGS

4.1 Proposed Bylaw No. 109 (Riparian Areas Regulation)

Chair Hancock closed the Business Meeting at 1:23 pm to hold the scheduled Public Hearing.

See separate Record of Public Hearing (PH) of same date.
The LTC meeting reconvened at 1:28 pm.

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for Adoption

5.1.1 Adopted Minutes of September 6, 2012 Local Trust Committee Business Meeting

Presented for information

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Received Notes of September 6, 2012 Community Information Meeting

Presented for information.

5.2.2 Received Record of September 6, 2012 Public Hearing

Presented for information.

5.3 Section 26 Resolutions-without-meeting

Chair Hancock gave a brief explanation.

5.4 Advisory Planning Commission -none

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Richardson briefly summarized the Follow-Up Action Report.

7. DELEGATIONS

None.

8. CORRESPONDENCE

8.1 P. Ewbank letter dated September 27, 2012 re:SA-RZ-2012.1

Planner Richardson summarized Ewbank's letter and stated that her point was that parking is provided already, and more is not needed.

Chair Hancock added that parking contributes revenue.

Trustees Janszen and Brent said they'd take Ewbank's letter under consideration.

8.2 J. Ranger email dated September 4, 2012 re: Local Trust Committee Top Priorities

Planner Richardson summarized Ranger's email and her concerns.

Trustee Brent stated that he has responded to Ranger's letter and said that water and water conservation are a priority for the Trust. He pointed out that the Saturna Island Local Trust Committee recently printed off a water conservation pamphlet, that currently the Trust is pursuing compliance with the Riparian Areas Regulation (RAR) and that the Trust's Strategic Plan focuses on water conservation.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 Proposed Development Variance Permit SA-DVP-2012.1 (Quaintance & Elling)

Planner Richardson summarized the proposed Development Variance Permit (DVP). He noted that the applicants only became aware of the encroachment of

their stairs and accessory buildings when a survey was completed in April 2012, at which point the Capital Regional District (CRD) advised the applicants to petition the Local Trust Committee (LTC) for a DVP. Notices were sent to homes in the area; one comment was received from Cal Hollings who expressed concern as to how the applicant's house made it through the CRD process without the encroachments being noticed. Planner Richardson responded to Mr. Holling's e-mail. He explained that the CRD checks the setbacks and issues the permit; the LTC is not involved in this. Planner Richardson recommended that the accessory buildings be moved and/or lowered in order to reduce the building encroachments.

Trustee Brent said he understood that in the case of the house and stairs, it is a matter of .3 meters.

Planner Richardson confirmed this, and added that there is an exclusion for stairs. He said there is nowhere else on the site to put a set of stairs. The building on the interior side lot line would have the biggest impact if the neighbours decided to build.

Chair Hancock asked Robyn Quaintance, the applicant, for comment.

Ms. Quaintance explained her rationale for building the accessory buildings, and stated that at the time she had been unaware of the rules regarding road setbacks. She added that her neighbours are building further down the bank, and that she had spoken with the neighbours and they had no problems with accessory building on the interior side lot line.

Chair Hancock asked what is the recommendation of the Trustees.

Trustee Brent stated that he had no problem with the accessory buildings on the road set-back. He added that his view is changed given that the neighbours don't have a problem with the accessory building on the interior side lot line.

Trustee Janszen said she had no problem with the house stairs. She wanted to know if the Parks and Recreation Commission would have any problems with the two accessory buildings on the road set-back (C&D). She asked to forward this information to the Parks and Recreation Commission because these sheds are close to their water access.

Chair Hancock stated that he wished to defer consideration, and that the committee has no problem with buildings A (House stairs) and B (Interior Side Lot Line Woodshed).

He added that the Parks and Recreation Commission has a license to occupy the right-of-way, but their names aren't on the title; they are like a neighbour or a tenant and may want to comment. Chair Hancock moved to amend the recommendation in the report.

Resolution SA-LTC-65-2012

It was Moved and Seconded that Saturna Island Local Trust Committee defer consideration of SA-DVP-2012.1 Quaintance and Elling until such time the draft permit has been referred to Saturna Island Parks and Recreation Commission for comment.

CARRIED

9.2 Proposed Development Variance Permit SA-DVP-2012.2 (Sewell)

Planner Richardson reviewed the staff report which detailed several planning options for the LTC to consider. Planner Richardson summarized the applicant's stated rationale for the variance that this is the most reasonable way to divide the lot because it leaves the larger piece of agricultural land intact. He said that the Agricultural Land Commission (ALC) response has yet to be received, and that they may or may not approve it and that they may ask for a different configuration.

Al Sewell, the applicant, stated that he'd prefer to have a decision now, and if he had to pay the ALC a fee later, that was okay.

Resolution SA-LTC-66-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee approve SA-DVP-2012.2 (Sewell).

CARRIED

9.3 South Pender Island Bylaw No. 111 (LUB Amendment)

Resolution SA-LTC-67-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee's interests are unaffected by South Pender Island Local Trust Committee Bylaw No. 111.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Riparian Areas Regulation Bylaw No. 109

The following two were resolutions were passed as a result of discussion in the Community Information Meeting.

Resolution: SA-LTC-68-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee directing staff would produce a map that would show the Development Permit Area applicability on Mr. Montgomery's lot, lot 27.

CARRIED

Resolution: SA-LTC-69-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee make an amendment to the Proposed Bylaw No. 109 that section G.1.7 exemptions have an addition t) that for a certainty includes cemeteries.

CARRIED

Chair Hancock said the Bylaw is now referred to as Bylaw No. 109 Amended and is presented for Second reading.

Resolution SA-LTC-70-2012

It was Moved and Seconded that Saturna Island Local Trust Committee proposed Bylaw No. 109 (as amended), cited as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2012" be read a Second Time.

CARRIED

Resolution SA-LTC-71-2012

It was Moved and Seconded that Saturna Island Local Trust Committee proposed Bylaw No. 109 cited as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2012" be read a Third time.

CARRIED

Resolution SA-LTC-72-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee proposed Bylaw No. 109 cited as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2012" be forwarded to the Secretary of the Islands Trust for Executive Committee approval

CARRIED

Resolution SA-LTC-73-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee proposed Bylaw No. 109 cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2012” be forwarded to the Minister of Community, Sport and Cultural Development for approval.

CARRIED

10.2 Ocean Loop Geo-exchange Draft Bylaw No. 110 (LUB amendment)

Planner Richardson summarized the staff report, and outlined the staff comments regarding the use of propylene glycol.

Chair Hancock stated that concerns came from the Advisory Planning Commission (APC) regarding the use of propylene glycol. In addition, the use of propylene glycol means installing lines that are above ground, are visible and are exposed to the elements.

Trustees Janszen and Brent said they had no issues with the use of propylene glycol.

Resolution SA-LTC-74-2012

It was Moved and Seconded that draft Bylaw No. 110, cited as “Saturna Island Land Use Bylaw 78, 2002, Amendment No. 2, 2012” be read a First time.

CARRIED

Resolution SA-LTC-75-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to schedule a public hearing for Proposed Bylaw No. 110, cited as “Saturna Island Land Use Bylaw 78, 2002, Amendment No. 2, 2012” .

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 Saturna Island Local Trust Committee Work Program Report dated November, 2012

Presented for information.

11.1.2 Islands Trust Council Strategic Plan 2011 –2014

Presented for information.

11.2 Applications Report

11.2.1 Saturna Island Applications Report dated November, 2012

Presented for information.

11.3 Expense/Budget Reports

Chair Hancock explained that the strategic plan is used for budget consideration.

11.3.1 Trustee and Local Expenses

Trustee Brent said that everything seems on track for the year.

11.4 Bylaw Enforcement

None.

11.5 Policies and Standing Resolutions Report

Presented for information.

11.6 Saturna Island LTC Web Page

Trustee Janszen said she forwarded the November 2012 Scribbler article to Kathy Jones, Planning Clerk for posting.

Chair Hancock wanted to make a note in regards to the Scribbler article, and that is that there is no subdivision application underway. The committee is not working on a subdivision and he wouldn't want to give that impression.

11.7 Chair's Report

Chair Hancock reported that he went to Port Townsend for an oil spill preparation workshop. He said that he was impressed with Washington State's level of preparedness, and he will write a report and share it with the Trustees.

11.8 Trustee Report

Trustee Janszen reported that she also spoke with the oil spill people, and passed on some contacts to Dawn Wood, who is in charge of Emergency Services. She reported that she has met with the National Park Advisory Board,

and met their new planner from Winnipeg. She stated there will be a workshop next month on zoning in the park. She said she had attended a meeting of the Local Planning Committee where they discussed geothermal heating, the upcoming budget, and which objects from the Strategic Plan should be added to their work program. She also reported that the Local Planning Committee is advising Trust Council that the proposed Model Fee Bylaw not be adopted. Rather they are asking that the Trust Finance Committee investigate the need for all fees to be raised 10% to 15% in light of cost of living increases over the past several years.

Trustee Brent reported that he attended a Financial Planning Committee meeting and that currently forecast expenses in the next fiscal year were well above revenues and that the FPC instructed staff to recommend changes limiting prospective tax increases to the inflation rate. He reported that the LTC expenses appear to be exceeding the revenue and that staff has been advised to fix this. He reported that Chair Hancock had a good idea about bringing Regional Directors together to discuss economic development on the islands. He reported that there is an upcoming ferry consultation which the Trust is going to participate in; there are projected cuts to ferry service and increased fares.

12. OTHER BUSINESS

12.1. Next Business Meeting – Proposed 2013 Draft Meeting Schedule

Trustees Janszen and Brent approved of the proposed business meeting schedule.

The next business meeting is on February 14th at 12:30pm at the Saturna Community Hall

Resolution SA-LTC-76-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee adopt the proposed Local Trust Committee meeting schedule for 2013 as presented.

CARRIED

12.2 Appointment of Advisory Planning Commission Secretary

Resolution SA-LTC-77-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee appoint Katie Jones as the secretary to the Saturna Island Advisory Planning Commission.

CARRIED

12.3 Advisory Planning Commission Memberships

Chair Hancock asked Trustees Janszen and Brent whether they agree with Kathy Jones' recommendations.

Trustees Janszen and Brent agree.

Resolution SA-LTC-78-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to draft a letter to present members of the Advisory Planning Commission asking if they would like to serve another term.

CARRIED

13. TOWN HALL MEETING

Chair Hancock opened the Town Hall meeting for comments and questions.

John Hutchinson said that as the Trustees have taken the two letters that were sent under advisement, he'd like to comment on Priscilla Ewbank's letter. At a previous meeting John Guy raised the issue of the area having a lack of parking and the sign at the lower stores indicates that it is Lighthouse Pub and Saturna Point Store parking only; if this is not the case, he recommended that Priscilla change the sign, and advertise daily and weekly parking. He stated that he was pleased that Trustee Brent responded to the second letter (J. Ranger) as he too did not get the impression of that from Trustee Brent's Scribbler article.

John Money stated that he was also confused about Priscilla Ewbank's letter.

Trustee Janszen said that the upcoming Trust Council Meeting is on Salt Spring Island.

John Money asked if there was protocol on how Parks Advisory Liason Committees are formed.

Trustee Janszen said yes. The Parks Advisory Board that she is a part of is as a member of the Trust Council.

Chair Hancock added that the Parks Advisory Board that Pam is on was a condition when the National Park was established, and that the Park Advisory requires a Trust Committee member to be there in order to have quorum. Chair Hancock stated that Wayne Bourque had retired, and that he did an exceptional job at Parks.

Trustee Janszen noted that in the future, the National Park may contract out more scientific research to universities.

John Money said he hoped that in the future the Local Trust Committee will have more reports on how the National Park is affecting the economy of the island.

14. ADJOURNMENT

Resolution SA-LTC-79-2012

It was Moved and Seconded that the meeting be adjourned at 3:27 pm.

CARRIED

RECORDER

CHAIR

**NOTES OF THE SATURNA ISLAND LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING REGARDING
PROPOSED BYLAW NO. 109 (RIPARIAN AREAS REGULATION)
HELD ON THURSDAY, NOVEMBER 8, 2012 AT 12:38 P.M.
AT SATURNA ISLAND COMMUNITY HALL,
105 EAST POINT ROAD, SATURNA ISLAND, B.C.**

PRESENT:	Ken Hancock	Chair
	Paul Brent	Local Trustee
	Pam Janszen	Local Trustee
	Gary Richardson	Island Planner
	Katie Jones	Minute Taker

There were approximately twenty-five (25) members of the public in attendance.

3.1 Saturna Island Proposed Bylaw No. 109 (Riparian Areas Regulation)

Planner Richardson gave a description of proposed Bylaw 109 and explained that this bylaw would amend the Official Community Plan (OCP) to include a revised Development Permit Area (DPA) that would comply with the Riparian Areas Regulation (RAR). He explained that under proposed Bylaw 109, landowners would have to apply for a development permit if they wanted to alter the land within the 30 meters, or in some cases 7.6 meters, of the water body. He said that if the proposed bylaw passed, it would reside within the OCP.

Hans Karstens said he had recently built a home, and asked if he wanted to build a woodshed at the back of his home, would he require a permit to do so.

Planner Richardson responded that yes he would require a development permit if he wished to build within the exclusion zone.

Hans Karstens said the proposed bylaw was unfair and would restrict what he could do on his new property.

Planner Richardson responded that these are regulations the Local Trust Committee are required to implement. He stated that further public comments can be made during the public hearing.

Trustee Brent asked Planner Richardson if there was a possibility to put a structure in the exclusion zone as long as you had a Qualified Environmental Professional (QEP) report while in the previous DPA they were precluded.

Planner Richardson said he could look that up.

Trustee Janszen said she thought that was the case.

Trustee Brent said under the previous rights, a property owner couldn't do anything in the 7.2 meter zone, it was prohibited, but that Proposed Bylaw 109 would be more flexible.

Robert Montgomery asked for clarification regarding exemption Q listed under G.1.7 in Schedule 1. He wished to know what constituted "development".

Planner Richardson referred Montgomery to G.1.6 b) Construction of, addition to or alteration of a building or other structure.

John Money asked what is the definition of "development" in riparian areas.

Planner Richardson stated he didn't have that information.

John Money stated that he thought this was important.

Chair Hancock asked if G.1.6 is lifted directly from the Riparian Act or Island's Trust.

Planner Richardson responded that it is from the Local Government Act.

John Money asked if in the tidal area, does the DPA include the 25 foot setback that is in place already.

Planner Richardson responded yes.

John Money stated because it doesn't seem to for lots 23; 21. It narrows up there. It doesn't seem to include the 25 foot for a number of lots.

Trustee Janszen responded that's where the estuary narrows into a creek and that from lots 22-25 you are just dealing with creek and the creek is narrower than the estuary.

Trustee Brent reiterated that it is a distinction between the ocean and the fish-bearing stream.

Planner Richardson clarified that the development permit area is 25 feet all the way on either side, just as it was before.

Al Sewell queried as to whether the setback was the only difference.

Trustee Brent confirmed that yes, this was the only difference.

Al Sewell asked if he bought a large metal moveable building, would a development permit be needed?

Trustee Brent stated that yes; it would be needed regardless of whether the building was moveable.

John Money stated that before you would have been able to alter the land in the 25 foot setback.

Planner Richardson responded that property owners were never supposed to alter the land within that setback.

Hans Karstens asked if under the proposed bylaw he could build a stairway going all the way down to the creek-bed.

Planner Richardson responded that under the proposed bylaw you could certainly maintain a pre-existing one.

Chair Hancock asked if there were any more questions.

Ian Rowe said the mail-out was sparse on information about what the setback was and that he wanted more information about what the impact would be.

Planner Richardson responded that they tried to make the mail-out useful and legal and that if people had more questions, they should call the planner.

Trustee Janszen responded that the Community Information Meeting is the other venue for asking questions.

Ian Rowe stated that it is really hard for property owners in Vancouver to understand what is going on.

Trustee Brent read aloud the definition of “development” found within the Fish Protection Act, which is subject to local government powers under Part 26 of the Local Government Act.

Robert Montgomery asked for clarification regarding “provision and maintenance of sewer and water services”.

John Money responded that it meant you'd have to have a permit to maintain or install a system.

Trustee Brent responded that he thought it meant a permit would be needed for a new system, and that pre-existing systems would need to be maintained.

Planner Richardson stated that if you were putting in a septic system, it would be considered alteration of land.

Chair Hancock requested that Planner Richardson review correspondence.

Planner Richardson explained that the Trust Committee has received two pieces of correspondence. He summarized that first was from Gulf Islands National Park Reserve, who wished to support the proposed bylaw, and that the second was from Robert Montgomery, who wished to petition the Trust to determine what the actual restrictions would be.

Chair Hancock asked Trustees for comments.

Planner Richardson stated that if property owners wanted to develop within the exclusion zone, they would submit a development permit application, and the planners would respond and let them know. Also, they could get this information by visiting the planners at their office.

Robert Montgomery asked for clarification regarding G.1.1 Designation regarding the need for a qualified environmental professional or surveyor.

Planner Richardson responded that schedule and mapping must be confirmed by a qualified professional. The professional works with local regulations and provincial guidelines. The first job for biologists is to come up with a specific margin on your property; we can't provide you with a determination, but our Geographic Information Systems (GIS) staff can provide close-up of your property. We can't determine what the biologists would say.

Robert Montgomery stated that the Islands Trust should take on the cost of the survey before the bylaw is passed.

Planner Richardson responded that the bylaw will provide a legal line; if you want to build within Development Permit Area you need to hire a qualified professional.

Robert Montgomery asked what it means in G.1.1 when it says that the location of streams, water bodies and the DPA boundary "may need to be determined" by a qualified professional or surveyor. He further stated that there shouldn't be a vague line.

Planner Richardson clarified that within 30 meters of the stream you need to hire a qualified professional.

Trustee Brent added that he thought the Islands Trust could produce a map that shows that area in which property owners would need to hire a Qualified Environmental Professional.

Robert Montgomery thanked the committee, but stated that he is still petitioning for a survey.

Planner Richardson responded that he would take that under advisement.

Paul Brent stated that he thought the Local Trust committee could produce a map for Mr. Montgomery regarding the applicability of the DPA on Mr. Montgomery's lot.

John Hutchinson asked for clarification as to whether this map would be an approximation or a legal document.

Planner Richardson responded that it would be a legal document and the property owner would still have to apply for a development permit.

Trustee Janszen asked what if the stream changed course. If ten years down the road Mr. Montgomery had that schedule, would it still apply.

Chair Hancock stated that it would be up to the committee to update the schedule.

Bev Neff stated that she wished to remind everyone that the stream itself was surveyed by consultants before, and they have GIS points for it. The work was performed by Madrona Consulting.

Robert Montgomery asked whether that survey was in the Island Trust's domain.

Planner Richardson responded that the survey is done, but is not in relation to your buildings and what you might want to do in the future.

John Money noted that the Saturna Island Cemetery is in the development permit area and digging the graveyard is definitely disturbing the land.

Trustee Brent stated that he thought there was an exemption for this already; but if not, it needs to be captured as an exemption. He requested that the chair add it as an exemption.

Chair Hancock stated that the committee was requesting a new exemption letter t) that would state for certainty, operation of a cemetery.

A brief discussion ensued as to whether exemptions r) or p) might in fact encapture cemeteries.

Chair Hancock noted that a rezoning would be necessary if there was ever a need to put in another island cemetery.

Trustee Brent stated that they'd want to exempt the existing cemetery so that soil disturbance would be permissible.

Chair Hancock asked if there were any other comments or questions; there being none the meeting was closed at 1:22pm.

RECORDER

DATE

**RECORD OF THE SATURNA ISLAND
LOCAL TRUST COMMITTEE PUBLIC HEARING REGARDING
PROPOSED BYLAWS NO. 109 (RIPARIAN AREAS REGULATION)
HELD ON THURSDAY, NOVEMBER 8, 2012 AT 1:23P.M.
AT SATURNA ISLAND COMMUNITY HALL,
105 EAST POINT ROAD, SATURNA ISLAND, B.C.**

PRESENT:	Ken Hancock	Chair
	Paul Brent	Local Trustee
	Pam Janszen	Local Trustee
	Gary Richardson	Island Planner
	Katie Jones	Minute Taker

There were approximately twenty-five (25) members of the public in attendance.

4. Proposed Bylaw No. 109 (Riparian Areas Regulation)

Chair Hancock read an opening statement for the Public Hearing. He added that anyone who had sent correspondence was already on the public record. Chair Hancock stated the rules of the Public Hearing and declared the meeting open to consider the following:

Proposed Bylaw No. 70, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2012”

Planner Richardson summarized the hearing notice and stated that a public hearing notice was sent out to everyone within 100m by mail and by hand delivery. He added that the public must comment before the close of the hearing, whether it is written or verbal, and that once the meeting is closed, any additional information could be forwarded to the planning staff, but not to trustees. He informed the committee of the agencies that the bylaw was referred to and reiterated their comments.

Chair Hancock opened the floor for submissions at 1:25.

John Money said he had two concerns. First, he didn't understand why the 25 foot set-back area was being treated any different than any other waterfront lot in Lyall Harbour and second, he didn't understand why, if one of the big concerns was manure piles too close to the creek, why this bylaw did nothing to address the issue. He stated that he thought the bylaw required more work before it received final hearing.

Chair Hancock made a second call for submissions.

Hans Karstens said that 3/4 of his property falls into the shaded area. He asked if the assessed value of his property will go down because of the new limitations.

Planner Richardson responded that it doesn't limit the development potential; you just need to get a permit.

Chair Hancock made a third call for submissions.

Robert Montgomery asked what is the bylaw enforcement policy for infractions.

Planner Richardson responded that it depends; some would require a complaint, but if it requires a building permit we would look at it.

Geri Crooks asked about the "bubbling out" on the map.

Planner Richardson responded that they were looking at the highest influence of the tide, and that's where it sets; above that upstream the Riparian Area Regulations would be put into place.

Geri Crooks asked why we are going through this if, as you say, the Local Trust Committee has no say in it.

Planner Richardson responded because we need to come into compliance with the Riparian Areas Regulations (RAR), and we have drafted this bylaw in response to that.

Trustee Janszen added that some Trust Areas have chosen to go beyond what (RAR) requires and have included much more in their bylaws. We are going with the minimum that is required under law.

Planner Richardson noted that it could have been 30 meters all the way along.

Chair Hancock asked if there were any more submissions. There being none, he thanked the people for their contributions and declared the Public Hearing closed at 1:28 P.M.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

RECORDER

CHAIR



Islands Trust

RWM From: November 01, 2012 To: January 30, 2013

Saturna Island

Resolution #	Action	Resolution Description	Resolution Date
2013-02	In Favour	THAT Saturna Island Local Trust Committee Bylaw No. 109 cited as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2012" be Adopted.	Jan 10, 2013
2013-01	In Favour	THAT Saturna Island Local Trust Committee appoint Charles Reif and Hubertus Surm to the Saturna Island Advisory Planning Commission for a two year term effective January 1, 2013 to January 1, 2015	Jan 03, 2013
2012-14	In Favour	THAT Saturna Island Local Trust Committee Bylaw No. 107 cited as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2012" be Adopted; and THAT Saturna Island Local Trust Committee Bylaw No. 108 cited as "Saturna Island Land Use Bylaw No. 78, 2002, Amendment No. 1, 2012" be Adopted.	Dec 04, 2012
2012-13	In Favour	THAT Saturna Island Local Trust Committee Minutes of November 8, 2012 be adopted; and THAT the Community Information Meeting Notes of November 8, 2012 and Public Hearing Record of November 8, 2012 be received.	Nov 29, 2012
2012-12	In Favour	THAT Saturna Island Local Trust Committee Business Meetings to be held on April 11, 2013 be rescheduled to April 18, 2013 and June 13, 2013 be rescheduled to June 6, 2013	Nov 19, 2012



Islands Trust

Follow Up Action Report w / Target Date

Saturna Island
Nov-08-2012

No.	Activity	Responsibility	Target Date	Status
1	Proposed Bylaw 109 (Riparian Areas Regulation) -amended - done - show 2nd and 3rd readings - done - to executive - done - to Minister of Community Sport and Cultural Development - done	Kathy Jones Gary Richardson		Done
2	SA-DVP-2012.1 (Quaintaince) - forward to Saturna Parks and Recreation Commission - put back on February 14, 2013 LTC agenda	Gary Richardson		Done
3	SA-DVP-2012.2 (Sewell) - issued as drafted	Kathy Jones		Done
4	South Pender Bylaw 111 - interests unaffected	Kathy Jones Gary Richardson		Done
5	Saturna Draft Bylaw 110 (Ocean Loop GEO-exchange) - 1st reading as drafted - done - refer to agencies - done - arrange PH - done	Kathy Jones Robert Kojima		Done
6	Saturna Web Page - update with Saturna Scribbler atricle from Local Trustees	Kathy Jones		Done
7	2013 LTC Meeting Schedule - adopted as drafted. was amended by RWM.	Kathy Jones		Done
8	Katie Jones appointed as secratary of APC	Kathy Jones		Done



STAFF REPORT

November 1, 2012

File No.: SA-DVP-2012.1

To: Saturna Island Local Trust Committee
Robert Kojima, Regional Planning Manager

From: Gary Richardson, Island Planner

Re: Development Variance Permit for 122 Payne Road

For the November 8, 2012 Saturna LTC Meeting

Owners: Robyn Quaintance and Lloyd Elling
Applicant: same
Location: Lot 7, Section 8, Saturna Island, Cowichan District, Plan 8220

122 Payne Road

THE PROPOSAL:

This proposal seeks to vary the Saturna Island Local Trust Committee Land Use Bylaw 78, 2002 as follows:

- (a) Subsection 4.2.8 (No building or structure except a fence or pumphouse shall be located within 7.6 metres of any front lot line or rear lot line) is varied to allow a dwelling to be sited as close as 6.3 metres from a front lot line;
- (b) Subsection 4.2.9 (No building or structure or part thereof except a fence or pumphouse shall be located within 3 metres of any interior side lot line is varied to allow an accessory building (shed) to be sited as close as 0.7 metres from an interior side lot line;
- (c) Subsection 4.2.9 (No building or structure or part thereof except a fence or pumphouse shall be located within 4.5 metres of any exterior side lot line is varied to allow an accessory building (shed) to be sited as close as 0.5 metres from an exterior side lot line; and
- (d) Subsection 4.2.9 (No building or structure or part thereof except a fence or pumphouse shall be located within 4.5 metres of any exterior side lot line is varied to allow an accessory building (shed) to be sited as close as 1.0 metre from an interior side lot line.

SITE CONTEXT:

The .18 hectare (0.44 acre) property is a waterfront property located on Boot Cove.

The lot slopes steeply from Payne Road to Boot Cove.

Presently, the site contains a dwelling and three small accessory buildings (treehouse, tool storage building and a wood storage building).

The most recent site visit was carried out October 5, 2012.

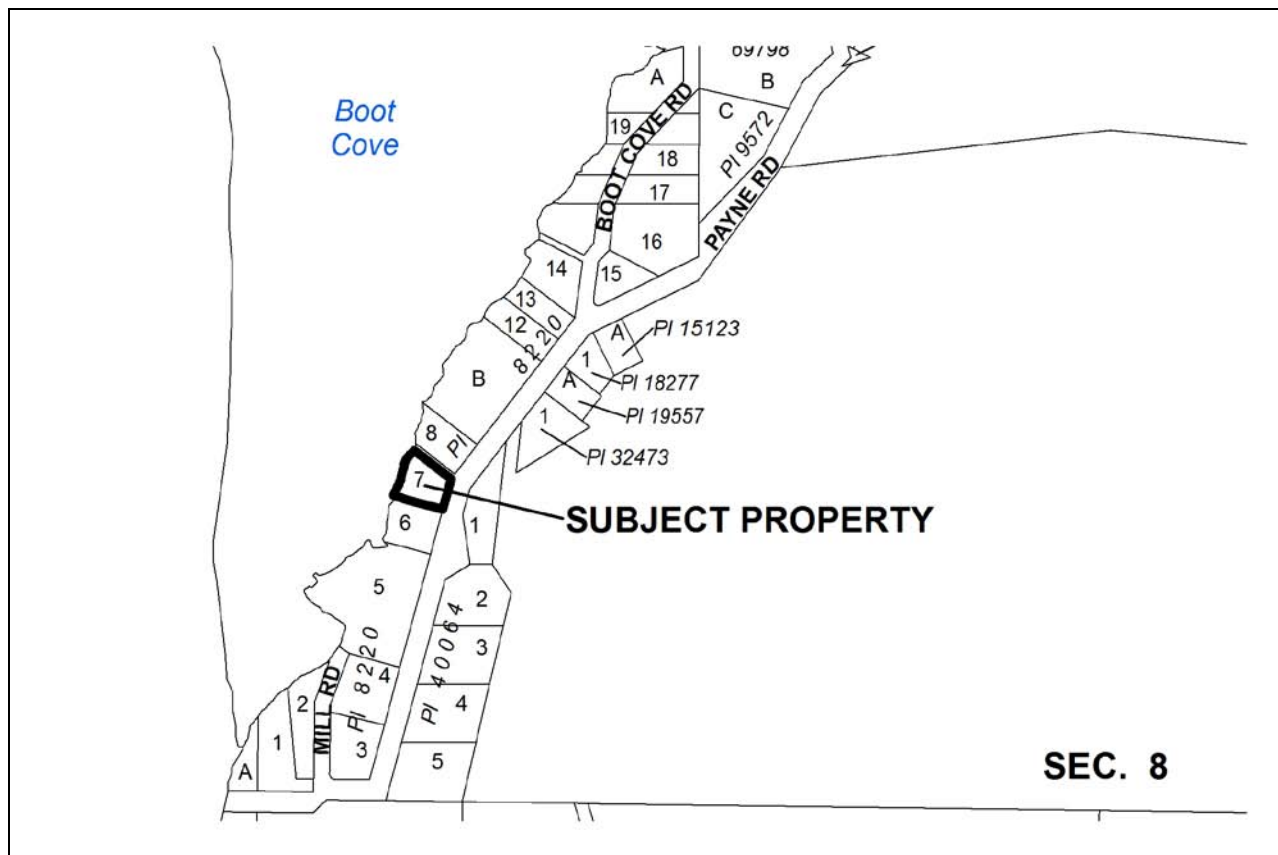


Figure 1: Location map of subject property



Figure 2: Orthophoto showing subject property



Figure 3: Orthophoto showing subject area

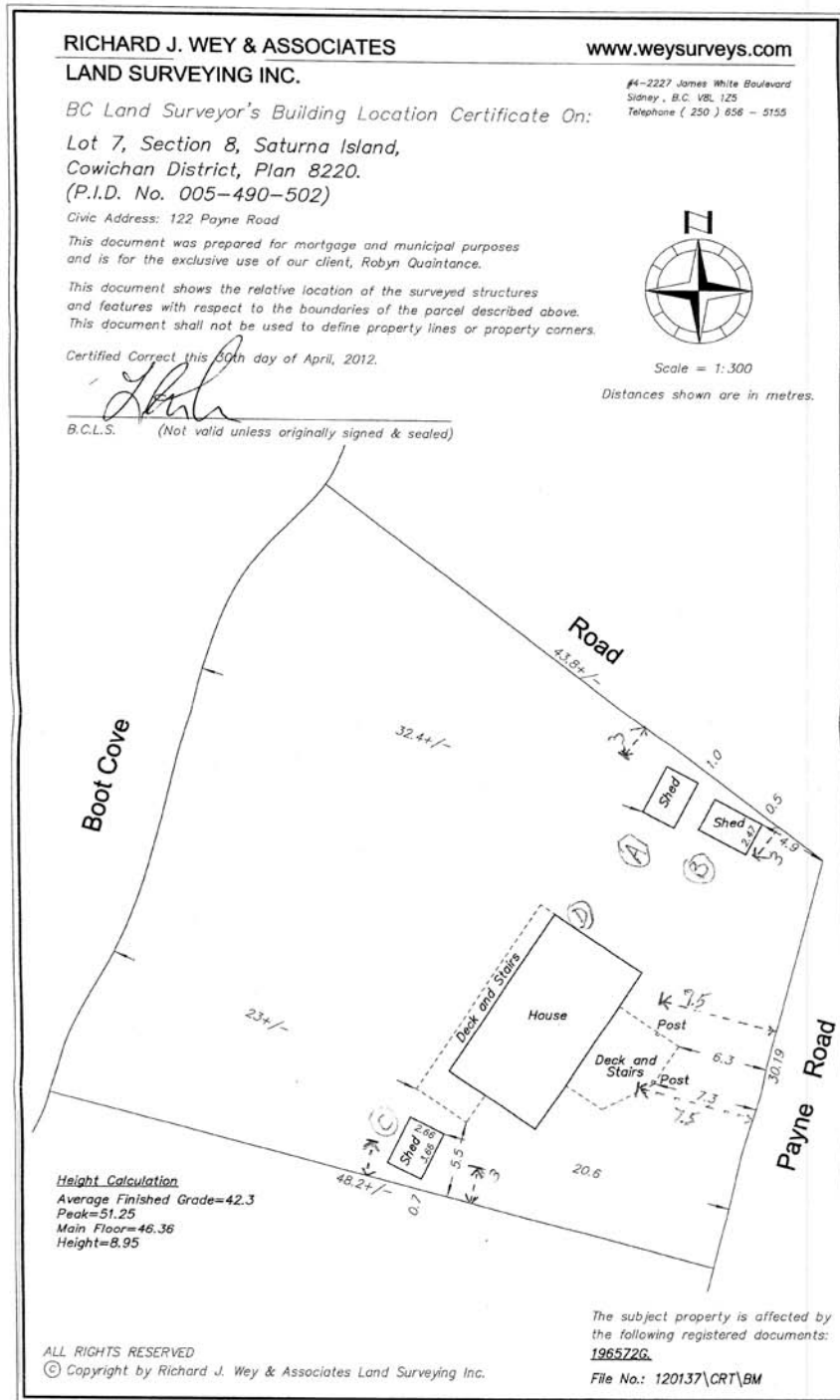


Figure 4: Site Survey showing buildings and structures

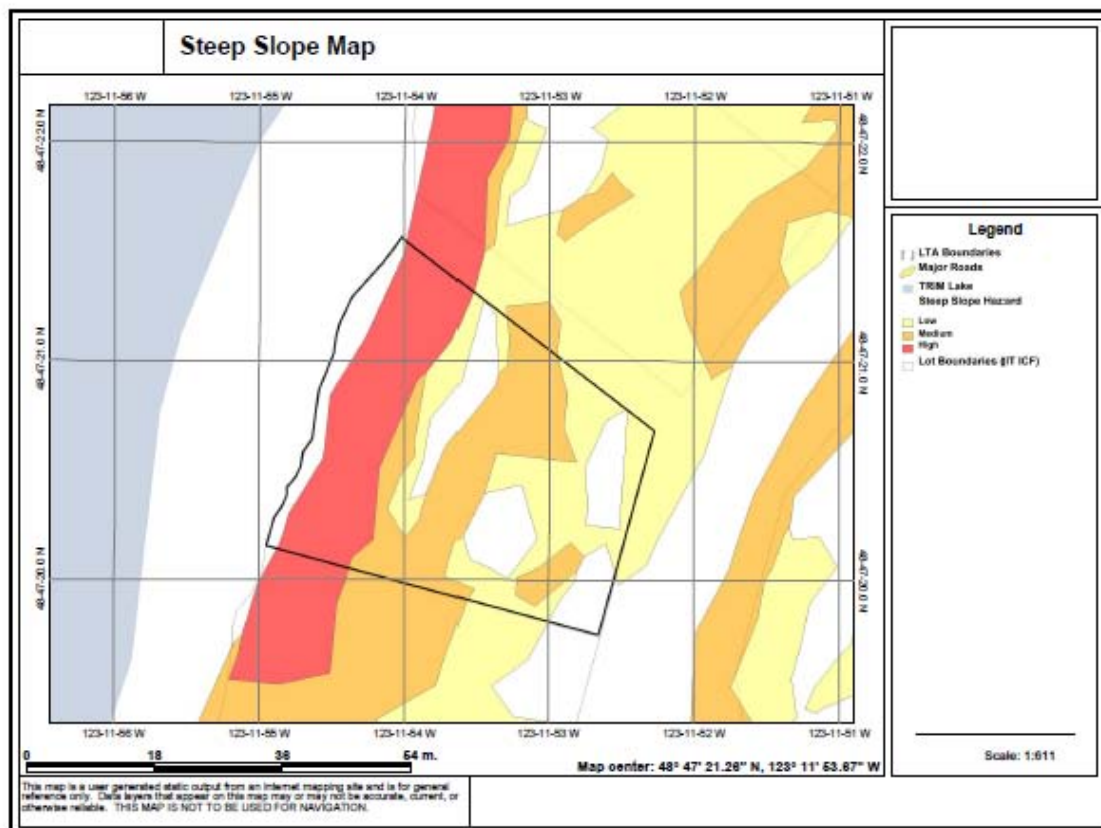


Figure 5: Steep Slope Map



Photo 1 – Front of residence



Photo 2 – Building A



Photo 3 – Buildings A and B



Photo 4 – Building C

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Official Community Plan

The property subject to this application process is designated **Rural**. Section D1 of the Saturna Island Official Community Plan Bylaw No.70, 2000 contains policies regarding Rural land use on the island. OCP policies and objectives relevant to this application are listed below.

D.1 RURAL

The Rural designation identifies areas where a wide variety of human use and development activities may be permitted.

The Objective of this designation is to support a diverse community structure with a range of lot areas and forms of residential accommodation and to provide a range of zoning options for residential, commercial and industrial uses.

D.1.1 To protect the character of neighborhoods, separate zones in regulatory bylaws should provide for the following uses:

- b) Rural General where home based industry will be mixed with family homes and cottages, includes all home based occupations customary to a rural area.

D.1.G.1 Zoning for rural general use provides for a mix of home based enterprises together with family residences and cottages.

D.1.G.4 Site planning criteria relating to setbacks, building height, maximum floor area and total lot site coverage should be addressed through zoning.

Land Use Bylaw

The area of the property subject to this application is zoned **Rural General (RG)** in the Saturna Island Land Use Bylaw No.78, 2002. The regulations pertaining to this application are listed below.

RURAL GENERAL ZONE (RG)

Permitted Uses

4.2.1 In the **Rural General (RG) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

4.2.1(1) *residential*;

4.2.1(2) *home occupations and home based industry*;

Residential Site Density

4.2.4 On a *parcel* 1.21 hectares (3 acres) or less the maximum density is one (1) *residence*.

Lot Coverage

4.2.7 On lots less than .4 hectare (one acre), lot coverage for buildings and structures shall not exceed 20 %

Building Setbacks

4.2.8 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be located within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.

4.2.9 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be located within 3 metres (10 feet) of any *interior side lot line* nor subject to the regulations adopted pursuant to the *Highways Act*, shall be located closer than 4.5 metres (15 ft.) from an *exterior side lot line*.

4.2.10 No enclosure or *structure* for housing animals and poultry shall be closer than 7.6 metres (25 ft.) to any property line.

2.15 Measurements of Setbacks

2.15.2 Steps, eaves, gutters, cornices, sills, chimneys, or other similar features, may project up to 1 metre into the setback area or 0.5 metres in the case of a side yard setback area less than 3 metres in width; and balconies, decks and sun shades, may project up to 1 metre into the required setback area.

Development Permit Areas

The property is not subject to any development permit requirements.

Sensitive Ecosystems and Hazard Area:

Based on Sensitive Ecosystems Mapping there are no significant ecosystems on this property.

Archaeological Sites:

Based on information from the Provincial Remote Access to Archaeological Data (RAAD), there are no archaeological sites on this property.

Notwithstanding the foregoing, and by copy of this report, the owners are advised that the unearthing of any archaeological resource should be reported to the Archaeological Branch.

Covenants:

There are no covenants on the title.

Climate Change Mitigation and Adaptation

As this application is dealing with the setback from a lot line for existing buildings, this application has no direct bearing on climate change mitigation and adaptation.

RESULTS OF CIRCULATION:

Notices were circulated to surrounding property owners and residents on October 24, 2012. The notification period will end on November 6, 2012. At the writing of this staff report, one public submission had been received. Any additional public submissions will be brought forward at the November 8, 2012 Saturna LTC meeting.

ISSUES SUMMARY:

- *Applicant's stated rationale for the variance.* The applicant stated that they became aware of the encroachments after a survey was done and they were advised by the CRD that variances would be required to permit the siting of the residence and 3 accessory buildings.

The applicant states that it is not possible to relocate the footings for the stairway for the residence as it would be a substantial hardship as the nature of the site made it difficult to site a safe stairway.

The applicants rational for the siting of the three accessory buildings was not outlined in the application other than they became aware of the encroachments when the building inspector brought them to their attention.

- *The purpose of setbacks:* Generally, setbacks are intended to provide for safe separation between buildings on adjacent properties, the maintenance of privacy, the creation of yards, the establishment of a consistent development pattern within a neighbourhood, and certainty with respect to development.
- *Any expectations that may be created in approving the variance:* Granting a variance can potentially create an expectation in the community with regard to future applications. However, since variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, it is unlikely to generate expectations for future applicants.

STAFF COMMENTS:

It is staffs understanding that the applicant was not aware of the encroachments until the survey was done and CRD building inspection staff brought the encroachments to their attention.

The CRD has been contacted to provide some of the background information regarding the permitting of the buildings on this property. As of the writing of this report no comments from the CRD had been received.

Comments have been received from the owner of Lot 4 (Cal Hollings). Lot 4 is not adjacent to the subject lot there are two lots separating them. Mr. Hollings questions as to how the buildings made it through building inspection. Staff cannot answer these from the CRDs perspective until the CRD provides comment. None of the adjacent property owners have provided comments as of the writing of this report. Mr. Hollings email is attached.

- 1) Siting of the Residence – Photo 1. The request is to allow for the siting of a portion of the residence (deck and stairs) to be as close as 6.3 metres from the front lot line (Payne Road). The LUB allows steps and decks to project up to 1 metre into the setback; therefore the actual setback required in this case is 6.5 metres. The site is quite steep with limited building locations for a residence. The site becomes steeper as you move down the lot from Payne Road towards Boot Cove. Some of the most suitable land for building is where the residence is currently sited. As a result of the size of the house and the limited siting possibilities the front stairs encroach into the front lot line setback.

Had the applicant and/or the CRD building inspection been aware that the residence encroached on the front lot line setback before construction started the residence could have been redesigned or sited differently to comply with setbacks. As the residence is substantially completed it appears as though it would be difficult for the applicant to redesign the stairs at this point. The variance request is to reduce the setback from 6.5 metres to 6.3 metres (7.5 minus 1) which is a reasonably minor variance given the limited height of the structure that is encroaching (stairs and deck). Staff is recommending that the variance for the siting of the residence be granted.

- 2) Accessory Building A - Accessory Building A is on the north side of the residence and is shown on photos 2 and 3. The building is 1.0 metres from the exterior side lot line. The adjacent property is an unconstructed road right-of-way. The shed is very close to the property line; however the unconstructed road gives a good separation between the shed and the closest residential lot (lot 8). Staff is recommending that before the variance is considered for this building that the applicants be asked to determine if the building can be lowered and/or moved closer to the residence to reduce its impact on the adjacent road right of way.
- 3) Accessory Building B – Accessory Building B is on the north side of the residence and is shown on photo 3. The building is 0.5 metres from the exterior side lot line. The adjacent property is an unconstructed road right-of-way. The shed is very close to the property line; however the unconstructed road gives a good separation between the shed and the closest residential lot (lot 8). Staff is recommending that before the variance is considered for this building that the applicants be asked to determine if the building can be lowered and/or moved closer to the residence to reduce its impact on the adjacent road right-of- way.
- 4) Accessory Building C – Accessory Building C is on the south side of the residence and is shown on photo 4. The building is sited 0.7 metres from an interior side line shared with adjacent Lot 6. Lot 6 is the lot most impacted by the accessory building being 0.7 metres from the lot line. As can be seen in the photos there are not many places to construct accessory buildings near the residence. Staff is recommending that before the variance is considered for this building that the applicants be asked to determine if the building can be lowered and/or moved closer to the residence to reduce its impact on lot 6. The CRD would also need to be consulted as a certain distance is required for fire separation.

RECOMMENDATIONS:

THAT SA-DVP-2012.1 (Quaintance and Elling) not be considered at this time, and that staff be directed to request the applicant to determine if the accessory buildings can be lowered and/or moved in order to reduce the building encroachments.

Prepared and Submitted by:

Gary Richardson

November 1, 2012

Gary Richardson
Island Planner

Date



Islands Trust

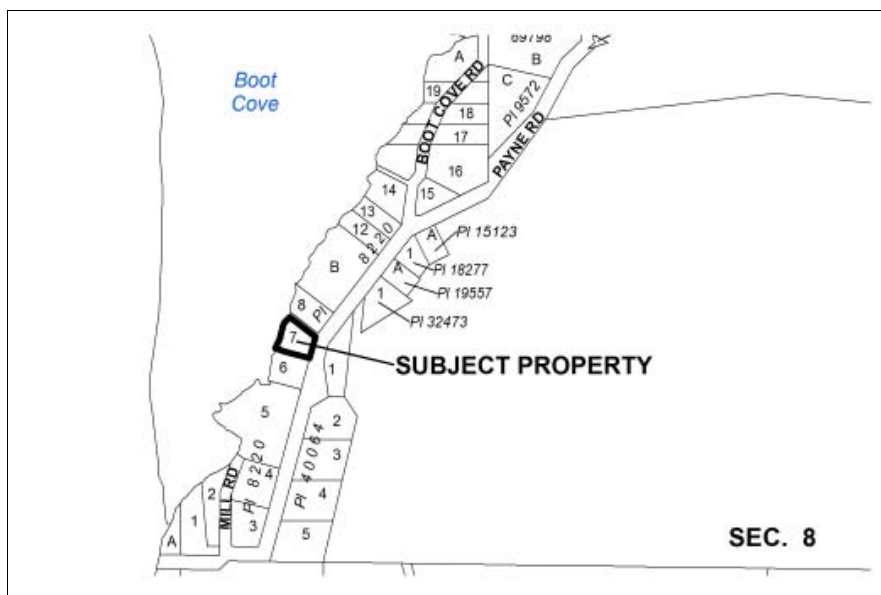
**NOTICE
SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-DVP-2012.1**

NOTICE is hereby given that the Saturna Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*, varying the following subsections of Saturna Island Local Trust Committee Land Use Bylaw No.78, 2002 (LUB): 4.2.8 (No building or structure except a fence or pumphouse shall be located within 7.6 metres of any front lot line or rear lot line); and 4.2.9 (No building or structure or part thereof except a fence or pumphouse shall be located within 3 metres of any interior side lot line nor closer than 4.5 metres from an exterior side lot line).

The purpose of this permit is to: allow a dwelling to be sited as close as 6.3 metres from a front lot line; allow an accessory building (shed) to be sited as close as 0.7 metres from an interior side lot line; allow a second accessory building (shed) to be sited as close as 0.5 metres from an exterior side lot line; and allow a third accessory building (shed) to be sited as close as 1 metre from an exterior side lot line.

The property is located at 122 Payne Road and the lot is legally described as Lot 7, Section 8, Saturna Island, Cowichan District, Plan 8220.

The general location of the subject property is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C., between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing October 24, 2012, and continuing up to and including November 6, 2012.

A copy of the proposed permit is also attached for your convenience.

Enquiries or comments should be directed to Planner Gary Richardson at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867. Written comments should be sent: by mail to the Islands Trust Office, at address noted above; by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca , before 4:30 p.m., November 6, 2012.

The Saturna Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at 12:30 p.m., November 8, 2012 at **the** Saturna Island Community Hall, 105 East Point Road, Saturna Island, B.C.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Kathy Jones
Deputy Secretary



Islands Trust

PROPOSED

**SATURNA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SA-DVP-2012.1**

To: Robyn Quaintance

1. This Development Variance Permit applies to the land described below:

Lot 7, Section 8, Saturna Island, Cowichan District, Plan 8220.
2. Saturna Island Local Trust Committee Land Use Bylaw 78, 2002 is varied as follows:
 - (a) Subsection 4.2.8 (No building or structure except a fence or pumphouse shall be located within 7.6 metres of any front lot line or rear lot line) is varied to allow a dwelling to be sited as close as 6.3 metres from a front lot line;
 - (b) Subsection 4.2.9 (No building or structure or part thereof except a fence or pumphouse shall be located within 3 metres of any interior side lot line is varied to allow an accessory building (shed) to be sited as close as 0.7 metres from an interior side lot line;
 - (c) Subsection 4.2.9 (No building or structure or part thereof except a fence or pumphouse shall be located within 4.5 metres of any exterior side lot line is varied to allow an accessory building (shed) to be sited as close as 0.5 metres from an exterior side lot line; and
 - (d) Subsection 4.2.9 (No building or structure or part thereof except a fence or pumphouse shall be located within 4.5 metres of any exterior side lot line is varied to allow an accessory building (shed) to be sited as close as 1.0 metre from an interior side lot line.
3. All work shall be consistent with that shown on Schedule A attached to and forming part of this permit.
4. 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 "Saturna Island Local Trust Committee Land Use Bylaw No. 78, 2002" and to obtain other approvals necessary for completion of the proposed work.

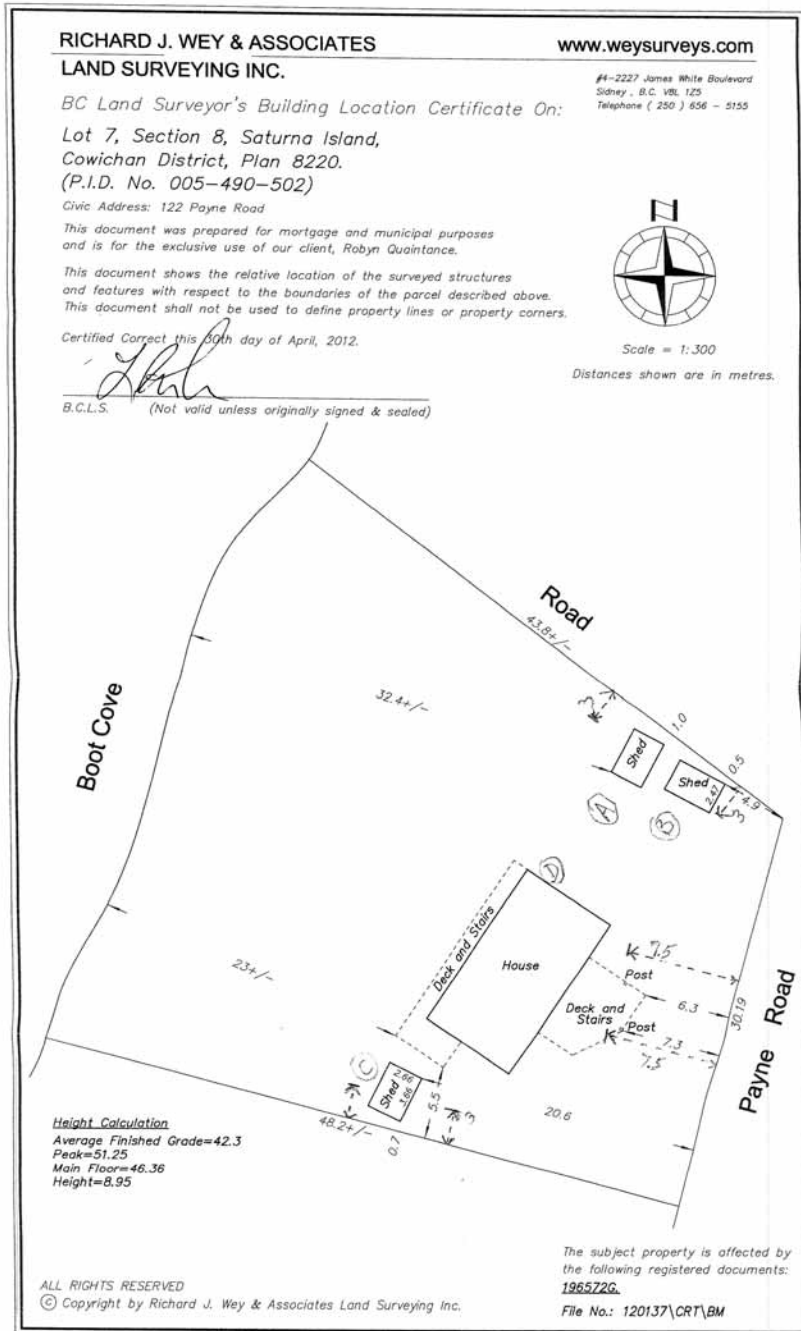
**AUTHORIZING RESOLUTION PASSED BY THE SATURNA ISLAND LOCAL TRUST
COMMITTEE THIS ____ DAY OF _____, 2012**

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF
_____, 2012, THIS PERMIT AUTOMATICALLY LAPSES.**

**SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-DVP-2012.1
SCHEDULE A**



Kathy Jones

From: Gary Richardson
Sent: October-29-12 11:29 AM
To: Kathy Jones
Subject: FW: SA-DVP-2012.1

To be attached to application in agenda.

G

From: information
Sent: October-29-12 9:16 AM
To: Gary Richardson
Subject: FW: SA-DVP-2012.1

From: Cal Hollings [<mailto:calhollings@hotmail.com>]
Sent: October-27-12 4:37 PM
To: information
Cc: hpjanszen@saturnanet.net
Subject: SA-DVP-2012.1

Gary Richardson:

I have received the Variance application for 122 Payne Road, legally described as Lot 7, Section 8, Saturna Island, Cowichan District, Plan 8220.

I am surprised that the set back of 6.3m from front lot line, which contravenes the bylaw for 7.6m setback was not already picked up by the Building Inspector. Fire and Safety requires all exits to be built strictly according to the bylaw. How was this missed?

As for the miscellaneous sheds on the property.....as an owner located on the same road lot 4, we are very concerned that these were not again picked up by the Occupancy inspection as the structures have been there longer than the deck installation. Please explain, or do I have to contact Robert Gutierrez and ask the same question.

We as property owners and neighbours will not agree to a Variance and we will let our local Trustees know of our opinion in this matter.

We would expect a reply as to our questions regarding the lack of attention by the CRD in relations to the permit violations. Has this home received an Occupancy Permit and if so by whom?

Feel free to contact me if you have any questions or concerns.

Cal Hollings - 780-868-6738
Business email - chollings@chandos.com

Regards.

Kathy Jones

From: Gary Richardson
Sent: November-29-12 2:31 PM
To: Kathy Jones
Subject: FW: Saturna Island Local Trust Committee SA-DVP-2012.1

Hi Kathy this dvp will be on the saturna agenda Feb 14/13, can you put this letter with it.

Thanks, G

From: information
Sent: November-16-12 2:03 PM
To: Kathy Jones
Cc: Gary Richardson
Subject: FW: Saturna Island Local Trust Committee SA-DVP-2012.1

From: Don Cathcart [<mailto:fdciv@sbcglobal.net>]
Sent: November-16-12 12:28 PM
To: information
Subject: Saturna Island Local Trust Committee SA-DVP-2012.1

Dear Mr. Richards:

We would like to add our voice to the matter of the variance requested by the owners of Lot 7, Section 8 on Saturna Island. As we look at the dates on your notice we realize that we may be too late to have any effect, but thought is best that we respond. We would prefer that the variance request be denied. We feel that the CRD rules are there for good reason and should be followed.

We would appreciate your letting us know the outcome of the request for variance at your convenience.

Thank you for your time.

Frank & Shirley Cathcart
owners, lot 8



Saturna Island Parks and Recreation Commission



16 December 2012
P.O. Box 58
Saturna Island, BC VoN 2Y0

Islands Trust
200-1627 Fort St.
Victoria BC V8R 1H8
Gary Richardson, Planner

Dear Sir,

Re: Variance Application 122 Payne Rd, Saturna Is.

Firstly we would like to thank you for the opportunity to comment on this variance application. This is the first time we have been included in the process and we appreciate the opportunity to participate.

In response to your letter and attachments dated 13 Nov 2012 File # SA-DVP-2012.1, I can advise that the Saturna Island Parks and Recreation Commission considered the matter at length at its regular meeting of 13 December. Furthermore, a majority of the Commissioners walked the property and inspected the area.

The Commission recommends that the variances requested not be granted and furthermore, that the contemplated conditional rejections not be offered.

Our reasons are as follows:

Generally in this age, no one can purchase a piece of property without a survey. Banks won't mortgage the property, building inspectors demand to see surveys precisely to check for encroachments and every common reasonable purchaser/owner wants to know where his property begins and where it ends. It is inconceivable to us then that the applicants upon purchase would not have been aware of their boundaries *and* the setback requirements which exists for every structure in BC. If they were not, then it is willful blindness. The owners/applicants are the authors of their own misfortune and to grant variances in these circumstances will set a poor precedent, that being "play dumb or naive and you will get what you want".

Assuming a building permit was obtained and the premises inspected, one has to wonder how the buildings were erected, all in contravention of setback requirements. This is especially remarkable when one considers a situation at East Point, familiar to us, where a land owner has been directed by the building inspection branch to move a building whose foundation extends 3 *inches* at one corner into the area reserved for setback. The statement that the CRD has not responded to the Staff's requests cannot form a basis for ignoring our legal regime or allowing contraventions.

Members of the Commission:

*Chair Michel Bourassa, Vice Chair Sheila Wallace, Treasurer Ingrid Gaines,
Jim Bavis, Graeme Bregani, John Gahn, Allen Olsen
CRD Director Southern Gulf Islands David Howe*

The Islands Trust Staff Report states "...the unconstructed road right-of-way gives a good separation between the shed and the closest residential lot". What has not been appreciated is that the Parks and Recreation Commission has future plans for this allowance for public use as a view point trail to Boot Cove. It has been our experience that whenever we apply for a License of Occupation and plan a trail, in almost every case, neighbours complain and argue bitterly against the license or a trail as an invasion of privacy or alternatively, for a trail built in the far side of the allowance. Most allowances are 66' wide. In this case the allowance is 20' wide. In building a trail therefore, we have no room to maneuver. While these applicants may well report that they have no objections to a trail, at some time, they will sell the property and they cannot speak for future owners.

The Staff Report further states that the variances requested be considered when the applicants advise how the building can be moved and by implication, the cost of that work. To us, that is like asking people to fix their own property assessments. With respect, the answer to that request is a foregone conclusion – it will cost many thousands of dollars and the buildings are impossible to move.

Lastly the Commission is concerned that while the structures today are "sheds" there is nothing stopping the current or future owners should the variances be granted from quietly improving those structures over time and we can anticipate that at some point they may well evolve into separate bedrooms, rental units or some other species of accommodation. This happens all over the Islands. This will make any application by us for use of the neighbouring 20' very problematic.

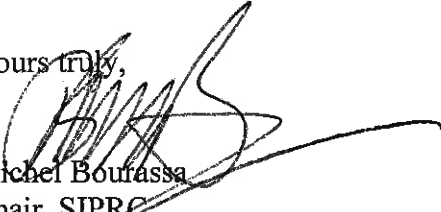
The Staff Report goes on to support certain aspects of the application by observing that the property is problematic to build on. To this Commission, that the applicants have purchased a piece of property that is difficult to build upon is not the concern of the Island Trust and is no justification for avoiding the rules that apply to everyone else including those who similarly buy properties that have challenges with respect to construction and there are many on this Island. Moreover, the applicants admit that these were temporary structures that were built to allow room for the main structure – a very large house. They should now be removed.

With respect to the frontage incursion: Redesigning stairs is not a complicated matter. We fail to see how that should be a bar to complying with the setbacks provided by law.

Finally, the Commission can find no exigent special or unique circumstances that should or could justify or allow breaches of the setback requirements in this case. The sheds should be relocated or removed now while they are simple, temporary, rough structures easy to demolish and when this can be accomplished at a minimal cost to the applicants.

It goes without saying that every application for variance argues unique or special circumstances. Here the incursions are egregious, blatant and the applicants were, at the least, willfully blind. There ought to be no reward for that. In our view, there are no special circumstances applicable here.

Yours truly,



Michel Bourassa
Chair, SIPRE



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: North Pender Island Local Trust Area **Bylaw No.:** 192 **Date:** January 10, 2012

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

n/a

PURPOSE OF BYLAW:

The purpose of proposed bylaw 192 is to amend the North Pender Island Official Community Plan by repealing and replacing 'Schedule E – Road Classification' with an updated version. The objective of the amendment is to designate the roadway between the BC Ferries terminal and the entrance to Magic Lake Estates as the 'Magic-Ferry Bicycle-Walking Route' and to identify the existing Car Stop network. Magic Lake Estates is a small lot subdivision on North Pender Island where over 60% of the residential lots exist. Both the Magic-Ferry Bicycle-Walking route and the Car Stop network are located on lands identified as public road dedication.

GENERAL LOCATION:

North Pender Island generally.

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

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 position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Andrea Pickard

Title: Island Planner
Contact Info: Tel: 250-405-5189
Email: apickard@islandstrust.bc.ca

This referral has been sent to the following agencies:

Federal Agencies

Parks Canada

Provincial Agencies

Ministry of Transportation and Infrastructure
BC Hydro

Regional Agencies

CRD Environmental Sustainability
Pender Islands Park and Recreation Commission

Adjacent Local Trust Committees and Municipalities

South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee
Mayne Island Local Trust Committee

PLEASE TURN OVER →

Non-Agency Referrals

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation – TE'Mexw Treaty Assoc.
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

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

North Pender Island Local Trust Area

(Island)

192

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



STAFF REPORT

Date: February 4, 2013

File No.: SA-RZ-2012.1

To: Saturna Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Supplementary Staff Report for SA-RZ-2012.1 (Yardley)

Owner: Nepenthe Holdings Ltd.

Applicant: Jonathan Yardley, Architect Inc.

Location: Lot 3, Section 18, Plan 11979, except part in Plan 17076, Saturna Island

Residents Located at 102, 104 and 106 Boot Cove Road

THE PROPOSAL:

The proposal is to rezone a 3.62 hectare (8.94 acre) waterfront property to allow for four strata lots to be created. This would allow for the three existing waterfront dwellings to be sited on separate strata lots with one additional vacant lot across the road. Each of the four lots would be permitted a dwelling.

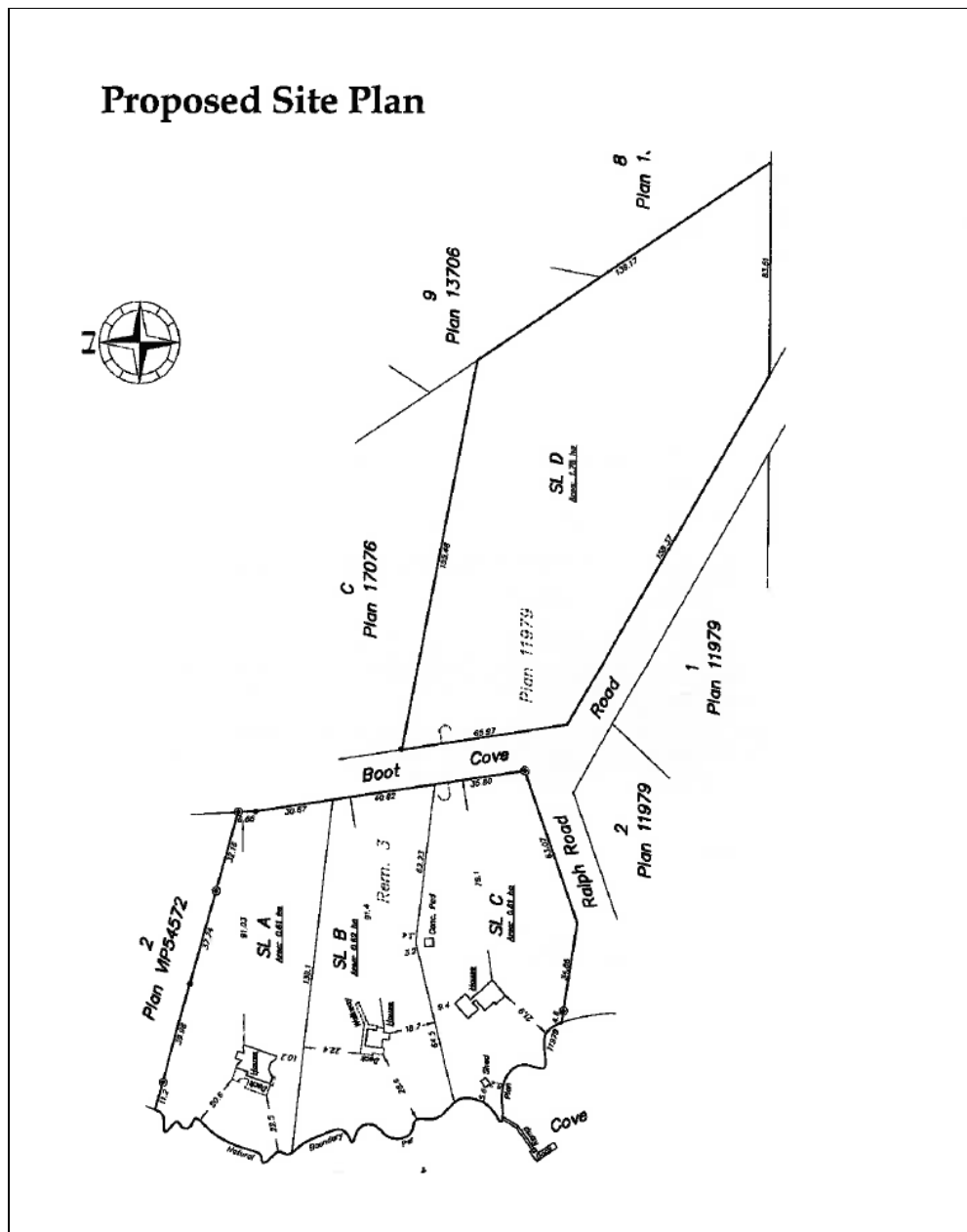
A preliminary staff report was reviewed by the LTC at its April 12, 2012 business meeting. In addition to the April business meeting a Community Information Meeting on this proposal was held June 21, 2012.

At its June 21, 2012 business meeting the LTC passed a resolution directing staff to: *"prepare a report outlining a variety of options that may be available and pertinent to SA-RZ-2012.1 (Yardley)."*

A staff report outlining options for the LTC to consider was reviewed by the LTC at its September 6, 2012 business meeting.

At its September 6, 2012 business meeting the LTC passed a resolution directing staff to: *"discuss the transfer of density option with the applicant as well as look at the possibility of amenity zoning with respect to this applicant."*

The proposed subdivision plan and location of existing dwellings is shown below on Appendix B.



SITE CONTEXT:

The subject area is a waterfront property located in the Boot Cove area of Saturna Island. The property is predominately surrounded by smaller residential lots. A 1.78 hectare (4.4 acre) portion is separated from the waterfront portion and is located across Boot Cove Road (proposed Lot D). A site review was carried out March 6, 2012 it was clear by the review the houses have been in place for some time. Two of the houses share one access and the third house has its own access. There is one dock in place which fronts proposed Lot C. The lots are well treed and are covered with mostly mature native vegetation. The owners of this property also own two other properties in the area, Lots A and C, Plan 17076. Lots A and C are shown on Figure 4.

Figure 1: Location of subject property

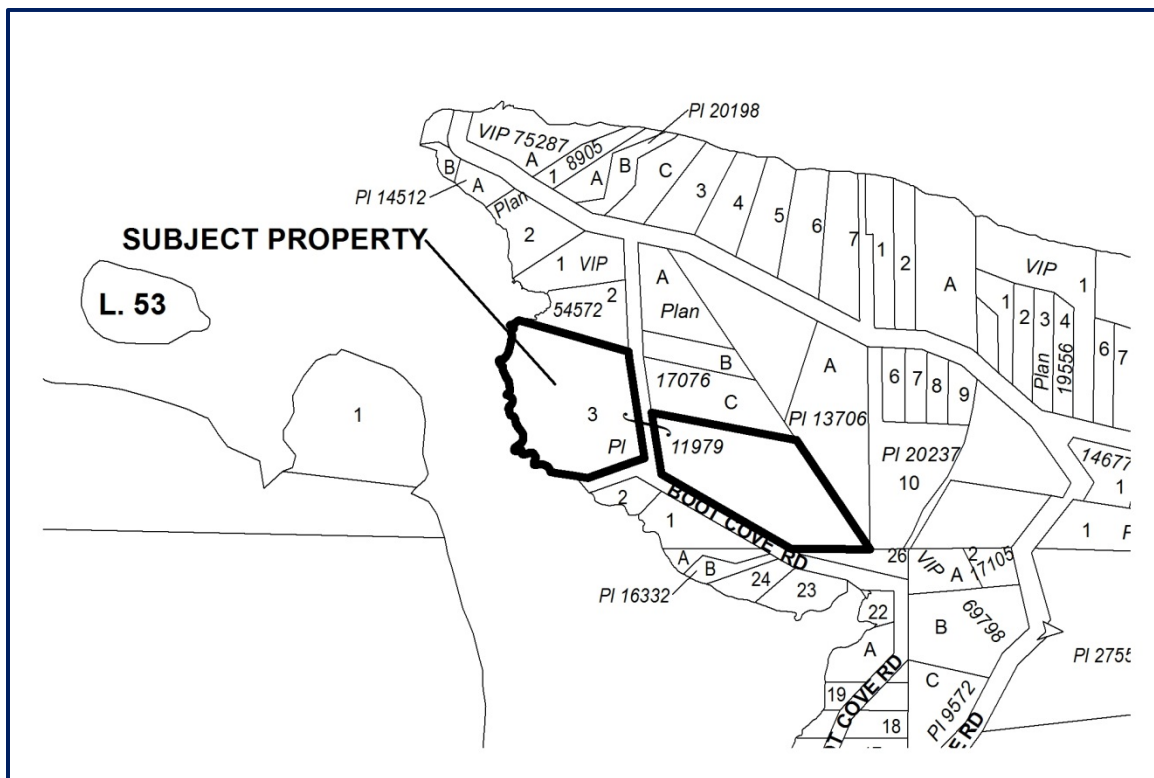


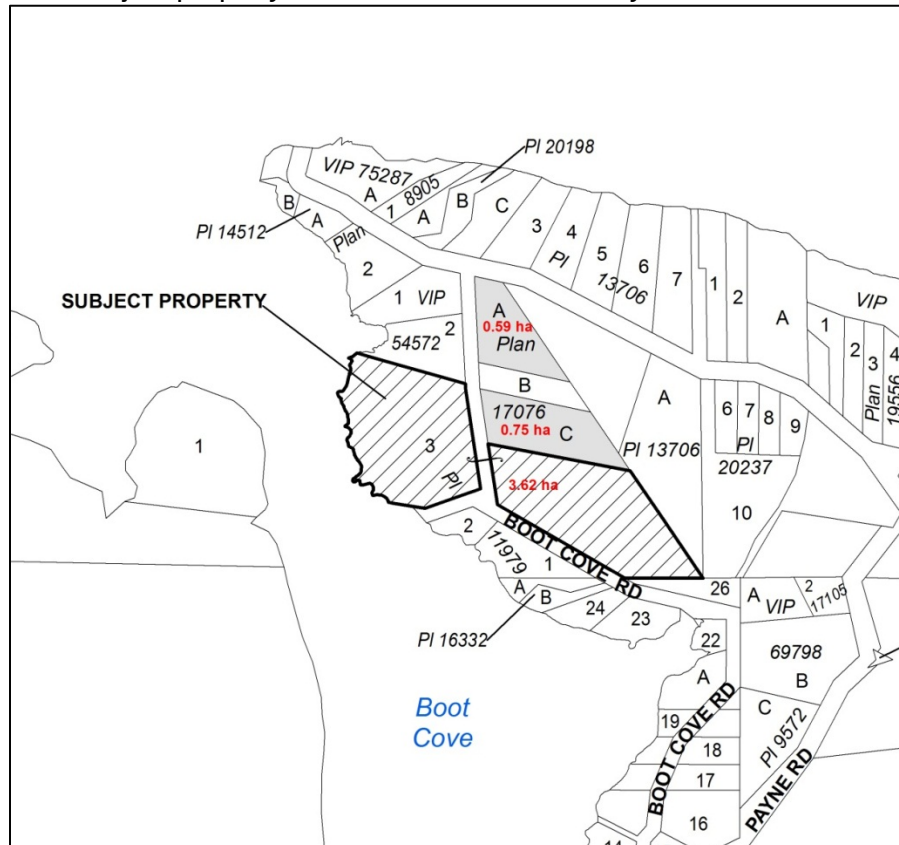
Figure 2: Orthophoto of subject property



Figure 3: Orthophoto of subject property and surrounding area



Figure 4: Subject property Lot 3. Other Lots owned by same owner Lot A and C



OPTIONS:

1. Amenity Zoning

This is generally the option that the applicant is proposing. A constructed parking area is proposed to be provided in exchange for zoning that allows for four lots and four dwellings.

As mentioned in an earlier report the rezoning can be considered by two mechanisms, either by applicant providing the amenity concurrently with adoption of the rezoning, or second, by using the provisions in Section 904 of the Local Government Act. This allows a Land Use Bylaw to establish different density regulations within a zone. One regulation that is generally applicable and another regulation that is applicable if the applicant provides an amenity. The amenities to be provided and the density to be given are determined in the zoning, but the owners can't achieve the higher density until the amenity is provided. In effect, this simply defers the amenity to the subdivision stage. The Saturna LUB does not contain any zones that have been drafted using this section of the LGA.

The exchange of zoning for community amenities does occur outside the scope of s. 904 of the LGA by means of ad hoc agreements, this is what the applicant is currently proposing. The amenity is provided by the applicant and if the LTC deems it sufficient they can consider increasing the density on an individual parcel. The amenity provided and the density given needs to be established and agreeable to both parties.

The definition of amenity is broadly defined and is commonly defined as a “pleasant feature”. Amenities can include trails, parks, land for community services, protection of historical features environmental features and in some cases cash.

There is some ‘lot density’ presently in the CADR, see comments on CADR; however there is no ‘residential density’ in the CADR.

If the LTC is considering proceeding with this option it is recommended that a Community Information meeting be held to gauge community opinion.

The following are some of the other options available:

2. Reduce Minimum and Average Lot size requirements to allow for proposed 4 lot subdivision.

The present lot size requirements for subdivision within the RG zone are .081 ha (2 acres) minimum and 2.02 ha (5 acres) average. To allow the proposed 4 lot subdivision to proceed the minimum lot size for subdivision would need to be reduced from .81 ha (2acres) to .61 ha (1.5 acres) and the average lot size required for subdivision would need to be reduced from 2.02 ha (5 acres) to .90 ha (2.2 acres).

This option would require an amendment to the OCP to allow for the reduced lot size including an amendment to general policy C.1.3. Policy C.1.3 is the policy that states in part that no rezoning should be used to increase the maximum subdivision capacity, or total residential capacity of any island within the area.

The Land Use Bylaw would also require amending to allow for the reduced parcel sizes.

The OCP policy that does not allow an increase in density is a fundamental policy in the OCP as it provides a cap on density for the Saturna Island Local Trust area.

If the LTC decided to proceed with this option it is recommended a comprehensive community consultation process be carried out regarding amending policy C.1.3 as it is a fundamental OCP policy.

3. Reduce Minimum and Average Lot size requirements to allow for a 3 lot subdivision.

This option is similar to option one above and if successful would provide a lot for each of the three existing dwellings. To allow a 3 lot subdivision to proceed the minimum lot size for subdivision would need to be reduced from .81 ha (2 acres) to .61 ha. (1.5 acres) and the average lot size required for subdivision would need to be reduced from 2.02 (5 acres) hectares to 1.2 ha This option would not increase the overall residential density; however it would increase the subdivision capacity.

This option would also require an amendment to the OCP and LUB; however the density cap would not need to be amended as the CADR does contain some lot density.

4. Transfer of Development Rights

This option would require the applicant to obtain the development rights off of a parcel or parcels of land within the Saturna Island Local Trust area to compensate for the proposed lift in development potential on the subject property.

For example if the rezoning of this property results in an increase in 3 additional lots and 1 additional residence the applicant can purchase a property or properties that have a potential of 3 additional lots and 1 additional residence and transfer that potential to the subject lot. The applicant can also just purchase the development rights from a property. This option is done through a simultaneous rezoning of two or more properties, by removing the density from one property and transferring it to the other.

The OCP does make reference in the Community Density reserve policies (C.1.4) that supports transferring density from certain areas requiring protection to more suitable areas. Appendix E Community Amenity Density Reserve outlines some of the requirements that would apply to the transferring of density. Appendix E is attached for reference.

This option is not completely straight forward as not all areas make good donor areas and not all areas are suitable receiver areas. This option would require amendments to the OCP and LUB; however if done appropriately would not increase the overall subdivision capacity, or total residential capacity of the island; therefore policy C.1.3 would not need to be amended.

The property owner does have some lots in the vicinity of the subject lot that could provide some of the residential density required.

There can be a substantial financial cost to the property owner using this option as development rights are normally sold at market value.

5. Community Amenity Density Reserve

The Community Amenity Density Reserve is a policy in the OCP that is intended to keep development in appropriate areas while not allowing an increase in the overall subdivision capacity or total residential density of the island. This option uses some of the principles of both transfer of density and amenity zoning.

It works much like a bank, if a property (other than parkland) has its subdivision and/or residential building capacity removed from it through rezoning it can be placed in a pool of unallocated density. The banked density can be drawn from and granted to a lot in exchange for community amenities. There are several requirements outlined in the OCP that must be complied with when using this reserve.

One of the requirements is that density increases shall not be permitted on parcels that are less than 4.05 hectares (10 acres). The subject property is only 3.62 hectares (8.94 acres).

This option has been set up for property owners that want to increase the density on their property and not exceed the overall cap established in OCP policy C.1.3.

Saturna Island LTC Bylaw 81 rezoned a 14 ha (35 acre) lot (Lot A, Plan VIP74669), from Rural General (RG) to the Rural Comprehensive Development (RCD) Zone. The lot area required for subdivision went from 2.02 ha. (5 acres) to 12.12 ha. (30 acres); therefore Lot A went from having a potential of being able to be subdivided into 7 lots to having no

subdivision potential at all. This reduces the overall subdivision potential of the island by 6. Bylaw 81 did not reduce the residential potential of Lot A as the RCA zone permits the lot to have 7 residences constructed on it. The permission to have cottages was taken away from Lot A by bylaw 81.

6. Consolidation and/or Boundary Adjustment

There are ways which the 3 lots that the applicant owns in the Boot Cove area could be consolidated and/or subdivided; however none of the resulting scenarios would have the lot area sufficient to permit a higher density.

STAFF COMMENTS:

The LTC has been presented with a letter outlining the applicants preferred option.

The option which is the provision of an amenity (parking) in exchange for increased subdivision density and residential density, if supported by the LTC, would require several amendments to the OCP and LUB in order to result in 4 lots and 4 residences being permitted on the subject Lot.

The LTC needs to determine if the amenity being provided is sufficient to consider amending the OCP and LUB. If the LTC is unsure it may want to hold a community information meeting to gauge community opinion on this proposal.

If the LTC determines that the amenity is not sufficient the applicant can be advised and then has the option of: proceeding no further; providing a different amenity; or pursuing a different option from the list outlined in this report.

The LTC also has the option of proceeding no further at any time in this process.

As there are no amenity zoning guidelines established in the OCP other than the CADR it is recommended that if the LTC is considering proceeding with the application based on the amenity being proposed that a community information meeting be held.

RECOMMENDATION:

THAT the Saturna Local Trust Committee direct staff to arrange a Community Information meeting in order to gauge public opinion on the proposed amenity and the resulting density increase.

Respectfully Prepared and Submitted by:

Gary Richardson

January 31, 2013

Gary Richardson, Island Planner

Concurred in by:

Robert Kojima

February 6, 2013

Robert Kojima, RPM

Date

SCHEDULE "E"
Appendix A

Community Amenity Density Reserve

The Community Amenity Density Reserve (CADR) represents and is to account for subdivision and residential building capacity removed from lots through rezoning. When subdivision or residential density is removed, that density is to be placed in a pool of unallocated density, which in the future may be drawn from and granted to a lot in exchange for community amenities. The following requirements shall be met when implementing this provision:

- a) The amount of density to be added to the CADR pool from the voluntary down-zoning of privately held lots shall not exceed 100% of the density removed;
- b) No increased density shall be granted to a lot through amenity zoning except in accordance with these policies regarding the CADR;
- c) No density can be transferred off Park land or Crown Land;
- d) No increase in density shall be granted to a lot unless sufficient density to cover the grant is available in the CADR;
- e) Community amenities should include land dedication for public purposes, environmental protection, heritage site protection, community forests, parks, or heritage areas;
- f) Density increases shall not be permitted in the Wilderness, Heritage Forest, or Watershed land use designations;
- g) Density increases shall not be permitted on parcels that are less than 4.05 hectares (10 acres) or that have a covenant against further subdivision;
- h) Private land that donates density must be down-zoned and covenanted to reduce its maximum subdivision and residential building capacity by the amount of density transferred to the CADR;
- i) All land that receives density from the CADR shall be rezoned to permit the added density as determined by the Trust Committee and that density shall not exceed the density of the parent lot plus the density granted from the CADR; and
- j) Zones that have had density allocated to or from the CADR shall be noted in both the text and maps of regulatory bylaws; and
- k) The Local Trust Committee should ensure that any additional density minimizes greenhouse gas emissions, considers requirements for energy efficient building standards, and should be in locations near existing services and transportation infrastructure.

BL 101

January 25, 2013

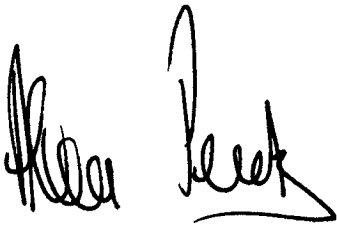
Mr. Gary Richardson
Island Planner
Islands Trust
200 - 1627 Fort Street
Victoria, BC V8R 1H8

Subject: Rezoning Application from Nepenthe Holdings Ltd.

As a follow up to our conversation yesterday, this letter is to confirm that Nepenthe Holdings Ltd. is willing to provide a portion of the land owned by the company which borders East Point Road, from the Boot Cove Road intersection, and continuing up East Point Road, for the purpose of community parking which is a much needed amenity for our community. In exchange for this "community amenity", we would require approval of our proposal for rezoning which is currently in front of the Saturna Island Local Trust Committee. This community amenity would allow residents to park their cars on the island in a safe and convenient environment near the ferry terminal, as they leave the island for short term durations. We would provide the depth of land needed to allow for this parking, which we estimate to be a twenty foot depth that would span the length of our property which borders East Point Road. Further, we would be willing to provide the necessary improvements needed in order to turn this portion of the land into a gravel parking lot.

Please do not hesitate to contact me if you require anything further.

Yours truly,

A handwritten signature in black ink, appearing to read 'Alan Peretz', with a stylized flourish at the end.

Alan Peretz
Partner
Deloitte Canada LLP



Memorandum

Suite 200, 1627 Fort Street Victoria, B.C. BC V8R 1H8

Telephone **(250) 405-5151** FAX: (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

information@islandstrust.bc.ca www.islandstrust.bc.ca

Date January 28, 2013 File Number SA-SUB-2012.1

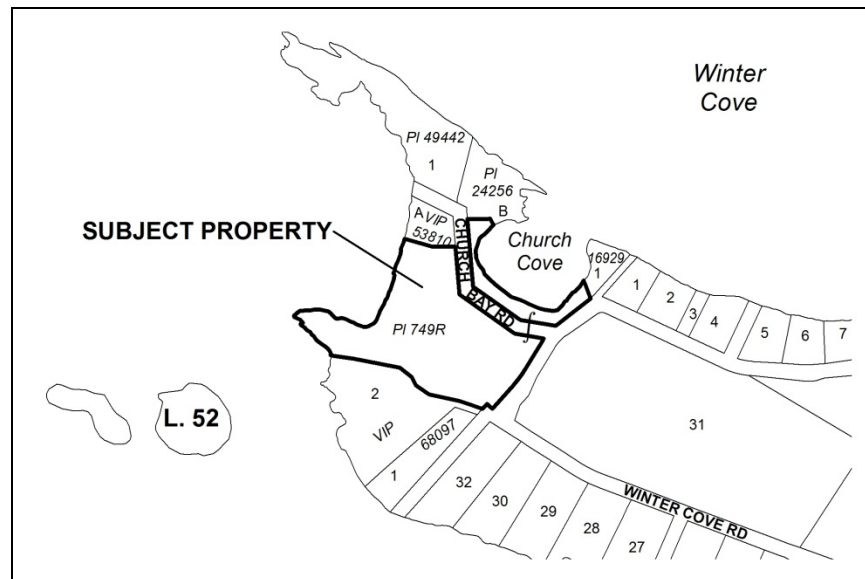
To Saturna Island Local Trust Committee

From Gary Richardson
Island Planner
Local Planning Services

Re Highway Parcel Frontage Waiver – Proposed Subdivision of (PID: 000-355-445) That Part of the North ½ of Section 18, Saturna Island, Cowichan District, as shown outlined in red on Plan 749R, Except Parts in Plans 16929, 24256, 37369, 49442, VIP53810 and VIP63614 - (Sewell).

101 Church Bay Road

The property subject to the proposed application is shown below:



The LTC is being asked to consider a resolution waiving the requirement under s. 944 of Local Government Act that the minimum highway frontage for all lots created by subdivision be greater than 10% of the perimeter. The proposed subdivision plan (attached) shows one of the lots (Lot A) having a frontage of less than 10% of the perimeter. Section 944(2) establishes that a local government may exempt a parcel from this requirement by resolution. The intent of the statutory provision is presumably to give local governments control over a proliferation of panhandle lots, along with a general control over odd-shaped lots.

At a previous LTC meeting (November 8, 2012) the LTC granted a variance to allow for this proposed two lot subdivision to be created where one of the lots (proposed Lot A) has a width less than one third its depth.

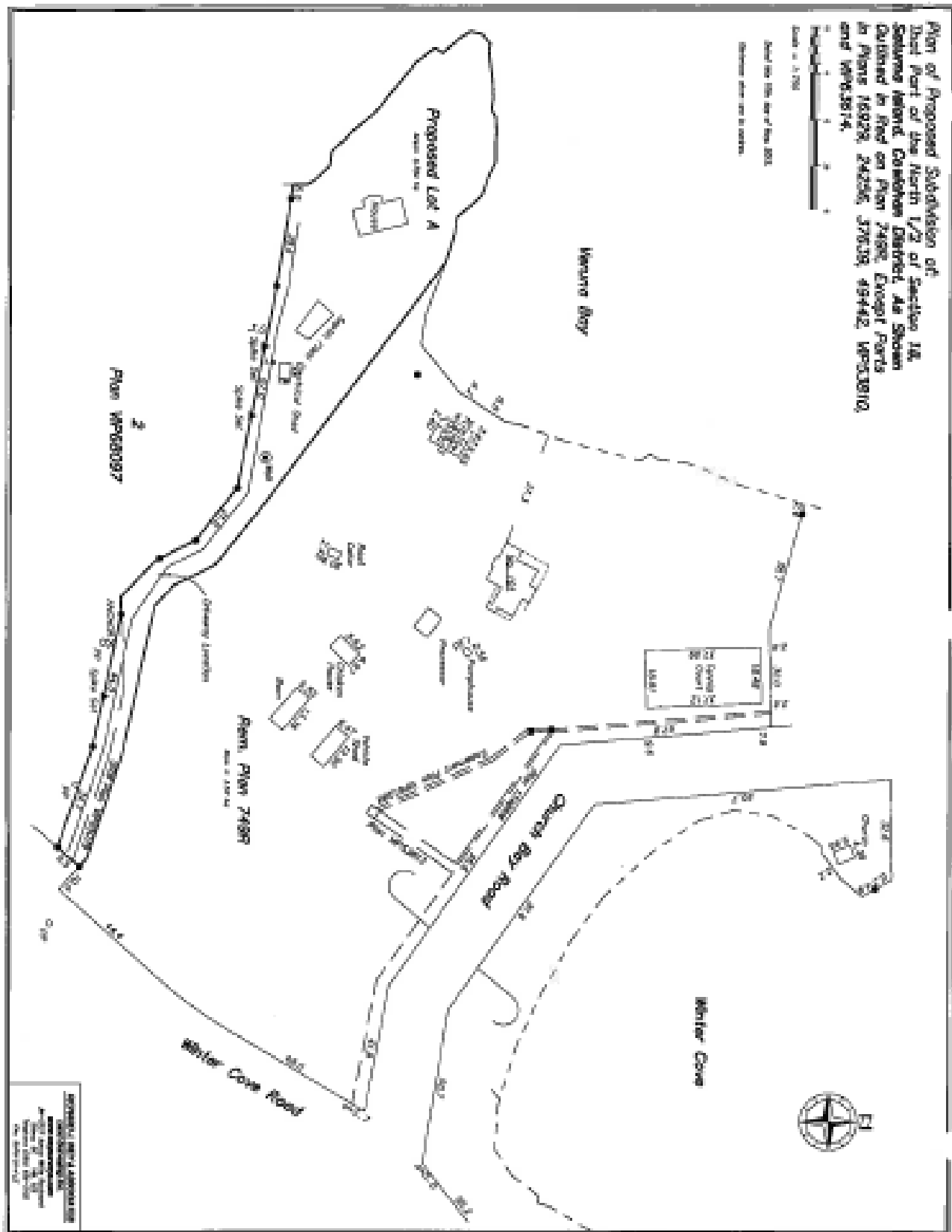
One of the reasons given by the applicant and supported by staff in an earlier report regarding the length to width variance was that the proposed layout minimized the amount of arable land taken from the remainder lot for proposed Lot A.

Waiving of the statutory requirement for a 10% perimeter in this instance would appear to create no negative effect on neighbours or on future residents of the new lots.

Based on the above considerations, I would recommend issuance of the variance and adoption of a resolution waiving the 1/10th perimeter requirement for proposed Lot A.

Recommendation:

1. THAT pursuant to Section 944(2) of the *Local Government Act*, the Saturna Island Local Trust Committee grant exemption from the 10% perimeter provisions of Section 944(1) of the *Local Government Act* for proposed Lot A of subdivision application SA-SUB-2012.1 (Sewell).



PROPOSED

SATURNA ISLAND TRUST COMMITTEE BYLAW NO. 110

A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW NO. 78, 2002

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

A. The Saturna Island Land Use Bylaw, No. 78 is amended as follows:

1. Subsection 11.1.1 (WA zone) is amended by inserting the following as new article (4):
 "11.1.1(4) Ocean loop geo-exchange systems for the purpose of domestic heating and cooling *accessory* to the *residential use* of the upland property."
2. Subsection 11.5.1 (WO zone) is amended by inserting the following as new article (5):
 "11.5.1(5) Ocean loop geo-exchange systems for the purpose of domestic heating and cooling *accessory* to the *residential use* of the upland property."
3. Section 15.1 (Definitions) is amended by inserting the following as a new subsection 15.1.30 and re-numbering current subsection 15.1.30 accordingly:
 "15.1.30 **"ocean loop geo-exchange system"** means a renewable geo-exchange system (geothermal heat exchange) utilizing the natural occurring temperature of the ocean for the purpose of heating and cooling that:
 - (a) is a closed-loop system using only freshwater or a combination of freshwater and propylene glycol as the circulating heat transfer fluid,
 - (b) meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and
 - (c) is designed and installed by a Registered System Designer accredited by the Canadian Geoeexchange Coalition, or the International Ground Source Heat Pump Association."

Information Note: Installation of marine geothermal loops are also required to obtain the necessary permits or approvals from provincial and federal agencies."

B. This Bylaw may be cited as "Saturna Island Land Use Bylaw 78, 2002, Amendment No. 2, 2012".

READ A FIRST TIME this 8th day of November ,2012.

PUBLIC HEARING HELD this day of ,20XX

READ A SECOND TIME this day of , 20XX

READ A THIRD TIME this day of , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLAND TRUST this
 day of , 20XX

ADOPTED this day of , 20XX

 Chair

 Deputy Secretary



Islands Trust

Print Date: Feb-05-2013

Top Priorities

Saturna Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Community Park Zoning	Amend zoning and OCP designations to permit appropriate uses on community parklands. Prepare draft OCP and LUB bylaws. Forward Proposed Bylaws to Executive Committee and Minister of Community, Sport and Cultural Development - COMPLETE BYLAW Adopted	Feb-09-2011	Gary Richardson	Oct-09-2012	On Going
2	Provincial Riparian Areas Regulation	To amend the Lyall Creek DPA to bring bylaw it into compliance with the provincial RAR - prepare staff report - options. Schedule Public hearing for September 8 LTC Mtg.- COMPLETE Bylaw to Minister - COMPLETE Bylaw Adopted	Oct-26-2011	Gary Richardson	Nov-06-2012	On Going
3	Ocean loop Geo-Exchange	Prepare staff report on options to permit and regulate Staff tp prepare draft bylaw for LTCs consideration COMPLETE Schedule public hearing - COMPLETE Further Readings, EC approval, adopt bylaw - PENDING	Aug-31-2011	Gary Richardson	Oct-24-2012	On Going



Islands Trust

Print Date: Feb-05-2013

Projects

Saturna Island

No.	Description	Activity	Received / Initiated	Status
1	Land Use Bylaw Review - targeted (Ben Bylaw)		Sep-06-2012	On Going
2	Sensitive Ecosystem Mapping and DPA review	1. Complete Sensitive Ecosystem Mapping 2. Consider options for implementing sensitive ecosystem protection, including DPA	Feb-25-2009	On Going
3	Geological Hazard Mapping		Feb-25-2009	On Going
4	Raptor Nest Mapping		Feb-25-2009	On Going
5	East Point Water Conservation		Sep-30-2011	On Going
6	Agricultural Building Watercourse Setbacks		Sep-30-2011	On Going
7	National Park Lands OCP and LUB amendments		Feb-09-2012	On Going
8	Review OCP Section C.1.3 and Community Amenity Density Reserve (OCP Schedule E, Appendix A)			On Going



Islands Trust

Applications w / Status - Saturna Island Status: Open

Print Date: Feb-05-2013

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SA-ALR-2012.1	Reed Pope LLP Lawyers Planner: Gary Richardson	Aug-01-2012	subdivision in ALR

Planning Status

Status Date: Feb-04-2013
ALC decision pending.
Status Date: Oct-30-2012
Local government report sent to ALC, waiting for ALC decision.
Status Date: Aug-29-2012
Staff report prepared for Sept 6/12 LTC Mtg for LTCs consideration.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SA-DVP-2012.1	Robyn Quaintance & Lloyd Elling Planner: Gary Richardson	Jun-18-2012	122 PAYNE RD To vary the setbacks to allow for existing dwelling stairway and outbuildings.

Planning Status

Status Date: Feb-04-2013
Saturna Parks and Recreation comments placed on February 14/13 LTC agenda for LTC consideration.
Status Date: Nov-08-2012
LTC defers consideration pending referral to Parks Commission
Status Date: Oct-30-2012

Staff report and draft permit prepared for Novemeber 8, 2012 LTC agenda for LTC consideration.

Rezoning

File Number	Applicant Name	Date Received	Purpose
SA-RZ-2012.1	Jonathan Yardley Architect Inc Planner: Gary Richardson	Jan-26-2012	Rezone to allow subdivision

Planning Status

Status Date: Feb-04-2013

Staff report prepared for February 14, 2013 LTC meeting in response to proposed amenity.

Status Date: Oct-30-2012

Staff to prepare a report for November 8, 2012 LTC meeting.

Status Date: Jul-31-2012

Staff report prepared for sept LTC meeting

Subdivision

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2010.1	Angermeyer Planner: Gary Richardson	Jan-28-2010	204 NARVAEZ BAY RD To create 2 new lots

Planning Status

Status Date: Feb-04-2013

Staff to contact applicants prior to Feb 14, 2013 LTC meeting to determine status.

Status Date: Jul-19-2012

applicants in process of applying for DVP and DP

Status Date: Jun-12-2012

Recently met with applicant to discuss remaining IT issues.

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2012.1	Mark Rappaport Planner: Gary Richardson	May-28-2012	101 CHURCH BAY RD To create 2 lots

Planning Status

Status Date: Feb-04-2013

Status Date: Feb-04-2013

Status Date: Feb-04-2013

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2012.2	Saturna Garage & Contracting Ltd. c/o Wolfe-Milner Land Surveying Inc. Planner: Gary Richardson	Jul-04-2012	Creating 4 lots

Planning Status

Status Date: Feb-04-2013

Staff to contact applicant to discuss details of MoTI response.

Status Date: Nov-02-2012

Response sent to MoTI

Status Date: Aug-01-2012

Form and fees received.

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2012.3	c/o Wolfe Milner Land Surveying Inc. Planner: Gary Richardson	Aug-01-2012	Proposed boundary adjustment

Planning Status

Status Date: Feb-04-2013

Staff to contact applicant to discuss details of MoTI response.

Status Date: Nov-02-2012

Response sent to MoTI

Status Date: Aug-20-2012

Sent letter of acknowledgement of receipt of fees and application form to applicant; copied to trustees and forwarded file to planner.

Kathy Jones

From: Nicole Ranger
Sent: January-29-13 12:38 PM
To: Gary Richardson; Ken Hancock; Pamela Janszen; Paul Brent; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario
Cc: Nancy Roggers
Subject: Saturna Expense Report Jan/13

Islands Trust**LTC EXP SUMMARY REPORT F2012**

Invoices posted to January 31, 2013

660 Saturna	Invoices posted to January 31, 2013	Budget	Spent	Balance
65000 660	LTC "Trustee Expenses"	1,100.00	114.50	985.50
65200 660	LTC Local Exp LTC Meeting Expenses	3,000.00	1,378.05	1,621.95
65210 660	LTC Local Exp APC Meeting Expenses	-	442.26	(442.26)
65220 660	LTC Local Exp Communications	-	-	-
65230 660	LTC Local Exp Special Projects	-	602.31	(602.31)
65240 660	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		3,000.00	2,422.62	577.38
73001 660 3007	Saturna R&R	4,000.00	3,114.73	885.27
TOTAL Project Expense		4,000.00	3,114.73	885.27

Nicole Ranger

Finance Clerk
 Islands Trust
 200-1627 Fort Street
 Victoria, BC V8R 1H8
 Phone: (250) 405-5152
 Fax: (250) 405-5155

Preserving *Island* communities, culture and environment



Please consider the environment before printing this email

Updated: February 9, 2012

Saturna Island Local Trust Committee POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 16/07	SA-LTC-16-07	Travel Trailer or Camper	It was Moved and Seconded that staff be directed to not take enforcement action against property owners when a travel trailer or camper is located on a lot when: The travel trailer or camper is being used for recreational purposes by the owners of the lot and; The travel trailer or camper is being used intermittently and for short periods not exceeding two months. Not withstanding this direction, staff is to take action to prevent the recreational use of travel trailers or campers on inappropriately zoned land if: The travel trailer or camper is being used as a second residence or; The trailer or camper is situated within the setbacks for a structure or; There are serious safety issues, unsightliness, noise, or health problems related to the use or; A complaint based on the above three items is received from a person who owns neighboring property. Nothing in this direction should be interpreted by a property owner as giving permission to violate the Land Use Bylaw and the Saturna Island Trust Committee may change this policy at any time and may give direction to enforce the Bylaw at any time.
2.	August 20/08	SA-LTC-43-08	Bylaw Enforcement: Short Term Vacation Rentals	It was Moved and Seconded THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs not permitted by Section 2.16.10 of the Saturna Island Land Use Bylaw No. 78 that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; More than one STVR per constructed residence on the lot is simultaneously made available for STVR; 4. While the property is rented persons are also staying in tents, trailers, or RV's; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR;

				7. The owner of the property uses more than one property on Saturna Island as an unpermitted STVR. And THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Saturna Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.
3.	February 25/09	SA-LTC-09-09	Adopt LTC Minutes by RWM	It was Moved and Seconded that the Saturna Island Local Trust Committee draft minutes be adopted by Resolution without meeting within 30 days of the meeting and posted to the website.
4.	June 22/11	SA-LTC-	Adopting In Camera Minutes	It was Moved and Seconded that the Saturna Island Local Trust Committee adopt a Standing Resolution to direct staff to place the in camera minutes on the agenda when there is a need to close the meeting or at least once a year.
5.	August 31/11	SA-LTC-32-11	Adopt Ocean Loop Geo-thermal Exchange Enforcement Policy	It was Moved and Seconded that the Saturna Island Local Trust Committee adopts the policy stated in the Islands Trust memorandum dated August 23, 2011 regarding Ocean Loop Geo-thermal Exchange Enforcement. "That given that the Saturna Island Local Trust Committee (LTC) has placed "ocean loop geoeexchange" on the LTC project list as a matter for staff review existing ocean loop geoeexchange systems will not be subject to enforcement unless issues of health, safety or environmental degradation arise."
6.	February 9/12	SA-LTC-11-12	Adopt SOL policy	It was Moved and Seconded that where a Liquor Control and Licensing Branch Special Occasion Licence referral relates to a property where Saturna Island Land Use Bylaw No. 78, 2002 permits public assembly uses, such as halls, recreation facilities or restaurants, and where there have been no issues related to parking or past complaints for the preceding three years, planning staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration



Islands Trust

Preserving **island** communities, culture and environment.

[Meeting Agendas](#) | [Contact](#) | [Secure Login](#) | [Home](#)

- [Local Trust Committees](#)
- [Trust Council](#)
- [Islands Trust Fund](#)
- [Island Municipalities](#)
- [About Us](#)
- [Employment](#)
- [News and Subscriber Services](#)



Population (2011):

Approximately 335

Size:

3422 hectares (8,455 acres)

Location:

27 kilometres south-east of the Swartz Bay ferry terminal on Vancouver Island.

[Land Use Planning](#)

[Related Planning Services](#)

[Related Resources](#)

[Trust Area Mapping](#)

[Related Links](#)

Saturna Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Saturna Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

January 2013

- [Saturna Island Public Hearing will be held February 14, 2013 re: Ocean Loop Geo-exchange system](#)
- [Saturna Island Advisory Planning Commission Expression of Interest](#)

September 2012

- [Saturna Island Property Owners Association -Water Conservation Brochure 2012](#)

Scribbler - Trustee Reports

- [February - 2013](#)
- [November - 2012](#)
- [October - 2012](#)
- [September - 2012](#)
- [Summer - 2012](#)
- [June - 2012](#)
- [March - 2012](#)

Planner Office Hours on Saturna Island

- [Planner Office Hours on Saturna Island - 2013](#)

Saturna Island Local Trust Committee Projects

Local trust committee community planning projects are initiated and managed through their Work Programs. The Work Program Top Priorities are projects that have been prioritized by the LTC and for which resources are available or anticipated to be available shortly. Projects can be significant and long term, such as an Official Community Plan Review, or may be relatively minor, such as an amendment to a regulation in a Land Use Bylaw.

- [Work Program Top Priorities](#)

Riparian Area Regulation (RAR)Implementation

- [Saturna Island Riparian Areas Regulation Stream Identification](#)
- [Implementation of Provincial Riparian Areas Regulation Staff Report - February 2012](#)
- [Map of lands potentially subject to RAR](#)
- [RAR Fact Sheet](#)
- [Link to provincial RAR website](#)
- [Riparian Areas Regulation Notice of Open House - April 28, 2012](#)
- [Land Owner Contact Letter - March 20, 2012](#)
- [Lyall Creek Upper Tidal Influence Report - June 2012](#)
- [Staff Report - June 21, 2012](#)
- [Staff Report - September 6, 2012](#)
- [Proposed Bylaw No. 109 \(OCP Amendment\)](#)

Committee Links

- [Committee Home](#)
- [Trustee Membership](#)
- [Contact Trustees](#)
- [Contact Planning Staff](#)
- [Planning Bylaws](#)
- [Administrative Bylaws](#)
- [Meetings Schedule](#)
- [Meeting Agendas](#)
- [Meeting Minutes](#)
- [Resolutions-Without-Meeting](#)
- [Associated Islands](#)
- [Land Use Application Forms](#)

Ocean Loop Geo-exchange

- [Staff Report - August 8, 2012](#)
- [Staff Report - October 30, 2012](#)
- [Proposed Bylaw No. 110](#)

General

- [Budget Request 2013 - 2014](#)
- [Policies and Standing Resolutions Chart](#)
- ["A Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands" booklet](#)
- [A "Choosing a Building Site on your Lot" fact sheet](#)
- [A "Making Changes to your Lot Line" fact sheet](#)
- [An "Applying for a Variance" fact sheet](#)

Ecosystem Mapping Webpage**Community Parkland Zoning**

- [Staff Report - March 30, 2012](#)
- [Staff Report - June 13, 2012](#)
- [Proposed Bylaw No. 107 \(OCP Amendment\)](#)
- [Proposed Bylaw No. 108 \(LUB Amendment\)](#)

Applications**SA-RZ-2012.1 (Yardley)**

- [Staff Report - March 30, 2012](#)
- [Staff Report - August 29, 2012](#)

[^ top](#)[Privacy Policy](#) | [Terms & Conditions](#) | [Accessibility](#) | [Copyright](#) | [Search](#) | [Contact](#) | [Webmail](#) | [Home](#)

Copyright © 2008 Islands Trust. All rights reserved.



Memorandum

Date January 24, 2013 File Number 0410-20

To Gabriola Island Local Trust Committee
 Galiano 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

From Robert Kojima, Regional Planning Manager
 Leah Hartley, Regional Planning Manager
 Courtney Simpson, Regional Planning Manager

Re National Marine Conservation Area

At December Trust Council, a Request for Decision (RFD) from Trust Programs Committee concerning the proposed National Marine Conservation Area Reserve (NMCAR) was considered. Trust Council adopted the following resolutions:

Resolution TC 161/12

That the Islands Trust Council reaffirm its support for a National Marine Conservation Area Reserve in the Southern Strait of Georgia, and affirms its support for enacting the entire perimeter (or larger) as currently proposed .

Resolution TC 161/12

That the Islands Trust Council recommend that local trust committee zoning be used by Parks Canada as the basis for defining the zoning in the National Marine Conservation Area Reserve Interim Management Plan.

Resolution TC 161/12

That the Islands Trust Council propose that the Islands Trust be included in a joint management approach to the National Marine Conservation Area Reserve.

The RFD included the following passage:

Local trust committees (except Lasqueti, Hornby, Denman, Gambier and Executive (Ballenas-Winchelsea)) are encouraged to give specific input (ideally by resolution) about more precise NMCAR boundary definition in environmentally sensitive areas and/or exclusions of high use areas such as docks

and sewage outfalls. (CAO comment: Those LTCs that wish to solicit public comment or make detailed assessments before providing more specific input regarding NMCAR boundary definition would need to make this a work program priority with assigned planner resources.)

LTCs have several options in considering if further specific input is appropriate.

1. Review of NMCAR boundaries: as suggested in the RFD quote above, an LTC may consider that a detailed review of the proposed boundaries within the LTA should be conducted prior to making comment. This may involve some or all of the following:
 - a. Staff review of Parks Canada proposed NMCAR boundaries in comparison to Islands Trust mapping and LTC bylaw designations and zoning.
 - b. Identification and delineation of specific locations to recommended for exclusion (or for inclusion). For example public docks could be requested for exclusion, and options could be considered for the exact boundary of the area of exclusion (i.e. lease, zone or general area of activity). Conversely, a recommendation could be made to include areas current shown as excluded based on Islands Trust mapping (ecosystem, shoreline, archaeological, etc.)
 - c. LTC led consultation, including community meetings and consultation with local groups

Although the work may be completed within one or two LTC meetings, this level of work should be treated like any other LTC project and included as Top Priority on the Work Program and staff should be requested to provide options on the resources, timelines and scope of work.

2. The LTC may consider a simple resolution or set of resolutions to forward to Parks Canada. For example:
 - a. A resolution recommending exclusion specific location or feature (e.g. a public dock)
 - b. A resolution recommending that Parks Canada hold a public meeting on the island.

This approach would typically be considered at a single meeting and would not need to be added to the Work Program. Trustees considering this approach are encouraged to work with their Island Planner in advance of the meeting on suitable resolution wording.

3. Finally, an LTC may consider that no further action is necessary from the LTC. In other words, the resolutions of Trust Council are sufficient.

pc David Marlor, Director of Local Planning Services
Lisa Gordon, Director of Trust Area Services



Île

Saturna

Island

Île Tumbo Island

SOUND

Île South