



**SATURNA ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING AGENDA
12:30 PM, THURSDAY, JUNE 21, 2012
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		
2.1 Additions/Deletions		
2.2 Questions from public on Agenda Items		
3. COMMUNITY INFORMATION MEETING		
3.1 Saturna Island Draft Bylaw No. 105 – Enforcement Notification Bylaw (attached)	1	
3.2 SA-RZ-2012.1 (Yardley) (attached)	23	
4. PUBLIC HEARING - none		
5. PREVIOUS MEETINGS		1:45 pm
5.1 Adopted Local Trust Committee Minutes - for information only (attached)	32	
5.1.1 Adopted Minutes of April 12, 2012 Local Trust Committee Business Meeting		
5.2 Public Hearing Records and Community Information Meeting Notes - for information only (attached)		
5.2.1 Received Notes of April 12, 2012 Community Information Meeting	40	
5.2.2 Received Record of April 12, 2012 Public Hearing	44	
5.3 Section 26 Resolutions-without-meeting (attached)	47	
5.4 Advisory Planning Commission		
5.4.1 Draft Minutes of April 16, 2012 Advisory Planning Commission Meeting (attached)	48	

6.	BUSINESS ARISING FROM THE MINUTES	
6.1	Follow-up Action Report (attached)	50
7.	DELEGATIONS - none	
8.	CORRESPONDENCE (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>	
8.1	C. Money email dated May 9, 2012 re: Response to Pam and Bylaw No. 105	51
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS	2:00 pm
9.1	SA-TUP-2012.1 (Johnson) Staff Report (attached)	52
9.2	Referral of Proposed North Pender Bylaw No. 191 (attached)	66
9.3	Referral of Proposed Mayne Island Bylaw No. 157 (attached)	69
10.	LOCAL TRUST COMMITTEE PROJECTS	
10.1	Community Parkland Zoning (attached)	71
10.2	Saturna Island Advisory Planning Commission Amendment Bylaw No. 106, Amendment No. 1, 2012 – for consideration of Adoption (attached)	82
10.3	Riparian Areas Regulation – Staff Report (attached)	83
11.	REPORTS	3:00 pm
11.1	Work Program Reports – for information	
11.1.1	Saturna Island Local Trust Committee Work Program Report dated June, 2012 (attached)	95
11.2	Applications Report – for information	
11.2.1	Saturna Island Applications Report dated June, 2012 (attached)	97
11.3	Expense/Budget Reports	
11.3.1	Trustee and Local Expenses– for information (attached)	99
11.4	Bylaw Enforcement	
11.4.1	Mayne Island Draft Bylaw No. 105 – Enforcement Notification Bylaw – for further consideration	
11.5	Policies and Standing Resolutions Report – for information (attached)	100
11.6	Saturna Island LTC Web Page – for information (attached)	102
11.7	Chair's Report	
11.8	Trustee Report	

12. OTHER BUSINESS

**12.1. Next Business Meeting scheduled for 12:30 pm,
September 6 , 2012, Saturna Island Recreation
Centre, Lounge**

12.2 Video Taping Meetings – for discussion

13. TOWN HALL MEETING

14. MOTION TO CLOSE MEETING

THAT, pursuant to Section 90(a) of the Community Charter,
the Saturna Island Local Trust Committee resolves to close
the meeting to the public for the purpose of adopting
February 9, 2012 considering Board of Variance
appointments; and further that staff and Recording
Secretary Jenna Foster remain present.(distributed under
separate cover)

15. RECALL TO ORDER

15.1. Rise and Report from Closed Meeting

14. ADJOURNMENT

3:50 pm



STAFF REPORT

Date: June 12, 2012 **File No.:** Bylaw Enforcement Notification
Bylaw No. 105

To: Saturna Island Local Trust Committee
Meeting of June 27, 2012

From: Miles Drew
Bylaw Enforcement Manager

Re: **Adoption of Bylaw Enforcement Notification Bylaw**

THE PROPOSAL:

The proposal is to adopt a new Bylaw Enforcement Notification Bylaw for Saturna Island. The Bylaw has several purposes: Primarily it establishes schedules listing penalties for various offences of the Land Use Bylaw; it also establishes discounts for completion of compliance agreements negotiated with a screening officer and early payment discounts. The schedules in the Bylaw have been designed to penalize persons who violate the land use bylaw and also to encourage them to make good on the situation by reducing the penalty for correcting the violation. Additionally, the Bylaw Enforcement Notification Bylaw creates methods for payment, dispute, and service of the bylaw violation notices.

STAFF COMMENTS:

The Saturna Island Local Trust Committee (SILTC) at its meeting of February 9th, 2012 considered the Bylaw Enforcement Notification Bylaw No. 105. On September 2nd, 2009 the SILTC requested that it be appointed by the Province as a local government for the purpose of adopting a Bylaw Enforcement Notification Bylaw. The Province subsequently issued an Order-In-Council authorizing this step.

At the meeting of February 9th 2012 the SILTC passed a resolution referring the Bylaw Enforcement Notification Bylaw to the Advisory Planning Commission. . On April 16, 2012, the Advisory Planning Commission recommended adoption of the Bylaw. Their comments are attached.

The intent of the Bylaw is to provide bylaw enforcement officers with a low cost alternative to the court process. The Bylaw has fine amounts that can be reduced if the alleged offender agrees to comply with the Land Use Bylaw. The Islands Trust policy, which requires bylaw enforcement officers to always attempt to gain voluntary compliance before considering any legal action including this process, remains in place.

This bylaw does not create any new offences. It only lists those offences already present in the Land Use Bylaw.

Methodology for setting fine and fine discount amounts.

Staff considered several factors that recognize the severity of the offence and the ease of compliance in determining a recommended fine amount and associated discounts. The factors considered in setting fine amounts were:

1. environmental damage generally given the highest fines of \$500 to \$200;
2. cost of doing business or revenue associated activities generally given fine amounts of \$300 to \$150;
3. avoidance of permit application costs generally given fines of \$300 to \$150; and
4. nuisance or easily resolved violations were generally given fines of \$250 to \$75.

Discounts for early payments were set at 25% and compliance agreements discounted at either 75% or 50% depending on the costs and ease of complying. Lower discounts are not recommended as in most cases the violator will have had the opportunity to comply after receiving a warning from the bylaw enforcement officer.

Establishment of Registry and Screening Officer

The bylaw establishes the location in North Vancouver of the Registry where disputed bylaw violation notices are adjudicated. The Islands Trust has an agreement with North Shore Municipalities to provide adjudication services.

The bylaw also establishes the position of Screening Officer and its duties, and authorizes bylaw enforcement officers to issue bylaw violation notices. The bylaw provides the ability for the SILTC to appoint persons holding certain positions to the duty of Screening Officer. This means that it is not necessary to name a specific person to carry out the duty; therefore, staff changes will not require new appointments. Although the bylaw provides for several positions to be appointed as screening officers, staff believes that only one person should operate as a screening officer at this time. The most appropriate position to carry out screening officer duties is the Bylaw Enforcement Administrative Assistant.

Attached is a copy of a pamphlet which is intended to explain the Bylaw Enforcement Notification Bylaw. This pamphlet will be issued with each notice and will be available to the general public at Islands Trust offices and on the web site.

Next Steps

The last steps to be taken before bylaw violation notices can finally be issued are:

- obtain Executive Committee approval and final adoption by the Local Trust Committee;
- appointment of Screening Officer and adoption of associated policies; and
- conduct the necessary staff training.

This bylaw does not require Ministerial approval from the Province. Staff training will be done by the City of North Vancouver. Other than occasionally filling out a receipt for payment of a fine or referring persons to the screening officer there will be no impact on regional office resources. A staff familiarization session will be held in each region.

Attached is a proposed sample of the bylaw violation notice.

ATTACHMENTS:

- 1) Bylaw Enforcement Notification Bylaw No. 105 with Schedule
- 2) Advisory Planning Commission draft minutes from April 16, 2012 meeting
- 3) Bylaw Enforcement Notice & Dispute Adjudication System Brochure
- 4) Bylaw Violation Notice

RECOMMENDATION:

Staff recommends:

- 1) That the Saturna Island Local Trust Committee gives the First Reading to Draft Bylaw cited as Saturna Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 105, 2011.
- 2) That the Saturna Island Local Trust Committee gives the Second Reading to Proposed Bylaw cited as Saturna Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 105, 2011.
- 3) That the Saturna Island Local Trust Committee gives the Third Reading to Proposed Bylaw cited as Saturna Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 105, 2011.
- 4) That the Saturna Island Local Trust Committee refers the Proposed Bylaw No. 105, 2011 to Executive Committee.

Prepared and Submitted by:

Miles Drew
Bylaw Enforcement Manager

Date

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 105

A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE SATURNA ISLAND LOCAL TRUST AREA

WHEREAS the Saturna Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Saturna Island Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the Saturna Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Saturna Island Local Trust Area;

NOW THEREFORE the Saturna Island Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as “Saturna Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 105, 2011”.

1.0 INTERPRETATION

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the North Shore Bylaw Notice Adjudication Registry established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the Saturna Island Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedule “A” attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedule “A” as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty set out in column A2 of Schedule “A” as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1), and is the Late Payment Surcharge set out in column A3 of Schedule “A” as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedule “A” as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

- 5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

- 5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.
- 5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the *Act*.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

- 6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw violation notices.
- 6.2 The civic address of the Registry is 141 West 14th Street, North Vancouver, BC, V7M 1H9.
- 6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice, or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

- 7.1 The position of screening officer is established.
- 7.2 The following are designated classes of person that may be appointed as screening officers:

- (1) Regional Planning Manager;
- (2) Bylaw Enforcement Coordinator;
- (3) Bylaw Enforcement Officer;
- (4) Bylaw Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

- 7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:
 - (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
 - (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.

- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedule "A" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

8.0 BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Enforcement Coordinator;
- (b) Bylaw Enforcement Officer.

9.0 FORM OF BYLAW VIOLATION NOTICE

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*.

10.0 SCHEDULES

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – Saturna Island Land Use Bylaw No. 78, 2002 Contraventions and Penalties.

READ A FIRST TIME THIS DAY OF ,20__

READ A SECOND TIME THIS DAY OF ,20__

READ A THIRD TIME THIS DAY OF ,20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS DAY OF ,20__

ADOPTED THIS DAY OF ,20__

SECRETARY

CHAIR

Schedule A
SATURNA ISLAND LAND USE BYLAW NO. 78, 2002
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.2.1(1)	Keeping Of Non Permitted Animals	\$300.00	\$225.00	\$150.00	Yes	75%
2.2.1(2)	Intensive Farm Use Operations On Land Outside The Agricultural Land Reserve	\$300.00	\$225.00	\$150.00	Yes	50%
2.2.1(3)	Commercial Airstrips/Helicopter Landing Pads	\$300.00	\$225.00	\$150.00	Yes	75%
2.2.1(4)	Non Permitted Disposal Of Waste On Land And Marine Areas	\$500.00	\$375.00	\$250.00	Yes	50%
2.3.1	Building/Structure Exceeds Height Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
2.3.2	Non Permitted Feature Projecting Into Required Setback	\$300.00	\$225.00	\$150.00	Yes	75%
2.4.1	Breezeway Between Building/Structure And Principal Building Exceeds 5 Meters	\$300.00	\$225.00	\$150.00	Yes	75%
2.4.2	Accessory Building Within Setbacks	\$300.00	\$225.00	\$150.00	Yes	75%
2.4.3	Accessory Buildings And Structures Exceed Maximum Combined Floor Area Restriction	\$300.00	\$225.00	\$150.00	Yes	75%
2.4.4	Non Permitted Building/Structure On Lot Prior To Construction Of Principal Residence	\$300.00	\$225.00	\$150.00	Yes	75%
2.5.1	Non Permitted Building/Structure Within Setback To Natural Boundary Of Sea/Natural Watercourse	\$300.00	\$225.00	\$150.00	Yes	75%
2.6.1	Cottage Located Within 5 Metres Of Residence/Other Cottage	\$300.00	\$225.00	\$150.00	Yes	75%
2.10.1	Non Permitted Provisional Residence On Lot Prior To Construction Of Principal Dwelling/Commencement Of Principal Residential Use	\$300.00	\$225.00	\$150.00	Yes	75%
2.12.1	Exceed Density On Lots In More Than One Zone	\$300.00	\$225.00	\$150.00	Yes	75%
2.12.2	Exceed Density On Lots In Both Farmland And Rural Zones	\$300.00	\$225.00	\$150.00	Yes	75%
2.12.3	Exceed Density On Lots In Both Watershed And Rural/Forest Zones	\$300.00	\$225.00	\$150.00	Yes	75%
2.16.1	Home Occupation Not Entirely Conducted In Dwelling Unit/Permitted Accessory Building Or Home Occupation Exceeds Maximum Combined Floor Area	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.2	Noxious/Offensive Noise/Dust/Smoke/Gas/Effluents From Home Occupation	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.3(1)	Inadequate Landscape Screen/Fence For Exterior Storage Of Home Occupation	\$100.00	\$75.00	\$50.00	Yes	75%
2.16.3(2)	Non Permitted Displays/Lighting For	\$250.00	\$187.50	\$125.00	Yes	50%

Schedule A
SATURNA ISLAND LAND USE BYLAW NO. 78, 2002
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Home Occupation					
2.16.3(3)	Fail To Retain Residential Appearance On Home Occupation Premises	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.4	Home Occupation Not Operated By Person Permanently Residing In Dwelling Or Exceeds Non-Resident Employees Restriction	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.5	Non Permitted Home Occupation Activities	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.6(1)	Bed & Breakfast Exceeds Maximum Bedrooms	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.6(2)	Insufficient Off Street Parking For Bed & Breakfast	\$150.00	\$112.50	\$75.00	Yes	75%
2.16.6(3)	Bed & Breakfast Not Conducted Solely On The Property	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.6(4)	Meals Other Than Breakfast Served To Paying Guests Or Breakfast Served To Non-Paying Guests	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.6(5)	Bed & Breakfast Catered More Than Twelve Special Events Per Annum	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.6(6)	Dinners Served To Paying Guests Staying Less Than Two Consecutive Nights Or Excessive Number Of Dinners Served To Paying Guests Staying Two Or More Nights	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.7	Home Occupation Does Not Comply With All Licencing/Health/Other Applicable Regulations Of British Columbia And The Capital Regional District	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.8	Insufficient Off Street Parking For Home Occupation	\$150.00	\$112.50	\$75.00	Yes	75%
2.16.9	Space Dedicated To Presentation And Sale Of Products Not Made/Grown On Premises Exceeds Maximum Restrictions	\$250.00	\$187.50	\$125.00	Yes	50%
2.16.10(1)	More Than One Cottage Per Constructed Residence Used As A Short Term Vacation Rental At Any One Time	\$300.00	\$225.00	\$150.00	Yes	75%
2.17.1	Home Based Industry Not Entirely Conducted In Dwelling Unit/Permitted Accessory Building Or Home Occupation Exceeds Maximum Combined Floor Area	\$250.00	\$187.50	\$125.00	Yes	50%
2.17.2	Noxious/Offensive Noise/Dust/Smoke/Gas/Effluents From Home Based Industry	\$250.00	\$187.50	\$125.00	Yes	50%
2.17.3(1)	Home Based Industry On Lot Less Than	\$250.00	\$187.50	\$125.00	Yes	50%

Schedule A
SATURNA ISLAND LAND USE BYLAW NO. 78, 2002
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	2 Hectares In Area					
2.17.3(2)	Home Based Industry Within Setbacks	\$300.00	\$225.00	\$150.00	Yes	75%
2.17.3(3)	Inadequate Screening Of Home Based Industry	\$100.00	\$75.00	\$50.00	Yes	75%
2.17.4	Home Based Industry Operating Outside Permitted Hours And Creating Noxious/Offensive Noise/Dust/Smoke/Gas/Effluents	\$250.00	\$187.50	\$125.00	Yes	50%
2.17.5(1)	Inadequate Landscape Screen/Fence On Home Based Industry Premises	\$100.00	\$75.00	\$50.00	Yes	75%
2.17.5(2)	Non Permitted Displays/Lighting For Home Based Industry	\$150.00	\$112.50	\$75.00	Yes	75%
2.17.5(3)	Fail To Retain Residential Appearance On Home Based Industry Premises	\$250.00	\$187.50	\$125.00	Yes	50%
2.17.6	Home Based Industry Not Operated By Person Permanently Residing In Dwelling Or Exceeds Non-Resident Employees Restriction	\$250.00	\$187.50	\$125.00	Yes	50%
2.17.7	Non Permitted Home Based Industry Activities	\$250.00	\$187.50	\$125.00	Yes	50%
2.17.9	Insufficient Off Street Parking On Home Based Industry Premises	\$250.00	\$187.50	\$125.00	Yes	50%
2.17.10	Space Dedicated To Presentation And Sale Of Products Not Made/Grown On Premises Exceeds Maximum Restrictions	\$250.00	\$187.50	\$125.00	Yes	50%
2.18	Cistern Capacity Does Not Meet Requirements For New Construction/Additions To Residence/Visitor Accommodation Unit	\$300.00	\$225.00	\$150.00	Yes	75%
4.1.1	Non Permitted Use In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
4.1.2	Non Permitted Use On Lots Less Than One Hectare In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
4.1.3	Exceed Maximum Number Of Dwelling Units In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.1.4	Exceed Maximum Number Of Residences And Cottages In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.1.5	Exceed Maximum Lot Coverage Restriction In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.1.6	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.1.7	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.1.8	Encroachment Of Building/Structure	\$300.00	\$225.00	\$150.00	Yes	75%

Schedule A
SATURNA ISLAND LAND USE BYLAW NO. 78, 2002
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Housing Animals/Poultry Into Setbacks In Rural Residential Zone					
4.2.1	Non Permitted Use In Rural General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
4.2.2	Non Permitted Use On Lots Less Than One Hectare In Rural General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
4.2.4	Exceed Maximum Density On Parcels 1.21 Hectares Or Less In Rural General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.2.5	Exceed Maximum Density On Parcels Greater Than 1.21 Hectares And Less Than 4.05 Hectares In Rural General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.2.6	Exceed Maximum Density On Parcels Equal Or Greater Than 4.05 Hectares In Rural General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.2.7	Exceed Maximum Lot Coverage Restriction On Lots Less Than 0.4 Hectares In Rural General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.2.8	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Rural General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.2.9	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Rural General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.2.10	Encroachment Of Building/Structure Housing Animals/Poultry Into Setbacks In Rural General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.3.1	Non Permitted Use In Rural Agricultural Sales Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.3.2	Exceed Maximum Lot Coverage Restriction In Rural Agricultural Sales Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.3.3	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Rural Agricultural Sales Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.3.4	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Rural Agricultural Sales Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.3.5	Encroachment Of Building/Structure Housing Animals/Poultry Into Setbacks In Rural Agricultural Sales Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.4.1	Non Permitted Use In Rural Comprehensive Development Zone	\$300.00	\$225.00	\$150.00	Yes	50%
4.4.2	Exceed Maximum Lot Coverage Restriction In Rural Comprehensive Development Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.4.3	Exceed Maximum Lot Coverage	\$300.00	\$225.00	\$150.00	Yes	75%

Schedule A
SATURNA ISLAND LAND USE BYLAW NO. 78, 2002
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Restriction On Land Commonly Known As 'Old Point Farm' In Rural Comprehensive Development Zone					
4.4.4	Exceed Maximum Lot Coverage Restriction On Lot A, Sections 17 And 18, Plan VIP74669 In Rural Comprehensive Development Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.4.5	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Rural Comprehensive Development Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.4.6	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Rural Comprehensive Development Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.4.7	Encroachment Of Building/Structure Housing Animals/Poultry Into Setbacks In Rural Comprehensive Development Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.1	Non Permitted Use In Multiple Family Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
4.5.2	Exceed Maximum Lot Coverage Restriction In Multiple Family Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.3	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Multiple Family Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.4	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Multiple Family Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.5	Exceed Maximum Density Restriction In Multiple Family Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.6.1	Non Permitted Use In Community Services Zone	\$300.00	\$225.00	\$150.00	Yes	50%
4.6.2	Exceed Maximum Lot Coverage Restriction In Community Services Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.6.3	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Community Services Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.6.4	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Community Services Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.7.1	Non Permitted Use In Public Utilities Zone	\$300.00	\$225.00	\$150.00	Yes	50%
4.7.2	Exceed Maximum Lot Coverage Restriction In Public Utilities Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.7.3	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Public Utilities Zone	\$300.00	\$225.00	\$150.00	Yes	75%
4.7.4	Encroachment Of Building/Structure Into	\$300.00	\$225.00	\$150.00	Yes	75%

Schedule A
SATURNA ISLAND LAND USE BYLAW NO. 78, 2002
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Side Lot Line Setbacks In Public Utilities Zone					
5.1.1	Non Permitted Use In Commercial Recreation And Accommodation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.1.2	Non Permitted Use On Lot 1, Section 18, Plan 14913 In Commercial Recreation And Accommodation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.1.3	Non Permitted Use On Site Specific Plans In Section 13 And 14 In Commercial Recreation And Accommodation Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.1.4	Exceed Maximum Lot Coverage Restriction In Commercial Recreation And Accommodation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.5	Exceed Maximum Density Restrictions In Commercial Recreation And Accommodation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.6	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Commercial Recreation And Accommodation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.1.7	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Commercial Recreation And Accommodation Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.1	Non Permitted Use In Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	50%
5.2.2	Exceed Maximum Lot Coverage Restriction In Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.3	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.4	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
5.2.5	Exceed Maximum Density Restrictions In Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%
6.1.1	Non Permitted Use In Industrial Storage And Repairs Zone	\$300.00	\$225.00	\$150.00	Yes	50%
6.1.2	Non Permitted Use On Lot 17, Plan 18592, Section 8 In Industrial Storage And Repairs Zone	\$300.00	\$225.00	\$150.00	Yes	50%
6.1.3	Non Permitted Use On Lot 1, Section 18, Plan 14515 In Industrial Storage And Repairs Zone	\$300.00	\$225.00	\$150.00	Yes	50%
6.1.4	Building Exceeds Maximum Height Restriction In Industrial Storage And Repairs Zone	\$300.00	\$225.00	\$150.00	Yes	75%
6.1.5	Exceed Maximum Lot Coverage Restriction In Industrial Storage And	\$300.00	\$225.00	\$150.00	Yes	75%

Schedule A
SATURNA ISLAND LAND USE BYLAW NO. 78, 2002
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Repairs Zone					
6.1.6	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Industrial Storage And Repairs Zone	\$300.00	\$225.00	\$150.00	Yes	75%
6.1.7	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Industrial Storage And Repairs Zone	\$300.00	\$225.00	\$150.00	Yes	75%
6.2.1	Non Permitted Use In Industrial Comprehensive Zone	\$300.00	\$225.00	\$150.00	Yes	50%
6.2.2	Building Exceeds Maximum Height Restriction In Industrial Comprehensive Zone	\$300.00	\$225.00	\$150.00	Yes	75%
6.2.3	Exceed Maximum Lot Coverage Restriction In Industrial Comprehensive Zone	\$300.00	\$225.00	\$150.00	Yes	75%
6.2.4	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Industrial Comprehensive Zone	\$300.00	\$225.00	\$150.00	Yes	75%
6.2.5	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Industrial Comprehensive Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.1.1	Non Permitted Use In Farmland Zone	\$300.00	\$225.00	\$150.00	Yes	50%
7.1.2	Exceed Maximum Density In Farmland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.1.3	Non Permitted Residential Buildings On Arable Portions Of A Parcel In Farmland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.1.4	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Farmland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.1.5	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Farmland Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.1.6	Encroachment Of Building/Structure Associated With Farm Uses Into Special Setbacks In Farmland Zone On Lots Abutting FR, FG, W Or WR Zones	\$300.00	\$225.00	\$150.00	Yes	75%
7.2.1	Non Permitted Use In Farm Forest Resort Zone	\$300.00	\$225.00	\$150.00	Yes	50%
7.2.2	Building Exceeds Maximum Height Restriction In Farm Forest Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.2.3	Exceed Maximum Lot Coverage Restriction In Farm Forest Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.2.4	Visitor Accommodation Exceeds Maximum Density Restriction In Farm Forest Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.2.5	Residential Use Exceeds One Self-Contained Residence And One Cottage	\$300.00	\$225.00	\$150.00	Yes	75%

Schedule A
SATURNA ISLAND LAND USE BYLAW NO. 78, 2002
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	In Farm Forest Resort Zone					
7.2.6	Non Permitted Use/Exceed Density On Land South Of Quarry Trail In Farm Forest Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.2.7	Encroachment Of Building/Structure Into Front/Rear Lot Line Setbacks In Farm Forest Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.2.8	Encroachment Of Building/Structure Into Side Lot Line Setbacks In Farm Forest Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.2.9	Exceed Site Area Restrictions In Farm Forest Resort Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.3.1	Non Permitted Use In Farm Retreat Zone	\$300.00	\$225.00	\$150.00	Yes	50%
7.3.2	Exceed Maximum Lot Coverage Restriction In Farm Retreat Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.3.3	Exceed Maximum Density Restriction For Visitor Accommodation In Farm Retreat Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.3.4	Exceed Density Restrictions On Site Specific Residential Use In Farm Retreat Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.3.5	Encroachment Of Building/Structure Into Front Lot Line Setbacks In Farm Retreat Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.3.6	Encroachment Of Building/Structure Into Interior/Rear Lot Line Setbacks In Farm Retreat Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.3.7	Encroachment Of Building/Structure Associated With Intensive Farm Use Into Front Lot Line Setbacks In Farm Retreat Zone	\$300.00	\$225.00	\$150.00	Yes	75%
7.3.8	Use Other Than Farm Use Located On Arable Portions Of Land In Farm Retreat Zone	\$300.00	\$225.00	\$150.00	Yes	50%
7.3.9	Building/Structure/Use In Sub-Sections 7.3.1(4) Through 7.3.1(6) Not In Accommodation Area In Farm Retreat Zone	\$300.00	\$225.00	\$150.00	Yes	50%
8.1.1	Non Permitted Use In Watershed Zone	\$300.00	\$225.00	\$150.00	Yes	50%
8.1.2	Encroachment Of Building/Structure Into Setbacks	\$300.00	\$225.00	\$150.00	Yes	75%
9.1.1	Non Permitted Use In Forest Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.2.1	Non Permitted Use In Forest General Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.2.2	Building Exceeds Height Restrictions In Forest General Zone	\$300.00	\$225.00	\$150.00	Yes	75%

Schedule A
SATURNA ISLAND LAND USE BYLAW NO. 78, 2002
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
9.2.3	Encroachment Of Building/Structure Into Setbacks In Forest General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.2.4	Exceed Density Restrictions In Forest General Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.3.1	Non Permitted Use In Forest Residential Zone	\$300.00	\$225.00	\$150.00	Yes	50%
9.3.2	Building Exceeds Height Restrictions In Forest Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.3.3	Encroachment Of Building/Structure Into Setbacks In Forest Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.3.4	Exceed Density Restrictions In Forest Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.3.5	Exceed Density Restrictions On The FR1 Zoned Portion Of Land Legally Described As The South-West ¼ Of Section 8, Plan 23285 In Forest Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.3.6	Exceed Density Restrictions On Parcel Of Land Commonly Known As 'Old Point Farm' In Forest Residential Zone	\$300.00	\$225.00	\$150.00	Yes	75%
10.1.1	Non Permitted Use In Wilderness Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	50%
10.1.2	Encroachment Of Building/Structure Into Setbacks In Wilderness Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	75%
10.1.3	Exceed Maximum Density Restriction In Wilderness Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	75%
10.1.4	Exceed Lot Coverage Restriction In Wilderness Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	75%
11.1.1	Non Permitted Use In Water Zone	\$300.00	\$225.00	\$150.00	Yes	50%
11.1.2	Encroachment Of Float/Wharf Into Setbacks In Water Zone	\$300.00	\$225.00	\$150.00	Yes	75%
11.1.3	Non Permitted Building/Structure On Float/Wharf In Water Zone	\$300.00	\$225.00	\$150.00	Yes	75%
11.1.4	Prohibited Commercial/Industrial Activity In Water Zone	\$300.00	\$225.00	\$150.00	Yes	50%
11.1.5	Fail To Meet Site Specific Regulations In Water Zone	\$300.00	\$225.00	\$150.00	Yes	75%
11.2.1	Non Permitted Use In Water Harvest Zone	\$300.00	\$225.00	\$150.00	Yes	50%
11.2.2	Encroachment Of Float/Wharf Into Setbacks In Water Harvest Zone	\$300.00	\$225.00	\$150.00	Yes	75%
11.2.3	Non Permitted Building/Structure On Float/Wharf In Water Harvest Zone	\$300.00	\$225.00	\$150.00	Yes	75%
11.3.1	Non Permitted Use In Water General Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	50%
11.3.2	Encroachment Of Float/Wharf Into Setbacks In Water General Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	75%

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CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
11.4.1	Non Permitted Use In Water Public Utility Zone	\$300.00	\$225.00	\$150.00	Yes	50%
11.4.2	Encroachment Of Float/Wharf Into Setbacks In Water Zone	\$300.00	\$225.00	\$150.00	Yes	75%
11.5.1	Non Permitted Use In Open Waters Zone	\$300.00	\$225.00	\$150.00	Yes	75%
13.1	Non Permitted Third Party Sign	\$250.00	\$175.00	\$125.00	Yes	50%
13.2	Non Permitted Number/Area Of Signs	\$250.00	\$175.00	\$125.00	Yes	50%
13.3	Obsolete Sign Not Removed From Premises Within Thirty Days Of Becoming Obsolete	\$250.00	\$175.00	\$125.00	Yes	50%
13.4	Election Candidate Sign Not Removed After Election	\$250.00	\$175.00	\$125.00	Yes	50%
13.5	Third Party Signs Not Removed Within 30 Days Of The Event/Purchase	\$250.00	\$175.00	\$125.00	Yes	50%
14.2	Fail To Provide Minimum Off Street Parking Spaces	\$250.00	\$187.50	\$125.00	Yes	75%
14.3	Parking Space Does Not Meet Size Requirements	\$250.00	\$187.50	\$125.00	Yes	75%
14.4	Parallel Off Street Parking Space Does Not Meet Size Requirements	\$250.00	\$187.50	\$125.00	Yes	75%
14.5	Manoeuvring Aisle Does Not Meet Size Requirements	\$250.00	\$187.50	\$125.00	Yes	75%

DRAFT

**MINUTES OF THE SATURNA ISLAND
ADVISORY PLANNING COMMISSION MEETING
HELD ON MONDAY, APRIL 16, 2012 AT 7 P.M.
AT THE SATURNA ISLAND RECREATION AND CULTURAL CENTRE
104 HARRIS ROAD, SATURNA ISLAND, B.C.**

PRESENT:	Charles Reif	Chairperson
	Wayne Quinn	Member
	Hubertus Surm	Member
	Peter Seed	Member
	Amanda Pearson	Member
	Jenna Foster	Secretary

REGRETS: **Tony Green, John Gaines**

There were two (2) members of the public in attendance.

1. CALL TO ORDER

Chairperson Reif opened the meeting at 7:03 p.m. He reviewed the agenda, asked for any additions and there were none.

2. ELECTION OF OFFICERS

Hubertus Surm nominated Charles Reif for Chairperson, who accepted and all those present were in favour. Charles Reif was declared Chairperson by consensus.

Wayne Quinn offered to stand as Vice Chairperson and all those present were in favour. Wayne Quinn was declared Vice Chairperson by consensus.

3. APC MEETING TIME

Chairperson Reif suggested the third Monday of the month as a regular meeting time. The secretary will book the community hall for the meetings. In case there are no referrals from the Local Islands Trust (LTC), the secretary will confirm through email each month whether a meeting will be held or not.

4. BYLAW ENFORCEMENT NOTIFICATION BYLAW REVIEW

Chairperson Reif read out the referral resolution from the LTC and asked to go around the table and hear comments from each member.

Wayne Quinn noted that he has some experience with the bylaw complaint process. He affirmed that the Bylaw Enforcement Notification bylaw would be a useful administrative tool and minimize litigation costs for Islands Trust.

Hubertus Surm added that the bylaw makes sense and gives the Bylaw Enforcement Officer more options. He commended the discounts for early payments.

Amanda Pearson stated that the bylaw offered a reasonable adjudication process.

Peter Seed agreed that it made sense and he supported minimizing legal fees.

Chairperson Reif had a couple of his questions answered by Miles Drew, the Bylaw Enforcement Officer. He found out that repeat offenders would end up in court but the bylaw provides a couple of levels of screening and is a constructive tool. He commented that subdivision regulations and Development Permit Areas are not covered by it.

Amanda Pearson asked if there was also a Capital Regional District (CRD) bylaw.

Chairperson Reif answered that the CRD administers the Building Code.

Hubertus Surm questioned the process when there is property setback non-compliance.

Wayne Quinn responded that the property owner would be fined and they would have to make an application to the Board of Variance or the Islands Trust requesting a property zoning variance. He added that each situation would be examined separately.

Chairperson Reif noted that most of the bylaw contraventions listed in the review are related to site usage.

Resolution SA- APC-01-12

It was Moved by Wayne Quinn and Seconded by Hubertus Surm that the Saturna Island Advisory Planning Commission advise the Saturna Island Local Trust Committee of their support for the adoption of Bylaw Enforcement Notification Bylaw No. 105, 2011 as presented.

CARRIED

Chairperson Reif adjourned the meeting at 7:30 p.m.

RECORDER

DATE

Frequently Asked Questions

What triggers bylaw enforcement?

Normally, enforcement is only undertaken when a written complaint is received. However, if an environmental concern, permitting issue or advertising of an illegal land use is discovered, enforcement may be started without a complaint.

What is a Compliance Agreement?

A person who enters into a Compliance Agreement accepts liability for the alleged contravention detailed in the BVN. The agreement sets out remedies or conditions for future behaviour to be performed within a designated period of time. If the agreement is kept and the bylaw violation is resolved within an agreed time, the amount of the penalty is reduced.

How much can a penalty be reduced with a Compliance Agreement?

With a few exceptions, the discounts for entering into and completing a Compliance Agreement are 50% or 75%.

Can I pay the reduced penalty within 14 days and still proceed to adjudication?

No. Once a penalty is paid the BVN cannot be disputed.

Why are disputes adjudicated in North Vancouver?

It is not practical or cost effective for the Islands Trust to set up its own registry. There are no registries on Vancouver Island. The Islands Trust has therefore joined the closest existing registry, North Shore Bylaw Dispute Registry, which offers partnerships to other governments.

Do I need to appear in person for the Adjudication Hearing?

No. You can submit your evidence and arguments in writing or arrange for a telephone conference call.

Can I pay the penalty before the hearing date if I change my mind?

Yes. However, payments received after 14 days from when the BVN was issued must be paid in full.

Can I appeal the adjudicator's decision to a higher authority?

No. An adjudicator's decision is final.

What if I pay the penalty but still do not comply?

You will be subject to further enforcement and possible legal actions.

How can I contact the Bylaw Enforcement team?

You can contact the Bylaw Enforcement team by

Email at bylawenforcement@islandstrust.bc.ca

Phone at 250.405.5175. If you are calling long distance, call toll free to **Enquiry BC**

In Victoria call **250.387.6121**
In Vancouver call **604.660.2421**
Elsewhere in BC call **1.800.663.7867**

Send **mail** or **visit** any of our offices.

Victoria—200-1627 Fort St, V8R 1H8
Salt Spring—1-500 Lower Ganges Rd, V8K 2N8
Gabriola—700 North Road, V0R 1X3

Visit us online at: www.islandstrust.bc.ca

Bylaw Enforcement Notice & Dispute Adjudication System



Islands Trust

Bylaw Enforcement Notice & Dispute Adjudication — Making the System Simpler

The Bylaw Enforcement Notice and Dispute Adjudication system provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations. It is much less costly, complex and time-consuming than a system in which tickets can be disputed only by going to court.

Bylaw Violation Notices (BVN) are only issued after an investigation confirms that a bylaw contravention exists. Before penalties are imposed, offenders are usually offered an opportunity to comply. The main goal of bylaw enforcement in the Trust area is not to collect penalties; it is to encourage compliance with the community's bylaws.

The Islands Trust manages BVNs through its Bylaw Enforcement Notice and Dispute Adjudication System, under the province's *Local Government Bylaw Notice Enforcement Act*.

The Bylaw Enforcement Notice and Dispute Adjudication system replaces provincial court with an adjudicator. People disputing a BVN can present their objections to the notice by phone, by mail,

in person or online. The BVN includes information on how to do this. Disputes for the Islands Trust are adjudicated by the North Shore Bylaw Dispute Registry.

Under the Bylaw Enforcement Notice and Dispute Adjudication system an Islands Trust screening officer hears initial objections to BVNs. If the objection is found to be valid, the screening officer can cancel the BVN. The screening officer can also authorize a reduction in the penalty amount in return for compliance with the bylaw. This step is carried out through a Compliance Agreement and may include remedial actions.

The Bylaw Enforcement Notice & Dispute Adjudication System provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations.

For more information about bylaw enforcement in the IslandsTrust area, please see our Bylaw Enforcement—Frequently Asked Questions pamphlet or go to www.islandstrust.bc.ca.

How the system works once a Bylaw Violation Notice is issued

Option 1: Pay the BVN

- For penalties paid within 14 days of receiving notice, payment is reduced.
- Penalties paid after 14 days must be paid in full.
- For penalties paid more than 28 days after receiving notice a surcharge is added.

Option 2: Dispute the BVN

Step One

Complete and submit the Adjudication Request Form which is on the back of the BVN. Forms can be delivered, mailed or faxed to the Islands Trust Office on Salt Spring or Gabriola or in Victoria. The request can also be completed online at www.islandstrust.bc.ca.

Step Two

An Islands Trust screening officer will review the adjudication request and will:

- cancel the BVN; or
- work out a Compliance Agreement and reduce the penalty when the agreement is completed; or
- uphold the BVN.

Step Three

If the screening officer upholds the BVN:

- A date and time is set for the Adjudication Hearing.
- At the hearing, evidence is presented and the adjudicator decides if an offence did or did not occur.

Step Four

- If an offence did occur, the BVN must be paid in full, plus an additional \$25 administrative fee.
- If an offence did not occur, the BVN is cancelled and no penalties are imposed.



BYLAW VIOLATION NOTICE

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A LOCAL TRUST AREA BYLAW AS FOLLOWS:

ISSUED TO:

NAME OF PERSON OR COMPANY		
ADDRESS		
LEGAL DESCRIPTION		
DATE YYYY MM DD	TIME HH:MM AM/PM	LOCATION ISSUED
BYLAW NAME		
BYLAW NUMBER		SECTION
DESCRIPTION OF CONTRAVENTION		
ISSUING OFFICER NAME:		SIGNATURE

THE PENALTY FOR A CONTRAVENTION REFERRED TO ABOVE IS:

Discounted rate If paid within 14 days \$ _____
If paid within 15-28 days \$ _____
If paid after 28 days* \$ _____
*See reverse for additional information on late payments.

METHOD OF DELIVERY:	
☐	In Person
☐	By Mail



Islands Trust

ADJUDICATION REQUEST

To dispute this Bylaw Violation Notice please complete the form below and deliver, mail, or fax to any Islands Trust office within 14 days of receipt of this notice. The request can also be made online at www.islandstrust.bc.ca. See the reverse side of this ticket for addresses and additional information.

Bylaw Notice #:	Date of Issue:
Name:	
Postal Address:	
City/Island:	Province: Postal Code:
Daytime Phone #	Email Address:
Signature:	

White – Alleged Offender's Copy

Yellow – File Copy

Pink – Office Copy

ALLEGED OFFENDER'S COPY

COMPLIANCE

- ▶ Failure to comply with the bylaw may result in additional penalties.
- ▶ To arrange a compliance agreement and to receive a discount on the penalty indicated on this notice, contact us.

PAYMENT INFORMATION

PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE
PRESENT THIS NOTICE AT THE TIME OF PAYMENT

- ▶ Please make your cheque or money order payable to Islands Trust.
- ▶ Do not send cash in the mail.
- ▶ Payment must be received within the noted time limits to receive the discounted amounts.
- ▶ A dishonoured cheque will not be considered payment of the penalty within the prescribed time. NSF fees will be applied.
- ▶ Failure to pay promptly will result in additional penalties being added.
- ▶ Overdue fines may be subject to collection process.

DISPUTE ADJUDICATION

- ▶ Adjudication requests must be filed within 14 days of violation notice receipt to be eligible for an adjudication hearing.
- ▶ Deliver, mail, or fax the request form on reverse to any Islands Trust office or complete a request form online at www.islandstrust.bc.ca.
- ▶ Unsuccessful adjudicated disputes will be charged an additional \$25 administration fee.

CONTACT US

Phone: 250-405-5175
Fax: 250-405-5155

Email: bylawenforcement@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

ISLANDS TRUST OFFICES

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

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8

Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3



STAFF REPORT

File No.: SA-RZ-2012.1

To: Saturna Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

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

Owner: Nepenthe Holdings Ltd.

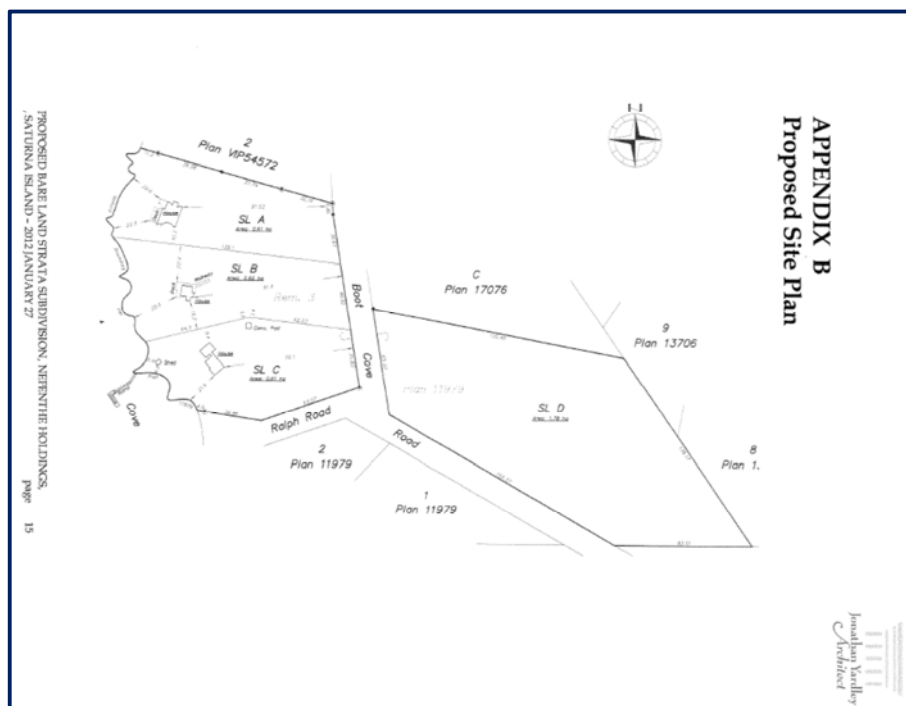
Applicant: Jonathan Yardley, Architect Inc.

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

THE PROPOSAL:

The proposal is to rezone a 3.62 hectare (8.94 acre) waterfront property to allow for a subdivision creating four strata lots. This would allow three existing waterfront dwellings to be sited on separate strata lots.

The proposed subdivision plan 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. It appeared as though one of the houses contains a second set of cooking facilities. The lots are well treed and are covered with mostly mature native vegetation.

Figure 1: Location of subject property

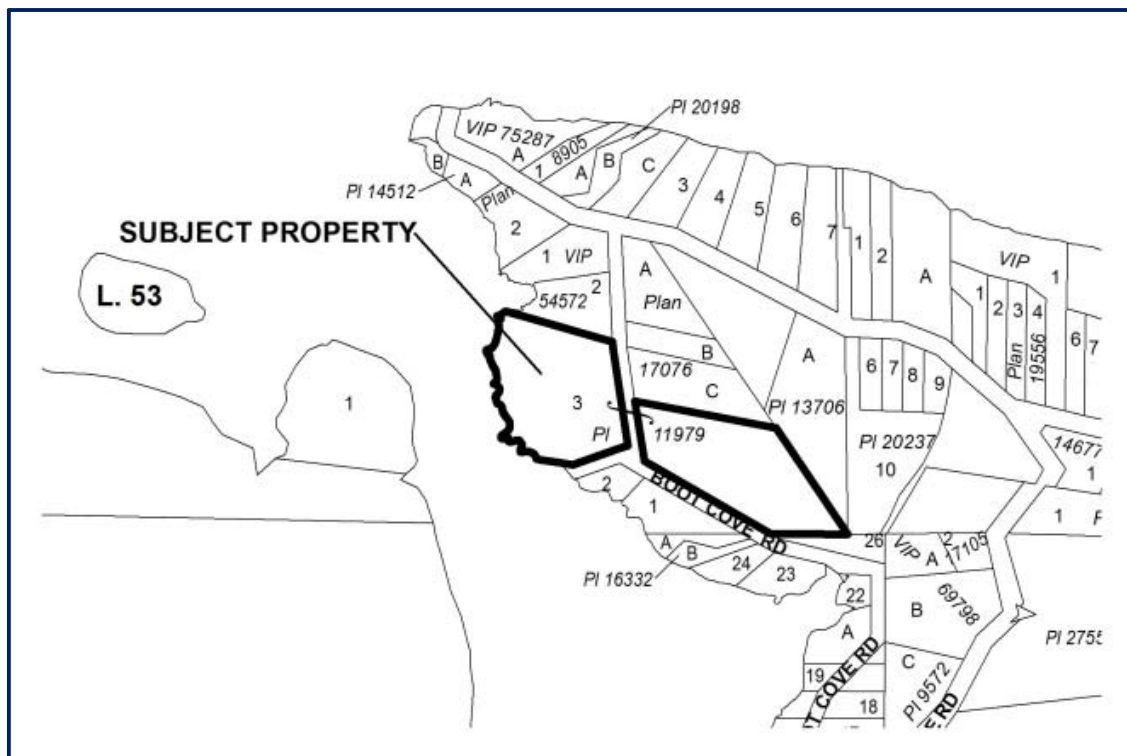


Figure 2: Orthophoto of subject property



Figure 3: Orthophoto of subject property and surrounding area



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Trust Policy Statement contains some directive policies that pertain to this application:

5.2 Growth and Development

Directive Policies

- 5.2.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.*
- 5.2.4 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.*
- 5.2.5 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.*

Official Community Plan

The subject area is designated Rural (R) in the Saturna Island Official Community Plan, Bylaw No.70, 2000.

The following sections of the OCP apply to this proposal:

- C.1.3** *From the date of adoption of the Plan, no rezoning, development permit, temporary permits, or other planning tool or device available to the local trust committee should be used to increase the maximum subdivision capacity, or total residential density of any island within the Area.*
- C.2.2** *In considering permits, referrals, applications and bylaw amendments, the Saturna Island Local Trust Committee should use all available means within its direct jurisdiction to ensure the preservation and protection of the Area's diverse natural environment by:*
- a) maintaining sufficient habitat in its natural state for wildlife, plant life and marine life to flourish;*
 - b) protecting coastal systems and marine areas subject to development or contamination;*
 - c) protecting groundwater supplies by ensuring the water absorbing capacity of the ground in water catchment areas is maintained, and by preventing contamination;*
 - d) basing land use decisions on the inherent capability of land and water areas to accommodate the type, scale and intensity of proposed land uses;*
 - e) ensuring renewable resource use does not exceed the natural carrying capacity of the natural resource base;*
 - f) protecting indigenous ground and tree cover while maintaining sufficient areas of each forest type and evolutionary stage to optimize biological diversity; and*
 - g) considering greenhouse gas emissions and climate change*

D.1.4 Rural Subdivision Capacity:

The maximum number of lots that can be created shall equal the acreage of the lot designated rural divided by five (5) except where:

- a) a restrictive covenant limits further subdivision then it shall be the amount specified in the covenant;*
- b) the lot has split designations then section D.7 applies; or*
- c) density from the Community Amenity Density Reserve is granted in exchange for an amenity.*

D.1.R Rural Residential

D.1.R.6 *The minimum lot area for subdivision shall not be less than 0.81 hectares (2 acres), except where the proposed lot fronts on the ocean, it may be 0.40 hectares (1 acre) subject to the provision of adequate water supply and septic waste disposal facilities as approved by the Regional Health Authority.*

D.1.G Rural General

D.1.G.5 *The minimum lot area for subdivision shall not be less than 0.81 hectares (2 acres).*

Land Use Bylaw

The subject area is designated Rural General (RG) in the Mayne Island Land Use Bylaw, No. 78, 2002. The relevant regulations for this zone are included below:

4.2 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;

4.2.2 *In addition to the uses permitted above, the following uses shall be permitted on parcels 1.0 ha (2.5 acres) or larger:*

4.2.2(1) farm use;

4.2.2(2) the harvesting of trees and the carrying out of all silviculture practices;

4.2.2(3) portable temporary sawmills and log chippers for the processing of logs harvested on the parcel only.

Residential Site Density.

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

4.2.5 On a parcel greater than 1.21 hectares (3 acres) and less than 4.05 hectares (10 acres) the maximum density is one (1) residence and one (1) cottage.

4.2.6 On parcels 4.05 hectares (10 acres) or greater one (1) residence and one (1) cottage per 2.02 hectares (5 acres) are permitted up to a maximum density of five (5) units and five (5) cottages per parcel.

Subdivision Lot Size Requirements

4.2.11 No lot having an area less than 0.81 hectares (2 acres) may be created by subdivision in the Rural General Zone .

4.2.12 No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.02 hectares (5 acres).

Islands Trust Fund:

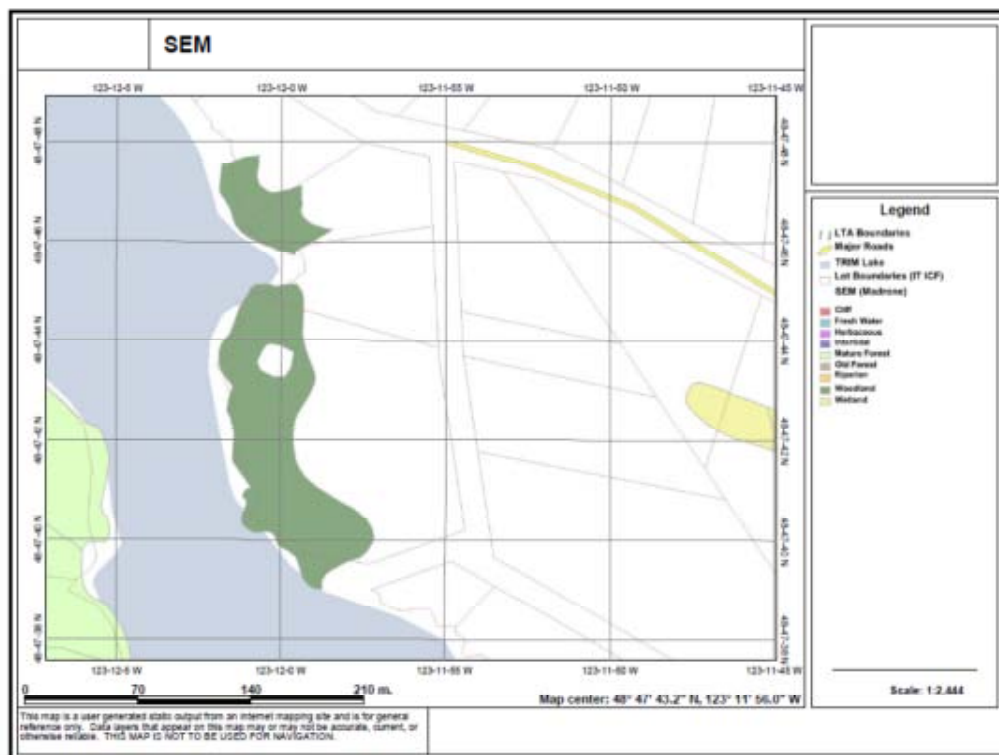
There are no apparent issues that should be referred to the Islands Trust Fund (ITF) for comment, if any arise in the review of this proposal ITF will be forwarded the application for comment.

Regional Conservation Plan:

The proposal will not impact the Regional Conservation Plan as proposed.

Sensitive Ecosystems and Hazard Areas:

A woodland ecosystem is located in the subject area and is depicted in Figure 4 below.



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 registered on this property.

Bylaw Enforcement:

There are no bylaw enforcement files open on any of the properties in the subject area.

Climate Change Mitigation and Adaptation

This application has no direct bearing on climate change mitigation or adaptation.

Other

A Development Variance Permit was issued in 1998 (SA-DVP-1998.1) for an addition to the southernmost dwelling.

COMMUNITY CONSULTATION:

No community consultation has occurred at this time. Should the LTC wish to proceed with this application to the Public Hearing stage, a Community Information Meeting (CIM) will be scheduled prior to the Public Hearing.

RESULTS OF CIRCULATION:

No circulation has occurred for this application at this time. Should the LTC wish to pursue this application, referral of bylaws and circulation of notices will occur as part of the rezoning process.

STAFF COMMENTS:

As referenced the OCP does states in part that no rezoning should be used to increase the maximum subdivision capacity, or total residential density of any island within the Area. This proposal is requesting an increase in the maximum subdivision capacity. The subject lot presently has no subdivision potential and a subdivision potential of four lots is being requested.

The OCP requires an average lot size for subdivision in the Rural designation of 2 hectares (5 acres). There are no other residential designations in the Saturna OCP that would allow an average lot size of 0.90 hectare (2.2 acre) if four lots are created. The average lot size would be 1.20 hectares (3 acres) if three lots are created. The OCP will require an amendment to reduce the average lot size required for subdivision for the Rural designation as it applies to this parcel for this proposal to proceed.

If it can be determined that the dwellings are pre-existing non-conforming the residential density will not be deemed to be increasing from what was permitted when the OCP was adopted. There is evidence to suggest the residences are pre-existing.

It seems reasonable to allow for three lots to be created in order to allow each residence to be sited on a discrete strata lot, provided that they are determined to be pre-existing non-conforming.

The proposed lots are in keeping with the development pattern in the area.

As the subdivision is being proposed as a strata subdivision proposed lot D, the fourth lot, could become common property if it is deemed that the proposal should proceed with only three lots.

This does technically propose to increase the subdivision potential beyond that permitted in the OCP; however the overall subdivision potential of the island was significantly reduced with the creation of the National Park Reserve which more than offsets the creation of three or four new lots if the overall development potential of the island is considered.

Staff does see merit in amending the OCP and LUB to allow three lots to be created allowing the three residences to be sited on their own individual lots. This would resolve a historical situation and make maintenance, alteration and general ownership of the residences less complicated in the future.

OPTIONS

1. Request staff to arrange a community information meeting to obtain community comment on amending the density provisions of the OCP.
2. Proceed with the application and direct staff to prepare draft bylaws for consideration for either a three or four lot proposal.
3. Proceed no further with this application and direct staff to close the file.

RECOMMENDATIONS:

THAT the Saturna Local Trust Committee direct staff to prepare draft bylaws for SA-RZ-2012.1 (Yardley) allowing for the subdivision of three lots for discussion purposes and that a community information meeting be arranged to obtain community comment on the proposed OCP and LUB changes.

Respectfully Prepared and Submitted by:

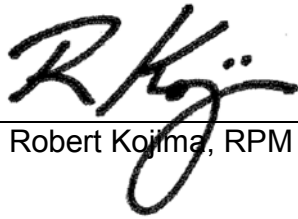
Gary Richardson

April 2, 2012

Gary Richardson
Island Planner

Date

Concurred in by:



Robert Kojima, RPM

April 2, 2012

Date

**MINUTES OF THE SATURNA ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, APRIL 12, 2012 AT 12:30 P.M.
AT THE SATURNA ISLAND RECREATION AND CULTURAL CENTRE
104 HARRIS ROAD, SATURNA ISLAND, B.C.**

PRESENT:	Ken Hancock	Chair
	Pamela Janszen	Local Trustee
	Paul Brent	Local Trustee
	Gary Richardson	Island Planner
	Robert Kojima	Regional Planning Manager
	Jenna Foster	Minute Taker

There were sixteen (16) members of the public in attendance at the start of the meeting.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 12:32 p.m.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

Chair Hancock asked if there were any changes to the agenda.

Trustee Janszen asked to defer Item 3.1 to the next Local Trust Committee (LTC) meeting since Miles Drew, Bylaw Enforcement Coordinator could not attend.

Planner Kojima suggested that Item 3.3, Riparian Areas Regulation move ahead of the Item 3.2, Covenant FB234900 – Amendment.

Chair Hancock requested that Item 9.1, Covenant FB234900 Staff Report be included as part of Item 3.2.

Planner Richardson asked to add a letter from A. Pearson as Item 8.2.

Chair Hancock suggested that Item 12.3, Annual Report be deferred until a draft is finished.

The agenda as amended was approved by consensus.

Trustee Brent asked for feedback on video taping the meeting as a pilot exercise to determine if a reasonable recording could be downloaded to the LTC website.

There was discussion about the rationale for video taping the meeting and potential legal risks.

Chair Hancock recommended that video taping be deferred until the LTC has seen the Salt Spring Island LTC report on their experience.

The LTC asked Planner Richardson to place video taping on the next meeting's agenda.

2.2 Questions from Public on Agenda Items

Janet Land asked why the minutes from the last LTC meeting were not on the website.

Chair Hancock apologized and said the process of approving the minutes took longer than usual.

Beverly Neff commented that the agenda for this meeting was not on the website either.

Planner Richardson said he would look into it.

3. COMMUNITY INFORMATION MEETING

3.1 Bylaw Enforcement Notification Bylaw No. 105

This item was deferred to the next scheduled business meeting.

3.3 Riparian Areas Regulation

Chair Hancock closed the Business Meeting at approximately 12:45 pm to hold the scheduled Community Information Meeting.

- See Notes of Community Information Meeting (CIM) of same date.

3.2 Covenant FB234900 – Amendment (Saturna Island Fire Protection Society ESB2)

- See Notes of CIM of same date.

Chair Hancock reopened the Business Meeting at 1:49 pm and announced a ten minute break.

The business meeting reconvened at 1:59 pm.

Chair Hancock then closed the Business Meeting at 2:01 pm to hold the scheduled Public Hearing.

4. PUBLIC HEARING

4.1 Covenant FB234900 – Amendment (Saturna Island Fire Protection Society ESB2)

- See separate Record of Public Hearing of the same date.

Chair Hancock reopened the Business Meeting at 2:47 pm and announced a five minute break.

The LTC meeting reconvened at 2:52 pm.

5. PREVIOUS MEETINGS

5.1 Adopted Local Trust Committee Minutes

5.1.1 Adopted Minutes of February 18, 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 February 18, 2012 Community Information Meeting

Presented for information

5.2.2 Received Notes of February 25, 2012 Community Information Meeting

Presented for information

5.3 Section 26 Resolutions-without-meeting

Chair Hancock gave a brief explanation.

5.4 Advisory Planning Commission

The next meeting of the Advisory Planning Commission (APC) will be held on April 16, 2012.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Richardson gave a brief verbal report and noted that item 10, would be on the next LTC meeting agenda.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 A. Johnson letter dated April 2, 2012 re: Request for Temporary Use Permit

Planner Richardson summarized the letter requesting a temporary use permit at 109 East Point Road, to operate a mobile food vehicle, adding that the permit is comparable to a trial rezoning for up to 6 years before a formal rezoning process. He explained that the next step was for Aleah Johnson to complete the application and pay the fee.

Trustee Janszen inquired about the time line and if it was possible to complete the process before May 1, 2012.

Planner Richardson responded that there were some requirements to meet and it may involve a special meeting of the LTC before the next scheduled meeting.

Chair Hancock asked that Planner Richardson inform the LTC when the application has reached a stage where a motion is required.

8.2 A. Pearson letter dated April 10, 2012 re: Request for Temporary Use Permit by Aleah Johnson

This letter of support was received and will become part of Aleah Johnson's application.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.2 SA-RZ-2012.1 (Yardley)

Planner Richardson summarized the preliminary staff report and the applicant's proposal to rezone a 3.62 hectare waterfront property, to allow for a subdivision creating four strata lots. He also noted that the applicant and one of the property owners were present to answer questions.

There was discussion about the suggested options in the report.

Chair Hancock invited comments from Jonathan Yardley, Architect Inc. and Dwight Peretz.

Jonathan Yardley gave some history about the three families who have owned the property for forty-two years. He explained that the rezoning would allow for easier administration of the property and make it feasible for upcoming generations in the family to afford the property.

Allan Peretz confirmed that 4 strata lots would be the preferred outcome.

There was discussion regarding the pros and cons of 3 or 4 lots.

Trustee Brent questioned if it was possible to do a 4 lot draft and bring it to the community for consultation.

Resolution SA-LTC-21-12

It was Moved and Seconded that the Saturna Island Local Trust Committee request staff to arrange a community information meeting to obtain community comment on amending the density provisions of the Official Community Plan to allow for 4 lots on the subjects property, SA-RZ-2012.1(Yardley).

CARRIED
Chair Hancock
Opposed

9.1 Covenant FB234900 – Amendment (Saturna Island Fire Protection Society ESB2)

Trustee Brent recused himself from the meeting citing a potential conflict of interest.

Trustee Janszen wondered if the Fire Protection Society could plant a buffer that the neighbours would be satisfied with. She asked if no trees were planted at the back of the property would the covenant have to be amended.

Chair Hancock stated that he did not support amending the covenant when it was so close to being met.

Resolution SA-LTC-22-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to go back and work with the Saturna Island Fire Protection Society and the three adjacent neighbours to produce a plan that finishes the side lot line screening to the satisfaction of the Local Trust Committee.

CARRIED

Trustee Brent rejoined the meeting.

9.3 Referral of Proposed North Pender Bylaw No. 190, Land Use Bylaw Amendment No. 1, 2012

Chair Hancock summarized the information and commented that there was very little cross germination between trust committees and Bylaw No. 190 referral is a good opportunity to do this.

Resolution SA-LTC-23-12

It was Moved and Seconded that the Saturna Island Local Trust Committee's interests are unaffected by the North Pender Island Land Use Bylaw 190.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Community Parkland Zoning

Planner Richardson reviewed the staff report.

Resolution SA-LTC-24-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to prepare draft bylaws that would amend the Official Community Plan and the Land Use Bylaw to designate and zone Capital Regional District parkland and provide for appropriate policies and regulations.

CARRIED

10.2 Saturna Island Advisory Planning Commission Amendment Bylaw No. 106, Amendment No. 1, 2012

- Note that Bylaw No. 106 is amending the Saturna Island Local Trust Committee Advisory Planning Commission Bylaw, 2005 as follows:
 - a. Section 2 - **Appointment of Members**, Subsection (a), is amended by changing "eight" members to "seven" members.

Resolution SA-LTC-25-12

It was Moved and Seconded that the Saturna Island Local Trust Committee Bylaw No. 106 cited as "Saturna Island Local Trust Committee Advisory Planning Commission Bylaw 2005, Amendment No. 1, 2012", be given First Reading.

CARRIED

Resolution SA-LTC-26-12

It was Moved and Seconded that the Saturna Island Local Trust Committee Bylaw No. 106 cited as "Saturna Island Local Trust Committee Advisory Planning Commission Bylaw 2005, Amendment No. 1, 2012", be given Second Reading.

CARRIED

Resolution SA-LTC-27-12

It was Moved and Seconded that the Saturna Island Local Trust Committee Bylaw No. 106 cited as “Saturna Island Local Trust Committee Advisory Planning Commission Bylaw 2005, Amendment No. 1, 2012”, be given Third Reading.

CARRIED

Resolution SA-LTC-28-12

It was Moved and Seconded that the Saturna Island Local Trust Committee Bylaw No. 106 cited as “Saturna Island Local Trust Committee Advisory Planning Commission Bylaw 2005, Amendment No. 1, 2012”, be referred to the Islands Trust Executive Committee for approval.

CARRIED

11. REPORTS

11.1 Work Program Reports

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

Presented for information, no changes were suggested.

11.2 Applications Report

11.2.1 Saturna Island Applications Report dated February, 2012

Planner Richardson reviewed the report.

11.3 Expense/Budget Reports

11.3.1 Trustee and Local Expenses

Presented for information and Trustee Brent agreed to be the Saturna Island LTC budget representative.

11.4 Bylaw Enforcement Report

11.4.1 Mayne Island Draft Bylaw No. 105 – Enforcement Notification Bylaw

This item will be discussed further at the next scheduled business meeting.

11.5 Policies and Standing Resolutions Report

Presented for information.

11.6 Saturna Island LTC Web Page

Chair Hancock said it looked up to date.

Trustee Brent asked when the new website would be up.

Planner Kojima responded that there was no time line and currently all staff are going through training.

11.7 Chair's Report

Chair Hancock announced that he would be attending the Association of Vancouver Island Coastal Communities (AVICC) annual meeting where Islands Trust is giving a presentation on Oil Spill Preparedness and promoting and enlisting support for a program to deal with derelict vessels.

11.8 Trustee Report

Trustees Janszen and Brent had nothing to report.

Chair Hancock turned the meeting over to the direction of the Trustees at 3:53 pm, so the planners and he could catch the ferry.

12. OTHER BUSINESS

12.1 Next Business Meeting

Scheduled for June 21, 2012, 12:30 pm, at the Saturna Island Community Hall.

12.2 A Strategic Approach to Islands Trust Communications

This is a standing item.

12.3 Annual Report

This item was deferred to the next meeting.

13. TOWN HALL MEETING

None

14. ADJOURNMENT

Trustee Janszen adjourned the meeting at 3:58 pm.

RECORDER

CHAIR

**NOTES OF THE SATURNA ISLAND LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING FOR THE PURPOSE
OF DISCUSSING RIPARIAN AREAS REGULATION AND COVENANT FB234900 –
AMENDMENT (SATURNA ISLAND FIRE PROTECTION SOCIETY ESB2)
HELD ON THURSDAY, APRIL 12, 2012 AT APPROXIMATELY 12:46 P.M.
AT THE SATURNA ISLAND RECREATION AND CULTURAL CENTRE,
104 HARRIS ROAD, SATURNA ISLAND, B.C.**

PRESENT:	Ken Hancock	Chair
	Pam Janszen	Local Trustee
	Paul Brent	Local Trustee
	Robert Kojima	Regional Planning Manager
	Gary Richardson	Island Planner
	Jenna Foster	Minute Taker

There were seventeen (17) members of the community in attendance.

3.1 Riparian Areas Regulation

Planner Kojima summarized the background information on the Riparian Areas Regulation (RAR) found in the staff report presented at the February 9, 2012, Local Trust Committee (LTC) meeting. He highlighted the fact that all local governments have been asked to protect riparian areas and take proactive steps. The Community Information meeting is part of the community consultation on RAR implementation as well as the letters that have been sent out to all affected Lyall Creek property owners. Planner Kojima added that an Open House is planned for Saturday, April 28, 2012 from 11 a.m. to 3 p.m. at the Saturna Island Recreation and Cultural Centre. Planner Richardson is also scheduled for on island office hours Tuesday, April 24, 2012 from 11 a.m. to 3 p.m. at the same location.

Chair Hancock invited comments from the trustees.

Trustee Janszen stated that there are more handouts on the RAR at Saturna General Store.

James White inquired about the qualifications of the professionals who would do the assessment.

Planner Kojima stated that they are all qualified environmental professionals who have taken a course and are certified; most are registered biologists. He added that you can follow a link on the Islands Trust website under the RAR to view the criteria.

John Money commented that he has found the open house/drop-in meeting to be ineffective.

Beverley Neff asked if the Lyall Creek tributary was included as well.

Planner Kojima said it was.

Priscilla Ewbank asked if a hard copy of the maps were available to the public.

Planner Kojima said he would leave the maps he has brought with him.

Trustee Janszen suggested that the maps be placed at Saturna General Store for easy access.

Priscilla Ewbank agreed to put them up at the store.

John Wiznuk inquired whether the Lyall Harbour/Boot Cove water system would be affected.

Planner Kojima said it would not because institutional uses are exempt.

John Money asked if the graveyard would be affected.

Planner Kojima repeated that this is another institutional use which is exempt.

Chair Hancock asked if there were any further questions and there being none, he recessed the meeting at approximately 1:04 p.m.

Chair Hancock reconvened the meeting at approximately 1:07 pm.

3.2 Covenant FB234900 – Amendment (Saturna Island Fire Protection Society ESB2)

- Trustee Brent recused himself from the meeting citing a potential conflict of interest at 1:07 pm.

Chair Hancock noted that a copy of the covenant, current landscape plan and staff report dated March 30, 2012 were in the agenda package and Eva Hage from the Fire Protection Society was present to answer questions.

Planner Richardson summarized the report and concluded that the landscaping done by the Saturna Island Fire Protection Society does not comply totally with the covenant. The main issue was the vegetative screening at the back and sides of the site. Planner Richardson said letters have been sent to affected property owners and some have responded. He confirmed that the focus of the meeting was to answer questions and listen to the community's opinion on whether to amend the covenant or not.

Eva Hage added that there were some last minute changes to the landscaping in front of the building because they were asked to plant smaller trees than originally planned so as not to impede the view of emergency vehicle drivers exiting the property. Three (3) more cypress will be planted by the utility pole which will offer additional screening of the building from the road.

John Wiznuk asked where the sign for the building will go.

Eva Hage pointed out the location on the landscape plan.

Janet Land questioned how a potential change to the covenant would be written as she is more comfortable with actual words.

Chair Hancock reminded everyone that the question at hand was whether or not the attached landscape plan meets the intention of the original covenant.

Len Horne referred to the staff report and asked Planner Richardson how long it would take the plants to grow.

Planner Richardson answered that the cypress will grow fast as well as some of the other plants which would provide a better screen in three (3) to five (5) years.

John Money commented that the main issue was the screening on the sides since he was the property owner at the back and he had no concerns.

Sandra Kriese asked how tall the myrtle trees will grow.

Eva Hage stated that they will grow eight (8) to twelve (12) feet adding that they are evergreen and deer proof.

John Hutchinson wondered what the response was from the property owners on the adjacent properties.

Chair Hancock replied that the owners on the side with the fence have expressed varying opinions on different occasions.

Trustee Janszen said she talked to Phil Mesner on the phone yesterday and he said they were satisfied with the current landscaping.

Janet Land added her understanding that they were happy with the fence and did not want to be involved any further.

John Hutchinson commented that he trusts the Fire Protection Society will be a good neighbour and if something comes up they will address it.

Graeme Bregani read out a letter from Jim and Jodi Bavis which stated that they did not want an amendment to the covenant. He added that the covenant should address the maintenance of the fence in the long term.

Planner Kojima pointed out that the covenant does not mention a fence.

Beverley Neff noted that the landscape plan is not complete and missing part of the site.

Eva Hage said she has the original with her and yes, there is a part missing and she extended her apology.

Priscilla Ewbank stated that the covenant is very clear and she did not see the problem.

Trustee Janszen explained that the screening at the back has been seen as unnecessary and you can still see the building from the road which some people are unhappy about.

John Money affirmed that his property is at the back and planting a vegetative screen there would be pointless because the existing forest will impede the growth of younger plants.

Chair Hancock said there have been a few anomalies and he wondered why the definition of landscape screening in the Land Use Bylaw (LUB) was not used in the covenant.

Janet Land asked what happens when a covenant is not met.

Planner Kojima replied that since it is not a bylaw the only option is legal litigation.

Priscilla Ewbank asked if all the plants on the landscape plan have been planted.

Eva Hage responded yes, adding the plants were planted at a distance so they will fill in over the next 4 to 5 years and probably take 10 to 15 years to completely screen the building.

Trustee Janszen commented that the perimeter of trees around the property did not work at the front of building because they would disrupt the view of the emergency vehicle drivers.

Sandra Kriese noted that the landscape plan did not show any planting at the back of any of the three properties.

- Trustee Brent rejoined the meeting at 1:48 pm.

Chair Hancock adjourned the meeting at 1:49 pm.

RECORDER

DATE

**RECORD OF THE SATURNA ISLAND
LOCAL TRUST COMMITTEE PUBLIC HEARING
REGARDING COVENANT FB234900- AMENDMENT
(SATURNA ISLAND FIRE PROTECTION SOCIETY ESB2)
HELD ON THURSDAY, APRIL 12, 2012 AT 2:02 P.M.
AT THE SATURNA ISLAND RECREATION AND CULTURAL CENTRE,
104 HARRIS ROAD, SATURNA ISLAND, B.C.**

PRESENT:	Ken Hancock	Chair
	Pam Janszen	Local Trustee
	Trustee Brent	Local Trustee
	Robert Kojima	Regional Planning Manager
	Gary Richardson	Island Planner
	Jenna Foster	Minute Taker

There were seventeen (17) members of the public in attendance.

- Trustee Brent recused himself from the Public Hearing citing a potential conflict of interest at 2:02 pm.

Chair Hancock read the opening statement for a Public Hearing and announced that there would be a four minute time limit for each speaker. He added that the Local Trust Committee could ask questions at the end and all written submissions had to be received before the close of the hearing. Once closed, any additional information could be forwarded to the planning staff but not to trustees. Chair Hancock declared the meeting open to consider the following amendment at 2:03 p.m.

Covenant FB234900 – Amendment (Saturna Island Fire Protection Society ESB2)

Planner Richardson summarized the Hearing Notice and passed the public hearing binder around which included all public submissions received prior to the meeting.

Len Horne explained that the covenant was a contract between two parties which should only be altered with an agreement in writing. He said he would not support a bad precedent and asserted that the Fire Protection Society comply with the original covenant. Mr. Horne concluded that it would not take much.

Graeme Bregani read out a letter submitted by **Jim and Jody Bavis** stating that they did not support an amendment because it was not necessary. They would be happy with more trees planted at the back of the property for enhanced screening.

Graeme Bregani stated that he was not convinced that major changes are required and would not support an amendment.

Janet Land read out a letter from **Margaret Paterson** stating that she was unpleasantly surprised that an amendment to the covenant was being considered.

Janet Land - 659 Tumbo Channel Road, reminded everyone that the Fire Protection Society assured the community that the building would be screened and signed a covenant which they are now reluctant to meet. She added that since the lot was clear cut before the building started, it will take many years for complete screening. Ms. Land questioned whether the covenant process had any meaning and why was an occupancy permit issued before the covenant was met. Lastly, she stated there was no mention of the issue on the Islands Trust website and it was difficult to prepare for the hearing when the minutes from the previous meeting were not yet posted.

John Hutchinson - 112 Boot Cove Road, said he was not at the initial meeting but two neighbours are not satisfied and therefore, he does not support an amendment.

Sandra Kriese - 125 Dark Horse Road, declared that the covenant is a legally binding document signed by responsible members of the community and she is deeply against an amendment that would set a negative precedent. She added that the clear cutting of the site also surprised her.

Eva Hage confirmed that she worked on the landscaping plan with Nancy Phillips. She agreed that having a fire hall as a neighbour is not ideal and their intent has been to completely satisfy the neighbours. Ms. Hage explained that the driveway and choosing plants that were fast growing, deer resistant, low maintenance, within budget and able to provide an effective barrier was challenging.

Carol Money – 187 East Point Road, commented that plants take time to grow and she is confident that the planting will provide effective screening. She also cautioned about water usage and planting at the back will only serve to water the forest. She questioned why we are trying to hide the building when many volunteers dedicate a lot of time providing emergency services to the community. Carol Money announced that she felt the covenant had been adequately served and she will support the decision of the trustees.

John Money declared that the fire department did the best they could and consulted with the neighbours to try to meet their satisfaction. He added that smaller trees are ideal over larger ones because it allows their roots to grow and the survival rate is better.

James White – 126 Winter Cove, argued that the covenant was very close to being fulfilled. He wondered if the neighbours on the sides would be more satisfied if the vegetative barrier extended to the back of their lots. Mr. White said the covenant does not need to be amended.

Beverley Neff noted three concerns: first of all the clear cutting and scraping of the site, secondly, the society's interpretation of the covenant that resulted in a fence instead of a cedar hedge and thirdly, the decision to not plant any screening at the back of the property. Ms. Neff continued that the covenant was part of the rezoning for the site three (3) years ago and is attached to the title of the land and therefore, the society should have to comply.

Priscilla Ewbank – 110 Narvaez Road, added that her understanding of Jodi and Jim Bavis' concern is whether the plants will have sufficient height and width for an effective screen. She stated that the covenant is open to interpretation and more definition should have been included. Ms. Ewbank said she feels strongly that the covenant be honored despite the costs, and concluded that ten (10) years is a long time for older people to wait for a complete visual screen.

Louise Peramaki remarked that covenants are important pieces of legislation and it is the responsibility of the trustees to make sure the covenant is followed to their satisfaction. She warned that going ahead with the amendment would not be supported by many islanders.

John Money explained that the lot was clear cut because there were several tall timbers with no limbs on the bottom for screening that were also a danger to surrounding lots if they fell down.

John Wiznuk – 256 East Point Road, stated that as the retired fire chief he is very pleased with what has been done and he supports the process. He also acknowledged that a deal is a deal and you have to meet your commitments.

Janet Land asked if the trustees read the letter submitted from the people who live right across the street who are unhappy about the current landscaping.

Trustee Janszen replied that she has read it.

Chair Hancock asked three times for any other submissions and there being none, (he invited Trustee Brent back to the Public Hearing) declared the hearing closed at 2:46 pm.

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

RECORDER

DATE



Saturna Island

Resolution #	Action	Resolution Description	Resolution Date
2012-06	In Favour	THAT Saturna Island Local Trust Committee hold a Special Local Trust Committee Meeting on June 11, 2012, at 1:30 pm, at the S aturna Island Community Hall.	Jun 04, 2012
2012-05	In Favour	THAT Saturna Island Local Trust Committee Business Meeting Minutes of April 12, 2012 be Adopted; and THAT Saturna Island Local Trust Committee Community Information Meeting Notes and Public Hearing Record of April 12, 2012 be received.	May 01, 2012

☒ PLANNER
☒ LTC
☒ KJ

DRAFT

RECEIVED

5.4.1

APR 30 2012

IS TRUST

**MINUTES OF THE SATURNA ISLAND
 ADVISORY PLANNING COMMISSION MEETING
 HELD ON MONDAY, APRIL 16, 2012 AT 7 P.M.
 AT THE SATURNA ISLAND RECREATION AND CULTURAL CENTRE
 104 HARRIS ROAD, SATURNA ISLAND, B.C.**

PRESENT:	Charles Reif	Chairperson
	Wayne Quinn	Member
	Hubertus Surm	Member
	Peter Seed	Member
	Amanda Pearson	Member
	Jenna Foster	Secretary

REGRETS: **Tony Green, John Gaines**

There were two (2) members of the public in attendance.

1. CALL TO ORDER

Chairperson Reif opened the meeting at 7:03 p.m. He reviewed the agenda, asked for any additions and there were none.

2. ELECTION OF OFFICERS

Hubertus Surm nominated Charles Reif for Chairperson, who accepted and all those present were in favour. Charles Reif was declared Chairperson by consensus.

Wayne Quinn offered to stand as Vice Chairperson and all those present were in favour. Wayne Quinn was declared Vice Chairperson by consensus.

3. APC MEETING TIME

Chairperson Reif suggested the third Monday of the month as a regular meeting time. The secretary will book the community hall for the meetings. In case there are no referrals from the Local Islands Trust (LTC), the secretary will confirm through email each month whether a meeting will be held or not.

4. BYLAW ENFORCEMENT NOTIFICATION BYLAW REVIEW

Chairperson Reif read out the referral resolution from the LTC and asked to go around the table and hear comments from each member.

Wayne Quinn noted that he has some experience with the bylaw complaint process. He affirmed that the Bylaw Enforcement Notification bylaw would be a useful administrative tool and minimize litigation costs for Islands Trust.

Hubertus Surm added that the bylaw makes sense and gives the Bylaw Enforcement Officer more options. He commended the discounts for early payments.

Amanda Pearson stated that the bylaw offered a reasonable adjudication process.

Peter Seed agreed that it made sense and he supported minimizing legal fees:

Chairperson Reif had a couple of his questions answered by Miles Drew, the Bylaw Enforcement Officer. He found out that repeat offenders would end up in court but the bylaw provides a couple of levels of screening and is a constructive tool. He commented that subdivision regulations and Development Permit Areas are not covered by it.

Amanda Pearson asked if there was also a Capital Regional District (CRD) bylaw.

Chairperson Reif answered that the CRD administers the Building Code.

Hubertus Surm questioned the process when there is property setback non-compliance.

Wayne Quinn responded that the property owner would be fined and they would have to make an application to the Board of Variance or the Islands Trust requesting a property zoning variance. He added that each situation would be examined separately.

Chairperson Reif noted that most of the bylaw contraventions listed in the review are related to site usage.

Resolution SA- APC-01-12

It was Moved by Wayne Quinn and Seconded by Hubertus Surm that the Saturna Island Advisory Planning Commission advise the Saturna Island Local Trust Committee of their support for the adoption of Bylaw Enforcement Notification Bylaw No. 105, 2011 as presented.

CARRIED

Chairperson Reif adjourned the meeting at 7:30 p.m.

RECORDER

DATE



Islands Trust

Follow Up Action Report w / Target Date

Print Date: Jun-13-2012

Saturna Island
Feb-09-2012

No.	Activity	Responsibility	Target Date	Status
-----	----------	----------------	-------------	--------

- | | | | | |
|---|--|---------------|--|----------|
| 1 | Implementation of Provincial Riparian areas Regulation
-staff to prepare for community consultation; and -
DONE
- staff to review the Lyall Creek DPA for compliance
with the RAR - ON-GOING | Robert Kojima | | On Going |
|---|--|---------------|--|----------|

Apr-12-2012

No.	Activity	Responsibility	Target Date	Status
-----	----------	----------------	-------------	--------

- | | | | | |
|---|---|---|-------------|----------|
| 2 | video taping of meetings to be put on next agenda. | Kathy Jones | May-24-2012 | Done |
| 3 | Put Bylaw Enforcement Notification Bylaw No. 105 on next agenda. Advrtise CIM. Ensure bylaw officer available to present. | Miles Drew
Sharon Lloyd-deRosario
Gary Richardson | | Done |
| 4 | CIM to be arranged for next LTC meeting for SA-RZ-2012.1 (Yardley). | Gary Richardson | | Done |
| 5 | Covenant FB234900 - staff to work with SIFPS and surrounding 3 property owners to produce a revised landscaping/screening plan. (Ongoing -June 12/12) | Gary Richardson | | On Going |
| 6 | Community Parkland zoning/ocp designation - staff to prepare amending bylaws | Gary Richardson | Apr-30-2012 | Done |
| 7 | NP Bylaw 190 - staff to advise NP that interests are unaffected. | Gary Richardson | Apr-30-2012 | Done |
| 8 | APC bylaw amendment to executive committee for approval. | Kathy Jones | | Done |

Kathy Jones

From: Gary Richardson
Sent: May-11-12 9:55 AM
To: Kathy Jones
Subject: FW: Response to Pam & Bylaw 105

Follow Up Flag: Follow up
Flag Status: Flagged

agenda

From: Carol Money [<mailto:money.carol@gmail.com>]
Sent: May-09-12 9:34 AM
To: sipoa@yahoogroups.com
Cc: Pamela Janszen; Saturna Island Local Trust Committee
Subject: Response to Pam & Bylaw 105

Hello SIPOA Members,

After reading Pam Janszen's answer to Ilio's email, I wanted to reiterate my fears.

Yes, the Islands Trust can go after Bylaw Infractions now.

The difference between now and Bylaw 105 as I see it is now you are innocent until proven guilty and the Islands Trust must take you to court to fine you.

This is an expensive time consuming process for both sides and a huge encouragement for both sides to work it out in a true rural fashion.

Only the very blatant infractions have ever wound up in court, all the rest have been settled by compliance, variances, Temporary Use Permits or rezoning.

In my mind Bylaw 105 makes you guilty until you prove yourself innocent.

There is no encouragement for the Islands Trust to work with people.

They just simply smack you with a fine and encouragement to pay quick and keep your mouth shut, much like traffic violations.

On Saturna Island, no one has ever been fined or gone to court.

Violations have always been worked out in true rural fashion, usually between the perpetrator, Planner and Trustees, without bringing in the Bylaw Infractions Officer.

Regards,

John Money



STAFF REPORT

June 13, 2012

File No.: SA-TUP-2012.1

To: Saturna Island Local Trust Committee

From: Gary Richardson, Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Temporary Industrial Use Permit Application for 109 East Point Road

Owner: Janet and Mark Nett
Applicant: Aleah Johnson
Location: 109 East Point Road

THE PROPOSAL:

The applicant is applying for a Temporary Use Permit (TUP) for the purpose of permitting the following additional uses:

- a) Mobile food vending vehicle (double decker bus) operated as a café; and
- b) Outdoor café seating area.

The stated purpose of the facility is to provide a mobile food vending bus on the subject lot in order to sell coffee, beverages, baked goods, breakfast items and to-go lunch items through the take out window.

SITE CONTEXT:

The waterfront property is located at 109 East Point Road and is currently used for residential purposes. The property is a 0.24 ha (0.6 acre) Rural General (RG) zoned site. The surrounding lots are mostly in the RG zone with the exception of the community hall which is zoned Community Service (CS). There is an existing residence on the lot as well as a building that was previously used for internet services. The lot is located in an area close to the ferry terminal, pub, public dock, store and community hall.

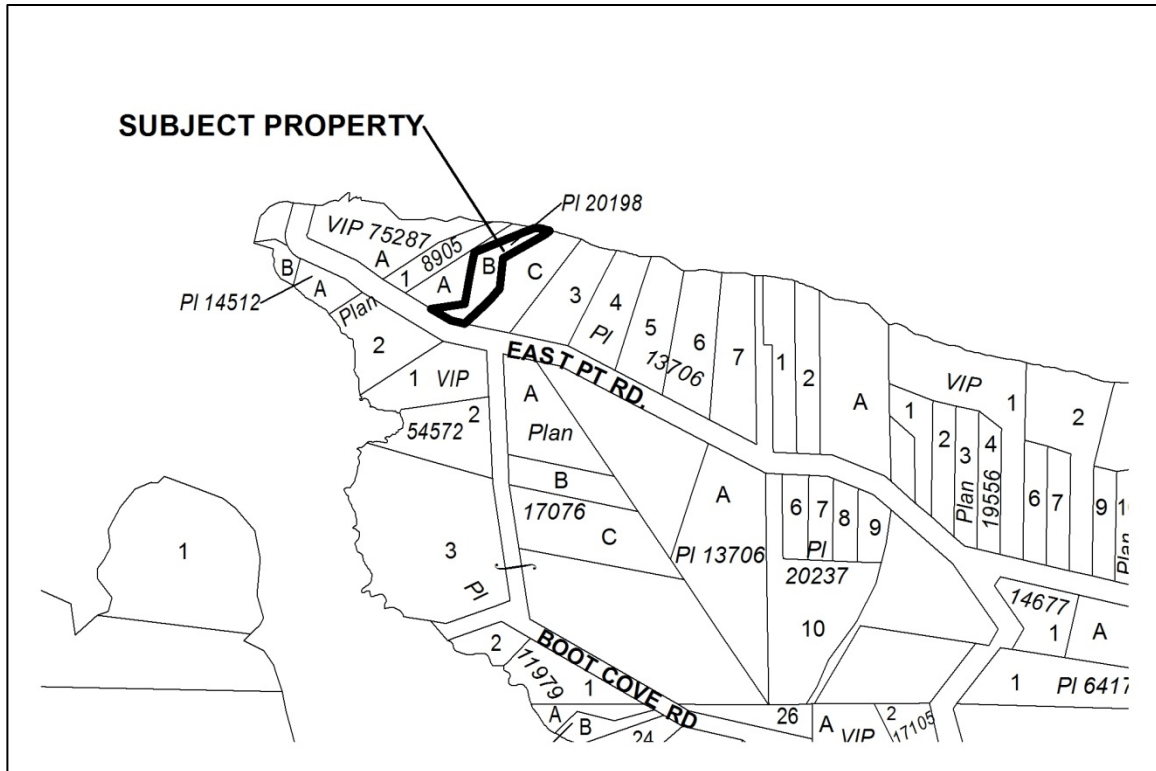


Figure 1 – Location Map

Figure 2 – Aerial Photograph of Site and Surrounding Area





Figure 3 – Aerial Photography of Property

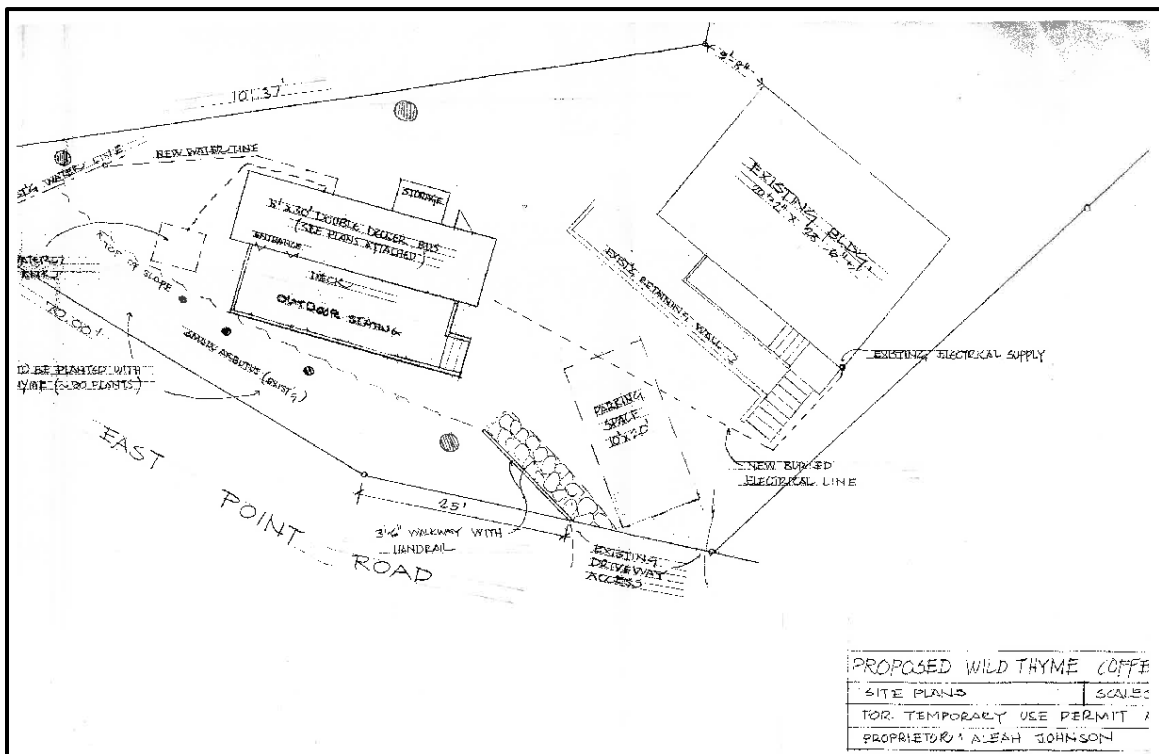


Figure 10: Proposed Site Plan

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

The section of the Trust Policy Statement relevant to this application is Section 5.7 Economic Opportunities:

Commitment of Trust Council

5.7.1 Trust Council holds that economic opportunities should be compatible with the conservation of resources and protection of community character.

Directive Policy

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan

The property is designated Rural (R).

The Rural General designation, a sub designation of the Rural designation, includes the following policies:

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.3 Zoning will permit a full range of home based occupations customary to rural areas.

The following objectives and guidelines apply to Temporary Use Permits being considered in the Saturna Island Local Trust Area:

The objectives for issuing Temporary Commercial and Industrial Use permits include testing the compatibility of a proposed land use, which may have not been anticipated, with existing uses.

	Applicable Permit Guidelines	Comments
H.1.2	Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.	The LGA now allows for a TUP to be issued for up to 3 years and renewed once for up to 3 years.
H.1.3	Permitted uses should be consistent with the policies of the designation and the provisions of H.1.1.	The proposal is consistent with the objectives for issuing TUPs in that: its for a short term use; and it's a test of the compatibility of the proposed land use, which may have not been anticipated, with existing uses.

H.1.4	Permitted uses should not preclude or compromise future permitted uses on the affected lot.	The proposal will not preclude further uses on the lot as it is mobile and it is recommended that a condition be added to the permit that bus be removed and that the site be returned to its original condition if the use ceases for more than 3 months or if the permit expires.
H.1.5	Uses should not be allowed if they conflict with any ongoing planning policies or programs.	This proposal does not conflict with any present or anticipated planning initiatives.
H.1.7	Permit conditions must make reference to measures dealing with the following points: a) general activity levels that will not create any disturbance apparent beyond the property's boundaries; b) adequate landscape buffering or distance separation to adjacent lots; c) provision of off-street parking spaces consistent with regulatory bylaws; d) reclamation measures that will restore the permit area to suitability for its designated primary use; and e) adequate supervision of the site.	(a) The proposed permit requires existing screening to be maintained and that outdoor lighting not shine onto surrounding properties. (b) There is sufficient distance and screening between the proposed use and adjacent lots. (c) The parking shown on the site plan (1 space) does not comply with the requirements of the LUB which is 1 per 3 seats (see comments below). (d) It is recommended that a condition be added to the permit that bus be removed and that the site be returned to its original condition if the use ceases for more than 3 months or if the permit expires. (e) The staffing of the site during hours of operation should provide for adequate supervision of the site.

H.1.8	In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighborhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions.	Hours of operation and staffing have not been included in the draft permit as demand will dictate hours of operation and staffing levels. A security deposit for restoration of the site is not deemed necessary as the use is being carried out in a bus which is easily removed from the site.
H.1.11	In reviewing applications and establishing permit conditions, the Local Trust Committee should consider the climate change impacts of the proposed use.	The location of the café should reduce car trips as it is close to the ferry, community hall, public dock, pub and store.

Land Use Bylaw

The current zoning of the property is Rural General (RG). The zone permits residential use and home occupations.

Islands Trust Fund:

There are no Trust Fund Board covenants on the property

Sensitive Ecosystems and Hazard Areas:

There are no sensitive ecosystems or hazard areas on the property.

Archaeological Sites:

There are no registered archaeological sites on the property or in close proximity. 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 Archaeology Branch.

Covenants:

There are no registered covenants on title.

Bylaw Enforcement:

There are no bylaw enforcement files recorded for this property.

Climate Change Mitigation and Adaptation

The location of the café is in an area close to the ferry, community hall and other commercial establishments this should reduce car trips as the people using the café will already be in the area.

COMMUNITY INFORMATION MEETING(S):

A community information meeting was held June 11, 2012 the comments from the public were mostly in support of the proposal. There was discussion regarding lack of parking in the area.

The permit has been advertised in the local newspaper and the surrounding property owners have been notified.

RESULTS OF CIRCULATION:

A notice was sent to neighbors advertising the LTC meeting being held on June 21, 2012. Several emails have been received in support of the proposal, staff will compile all correspondence received prior to the June 21, 2012 LTC meeting and provide it to the LTC for consideration prior to the meeting.

REFFERALS:

Given the nature of the application (commercial café) and the diversity of issues that could be related to the operation of such a facility, staff has referred the application to the following agencies for comment: Capital Regional District, Ministry of Transportation and Infrastructure and the Vancouver Island Health Authority.

STAFF COMMENTS:

Section 920.2 of the British Columbia *Local Government Act* states that an Official Community Plan or a zoning (land use) bylaw may provide general conditions and designate areas where temporary use permits (TUP) may be allowed. The Saturna Island OCP permits TUPs to be issued in the Rural, Forest, Farmland and Harbours designations as shown on Schedule B of the OCP.

A Temporary Use Permit (TUP) is a flexible planning tool used to permit and regulate a use on a property that would otherwise not be permitted due to the current zoning. A TUP can be issued for a period of up to 3 years, with a possibility of renewal for up to an additional 3 years. The granting of the permit, the conditions of the permit, the length of the permit, and whether or not it will be granted renewal are all at the discretion of the LTC. Generally, any construction, demolition or land alteration associated with a TUP may not commence until a temporary use permit is obtained for the project. However, the Islands Trust does permit uses, land alterations, etc. to occur if a TUP application is made. However, the applicants are aware that there is a risk in doing so.

A TUP can be issued for uses that may only require a limited one-time permit (e.g. gravel processing), or may be issued so that a use can be "incubated" in order to test whether or not it is an appropriate use at a particular site.

Parking has been brought up as an issue as the one space being proposed does not comply with the requirements in the LUB. The LUB requires 1 space per 3 seats for a cafe. The proposal is requesting a total of 42 seats; therefore, 14 parking spaces are required. There are approximately 16 parking spaces across the road from the site of the proposed café; however despite there being a 48 hour limit the spaces are usually occupied long term. The area is quite congested particularly at ferry times, when there is a function at the community hall and during long weekends in the summer.

It is anticipated that the cafe may not require parking to the level required in the LUB as the customers will be pedestrians coming from the ferry line up, public dock, or community hall. However there will be some people requiring parking and one space may not be sufficient. As mentioned the area is already quite congested during certain times and the café could potentially add to that congestion. If the 48 hour parking restriction across the road is enforced parking would be less of a problem. If this proposal proceeds a variance will be required to reduce the parking requirements of the LUB. The LTC also has the option of issuing the TUP for a shorter trial period to determine if parking will be a problem. The LTC could also reduce the number of seats permitted which would possibly reduce the need for parking.

The proposed deck is not setback sufficiently from the front lot line and will require a variance prior to being constructed. The applicant has advised staff that the deck may not be constructed.

Hours of operation don't likely need to be restricted as ferry times and normal business activity times will dictate when there are people looking to use the service and in turn will establish the hours of operation. If there is concern from surrounding property owners the LTC may want to consider restricting hours of operation.

From initial comments from the public this service is needed on Saturna Island and seems to be well supported. Lack of commercial space, particularly in the Lyall Harbour area has made it necessary for the applicant to seek a TUP to allow the commercial use. Conditions regarding removal of the bus and associated structures should the use be discontinued should be written into the permit.

Due to the timing of this application and LTC meeting staff has not had sufficient time to obtain referral comments from other agencies. The CRD, VIHA and MoTI have been referred the draft permit and even though comments have not been received the applicant will be required to obtain all approvals necessary for the lawful operation of the café if the TUP is issued.

Staff supports this permit as it appears to be a use that will fill a need in the community and it complies with the TUP objectives of the OCP. The main concern staff has is parking and the impact of this use could have on the already inadequate parking available in the area; however, the impacts will not be known until after the café is in operation for a period of time, supporting the staff recommendation to only issue the permit for one season, renewable if there have been no issues.

OPTIONS:

The Local Trust Committee has a number of options regarding this TUP:

1. not proceed with the TUP.
2. proceed with issuing the TUP as drafted.
3. Decide to proceed with an amended TUP.

RECOMMENDATIONS:

It is recommended:

- 1 **THAT** SA-TUP-2012.1 (Johnson) be amended by adding condition g) that the bus and associated structures be removed if the use is discontinued for 3 months or if the permit expires; and
- 2 **THAT** SA-TUP-2012.1 (Johnson) be issued for a period of 6 months.

Prepared and Submitted by:

Gary Richardson

June 13, 2012

Gary Richardson, Island Planner

Date

Concurred in by:



Robert Kojima RPM

June 13, 2012

Date



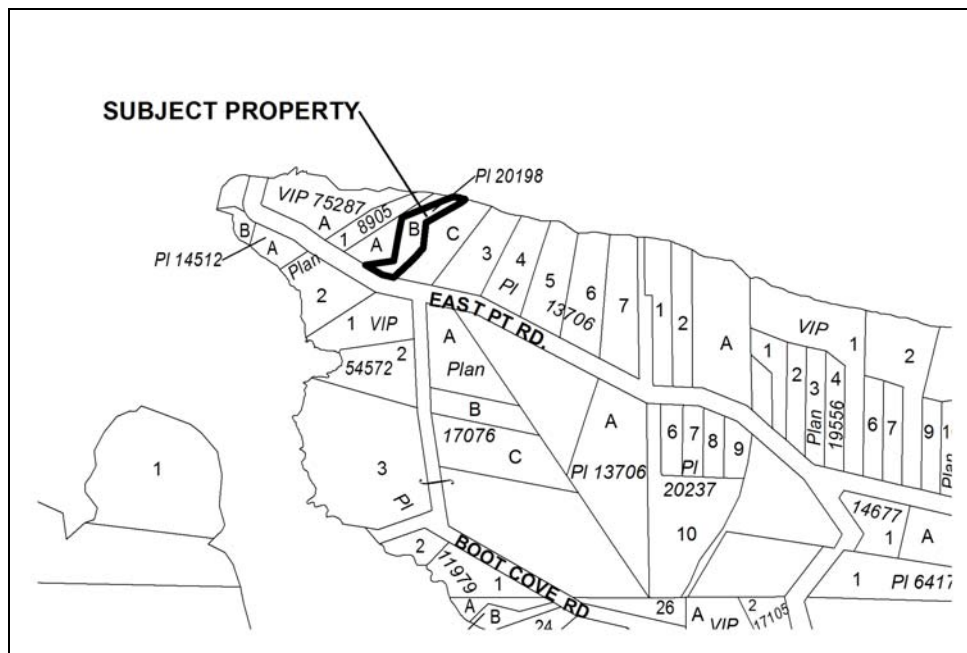
Islands Trust

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

NOTICE is hereby given that the Saturna Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 921 of the *Local Government Act*. The proposed permit would apply to Lot B, Section 18, Saturna Island, Cowichan District, Plan 20198.

The purpose of this temporary use permit would be to permit a mobile food vending vehicle (double decker bus) to be located and operated as a commercial café at 109 East Point Road on Saturna Island. The bus will contain food preparation facilities (kitchen) as well as indoor table seating. An outdoor seating area is also being proposed. The permit could be issued for up to three years and the owner may apply to the Saturna Island Local Trust Committee to have it renewed once for up to an additional three years.

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. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing, June 8, 2012 and continuing up to and including June 19, 2012.

For the convenience of the public only, and not to satisfy Section 922(5) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Saturna Island, B.C., commencing June 8, 2012.

If you have any questions or comments please contact the 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 before 4:30 p.m., April 23, 2012. Written comments may be mailed to Islands Trust, 200 – 1627 Fort Street, Victoria, BC V8R 1H8; faxed to (250) 405-5155; or emailed to information@islandstrust.bc.ca before 4:30 p.m., June 19, 2012.

The Saturna Island Local Trust Committee may consider the issuance of the permit at the Saturna Local Trust Committee Meeting being held at 12:30 p.m., June 21, 2012 at Saturna Island Community Hall, 105 East Point Road, Saturna Island BC.

Also a Community Information Meeting (CIM) regarding this proposal is being held at 1:30 pm on June 11, 2012 at the Saturna Community Hall, at 105 East Point Road. The purpose of the CIM will be to describe the proposal, answer questions and receive community comment.

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



PROPOSED

**SATURNA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
SA-TUP-2012.1 (Johnson)**

109 East Point Road

To: Aleah Johnson

1. This Permit applies to the land described below:

Lot B, Section 18, Saturna Island, Cowichan District, Plan 20198, shown on Schedule "A", which is attached to and forms part of this Permit.

2. This Permit is issued for the purpose of permitting the operation of a mobile food vending vehicle (double decker bus) as a café on the above referenced lot and is subject to the following conditions:

- a) the owner must not remove any existing vegetative screening;
- b) the owner must provide parking for a minimum of one (1) vehicle on the property;
- c) outdoor lighting must not be directed onto surrounding properties;
- d) the number of indoor seats is limited to twenty seats (20);
- e) the number of outdoor seats is limited to twenty-two seats (22); and
- f) the food vending vehicle, outdoor seating and parking shall be sited substantially in accordance with Schedule "B", which is attached to and forms part of this permit.

3. This Permit expires on June 21, 2015.

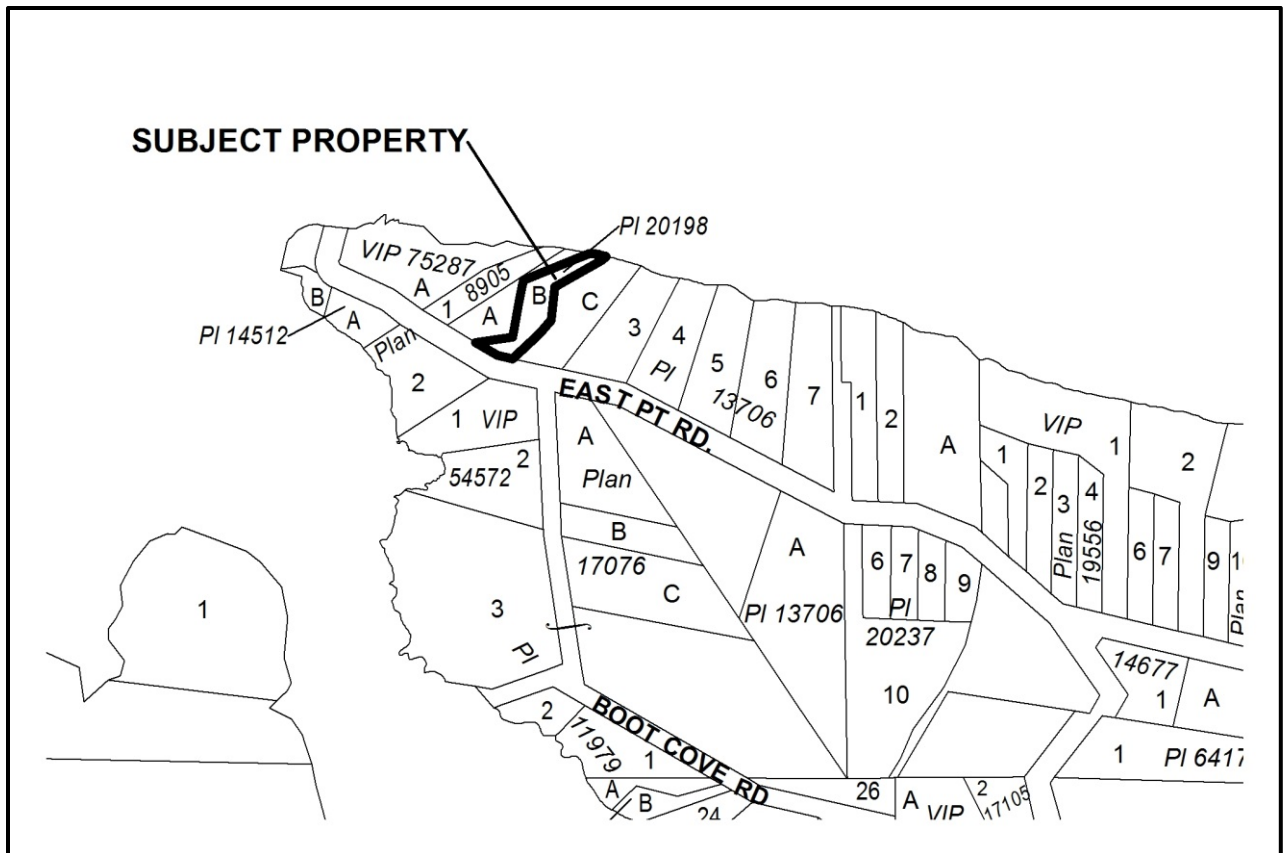
4. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

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

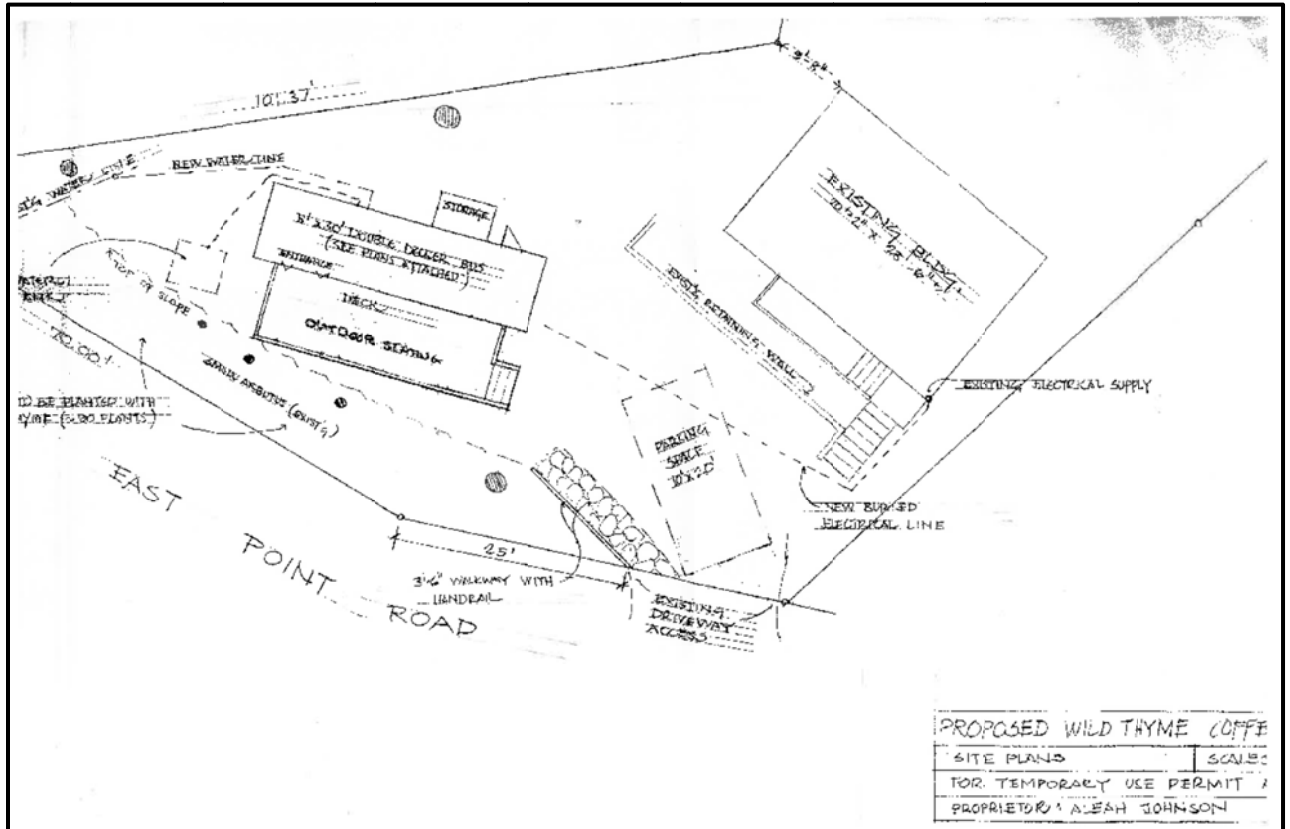
Deputy Secretary, Islands Trust

Date Issued

SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-TUP-2012.1
SCHEDULE A



SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-TUP-2012.1
SCHEDULE B





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.:** 191 **Date:** May 1, 2012

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Lockhart Industries c/o Doug Lockhart (applicant) 6640 Razor Point Road

PURPOSE OF BYLAW:

The purpose of proposed bylaw 191 is to amend the North Pender Island Land Use Bylaw to permit the placement of an ocean-based, closed loop, geothermal heat exchange system in the Water 1 zone. The objective is to provide domestic heating and cooling accessory to the upland residential property. The proposed bylaw would be a site-specific amendment for this location only, rather than a general amendment to the Water 1 zone.

Related reports are available on-line at: <http://www.islandstrust.bc.ca/lc/np/default.cfm> under the "Proposed Ocean-Based Geothermal System Application".

GENERAL LOCATION:

Port Browning on the east side of North Pender Island

LEGAL DESCRIPTION:

Lot B, Section 11, Pender Island, Cowichan District, Plan 32264 Except parts in Plan VIP68515, PID: 000-078-841

SIZE OF PROPERTY AFFECTED:

Approximately 0.41ha of the Water 1 zone

ALR STATUS:

n/a marine waters

OFFICIAL COMMUNITY PLAN DESIGNATION:

Marine, with the upland lot being Agriculture and in the ALR

OTHER INFORMATION:

Two staff reports dated March 14 and April 17. Related professional reports and copies of the staff reports are also on the web under the 'Proposed Ocean-Based Geothermal System' at: <http://www.islandstrust.bc.ca/lc/np/default.cfm>

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 Forest, Lands & Natural Resource Operations – Ecosystem Protection
Ministry of Forest, Lands & Natural Resource Operations – Archaeology Branch
Ministry of Forest, Lands & Natural Resource Operations – Aquaculture
Ministry of Forest, Lands & Natural Resource Operations – Crown Lands

Regional Agencies

Capital Regional District – Building Inspection

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

Non-Agency Referrals

Islands Trust Fund
Islands Trust Bylaw Enforcement

First Nations

Chemainus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
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)

191

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

9.3

Island: Mayne Island Local Trust Area Bylaw No.: 157 (LUB) Date: May 15, 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. For your information a Public Hearing to consider the Bylaw will be held on ~~April 4, 2011~~.

APPLICANTS NAME / ADDRESS:

Don and Shanti McDougall, 568 Fernhill Road

PURPOSE OF BYLAW:

Bylaw No. 157: To amend the zoning on the subject property at 568 Fernhill Road by changing the zoning from Service Commercial to Settlement Commercial. The proposed new zoning will allow retail sales in a building having a floor area not exceeding 279 square metres, an accessory dwelling and other accessory buildings.

GENERAL LOCATION:

Next to the Fernhill Centre half way between the Miners Bay and Bennett Bay neighbourhoods.

LEGAL DESCRIPTION:

Lot 2, Section 8, Mayne Island, Cowichan District, Plan 17070.

SIZE OF PROPERTY AFFECTED:

0.348 ha

ALR STATUS:

No

OFFICIAL COMMUNITY PLAN DESIGNATION:

General Commercial

OTHER INFORMATION:

Staff report dated January 19, 2012 attached.

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: Gary Richardson

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Ministry of Transportation and Infrastructure

Non-Agency Referrals

Regional Agencies

Capital Regional District Environmental Services

Adjacent Local Trust Committees and Municipalities

Saturna Island LTC
North Pender Island LTC
Galiano Island LTC

First Nations

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

Mayne Island Local Trust Area
(Island)

(Signature)

(Date)

157
(Bylaw Number)

(Name and Title) Please Print

(Agency)



STAFF REPORT

June 13, 2012

File No.: F1210249

To: Saturna Island Local Trust Committee

From: Gary Richardson
Island Planner
Local Planning Services

CC: Robert Kojima, RPM

Re: OCP and LUB designation of Community Parkland – Saturna Island Local Trust Area

BACKGROUND:

The Saturna Island Local Trust Committee (LTC) has identified the amending of the LUB and OCP designations of CRD parkland as one of its priorities.

The Saturna Island Local Trust Area contains CRD parkland that requires amendment of the OCP and LUB designations as it is presently not shown as parkland.

CRD parks are not immune from local government regulation, including zoning.

The LTC passed the following resolution at its April 12, 2012 business meeting:

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to prepare draft bylaws that would amend the Official Community Plan and the Land Use Bylaw to designate and zone Capital Regional District parkland and provide for appropriate policies and regulations.

Staff has prepared amending bylaws for the LTC's consideration they are attached to this report as Draft Bylaw 107 (OCP) and 108 (LUB).

Draft Bylaw 107 amends the OCP Land Use designation schedule by placing the subject lots in a new Open Space designation. It was done in this way to be consistent with the open space policies and objectives of the Open Space section E.1 of the OCP.

Policy E.1.3 applies specifically to this situation and supports the amendment in the LUB. No further policy amendments are required.

Draft Bylaw 108 adds a new Community Park zone to the LUB with limited permitted uses. The draft bylaw also amends the zoning on the subject lots by putting them into the new Community Park zone.

COMMUNITY INFORMATION MEETING(S): as the purpose of these amendments is to routinely zone the lands already designated as CRD park, it is not recommended that a community information meeting be scheduled in addition to the statutory public hearing. If the LTC determines that a CIM would be of benefit to the community staff will arrange one.

RESULTS OF CIRCULATION: Planning staff will meet with CRD staff to review the draft provisions in detail. Staff will also circulate the proposal to the Saturna Island Parks Commission for comment. The draft bylaw will formally referred to the CRD and any other agencies or groups deemed appropriate following First Reading.

STAFF COMMENTS:

These amendments will identify the community parkland in the Saturna Island Local Trust Area on OCP and LUB maps and apprise the CRD and the general public of the LTC's intent for the use of the lands. The amendments will allow for the appropriate uses to be carried out on the parkland and allow for the appropriate buildings and structures to be sited on the parkland.

The amendments are here for consideration of 1st reading.

RECOMMENDATION:

THAT the Saturna Island Local Trust Committee give:

- 1) Draft Bylaw 107 cites as "Saturna Island Official Community Plan Bylaw No.70, 2000, Amendment No.1, 2012" 1st reading.
- 2) Draft Bylaw 108, cited as "Saturna Island Land Use Bylaw 78, 2002, Amendment No.1, 2012" 1st reading.
- 3) Direction to staff to arrange a public hearing for draft bylaws 107 and 108.

Prepared and Submitted by:

Gary Richardson

June 13, 2012

Gary Richardson, Island Planner

Date

Concurred in by:



Robert Kojima
Regional Planning Manager

June 13, 2012

Date

BYLAW NO. 107

A BYLAW TO AMEND THE OFFICIAL COMMUNITY PLAN

WHEREAS the Saturna Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Saturna Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Saturna Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Saturna Island Local Trust Committee wishes to amend the Saturna Island Official Community Plan Bylaw No. 70, 2000;

AND WHEREAS the Saturna Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Saturna Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2012."

2. SCHEDULES

Schedule B of Saturna Island Official Community Plan No. 70, 2000 is amended as indicated on Schedule 1, attached to and forming part of this amending bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____,

PUBLIC HEARING HELD this day of ,

READ A THIRD TIME this _____ day of _____,

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of _____, _____

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this _____ day of _____,

ADOPTED this _____ day of _____, _____

DEPUTY SECRETARY

CHAIRPERSON

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 107**

SCHEDULE 1

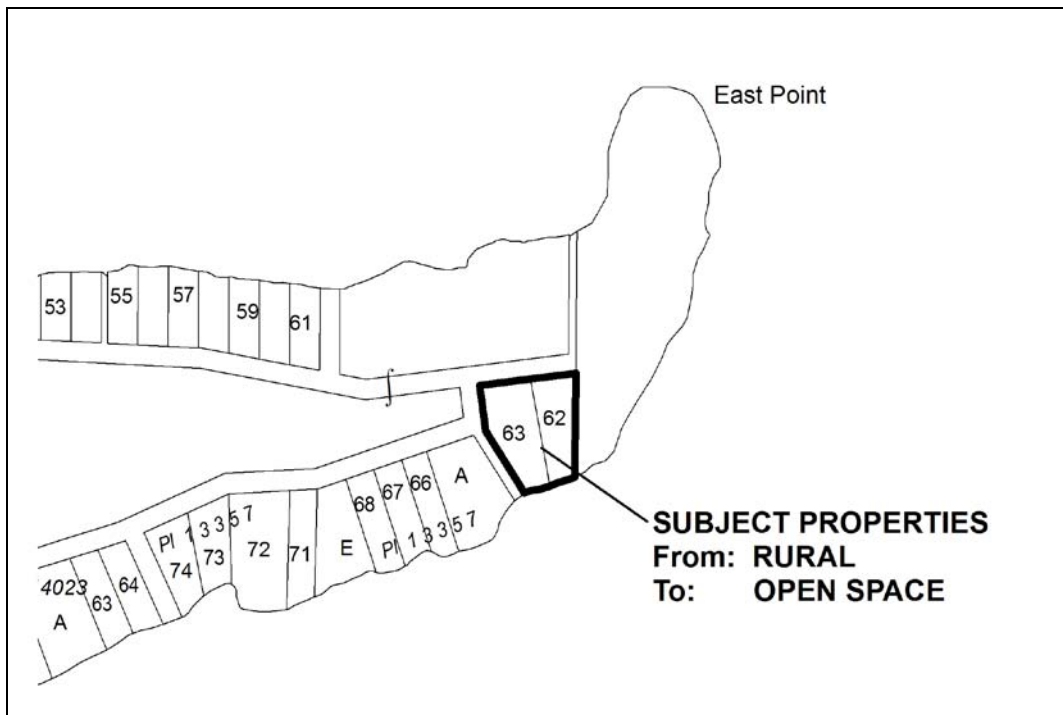
Schedule B of the Saturna Island Local Trust Committee Bylaw No. 70, cited as, "Saturna Island Official Community Plan Bylaw No. 70, 2000" is amended as follows:

- 1) By changing the designation of the lands legally described as Lots 62 and 63, Section 14, Plan 13357, Saturna Island, Cowichan District from the Rural (R) designation to the Open Space (OP) designation, as shown on Plan No. 1, which is attached to and forms part of this bylaw;
- 2) By changing the designation of the area shown on Plan No.2, which is attached to and forms part of this bylaw, from the Farmland (F) designation to the Open Space (OP) designation; and
- 3) By adding "OP" Open Space to the list of land use designations.

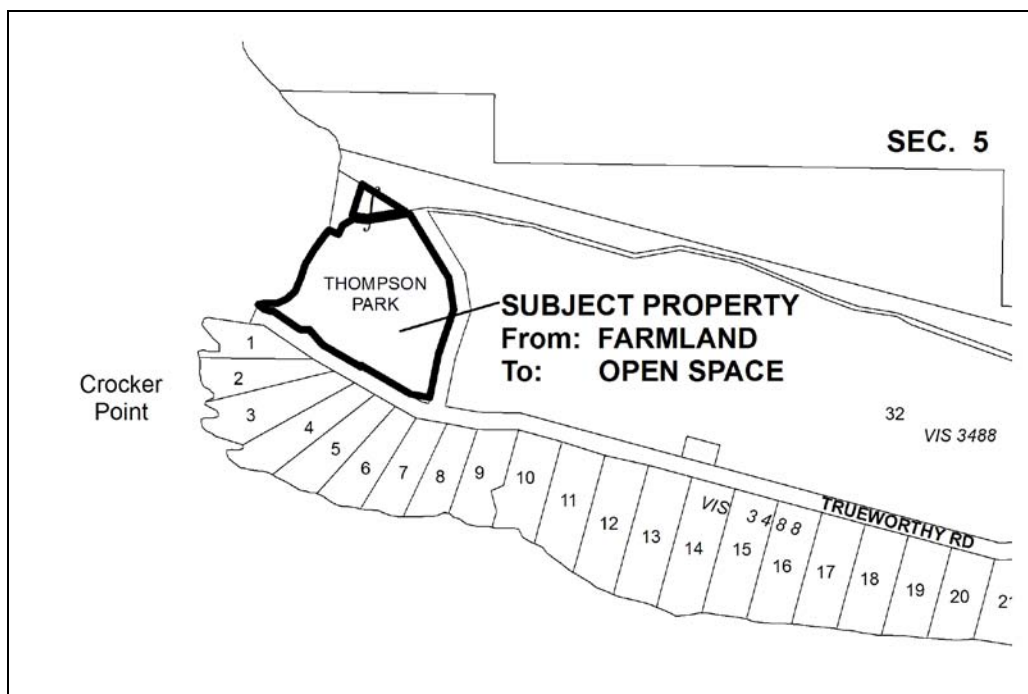
SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 107

PLAN NO. 1



PLAN NO. 2



(4)

SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 108

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

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

1. The Saturna Island Land Use Bylaw, No. 78 is amended as follows:
 - a) By adding the following to Section 3.1, Column I, "Community Park" and to Column II, "CP"; and
 - b) By adding the following immediately after Section 4.7:

"4.8 Community Park Zone (CP)

Permitted Uses

4.8.1 In the **Community Park 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.

4.8.1(1) Playgrounds; and

4.8.1(2) Picnic facilities.

Permitted Structures

4.8.2 No buildings or structures other than playground structures, picnic tables, picnic shelters, toilets and storage buildings may be constructed."
2. Schedule "B", attached to and forming part of the Saturna Island Land Use Bylaw, No. 78 is amended:
 - a) By changing a portion of the land legally described as Lot 1, Plan 23285, Section 8, Saturna Island, Cowichan District from Forest Residential (FR1) to Forest Reserve (FR) and changing a portion from Forest Reserve (FR) to Forest Residential (FR1) as shown on Plan No. 1, which is attached to and forms part of this bylaw.
 - b) By changing the zoning of the lands legally described as Lot 62 and 63, Section 14, Plan 13357, Saturna Island Cowichan District from the Rural Residential (RR) Zone to the Community Park (CP) Zone. Shown on Plan No. 1, which is attached and forms part of this bylaw; and
 - c) By changing the zoning of the area shown on Plan No. 2, which is attached to and forms part of this bylaw, from the Farmland (F) Zone to the Community Park (CP) Zone.
3. This Bylaw may be cited as "Saturna Island Land Use Bylaw 78, 2002, Amendment No. 1, 2012".

READ A FIRST TIME THIS

DAY OF

,2012

PUBLIC HEARING HELD THIS DAY OF ,
READ A SECOND TIME THIS DAY OF ,
READ A THIRD TIME THIS DAY OF ,
APPROVED BY THE EXECUTIVE COMMITTEE OF THIS ISLAND TRUST THIS
DAY OF ,
ADOPTED THIS DAY OF ,

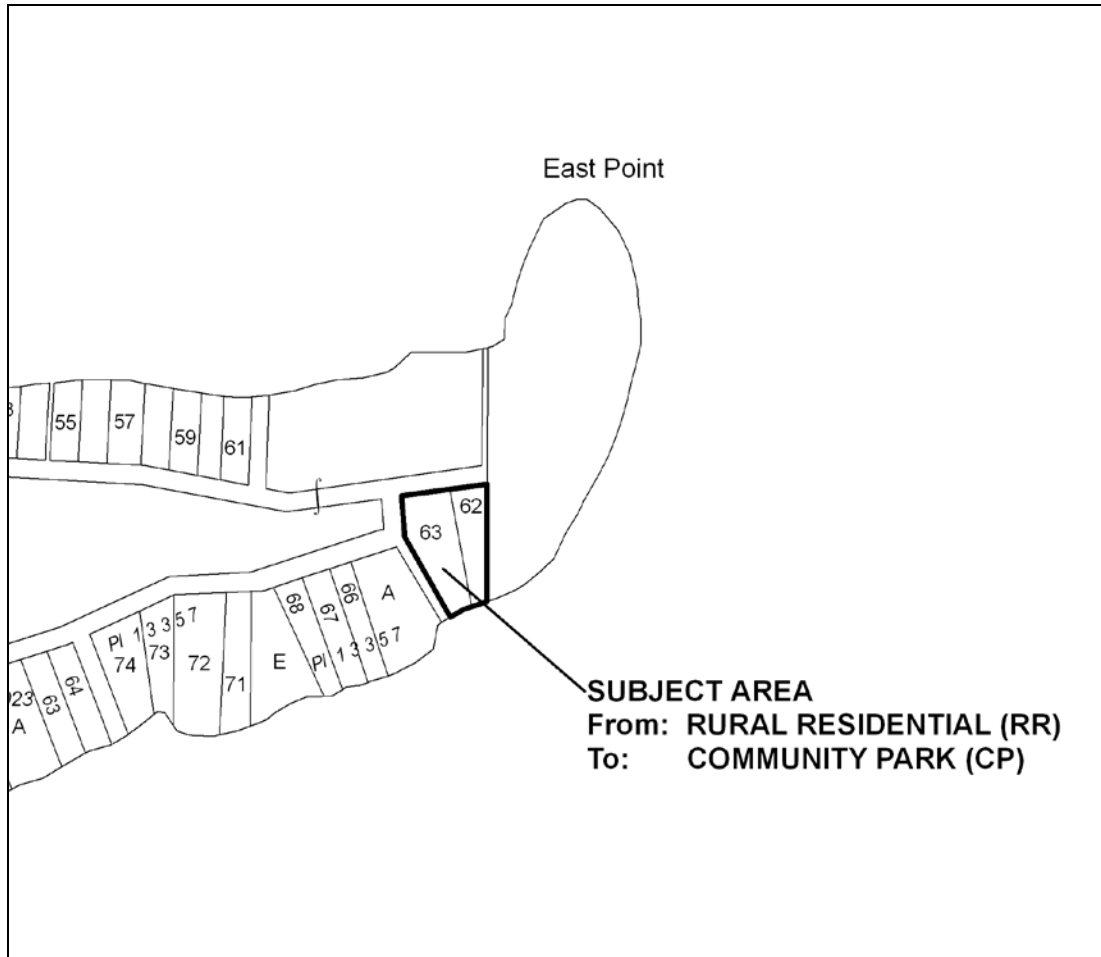
SECRETARY

CHAIRPERSON

SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 108

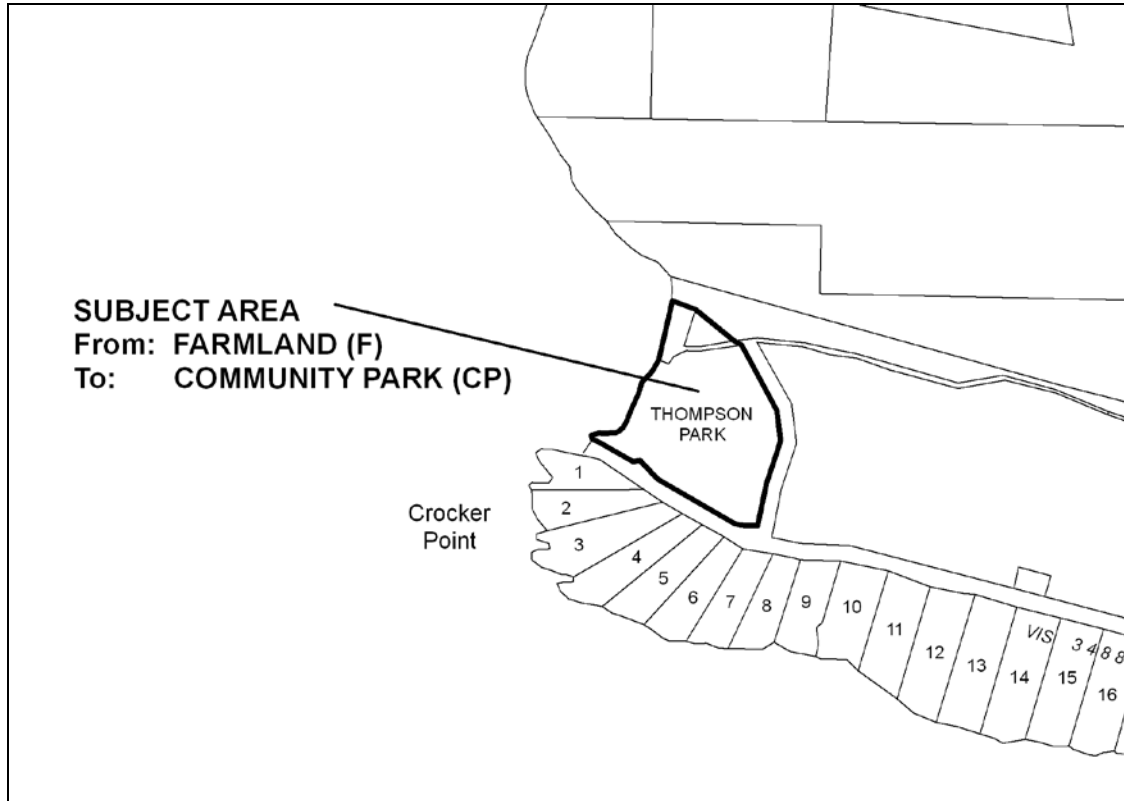
PLAN NO. 1



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 108

PLAN NO. 2



BYLAW NO. 106



STAFF REPORT

To: Saturna Island Local Trust Committee
For the meeting of June 21, 2012

From: Robert Kojima, Regional Planning Manager

CC: Gary Richardson, Island Planner

File No.: SA 6500-20 2012 (RAR)

Re: Implementation of Provincial Riparian Areas Regulation

PURPOSE

The purpose of this report is to provide the Local Trust Committee with an update on the project to implement the provincial riparian areas regulation, and provide options and recommendations for proceeding.

BACKGROUND

Implementation of the provincial Riparian Areas Regulation (RAR) is an LTC Work Program top priority. A staff report was submitted to the LTC at the February meeting providing an overview of the provincial regulations, the status of the mapping that had been completed to date on Saturna and options for community consultation. A copy of that staff report is available on the Saturna LTC webpage:
<http://www.islandstrust.bc.ca/ltc/sa/pdf/sararstrptfeb2012.pdf>

At the February meeting the LTC endorsed a community consultation process and confirmed that the preferred approach to complying with the RAR was to review and amend the existing development permit area (DPA).

Since the February meeting, the LTC has undertaken consultation with landowners who would be potentially affected by amendments to the LTC's bylaws. As result of that consultation two issues were identified, one technical, the other a policy consideration:

1. The RAR applies to riparian habitat adjacent to non-marine waters, defined as the upper extent of tidal influence. The mapping undertaken in 2010 identified as the limit of the RAR applicable portion of Lyall Creek a point that was not the upper limit of tidal influence at seasonal high tides. In order to address this issue, the Islands Trust has entered into a contract with the consultants to revisit Lyall Creek during an annual high-high tide (June 6th) and map the extent of tidal influence at that time.

2. The RAR requires that local governments use its authority to only approve development that is consistent with the RAR. The existing DPA provisions will need to be amended in order to ensure compliance with the RAR on those lands adjacent to the freshwater portion of Lyall Creek. However a portion of the current DPA designates the non-RAR applicable marine estuary and lands within 7.6 metres of the natural boundary. The LTC has a number of options in terms of addressing this portion of the DPA.

CURRENT POLICY

Trust Council Strategic Plan:

The current Trust Council Strategic Plan includes “Implementation of Riparian Area Regulations” as the first focus area.

Trust Policy Statement:

- 3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

Official Community Plan: The OCP contains a number of pertinent policies:

C.2 Natural Environment Policies

- C.2.2** In considering permits, referrals, applications and bylaw amendments, the Saturna Island Local Trust Committee should use all available means within its direct jurisdiction to ensure the preservation and protection of the Area’s diverse natural environment by:
 - a) maintaining sufficient habitat in its natural state for wildlife, plant life and marine life to flourish;
- C.2.4** Setbacks for all buildings and structures shall be designed to protect significant riparian and wildlife habitat and encourage maintenance of indigenous vegetation within these areas.
- C.2.8** The Saturna Island Local Trust Committee will support the recommended practices outlined in publications of the federal Department of Fisheries and Oceans, and the Ministry of Environment, Lands and Parks, such as *Land Development Guidelines for the Protection of Aquatic Habitat* and the *Stream Keepers Program*.

G.1 (Streams and Wetlands – Lyall Creek Development Permit Area)

The OCP designates a DPA around and over Lyall Creek, its estuary and the Lyall Creek tributary. The mapping of the creek for the DPA (see OCP Schedule G) is largely consistent with the consultant’s GPS mapping. The designation of the DPA upstream of

Lot 27 is 30 metres from the natural boundary of the stream, and thus consistent with the minimum RAA under the RAR. The portion of the DPA downstream of Lot 28 is designated over an area only 7.62 metres adjacent to the natural boundary of the stream. A number the lots between between this point and the upper extent of tidal influence are not consistent with the RAR in terms of the extent of the designation.

COMMUNITY CONSULTATION

The LTC considered consultation options at the February meeting, and directed that the following steps be undertaken:

1. Direct mail to affected owners – this was conducted in March.
2. Information materials and on-line information – a brochure was prepared and the LTC webpage updated.
3. An open house, where affected and interested persons could drop-in and one-on-one ask questions of staff and trustees was held on April 28th.
4. A community information meeting was held during the April 12th LTC meeting.
5. On-island office hours that were advertised specifically to provide an opportunity for landowners to meet with the planner.
6. An opportunity for landowners to meet with the consultants was provided during the June 6th tidal mapping.

A statutorily required public hearing will be held prior to third reading of any bylaw amendments. Conventionally, a community information meeting is held in conjunction with the hearing.

BUDGETARY IMPLICATIONS

Currently, \$4,000 of the overall 2012-13 RAR implementation budget is allocated to completion of the project in the Saturna LTA. The mapping update contract was for up to \$2,500, as of the date of writing this report the contract work has not be invoiced, but it is unlikely to vary significantly from the estimate.

Currently anticipated additional expenses, such as a public hearing, can reasonably be funded from the remaining portion of this budget.

TIMELINE

At the February meeting, the LTC endorsed the following timeline:

February – April: Community consultation: this phase was essentially completed at the end of April, and involved direct mail to all potentially affected landowners, several

opportunities for consultation with local trustees and with planning staff, and a Saturday open house.

June – September: Policy development phase: it is anticipated that this phase would involve staff drafting, and LTC reviewing, a draft amending bylaw, leading to First Reading and agency referral.

October – November: Bylaw phase: involving a public hearing, further readings of the bylaw, forwarding of the bylaw amendment to EC and the Minister, and final adoption.

RESULTS OF CIRCULATION

Once a draft amending bylaw is prepared it will be circulated to any affected agencies for comment.

STAFF COMMENTS

The provincial RAR requires local governments to use their existing land use planning authority to protect fish habitat. The consultant's 2010 report confirmed that Lyall Creek is the only "stream" under the RAR definition on Saturna and provided detailed mapping of the stream and its RAR-applicable tributaries. The consultants were subsequently retained to revisit the Lyall creek estuary during a seasonal high tide to map the upper extent of tidal influence. Site work was conducted on June 6th and as of the writing of this report, the consultants have indicated that the GPS data collected was very accurate (to the sub-metre) and that conditions were good (low stream flows and a very high tide). The contract deliverable includes not only GPS data, but a brief summary report. Once the report is received, it will be forwarded to the LTC for receipt.

Amendments to existing DPA to comply with RAR:

At a minimum, the portion of the DPA applicable to the area up-stream from the point of tidal influence will need to be amended to address the following statutory requirements:

- Designation: include all lands 30 metres from the bank of the stream
- Exemptions: only exempt work not subject to the RAR
- Special Conditions and Objectives ("Reasons"): to include reference to the provincial *Fish Protection Act*.
- Development Approval Information (DAI): include designation of this DPA as a DAI area in order to allow the LTC to obtain necessary reports.
- Guidelines:
 - o Replace reference to *Land Development Guidelines for the Protection of Aquatic Habitat* with reference to the recommendations of a Qualified Environmental Professional (QEP)
 - o Include a specific reference to maintaining a Streamside Protection and Enhancement Area (SPEA) free of development as a potential permit condition
 - o Include a specific guideline that would include any measures recommended by QEP as conditions of the permit

- o The guidelines should also include a reference to potentially including monitoring conditions as a condition of a permit
- o The guidelines should also specifically authorize the LTC to consider variances within the permit where it would result in enhanced protection of a SPEA or other feature, otherwise a separate DVP application would be needed

In summary, the DPA would need to be amended to ensure that all development as defined in the RAR within an RAA is required to apply for and obtain a DP, and that the DP implement, through the conditions of the permit, the recommendations of the qualified professional. Attached as appendix A are model RAR DPA provisions developed for other LTCs. These model provisions have been implemented recently, with variations, in the Galiano and North Pender OCPs.

Options for Non-RAR applicable portions of the estuary:

For the lands within the existing Lyall Creek DPA that are not subject to the RAR the LTC has several options:

1. Retain the current DPA designation and provisions. This would result in the DPA being split into two parts, one for the RAR applicable stream lands and the second for the estuary area. The issue with the current provisions is not the guidelines, which could be updated but not substantially changed, but the exemptions; there are extensive exemptions and which would not be considered consistent with current best practices. Specifically, G.1.2 exempts land alteration and vegetation removal (except overhanging trees) from requiring a permit. Significant land alteration and vegetation removal on lands adjacent to the estuary can have a impact on the functions of the estuary and are currently not subject to review.
2. Retain the current DPA designation and amend the provisions. This option would retain the current 7.6 metre DPA in this area, but amend the exemptions and guidelines to be consistent with those that would be required for the RAR portion of the DPA. This would provide an equivalent level review for development throughout the DPA and would ensure that land alteration and vegetation removal within the setback from the estuary would also be subject to development review.
3. Amend the current DPA designation and the provisions. This option would extend both the DPA designation (to 30 metres) and amend the provisions for both the RAR applicable stream and the estuary, so that both the requirements and the affected area are consistent. This option would be the most significant in terms of both revising the area designated and the provisions of the DPA.
4. Amend the DPA designation and provisions to apply only to the RAR-applicable portion of Lyall Creek. The fourth option would be to amend the DPA to meet the RAR requirement on those lands where it's applicable, but to remove the existing DPA from the non-RAR lands.

Option 1 would result in the least change from the current regulation, both in terms of area within the designation and the provisions. Option 2 would meet the RAR requirements, and would also update the non-RAR portion of DPA provisions to be consistent with current best practices for managing development within the setback areas adjacent to the estuary. The third option would extend consistent designations and provisions to both areas – the RAR applicable streamside and the estuary; however, because this option would involve designation additional lands in the DPA, the LTC would likely wish to engage in more extensive community consultation. With respect to removing the DPA from the non-RAR applicable lands, while the existing DPA's exemptions do not make it a particularly robust regulation, removing it from those lands would only leave the setback in place, which is solely applicable to buildings and structures.

Based on the three options outlined above, staff recommend proceeding with the second option. This would minimally meet the RAR obligations, maintain a consistent DPA and would also ensure that vegetation removal within the current DPA along the Lyall Creek estuary (the non-RAR applicable area) is also reviewed. However, as the portion of the current DPA that is adjacent to the estuary is also a setback area, impacts of changes to the DPA provisions on landowners would be minimized. Conversely, proceeding with consideration of option 3 would likely entail more significant consultation, time and resources than envisioned in the current project timeline and budget. Whichever option the LTC chooses, the next step would be to provide direction to staff to prepare a draft bylaw to bring back to the LTC for review and consideration of appropriate additional community/landowner consultation.

RECOMMENDATIONS

1. THAT the Saturna Island Local Trust Committee request staff to report back with a draft OCP bylaw that would amend the Lyall Creek DPA to extend the DPA designation to Riparian Assessment Areas identified in the revised mapping provided by Madrone Environmental and to amend the provisions to minimally meet the RAR for the whole DPA.

Prepared and Submitted by:



Robert Kojima

June 8, 2012

Date

Attachments: Appendix A (Model RAR DPA provisions)

APPENDIX A

RIPARIAN AREA DEVELOPMENT PERMIT AREA

Designation

This development permit area includes all land designated on Schedule XX of this plan as being within the YY Riparian Area DPA. This DPA includes the riparian assessment areas related to the watercourses and waterbodies identified on Schedule XX, consisting of:

1. for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;
2. for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
3. for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;
4. for all other water bodies, an area encompassing the water and 30 metres around the water body measured from the natural boundary of the water body.

and Schedule XX shall be so interpreted. The actual location of the streams and the DPA may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

Authority

This development permit area is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

Terms used in this section that are defined in the Riparian Areas Regulation (RAR) are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent

further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia's *Fish Protection Act*, requires that local governments establish regulations to protect riparian areas. The reason for this designation is to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

Development Approval Information

The YY Riparian Area DPA is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified environmental professional (QEP) may be required due to the special conditions and objectives described above.

Application Requirements

The applicant must, in addition to any other application requirements enacted or imposed by the Local Trust Committee, provide at their expense an assessment report from a Qualified Environmental Professional (QEP) which has been reviewed and approved by the Ministry of Environment.

Applicability

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

- a) Subdivision of land;
- b) Construction of, addition to or alteration of a building or other structure;
- c) Alteration of land; and
- d) Development as that term is defined in the Riparian Areas Regulation.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

Exemptions

The following activities are exempt from any requirement for a development permit:

- a) the reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation
- b) interior or structural exterior alterations, renovations or repair to a pre-existing permanent building or structure on an existing foundation to an extent that does not alter, extend or increase the building's footprint
- c) forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*
- d) forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*
- e) agricultural activities conducted in a manner consistent with normal farm practices as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*
- f) mining activities regulated by the *Mines Act*
- g) all park uses not consisting of commercial, residential, or industrial activities
- h) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property
- i) gardening and yard maintenance activities within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land
- j) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i) emergency actions for flood protection and erosion protection;
 - ii) clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow;
 - iii) repairs to bridges and safety fences carried out in accordance with the *Water Act*.
- k) the construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence, or 1.5 metres on either side of the fence in agricultural areas
- l) ecological restoration and enhancement projects undertaken or authorized by a public body

- m) work that is authorized by Fisheries and Oceans Canada by permit under section 35 of the *Fisheries Act*
- n) changes in or about a stream authorized under Section 9 of the *Water Act*
- o) works undertaken by a local government or a body established by a local government
- p) for certainty, any work that is not “development” as that term is defined in the *Riparian Area Regulation*
- q) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use
- r) for certainty, actions undertaken by the Crown or an agent of the Crown

Guidelines

Prior to undertaking any development activities within the YY Riparian Area DPA an owner of property shall apply to the LTC for a development permit, and the following guidelines apply:

- a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on the riparian area. Where a QEP has made recommendations for mitigation measures, subdivision design, enhancement or restoration in order to lessen impacts on the riparian area, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas, consistent with the measures and recommendations described in the report.
- b) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA through measures that may be implemented as conditions of the development permit.
- c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and reporting by a QEP at the applicant's expense may be required during construction and land development phases, as specified in a development permit.

- d) If the nature of the proposed project in a riparian assessment area changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.
- e) The LTC may consider variances to subdivision or building siting or size regulations where the variance may result in enhanced protection of a riparian assessment area in compliance with recommendations of a QEP report.



Islands Trust

Print Date: Jun-13-2012

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.	Feb-09-2011	Gary Richardson	Jun-21-2012	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.	Oct-26-2011	Robert Kojima	Jun-21-2012	On Going
3	Ocean loop Geo-Exchange	Prepare staff report on options to permit and regulate	Aug-31-2011	Gary Richardson	Jul-31-2012	On Going



Islands Trust

Print Date: Jun-13-2012

Projects

Saturna Island

No.	Description	Activity	Received/Initiated	Status
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



Islands Trust

Applications w / Status - Saturna Island Status: Open

Print Date: Jun-13-2012

Applications

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: Jun-12-2012

Community Information Meeting arranged for June 21/12

Status Date: Apr-02-2012

Staff report prepared for April 12, 2012 LTC meeting.

Status Date: Feb-01-2012

Staff to review application and prepare a report for April 12, 2012 LTC Mtg.

Subdivision

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

Planning Status

Status Date: Jun-12-2012

Recently met with applicant to discuss remaining IT issues.

Status Date: Feb-01-2012

Staff will contact applicant to determine status and report to LTC at Feb 9 Mtg

Status Date: Jun-24-2010

Response Sebt to MOTI June 24/10

11.2.1

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2012.1	Mark Rappaport Planner: Gary Richardson	May-28-2012	
Planning Status			
Status Date: Jun-12-2012			
Staff to review application for compliance and respong to MOTI			
Temporary and Industrial Use Permit			
File Number	Applicant Name	Date Received	Purpose
SA-TUP-2012.1	Aleah Johnson Planner: Gary Richardson	May-30-2012	109 EAST POINT RD To permit double decker bus converted kitchen/restaurant to sell food.
Planning Status			
Status Date: Jun-12-2012			
Staff report and draft permit prepared for June 21/12 LTC Mtg.			
Status Date: Jun-11-2012			
Community Information Meeting held July 11/12			
Status Date: May-31-2012			
Sent letter of acknowledgement of reciept of fees and application to applicant. Copied to trustees and forwarded file to Planner.			

Kathy Jones

From: Nancy Roggers
Sent: May-28-12 5:34 PM
To: Gary Richardson; Ken Hancock; Kris Nichols; Pamela Janszen; Paul Brent; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario
Cc: Cindy Shelest
Subject: Saturna expense report May/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to May 31, 2012

660 Saturna	Invoices posted to May 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,100.00	-	1,100.00
65200	LTC Local Exp LTC Meeting Expenses	3,000.00	308.76	2,691.24
65210	LTC Local Exp APC Meeting Expenses	-	56.79	(56.79)
65220	LTC Local Exp Communications	-	-	-
65230	LTC Local Exp Special Projects	-	-	-
65240	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		3,000.00	365.55	2,634.45
73001	Project OCP update	-	-	-

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

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.

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Population (2011):

Approximately 335

Size:

3422 hectares (8,455 acres)

Location:

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

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[Related Planning Services](#)
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[Trust Area Mapping](#)
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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.

September 2011

- [Capitol Regional District - Building Inspection Letter dated August 9, 2011 re: Water Catchment and Storage Systems - Saturna Island](#)
- [Parks Canada Letter dated June 30, 2011 re: Heritage Lighthouse Protection Act](#)
- [Trust Issues Newsletter- September - 2011](#)

July 2011

- [Saturna Island Groundwater Issues - Next Steps letter dated July 12, 2011](#)
- [" Guide to Environmentally Friendly Building and Renovating in the Southern Gulf Islands"](#)
- Fact sheet: ["Choosing a Building Site on your Lot"](#)
- Fact sheet: ["Making Changes to your Lot Line"](#)
- Fact sheet: ["Applying for a Variance"](#)

Planner Office Hours on Saturna Island

- [Planner Office Hours on Saturna Island - 2012](#)

Saturna Island Local Trust Committee Projects

East Point Water

- [Notes of May 7, 2011 Groundwater Workshop](#)
- [Saturna Island Groundwater Workshop Report dated May 7, 2011](#)
- [Bylaw No. 99 \(Adopted\)](#)
- [Staff Report - October 21, 2010](#)
- [Staff Report - June 10, 2010](#)
- [Ministry of Environment Report - January 2010](#)
- [Groundwater Conservation \(East Point\) Staff Report - October 20, 2009](#)
- [Results of the Groundwater Geochemistry Study on Saturna Island, BC - Allen and Suchy 2001](#)
- [A Preliminary Assessment of Groundwater Conditions on Saturna Island - July 1985](#)

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](#)

Committee Links

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[Associated Islands](#)
[Land Use Application Forms](#)

- [Riparian Areas Regulation Notice of Open House - April 28, 2012](#)
- [Land Owner Contact Letter - March 20, 2012](#)

General

- [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](#)

Climate Change Action

- [Adopted Bylaw No. 101](#)
- [Staff Report - May 11, 2010](#)
- [Staff Report - March 11, 2010](#)
- [Newsletter - December 2009](#)
- [Staff Report - November 2009](#)
- [Staff Report - October 2009](#)
- [Community Engagement Tools](#)
- [Table of Potential Official Community Plan Amendments](#)
- [Climate Wise Islands](#)

Ecosystem Mapping Webpage

Affordable Housing

- [APC Terms of Reference](#)
- [Affordable Housing Background Report - August 21 2009](#)
- [Subdivision Potential Map](#) (Please note that this map is a representation of potential subdivision under the current zoning. It does not account for limitations on future subdivision, including covenants, access, availability of water and other services, topography, etc)
- [Community Housing Tool Kit](#)

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