



**SATURNA ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING AGENDA
12:30 PM, THURSDAY, SEPTEMBER 6, 2012
AT THE SATURNA ISLAND RECREATION CENTRE - LOUNGE
104 HARRIS 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 Proposed Bylaws No. 107 and 108 (Community Parkland Zoning (attached))	P1	
4. PUBLIC HEARING		
4.1 Proposed Bylaws No. 107 and 108 (Community Parkland Zoning)		
5. PREVIOUS MEETINGS		1:30 pm
5.1 Adopted Local Trust Committee Minutes - for information only (attached)		
5.1.1 Adopted Minutes of June 21, 2012 Local Trust Committee Business Meeting	P9	
5.2 Public Hearing Records and Community Information Meeting Notes - for information only (attached)		
5.2.1 Received Notes of June 21, 2012 Community Information Meeting	P21	
5.3 Section 26 Resolutions-without-meeting (attached)	P27	
5.4 Advisory Planning Commission		
5.4.1 Draft APC Minutes of August 20, 2012	P29	

6. **BUSINESS ARISING FROM THE MINUTES**
 - 6.1 **Follow-up Action Report** (attached) **P31**
7. **DELEGATIONS** - none
8. **CORRESPONDENCE**
[correspondence received concerning applications and/or projects is considered with the application]
 - 8.1 **August 1, 2012, letter from Saturna Fire Protection Society** (attached) **P33**
9. **APPLICATIONS, PERMITS, BYLAWS AND REFERRALS** 1:45 pm
 - 9.1 **SA-RZ-2012.1 (Nepenthe) Staff Report** (attached) (GR) **P35**
 - 9.2 **SA-ALR-2012.1 (Sewell) Staff Report** (attached) (GR) **P45**
10. **LOCAL TRUST COMMITTEE PROJECTS** 2:30 pm
 - 10.1 **Proposed Bylaw No. 107 and 108 (Community Parkland Zoning)** – for further consideration (attached) (GR) **P53**
 - 10.2 **Riparian Areas Regulation – Staff Report and draft bylaw** (attached) (RK) **P61**
 - 10.3 **Ocean Loop GEO-exchange – Staff Report** (attached) (RK) **P79**
 - 10.4 **Discussion of Land Use Bylaw Amendments related to Enforcement Notification Bylaw**
11. **REPORTS** 3:15 pm
 - 11.1 **Work Program Reports** – for information **P87**
 - 11.1.1 **Saturna Island Local Trust Committee Work Program Report** dated August, 2012 (attached)
 - 11.2 **Applications Report** – for information **P89**
 - 11.2.1 **Saturna Island Applications Report** dated August, 2012 (attached)
 - 11.3 **Expense/Budget Reports**
 - 11.3.1 **Trustee and Local Expenses**– for information (attached) **P93**
 - 11.3.2 **Budget Submissions 2013-14** – memo attached **P95**
 - 11.4 **Bylaw Enforcement** - none

- 11.5 Policies and Standing Resolutions Report – for information (attached) P99**
- 11.6 Saturna Island LTC Web Page – for information (attached) P101**
- 11.7 Chair's Report**
- 11.8 Trustee Report**
- 12. OTHER BUSINESS**
 - 12.1. Next Business Meeting scheduled for 12:30 pm, November 8 , 2012, Saturna Island Community Hall**
 - 12.2 Covenant Amendment (Sewell) (attached) P103**
- 13. TOWN HALL MEETING**
- 14. ADJOURNMENT 4:00 pm**

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE

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 21st day of June , 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.

PROPOSED

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 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
- b) 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 1st DAY OF August ,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 ,

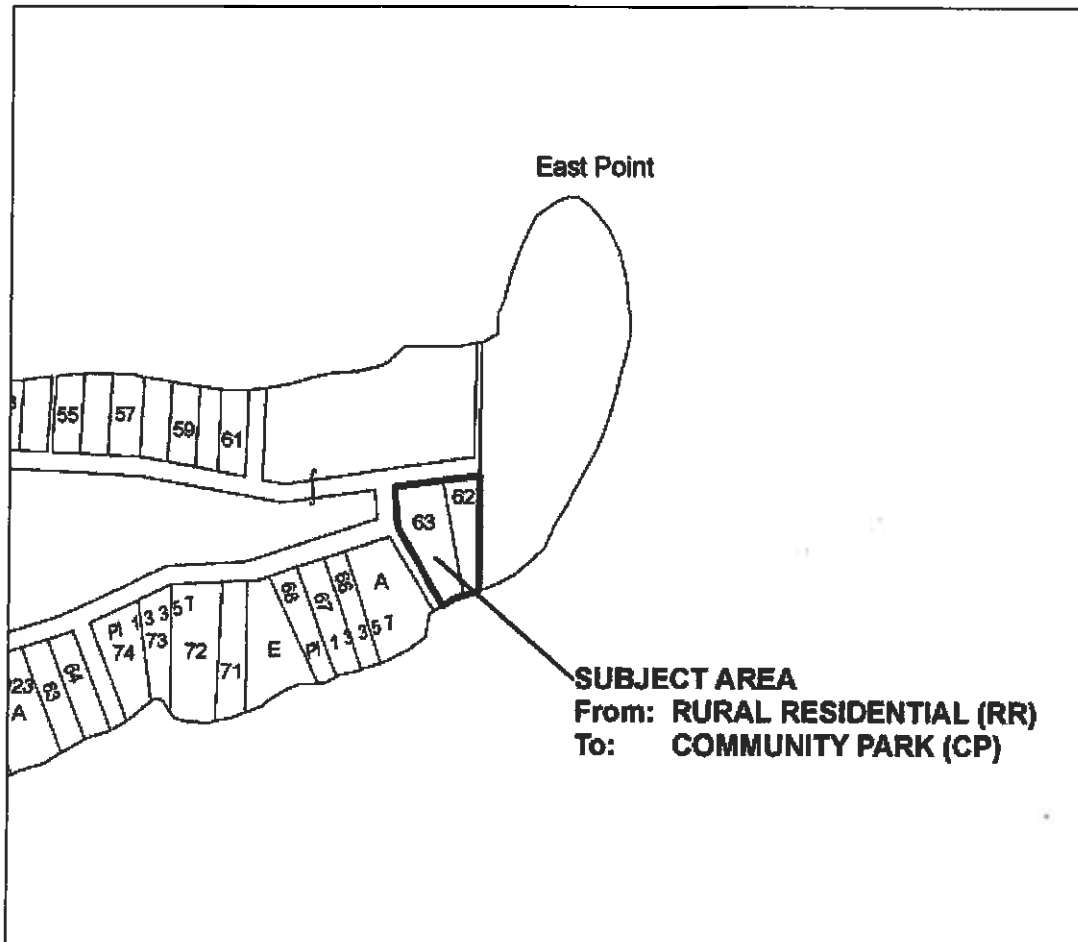
SECRETARY

CHAIRPERSON

SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 108

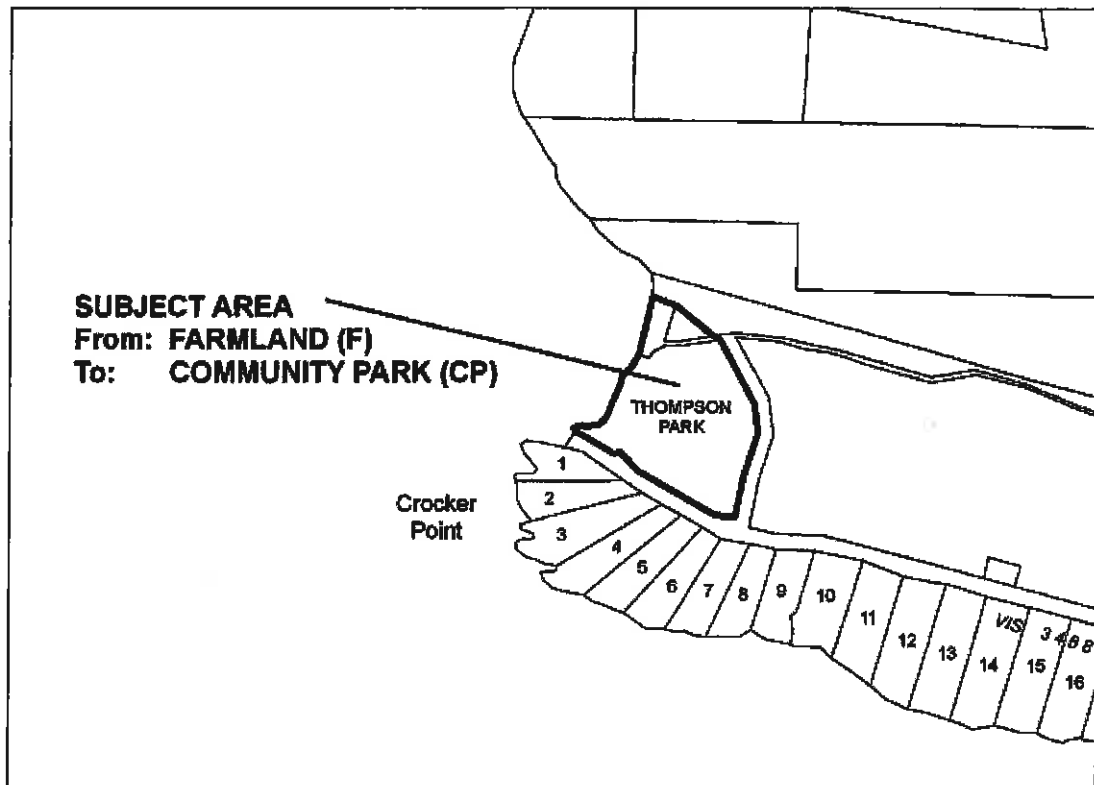
PLAN NO. 1



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 108

PLAN NO. 2



**MINUTES OF THE SATURNA ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, JUNE 21, 2012 AT 12:30 P.M.
AT THE SATURNA ISLAND COMMUNITY HALL
105 EAST POINT 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 approximately fifty-five (55) members of the public in attendance at the start of the meeting.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 12:30 p.m. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish people. Chair Hancock introduced the Local Trust Committee (LTC) members and welcomed everyone.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

Chair Hancock asked if there were any changes to the agenda; the following changes were made by:

- adding item 9.4: SA-RZ-2012.1 (Yardley)
- adding item 6.2: Covenant FB234900-Amendment (Saturna Island Fire Protection Society ESB2) follow-up
- moving item 3: Community Information Meeting after item 6: Business Arising From The Minutes
- moving item 9.1: SA-TUP-2012.1 (Johnson) Staff Report after item 5: Previous Meetings

The agenda as amended was approved by consensus.

2.2 Questions from Public on Agenda Items

Linda Cunningham asked about the size and location of the property for subdivision.

Planner Richardson replied that the property was about 9 acres in size and the owners want to subdivide into four strata lots. He added that there would be a discussion later under agenda item 3, Community Information Meeting (CIM).

John Money asked about Draft Bylaw No. 105.

Chair Hancock confirmed that it was on the agenda under item 3, Community Information Meeting.

John Money asked if there would be more discussion about the Temporary Use Permit SA-TUP-2012.1 (Johnson) because he wondered why the staff recommendation was to issue the TUP for only six months when a three year permit was the focus of the Community Information Meeting on June 11, 2012.

Chair Hancock replied that no further discussion was planned.

Planner Richardson explained that the staff report recommendations for a six month TUP were based on concerns about parking, which could be reassessed after the first six months. He added that it would be up to the Local Trust Committee to decide.

Chair Hancock noted that since the CIM more emails had been received from community members. He commented that the TUP could vary the requirements in the Land Use Bylaw, which is also a key part of the decision.

Allan Sewell asked if staff considered that six months is not a viable time frame for a new business economically.

Planner Richardson replied that the permit could be renewed in six months for a nominal fee.

Ted Syverson asked if any of the LTC members would invest in a six month business operation.

Planner Kojima explained that the first six months of the application is when you see if there are any issues and then you can make conditions to deal with them when the permit is renewed.

Sue Syverson questioned whether the original cost for the application of \$1100.00 and then the renewal fee of \$200.00 dollars was fair and equitable for a new business.

Ian Rowe commented that the business idea was novel and there could be some unforeseen issues that come up in the first six months but he did not support a renewal fee.

Allan De Joseph asked if the renewal could be up to three years after the first six months.

Planner Richardson said yes.
Chair Hancock invited Miles Drew, Bylaw Enforcement Coordinator to comment.

Miles Drew suggested that if there were no problems with the TUP then one of the options would be to rezone the property. The owners would apply for rezoning.

Bev Lowsley questioned if a three year permit could include a six month review.

Planner Richardson said no.

John Hutchinson stated that a six month permit discourages entrepreneurial spirit and asked the LTC to consider a longer time frame.

Andrew Money commented that the application was for three years and it will take that long to payback the capital investments.

Joe Harris added that similar types of business on the island do not have the required parking allotment.

Chair Hancock clarified that Planner Richardson's job is to give advice, provide options and bring it to the LTC.

Carol Money referred to the recently held Community Information Meeting which was attended by over sixty community members and only one expressed a concern about parking. She encouraged the LTC to approve the three year TUP because of all the support for the business which will add economic vibrancy to the community.

John Money added that the busy tourist season on Saturna has already started and getting the TUP today is timely.

Chair Hancock suggested the LTC move forward on the agenda due to time constraints.

3. COMMUNITY INFORMATION MEETING

This item will be addressed after item 6.

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Adopted Local Trust Committee Minutes

5.1.1 Adopted Minutes of April 12, 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 April 12, 2012 Community Information Meeting

Presented for information

5.2.2 Received Record of April 12, 2012 Public Hearing

Presented for information

5.3 Section 26 Resolutions-without-meeting

Presented for information

5.4 Advisory Planning Commission

5.4.1 Draft Minutes of April 16, 2012 Advisory Planning Commission Meeting

Presented for information

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

9.1 SA-TUP-2012.1 (Johnson) Staff Report

Planner Richardson distributed a copy of the minutes from the Special LTC Meeting held on June 11, 2012, to LTC members.

Two changes were noted by;

- adding “/ Recorder after Planner Richardson in the PRESENT section on page 1
- changing the last sentence on page 3, to read: Trustee “Brent” adjourned the meeting at 2:45 p.m.

Resolution SA-LTC-29-12

It was Moved and Seconded that Saturna Island Local Trust Committee Special Meeting Minutes of June 11, 2012, as amended be Adopted.

CARRIED

Planner Richardson reviewed the staff report and recommendations.

Trustee Brent suggested a change to the first recommendation from three to six months due to the seasonal nature of the business.

Resolution SA-LTC-30-12

It was Moved and Seconded that Saturna Island Local Trust Committee Temporary Use Permit application 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 six months or if the permit expires.

CARRIED

Resolution SA-LTC-31-12

It was Moved and Seconded that Saturna Island Local Trust Committee Temporary Use Permit application SA-TUP-2012.1 (Johnson) be issued for a period of three years.

CARRIED

Trustee Brent commented that Planner Richardson has been very supportive of the application throughout the process.

Chair Hancock reminded everyone if there is an issue with parking it cannot be dealt with until the end of the three year permit.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Richardson reviewed the report stating that most of the items are being addressed within the current meeting.

6.2 Covenant FB234900-Amendment (Saturna Island Fire Protection Society ESB2) Follow-up

Planner Richardson gave a verbal report concluding that at this point the the neighbors appear satisfied and he would recommend proceeding with the amendment of the covenant.

Chair Hancock asked if the landscaping plan goes to the back of the property.

Trustee Janszen asked if the covenant had to be amended or could they say it had been complied with.

Planner Richardson said it would have to be amended.

Trustee Janszen confirmed that the property owners are done discussing this; she added that the last resolution stated that the side lot screening needed to be finished to the satisfaction of the neighbors and LTC.

Chair Hancock said that the latest version of the site plan did not meet the requirement outlined in the previous motion to complete the side lot line screening and it was disconcerting that a fire department did not follow the original covenant and amending was not desirable because it did not maintain credibility with the community to uphold a covenant.

Trustee Janszen said she did not oppose amending the covenant.

Chair Hancock asked to defer this item to the next business meeting as he would like time to visit the site and to consider all the information.

Chair Hancock asked staff to prepare a full package with all relevant information for the next business meeting with lots of copies for the public.

3. COMMUNITY INFORMATION MEETING

3.1 Bylaw Enforcement Notification Bylaw No. 105

Chair Hancock closed the Business Meeting at approximately 2:00 p.m. to hold the scheduled Community Information Meeting.

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

3.2 SA-RZ-2012.1 (Yardley)

- See Notes of CIM of same date.

Chair Hancock reopened the Business Meeting at 2:40 p.m. and announced a ten minute break.

The Business Meeting reconvened at 2:50 p.m.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 C. Money email dated May 9, 2012 re: Response to Pam and Bylaw No. 105

This correspondence was received.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS – continued

9.2 Referral of Proposed North Pender Bylaw No. 191

Planner Kojima reviewed the proposed bylaw.

Resolution SA-LTC-32-12

It was Moved and Seconded that Saturna Island Local Trust Committee recommend approval of Proposed North Pender Bylaw No. 191.

CARRIED

9.3 Referral of Proposed Mayne Island Bylaw No. 157

Resolution SA-LTC-33-12

It was Moved and Seconded that Saturna Island Local Trust Committee recommend approval of Proposed Mayne Island Bylaw No. 157.

CARRIED

9.4 SA-RZ-2012.1 (Yardley)

Trustee Janszen wondered if the owners would consider a three lot development or did they want the four lots.

Trustee Brent said he wanted to defer the decision.
Chair Hancock thought he heard some reluctance in the community to remove the density cap contained in the Official Community Plan. He suggested a staff report for the next business meeting providing more options and in more detail.

There was more discussion about potential options.

Resolution SA-LTC-34-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to prepare a report outlining a variety of options that may be available and pertinent to SA-RZ-2012.1 (Yardley).

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Community Parkland Zoning

Planner Richardson reviewed the staff report and referred to the draft bylaws on page 72 of the agenda package.

There was some discussion about the amendments and the significance of recognizing the actual use of the properties.

Resolution SA-LTC-35-12

It was Moved and Seconded that Saturna Island Local Trust Committee Draft Bylaw 107, cited as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No.1, 2012", be given First Reading.

CARRIED

Resolution SA-LTC-36-12

It was Moved and Seconded that the Saturna Island Local Trust Committee Draft Bylaw 108, cited as "Saturna Island Land Use Bylaw 78, 2002, Amendment No. 1, 2012", be given First Reading.

CARRIED

Resolution SA-LTC-37-12

It was Moved and Seconded that Saturna Island Local Trust Committee direct staff to arrange a Public Hearing for Draft Bylaws 107 and 108.

CARRIED

Resolution SA-LTC-38-12

It was Moved and Seconded that Saturna Island Local Trust Committee direct staff to refer Proposed Bylaws 107 and 108 to the Saturna Island Advisory Planning Commission for comment.

CARRIED

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

Resolution SA-LTC-39-12

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

CARRIED

10.3 Riparian Areas Regulation

Planner Kojima reviewed the staff report and the options for proceeding forward.

Resolution SA-LTC-40-12

It was Moved and Seconded that the Saturna Island Local Trust Committee request staff to report back with a Draft Official Community Plan Bylaw that would amend the Lyall Creek Development Permit Area to extend the Development Permit Area designation to Riparian Assessment Areas identified in the revised mapping provided by Madrone Environmental and to amend the provisions to minimally meet the Riparian Areas Regulation for the whole Development Permit Area.

CARRIED

11. REPORTS

11.1 Work Program Reports

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

Planner Richardson reviewed the priorities list. He stated that item No. 1 - Community Parkland Zoning, will be referred to the Saturna Island Advisory Planning Commission and the staff report on item No. 3 - Ocean Loop Geo-Exchange, will be ready for the next LTC business meeting.

11.2 Applications Report

11.2.1 Saturna Island Applications Report dated June, 2012

Planner Richardson noted that there are two new applications.

11.3 Expense/Budget Reports

11.3.1 Trustee and Local Expenses

It was noted that there is a LTC expense of approximately \$700.00, still to come off.

11.4 Bylaw Enforcement

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

There was some discussion about the options available to the LTC.

Resolution SA-LTC-41-12

It was Moved and Seconded that Saturna Island Local Trust Committee defer consideration of the Saturna Island Draft Bylaw No. 105 – Enforcement Notification Bylaw until the Local Trust Committee has opportunity to review the Saturna Island Land Use Bylaw No. 78.

CARRIED

Resolution SA-LTC-42-12

It was Moved and Seconded that Saturna Island Local Trust Committee add a targeted review of Land Use Bylaw No. 78 with respect to the future application of the Draft Bylaw No. 105 – Enforcement Notification Bylaw to the Projects list.

CARRIED

11.5 Policies and Standing Resolutions Report

Presented for information.

11.6 Saturna Island LTC Web Page

Chair Hancock suggested that the webpage be updated before the next LTC meeting.

It was also suggested that a note on the website would be useful when there is a referral to the Advisory Planning Commission so community members are aware.

11.7 Chair's Report

Chair Hancock reported the Islands Trust planning meeting was very successful. He added that the First Nations offered a compelling presentation to the council including the historical context of their relationship to the islands. He said that Pender Island plans to make electric vehicles legal on their roads. Lastly, there was a council motion pertinent to the advocacy of oil spills because of an increase of tankers.

11.8 Trustee Report

Trustee Brent commented that he was very impressed with the community involvement on Saturna relating to Proposed Bylaw 105 and the Temporary Use Permit application. He also thanked Aleah Johnson for her presence at meetings.

Trustee Janszen added that she will be attending her first Gulf Islands National Park Reserve Advisory Board meeting next week.

12. NEW BUSINESS

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

12.2 Video Taping Meetings

Chair Hancock stated that the current update from Salt Spring Island LTC regarding videotaping is that they have decided to go with sound recording only. He added that the policy leaves it up to the Chair and his only concern is, not to deter participation.

Trustee Brent said he is okay to leave it for now.

13. TOWN HALL MEETING

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

John Money expressed his disappointment that no decision was made about the covenant.

Allan Sewell agreed that the only people who were concerned were the neighbours and if they were happy it should be amended.

John Hutchinson thanked Trustee Janszen for her work on the covenant issue.

John Money thanked both Trustees and Chair Hancock.

Aleah Johnson thanked the Trustees and Planner Richardson.

14. MOTION TO CLOSE MEETING

Resolution SA-LTC-43-2012

It was Moved and Seconded 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 considering Board of Variance appointments; and further that staff and Recording Secretary Jenna Foster remain present.

CARRIED

15. RECALL TO ORDER

Resolution SA-LTC-47-2012

It was Moved and Seconded that the Saturna Island Local Trust Committee meeting be re-opened to the public at 3:55 p.m.

CARRIED

15.1 Rise and Report from Closed Meeting

Chair Hancock reported that the In Camera Minutes of February 9, 2012 have been adopted.

Chair Hancock reported that Jim Petrie, James White and Priscilla Zimmerman have been appointed to the Board of Variance for a three year term.

16. ADJOURNMENT

Chair Hancock adjourned the meeting at 3:56 p.m.

RECORDER

CHAIR

**NOTES OF THE SATURNA ISLAND LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
REGARDING SATURNA ISLAND DRAFT BYLAW NO. 105 –
ENFORCEMENT NOTIFICATION BYLAW AND SA-RZ-2012.1 (YARDLEY)
HELD ON THURSDAY, JUNE 21, 2012, AT APPROXIMATELY 2 P.M.
AT THE SATURNA ISLAND COMMUNITY HALL
105 EAST POINT 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 approximately sixty (60) members of the community in attendance at the start of the meeting.

3.1 Saturna Island Draft Bylaw No. 105 – Enforcement Notification Bylaw

Miles Drew, Bylaw Enforcement Manager reviewed the staff report and outlined the key benefits of the bylaw.

John Hutchinson asked if Islands Trust (IT) would continue to pay for legal fees if there was an error in the law in this system.

Miles Drew replied that the bylaw enforcement notification process is quite different from the current system. He said the bylaw is designed to deal with minor issues in a low key manner. It could be as simple as mailing a ticket to the person who is in violation and ideally, they would respond with payment.

John Money inquired about how the process is initiated.

Miles Drew explained that the process is aligned with the bylaw enforcement policy which is complaint driven unless there is an environmental concern, a permitting issue or advertising of an illegal land use, then enforcement may be started without a complaint.

John Money queried if there are many outstanding violations on Saturna.

Miles Drew answered that there are currently seven (7) and out of those, at least three (3) could be quickly resolved with the enforcement notification bylaw.

John Money stated that he did not support it because Saturna's population is low and therefore, it is not necessary.

Al Sewell added that we should not have bylaws just to facilitate bureaucracy and if it is passed it sets a bad precedent.

Amanda Pearson stated two areas of concern: the first was the increase of enforcement and secondly, an issue with the adjudication services located in North Vancouver.

Miles Drew explained that the North Shore is the best choice because they have experience working with islands. He added that the violations can be dealt with by mail or phone and therefore should not be costly for community members.

Amanda Pearson asked how the bylaw was working in other communities and noted that the extensive list of contraventions and penalties (Schedule A) did not relate well to Saturna and was cause for concern.

Miles Drew replied that five islands have adopted it over the last few months so there is not a lot of experience with the bylaw. He reminded everyone that the bylaw would only be used on Saturna for land use violations where there is a lot of time given for compliance. The community does have to have some faith that it will be used properly and the LTC can intervene at any time.

Trustee Janszen stated that currently in the Land Use Bylaw it is possible to fine an offending property owner up to two thousand dollars daily and she wondered if that would still stand.

Miles Drew said that she is referring to a completely different system involving a court of law and judge.

Allan De Joseph inquired about the role of the enforcement officer and the cost of hiring more.

Miles Drew explained that no additional staff will be hired and that the role of the officer will remain the same as all enforcement is complaint driven except for the three exceptions mentioned earlier.

Hubertus Surm noted that the Advisory Planning Commission voted to support the adoption of the bylaw. He stressed that complaints would generally come from your neighbors.

Chair Hancock suggested that the meeting would need to move forward to provide time for other agenda items.

Ilio Bertolami wondered if there have been complaints from the community where bylaws have not been enforced effectively.

Andrew Money also questioned if there was any data showing that the volume of violations would increase with the bylaw enforcement notification process.

Linda Cunningham asked how many tickets of noncompliance were before court currently and could you bring the adjudication process there.

Miles Drew answered that there was not enough to do that. He added that a under the bylaw enforcement notification system, a positive aspect is that compliance is clearly defined because the ticket is either paid or not.

3.2 SA-RZ-2012.1 (Yardley)

Planner Richardson reviewed the staff report.

Chair Hancock asked for questions from the trustees.

Trustee Brent asked if a 4 lot subdivision was approved is there a park allotment or does an amenity mean you do not need parkland?

Planner Richardson said not necessarily.

Chair Hancock clarified that they were discussing two distinct processes, a potential rezoning and then a subsequent subdivision. He asked if the request was for 4 lots where 1 lot is a commonly held property or 4 lots with the 4th lot having a new density.

Planner Richardson replied that it was the latter, 4 strata lots with new density on the 4th lot. He added that the Local Trust Committee could suggest a 3 lot strata with the 4th lot held as common property.

Jonathan Yardley, the applicant stated that the properties have been co-owned for forty-two (42) years by three families. The families are proposing the 4 lot strata development so they can have more independent control. And as the families grow, the 4th lot would be available for future generations.

John Hutchinson asked why they were not considering independent lots.

Allan Peretz, co-owner explained that changing the existing electrical and water system structures to suit fee simple lots would add a lot more complexity and legal challenge. He added that the intent is for the next generations to continue to be there and the strata development supports this goal.

Anne Popperwell asked about the density on the lot because she remembers a house there.

Allan Peretz said there used to be a house on the lot beside the proposed lot #4, but it has been torn down

John Money stated that he was not in favor of increasing the density because then the Land Use Bylaw would have to be changed. He recommended transferring the density from East Point for example.

Carol Money spoke in favour of accepting the proposal for 4 lots and transferring the density; she added that there used to be a house there and Saturna does need more people for economic growth.

Ian Rowe also spoke in favour of the proposal. He said he has shared a boundary with the property owners for years and they are respectful neighbours. In the past, he explained, the higher density has been on lots close to the water. The lower density parcel of land has become a natural habitat for deer and other wildlife which is nice to have he noted.

Janet Land stated that when the Official Community Plan (OCP) was developed, the three existing houses would have been grandfathered in. She explained that she would not support increasing the density again.

Allan Peretz replied that the OCP did not increase the density of the property; however, the national park reduced the density significantly. He suggested that the OCP could be amended specific to this one case and not opened up for all.

John Hutchinson spoke against the proposal because of the increased density attached to the 4th lot.

Chair Hancock stated that since they owned the lot next door to the hook lot, had they considered simply amalgamating the lots?

Jonathan Yardley explained that the hook lot was created when the road was put in and most municipalities like to keep the hook lots separate.

Planner Richardson agreed that they would like to avoid amalgamating the lots.

Chair Hancock added that according to the map generated by the planners, there are 21 hooked lots on Saturna.

Priscilla Ewbank spoke in support of any development on west facing lots but would not like to see the density increased. She added that if it is approved even once then it makes it more difficult when the next request is made.

Michael Fry asked for clarification regarding the 4th lot.

Allan Peretz explained that the lot is 9 acres in total with 4 acres on the water side and 4.5 acres on the other side. The plan proposes a subdivision for 3 strata waterfront lots with legal homes and a 4th strata lot with future plans for a dwelling.

Hubertus Surm asked Planner Richardson why he recommended only 3 strata lots.

Planner Richardson replied that it would avoid opening up the OCP which could be more complicated.

Allan Peretz commented that the resolution passed at the April Local Trust Committee meeting was to bring the 4 lot strata development plan to the community for comment.

Charles Reif added that it was difficult to contemplate making an exception to the OCP density cap for a single application. He would prefer to have the whole community involved.

Allan Sewell spoke in favour of the application as it was an opportunity to do some infill density and it was good for the community.

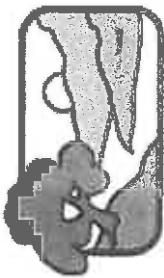
Priscilla Ewbank asked about the plans for "a" and "c".

Allan Peretz said the long term plan was that each family may need a second home as time goes on and the families grow.

Chair Hancock closed the meeting at 2:40 p.m.

RECORDER

DATE



Islands Trust

Print Date: Aug-27-2012

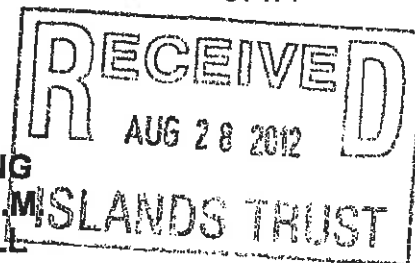
RWM From: June 21, 2012 To: August 27, 2012

Saturna Island

Resolution #	Action	Resolution Description	Resolution Date
2012-09	In Favour	THAT Saturna Island Local Trust Committee Proposed Bylaw No. 108 cited as "Saturna Island Land Use Bylaw 78, 2002, Amendment No. 1, 2012". given first reading on June 21, 2012 be rescinded and that amended Draft Bylaw No. 108 cited as "Saturna Island Land Use Bylaw 78, 2002, Amendment No. 1, 2012 be given first reading.	Aug 01, 2012
2012-08	In Favour	THAT Saturna Island Local Trust Committee Community Information Meeting Notes of June 21, 2012 be received.	Jul 19, 2012
2012-07	In Favour	THAT Saturna Island Local Trust Committee Business Meeting Minutes of June 21, 2012 be Adopted.	Jul 12, 2012

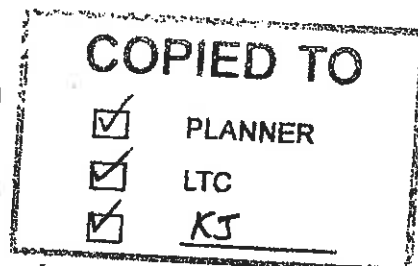
DRAFT

**MINUTES OF THE SATURNA ISLAND
ADVISORY PLANNING COMMISSION MEETING
HELD ON MONDAY, AUGUST 20, 2012 AT 7 P.M.
AT THE SATURNA ISLAND COMMUNITY HALL
105 EAST POINT ROAD, SATURNA ISLAND, B.C.**

**PRESENT:**

**Charles Reif
Wayne Quinn
John Gaines
Tony Green
Jenna Foster**

**Chairperson
Vice Chairperson
Member
Member
Secretary**

**REGRETS:**

Amanda Pearson, Hubertus Surm, Peter Seed

There were no members of the public in attendance.

1. CALL TO ORDER

Chairperson Reif opened the meeting at 7:03 p.m.

Chairperson Reif informed the members that he will be away for September and October and not available to chair potential Advisory Planning Commission (APC) meetings on September 17th and October 15th.

Vice Chairperson, Wayne Quinn affirmed that he would be available to chair meetings on those dates.

2. ADOPTION OF MINUTES FROM APRIL 16, 2012**Resolution SA- APC-02-12**

It was Moved by Wayne Quinn and Seconded by Charles Reif that the Saturna Island Advisory Planning Commission adopt the minutes from the previous meeting held on April 16, 2012 as presented.

CARRIED

3. BYLAW REFERRALS – No. 107 (OCP) and No. 108 (LUB)

Chairperson Reif stated that he supported correct zoning of the parks and invited comments from the other members.

Wayne Quinn passed.

John Gaines commented that he questioned whether permitted uses identified in proposed bylaw 108 would include social activities where alcohol may be served, as well as some limited commercial events including a future mobile food service vehicle. He concluded that if the bylaw did not include these activities than it would be a disservice to the community.

There was some discussion about when liquor licenses would be necessary and when not.

There was consensus among the members that a public space should have some flexibility and they approved the draft bylaws with some added definition of permitted uses to include licensed or unlicensed social and hospitality events.

Resolution SA- APC-03-12

It was Moved by Tony Green and Seconded by Wayne Quinn that the Saturna Island Advisory Planning Commission recommend approval of Bylaw No.107 cited as "Saturna Island Official Community Plan Bylaw No.70, 2000, Amendment No.1, 2012" and Bylaw No.108 cited as "Saturna Island Land Use Bylaw 78, 2002, Amendment No. 1, 2012" with consideration given to revise the wording as referenced in Bylaw 108 under Section 4.8.1. where permitted uses would allow licensed or unlicensed social and hospitality events.

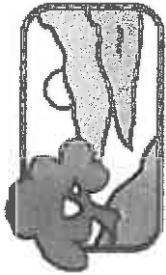
CARRIED

4. ADJOURNMENT

Chairperson Reif adjourned the meeting at 7:28 p.m.

RECORDER

DATE



Islands Trust

Follow Up Action Report w/o Target Date

Saturna Island Apr-12-2012

No.	Activity	Responsibility	Status
1	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	Done

Jun-21-2012

No.	Activity	Responsibility	Status
2	SA-TUP-2012.1 (Johnson) - Approved with amendment to add condition that bus to be removed if use ceases for 6 months or more or permit expires (DONE).	Kathy Jones Gary Richardson	Done
3	Firehall covenant - covenant and all associated information, including minutes and public hearing record, and staff report on Sept agenda	Gary Richardson	On Going
4	CIM minutes adopted, one amendment	Sharon Lloyd-deRosario Gary Richardson	Done
5	NP Bylaw No. 191 - approval recommended	Andrea Pickard	Done
6	MA bylaw No. 157 - approval recommended	Gary Richardson	Done
7	SA-RZ-2012.1 (Nepenthe) - report back with staff report detailing options	Gary Richardson	Done
8	Bylaws 107, 108 - First Reading, referral to APC and scheduling of public hearing	Kathy Jones Sharon Lloyd-deRosario Gary Richardson	Done
9	Bylaw 106 adopted	Kathy Jones	Done
10	RAR - report back with draft bylaw	Robert Kojima	Done
11	report on Geo-exchange for Sept LTC meeting	Robert Kojima	Done

12	Add discussion of amending work program to address LUB amendments related to BEN bylaw on Sept agenda	Kathy Jones Gary Richardson	Done
13	Website: add Yardley staff report, parkland rezoning staff reports and bylaw, remove climate change	Kathy Jones	Done
14	Saturna BoV: Jim Petrie, James White and Priscilla Zimmerman appointed.	Kathy Jones Sharon Lloyd-deRosario	Done

August 1, 2012

Saturna Island Fire Protection Society
PO Box 168
Saturna Island BC V0N2Y0



Saturna Island Local Trust Committee
Suite 200 - 1627 Fort Street
Victoria, BC V8R 1H8

Dear Local Trust Committee

Re: 219 covenant landscape requirements, 646 Tumbo Channel Road, Saturna Island BC

The Saturna Island Local Trust Committee and the Saturna Island Fire Protection Society are both fully funded with tax revenue from local taxpayers. As such both have a responsibility to act in a fiscally responsible manner while fulfilling our separate mandates. Yours to preserve and protect the island's environment through land use planning and ours to offer emergency services to protect against damage or death from fire, illness or accident.

The rezoning of the land and associated covenant to allow the construction of an emergency service building at East Point required the SIFPS to adhere to two provisions. The first was the undertaking to not draw groundwater for any purpose, but to install a water collection system to service the building and to allow for the charging of our pumper trucks with water for fire fighting. The second provision was for SIFPS to plant or create a vegetative barrier to provide the abutting properties with a visual buffer. Please remember that this is the extent of the second provision, as it was never intended to extend this to all members of the East Point community.

The SIFPS is caught between these two provisions. To expand the planting beyond that necessary to provide the abutting properties with a screen - and this has been done to the satisfaction of all three as witnessed by written agreement from the three owners - places increased use on a very limited water resources collected via roof water catchment on our relatively small building. When we need to utilize this water for preserving the plantings during the summer months, is to do so at a time when recharging the water tanks is near impossible. This places our ability to provide the residents of East Point proper fire protection in jeopardy.

On completion of the building on the subject site, SIFPS began to look practically at the landscape plan component of the covenant. SIFPS, acting in good faith, made an application to the Local Trust Committee seeking to amend the planting scheme accompanying the covenant requesting a more practical solution to the planting scheme, now that true property relationships could be assessed. In the course of developing a revised planting scheme, SIFPS sought out endorsement of the proposed amendment from abutting property owners. We state again that approval in writing from the three owners was ultimately received.

Notwithstanding the implementation of a screening and buffering scheme, including a cedar fence on one property to the satisfaction of the abutting owners, the Saturna Island Local Trust Committee remains divided on a solution as proposed in the amendment. This situation prevails even with a recommendation

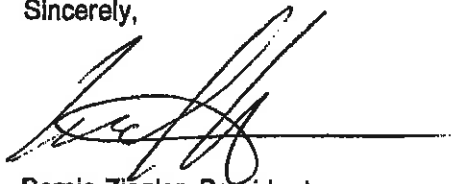
of support for the amendment by the planning staff. What has further complicated the LTC review and decision on the matter is the declaration of a conflict of interest by one of our local trustees. As a result the matter is left to be decided by one local trustee and the off-island chair.

SIFPS is satisfied that the proposed landscaping amendment to the covenant which has been implemented is an appropriate request and reflects a practical solution to land use relationships with abutting properties. It is apparent, however, that the two remaining trustees are in a stalemate over the issue and the matter could remain unresolved indefinitely. SIFPS would like to offer the following perspective regarding the landscape issue:

- SIFPS has spent approximately \$15,000 of taxpayers' money to implement landscaping.
- The Saturna Island Local Trust Committee and their staff have expended significant taxpayer dollars to review and debate the issue of an appropriate landscape scheme.
- The planting scheme as proposed in the amendment provides appropriate buffering to abutting properties and has been endorsed in writing by the abutting owners.
- The Section 219 covenant on the property prevents use of groundwater from wells for filling fire trucks or tanks.
- SIFPS spent approximately \$15,000 of taxpayer money developing a rainwater collection system to preserve the integrity of neighbouring wells.
- The planting scheme as required in Clause 6 of the covenant mandates significant maintenance, including watering of plants to ensure proper root establishment. This water must come from the storage tank which has a priority use for fire fighting and domestic purpose.
- Completing the perimeter planting scheme as per the original covenant would require an additional expenditure of approximately \$5,000 of taxpayer money and a greater use of on-site stored water.
- Additional planting to satisfy the original planting scheme provides no measurable benefit to the screening and buffering relationships with the abutting properties.

Based on the above observations and in the interest of practicality and fiscal responsibility, and the protection of the property and lives of East Point residents, SIFPS respectfully request the Saturna Island Local Trust Committee to approve the subject amendment to the landscape component of the Section 219 covenant registered on the property.

Sincerely,



Bernie Ziegler, President
Saturna Island Fire Protection Society

Cc: Linda Adams, CAO Islands Trust
Gary Richardson, Island Planner ✓
Tom Johnstone, SIFPS Director
Wayne Quinn, SIFPS Director



STAFF REPORT

Date: August 29, 2012

File No.: SA-RZ-2012.1

To: Saturna Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

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

Owner: Nepenthe Holdings Ltd.

Applicant: Jonathan Yardley, Architect Inc.

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

THE PROPOSAL:

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

A preliminary staff report dated March 30, 2012 was reviewed by the LTC at its April 12, 2012 business meeting. Also a Community Information Meeting on this proposal was held June 21, 2012.

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

This staff report outlines the options available to the LTC regarding this application and provides a recommendation on how to proceed.

APPENDIX B
 Proposed Site Plan

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 Plan 11979

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 Plan 11979

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 Plan 17076

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 Plan 17076

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 Plan 13706

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 Plan 7

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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. The owners of this property also own two other properties in the area, Lots A and C, Plan 17076. Lots A and C are shown on Figure 4.

Figure 1: Location of subject property

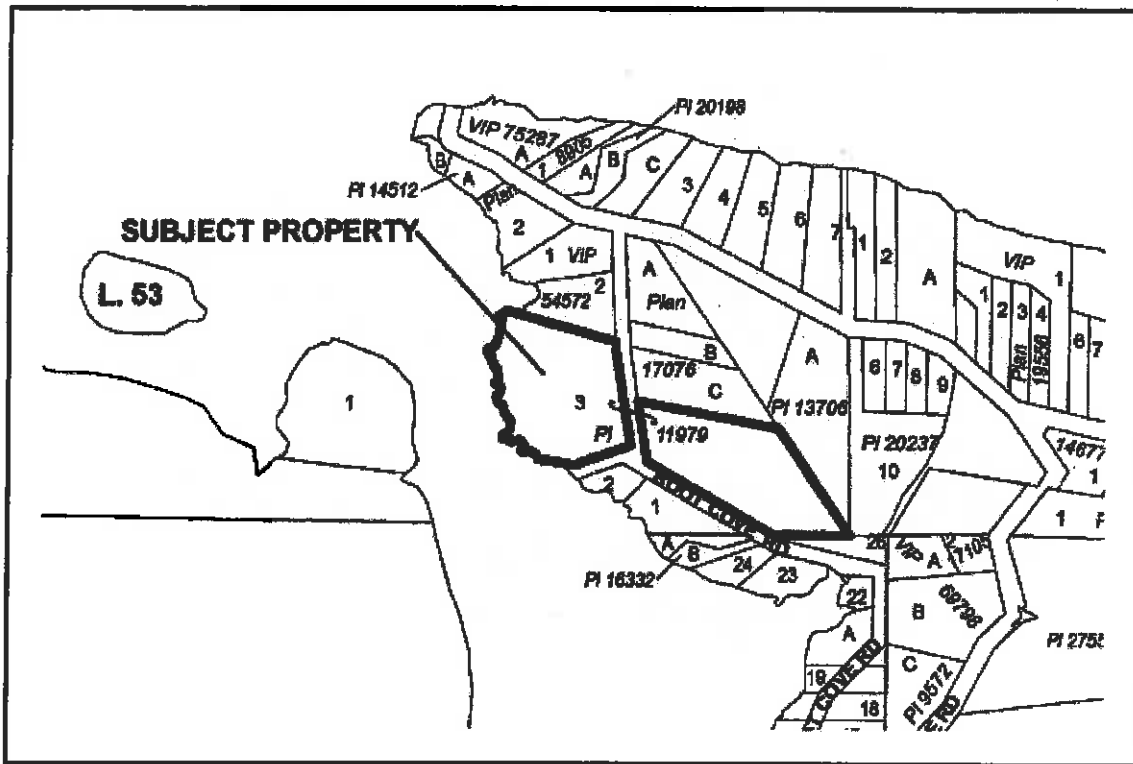


Figure 2: Orthophoto of subject property



Figure 3: Orthophoto of subject property and surrounding area

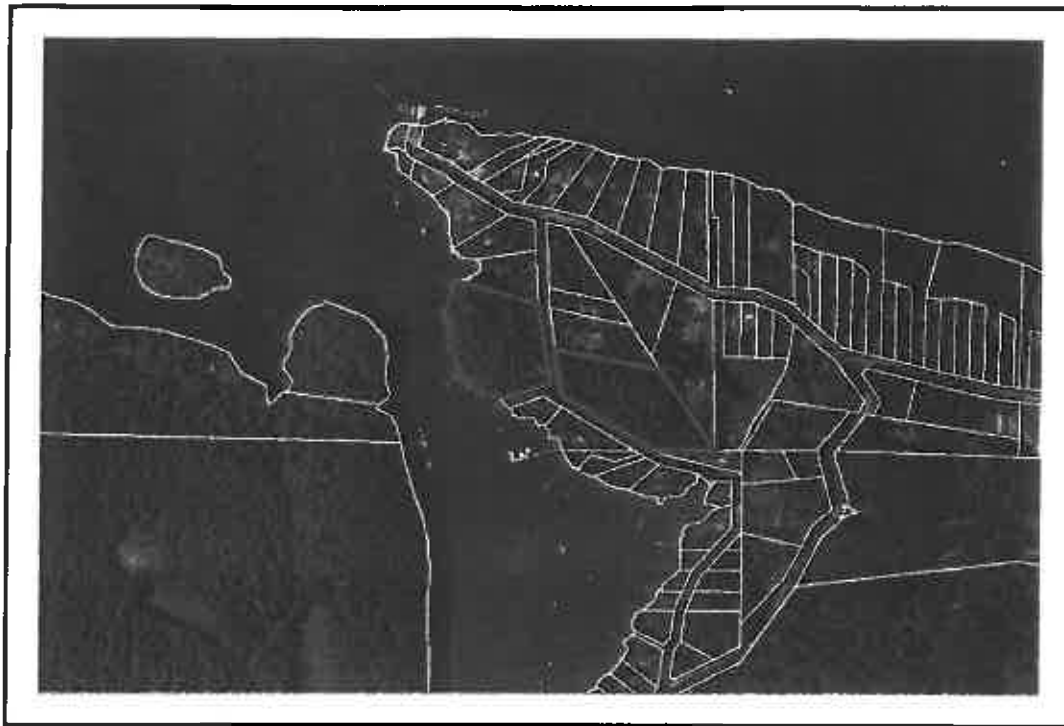
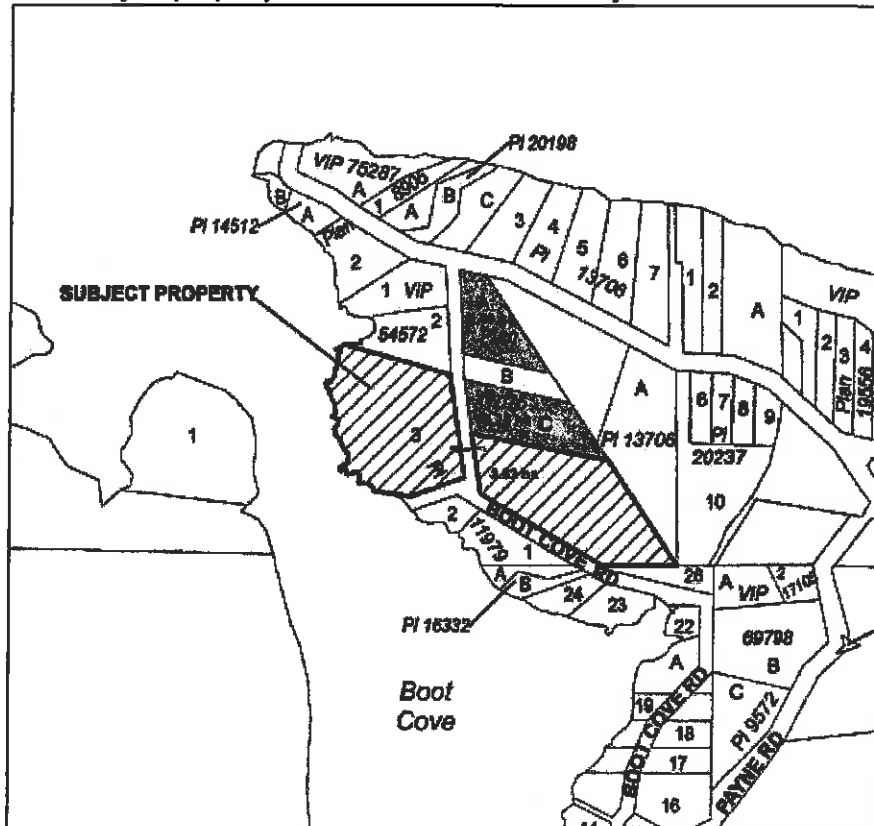


Figure 4: Subject property Lot 3. Other Lots owned by same owner Lot A and C



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Official Community Plan

The following is one of the sections that applies 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.*

Land Use Bylaw

The subject area is designated Rural General (RG) in the Saturna 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).

OPTIONS:

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

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

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

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

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

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

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

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

This option would also require an amendment to the OCP and LUB including OCP policy C.1.3 for the increase in subdivision capacity.

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

3) Transfer of Development Rights

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

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

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

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

The property owner does have some lots in the vicinity of the subject lot that could provide some of the residential density required; however the subdivision potential would need to be transferred from elsewhere.

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

Amenity Zoning - Using s. 904 of the Local Government Act

Section 904 of the Local Government Act allows a Land Use Bylaw to establish different density regulations within a zone. One regulation that is generally applicable and another regulation that is applicable if the applicant provides an amenity. This is a scheme that is normally set up in LUB prior to a property owner submitting an application. The amenities to be provided and the density to be given is clearly outlined in advance. The Saturna LUB does not contain any zones that have been drafted using this section of the LGA. This would require a considerable amount of planning analysis as areas able to absorb the additional density need to be identified and the density ratios to amenity provided need to be specified in the LUB.

This is a good tool; however if it is going to be applied to Saturna a comprehensive planning process will be required. An amendment to s. C.1.3 of the OCP (density cap) would also be required.

Amenity Zoning – Not Using s. 904 of the Local Government Act

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

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

An amendment to s. C.1.3 of the OCP (density cap) would also be required.

Community Amenity Density Reserve

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

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

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

This would be the most suitable option to pursue for this proposal; however at present there is no density in the pool.

STAFF COMMENTS:

The options provided above fall into two broad categories. Options that require amending of the cap set in section C.1.3 of the OCP and options that transfer the density from somewhere else that don't require that section C.1.3 be amended. In all cases the OCP and LUB need to be amended to some level.

It is staff's opinion that OCP Policy C.1.3 (density cap) is a fundamental policy and should not be amended without a high level of community consultation.

The Community Amenity Reserve is in staff's opinion the best option as it was put in place for this type of situation; however the reserve is presently empty. If the policy was amended to allow density from parkland to be put in the bank there would be sufficient density for this type of rezoning.

Transfer of development is another possible option that does not require the amending of the OCP density cap. In this option the applicant can transfer some of the density off their other properties and/or purchase some property to enable a density transfer that is balanced.

Another option not mentioned above is to proceed no further with this application.

RECOMMENDATIONS:

THAT the Saturna Local Trust Committee direct staff to discuss the transfer of density option with the applicant.

Respectfully Prepared and Submitted by:

Gary Richardson

August 29, 2012

Gary Richardson
Island Planner

SCHEDULE "E"
Appendix A

Community Amenity Density Reserve

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

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

BL 101



Islands Trust

STAFF REPORT

Date: August 29, 2012

File No.: SA-ALR-2012.1

For the meeting of September 6, 2012

To: Saturna Island Local Trust Committee

From: Gary Richardson
Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Application for Subdivision in the Agricultural Land Reserve
SA-ALR-2012.1 (Sewell)

Owners: Allen and Gayle Sewell

Applicants: same

Location: 101 Church Bay Road

Legal: That Part of the North ½ of Section 18, Saturna Island, Cowichan District, as Shown Outlined in Red on Plan 749R Except Parts in Plans 16929, 24256, 37639, 49442, VIP53810 and VIP63614.

BACKGROUND: this is a referral to the Local Trust Committee (LTC) of an application to the Agricultural Land Commission (ALC) for a subdivision within the Agricultural Land Reserve (ALR). Any application for a subdivision within the ALR must be filed with the local government and may not proceed unless authorized by a resolution of the local government. If this application is authorized by the LTC, and subsequently by the ALC, the owners are proposing to proceed with a subdivision under Section 946 (subdivision to provide residence for a relative) of the *Local Government Act*. This legislation authorizes the subdivision approving officer to approve the subdivision of land that would otherwise be prevented from subdivision by a local government bylaw where the subdivision is for the purpose of providing a separate residence for the owner or the owner's relatives. Local governments have the authority to establish minimum lot sizes for section 946 subdivisions, except for land within the ALR.

In 2005 an application was made to the ALC to include a 2.378 ha portion of this lot into the ALR. The application was successful and now this entire lot is in the ALR.

In this instance, the owners are proposing to subdivide the existing 4.274 hectare (10.56 acre) property into a 0.704 hectare (1.74 acre) parcel and a 3.57 hectare (8.82 acre) remainder lot.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

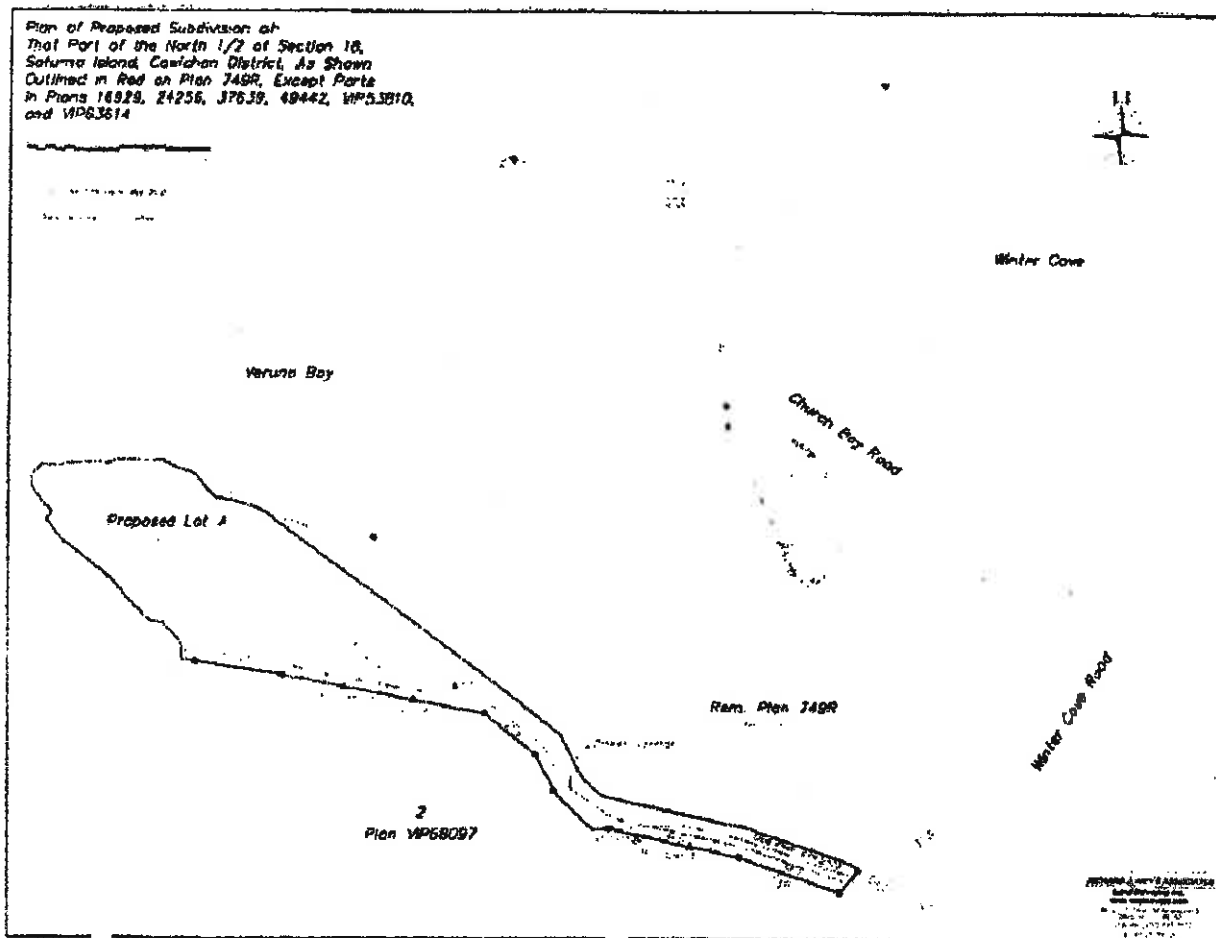
Islands Trust Policy Statement: the policy statement contains several policies that support the preservation, protection and encouragement of farming.

Official Community Plan: the lots are designated Rural on the OCP Land Use Schedule. There are no policies specifically addressing this type of subdivision application in the current OCP for Rural designated property. The policies that address agriculture apply to properties in the Farmland designation.

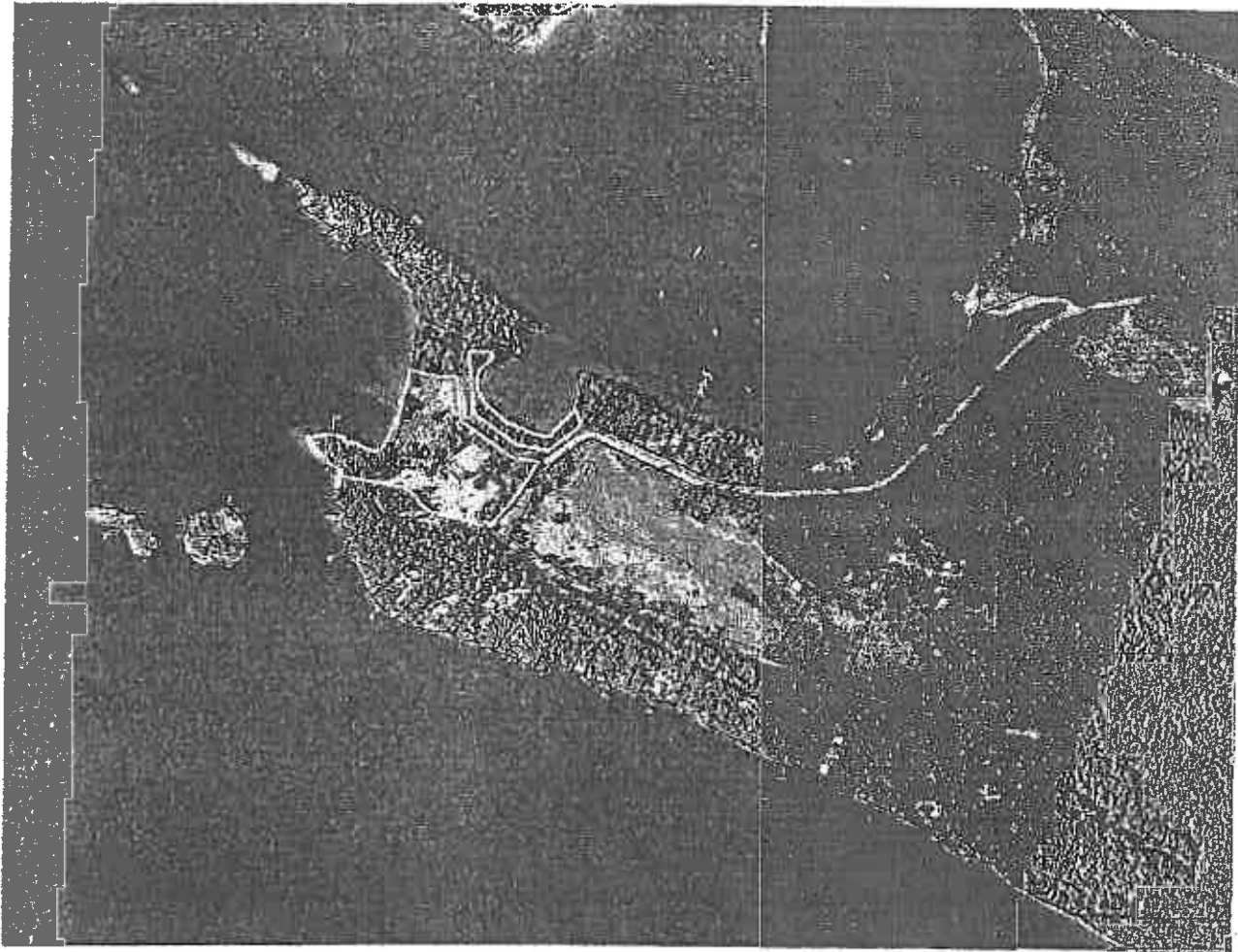
Land Use / Zoning Bylaw: the lots are zoned Rural General (RG) in the Land Use Bylaw. The LUB establishes the following subdivision minimum parcel size in this zone:

8.3.1 Subdivision Requirements

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



Subject Property



Orthophoto showing subject property and surrounding area

SITE CONTEXT: the property subject to the application fronts both Winter Cove and Church Bay Roads. It is 4.274 ha in size and is predominantly flat. There are two dwellings, one cabin, a tennis court and several outbuildings. The property is presently used for grazing.

COMMUNITY INFORMATION MEETING(S): a community information meeting is not typically recommended for an ALC referral.

RESULTS OF CIRCULATION: there is no requirement to circulate an ALC referral for comment.

ISSUES SUMMARY:

Statutory Background: there is a fairly complex background to the circumstances under which this application is being considered by the LTC:

1. The application is made under Section 21(2) of the *Agricultural Land Commission Act*, which states that an owner of agricultural land may apply to the commission to subdivide agricultural land. Section 25(3) goes on to state that such an application may not proceed unless authorized by a resolution of the local government if it applies to land that is zoned by bylaw to permit agricultural or farm use.
2. A subsequent subdivision would be made under Section 946(1) of the *Local Government Act*, which states that an approving officer may approve the subdivision of a parcel of land that would otherwise be prevented from subdivision by a provision in a bylaw that establishes a minimum parcel size. Section 946(2) establishes that such an application may only be made if the person making the application has owned the parcel for at least five years, the application is made for the purpose of providing a separate residence for the owner or for the owner's relatives, and the parcel has not been previously subdivided under this section. 946(4) further states that a local government may, by bylaw, establish a minimum size for a parcel that may be subdivided under Section 946; and subsection 12.9.4(3) of the LUB establishes a 8.1 hectare minimum for such subdivisions for a relative. However 946(5) goes on to state that any minimum established under 946(4) does not apply to land within the ALR.

Process: although this is an application to the ALC it is filed with the local government and the application may not proceed without LTC authorization. The process is the same as that for a non-farm use in the ALR, and is essentially as follows:

1. The application is considered by LTC and, if authorized by the LTC, it is then forwarded to the ALC, along with a copy of the resolution and staff report.
2. The ALC may refuse permission, grant permission or grant permission for an alternative subdivision.
3. If the ALC grants permission for the subdivision, the applicant would then be able to make application to the subdivision approving officer for the subdivision. The applicant has already submitted a subdivision application (SA-SUB-2012.1). The application would be referred to the Islands Trust, like any other subdivision, with the exception that under section 946 of the *Local Government Act* the bylaw regulation establishing minimum parcel size would not apply. The subdivision would have to meet all other bylaw requirements and all other statutory and regulatory requirements (septic disposal, access to lands beyond) and ultimate approval would be at the discretion of the approving officer.

LTC Policy: the OCP does not provide any direct guidance to the LTC in this instance.

Density: the proposal does not conflict with the density cap contained in section C.1.3 of the OCP as the property is subdividable under the LUB. If the property is subdivided as proposed it will reduce the overall residential density permitted from two residences and two cottages to two residences and one cottage.

LTC Discretion: because the application would not be in clear and direct collision with any OCP policy, the LTC is not compelled to refuse the application outright. If the LTC feels that the subdivision could result in a benefit, it has the discretion to authorize the subdivision. It may be entirely legitimate for the LTC to consider authorizing the subdivision on the basis of permitting the current owners to retain a home site.

Covenant: there is a covenant on this property restricting any further subdivision. Covenant EX17033 (2005) will need to be removed for the proposed subdivision can be approved. The covenant removal is a topic on the September 6, 2012 LTC agenda for consideration. None of the other legal notations on the title have a bearing on the proposed subdivision.

STAFF COMMENTS:

The existing OCP policies are not particularly helpful, as they do not provide any clear direction on this issue.

There is no expectation that the new lot would actually be used for farming any more than the existing lot is. The most likely outcome is two residential lots.

The subject property can be subdivided under current LUB lot size requirements provided the no-subdivision covenant is removed. The only advantage the applicant has by using S.946 of the LGA to subdivide is it allows for the smaller lot (proposed Lot A) to be reduced below the required minimum lot size of 0.81 ha.

Staff is recommending approval of this application; however it is contingent on having the no-subdivision covenant removed.

RECOMMENDATION:

1. THAT the Saturna Island Local Trust Committee resolve that pursuant to Section 25(3) of the Agricultural Land Reserve Act, subdivision application SA-ALR-2012.1 (Sewell) proceed.

Respectfully submitted by:

Gary Richardson, Island Planner

August 29, 2012

Gary Richardson, Island Planner

Date

Attachments:

1. Application



APPLICATION BY LAND OWNER

NOTE The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.

TYPE OF APPLICATION (Check appropriate box)

☐
EXCLUSION

under Sec 30(1) of the Agricultural Land Commission Act

☒
SUBDIVISION in the ALR

under Sec 21(2) of the Agricultural Land Commission Act

☐
INCLUSION

under Sec 17(3) of the Agricultural Land Commission Act

☐
Non-farm USE in the ALR

under Sec 20(3) of the Agricultural Land Commission Act

APPLICANT

Registered Owner: Allen Sewell and Gayle Sewell		Agent: Reed Pope LLP - Attn: Mark Rappaport	
Address: 101 Church Bay Road		Address: 200 - 848 Courtney Street	
PO Box 31			
Saturna Island, BC	Postal Code V0N 2Y0	Victoria, BC	Postal Code V8W 1C4
Tel. (home) (539) 5680 (work) ()		Tel. (250) 383- 3838	
Fax ()		Fax ()	
E-mail churchbay@gulfislands.com		E-mail mrappaport@reedpope.ca	

LOCAL GOVERNMENT JURISDICTION (Indicate name of Regional District or Municipality)

Islands Trust

LAND UNDER APPLICATION (Show land on plan or sketch)

Title Number	Size of Each Parcel (Ha.)	Date of Purchase	
		Month	Year
F-142147	4.85	April	2002

OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY

(Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s): N/A

PROPOSAL (Please describe and show on plan or sketch)

Subdivide .70 ha under section 946 for personal use. The proposed Lot A is part of the 2.2ha included in the ALR at our request under ALC #382/2005. New Lot A is not arable, but we do not wish to exclude it from the ALR as we believe peripheral properties enhance better ALR land on remainder of our property. The new lot has an existing house, well, septic field and driveway and is fenced off from the remainder.

CURRENT USE OF LAND (Show information on plan or sketch)

List all existing uses on the parcel(s) and describe all buildings

Rural Residential and Grazing

USES ON ADJACENT LOTS (Show information on plan or sketch)

North Ocean
East Lot 31 - Grazing
South Ocean
West Ocean

DECLARATION

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the *Agricultural Land Commission Act* and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

July 26/2012
Date

[Signature]
Signature of Owner or Agent

ALLEN SEWELL
Print Name

July 26/2012
Date

[Signature]
Signature of Owner or Agent

GARY SEWELL
Print Name

Date

Signature of Owner or Agent

Print Name

Please ensure the following documents are enclosed with your application:

- * Application fee payable to the Local Government
- * Certificate of Title or Title Search Print
- * Agent authorization (if using agent)
- * Map or sketch showing proposal & adjacent uses
- * Proof of Notice of Application *(See instructions)
- * Photographs (optional)

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE

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 21st day of June , 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

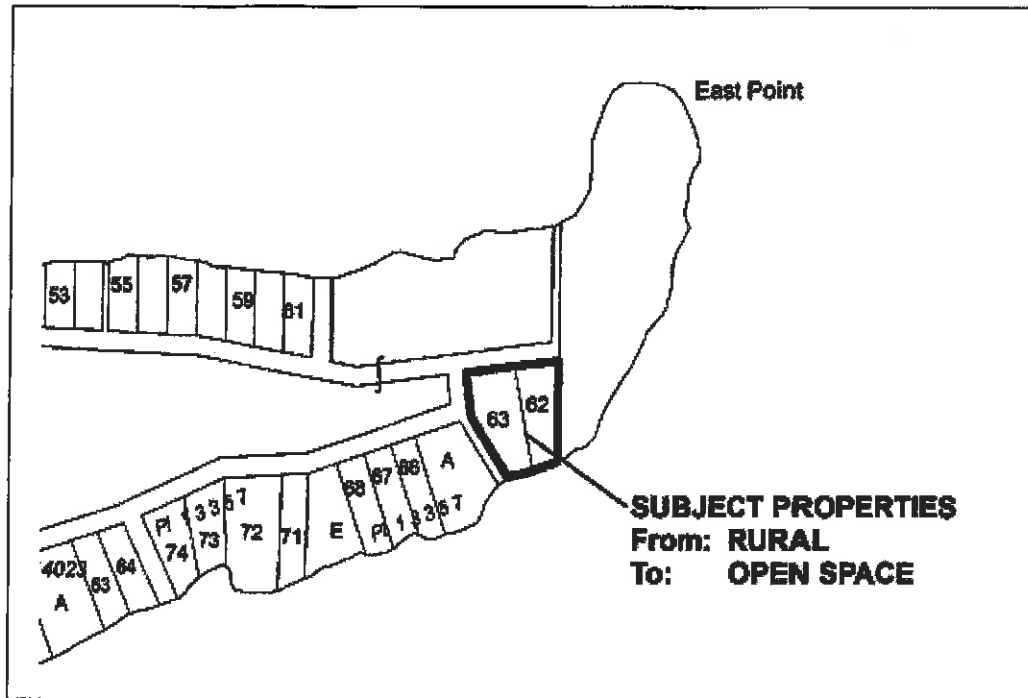
Schedule B of the Saturna Island Local Trust Committee Bylaw No. 70, cited as, "Saturna Island Official Community Plan Bylaw No. 70, 2000" is amended as follows:

- 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.

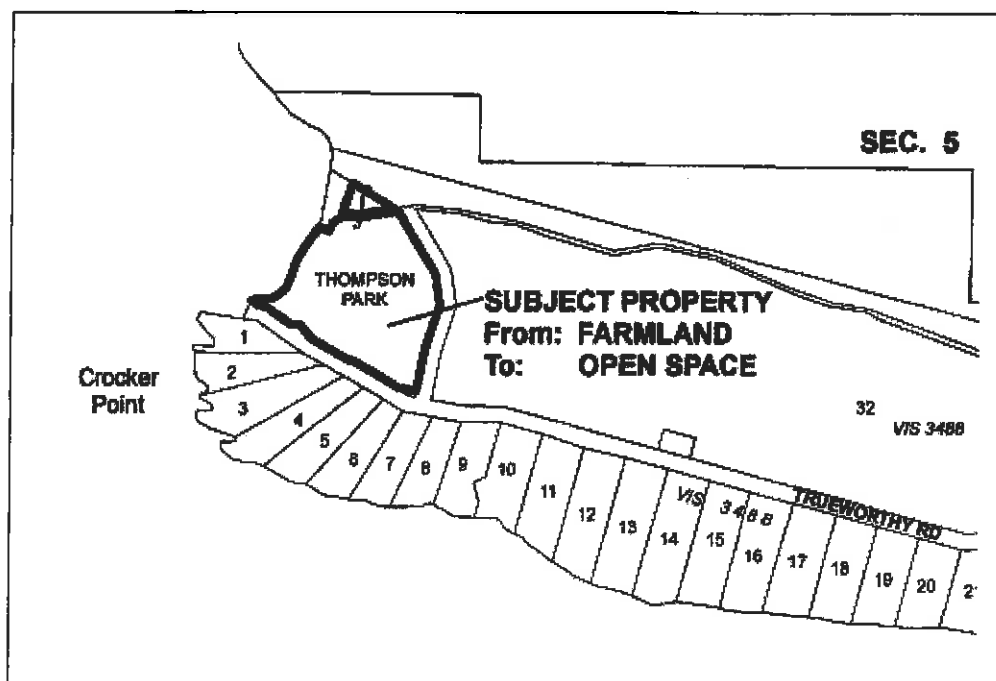
SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 107

PLAN NO. 1



PLAN NO. 2



(4)

PROPOSED

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 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
- b) 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 1st DAY OF August ,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 ,

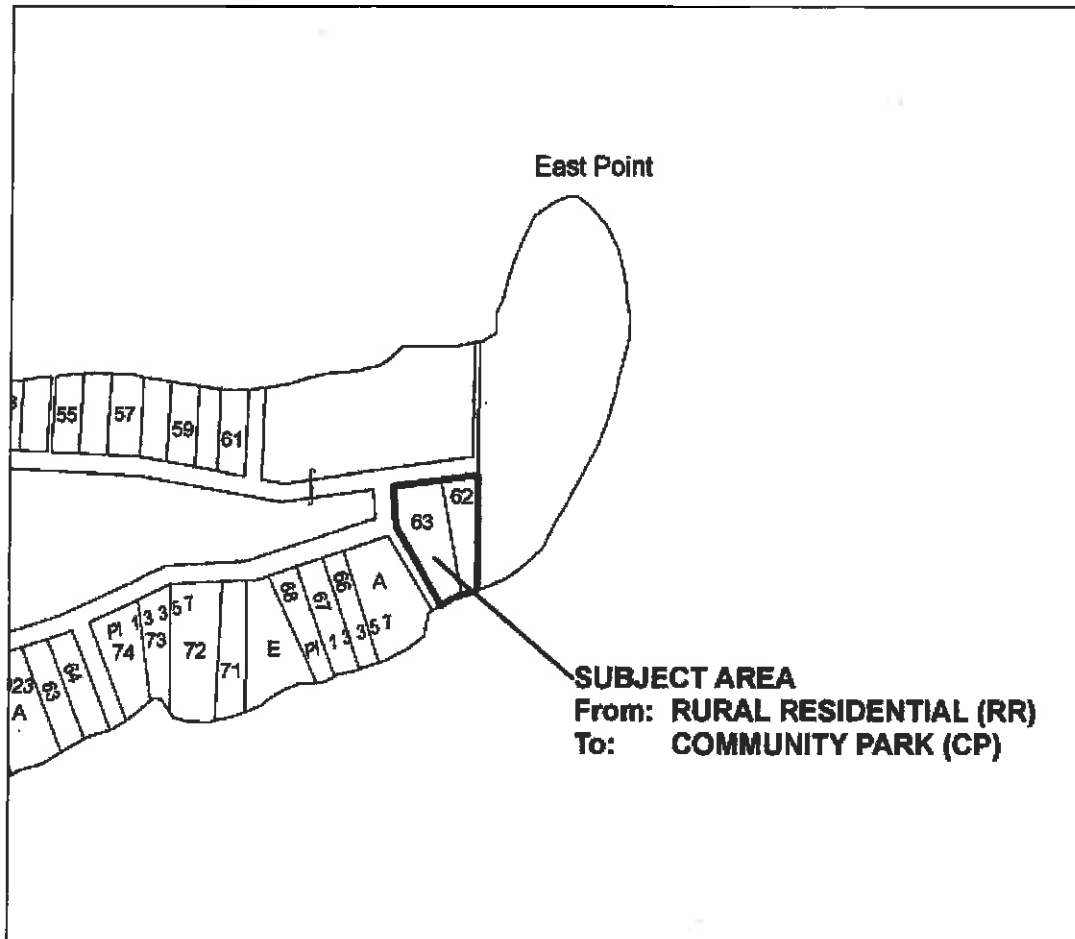
SECRETARY

CHAIRPERSON

SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 108

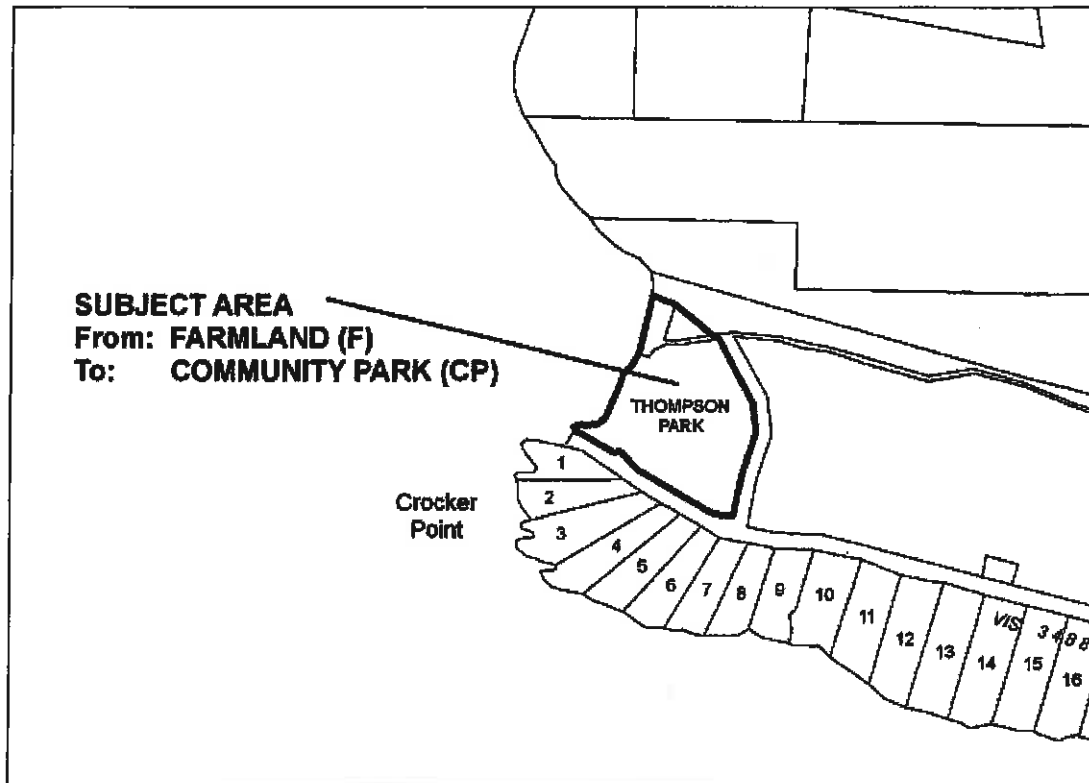
PLAN NO. 1



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 108

PLAN NO. 2





STAFF REPORT

To: Saturna Island Local Trust Committee
For the meeting of September 6, 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 a summary of the draft amending bylaw 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. Staff reports were submitted to the LTC at the February and June meetings providing an overview of the provincial regulations, the mapping, community consultation and options for implementation. Copies of the staff reports are available on the Saturna LTC webpage: <http://www.islandstrust.bc.ca/ltc/sa/pdf/sararstrptfeb2012.pdf>

Following the February meeting the LTC conducted a community consultation process involving landowner contact, an open house and community information meeting. Based on feedback, an additional report was obtained from the consulting QEP to map the extent of upper tidal influence in the creek.

At the June meeting, the LTC considered options with respect to meeting the provincial RAR requirements and adopted the following resolution:

Resolution SA-LTC-40-12

It was Moved and Seconded that the Saturna Island Local Trust Committee request staff to report back with a Draft Official Community Plan Bylaw that would amend the Lyall Creek Development Permit Area to extend the Development Permit Area designation to Riparian Assessment Areas identified in the revised mapping provided by Madrone Environmental and to amend the

provisions to minimally meet the Riparian Areas Regulation for the whole Development Permit Area.

CARRIED

Staff have drafted an amending bylaw (Draft Bylaw 109 - attached) which would amend the OCP to replace the current Lyall Creek DPA with RAR-compliant provisions and would amend the DPA map schedule to extend the 30 metre DPA designation to the extent of upper tidal influence on Lyall Creek.

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.

Attached to this report is the checklist confirming compliance with the Policy Statement directive policies which is submitted to Executive Committee with all bylaws.

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 currently designates a DPA around and over Lyall Creek, its estuary and the Lyall Creek tributary. The draft bylaw would amend this to be consistent with the RAR.

COMMUNITY CONSULTATION

The LTC undertook the following consultation process:

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 the bylaw. Conventionally, a community information meeting is held in conjunction with the hearing. The LTC may also wish to refer the draft bylaw to the APC.

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 cost of the mapping update was approximately \$2,500.

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.

June – September: Policy development phase: the LTC provided direction on the drafting of the amending bylaw at the June meeting and the draft bylaw is currently before the LTC for review and potentially consideration of First Reading.

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

The draft amending bylaw has been referred to the following agencies, with responses received at time of writing noted:

Fisheries and Oceans Canada
Parks Canada
Ministry of Forests, Lands and Natural Resource Operations (Ecosystem Section)
CRD Building Inspection
Mayne Island LTC – Interests unaffected
North Pender Island LTC
South Pender Island LTC
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelekaut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

STAFF COMMENTS

The provincial RAR requires local governments to use their existing land use planning authority to protect fish habitat. The draft bylaw would:

1. Designate the DPA: based on (1) the map schedule and (2) a description consistent with the RAR for the RAR-applicable portion and the current 7.6 metres for the non-RAR applicable area.
2. Describe the LTC's authority to designate the DPA and the special conditions or objectives that justify the designation (as required by the Local Government Act).
3. Designate the DPA as a Development Approval Information Area. This would authorize the LTC to obtain specific reports should a Development Approval Information (DAI) Bylaw be adopted in the future.
4. Confirm that the applicant must obtain and provide a QEP's report.
5. Confirm that a development permit is required for development activities as defined by the RAR.
6. Establish exemptions from the requirement to obtain a permit. These exemptions fall into three categories:

- a. Development that is also exempted from the RAR (e.g. agriculture, park uses, work authorized by Fisheries and Oceans Canada)
 - b. For clarity, activities that are not subject to local government regulation (mining, Crown activities).
 - c. Minor activities that can reasonably be expected to not result in harm.
7. Establish Guidelines: the guidelines are intended to provide direction to applicants, QEPs, planning staff and the LTC. The intent is to provide general guidance to minimize impacts and to authorize the LTC to include QEP recommendations as a condition of a permit. Guidelines (d) and (e) have been included specifically for uses currently permitted by zoning in the WA zone: docks and seawalls. These guidelines are based on models in other recent DPA provisions and use current best practices for dock placement and encouraging a soft approach to shoreline modification. Alternately, these uses could be addressed by rezoning this portion of the WA zone to no longer permit these uses (this option is considered in more detail below). Finally, Guideline (g) would permit the LTC to consider a variance within the development permit where it would enhance protection and is recommended by the QEP.

Options

As mentioned, the draft DPA would include provisions to address how docks and seawalls would be regulated in a permit. These structures are currently permitted uses in the water zone. Alternatively the LTC could consider a concurrent LUB amendment which would remove docks and other foreshore structures as a permitted use from this location (the Lyall Creek estuary). According to provincial government information, there are no current dock licenses in the development permit area.

Next Steps

1. The draft bylaw has been circulated to agencies and First Nations for comment. To date there have been no comments received. If further changes to the bylaw are recommended by agencies those can be considered at the LTC meeting.
2. The LTC may consider referring the draft bylaw to the Advisory Planning Commission for comment. However the scope of APC comment would be limited as the DPA would minimally meet the provincial requirements for the RAR-applicable portion of the DPA.
3. If the LTC is satisfied with the bylaw as drafted, the next step would be give First Reading and direct staff to schedule a public hearing.
4. Following the public hearing, the bylaw would be given further readings and forwarded to the Executive Committee and the Minister.

RECOMMENDATIONS

1. THAT the Saturna Island Local Trust Committee give First Reading to draft bylaw No. 109, cited as Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2012.
2. THAT the Saturna Island Local Trust Committee direct staff to schedule a public hearing for proposed Bylaw No. 109.

Prepared and Submitted by:



Robert Kojima

July 27, 2012

Date

Attachments: Draft Bylaw No. 109
 Islands Trust Policy Statement Directive Policies Checklist

SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 109

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. 2, 2012."

2. SCHEDULES

Schedules A (Policy Document) and E (Development Permit Areas) of Saturna Island Official Community Plan No. 70, 2000 are 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 _____, 2012.

PUBLIC HEARING HELD this day of , 2012.

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 2012.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

DEPUTY SECRETARY

CHAIRPERSON

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 109**

SCHEDULE 1

1. Schedule A of the Saturna Island Local Trust Committee Bylaw No. 70, cited as, "Saturna Island Official Community Plan Bylaw No. 70, 2000" is amended by deleting Section G.1 (Streams and Wetlands – Lyall Creek) in its entirety and replaced with the following:

"G.1 DEVELOPMENT PERMIT AREA ONE - LYALL CREEK

G.1.1 Designation

This development permit area includes all land designated on Schedule E of this plan as being within DPA 1, consisting of:

- a) Riparian assessment areas related to the watercourses, wetlands and water bodies that are a stream as that term is defined in the Riparian Areas Regulation, which includes any of the following that provides fish habitat:
 - a watercourse, whether it usually contains water or not;
 - a pond, lake, river, creek or brook;
 - a ditch, spring or wetland that is connected by surface flow to a stream;and consisting of the surface of the water body, and:
 - for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark;
 - for a lake, wetland or other water body, a 30 metre area around the water body measured from the high water mark of the water body.
- b) The surface area of the other water bodies and an area consisting of a 7.6 metre strip on both sides of the water body measured from the natural boundary;

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

G.1.2 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.

G.1.3 Special Conditions and Objectives that Justify the Designation

Lyall Creek, its tributaries and wetlands provide natural fish and wildlife habitat, particularly for sea-run cut-throat trout and salmon. Development in this development permit area shall ensure there is no degradation of water quality and quantity that would be detrimental to fish and wildlife populations.

This Development Permit Area contains riparian habitat important to many different species and is particularly susceptible to disturbance. It also contains plants and wildlife that have been placed on the red or blue list of rare and endangered species by the Ministry of Environment, Lands and Parks. Development could lead to the disturbance or loss of a disproportionately large number of different native plant and animal species.

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.

G.1.4 Development Approval Information

Development Permit Area 1 – Lyall Creek 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.

G.1.5 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), and which where required by the Riparian Areas Regulations, has been submitted to the RAR notification system.

G.1.6 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.

G.1.7 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) farm operations 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 or qualified professional 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) the placement of impermanent or moveable structures, such as benches, tables and garden ornaments
- k) 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*.
- l) 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
- m) ecological restoration and enhancement projects undertaken or authorized by a public body
- n) work that is authorized by Fisheries and Oceans Canada by permit under section 35 of the *Fisheries Act*
- o) changes in or about a stream authorized under Section 9 of the *Water Act*
- p) works undertaken by a local government or a body established by a local government
- q) for certainty, any work that is not "development" as that term is defined in the *Riparian Area Regulation*
- r) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use
- s) for certainty, actions undertaken by the Crown or an agent of the Crown

G.1.8 Guidelines

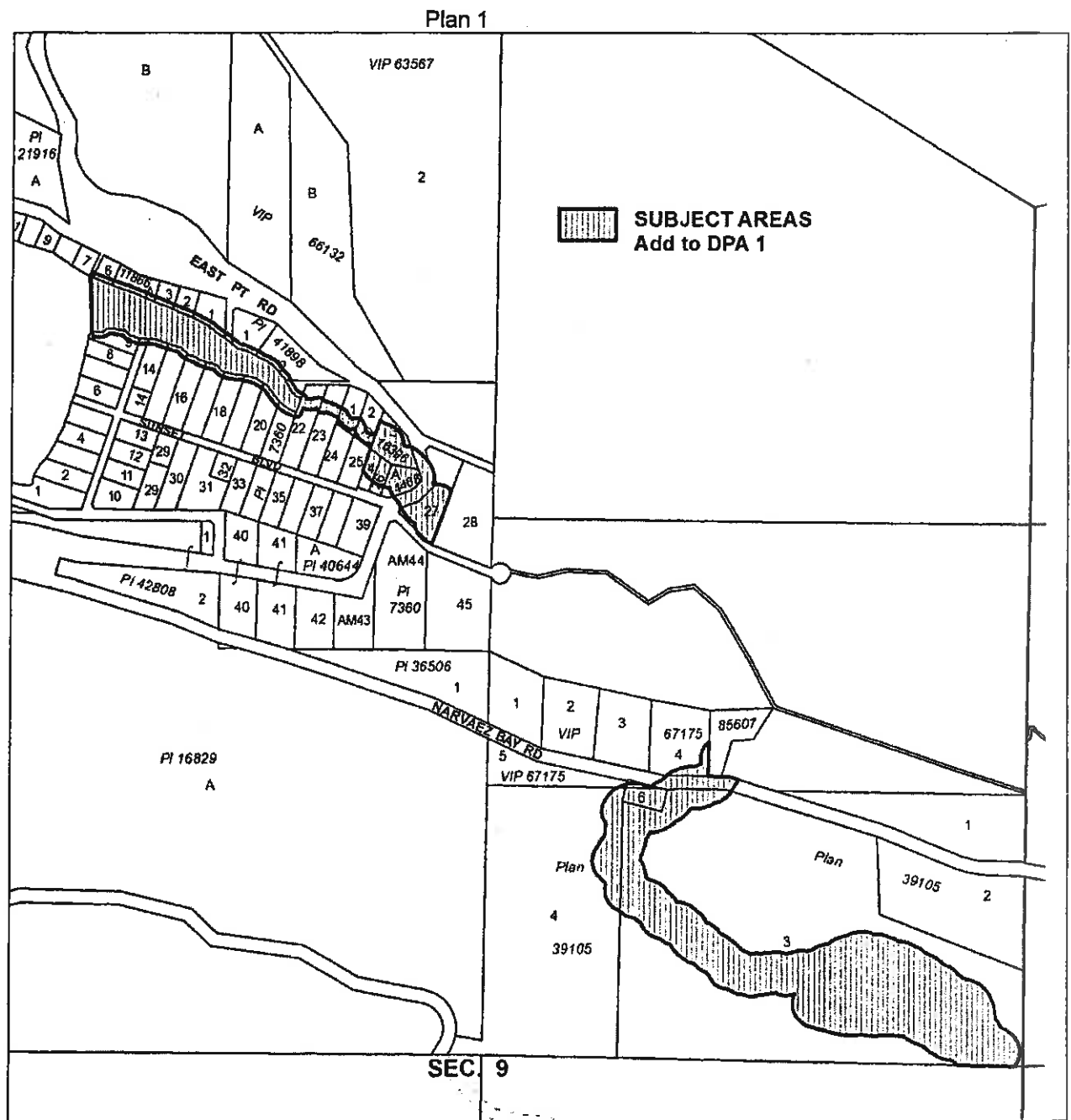
Prior to undertaking any development activities within Development Permit Area 1 an owner of property shall apply to the LTC for a development permit, and the following guidelines apply:

- a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on riparian areas, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on riparian areas and ecosystems, the Local Trust Committee 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 and ecosystems 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) or other buffer area recommended by a QEP, and the owner should be required to implement a plan for protecting the SPEA or buffer

area over the long term through measures that may be implemented as conditions of the development permit.

- c) Where the QEP's 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 regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- d) The following guidelines are applicable to floats and associated structures within the development permit area:
 - i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes;
 - ii) a ramp or float should not rest on the bed of the water body;
 - iii) the use of treated wood in the water body should be avoided;
 - iv) floatation material should be contained within a durable shell to prevent disintegration;
 - v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards);
 - vi) any areas disturbed during installation should be restored;
 - vii) where a float is being replaced, all old materials should be removed from the riparian area.
- e) The following guidelines are applicable to other structures permitted by zoning on the foreshore within the development permit area:
 - i) In general, development of the foreshore should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.
 - ii) Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works have been demonstrated to have been exhausted should such works be considered.
 - iii) Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.
 - iv) New upland structures or additions to existing structures within the DPA should be located and designed to avoid the need for shore protection works.
- f) If the nature of the proposed project 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.
- g) The LTC may consider variances to subdivision or building siting or size regulations where the variance may result in enhanced protection of a sensitive area in compliance with recommendations of a QEP report."

2. Schedule E (Development Permit Areas) of the Saturna Island Local Trust Committee Bylaw No. 70, cited as, "Saturna Island Official Community Plan Bylaw No. 70, 2000" is amended by deleting DP Area 1 in its entirety and replacing it with a new DP Area 1, as shown on Plan No. 1, which is attached to and forms part of this bylaw.





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: SA-Bylaw 109

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
 ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
 N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	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.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

CONSISTENT	NO.	use of adjacent properties to minimize any adverse affects on agricultural land.
		DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

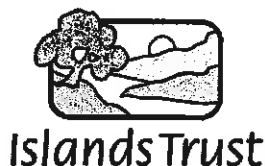
PART V: Policies for Sustainable Communities

CONSISTENT		NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities	
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.	
	5.2	Growth and Development	
✓	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.	
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.	
	5.3	Transportation and Utilities	
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.	
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.	
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.	
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	
	5.4	Disposal of Waste	

N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
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CONSISTENT		NO.	DIRECTIVE POLICY
	5.5	Recreation	
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.	
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.	
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.	
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.	
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.	
	5.6	Cultural and Natural Heritage	
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.	
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.	
	5.7	Economic Opportunities	
N/A	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.	
	5.8	Health and Well-being	
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.	

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



STAFF REPORT

August 8, 2012

File No.:

To: Saturna Island Local Trust Committee
For the meeting of September 6, 2012

From: Robert Kojima
Regional Planning Manager
Local Planning Services

Re: Ocean Loop Geo-exchange

PURPOSE:

This issue is a Top Priority on the LTC's Work Program: to prepare a "report on options to permit and regulate ocean loop geo-exchange systems". Ocean loop (or sometimes "ocean based") geo-exchange is a technology which uses a heat pump to extract latent heat from the ocean in order to heat and cool a residence (or other building). Because portions of the systems are located in the foreshore, not on the lot where the building is located, zoning does not currently permit this type of structure. The issue came to the attention of the LTC last year with the installation of a system by an owner. In August 2011 the LTC agreed that the issue should be considered generally through potential amendment to the Land Use Bylaw and added the issue to its Work Program. The LTC subsequently adopted a policy to defer enforcement while consideration of a bylaw amendment is proceeding.

The purpose of this report is to provide background on ocean loop geo-exchange systems, to outline the current regulatory situation and to provide the LTC with options.

CURRENT POLICY:

Trust Policy Statement:

Relevant Directive policies include:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area
- 3.4.4 - the protection of sensitive coastal areas
- 3.4.5 - the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 - the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
- 5.1.3 - the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area

Official Community Plan: the OCP currently includes a number of policies relevant to consideration of this issue:

- D.8.9** To preserve natural environmental processes and scenic qualities of the area:
- a) no fill or riprap should be permitted within coastal areas; and
 - b) no building or structure, except those for providing access to the foreshore, is to be constructed within 7.62 metres (25 feet) of the high water mark, measured on a horizontal plane.
- E.5.10** The Local Trust Committee should consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating
- E.5.13** The LTC may consider creation and implementation of development permit areas to effectively manage lot layout in new subdivisions, manage tree removal and require restoration, and to implement energy conservation in significant new commercial development.
- E.5.22** The Local Trust Committee should support incentives to incorporate alternative energy features and energy efficient building design in all buildings.
- F.6.3** The Saturna Island Local Trust Committee encourages the use of renewable energy sources and non-polluting alternate methods of power generation. The Local Trust Committee may consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.

Land Use Bylaw: A number of relevant regulations are excerpted as follows:

- 2.1** Uses permitted in any zone:
- 2.1.1(4)** *accessory uses, buildings and structures*
- 2.5.1** No *building* except a *boathouse* or *pumphouse* or marine related *structure*, nor any mobile *structure* may be located within 7.6 metres (25 ft.) of the *natural boundary* of the sea or any natural *watercourse*.
- 2.14 Use of Crown Foreshore**
- 2.14.1** All uses must be authorized by this Bylaw and a crown lease obtained from Land and Water BC Inc.
- 11.1.1** In the **Water (WA) 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:
- 11.1.1(1)** private or communal floats, wharves, piers and walkways *accessory to residential use* and providing access to properties adjacent to the foreshore;
 - 11.1.1(2)** sea walls, breakwaters, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this Section;

11.1.1(3) log dumping where the logs originate on the abutting upland *parcel*.

11.3.1 In the **Water General Commercial (WGC) 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:

- 11.3.1(1) boat rentals and boat sales;
- 11.3.1(2) boat *building*, repair and sales;
- 11.3.1(3) marinas and yacht clubs;
- 11.3.1(4) *boathouses* and shelters;
- 11.3.1(5) mooring facilities for water taxis, pleasure craft, ferries, fishing boats or sea planes;
- 11.3.1(6) marine fuelling stations;
- 11.3.1(7) sea walls, breakwaters, slips, docks, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this part; and
- 11.3.1(8) log dumping, booming and storage.

11.4.1 In the **Water Public Utility (WPU) 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:

- 11.4.1(1) ferry docks;
- 11.4.1(2) government wharves;
- 11.4.1(3) *boathouses* and shelters;
- 11.4.1(4) mooring facilities for water taxis, pleasure craft, ferries, fishing boats or sea planes;
- 11.4.1(5) marine fuelling stations; and,
- 11.4.1(6) sea walls, breakwaters, slips, docks, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this part;

11.5.1 In the **Open Waters (WO) 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:

- 11.5.1(1) marine navigation
- 11.5.1(2) marine navigational aids
- 11.5.1(3) marker buoys
- 11.5.1(4) aquaculture, excluding fin-fish farming

Climate Change Adaptation and Mitigation:

Use of renewable or other energy sources that are an alternative to fossil fuels is a recognized mitigation strategy. Ocean loop geo-exchange systems could, depending upon the type of conventional heating and size of the dwelling, provide significant emission reductions. According to a recent calculation completed for the system installed on North Pender: emissions resulting from an ocean loop geo-exchange system would be only 22% of the emissions from electric baseboards, and only 4% of the emissions from a high efficiency propane broiler¹.

¹ http://www.islandstrust.bc.ca/lrc/np/pdf/nprz2011_2ghgemissions.pdf

Communications: If the LTC chooses to proceed with an amendment, communications options include: scheduling a separate community information meeting, preparing an information sheet for posting and/or mail-out, and other advertising. Any draft bylaw would be referred to relevant agencies, First Nations and adjacent LTCs for comment. Additionally the LTC may choose to refer the draft bylaw to the Advisory Planning Commission.

STAFF COMMENTS:

Changes to technology and rising demand has resulted an increase in proposals to install ocean based geo-exchange systems, typically for new construction. Although geo-thermal heating, using latent heat from the ground, and heat pumps using heat from the air, are not new, these systems are typically located on the same lot as the building and thus have not been an issue with respect to zoning. These systems are infrastructure accessory to building (the principal use) and are permitted outright in all zones on the same lot as the principal use (in the same way a septic field would be accessory). Ocean-based loops however differ in that the foreshore is in a different zone and that portion of the system is not located on the same lot as the building and thus would not meet the definition of an accessory use.

Technology

The terminology preferred by the industry for this type of installation is a geoexchange system. The term 'geothermal' is now reserved for larger, higher temperature systems (e.g. neighbourhood heating). These systems are similar to air source heat pumps but geoexchange systems extract heat from the ground or water and transfer it to the air.

Types of systems include:

- Closed loop vs open loop:
 - Open loop uses a conventional well to extract water, which after the heat is extracted the water is then returned to a pond, stream or other well.
 - Closed loops circulate a heat transfer fluid.
- Vertical vs horizontal
 - Horizontal systems typically bury pipes 1.8 to 2.4 metres either below ground or below the winter ice level in a water body or the low tide mark in the ocean
 - Vertical systems use boreholes 45 to 60 metres. Boreholes for geothermal wells are regulated by the *BC Water Act* and must be constructed by a qualified well driller

Accreditation: the Canadian Geoexchange Coalition has an accreditation and certification program called the "CGC Global Quality GeoExchange Program". CGC ranges from training, to accreditation of an individual, company qualification, and certification of systems. To be accredited there is both the required training and have positive field experience confirmed by customers and manufacturers/distributors recommendations.

'Certification of systems' means the system has been designed by an accredited designer, installed by an accredited installer, and any borehole work has involved an accredited vertical loop installer. The system must also meet CSA standard C-448-02, use ISO/CSA approved equipment, and engage such best practices as providing 'as-builts', and proper labeling of all pipes and valves.

The Industry Training Authority (ITA) also provides a Domestic/Residential Certified Geothermal Technician program, which takes approximately 2 years to complete. The International Ground

Source Heat Pump Association (IGSHPA) based in the US also provides training to be a 'Certified GeoExchange Designer' (CGD). In addition to taking the required courses and passing an exam, to be eligible for certification one must be:

- An engineer or architect with 3 years of experience in commercial geothermal heat pump, or HVAC experience
- Have a four year non-technical degree with 5 years of experience
- Have a two –year technical degree with 8 years of experience
- Have 10 or more years of experience

Potential Impacts

There are a number of considerations in contemplating changes to regulations to permit ocean loop geo-exchange systems on the foreshore:

1. Use of geo-exchange systems would result in reduced GHG emissions, particularly as the ocean-based systems are often installed in conjunction with new construction of larger waterfront homes which would otherwise have significant conventional heating and/or cooling requirements. In addition, as passive systems they provide greater local resilience in the sense that owners are not dependant on off-island fuel sources. From the homeowners' perspective, they can also provide cost savings over the long term.
2. Although the amount of work on the foreshore is usually minimal, disturbance of sensitive areas such as eelgrass beds or other habitat may be a concern.
3. Similarly, work required to bury lines immediately upland or in the intertidal area could also result in alteration of existing shorelines or use of materials such as concrete. Installing systems in conjunction with existing or proposed docks would minimize these impacts.
4. On-going maintenance and concerns over leaks is an issue: the systems are complex and require regular inspection and maintenance by qualified professionals. The type of heat transfer fluid used is also sometimes raised as a concern. Some new systems use water only, others, including the system currently installed on Saturna use a propylene glycol agent as an anti-freeze within the closed loop. This type of fluid is the same as that used as moisturizer in medicines, cosmetics, food, toothpaste and mouthwash and is readily biodegradable and non-toxic.

Policy and Regulations:

OCP Policy: the current OCP would support an amendment to permit ocean loop geo-exchange systems as a permitted use in the marine zones on the basis of the GHG reduction policies. While the policies do not preclude use of a development permit area, policy E.5.13 specifically mentions using a DPA to manage energy conservation in commercial development. Designation of a DPA to regulate installation of the system could be considered both on the grounds of protection of the natural environment and energy conservation.

Zoning options: the LTC could consider amending zoning to permit ocean loop geo-exchange systems as a permitted use in one or more of the current marine zones. A recent amendment to the zoning on a site-specific basis in the North Pender LUB provided for both the use and a definition. This use and definition, with relevant modifications, would provide a good basis for a suitable amendment to the Saturna LUB.

Building Inspection: currently, ocean loop geo-exchange systems are not subject to building inspection. However, Building Inspection does currently require that an engineer certify the HVAC system where an ocean loop geo-exchange system provides heating and cooling.

Crown tenure: ocean loop geo-exchange systems are required to obtain approval from the province for tenure over the foreshore. The applications are referred to the Islands Trust for review of zoning compliance.

DISCUSSION:

Amending zoning to permit ocean-based geo-exchange systems in the marine zones is supported by existing OCP policies and would advance efforts to reduce GHG emissions and increase resiliency. The two primary concerns are to ensure that the systems are installed professionally and that any impacts on sensitive shoreline or foreshore ecosystems are addressed. Building Inspection has the authority to establish standards for installation of the systems and to carry out inspections or obtain certifications, to date CRD Building Inspection has not included these systems in the scope of the Building Bylaw. This could change, as some jurisdictions are becoming involved in permitting and inspecting land based systems. Conventionally, Fisheries and Oceans Canada has reviewed all foreshore applications for impacts on habitat however, changes to staffing and to the legislation seem to be reducing that agency's role and ability to respond to referrals.

The use of a clear and specific definition for the use can address some of the concerns that the systems meet specified standards. Impacts on habitat could be addressed through designation of a DPA; however it would have to be general in much as there is not currently mapping available that identifies sensitive shoreline and foreshore features such as eelgrass beds, although such mapping should be available in the future.

Based on the above discussion, the optimal approach currently would be to undertake an amendment to the LUB to:

1. Add a definition of the use to the definitions section of the LUB. The definition would also provide much of the specificity around the standards.
2. Add the new use as a permitted to use to the relevant marine zones.

As mentioned above, a supplemental approach would be to also amend the OCP to designate the foreshore as a DPA and exempt all development except ocean loop geo-exchange systems from requiring a permit and to include guidelines and objectives specifically for the systems. This would provide for greater certainty around the specifics of installation of the systems on a case by case basis. However, it would be a more involved process to amend the OCP and would exceed the scope of work currently contemplated by the LTC work program.

OPTIONS:

1. Direct staff to prepare a draft bylaw to amend the LUB to make ocean loop geo-exchange systems a permitted use.
2. Direct staff to prepare a draft bylaw to amend the LUB to make ocean loop geo-exchange systems a permitted use and to prepare a bylaw to amend the OCP to include a DPA to regulate ocean loop geo-exchange systems.

3. Direct staff to proceed no further and to amend the work program accordingly. Owners could still apply for zoning amendments on a case-by-case basis.

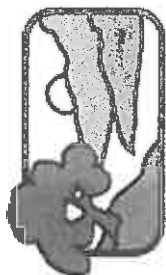
RECOMMENDATIONS:

1. THAT the Saturna Island Local Trust Committee directs staff to prepare a bylaw that would amend the Land Use Bylaw to include a definition of ocean loop geo-exchange systems and to add ocean loop geo-exchange systems as a permitted use in the marine zones, and to bring the bylaw back to a subsequent LTC meeting for consideration.

Prepared and Submitted by:


Robert Kojima
Regional Planning Manager

August 8/12
Date



Islands Trust

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



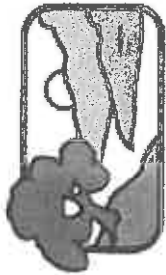
Islands Trust

Print Date: Aug-28-2012

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

Print Date: Aug-30-2012

Applications w/ Status - Saturna Island Status: Open

Applications

Agricultural Land Reserve

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

Planning Status

Status Date: Aug-29-2012

Staff report prepared for Sept 6/12 LTC Mtg for LTCs consideration.

Status Date: Aug-01-2012

Application and fees received. cc LTC; forwarded file to planner

Development Variance Permit

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

Planning Status

Status Date: Jul-19-2012

advised applicant that application will be on November agenda

Status Date: Jun-26-2012

Sent acknowledgment letter of receipt of application and fees to applicant. Sent app to trustees and forwarded file to Planner.

Rezoning

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

Jonathan Yardley Jan-26-2012 Rezone to allow subdivision
 Architect Inc
Planner: Gary Richardson

Planning Status

Status Date: Jul-31-2012

Staff report prepared for sept LTC meeting

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.

Subdivision

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

Planning Status

Status Date: Jul-19-2012

applicants in process of applying for DVP and DP

Status Date: Jun-12-2012

Recently met with applicant to discuss remaining IT issues.

Status Date: Feb-01-2012

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

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

Planning Status

Status Date: Jul-19-2012

Will forward response to MoTI after sept 6 LTC mtg.

Status Date: Jun-19-2012

Received completed subdivision form and fees. Copied application to trustees. Created file and forwarded to Planner.

Status Date: Jun-12-2012

Staff to review application for compliance and respond to MOTI

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2012.2	Satuma Garage & Contracting Ltd. c/o Wolfe-Milner Land Surveying Inc. Planner: Gary Richardson	Jul-04-2012	Creating 4 lots
Planning Status			
Status Date: Aug-01-2012			
Form and fees received.			
Status Date: Aug-01-2012			
Forwarded file to Planner			
Status Date: Jul-04-2012			
Sent letter to applicant requesting completion of application form and fees.			
File Number	Applicant Name	Date Received	Purpose
SA-SUB-2012.3	c/o Wolfe Milner Land Surveying Inc. Planner: Gary Richardson	Aug-01-2012	Proposed boundary adjustment
Planning Status			
Status Date: Aug-20-2012			
Sent letter of acknowledgement of receipt of fees and application form to applicant; copied to trustees and forwarded file to planner.			
Status Date: Aug-01-2012			
Sent Applicant letter requesting completion of form and fees			

Kathy Jones

From: Nancy Rogers
Sent: June-28-12 5:51 PM
To: Gary Richardson; Ken Hancock; Kris Nichols; Pamela Janszen; Paul Brent; Robert Kojima; Sharon Lloyd-deRosario; Kathy Jones
Subject: Saturna expense report - June/12
Follow Up Flag: Follow Up
Flag Status: Flagged

Islands Trust
LTC EXP SUMMARY REPORT F2013
 Invoices posted to June 30, 2012

660 Saturna	Invoices posted to June 30, 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	-	-	-

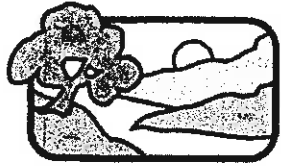
Thanks!

Nancy Rogers
 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.



Islands Trust

Memorandum

11.3.2

Date August 2, 2012

File Number

To Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
EC as an LTC

From Robert Kojima
Regional Planning Manager
Local Planning Services

Re 2013-14 Budget Submissions

Local trust committees have been requested to submit budget requests for the next fiscal year.

What is Different this Year?

Local Trust Committee Expense Budgets

1. This year the Director of Administrative Services is recommending allocation of all the Local Expense Account lines based on historical spending. Currently some LTCs prepare their own budgets, others don't allocate the amounts to specific lines. For most LTCs there would be minimal or no change in the total funds allocated for LTC expenses such as meetings, APCs, communications, etc.
2. A re-allocation of some funding from OCP/LUB and Programs to the Special Projects line item in each Local Trust Committee Expense Account. This Special Projects funding is intended to support local planning initiatives at the discretion of the LTC. It is currently proposed that this budget line be \$3000 (more for Salt Spring and Gabriola). Generally, these funds would be for smaller projects, particularly issues that emerge on the LTC work program after the budget is approved. An example would be minor LUB or OCP amendments where there is not anticipated to be significant additional costs for meetings or consultants reports. LTCs could also continue to use this line to purchase reports from community groups. LTCs would not need to make budget requests in advance for these projects and would not need any approval for expenditure of these funds beyond an LTC resolution if needed. The increase in LTC expense budgets because of the additional discretionary Special Projects funding is expected to be off-set by a matching decrease in the OCP/LUB and Programs budget.
3. Combining the "OCP/LUB" and "Program" budgets into a single "Projects" budget. All LTC initiatives are considered projects, regardless of whether it involves an OCP or LUB amendment or not.

Project Budgets

Local trust committees will still have to make a funding request to support OCP and LUB or other project work that is identified in advance or that cannot be undertaken with the money available in the LTC Special Projects line. These projects would typically be major OCP or LUB reviews or other projects.

Un-used Funding

By November, 2013, any OCP/LUB or project funding that has not been committed to be used by the end of the fiscal year may be reallocated to other projects.

Budget Request Guidelines:

When making budget requests for the 2013/14 fiscal year, local trust committees and staff should consider the following in order to obtain support for the requested budget item:

1. the budget item is required to meet Provincial legislation (in other words, not undertaking the project means that the OCP or LUB would not comply with Provincial legislation);
2. the budget item advances one of the objectives of the Islands trust Strategic Plan;
3. the budget item is a continuation of an existing OCP or LUB program and is required to continue or complete the program; or
4. the budget item implements newly adopted policies in the OCP.

Budget Request Timeline:

1. July 2012 Regional Planning Managers develop detailed budget estimates for consideration by Local Trust Committees
2. Aug to Sept Local trust committees review and approve budget requests at an LTC meeting
3. Sept 28, 2012 Budget requests submitted to the Director of Local Planning Services

LTC Budget Requests

For each LTC, I have included in the attached worksheet all Top Priority work program items which are currently anticipated to commence in, or to carry, into the next fiscal year. I have also included items from the Projects List which I have anticipated to commence in the coming year. Generally speaking, where the project is to complete current work, I have estimated \$2000, for a new project not involving significant consultation or external consultants I have estimated \$4000, and I have added an additional amount to projects that could involve extraordinary consultation. The LTC should identify any other projects it is currently considering and add them to the budget request (and the work program if necessary) and identify an additional expenses associated with the identified projects. The LTC should keep in mind that with the proposed changes to the LTC expense budget allocation, more discretionary funding will be available to LTCs to support smaller projects that are either not anticipated or which arise during the course of the year.

Resolution Wording

U:\Budgets\2013-14 fiscal\LTC Memo.docx

1. THAT the ____ Island Local Trust Committee approve and forward the draft 2013-14 LTC Project Budget submission to Financial Planning Committee as presented; or
2. THAT the ____ Island Local Trust Committee revise the draft 2013-14 LTC Project Budget submission and forward to Financial Planning Committee as revised.

Attachments:

1. Project Budget Submission worksheet

pc Island Planners

SATURNA	Project	Budget	Strategic Plan	Prov. Requirement	Continuation of existing OCP/LUB	Newly Adopted Policy in OCP	Notes	Approved by LTC	Approved by FPC	Approved
Project #1	LUB review and amendments	\$ 4,000.00					review and potential amendments to LUB regs prior to adopting BEN bylaw			
Project #2	DPA review and update	\$ 4,000.00					review of DPAs and considation of implementation of current SEM and DEM			
Project #3	TOTAL PROJECTS	\$ 8,000.00	x							

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. Notwithstanding 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 geoechange" on the LTC project list as a matter for staff review existing ocean loop geoechange 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.

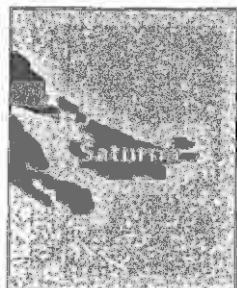
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Population (2011):
Approximately 335

Size:
3422 hectares (8,455 acres)

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

- [Land Use Planning](#)
- [Related Planning Services](#)
- [Related Resources](#)
- [Trust Area Mapping](#)
- [Related Links](#)

Saturna Island Local Trust Committee

Latest News

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

August 2012

- [Saturna Island Public Hearing Notice](#)

September 2011

- [Capital 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"](#)

Committee Links

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- [Planning Bylaws](#)
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- [Resolutions-Without-Meeting](#)
- [Associated Islands](#)
- [Land Use Application Forms](#)

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](#)
- [Riparian Areas Regulation Notice of Open House - April 28, 2012](#)
- [Land Owner Contact Letter - March 20, 2012](#)
- [Lyall Creek Upper Tidal Influence Report – June 2012](#)
- [Staff Report - June 21, 2012](#)

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](#)

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](#)

Community Parkland Zoning

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

Applications

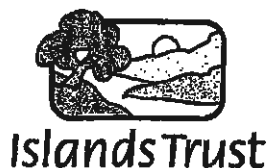
SA-RZ-2012.1 (Yardley)

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

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STAFF REPORT

Date: August 28, 2012

File No.: SA-SUB2012.1

To: Saturna Island Local Trust Committee
Robert Kojima, RPM

From: Gary Richardson, Island Planner

Re: Request for Removal of Covenant EX17033, 101 Church Bay Road, Saturna Island

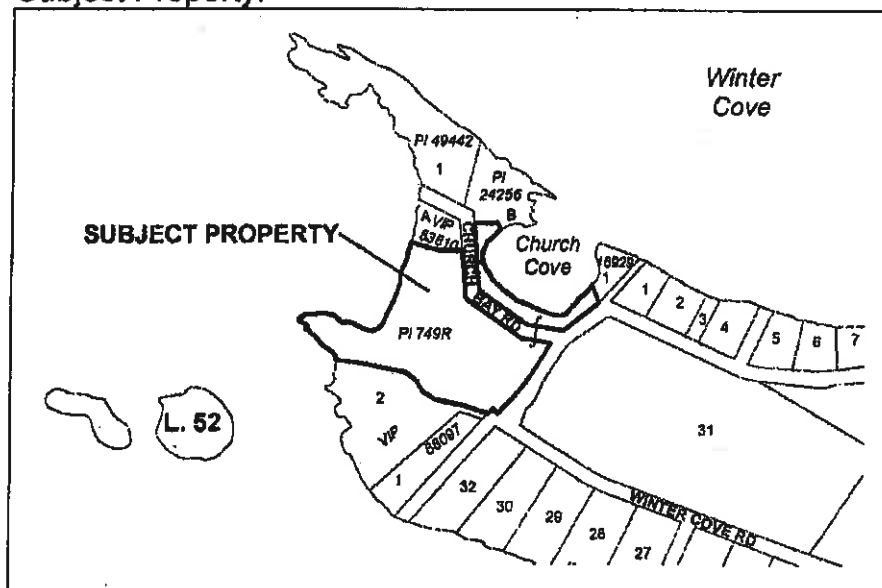
Owner: Allen and Gayle Sewell

Location: 101 Church Bay Road

Proposal

The owner of a property subject to a covenant (attached) that prevents the lot from being further subdivided has requested that the covenant be removed. This request is being made as an application has been made to subdivide the 4.274 hectare property into two lots. A letter from the property owner Al Sewell dated July 17, 2012 is attached for your reference.

Subject Property:



Background

As referenced in Mr. Sewell's letter in 2004 he requested the Saturna Island Local Trust Committee to be party to a no-subdivision covenant on his property. There is very little information in the Islands Trust files on this matter, Mr. Sewell has provided some correspondence dated June 25, 2004, July 27, 2004 and December 7, 2004 which provide some background on this matter. Correspondence is attached for your reference.

Mr. Sewell states that his request was for tax planning purposes.

An application (SA-SUB-2012.1) has been made to subdivide the property under section 946 of the *Local Government Act*. The lot is in the Agricultural Land Reserve. Section 946 allows for a property in the Agricultural Land Reserve to be subdivided even when local government minimum lot sizes are not met. The section has several requirements that need to be complied with before a subdivision is granted. Mr. Sewell has also completed an ALC application to subdivide land within the ALR. Staff has prepared a draft response to the Ministry of Transportation and Infrastructure in response to the subdivision referral and one of the main issues is the covenant preventing further subdivision.

Comments

Mr. Sewell is applying to subdivide using section 946 of the LGA; however if his subdivision was redesigned he would not need to use s. 946 as he could design the subdivision in a way to meet the minimum and average size requirements for subdivision in the RG zone. In any event the covenant needs to be removed before Mr. Sewell can subdivide his lot.

The property as it presently sits at 4.274 ha could have two residences and two cottages on it. If the subdivision proceeds as proposed Lot A could only have a residence on it and the remainder could have a residence and cottage. This would result in a reduction of one cottage if the subdivision is approved as proposed.

The covenant appears to have been placed on the property for tax purposes. Staff cannot determine any land use reason that the LTC would have required a no-subdivision covenant on the property.

OPTIONS:

1. Proceed no further with this covenant removal request.
2. Request staff to do more research before considering the covenant removal request.
3. Direct staff to initiate the process to remove the covenant.

RECOMMENDATIONS:

That the Saturna Island Local Trust Committee direct staff to have the documents prepared to remove covenant EX17033 from the lot located at 101 Church Bay Road (PID 000-355-445) and that the chair of the Saturna Island Local Trust Committee be authorized to sign the covenant removal documents.

Prepared and Submitted by:

Gary Richardson, Island Planner

August 29, 2012

Date

15 FEB 2005 13 28

EX017033

**LAND TITLE ACT
FORM C**

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT-PART 1 (This area for Land Title Office use)

Page 1 of 5 Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

CHRISTINA REED
Barrister & Solicitor
 BOX 12147, 1816-808 NELSON STREET
 VANCOUVER, B.C. V6Z 2H2
 TELEPHONE: 604-689-7400

Christina Reed
 Applicant's solicitor

clo West Coast Title Search Ltd.
 10104

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)

(LEGAL DESCRIPTION)

000-355-445

That Part of the North ½ of Section 18 Saturna Island Cowichan District as shown outlined on red on Plan 749R Except Parts in Plans 16929, 24256, 37639, 49442, VIP53810 and VIP63614

3. NATURE OF INTEREST:*

Description

Document Reference
(page and paragraph)

Person Entitled to Interest

Section 219 Covenant

Entire Document

Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filled Standard Charge Terms

D.F. No.

(b) Express Charge Terms

☒

Annexed as Part 2

(c) Release

☐

There is no Part 2 of this instrument.

A selection of (a) include any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

01 05/02/15 13:28:33 01 VI
 CHARGE

618886
 \$64.75

ALLEN SEWELL and GAYLE SEWELL

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*

SATURNA ISLAND LOCAL TRUST COMMITTEE, incorporated under the *Islands Trust Act*, R.S.B.C. 1996, c.239 and having its office at Suite 200 - 1627 Fort Street, Victoria BC V8R 1H8

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT-PART 1

Page 2

7. **ADDITIONAL OR MODIFIED TERMS:**

N/A

8. **EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature

Execution Date

Transferor Signature



Y M D

2004 12 01

JAMES A. TITERLE
Barrister & Solicitor
#1300 - 777 DUNSMUIR STREET
VANCOUVER, B.C. V7Y 1K2

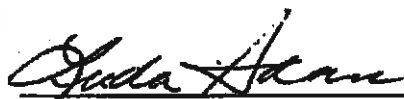


ALLEN SEWELL



GAYLE SEWELL

(as to both signatures)



LINDA JOAN ADAMS
Commissioner for Taking Affidavits
for British Columbia
200 - 1627 Fort Street
Victoria, BC V8R 1H8
Ph (250) 405-5151

(as to both signatures)

2004 02 08

Transferee Signature

**SATURNA ISLAND LOCAL
TRUST COMMITTEE** by its
authorized signatories:



Print Name: Kim Benson

Print Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT

THIS COVENANT dated for reference the ____ day of November, 2004

BETWEEN:

ALLEN SEWELL and GAYLE SEWELL, having a residential address of #101 Church Bay Road, P.O. Box 31, Saturna Island, B.C. V0N 2T0

(the "Covenantors")

AND:

SATURNA ISLAND LOCAL TRUST COMMITTEE, incorporated under the *Islands Trust Act*, R.S.B.C. 1996, c.239 and having its office at Suite 200 - 1627 Fort Street, Victoria BC V8R 1H8

(the "LTC")

GIVEN THAT:

- A. The Covenantors are the registered owners in joint tenancy in fee simple of the lands on Saturna Island legally described in Item 2 of Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement (the "Lands");
- B. Section 219 of the *Land Title Act* provides for the registration of a covenant of a negative or positive nature as a charge against title to land in favour of a local trust committee under the *Islands Trust Act*, providing that the land shall not be subdivided except as allowed by the covenant;
- C. The Lands are zoned "Rural General" according to the Saturna Island Land Use Bylaw No. 78, which permits a density of two residences and two cottages to be built on the Lands;
- D. The Covenantors have agreed to grant to the LTC the Section 219 Covenant contained in this Agreement over the Lands,

THIS AGREEMENT is evidence that in consideration of payment of \$2.00 by the LTC to the Covenantor and other and valuable consideration, the receipts of which is acknowledged by the Covenantor, the Covenantor covenants and agrees with the LTC in accordance with Section 219 of the *Land Title Act* as follows:

1. **Limitations on Subdivision** - The Lands, and any building on the Lands, shall not be subdivided by any means, including by subdivision plan, reference plan, strata plan or otherwise.
2. **Inspection** - The LTC, its officers, employees and agents shall have access to the Lands at all reasonable times, following reasonable notice to the Covenantors, as may be necessary to ascertain compliance with this covenant.
3. **Use and Enjoyment** - No provision herein will prevent the Covenantors from using the Lands in a manner which does not interfere with the exercise by LTC of its rights hereunder.
4. **Effect of Covenant** - This covenant runs with the land and is binding upon the owners of the Lands from time to time and every reference to the Covenantors includes the Covenantors' successors in title. The Covenantors and any subsequent owner shall not be liable for any breach of this covenant occurring after they have ceased to be an owner of the Lands.
5. **No Liability in Tort** - The parties agree that this covenant creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this covenant. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
6. **Indemnity** - The Covenantors shall indemnify and save the LTC harmless from all costs, damages or other loss resulting from any claim or proceedings arising from the granting or existence of this covenant or resulting from any breach of this covenant. The Covenantors' obligations under this section 5 shall survive any discharge of this covenant and any transfer of title to the Lands, in respect of events first arising prior to the discharge or transfer.
7. **Bylaw to the Contrary** - This covenant shall restrict use of the Lands in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the LTC.
8. **No Public Law Duty** - Where the LTC is required or permitted by this covenant to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Covenantors agree that the LTC is under no public law duty of fairness or natural justice in that regard and agrees that the LTC may do any of those things in the same manner as if it were a private party and not a public body.
9. **Runs with the Lands** - Every obligation and covenant of the Covenantors in this covenant constitutes both a contractual obligation and a covenant granted under s.219 of

the *Land Title Act* in respect of the Lands and this covenant burdens the Lands and runs with it and binds the successors in title to the Lands. This covenant burdens and charges all of the Lands and any parcel into which the Lands are consolidated (including by removal of interior parcel boundaries) and shall be extended, at the Covenantors' cost, to burden and charge any land consolidated with the Lands.

10. **Notice** - Any notice under this covenant shall be in writing and shall be sufficient if delivered to the recipient's address set out above, or to such other address as either party may provide to the other from time to time, or in the case of any owner subsequent to the Covenantors, to the address of such owner according to the Land Title Office records in respect of the Lands.
11. **Waiver** - An alleged waiver of any breach of this covenant is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this covenant does not operate as a waiver of any other breach of this covenant.
12. **Severance** - If any part of this covenant is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this covenant and the rest of this covenant remains in force unaffected by that holding or by the severance of that part.
13. **Enurement** - This covenant binds the parties to it and their respective successors, heirs, executors and administrators.
14. **Further Assurances** - The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this covenant.
15. **Time** - Time is of the essence of this Covenant.
16. **Execution** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

END OF DOCUMENT

To G Richardson

From A Sewell

Re 101 Churchbay Road

- 1) All previous subdivisions on this property were done by previous owners Fraser, Gillespie and Churchbay Farms Corp.
- 2) Originally We had no ownership in Churchbay Farm Corp, but had an option to Purchase a part of the property, which option we exercised in 2002. At the same Time we purchased the common shares from Southern Commerce Corp and they remain non voting investors.
- 3) 2003 and 2004 we were doing tax and estate planning and my tax lawyers pointed Out that on death my estate would face a huge tax liability, as the rule limited Principal residence exemption to house and ½ ha of land unless the land could not Be further subdivided.
- 4) Due to 3 above We approached the Trust on June 5 2004 to allow a no subdivide Covenant. On July 24 2004 they turned us down.
- 5) By Nov 2004 we finally persuaded the Trust to accept our request.
- 6) 20012 we revisited the tax rules on our property and Thorstien our tax lawyers advised us that the Federal Court had over ruled Revenue Canada and we were no longer taxable even though we could split he property, therefore the covenant was no longer necessary.
- 7) Plan is to subdivide a small lot for our use and retain the balance for our four sons or have one of our sons move here. We donot need 5 bedrooms for 2 people.

Attach: June 25/04 letter to Trust, July 27/04 Reply from Trust, Dec 7/04 Transmittal

A Sewell, July 17/12.

P.S. Please consider removing the covenant on this property

A Sewell

6/25/04

A.C. & G.L. SEWELL
Box 31
Saturna Island, B.C. V0N 2Y0

Tel: (250) 539-5680 γ Fax: (250) 539-5683

June 25, 2004

ISLAND TRUST
#200, 1627 Fort Street
Victoria, B.C.
V8R 1H8

Attention: **G. Hamblin**

Dear Sirs,

Re: **101 Church Bay Road, Saturna Island**
PID.000.355.445
749R N ½ Sec 18, Except Plan 16929, 24256, 37639, 49442 & VIP 53810, VIP 63614

Please proceed to prepare a 215 covenant on the above property, as per our telephone conversation.

We agree to give up the right to subdivide the property into two lots, but wish to retain the density of two houses and two cottages.

We intend to apply to the ALC to include the balance of property into the ALR, and would like to secure your support in this matter.

Yours truly,


A.C. Sewell


G.L. Sewell



200-1627 Fort Street Victoria BC V8R 1H8
Telephone **250.405.5151** Fax 250.405.5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

July 27, 2004

File No.:

A.C. and G.L. Sewell
Box 31
Saturna Island, BC
V0N 2Y0

Re: 101 Church Bay Road, Saturna Islands Trust

I am writing in response to your fax received June 28, 2004 in which you request that the Islands Trust prepare a restrictive covenant on the above property. In your letter and in phone conversations you say that you are prepared to register a no further subdivision covenant while retaining the density of two residences and two cottages on the property. Your intention is to apply to the Provincial Agricultural Land Commission (PALC) to have the parcel included in the Agricultural Land Reserve (ALR).

I have discussed this request with the Saturna Island Trustees (LTC) and have the following comments. Currently, based on the size of the property and the regulations in the Rural General zone you are permitted to have two residences and two cottages on the property. You also have the ability to subdivide the lot into two parcels. In considering your offer, the LTC must decide if there is enough of a community benefit to warrant the expense of drafting and registering a covenant. In the case of your property, there appears to be little gained by the LTC if they held such a covenant. Also, the LTC would be unable to give your ALR inclusion application its support prior to reviewing and giving due consideration to the application.

On behalf of the LTC, I would like to thank you for offering to place a no subdivision covenant on your property, however at this time, the LTC is unable to support your offer.

If you have any questions or if you would like to discuss this further, please do not hesitate to contact me at (250) 405-5158.

Yours sincerely,


Gerry Hamblin
Planner
Local Planning Services

Cc: Saturna Island Local Trust Committee

K:\LTC\Saturna\Letters\sewell ltr July 26 2004.doc

A.C. & G.L. SEWELL
P.O. Box 31
Saturna Island, B.C. V0N 2Y0

Tel: (250) 539-5680 • Fax: (250) 539-5683

December 7, 2004

Island Trust
#200 -- 1627 Fort Street
Victoria, B.C.
V8R 1H8

Attention: **G. Hamblin**

Dear Sirs,

Re: **SA/05**

Please find enclosed two executed copies of 219 covenant for our property. When registered, please send a copy for our records.

Yours truly,

A.C. Sewell