



**SATURNA ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING AGENDA
12:30 PM, THURSDAY, APRIL 12, 2012
AT THE SATURNA ISLAND RECREATION CENTER, 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 Bylaw Enforcement Notification Bylaw No. 105 (attached)	1	
3.2 Covenant FB234900–Amendment (Saturna Island Fire Protection Society ESB2) (attached)	75	
3.2 Riparian Areas Regulation		
4. PUBLIC HEARING		
4.1 Covenant FB234900–Amendment (Saturna Island Fire Protection Society ESB2)		
5. PREVIOUS MEETINGS		1:30 pm
5.1 Adopted Local Trust Committee Minutes - for information only (attached)		
5.1.1 Adopted Minutes of February 9, 2012 Local Trust Committee Business Meeting	79	
5.2 Public Hearing Records and Community Information Meeting Notes - for information only (attached)		
5.2.1 Received Notes of February 18, 2012 Community Information Meeting	90	
5.2.2 Received Notes of February 25, 2012 Community Information Meeting	96	

5.3	Section 26 Resolutions-without-meeting (attached)	102	
5.4	Advisory Planning Commission - none		
6.	BUSINESS ARISING FROM THE MINUTES		
6.1	Follow-up Action Report (attached)	103	
7.	DELEGATIONS - none		
8.	CORRESPONDENCE (attached) <i>[correspondence received concerning applications and/or projects is considered with the application]</i>		
8.1	A. Johnson letter dated April 2, 2012 re: Request for Temporary Use Permit	105	
9.	APPLICATIONS, PERMITS, BYLAWS AND REFERRALS		1:45 pm
9.1	Covenant FB234900–Amendment (Saturna Island Fire Protection Society ESB2) (attached)- for further consideration	106	
9.2	SA-RZ-2012.1 (Yardley) (attached)	110	
9.3	Referral of Proposed North Pender Bylaw No. 190, Land Use Bylaw Amendment No. 1, 2012 (attached)	119	
10.	LOCAL TRUST COMMITTEE PROJECTS		
10.1	Community Parkland Zoning (attached)	167	
10.2	Saturna Island Advisory Planning Commission Amendment Bylaw No. 106, Amendment No. 1, 2012 – for consideration (attached)	173	
11.	REPORTS		3:15 pm
11.1	Work Program Reports – for information		
11.1.1	Saturna Island Local Trust Committee Work Program Report dated April, 2012 (attached)	174	
11.2	Applications Report – for information		
11.2.1	Saturna Island Applications Report dated April, 2012 (attached)	176	
11.3	Expense/Budget Reports		
11.3.1	Trustee and Local Expenses– for information (attached)	177	
11.4	Bylaw Enforcement		
11.4.1	Saturna Island Bylaw Enforcement Bylaw No. 105 – for further consideration		

11.5	Policies and Standing Resolutions Report – for information (attached)	178
11.6	Saturna Island LTC Web Page – for information (attached)	180
11.7	Chair’s Report	
11.8	Trustee Report	
12.	OTHER BUSINESS	
12.1.	Next Business Meeting scheduled for 12:30 pm, June 21, 2012, Saturna Island Community Hall	
12.2	A Strategic Approach to Islands Trust Communications (attached)	182
12.3	Annual Report (pending)	
13.	TOWN HALL MEETING	
14.	ADJOURNMENT	4:00 pm



STAFF REPORT

Date: January 25, 2012 **File No.:** Bylaw Enforcement Notification
Bylaw No. 105

To: Saturna Island Local Trust Committee
Meeting of February 9, 2012

From: Miles Drew
Bylaw Enforcement Coordinator

Re: Adoption of Bylaw Enforcement Notification Bylaw

THE PROPOSAL:

This report will recommend to the Saturna Local Trust Committee that it:

1. give three reading to the attached Bylaw Enforcement Notification Bylaw and;
2. refer the bylaw to the Executive Committee for approval.

STAFF COMMENTS:

The Local Trust Committee previously requested that it be appointed by the Province as a local government for the purpose of adopting a Bylaw Enforcement Notification Bylaw. The Province has issued an Order In Council authorizing this step. Therefore, the Local Trust Committee can now adopt a bylaw and implement the system.

An Important Point

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

Purpose of Bylaw

The attached bylaw has several purposes. Primarily it establishes schedules listing penalties for various offences of the Land Use Bylaw. It also establishes discounts for completion of compliance agreements negotiated with a screening officer and early payment discounts. These schedules have been designed to penalize persons who violate the bylaws and also to encourage them to make good on the situation by

reducing the penalty for correcting the violation. Additionally, it creates methods for payment, dispute, and service of the bylaw violation notices.

Methodology for setting fine and fine discount amounts.

The recommended fine amounts and associated discounts for early payment or compliance were established by considering several factors which recognized the severity of the offence and the ease of compliance. The factors considered in setting fine amounts were:

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

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

Establishment of Registry and Screening Officer

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

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

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

Next Steps

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

- get Executive Committee approval and final adoption by the Local Trust Committee by Spring 2012
- appointment of Screening Officer and adoption of associated policies
- Conduct necessary staff training. Other than occasionally filling out a receipt for payment of a fine or referring persons to the screening officer there will be no impact on regional office resources. A staff familiarization session will be held in each region.
- print required bylaw violation notices and the Q & A brochure for recipients of bylaw violation notices and other interested persons.

This bylaw does not require Ministerial approval from the Province. Staff training will be done by the City of North Vancouver.

Attached is a proposed sample of the bylaw violation notice.

RECOMMENDATION:

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

Prepared and Submitted by:

Date

DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 105

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

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

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

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

Citation

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

1.0 INTERPRETATION

In this Bylaw:

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

2.0 DEFINITIONS

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

3.0 BYLAW CONTRAVENTIONS

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

4.0 PENALTY

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

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

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

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

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

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

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

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

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

7.0 SCREENING OFFICERS

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

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

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

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

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

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

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

8.0 BYLAW ENFORCEMENT OFFICERS

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

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

9.0 FORM OF BYLAW VIOLATION NOTICE

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

10.0 SCHEDULES

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

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

READ A FIRST TIME THIS DAY OF ,20__

READ A SECOND TIME THIS DAY OF ,20__

READ A THIRD TIME THIS DAY OF ,20__

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

ADOPTED THIS DAY OF ,20__

SECRETARY

CHAIR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Frequently Asked Questions

What triggers bylaw enforcement?

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

What is a Compliance Agreement?

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

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

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

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

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

Why are disputes adjudicated in North Vancouver?

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

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

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

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

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

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

No. An adjudicator's decision is final.

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

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

How can I contact the Bylaw Enforcement team?

You can contact the Bylaw Enforcement team by

Email at bylawenforcement@islandstrust.bc.ca

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

In Victoria call **250.387.6121**

In Vancouver call **604.660.2421**

Elsewhere in BC call **1.800.663.7867**

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

Victoria—200-1627 Fort St, V8R 1H8

Salt Spring—1-500 Lower Ganges Rd, V8K 2N8

Gabriola—700 North Road, V0R 1X3

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

Bylaw Enforcement Notice & Dispute Adjudication System



Islands Trust

Bylaw Enforcement Notice & Dispute Adjudication — Making the System Simpler

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

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

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

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

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

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

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

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

How the system works once a Bylaw Violation Notice is issued

Option 1: Pay the BVN

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

Option 2: Dispute the BVN

Step One

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

Step Two

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

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

Step Three

If the screening officer upholds the BVN:

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

Step Four

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

DRAFT - FRONT



No.

BYLAW VIOLATION NOTICE

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

ISSUED TO:

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

THE PENALTY FOR A CONTRAVENTION REFERRED TO ABOVE IS:

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

METHOD OF DELIVERY:	
☐	In Person
☐	By Mail



ADJUDICATION REQUEST

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

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

White – Alleged Offender's Copy

Yellow – File Copy

Pink – Office Copy

COMPLIANCE

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

PAYMENT INFORMATION

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

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

DISPUTE ADJUDICATION

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

CONTACT US

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

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

ISLANDS TRUST OFFICES

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

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

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



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Ministry of Attorney General



BRITISH
COLUMBIA

Ministry of Community Services

Local Government

TOOLKIT:

Bylaw Dispute Adjudication System

Acknowledgements

This *Local Government Bylaw Dispute Adjudication System Toolkit* is the result of collaboration between the participating communities of the North Shore Adjudication Model Pilot Project (District of West Vancouver, District of North Vancouver, and City of North Vancouver), the Local Government Advisory Services Branch of the Ministry of Community Services, the Local Government Management Association of British Columbia (LGMA), and the Court Services Branch of the Ministry of Attorney General.

Court Services Branch would like to recognize Barbara Hamilton, Bylaw Supervisor for the City of North Vancouver, for her assistance in providing the “sample” documents that are included in this toolkit. Thanks also to CivicInfo BC for hosting this Toolkit, and other Bylaw Dispute Adjudication System resources, on its website (www.civicinfo.bc.ca).

Disclaimer

The purpose of this Toolkit is to assist local governments that are implementing the *Local Government Bylaw Notice Enforcement Act*, which allows for locally-based administration and adjudication of bylaw violation disputes. It is intended to be an “evergreen” document, and may be updated periodically, as appropriate.

This Toolkit includes information on how the adjudication model differs from other existing methods of municipal bylaw ticketing and administration. It also includes background information, policies and processes, forms and communication materials that were used as part of the North Shore Adjudication Model pilot project. These materials should be considered guiding documents **only** and should be modified, as appropriate, to fit the requirements of each local government.

This Toolkit is not a legal document and should not be considered as a substitute for the governing legislation and regulations. If in doubt on any information provided in this toolkit, users are encouraged to seek a legal opinion to ensure conformity with the legislation.

Victoria, September 2005

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1. INTRODUCTION

In October 2003, the Province of British Columbia enacted legislation providing an alternative approach for processing and resolving minor bylaw infractions, the *Local Government Bylaw Notice Enforcement Act*.

Bylaw infractions are a common occurrence in any local government that enacts regulatory bylaws. Prior to the *Local Government Bylaw Notice Enforcement Act* (the Act), there were three main strategies used by local governments to deal with a problem:

1. seek voluntary compliance;
2. issue a traffic “offence notice” seeking voluntary payment of a prescribed fine in the case of parking infractions; or
3. initiate formal court proceedings by issuing a municipal ticket information (MTI) or swearing an Information and issuing a Summons.

Initiating formal court proceedings can be costly, and some local governments choose to avoid these enforcement costs abandoning enforcement if voluntary compliance is not forthcoming.

Over the past fifteen years, there have been various calls for bylaw reform with respect to enforcement and prosecution. Calls for reform have come from the Union of British Columbia Municipalities (UBCM), the Hughes Commission on Access to Justice and the Chief Judges’ Task Group on Sitting Justices of the Peace. In response to these calls, the Province enacted the *Local Government Bylaw Notice Enforcement Act*.

New Adjudication Model

The goal of the new adjudication model is to create simple, fair, and cost-effective systems for dealing with minor bylaw infractions. To meet this goal, the adjudication model:

- eliminates the requirement for personal service;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;
- uses a dispute resolution-based approach to obtaining independently adjudicated decisions;
- avoids the unnecessary attendance of witnesses;
- avoids the need to hire legal counsel; and
- promotes the timely resolution of bylaw enforcement disputes.

Legislation

Under the Act, local governments may establish a local government bylaw dispute adjudication system, more simply known as an adjudication system, which replaces the Provincial Court as the venue for resolving disputes of minor municipal bylaw breaches. The Act, and the authority it provides to establish an adjudication system, applies to both municipalities and regional districts by regulation. In order to proceed, these local governments may make a request to the Ministry of Attorney General to have a regulation enacted, in order to make the Act applicable to them.

1. INTRODUCTION

The legislation is designed to enable the creation of simple, cost-effective administrative systems for enforcing minor bylaw infractions, ranging from parking to dog licensing to minor zoning infractions. The two main features of an adjudication system are a simple “front-end” ticket process for initiating enforcement, and a locally managed “back-end” venue for a non-judicial adjudicator to hear ticket disputes.

Pilot Project Results

Beginning in May 2004, the adjudication model was piloted in three North Shore municipalities (City of North Vancouver, the District of North Vancouver and the District of West Vancouver). These municipalities maintained independent ticketing processes to enforce their individual regulatory bylaws, but shared administrative processes around the adjudication of disputes.

The findings of an evaluation of the first eight months of the pilot indicated that:

1. the time from ticket issuance to ticket disposition was reduced;
2. the fine payment rates were improved;
3. the ticket dispute rates were reduced, and
4. there was potential to reduce the costs associated with personal service of documents.

As a result of this successful pilot, the Attorney General is now expanding the authority for use of the adjudication system to interested local governments across the province.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

Under the new model, formal bylaw enforcement action begins with the completion of a Bylaw Notice by a local government bylaw enforcement officer.

The Bylaw Notice informs the recipient of:

1. the allegation of a bylaw contravention that is being made;
2. the penalty for the contravention; and
3. how to pay the fine or dispute the allegation.

The Bylaw Notice may be delivered in a variety of fashions, including leaving it on a car or mailing it. Unless the Bylaw Notice is delivered in person, it is presumed to have been received, and allowances are made in the event that the person claims not to have received it.

Serving the Bylaw Notice

Once the Bylaw Notice is received, or presumed received, it becomes legally effective and the recipient has a fixed period of time in which to take action on it. The precise duration of this period is set in the local government bylaw, but must be at least 14 days. Within that period, the person named on the Notice, or the registered owner of the car if it was left on a vehicle, must either pay the fine amount noted on the Notice or notify the local government that he or she wishes to dispute the allegation. In the event the person does neither, the amount of the Notice, plus an additional late payment penalty if one has been established in the local government bylaw, will be due and owing to the local government.

Screening Officer

In order to reduce the number of disputed Notices forwarded to adjudication, a local government has the option of establishing a screening officer to review disputed Notices. The screening officer has the authority to cancel a Bylaw Notice if he or she believes that the allegation did not occur, or that the required information is missing from the Notice. The local government may also permit the screening officer to cancel a Bylaw Notice in other circumstances set out by the local government. A screening officer may conduct the review based on discussion or correspondence with the disputant, and will typically explain the process and potential consequences of dispute adjudication.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

Compliance Agreements

For infractions where compliance is a goal, the local government may also authorize a screening officer to enter into a compliance agreement with a person who has received a Bylaw Notice. A compliance agreement will include acknowledgement of the contravention of the bylaw and will typically set out remedies or conditions on future behaviour to be performed within a designated period of time, and reduce or waive the fine at the conclusion of that period.

Disputes

If the screening officer determines that cancellation or a compliance agreement is not possible and the person still wishes to dispute the allegation, the disputant must confirm this and indicate whether he or she plans to appear at the hearing in person, in writing or by telephone. A disputant may also choose to appear by other electronic means, such as video conferencing, although the local government may require the disputant to cover any extraordinary costs associated with appearing in a less conventional manner.

The screening officer or a clerk will then schedule a day and time for the adjudication, notify the disputant of these details, and request the presence of an adjudicator. The person named in the Bylaw Notice may choose to pay the applicable fine at any time, although payment after the deadline may result in a higher fine amount.

Adjudication of the Dispute

At the adjudication hearing, an adjudicator will hear from both the disputant and the local government and decide whether he or she is satisfied that the contravention probably occurred as alleged. When considering a matter, the adjudicator can review documents submitted by either party, or hear from the parties or witnesses over the telephone. All adjudications are open to the public.

The appointment, training and management of the adjudicator roster occur at arms-length from the local government. Adjudicators are appointed by the Deputy Attorney General following a transparent procurement process.

Disposition of the Infraction

The function of the adjudicator is strictly to confirm or cancel the Bylaw Notice, and the adjudicator has no discretion to reduce or waive the fine amount. Similarly, the adjudicator has no jurisdiction to deal with challenges to the bylaw or claims of infringements of rights under the Charter of Rights and Freedoms. The adjudicator must proceed on the assumption that the bylaw is legally valid.

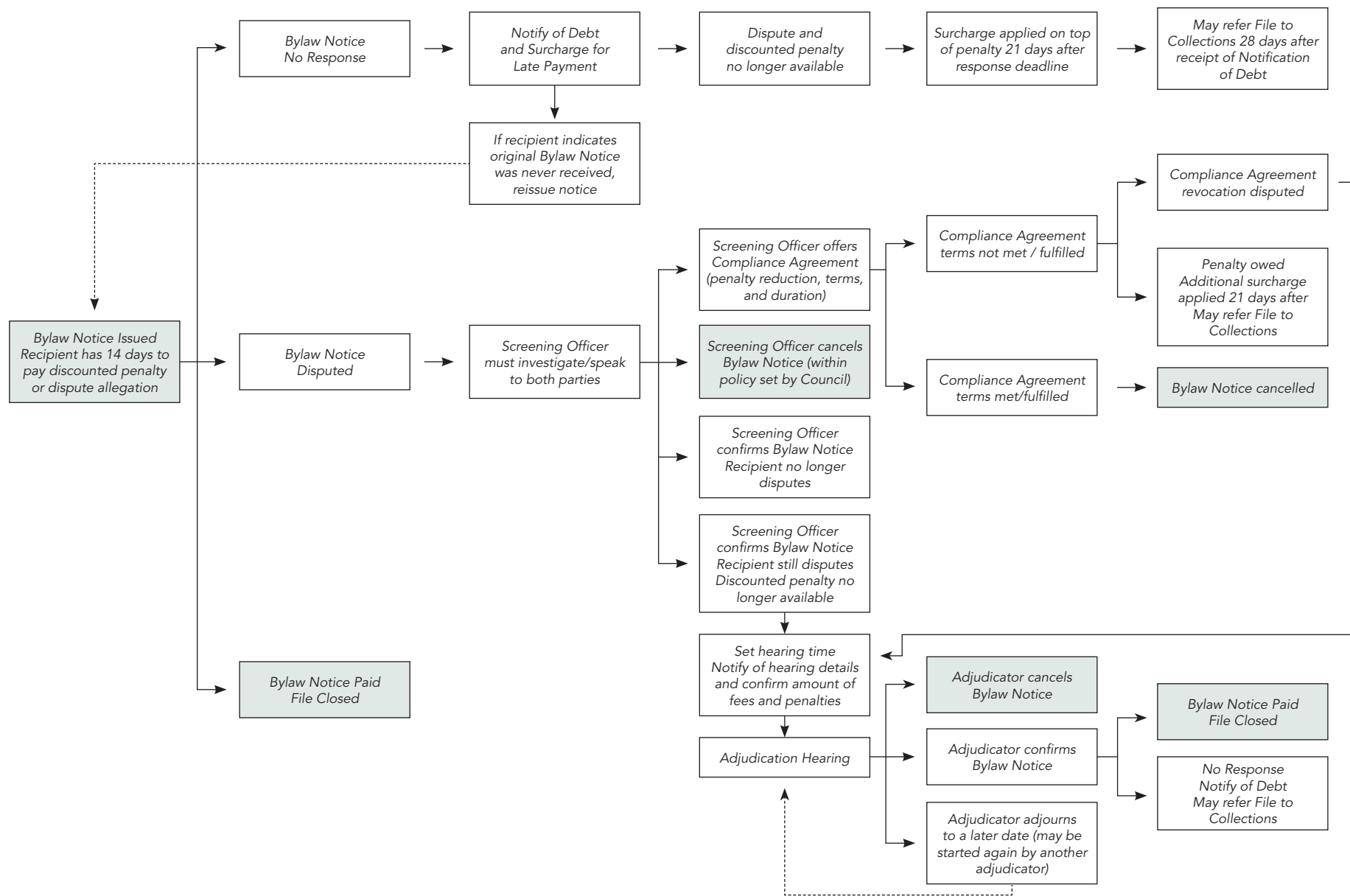
If the Bylaw Notice is confirmed, the fine amount noted on the face of the Bylaw Notice, plus a locally established dispute cost-recovery fee of not more than \$25, is payable to the local government.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

Appeals

Decisions of the adjudicator are final and the Act does not allow for appeals. If a failed disputant or the local government feel that the adjudicator exceeded his or her authority, or made an error at law, the person or local government may seek relief in the Supreme Court of British Columbia under the *Judicial Review Procedure Act*.

2.1. Flowchart: Bylaw Notice Enforcement and Adjudication Process



2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Legal Authority	<i>Local Government Bylaw Notice Enforcement Act</i>	<i>Community Charter or Vancouver Charter</i>	<i>Community Charter or Vancouver Charter, Offence Act</i>
Demand notice used	No.	Typically used where personal service is not immediately feasible.	Possible, but unlikely, to be used until Summons can be obtained.
Legal initiation	Bylaw Notice (BN) certified by enforcement officer.	Municipal Ticket Information (MTI) sworn by enforcement officer.	Court-issued Summons based on sworn "Form 2" Information.
Service requirements	Reasonable delivery.	Personal service.	Personal service.
Notice requirements	BN must contain prescribed information, may include additional information as determined by local government.	MTI must be complete and in the prescribed form.	Summons must be complete and in the prescribed form.
Conviction?	No – contravention of bylaw, but not an offence.	Yes – conviction of a bylaw offence.	Yes – conviction of a bylaw offence.
Single occurrence penalties	Ticket fine amount as in the bylaw; bylaw limit \$500.	Ticket fine amount as in the bylaw; bylaw limit set at \$1000 by regulation.	Court may impose all or part of the applicable fine amount. Fine amount may be a range set in the bylaw, or if no amount is set, up to \$2,000 and 6 months imprisonment; bylaw limit for municipalities other than Vancouver is \$10,000 unless otherwise provided in authorizing statute (e.g. <i>Environmental Management Act</i> limit of \$200,000).
Variation of penalties	Adjudicator cannot modify the ticket fine amount.	The justice must consider the means and ability of the defendant to pay the fine, and, if the justice is of the opinion that the defendant is unable to pay the amount of the fine that the justice would otherwise impose, the justice may impose a fine in a lesser amount that the justice considers appropriate.	The justice must consider the means and ability of the defendant to pay the fine, and, if the justice is of the opinion that the defendant is unable to pay the amount of the fine that the justice would otherwise impose, the justice may impose a fine in a lesser amount that the justice considers appropriate.

2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Continuing penalties	None – require separate BN.	Yes – Effective January 1, 2004 penalties for continuing offences (not exceeding the amount prescribed by regulation) can be established for each day that the offence continues.	Yes – Penalties for continuing offences (ranging from the minimum fine to a maximum of \$ 10,000) can be established for each day that the offence continues.
Early payment discounts?	Yes – bylaw may provide for a discount for payment on or before the last day of the period to pay or dispute, and a surcharge for payment of the penalty within a specified period following the deadline to pay or dispute.	Yes – different penalty amounts permitted before and after 30 days from ticket issuance if ticket is not disputed.	No.
Mandatory Court attendance?	No – payment or dispute in administrative adjudication.	No – payment or dispute in Provincial Court.	Yes – Summons has been issued and appearance in Provincial Court required.
Period to dispute or pay	As set in local government bylaw, but no less than 14 days.	Period to pay or dispute is 14 days.	No option to pay or dispute, appearance on date in Summons.
Dispute the allegation?	Yes – the allegation may be disputed by providing a notice of dispute to the local government in accordance with instructions on the BN.	Yes – the allegation may be disputed by providing notice of dispute to local government by mail or in person at the address set out on the MTI; must include address for the person disputing the allegation and sufficient information to identify the ticket and the alleged contravention being disputed.	No notice required; appearance occurs on date in Summons.
Dispute screening	Formal screening; designated “Screening Officer” may: cancel the BN in accordance with local government policy; confirm the BN; or enter into a compliance agreement with BN recipient.	No clear authority for formal dispute screening, although it is known that some local governments abandon MTI proceedings by failing to forward the file to the Court Registry, or withdrawing the file from the Court Registry.	No.

2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Administration of the notice of dispute	Local government initiates and retains file. Local government schedules hearing and notifies disputant, enforcement officer and adjudicator organization.	Local government initiates and retains file. Local government transfers a copy of the file to local Court Registry. Court Registry schedules hearing and notifies disputant, enforcement officer, and local government.	Court Registry initiates and retains file. Court Registry schedules hearing and notifies disputant, enforcement officer and local government.
Hearing location	As determined by local government.	Courthouse	Courthouse
Adjudicator selection	Adjudicator selection for scheduled time managed by independent adjudicator organization in accordance with regulations.	Selection of presiding justice managed by the Office of the Chief Judge (Provincial Court)	Selection of presiding justice managed by the Office of the Chief Judge (Provincial Court)
Decision-maker	All BN matters determined by an independent adjudicator	All traffic matters determined by Judicial Justice of the Peace in Provincial Court, unless otherwise ordered by a Provincial Court Judge. All non-traffic matters determined by a Provincial Court Judge. Exception: in Vancouver and those locations that participated in the Prince George/Kelowna municipal bylaw pilot project, all matters determined by a Judicial Justice of the Peace, unless otherwise ordered by a Provincial Court Judge.	All traffic matters determined by Judicial Justice of the Peace in Provincial Court, unless otherwise ordered by a Provincial Court Judge. All non-traffic matters determined by a Provincial Court Judge. Exception: in Vancouver and those locations that participated in the Prince George/Kelowna municipal bylaw pilot project, all matters determined by a Judicial Justice of the Peace, unless otherwise ordered by a Provincial Court Judge.
Burden of proof	On a balance of probabilities (civil scale)	Beyond a reasonable doubt (criminal scale)	Beyond a reasonable doubt (criminal scale)

2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Hearing procedures	Hearings must be open to the public. An adjudicator may adjourn a hearing, and adopt procedures that are conducive to justly and expeditiously determining a dispute. Before making a determination in a dispute, an adjudicator must provide the parties to the dispute with an opportunity to be heard. A party may be heard, at the election of the party, in person or by an agent, in writing, including by facsimile transmission or electronic mail, or by video conference, audio conference, telephone or other electronic means, if available.	Rules of Court apply. A justice may adopt procedures that are conducive to justly and expeditiously determining the matter. The prosecutor or defendant may examine and cross examine witnesses personally or by counsel or agent. A witness must be examined on oath or affirmation. The justice has full power and authority to administer to a witness the usual oath or affirmation. A justice may in his or her discretion, before or during a trial, adjourn the trial.	Rules of Court apply. The prosecutor or defendant may examine and cross examine witnesses personally or by counsel or agent. A witness must be examined on oath or affirmation. The justice has full power and authority to administer to a witness the usual oath or affirmation. A justice may in his or her discretion, before or during a trial, adjourn the trial.
Rules of evidence	An adjudicator may accept any evidence the adjudicator considers to be credible, trustworthy and relevant to the dispute, including the evidence of any person. An adjudicator may accept evidence in any manner the adjudicator considers appropriate including, without limitation, orally, in writing, or electronically. The technical and legal rules of evidence do not apply, except the rules relating to privileged communications.	A justice may admit as evidence any oral or written testimony or any record or item that the justice considers is relevant to an issue in the trial and is credible and trustworthy. A justice may not admit anything that is privileged under the laws of evidence.	A justice may admit as evidence any oral or written testimony or any record or item that the justice considers is relevant to an issue in the trial and is credible and trustworthy. A justice may not admit anything that is privileged under the laws of evidence.

2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Hearing outcome	The adjudicator must, after considering the matter, (a) order that the penalty set out in the BN is immediately due and payable, or (b) order that the BN is cancelled.	The justice must, after considering the matter, (a) convict the defendant, (b) make an order against the defendant, or (c) dismiss the MTI.	The justice must, after considering the matter, (a) convict the defendant, (b) make an order against the defendant, or (c) dismiss the Information.
Avenue of appeal	Decisions of adjudicators may not be appealed; however, if a disputant or local government feels an adjudicator went beyond his/her authority, they may make an application to the Supreme Court for judicial review.	A conviction, acquittal or sentence as a result of a court hearing or an order of a justice may be appealed to the Supreme Court.	A conviction, acquittal or sentence as a result of a court hearing or an order of a justice may be appealed to the Supreme Court.
Failure to respond	If a person fails to respond to a BN within the prescribed time limits, they are deemed to have pleaded guilty. The fine becomes due and payable immediately.	If a person fails to respond after 14 days, the municipality may file an <i>Affidavit of No Response</i> with the registry and a JP can convict or quash ticket.	Deemed to have plead guilty; fine is due and payable immediately.
Failure to appear at requested hearing	If a person who has requested or required dispute adjudication fails to appear, the adjudicator must order that the penalty set out in the BN is immediately due and payable by the person to the local government indicated on the BN. If the local government subsequently files a certificate of amounts owing with the Provincial Court, the person may make application to the court within 30 days to have the certificate cancelled and a new adjudication date set by the local government.	If a person fails to attend at a court hearing to dispute an MTI, he or she may be found guilty for failure to attend the hearing. If the offender comes before a Court Services justice of the peace within 30 days of the missed hearing date, he or she may file an <i>Affidavit in Support of an Application to Strike Out a Conviction</i> under section 272(4) of the <i>Community Charter</i> or section 482.1(13) of the <i>Vancouver Charter</i> .	If a person fails to attend at a court hearing he or she may be deemed convicted for failure to attend the hearing. The alleged offender must follow certain procedures to bring the dispute hearing back before the court. If a person comes before a justice within 30 days of the missed hearing date, he or she may file an <i>Affidavit Under Section 15(10) of the Offence Act</i> . If a person comes before a justice more than 30 days after the missed hearing date, he or she may file an <i>Affidavit Under Section 16(2) of the Offence Act</i> .

2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Costs	A local government may require payment of a fee of not more than \$25 payable by a person who is unsuccessful in dispute adjudication, in relation to a BN or a compliance agreement, for the purpose of recovering the costs of the adjudication system.	None may be imposed	Court may impose costs of prosecution. The justice may, in his or her discretion, award and order costs the justice considers reasonable to the local government by the defendant, if the justice convicts or makes an order against the defendant, or costs payable to the defendant by the local government if the justice dismisses an Information. An order of costs must be set out in the conviction, order, or order of dismissal. Costs awarded and ordered to be paid by a person under this section are deemed to be all or part, as the case may be, of a fine imposed against the person.
Suspended or reduced penalty possible?	Before hearing – screening officer, if authorized, may enter into a voluntary compliance agreement with the disputant. Under a compliance agreement, the person must accept liability for the contravention, and may pay a reduced penalty (as set by bylaw) in exchange for observing the terms and conditions the screening officer considers necessary or advisable.	At hearing – justice may suspend the passing of sentence and may specify, as a condition, that the defendant must make restitution and reparation to any person aggrieved or injured for the actual loss or damage caused by the commission of the offence. The duration of the suspension may not exceed 6 months.	At hearing – justice may suspend the passing of sentence and may specify, as a condition, that the defendant must make restitution and reparation to any person aggrieved or injured for the actual loss or damage caused by the commission of the offence. The duration of the suspension may not exceed 6 months.
Collection of amounts owing	If a penalty or part of a penalty (and related fees or charges imposed) is not paid promptly, the justice or court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.	If a penalty or part of a penalty (and related fees or charges imposed) is not paid promptly, the justice or court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.	If a penalty or part of a penalty (and related fees or charges imposed) is not paid promptly, the justice or court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

Successful implementation of a bylaw adjudication system requires some forethought and collaboration. For the North Shore pilot project, planning began approximately six months before the system took effect, and required collaboration not only among the three municipalities, but also amongst staff from the corporate services, bylaw enforcement, information technology and finance departments of each of the three participating municipalities.

When establishing a bylaw adjudication system, here are some questions to consider:

WHAT

- **What bylaws and specific provisions will be dealt with by Bylaw Notice?**

This is an important question to consider, as the adjudication system is best suited to contraventions that are simple to confirm, as the adjudicator's authority is limited to *determining whether the contravention occurred as alleged*.

A hearing before an adjudicator is less formal than a hearing before a Judge or Judicial Justice of the Peace, and an adjudicator is not in a position to impose any conditions of future behaviour when confirming a Bylaw Notice.

- **What penalties will apply for different categories of contraventions?**
- **Will early-payment discounts and/or late-payment surcharges apply?**
- **Will dispute fees apply?**

The maximum penalty under the system is \$500, within which the legislation permits considerable flexibility to establish early and late payment penalties. Prior to January 1, 2004, when the need for the Chief Judge of the Provincial Court to approve Municipal Ticket Information (MTI) penalties was eliminated in the *Community Charter*, most ticket fines were set at less than \$300.

Bylaw infractions heard in court have the potential to result in more significant penalties, as the maximum penalty for an MTI is \$1000. The Bylaw Notice system is designed to work best where a smaller fine would be a sufficient deterrent to future violations, although it can be used as part of an escalating enforcement scheme with persistent bylaw violators.

In the District of West Vancouver, virtually all contraventions of the Street and Traffic Bylaw may be enforced with a Bylaw Notice. The District has "dovetailed" the schedules of its Bylaw Notice and MTI ticketing bylaws to provide escalating penalties for two of the more serious infractions. By policy, the District issues a Bylaw Notice in the first instance of a violation, and may issue a MTI, with double the penalty, for a subsequent violation.

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

- **What information is to appear on the face of the Bylaw Notice?**

Beyond the basic information required by the legislation, local governments have considerable flexibility to customize the ticket face, allowing tickets to be designed to suit local enforcement and information management practices.

For example, printed ticket books may be easier to use if all the possible contraventions are listed; this is unnecessary for hand-held electronic ticket printers that may provide a menu of programmed contraventions.

- **What types of contraventions, if any, may be resolved through a compliance agreement?**
- **Under what conditions, and will there be penalty relief? For how long?**

Compliance agreements are only possible if a screening officer has been authorized to enter into the agreement on behalf of the local government. Compliance agreements are best suited to situations of ongoing contravention, rather than a series of incidents of contravention where a reduced penalty is likely to result in sustained correction of the contravention.

WHEN

- **When will the period to pay or dispute the Bylaw Notice end?**

The North Shore municipalities chose to establish the minimum allowable 14-day period for payment or dispute of a ticket, which is consistent with the period to do so under the Municipal Ticket Information system.

In contrast, the equivalent period for paying or disputing a Provincial Violation Ticket is 30 days, if served on a person, or 45 days (from the date of issue) if mailed to the registered owner of a motor vehicle.

WHO

- **Who may issue a Bylaw Notice, and how?**

In the context of the Act, a bylaw enforcement officer means an individual who has been designated by class of employment to enforce one or more bylaws. The same classes of individuals who may be authorized to issue MTIs may be authorized to issue Bylaw Notices.

When implementing the MTI, some local governments elected to specify different classes of enforcement officers for different bylaws, which is consistent with the provincial approach to Violation

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

Ticket issuance. Other jurisdictions have authorized some or all of the individuals in these classes to issue MTIs.

- **Will screening officers be used?**
- **Who can be a screening officer?**
- **Under what circumstances can screening officers be authorized to cancel a Bylaw Notice?**

The creation of a screening officer role is an optional element of the system under the legislation, but is highly recommended.

A screening officer does not need to be a bylaw enforcement officer, but should have some familiarity with the bylaws to be enforced and be available to respond to Bylaw Notice recipients in a timely fashion. This might include bylaw or licensing clerks who are available during office hours, senior bylaw enforcement staff or department heads.

The screening officer cancellation policy protects the local government from accusations of preferential or unfair treatment, while still permitting the flexibility to cancel a Bylaw Notice where this is deemed reasonable. The three North Shore municipalities have adopted slightly different screening policies (as outlined in Appendix A of this Toolkit).

WHERE

- **Where will disputes be held? Where should formal correspondence regarding the adjudication of disputes be sent?**

The only stipulation with respect to the location for conducting adjudications is that hearings must be open to the public or be accessible by telephone. The address for correspondence regarding disputes may be the adjudication location or the office where staff responsible for scheduling disputes are located.

HOW

- **How will the new system be explained to the public and internal staff?**

The North Shore municipalities made internal and external communication a priority when establishing the adjudication system. A communication plan for system implementation, identifying the information needs of all potential stakeholders, was created. A news release and backgrounder were prepared for release to the media. See Section 7 for samples of these documents.

3.1. "GETTING STARTED" – A Checklist for Local Governments

Initial Preparations

- ☐ Determine if Bylaw Notice enforcement makes sense for the types of regulatory matters dealt with by your local government
- ☐ Determine if the dispute adjudication system will apply to more than one local government. If so, determine which local government will be responsible for the day to day administration of the shared process and where the adjudication hearings will be held
- ☐ Provide a Staff Report to the Council or Board recommending implementation of Bylaw Dispute Adjudication System
- ☐ Forward a copy of a Council or Board resolution indicating the intent to establish a Bylaw Dispute Adjudication System to Court Services Branch, Ministry of Attorney General (Attention: Wayne Willows)
- ☐ Negotiate an agreement between participating local governments, and enact necessary bylaws to enter into the agreement, if required

Implementation (Policies and Procedures)

- ☐ Determine key system features, such as the time to pay or dispute, matters to be enforced by Bylaw Notice, use of screening officers, fine and fee amounts, etc
- ☐ Prepare bylaw to adopt Bylaw Dispute Adjudication System
- ☐ Prepare Screening Officer Policy, if required
- ☐ Prepare Registry Operations Policy, if required, (refer to Appendix B)
- ☐ Prepare a communications plan (refer to Sample Communications Plan)
- ☐ Train enforcement officers, screening officers, registry and finance staff
- ☐ Prepare implementation and operational budgets
- ☐ Consult with Court Services Branch re: process for scheduling adjudicators

3.1. "GETTING STARTED" – A Checklist for Local Governments

Implementation (Forms and Systems)

- ☐ Assess enforcement and collections software, make modifications as required
- ☐ Prepare Bylaw Notice forms
- ☐ Prepare notification letters (refer to sample mail-delivery letter and re-issue letter)
- ☐ Prepare Screening Officer forms

3.2. Bylaws and Bylaw Notices

Section 2 of the *Local Government Bylaw Notice Enforcement Act* ("the Act") provides that a local government may deal with contraventions of its bylaws via Bylaw Notice. If a local government wants to implement a bylaw dispute adjudication system, it must adopt an authorizing bylaw that:

- designates the bylaw contraventions that may be dealt with by Bylaw Notice;
- establishes the amount of the penalty for contravention of the specified local government bylaws;
- establishes the period for paying or disputing a Bylaw Notice;
- establishes the role of screening officer and their duties and authorities, including the ability to enter into compliance agreements; and
- designates bylaw enforcement officers.

While the Act permits two or more local governments to enter into arrangements for the joint provision of a bylaw dispute adjudication system, each participating local government must individually adopt an authorizing bylaw, as outlined above.

Local governments undertaking a bylaw dispute adjudication system will need to ensure that the Bylaw Notices (tickets) issued include all required information, as set out in section 4(4) of Act. A Bylaw Notice must contain the following information:

- the particulars of the alleged contravention of the bylaw in sufficient detail that the alleged will be able to identify the bylaw and the contravention alleged;
- the amount of the penalty, the amount of a discount for early payment of the penalty, the amount of a surcharge for late payment and the consequences for failing to respond to the Bylaw Notice;
- acceptable methods of paying the penalty;
- how to dispute the allegation of the notice; and
- any other information required under the regulations.

Although the Act requires that the above information be included on a Bylaw Notice, local governments may organize or supplement this information as they see fit.

3.2. Bylaws and Bylaw Notices

Delivery of Notices

Under section 7 of the Act, a Bylaw Notice may be delivered in person, left at the site of the contravention (e.g. placed on windshield of car or left with a person at a construction site) or mailed.

The recipient of a Bylaw Notice has a limited time period in which to pay the penalty or indicate that he or she wishes to dispute the allegation. In the case of all three North Shore municipalities, this period was set at 14 days. If the Bylaw Notice recipient disputes the allegation, he or she must first discuss the allegation and basis for the dispute with a screening officer before proceeding to a hearing before an adjudicator.

If the Bylaw Notice Recipient Does Not Respond

If the recipient takes no action within the time period – neither paying the penalty nor disputing the allegation – the local government must notify the person that the penalty set out in the Bylaw Notice is now due and advise of how and where payment can be made. This may be done in a letter accompanied by a copy of the original Bylaw Notice.

In the case of the North Shore municipalities, the recipient of a Bylaw Notice has 14 days after receiving the original Bylaw Notice to pay the fine or dispute the allegation, after which the local government issues a letter outlining what has occurred and the consequences of late payment.

Once the period to dispute the allegation has ended, early discounts no longer apply and the full penalty is due. In addition, section 6 of the Act permits a local government to assess a surcharge on top of the penalty for the contravention, if payment is not made promptly.

If, within 21 days of receiving notification that penalty is immediately due, the person named in the Bylaw Notice informs the local government that he or she did not receive the original Bylaw Notice, then the local government must re-issue the original Bylaw Notice. In this case, the period to pay or dispute the allegation begins again, with opportunities to pay the discounted amount or dispute the allegation in the notice.

3.3. Bylaw Notice and Enforcement Letter – Samples

Front of Bylaw Notice is used for street and traffic offences

CITY OF NORTH VANCOUVER PROVINCE OF BRITISH COLUMBIA
BY-LAW NOTICE

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF
THE CITY OF NORTH VANCOUVER STREET AND TRAFFIC BY-LAW 6254,
AS AMENDED, AS FOLLOWS. TICKET NO. **NV000001**
DATE _____

LOCATION _____ TIME _____
DECALYR/MO/ _____ LIC. NO. _____ COLOR _____
MAKE _____ TYPE _____ PROV. _____
NAME _____ D.O.B. _____
ADDRESS _____

GROUP 1801 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$20.00**
☐ OVER PARKED PARKING 501.15 ☐ JAYWALKING 11.03 ☐ EXPIRED METER 1304
☐ PARKED LONGER THAN 72 HOURS 505 ☐ NO VALID PARKING TICKET 1304
☐ OTHER OFFENCES IN THIS GROUP _____

GROUP 1802 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$25.00**
PARKED:
☐ FACING TRAFFIC FLOW/ MORE THAN 30cm FROM CURB 503 ☐ AGAINST YELLOW CURB 501.18 ☐ WITHIN 5m OF STOP SIGN 501.7
☐ WITHIN 5m OF FIRE HYDRANT 501.4 ☐ CONTRARY TO SIGN 501.14 ☐ ON CROSSWALK 501.5
☐ WITHIN 3m OF LANE 501.3 ☐ ON SIDEWALK/ BOULEVARD 501.1 ☐ OUTSIDE STALLS 508.3
☐ WITHIN 3m OF DRIVEWAY 501.2 ☐ IN LANE 501.8 ☐ IN BUS ZONE / STOP 509
☐ WITHIN 6m OF CROSSWALK/ INTERSECTION 501.8
☐ OTHER OFFENCES IN THIS GROUP _____

GROUP 1803 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$30.00**
☐ FAILING TO DISPLAY VALID MUNICIPAL DECAL 830.2 ☐ STUDDED TIRES 902.1 ☐ TIRES NOT IN GOOD ORDER 902.2
☐ OVERLENGTH/WEIGHT RESIDENTIAL STREET (1000 TO 6000 HRS) 506
☐ OTHER OFFENCES IN THIS GROUP _____

GROUP 1804 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$100.00**
☐ VEHICLE WEIGHT, LOADS, DIMENSIONS 901 ☐ SECUREMENT OF VEHICLE LOADS 908

GROUP 1805 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$75.00**
☐ FAILING TO REMOVE SNOW/ICE FROM SIDEWALK 514 ☐ FAILING TO DISPLAY VALID LICENCE PLATE 820.1
☐ VEHICLE HORNS/ALARM 515 ☐ DISABLED ZONE 508.9
☐ SKATEBOARDING 408 ☐ NO HELMET 408.8
☐ OTHER OFFENCES IN THIS GROUP _____

ISSUING OFFICER _____
 YOU MAY REMIT PAYMENT OF THE INDICATED PENALTY EITHER IN PERSON - 141 W. 14TH ST., OR BY MAIL - 147 E. 14TH ST., NORTH VANCOUVER, V7L 2N4, OR BY PHONE 604.990.4225, OR ONLINE www.cnv.org/parkingticket WITHIN 14 DAYS OF THE ABOVE DATE. THE ATTACHMENT CONSTITUTES AN INTEGRAL PART OF THE TICKET AND SHOWS PENALTY, LATE PENALTY AND DISPUTE INSTRUCTIONS.

TICKET NO. **NV000001**

OFFICE NOTICE

FRONT of "flysheet" that accompanies the Bylaw Notice

INSTRUCTIONS
 DETACH THIS SHEET BEFORE MAKING PAYMENT
PENALTIES

PENALTIES LISTED BELOW MAY ONLY BE ACCEPTED IN THE MANNER NOTED:

	DISCOUNTED PENALTY WITHIN 14 DAYS	PENALTY AFTER 14 DAYS	LATE PENALTY AFTER 34 DAYS
GROUP 1801 OFFENCES	\$20.00	\$30.00	\$45.00
GROUP 1802 OFFENCES	\$25.00	\$35.00	\$50.00
GROUP 1803 OFFENCES	\$30.00	\$40.00	\$55.00
GROUP 1804 OFFENCES	\$100.00	\$150.00	\$200.00
GROUP 1805 OFFENCES	\$75.00	\$85.00	\$100.00

PAYMENT OPTIONS
 CASH, CHEQUE, MONEY ORDER, DEBIT OR CREDIT CARD
 IN PERSON - 141 W. 14th ST., NORTH VANCOUVER
 BY MAIL - 147 E. 14th ST., NORTH VANCOUVER V7L 2N4
 BY PHONE - 604.990.4225
 ONLINE - www.cnv.org/parkingticket

MAILING INSTRUCTIONS
 BYLAW VIOLATION MUST ACCOMPANY CHEQUE.
DO NOT MAIL CASH. MAKE CHEQUE OR MONEY ORDER PAYABLE TO "CITY OF NORTH VANCOUVER".

FAILURE TO PAY OR DISPUTE WITHIN 14 DAYS WILL RESULT IN THE CORRESPONDING PENALTY BECOMING DUE AND PAYABLE.
 A CHARGE WILL BE ADDED FOR DISHONoured CHEQUES.
 DISHONoured CHEQUES INVALIDATE ANY RECEIPT.
 UNPAID FINES MAY BE REFERRED TO OUR COLLECTION AGENT.

RECEIPTS MAILED ONLY ON REQUEST.

IF YOU WISH TO DISPUTE THE ALLEGED CONTRAVENTION PLEASE SEE REVERSE SIDE FOR INSTRUCTIONS.

3.3. Bylaw Notice and Enforcement Letter – Samples

BACK of “flysheet” that accompanies the Bylaw Notice

ENQUIRIES MAY BE DIRECTED TO THE BYLAW OFFICE, 147 EAST 14TH STREET BETWEEN 0830 AND 1830 HOURS, MONDAY TO FRIDAY, 604.904.7378. parking@cnv.org

ADJUDICATION REQUEST

IF YOU WISH TO DISPUTE, COMPLETE THE FOLLOWING FORM AND RETURN IT WITHIN 14 DAYS TO THE CITY OF NORTH VANCOUVER. A SCREENING OFFICER WILL TELEPHONE TO ASSIST YOU.

PLEASE PRINT

BYLAW NOTICE NO. _____

DATE OF ISSUE _____

LICENCE PLATE NO. _____

REGISTERED OWNER OF THE VEHICLE:

NAME _____

ADDRESS _____

CITY _____

POSTAL CODE _____

DAYTIME PHONE NUMBER _____

SIGNATURE

A \$25 FEE IS ADDED TO THE PENALTY IF AN ADJUDICATOR FINDS THAT THE CONTRAVENTION DID OCCUR.

PAYMENT OPTIONS:

IN PERSON - 141 W. 14th ST., NORTH VANCOUVER
BY MAIL - 147 E. 14th ST., NORTH VANCOUVER V7L 2N4
BY PHONE - 604.900.4225
ONLINE - www.cnv.org/parkingticket



The Corporation of **THE CITY OF NORTH VANCOUVER**

BYLAW ENFORCEMENT

March 9, 2004

Ms. Jane Doe
1231 Any Street
Burnaby, BC
V3N 1Y6

Dear Ms. Doe:

Re: Parking Violation Ticket FP88997788

On March 5, 2004 BC licence #ABC1234 was observed in violation of the City of North Vancouver Street and Traffic Bylaw #6234. As a result, the enclosed violation ticket number FP88997788 was issued.

Enquiries with the Insurance Corporation of BC indicate that you are the last registered owner of the vehicle.

Yours truly,

City of North Vancouver Parking Enforcement

/ck

Enclosure

147 East 14th Street • North Vancouver BC V7L 2N4 • Phone (604) 904-7378 • Fax (604) 983-7448 • Website: www.cnv.org • E-mail: bhamilton@cnv.org

4. OVERVIEW OF SCREENING OFFICER ROLE

The position of screening officer, described in section 10 of the Act, is optional – but is recommended based on the experience of the North Shore pilot. If a local government elects to implement this position, the screening officer must review each disputed allegation before it can be referred to an adjudicator.

To ensure consistency and assist with the screening process, local governments may wish to develop a screening officer policy in order to provide guidelines for screening officers during the Bylaw Notice screening process.

The screening officer, after reviewing a Bylaw Notice, may:

1. cancel the notice, if
 - a) the contravention did not occur as alleged; or
 - b) the bylaw notice does not meet the requirements set out in the Act, or
 - c) the grounds for cancellation authorized by the local government are satisfied;
2. confirm the bylaw notice and refer it to an adjudicator unless the request for dispute adjudication is withdrawn; or
3. enter into a compliance agreement with the person, if this is authorized in the bylaw.

Screening officers act as “gatekeepers” to the adjudication system by reviewing all disputed Bylaw Notices prior to going to adjudication. This review, between the screening officer and disputant, creates a number of efficiencies for the system.

The screening process results in a number of disputed Bylaw Notices avoiding adjudication, resulting in cost and time savings. In addition, the process is often educational as screening officers explain the bylaw in question, allowing citizens to better understand bylaws and, in some cases, realize the error(s) they committed. This causes some citizens to withdraw their notice to dispute following their discussion with a screening officer.

Statistics from the North Shore Evaluation Report demonstrate the effectiveness and efficiencies that result, in large part, from the screening process. In the District of West Vancouver, 20% of unsuccessful screenings claimed they would dispute the Bylaw Notice.

The North Shore municipalities chose to establish the minimum allowable 14-day period for payment or dispute of a Bylaw Notice, but only 2% or 3% actually proceeded to adjudication. Overall, the dispute rate was cut nearly in half once the pilot project initiated from 3.2% to 1.8%. Of all the disputes that proceeded to adjudication, 85% of Bylaw Notices were upheld.

Appendix A in this Toolkit contains copies of screening policies for the three North Shore municipalities.

4.1. Screening Officer Checklist – Sample: City of North Vancouver

Screening officers are required to provide disputants with as much information as they can, answer all questions openly, and take detailed notes of the conversation including date and time. The following are screening guidelines:

1. Identify your name and position as a Screening Officer with CNV.
2. State your authority to make a determination based upon authority granted by CNV.
3. Discuss the notice, listen carefully to the Disputant's information, and record this information.
4. Advise the Disputant that he/she may pay the fine before the early discount deadline and receive that discount. However, once the notice goes forward to Adjudication, the early discount is lost and an adjudication fee is added to the full penalty. At the Adjudication, if the notice is quashed, no fees or penalties need to be paid.
5. Determine how the Disputant wishes to proceed with the hearing (in person, by phone, or in writing).
6. Provide the address of the Adjudication Hearing room (141 W. 14th Avenue, North Vancouver) and advise of any necessary contact information such as fax number, email address and mailing address if the Disputant needs these to send documents.
7. Advise the Disputant that if the Adjudicator upholds the notice, it is due and payable immediately. Also, advise the Disputant that the fine increase 21 days after adjudication and then proceeds to collection.
8. Explain that once a date and time are set for adjudication, the additional adjudication fee must be paid even if the Disputant decides not to go ahead with the Adjudication.
9. Verify you have the correct address and daytime phone number of the Disputant.
10. Explain that the Dispute Coordinator will call to set up a hearing date and time along with instructions about phone, fax, or written submission to the Hearing. The Dispute Coordinator will also send written confirmation of the hearing. State clearly that the Disputant cannot discuss the notice with the Dispute Coordinator.
11. Ask if the Disputant has any more questions or needs any more information.
12. Ask if the Disputant wishes to say anything else at all and note the response.
13. Make a decision to cancel or uphold the notice; explain this to Disputant and make notes.
14. If cancelling, do so immediately; if upholding, continue to the Dispute Coordinator.

4.1. Screening Officer Checklist – Sample: City of North Vancouver

Following the conversation with the Disputant:

1. Notify the Dispute Coordinator to request Adjudication Hearing.
2. In the file, note the date and time the Dispute Coordinator was notified.
3. Prepare reports needed for Adjudication

4.2. Screening Officer Submission for Adjudication – Sample

The adjudicator is provided with a record of the screening officer's review of the disputed allegation. This may include evidence collected that supports the allegation.

A sample of the written submission use by the City of North Vancouver.



The Corporation of **THE CITY OF NORTH VANCOUVER**
BYLAW ENFORCEMENT

**SCREENING OFFICER
SUBMISSION FOR ADJUDICATION**

TICKET INFORMATION:

Ticket Number:	Violation:
Date of Issue:	Time of Issue:
Location:	Officer:
Section:	Fine Amount:

SCREENING OFFICER EVIDENCE:

Screening Officer Signature

PAYMENT INFORMATION:

Total fine due and payable immediately if ticket upheld:

Violation Amount:	\$
Adjudication fee:	\$
Total owing:	\$

147 East 14th Street • North Vancouver BC V7L 2N4 • Phone (604) 904-7378 • Fax (604) 983-7448 • Website: www.cnv.org • E-mail: bhamilton@cnv.org

5. OVERVIEW OF ADJUDICATION PROCESS

Upon receipt of confirmation that the recipient of a Bylaw Notice wishes to proceed to adjudication on the disputed allegation, the local government typically selects a date and time for the hearing in consultation with the person.

Disputants have the right to be heard, and this right may be exercised in one of the following manners:

- in person, or by an agent;
- in writing; or
- by video conference, audio conference, telephone or other electronic means, if available.

The local government then contacts the organization responsible for managing the pool of adjudicators with the date, time, nature of the Bylaw Notice and the name of the recipient.

The adjudicator is selected on a rotational basis, although the rotation may be varied if the next adjudicator on the list is unavailable on the chosen day, or is unable to hear the matter due to a personal connection to the recipient of the Bylaw Notice.

All dispute adjudications are open to the public and each dispute typically requires twenty minutes or less. The adjudicator's decision is made on a balance of probabilities, as in civil claim proceedings, and may be based on any evidence that the adjudicator considers relevant and credible.

The adjudicator may accept evidence in writing, orally (in person or by telephone) or other electronic means from the disputant, the enforcement officer or any other witness to the alleged bylaw contravention.

The decision before the adjudicator is **strictly** whether a violation of a local government bylaw occurred, or did not occur. The process is not designed, nor intended, to deal with challenges to the fairness of the bylaw, validity or other legal questions. Adjudicators may only confirm the Bylaw Notice or cancel it outright. Fine reduction is not an option under the legislation.

The legislation does not permit the local government or the disputant, as the parties to the dispute, to appeal the decision of the adjudicator. Either party may, however, seek relief in the Supreme Court under the *Judicial Review Procedures* if they believe that the adjudicator exceeded his or her authority, or made an error at law.

5.1. Adjudicator

Under section 15 of the Local Government Bylaw Notice Enforcement Act, it is the responsibility of the Deputy Attorney General to appoint adjudicators to determine the disputes.

Adjudicators must meet the prescribed qualifications (see Bylaw Notice Enforcement Regulation) and must not be an employee of, or hold an elected office in, a local government. These criteria provide the basis for an objective adjudication system separate from the local government.

One or more rosters of adjudicators must be established for the purpose of selecting adjudicators to hear disputes in respect of Bylaw Notices. Rosters may be established for the province generally, or for one or more local governments.

Qualifications, responsibilities and requirements for rosters, remuneration and expenses are set out by regulation. The selection process for adjudicators, as well as instructions to adjudicators when hearing disputes, is also prescribed by regulation in order to maintain consistency, neutrality and fairness. Adjudicators are appointed following a transparent procurement process.

Qualification and coordination of adjudicators is handled by the Court Services Branch of the Ministry of Attorney General.

5.2. Notice of Adjudication – Sample

Once the screening officer has confirmed that the recipient of a Bylaw Notice wishes to proceed to adjudication, the local government must schedule an adjudication hearing and ensure that all parties are notified.

In the case of the North Short pilot, because the registry serves three local governments, the process for giving notice to the local government that issued the Bylaw Notice is slightly more formal.

On the right is a sample of the Notice of Adjudication issued by the North Shore Bylaw Dispute Registry.

NORTH SHORE BYLAW ADJUDICATOR		NOTICE OF ADJUDICATION Form 87-1 2004	
141 14 TH ST. WEST NORTH VANCOUVER, BC V7M 1H9		Phone #: 604 904 7378 Fax #: 604 983 7448	
TO: TESTER, COREY, A 3 ANY STREET ANYTOWN, BC POS COD		OFFENCE NO: FP1111111 OFFENCE DATE: 22 May 2002 OFFICER 111 ENFORCEMENT AGENCY: City Of North Vancouver BC LICENCE TEST03	
As the registered owner of this BC Licence plate you have been Charged with the following offence:			
On the: 22 day of MAY, 2002 at: 11:11 AM at or near: 3 BROWN STREET			
the driver did stop stand or park the vehicle Within 1m Of Driveway contrary to City of North Vancouver Bylaw #6234 Section 501.33			
Set Fine \$50	Adjudication Fee \$25	Total : \$75.00	
Take notice that on the: 05 day of JULY, 2002 at 09:00 AM your adjudication will be held at:			
ADJUDICATION ROOM 141 14 th St. West North Vancouver, BC V7M 1H9			
This will confirm that you have requested dispute adjudication in respect to the Bylaw Notice #FP1111111 Your adjudication will be held on the date and time and location noted above. You are required to attend at that time. If you do not appear, the adjudicator may order that the penalty in the bylaw notice and the adjudication fee are immediately due and payable, by you, to the City of North Vancouver.			
Issued at North Vancouver, British Columbia this 27 day of JUNE, 2002			
For General Inquiries about the Violation Notice, please contact 604 904 7378 City of North Vancouver Bylaw Office 147 14 th ST. EAST, North Vancouver, BC V7L 2N4			
Office Use Only			
I certify that a copy of this Notice was:			
☐ Sent by mail to registered owner	☐	☐ Given to adjudicator or Agent	
☐ Given personally to registered owner	☐	☐ Sent by mail to adjudicator	
Adjudication Coordinator _____		Date _____	
I certify that I have given notice to the (Agency – City of North Vancouver) of the registered owner's intention to challenge the officer's evidence.			
Adjudication Coordinator _____		Date _____	

5.3. Adjudicator File Notes – Sample

LOCAL GOVERNMENT BYLAW DISPUTE ADJUDICATION SYSTEM

Adjudicator's File Note

Re: Corporation of the City of North Vancouver
Notice # NV1234567 (not actual file #)

Notice Issued May 31, 2004
Alleged Infraction of Bylaw 6234, Section 820.1

The evidence of the Bylaw Enforcement Officer was that a valid decal was not displayed. The disputant said that he could not recall if the decal was on the plate. He noted that there was valid insurance on the vehicle. I advised him that the issue was not whether there was valid insurance, but whether the decal was displayed.

I upheld the Notice as I found it more likely than not based on the evidence before me that the current year decal was not displayed. Disputant did not think that the City of North Vancouver should be concerned about decals. Explained to Disputant the wording of the bylaw and that if he believed the bylaw was improperly enacted he would have to pursue the issue through the Supreme Court of B.C.

Signed by Adjudicator.

5.4. Notice of Adjudication Outcome – Sample

September 9, 2004

Mr. John Doe
22-1104 Any Street
Vancouver, BC
V6E 1C9

Re: Bylaw Notice NV1234567

The Bylaw Adjudicator has notified the City of North Vancouver that at a hearing on September 9, 2004 the above noted bylaw notice was upheld. The total penalty and fee now outstanding on this notice is \$60.00.

On September 30, 2004 a further surcharge of \$15.00 will be added if this amount remains unpaid.

You may remit payment to the City of North Vancouver

IN PERSON 141 West 14th Street, North Vancouver, BC
By Mail 147 East 14th Street, North Vancouver, BC V7L 2N4
By Phone 604.990.4225
Internet <http://www.cnv.org/parkingticket>

All unpaid penalties and fees may be referred to our collection agent. Inquiries may be made to the City of North Vancouver Bylaw office by telephone at 604.904.7378 or by email at parking@cnv.org.

Yours truly,

City of North Vancouver

/ck

6. OVERVIEW – BUDGET AND COST INFORMATION

The actual cost of a local government bylaw dispute adjudication system will vary depending on the volume of bylaw infraction activity, screening and registry operations policies, the cost-recovery fees imposed on confirmed Bylaw Notices, and opportunities to achieve efficiencies through inter-local partnerships.

Information technology costs may also vary widely, depending on whether a manual or electronic system is used, and may affect the start-up and ongoing operations differently.

In the case of the North Shore communities, the Districts of West and North Vancouver and the City of North Vancouver entered into an Inter-Municipal Agreement to create a single administrative structure for handling cases referred for adjudication by the screening officers in the separate municipalities.

This agreement set out the cost-sharing arrangement for each of the municipalities, based on the use of services of adjudicators.

In addition to the one time capital (computer software) start-up costs of setting up a bylaw dispute adjudication system, it is estimated that annual administration costs for the North Shore municipalities will be under \$20,000. These costs will be shared equally.

It should be noted however, that costs may vary for other local governments.

6.1. Pilot Costing Model – Adjudicator Services: North Shore

ADJUDICATOR COSTS	DAILY COSTS	PER DISPUTE ¹
Attended - Full Day	\$350.00	\$19.44
Attended - Half Day	\$175.00	\$19.44
Telephone Dispute		\$16.66
Written Dispute		\$12.50
ADMINISTRATIVE COSTS	DAILY COSTS	
Attended - Full	\$262.50	\$14.58
Attended - Half	\$131.25	\$14.58
Telephone Disputes		\$12.50
Written Disputes		\$12.50
TRAINING & START UP COSTS	DAILY COSTS	PER DISPUTE ²
Training (per student, 5 students)	\$1,750.00	\$5.83
Start Up-Systems	\$1,000.00	\$3.33
Start Up –Other	\$500.00	\$1.67
SUMMARY OF TOTAL COSTS PER DISPUTE		PER DISPUTE
Full Day		\$44.86
Half Day		\$44.86
Telephone Dispute		\$39.99
Written Dispute		\$35.83

Source: Court Services Branch, Ministry of Attorney General

¹ Based on an average of 20 minutes scheduled per dispute.

² Based on 300 disputes.

6.2. Summary of North Shore Pilot Project Bylaw Registry Costs

Estimated Ongoing Costs for a Bylaw Notice Enforcement System

(Based on 30,000 Bylaw Notices issued annually)

ITEM	COST	NOTES
Pre-Hearing: Ticket Screening	\$13,770	Dispute rate 1.8%; 45 minutes per screening; Average hourly cost \$34 (salary and benefits)
Pre-Hearing: Dispute Scheduling	\$680	20 minutes per adjudication scheduled; Average hourly cost \$34 (salary and benefits)
Adjudicator	\$1,498	\$374.50 per hearing day; 4 hearing days per year
Administrative Costs	\$1,165	\$291.31 per hearing day; City of North Vancouver not certain if costs will continue
Administrative Costs (Hearing days only)	\$400	\$100 per hearing day for record keeping and cheque issuance
Security Officer	\$256	\$16 per hour for 4 hours each hearing day (4 per year)
Council Chamber Cost	\$1,600	\$400 per hearing day
Annual Estimated Administration Costs	\$19,369	

Source: Evaluation Report – North Shore Bylaw Notice Adjudication Registry

7. INFORMATION TECHNOLOGY OVERVIEW

Local governments should plan conservatively when anticipating the length of time needed to develop the information technology that may be required to implement a bylaw dispute adjudication system. This may be particularly true if the local government uses an outside software provider.

The local government should take into account that it will likely be necessary to upgrade the ticket processing system business rules, database, screens and reports. Hardware upgrades and operating systems/database upgrades will also need to be reviewed. Ticket stock changes – both handheld and written – will need to be considered.

Local governments should consider whether it would be efficient or necessary to integrate any current ticketing system with the new local government bylaw dispute adjudication system. Alternatively, run two systems concurrently until all tickets are dealt with under the old system. Costs of integrating the two systems will likely be a deciding factor in how the local government proceeds.

If a new system or an upgrade is considered, the following information from the authorizing bylaw will need to be known in order to configure the IT systems.

Specifically:

- the time period to pay or dispute the Bylaw Notice;
- whether screening officers will be used;
- whether early-payment discounts, late-payment surcharges and/or dispute fees will apply; and
- who may issue a Bylaw Notice and how

The North Shore participants in the pilot project worked with different companies to provide bylaw enforcement software. The Districts of North Vancouver and West Vancouver contracted with Tempest Development Corporation. The City of North Vancouver's software is provided by ETEC, marketed by Parksmart. Both companies developed software to accommodate the requirements of the bylaw dispute adjudication system.

Any local government considering implementing a bylaw dispute adjudication system should ensure that a prospective budget is prepared for software upgrade requirements. Depending if the software system is in-house or contracted, the financial impact may be significant.

7.1. Information Technology Impacts – Case Study: City of North Vancouver

As a result of the decision to implement a bylaw dispute adjudication system in partnership with the other North Shore municipalities, the City needed to review the impact on its existing IT systems and business processes.

After a review, three options were identified:

1. accommodate changes within the existing system;
2. upgrade IT systems and businesses processes; or
3. search for another solution.

The City chose the second option and implemented changes to its IT system and business processes. The City opted to use a packaged solution for the issuance and management of parking tickets. This software system was developed by Enforcement Technology (ETEC) of California and is distributed in Canada by Parksmart.

Implementation of the new software necessitated a number of business rule changes:

Changes to the ticket process

Tickets have a fixed fine amount and customers get a discount for early payment; late payment penalties still apply. This required changes to the ticket capture and printing process. The City retained the same fee structure, including a first and second late fee.

The ticket printout indicates the price including the 'first late' fee, but also an early payment price that excludes the 'first late' fee. The ticket record gets stored with the discounted price, allowing the use of the first and second late fee processes as before. This minimized the amount of change to the fee logic.

Court venue replaced by adjudication hearing

The arena to handle ticket disputes moved from a court to an adjudication process. A screening officer role was created to screen all disputed tickets prior to adjudication hearings.

This required the system to record screening officer notes and the outcome of the screening officer review. If the disputant wished to pursue adjudication, they could request a dispute hearing. To operationalize this component, the City purchased the "court module" that was available with the software package.

The City hosts adjudication sessions on behalf of the three North Shore jurisdictions, adding the task of co-ordination and the requirement of the "court module".

7.1. Information Technology Impacts – Case Study: City of North Vancouver

Miscellaneous Changes

Other necessary but minor changes were also needed, including:

- changes to reports to handle the new logic flows;
- changes to the selection process for sending tickets to collections to handle the new business rules (i.e. not sending tickets that are pending adjudication to collections);
- changes to business rules regarding "resetting" the ticket start date when a customer claims they did not receive the original ticket.

The City of North Vancouver found that one advantage of implementing new software is that it allowed for old tickets to proceed through the old system.

This transition period avoids the process of converting older tickets into the new system, minimizing additional changes to the new software. Conversely, it does require ticket administration in two different systems during the transition period. These "pros" and "cons" need to be weighed and assessed by each individual municipality.

8. COMMUNICATIONS PLAN AND MATERIALS

8.1. Communications Plan – Sample

Bylaw Notice Dispute Adjudication System

Targeted Communications Plan for
North Vancouver District, North Vancouver City
and District of West Vancouver

Revised: February 29, 2004

Communications Goal

To bring awareness to the newly formed Bylaw Dispute Adjudication System (BDAS).

Introduction

On May 3, 2004, the North Shore municipalities will introduce a new Bylaw Dispute Adjudication System. The BDAS will allow local municipalities to deal with bylaw disputes (i.e. parking tickets) at the local level, rather than through the Provincial Court system.

In addition to communications already initiated by the Provincial Government, the three North Shore Municipalities (District of North Vancouver, City of North Vancouver and District of West Vancouver) will carry out a targeted communications campaign, aimed at North Shore residents, as well as other Lower Mainland citizens who may be affected by the BDAS.

Targeted Audience

Residents of the three North Shore Municipalities, as well as other Lower Mainland citizens who may be affected by the BDAS.

Communications Strategies

1. Media Release with Backgrounder/Fact Sheet:

A tri-municipal media release and backgrounder/fact sheet will be prepared and distributed to all Lower Mainland media (newspaper, television, radio).

Target date for distribution: April 6, 2004.

2. Web Sites:

The media release/backgrounder will also be prominently posted on the three municipal web sites.

Target date for posting: April 6, 2004.

3. Advertising Notices:

All three municipalities have regular advertising space booked in the two local newspapers. We will utilize this space to communicate the new system throughout the months of April and May. In order to reach the widest possible audience, the notices will be consistent and will carry the three municipal identifiers and contact information.

Advertising schedule is as follows:

- **District of North Vancouver**

District Dialogue News Page – Outlook Newspaper.

- Notices to run: **April 15***, 29
May 13

- **City of North Vancouver**

City Views News Page – North Shore News

- Notices to run: **April 25***
May 2

- **District of West Vancouver**

Tidings News Page – North Shore News

- Notices to run: **April 18***
May 30

Note (*): The notices running on April 15, 18 and 25 will introduce the new BDAS, and will be more comprehensive than the follow-up notices.

4. On-Hold Recordings

The District of North Vancouver has an On-hold Messaging System, where callers to the District hear recorded messages while on hold. This system will be utilized throughout April and May (and continued on a periodic basis) to communicate the new Bylaw Dispute Adjudication System.

Conclusion

The commitment of this Communications Plan is to support the DBAS through effective and efficient communications to ensure that the widest possible audience is reached.

8.2. Information Sheet – Sample



District of North Vancouver * City of North Vancouver * District of West Vancouver

infosheet

April 16, 2004

North Shore's new Bylaw Enforcement System

Effective May 3, the three North Shore Municipalities (District of North Vancouver, City of North Vancouver and District of West Vancouver) will become the first in B.C. to implement a new *Bylaw Enforcement System*. The new system will allow these municipalities to deal with bylaw disputes, such as parking tickets, at the local level rather than through the Provincial Court system.

Previously, anyone wishing to dispute a parking ticket had to appear in a B.C. Provincial Court, an expensive and time-consuming process for the disputant, the Province and Municipalities. In 2003, 43,000 tickets were issued across the North Shore, approximately 1,000 of which were disputed.

Under the new system, a provincially appointed adjudicator, centrally located at North Vancouver City Hall (141 W. 14th Street), will hear all disputes. The system will work as follows:

- If the ticket is paid within 14 days, a discount will apply. After a fixed number of days, a surcharge is added (Note: fine, discount and surcharge amounts vary in each North Shore municipality).
- Those electing to dispute their parking ticket may do so by first contacting the municipality in which the ticket was issued (by phone, fax, e-mail or in person) within 14 days of issuance.
- The disputant will be contacted by a Screening Officer who will review the case and, if appropriate, cancel the ticket. If this officer does not cancel the ticket, it will be forwarded to the adjudicator, or paid, whichever the client chooses.
- If proceeding to adjudication, the disputant will apply in writing for an adjudicator to hear the case. A date will be scheduled, and the

adjudication will be conducted at North Vancouver City Hall. It should be noted that the disputant would not be required to personally appear at the adjudication. Representation may alternatively be made in writing, or over the phone. If the ticket is upheld, the full ticket charge, surcharge and a \$25 adjudication fee (to offset the cost of the process) may be applicable and payable.

If the Bylaw Enforcement System is successful, it will be implemented in other B.C. municipalities and may soon encompass other bylaw contraventions.

For more information on the new Bylaw Enforcement System, contact:

- City of North Vancouver: Bruce Hawkshaw – 604-990-4234
- District of North Vancouver: Dennis Back – 604-990-2205
- District of West Vancouver: Rick Beauchamp – 604-925-7003

Attachment: Bylaw Enforcement System Backgrounder.

8.2. Information Sheet – Sample (continued)

Bylaw Enforcement System Backgrounder

The City of North Vancouver, District of North Vancouver and District of West Vancouver are introducing a new Bylaw Enforcement System, which will allow the three municipalities to deal with bylaw disputes such as parking tickets at the local level, rather than through the Provincial Court system.

When:

Effective May 3, 2004.

What:

B.C. drivers on the North Shore will have the opportunity to dispute their parking violations out of court as private adjudicators will hear all disputes. The adjudicators are appointed by the Provincial Attorney General's Office and funded by municipalities.

Why:

The system is set out in the Provincial Government's new Local Government Bylaw Notice Enforcement Act. It is intended to resolve disputes in a simple, cost-effective manner. The new Bylaw Enforcement System will improve efficiency in the areas of paying and collecting fines as well as deliver a streamlined process to the public. The system will also see efficiencies by:

- Reducing the costly, time-consuming process associated with disputing parking tickets through the court system;
- Reducing the high cost of locating and serving defendants;
- Reducing the need for witnesses to attend minor disputes;
- Reducing the costs associated with using a Provincial Court judge to hear a parking ticket dispute in court;
- Reducing the need to employ lawyers or enforcement officers to take minor cases to court;
- Reducing the time bylaw officers spend in court, allowing them to concentrate on serving the public in other capacities.

How the new system works:

- The new system is intended to streamline the court procedures associated with hearing bylaw ticket disputes and assigning the appropriate fine. Adjudicators will determine whether a bylaw infraction did or did not occur. If a contravention has occurred, a full penalty will be applied as well as an adjudication fee of \$25 to offset the cost of the process. If no bylaw violation has occurred, no fine will be applied.
- Those wishing to dispute their parking ticket may do so by first contacting the municipality in which the ticket was issued within 14 days of issuance. At that point, the adjudication is a three step process:

1. The individual disputing their ticket (disputant) will have the opportunity to speak with a Screening Officer. The Screening Officer will review the ticket and cancel it if appropriate. If this officer does not cancel the ticket, it will be forwarded to the adjudicator, or paid, whichever the client chooses.
2. If going forward to adjudication, the disputant will advise the Screening Officer which method of service they prefer - mail, fax, phone, email or in person. At that time, the adjudication office will notify the disputant of what to do, what date and time. The municipalities will always present their case in writing to the adjudicator.
3. The disputant applies in writing for an adjudicator to hear the case. A date for adjudication will be provided, and will be conducted at North Vancouver City Hall. Options include providing a representation in writing, by phone or in person. The adjudication fee is collected only if the ticket is upheld.

Benefits:

- Municipalities have more power over bylaw fine collection;
- Provincial Court time is minimized;
- Disputes will be resolved locally with a minimum of process, benefiting both the community and person disputing the parking infraction;
- Those who are challenging tickets no longer wait all day for court hearing;
- Those who are challenging tickets do not have to leave work or home in order to have a hearing.

Background:

In 2003, Bylaw Officers issued an estimated 43,000 tickets across the North Shore, approximately 1,000 of which were disputed, requiring Bylaw Officers to appear in court.

Formal court proceedings are very costly. A typical prosecution can cost as much as \$3,000 for a matter resulting in a \$50 fine. Minor bylaw cases also tend to be given the lowest priority, which results in prolonged delay, adjournments and added costs.

Summary:

By implementing a system comprised of dedicated arbitrators and mediators, the City of North Vancouver, District of North Vancouver and District of West Vancouver as well as the Province of British Columbia ensures that all minor bylaw matters are resolved through a streamlined process. This not only saves further taxpayer dollars, but also allows provincial and municipal time and resources to be used more efficiently and effectively. As well, those challenging tickets will receive enhanced, quicker service through a streamlined and efficient system.

8.3. Backgrounder – Sample

Backgrounder: Bylaw Enforcement System

The City of North Vancouver, District of North Vancouver and District of West Vancouver are introducing a new Bylaw Enforcement System, which will allow the three municipalities to deal with bylaw disputes such as parking tickets at the local level, rather than through the Provincial Court system.

WHEN:

Effective May 3, 2004.

WHAT:

B.C. drivers on the North Shore will have the opportunity to dispute their parking violations out of court as private adjudicators will hear all disputes. The adjudicators are appointed by the Provincial Attorney General's Office and funded by municipalities.

WHY:

The system is set out in the Provincial Government's new Local Government Bylaw Notice Enforcement Act. It is intended to resolve disputes in a simple, cost-effective manner. The new Bylaw Enforcement System will improve efficiency in the areas of paying and collecting fines as well as deliver a streamlined process to the public. The system will also see efficiencies by:

- Reducing the costly, time-consuming process associated with disputing parking tickets through the court system;
- Reducing the high cost of locating and serving defendants;
- Reducing the need for witnesses to attend minor disputes;
- Reducing the costs associated with using a Provincial Court judge to hear a parking ticket dispute in court;
- Reducing the need to employ lawyers or enforcement officers to take minor cases to court;
- Reducing the time bylaw officers spend in court, allowing them to concentrate on serving the public in other capacities.

How the new system works:

- The new system is intended to streamline the court procedures associated with hearing bylaw ticket disputes and assigning the appropriate fine. Adjudicators will determine whether a bylaw infraction did or did not occur. If a contravention has occurred, a full penalty will be applied as well as an adjudication fee of \$25 to offset the cost of the process. If no bylaw violation has occurred, no fine will be applied.

8.3. Backgrounder – Sample (continued)

- Those wishing to dispute their parking ticket may do so by first contacting the municipality in which the ticket was issued within 14 days of issuance. At that point, the adjudication is a three step process:
 1. The individual disputing their ticket (disputant) will have the opportunity to speak with a Screening Officer. The Screening Officer will review the ticket and cancel it if appropriate. If this officer does not cancel the ticket, it will be forwarded to the adjudicator, or paid, whichever the client chooses.
 2. If going forward to adjudication, the disputant will advise the Screening Officer which method of service they prefer - mail, fax, phone, email or in person. At that time, the adjudication office will notify the disputant of what to do, what date and time. The municipalities will always present their case in writing to the adjudicator.
 3. The disputant applies in writing for an adjudicator to hear the case. A date for adjudication will be provided, and will be conducted at North Vancouver City Hall. Options include providing a representation in writing, by phone or in person. The adjudication fee is collected only if the ticket is upheld.

Benefits:

- Municipalities have more power over bylaw fine collection;
- Provincial Court time is minimized;
- Disputes will be resolved locally with a minimum of process, benefiting both the community and person disputing the parking infraction;
- Those who are challenging tickets no longer wait all day for court hearing;
- Those who are challenging tickets do not have to leave work or home in order to have a hearing.

Background:

In 2003, Bylaw Officers issued an estimated 43,000 tickets across the North Shore, approximately 1,000 of which were disputed, requiring Bylaw Officers to appear in court.

Formal court proceedings are very costly. A typical prosecution can cost as much as \$3,000 for a matter resulting in a \$50 fine. Minor bylaw cases also tend to be given the lowest priority, which results in prolonged delay, adjournments and added costs.

8.3. Backgrounder – Sample (continued)

Summary:

By implementing a system comprised of dedicated arbitrators and mediators, the City of North Vancouver, District of North Vancouver and District of West Vancouver as well as the Province of British Columbia ensures that all minor bylaw matters are resolved through a streamlined process. This not only saves further taxpayer dollars, but also allows provincial and municipal time and resources to be used more efficiently and effectively. As well, those challenging tickets will receive enhanced, quicker service through a streamlined and efficient system.

APPENDICES

A. Screening Policies

- District of West Vancouver
- District of North Vancouver
- City of North Vancouver

B. North Shore Bylaw Dispute Registry – Operations Policy

C. Project Stakeholders – Contact Information

APPENDIX A – DISTRICT OF WEST VANCOUVER – SCREENING POLICY

District of West Vancouver CORPORATE POLICY

Administration Division
Policy #02-10-211

CIS File: 0282-02-10-211

Page 1 of 3

Screening Officer Bylaw Notice Policy

1.0 Purpose

WHEREAS the District of West Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice;

AND WHEREAS the District of West Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and

AND WHEREAS the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the District pursuant to section 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*; and

WHEREAS the District of West Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances;

NOW THEREFORE the District of West Vancouver resolves to authorize the Screening Officer to cancel Bylaw Notices in the described circumstances set out in this policy.

2.0 Policy

2.1 The Screening Officer is authorized to cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:

- (a) Identity cannot be proven, for example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.

Document #: 161177

DISTRICT OF WEST VANCOUVER Corporate Policy

Policy #02-10-211

Screening Officer Bylaw Notice Policy

Page 2 of 3

- (b) An exception specified in the Bylaw or a related enactment is made out;
 - (i) Handicap vehicle in time zone or pay lot.
- (c) There is a poor likelihood of success at adjudication for the District, for example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly;
 - (iv) The Bylaw provision is unenforceable or poorly worded.
- (d) The contravention was necessary for the preservation of health and safety, for example:
 - (i) The contravention was the result of a medical emergency.
- (e) The Notice is one of a number of Notices arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate Notice.
- (f) It is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (ii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed;
 - (iii) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.

DISTRICT OF WEST VANCOUVER
Corporate Policy

Policy #02-10-211 Screening Officer Bylaw Notice Policy Page 3 of 3

- (g) The person exercised due diligence in their efforts to comply with the Bylaw, for example:
- (i) As a result of mechanical problems the person could not comply with the Bylaw; or
 - (ii) The sign indicating the Bylaw requirement was not visible.

Approval Date Council April 5, 2004-04-13 Item 5.5	Approved by: David Stuart, Municipal Manager
Amendment Date:	Approved by:
Amendment Date:	Approved by:

APPENDIX A – DISTRICT OF NORTH VANCOUVER – SCREENING POLICY



The Corporation of the District of North Vancouver

CORPORATE POLICY MANUAL

Section:	Legislative & Regulatory Affairs	9
Sub-Section:	Bylaw Enforcement – General	4000
Title:	SCREENING OFFICER BYLAW NOTICE	2

POLICY

The District of North Vancouver authorizes the Screening Officer to cancel Bylaw Notices in the described circumstances.

The Screening Officer is authorized to cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:

- (a) Identity cannot be proven. For example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.
- (b) An exception specified in the Bylaw or a related enactment is made out;
- (c) There is a poor likelihood of success at adjudication for the District. For example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly; or
 - (iv) The Bylaw provision is unenforceable or poorly worded.
- (d) The contravention was necessary for the preservation of health and safety. For example:
 - (i) The contravention was the result of a medical emergency.
- (e) It is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit; or
 - (ii) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.
- (f) The person exercised due diligence in their efforts to comply with the Bylaw. For example:
 - (i) As a result of mechanical problems the person could not comply with the Bylaw.

REASON FOR POLICY

Whereas

1. the District of North Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice; and
2. the District of North Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and
3. the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the District pursuant to s. 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*.

the District of North Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances.

AUTHORITY TO ACT

Delegated to Staff.

Approval Date:	April 5, 2004	Approved by:	Regular Council
1. Amendment Date:		Approved by:	
2. Amendment Date:		Approved by:	
3. Amendment Date:		Approved by:	

APPENDIX A – CITY OF NORTH VANCOUVER – SCREENING POLICY

SCREENING OFFICER BYLAW NOTICE POLICY

WHEREAS the City of North Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice; and

WHEREAS the City of North Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and

WHEREAS the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the City pursuant to s. 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*; and

WHEREAS the City of North Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances,

NOW THEREFORE the City of North Vancouver resolves to authorize the Screening Officer to cancel Bylaw Notices in the described circumstances.

1. The Screening Officer is authorized to cancel and may cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and the person is not willing to enter a compliance agreement or a compliance agreement is not available for the offence:
 - (a) Identity cannot be proven. For example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.
 - (b) An exception specified in the Bylaw or a related enactment is made out;
 - (c) There is a poor likelihood of success at adjudication for the City. For example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly;
 - (d) The contravention was necessary for the preservation of health and safety. For example:
 - (i) The contravention was the result of a medical emergency.

2

- (e) The Notice may be cancelled if it is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (ii) The person receiving the Notice does not live in the vicinity, or the vehicle is not registered in the vicinity, and the screening officer is satisfied the person is a tourist or visitor to the City and the person is not a repeat offender.
 - (iii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed;
 - (iv) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.
 - (v) The offence occurred as a result of a mechanical problem and the person could not reasonably comply with the bylaw.

Encouragement to Purchase Skateboard Helmets - File: 3030-01

PURSUANT to the report of the City Clerk dated July 15, 2004, entitled "Encouragement to Purchase Skateboard Helmets":

THAT City of North Vancouver Screening Officers be authorized to cancel tickets issued under section 408.8 of the "Street and Traffic Bylaw, 1991, No. 6234, which is:

"No person shall propel, coast ride or in any other way use roller skates or a skateboard on any street, including the roadway, lane and sidewalk, public open space, plaza, other City properties or skateboard park unless that person is properly wearing a helmet on his or her head, except if that person is a person for whom the wearing of a helmet would interfere with an essential religious practice";

ON THE PROVISIO THAT a proof of purchase of a helmet is provided within 14 days of the issuance of the ticket.

CARRIED UNANIMOUSLY

APPENDIX B – NORTH SHORE BYLAW DISPUTE REGISTRY – OPERATIONS POLICY

Purpose

The North Shore Bylaw Dispute Adjudication Registry (hereafter called the *Adjudication Registry*) provides a transparent and impartial process whereby disputants may challenge a Bylaw Notice issued by CNV, the District of North Vancouver, or the Municipality of West Vancouver. The Adjudication Registry is managed by the CNV in accordance with City Bylaw No. 7600.

Parties Involved

The process of disputing a notice involves five parties:

1. The Bylaw Officer (the CNV employee authorized to issue the notice)
2. The Disputant (the party disputing the notice).
3. The Screening Officer (the CNV employee designated under Bylaw No. 7600 to act as the Screening Officer).
4. The Dispute Coordinator (the CNV employee who coordinates the activities of the Adjudication Registry).
5. The Adjudicator (the independent adjudicator with authority to determine if the notice is dismissed or upheld).

Dispute Process

When a notice is disputed, the Disputant enters into a two step adjudication process:

Adjudication Step 1: Screening Officer

The disputant contacts the Screening Officer; this communication may be by phone, in person, or in writing. The Screening Officer acts as follows:

1. Reviews the notice with the Disputant (see Appendix C: *Screening Checklist*) and undertakes the appropriate investigation including communication with the Bylaw Officer issuing the notice to determine the validity of the notice. Data is entered into the AutoPROCESS system. The Screening Officer has the authority to either uphold or dismiss the notice in accordance with the cancellation policy set by Mayor and Council (See Appendix D: *Screening Officer Bylaw Notice Policy*).
2. If the notice is dismissed, the Screening Officer cancels the notice and no further action is required by the Disputant.

APPENDIX B – NORTH SHORE BYLAW DISPUTE REGISTRY – OPERATIONS POLICY

3. If the Screening Officer upholds the notice, three options are available:
 - i. The Disputant may pay the discounted fine.
 - ii. The Disputant may go forward with adjudication.
 - iii. Where permitted, the Disputant may enter into a compliance agreement in accordance with CNV Bylaw No. 7600.

For all options, the Disputant is advised of applicable fines, fees, and surcharges.

4. If the Disputant chooses to go forward with adjudication, the Screening Officer prepares a file for the Dispute Coordinator that includes two copies of each of the following documents:
 - i. A report prepared by the Screening Officer based upon communication with the Disputant and quote the bylaw section.
 - ii. A report prepared by the Bylaw Officer issuing the notice including rationale for issuing the notice.

Adjudication Step 2: Dispute Adjudication

The Dispute Coordinator receives the file from a CNV Screening Officer or other Municipal Screening Officer participating in the Adjudication Registry. Adjudication cannot proceed until the notice has been screened by a Screening Officer; the Dispute Coordinator only receives files from a Screening Officer, not from the Disputant.

The Dispute Coordinator:

1. Confirms that the file is complete and requests additional information if necessary.
2. Liaises with the Adjudicator to set dates for the Adjudication Registry and then enters these dates into the calendar of the autoPROCESS ticket system.
3. Informs the Disputant of the available dates and agrees on the date and time.
4. Prepares a Notice of Adjudication to be sent to the Disputant and to the municipality concerned which confirms the date and time of the Adjudication Hearing along with the Disputant's preferred method of participation: in person, by phone, or through submission of documentation prior to the date of adjudication.

APPENDIX B – NORTH SHORE BYLAW DISPUTE REGISTRY – OPERATIONS POLICY

5. Coordinates with CNV departments, as necessary, to prepare for the Adjudication Registry. This includes preparing an agenda for the scheduled date of the Adjudication Registry. The agenda includes time, notice number, name of Disputant, method of participation by Disputant, and municipal authority issuing the notice.

The following CNV departments must be notified of the forthcoming adjudication dates:

- i. Finance-Cashier and Accounting (notices issued by other municipalities may be paid at the CNV only on the day of the Adjudication Registry).
- ii Building Services (to set up the room for the Adjudication Registry).
- iii Information Technology (to set up computers for the Adjudication Registry).
- iv. Security.
- v. Bylaw Supervisor.
- vi. The municipal authority issuing the notice, if other than the CNV.
- vii. Bylaw Manager.
- viii. Adjudication room (booking).
- ix. City Hall Receptionist
- x. City Clerk
- xi. Director Corporate Services

6. Maintains an updated file and has this file available, as requested, for the Adjudicator. This file, which must be obtained from the municipality involved, includes the following documents:
 - i. The report prepared by the Screening Officer.
 - ii The report prepared by the Bylaw Officer.
 - iii Any additional information detailing the rationale for not dismissing the notice.
 - iv A copy of the Notice of Adjudication.
 - v A copy of the Bylaw Notice.
 - vi A printed quote of the bylaw section under which the notice was issued.
7. Following the Adjudication Hearing, returns the file to the CNV or other Municipal Authority with outcome of the Hearing noted.
8. If a CNV notice is dismissed at the Adjudication Registry, no further action is required.
9. If a CNV notice is upheld at the Adjudication Registry, the CNV prepares a letter to the Disputant which states the bylaw notice number, confirms the adjudication decision, states the total fine and fees outstanding along with the date on which a surcharge will be applied along with the amount of the surcharge, provides alternative methods of payment, and states that the notice will be referred to a collection agent if

APPENDIX C – Bylaw Adjudication Dispute System

Project Stakeholders and Contact Information

(Last Updated: September 2005)

INDIVIDUAL	ORGANIZATION	CONTACT INFORMATION
Wayne Willows <i>A/ Director</i>	Court Services Branch, Ministry of Attorney General	(250) 356-1529 Wayne.Willows@gov.bc.ca
Kate Kimberley <i>Senior Policy and Planning Analyst</i>	Court Services Branch, Ministry of Attorney General	(250) 356-6680 Kate.Kimberley@gov.bc.ca
Marijke Edmondson <i>Manager, Local Government Liaison</i>	Local Government Advisory Services Branch, Ministry of Community Services	(250) 387-4032 Marijke.Edmondson@gov.bc.ca
Tom MacDonald <i>Executive Director</i>	Local Government Management Association (LGMA)	(250) 383-7032 tmacdonald@lgma.ca
Ken Vance <i>Senior Policy Analyst</i>	Union of British Columbia Municipalities (UBCM)	(604) 270-8226 kvance@civicnet.bc.ca
Rick Beauchamp <i>Director of Administrative Services</i>	District of West Vancouver	(604) 925-7003 rbeauchamp@westvancouver.ca
Dennis Back <i>Director of Corporate Services</i>	District of North Vancouver	(604) 990-2205 dennis_back@dnv.org
Barbara Hamilton <i>Supervisor, Bylaw Enforcement</i>	City of North Vancouver	(604) 904-7378 bhamilton@cnv.org

EXISTING COVENANT

3

TERMS OF INSTRUMENT - PART 2

SECTION 219 COVENANT

THIS AGREEMENT is dated for reference this 15th day of November, 2008.

BETWEEN:

SATURNA ISLAND FIRE PROTECTION SOCIETY
(Incorporation No. 31474S)
PO Box 168
Saturna Island, B.C. V0N 2Y0

(the "Society")

AND:

SATURNA ISLAND LOCAL TRUST COMMITTEE
200 - 1627 Fort Street
Victoria, B.C. V8R 1H8

(the "Trust Committee")

WHEREAS:

- A. The Society is or is entitled to become the registered owner in fee simple of that land in the Province of British Columbia, more particularly known and described as:

003-664-066

Lot 2, Section 13, Saturna Island, Cowichan District, Plan 20127

(the "Land");
- B. The Society has applied to the Trust Committee to amend Saturna Land Use Bylaw No. 78, 2002, in order to change the zoning of the Land from "Rural General (RG) Zone" to "Community Services (CS) Zone";
- C. The Trust Committee has determined that amending Land Use Bylaw No. 78 as requested would not be in the public interest unless certain restrictions on the use of the Land were provided by means of a covenant registered pursuant to section 219 of the *Land Title Act*;

NOW THEREFORE in consideration of the promises and covenants in this Agreement, the payment of \$1.00 by the Trust Committee to the Society, and other good and valuable consideration, the receipt and sufficiency of which the Society hereby acknowledges, the parties covenant and agree pursuant to s.219 of the *Land Title Act* as follows;

Restrictions on the Use of the Land

- 
1. The Society shall not use any portion of the Land or any building on the Land for community service purposes unless the Society has established a vegetative buffer around the perimeter of the Land, comprised of existing indigenous vegetation or drought-tolerant evergreen plants, or both, of sufficient height and width to create a visual screen between the Land and abutting properties (the "Landscaping"), to the satisfaction of the Trust Committee, as evidenced in writing.
 2. The Society shall use the Land only for the purpose of providing fire protection and other emergency services.
 3. The Society shall not construct any building on the Land that is greater than one storey in height.
 4. The Society shall not use, nor shall the Society permit anyone to use, groundwater from wells located on the Land for the purpose of filling any fire truck water storage tank.
 5. This Agreement shall restrict use of the Land in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the Trust Committee.

Maintenance of Landscaping

6. At all times from and after the day that the Trust Committee certifies that the Landscaping has been completed, and in perpetuity, the Society covenants and agrees with the Trust Committee that the Society will carry out or cause to be carried out, at its sole cost and expense, the maintenance, irrigation, repair, cleaning, renewal, replacement, replanting and any other servicing of the Landscaping as a prudent owner would do. The Society shall replace trees and shrubs as may be necessary, regardless of the cause of the need for replacement, such that the Landscaping continues to provide an effective visual screen.

No Effect On Laws or Powers

7. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Trust Committee, under any enactment or at common law, including in relation to the use of the Land;
 - (b) affect or limit any enactment relating to the use of the Land; or
 - (c) relieve the Society from complying with any enactment, including in relation to the use of the Land,

and the Society covenants and agrees to comply with all such enactments with respect to the Land.

Limitation on Obligations

8. The rights given to the Trust Committee by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Trust Committee to anyone, or obliges the Trust Committee to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.

Covenant Runs With the Lands

9. Every obligation and covenant of the Society in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the *Land Title Act* in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which the Land is subdivided by any means and any parcel into which the Land is consolidated.

Registration

10. The Society agrees to do everything necessary at the Society's expense to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

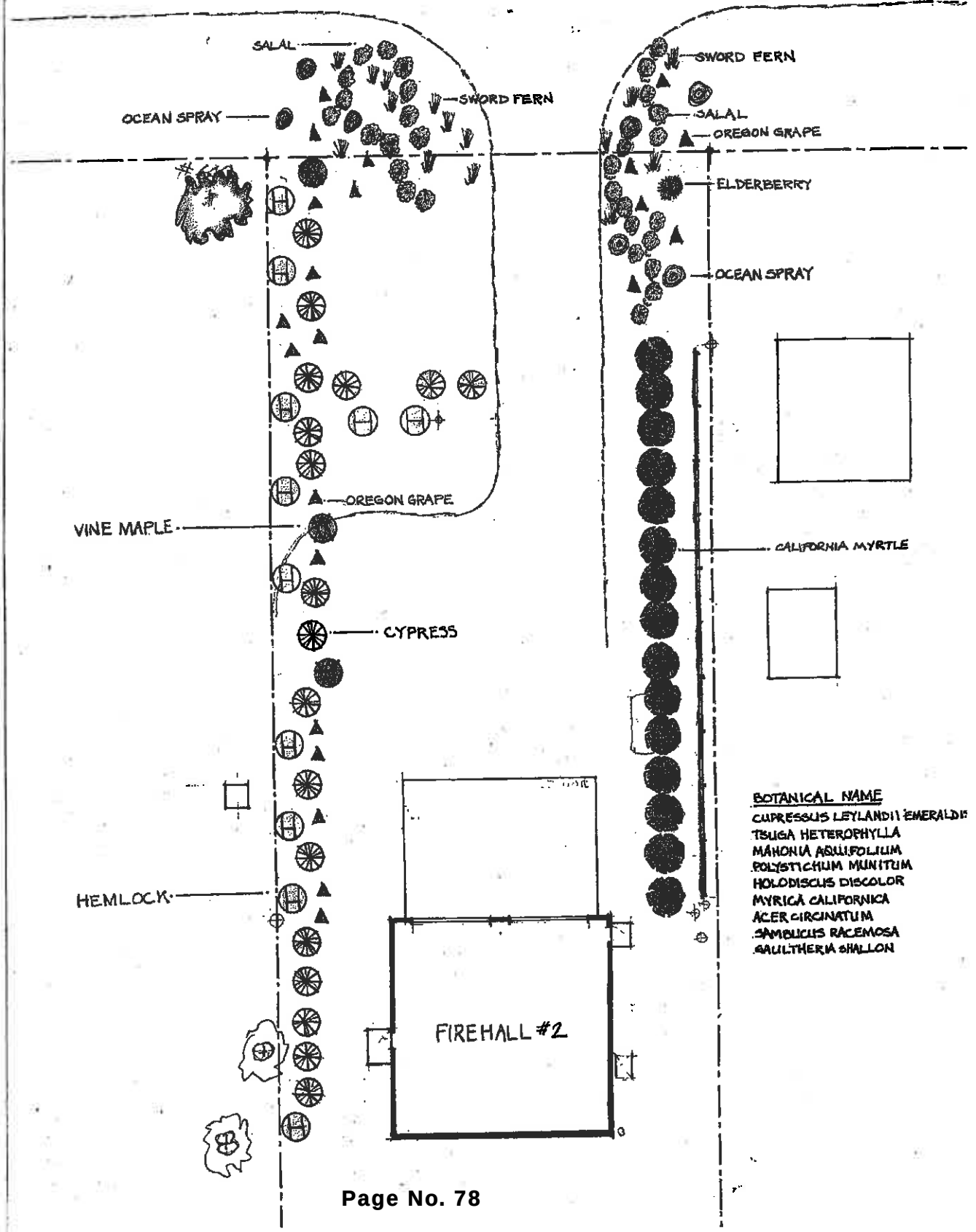
11. An alleged waiver of any breach of this Agreement by the Society is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

End of Document

PROPOSED LANDSCAPE PLAN to replace
landscaping requirement in section 1 of existing
covenant.

TOMBO CHANNEL ROAD.

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ADOPTED

MINUTES OF THE SATURNA ISLAND LOCAL TRUST COMMITTEE BUSINESS MEETING HELD ON THURSDAY, FEBRUARY 9, 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 thirteen (13) members of the public in attendance at the meeting.

1. **CALL TO ORDER**

Chair Hancock called the meeting to order at 12:30 p.m. and introduced the Local Trust Committee members.

2. **APPROVAL OF AGENDA**

2.1 **Additions/Deletions**

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

Trustee Janszen requested that a discussion on the Gas Tax Grant be included on the agenda.

Chair Hancock added a review and discussion of the grant and proposed Islands Trust (IT) policy statement review as item 8.8.

Trustee Brent asked to add the promotion of economic development on Saturna.

Chair Hancock suggested that the topic of economic development be integrated with item 8.8.

The agenda as amended was approved by consensus.

2.2 **Questions from public on agenda items**

A member of the public asked the committee how they planned to keep to the budget during the term.

Chair Hancock replied that the budget is not yet finalized and more discussion will occur.

Trustee Brent confirmed that any over budget amounts will be taken from the Islands Trust surplus.

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARING

None

5. PREVIOUS MEETINGS

5.1 Adopted Local Trust Committee Minutes

5.1.1 Adopted Minutes of October 26, 2011 Local Trust Committee Business Meeting

Presented for information.

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

Chair Hancock gave a brief explanation.

5.4 Advisory Planning Commission

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Richardson reviewed the report and concluded that all items not completed are on the agenda for today's meeting.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 P. Carney, Chair, Lyall Harbour/Boot Cove Water Local Service Committee dated September 2, 2011

Resolution SA-LTC-01-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to send a letter acknowledging receipt of the correspondence from P. Carney, Chair, Lyall Harbour/Boot Cove Water Local Service Committee, dated September 2, 2011, and inform her that she will be updated on any future change regarding water catchment systems regulations.

CARRIED

8.2 C. Money letter dated October 25, 2011 re: Water Catchment

Resolution SA-LTC-02-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to send a letter acknowledging receipt of the correspondence from C. Money, dated October 25, 2011, regarding Water Catchment, and inform her that she will be updated on any future change.

CARRIED

8.3 D. Paton email dated January 30, 2012 re: Gas Tax Funding

Trustee Brent summarized the correspondence and clarified that the concern is the proposed spending of the \$250,000 grant on an Islands Trust Policy Statement Review.

8.4 A. Fredette email dated January 28, 2012 re: \$250,000 Federal Gift

This item was received.

8.5 C. Money email dated January 28, 2012 re: Gas Fund offers \$250,000 to Islands Trust

This item was received.

8.6 J. Simpson email dated January 29, 2012 re: Policy Review

This item was received.

8.7 E. Hage (SIFPS) email dated February 1, 2012 re: Variance to Covenant

Planner Richardson reviewed the covenant for Emergency Services Building #2 and related issues.

Trustee Brent removed himself from the room citing a potential conflict of interest.

There was discussion on how to respond to the request to consider a variance to the covenant.

Resolution SA-LTC-03-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to arrange a Public Hearing to consider an amendment of the Emergency Services Building (ESB) #2 covenant at the next scheduled Local Trust Committee meeting.

CARRIED

8.8 Gas Tax Fund and Proposed IT Policy Statement Review

Trustee Janszen and Trustee Brent discussed the concerns about the short timeline for community input as well as the proposed plan to spend the grant money on a policy statement review.

Chair Hancock clarified that the Gas Tax Fund is specified as a strategic planning fund and therefore, it offers a rare opportunity for Islands Trust to qualify for the grant. He acknowledged that the process of grant application has its constraints and he encouraged the public to address their concerns to the IT Council directly as well as to their local trustees.

Trustee Janszen noted that the Islands Trust website has information on the grant and the proposed policy statement review.

Planner Kojima added that the decision has not been made if they will hire outside staff or use in-house resources for the review.

Chair Hancock stated that the proposed review is still in the planning stages and more consultation is needed. He suggested that the first objective for the public is to decide how they want to participate and secondly, to view their involvement as part of an ongoing process.

There was discussion about the scope of the current policies and the opportunity for community members to provide input on issues that are missing; where there is no governing policy. The question of how directive should the policies be was also noted.

Due to the short timeline for feedback and the need for community information sharing and consultation, a plan for extra meetings was discussed.

Resolution SA-LTC-04-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to arrange two public meetings on Saturday, February 18, 2012 and Saturday, February 25, 2012 at 4 p.m. to be held preferably at the Saturna Island Lighthouse Restaurant for the primary purpose of discussion of the Islands Trust proposed policy statement review.

CARRIED

Chair Hancock invited a discussion on the issue of economic development. He said that he questions whether this is a mandate of Islands Trust or more appropriately, the regional government needs to establish an economic development commission.

Trustee Janszen provided an example of IT's role in economic development when it sets the parameters for home-based industry.

Trustee Brent highlighted the role of Islands Trust in advocating for the overall sustainability of the community's environment, culture and unique amenities.

9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

None

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Storage Buildings Staff Report

Planner Richardson reviewed the staff report.

Resolution SA-LTC-05-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff not to remove the storage building regulations contained in subsection 2.4.4 of Saturna Island Land Use Bylaw No. 78, 2002.

CARRIED

10.2 Implementation of Provincial Riparian Areas Regulation Staff Report

Planner Kojima reviewed the staff report. He concluded that the recommendation to proceed with community consultation immediately would allow for use of some of the funding still available in the 2011-2012 budget.

Resolution SA-LTC-06-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to proceed with community consultation on Riparian Areas Regulation and with review of the Lyall Creek Development Permit Area for compliance with the Riparian Areas Regulation.

CARRIED

Planner Kojima stated that he would initiate direct contact with the affected property owners before the next scheduled LTC meeting.

11. REPORTS

11.1 Work Program Reports

11.1.1 Saturna Island Local Trust Committee Work Program

Resolution SA-LTC-07-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to amend the top priorities list and rename priority one to community park zoning and prepare a report for the next meeting pertinent to this.

CARRIED

Resolution SA-LTC-08-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to amend the top priorities list and prepare a report on the third priority regarding the options to permit and regulate ocean loop Geo-Exchange

CARRIED

Resolution SA-LTC-09-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to amend the projects list and move the amendment of zoning for national parks from the top priorities list to the projects list and number accordingly.

CARRIED

11.1.2 2008 – 2011 Trust Council Strategic Plan

Presented for information.

11.2 Application Report

11.2.1 Saturna Island Applications Report dated February, 2012

Planner Richardson reviewed the report.

11.3 Expense/Budget Reports

11.3.1 Trustee and Local Expenses

Presented for information

11.3.2 Confirmation of 2012 – 2013 Budget Requirements

Chair Hancock asked the LTC to review the priorities list and determine any need for project money.

Trustee Brent agreed to look at communication budget needs.

11.4 Bylaw Enforcement Report

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

Miles Drew, Bylaw Enforcement Coordinator reviewed the report. He stressed that the bylaw does not create any new offences; it lists only those offences already present in the Land Use Bylaw.

Chair Hancock noted that it is primarily an administrative bylaw.

Trustee Brent said he would like the community to have a closer look at the bylaw before they do anything else.

Resolution SA-LTC-10-12

It was Moved and Seconded that the Saturna Island Local Trust Committee ask the Advisory Planning Commission to provide a recommendation as to whether Saturna Island adopts or rejects the Bylaw Enforcement Notification Bylaw as drafted.

CARRIED

11.5 Policies and Standing Resolutions Report

11.5.1 Special Occasion Liquor License referrals

Planner Kojima review the report.

Resolution SA-LTC-11-12

It was Moved and Seconded by the Saturna Island Local Trust Committee that where a Liquor Control and Licensing Branch Special Occasion License 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.

CARRIED

11.5.2 SA-LTC-25-11 Publish Newsletter

Planner Kojima added this item at the last minute and asked the LTC if they were planning to publish a newsletter.

Trustee Janszen said they were not but would be developing a Saturna Island Trustee Website as well as submitting a regular article to the Saturna Scribbler.

Resolution SA-LTC-12-12

It was Moved and Seconded by the Saturna Island Local Trust Committee that Standing Resolution SA-LTC-25-2011 be rescinded.

CARRIED

11.6 Saturna Island LTC Web Page

Resolution SA-LTC-13-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to add the dates for two (2) Special Meetings on Saturday, February 18, 2012, and Saturday, February 25, 2012, with a link to the policy statement review information to the Saturna Island Local Trust Committee web page.

CARRIED

11.7 Chair's Report

Chair Hancock said that he was pleased to be on the Saturna Island and his current focus was working on the budget and preparing for the Trust Council meeting in March.

11.8 Trustee Report

Trustee Janszen informed everyone that she was on the Parks Canada Liaison Committee as well as the Local Planning Committee for the Trust Council. She commented that it was all very new and involved a lot of meetings.

Trustee Brent stated that he was involved in Community Advocacy, the Islands Trust Policy Statement Review and the Finance Committee which will be meeting next Wednesday.

12. NEW BUSINESS

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

13. TOWN HALL MEETING

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

Judith Rees-Thomas inquired about the previous Local Trust Committee's intention to hold intermittent meetings between regular meetings.

Trustee Janszen said the committee would add meetings as needed.

Janet Land commented that a regular scheduled meeting would give people more advance opportunity for input. She added that there needs to be direction from the LTC to include water catchment on storage buildings at East Point.

Trustee Janszen encouraged community members to speak to current issues during the Town Hall Meeting. She stated that the intention of the LTC is to have a discussion with East Point residents regarding direction from them on water catchment for storage buildings.

Trustee Brent agreed.

John Hutchinson supported the plan to call meetings as necessary. He encouraged utilizing the Advisory Planning Commission's (APC) as well.

Trustee Janszen reminded everyone that the public is also welcome at the APC meetings.

Planner Kojima stated that Planner Richardson will be holding office hours on Saturna Island; the schedule is currently being developed.

Wayne Quinn said he is encouraged by the current Trust Committee and their approach as well as by the passion in the community and its strong support for local projects leading to their success.

He identified three (3) recent community triumphs; school kids incubating three hundred (300) chum eggs and 80,000 chum eggs imbedded in the sand of Lyall Creek, the Saturna Ecological Education Centre (SEEC) program, and Emergency Services Buildings #1 and #2. Mr. Quinn concluded that regulation is not always necessary in order to achieve a goal.

James White suggested that the trustees consider video taping meetings for broader community access.

Trustee Brent supported the idea and added that the quality of the recording was important.

Chair Hancock said some of the other islands are doing this and have come across some challenges. He suggested that staff could prepare a report based on the Salt Spring experience with videotaping and circulate it to the LTC.

Bill Schermbrucker inquired about the logic behind the RAR recommendation to consult with the community when compliance is compulsory under the provincial mandate.

Regional Planning Manager (RPM) Kojima, agreed that compliance is compulsory and added that there is a benefit to giving land owners an opportunity to have a conversation and ask questions directly.

Trustee Brent confirmed that the Development Permit Area (DPA) was the easiest and least intrusive option.

Trustee Janszen added that with the DPA there is still some room for site specific consideration but you have to go through the process.

Dawn Wood commented that not everyone has easy access to the internet and there needs to be other ways to give out information. The extra meetings she hoped would be informal with more discussion.

Trustee Brent responded that they would place notices on the community bulletin boards.

Trustee Janszen thanked everyone for coming out.

14. MOTION TO CLOSE MEETING

Resolution SA-LTC-14-2012

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 adopting October 26, 2011 Saturna Local Trust Committee In Camera Minutes and to consider Advisory Planning Commission appointments; and further that staff and Recording Secretary Jenna Foster remain present.

CARRIED

15. RECALL TO ORDER

Resolution SA-LTC-19-12

It was Moved and Seconded that the Saturna Island Local Trust Committee meeting be re-opened to the public at 3:35 p.m.

CARRIED

15.1 Rise and Report from Closed Meeting

Chair Hancock reported that the In Camera Minutes of October 26, 2011 have been adopted.

Chair Hancock reported that John Gaines, Amanda Pearson, Wayne Quinn and Peter Seed have been appointed to the Advisory Planning Commission for a two (2) year term.

Resolution SA-LTC-20-12

It was Moved and Seconded that the Saturna Island Local Trust Committee direct staff to draft an amendment to the Advisory Planning Commission Bylaw to provide for seven (7) appointments to the Advisory Planning Commission for the next scheduled Local Trust Committee meeting.

CARRIED

Note - Chair Hancock recessed the meeting at 3:38 p.m. to be reconvened at the Lighthouse Restaurant, by consent of the committee and without Chair Hancock present.

Note - The meeting reconvened at 3:50 p.m. at the Lighthouse Restaurant for some general discussion.

16. ADJOURNMENT

The meeting was adjourned at 4:00 pm.

RECORDER

CHAIR

**Community Information Meeting
Received For Information
By Local Trust Committee**

**NOTES OF THE SATURNA ISLAND LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
REGARDING THE PROPOSED ISLANDS TRUST POLICY STATEMENT REVIEW
HELD ON SATURDAY, FEBRUARY 18, 2012 AT 4:00 P.M.
AT THE SATURNA ISLAND LIGHTHOUSE RESTAURANT MEETING ROOM
100 EAST POINT ROAD, SATURNA ISLAND, B.C.**

PRESENT:	Pamela Janszen	Local Trustee
	Paul Brent	Local Trustee
	Jenna Foster	Minute Taker
REGRETS:	Ken Hancock	Chair

There were approximately thirty (30) members of the community in attendance.

Trustee Brent called the meeting to order at 4:07 p.m. He welcomed everyone and clarified that the meeting was for discussion and information sharing only and no decisions or resolutions would be made.

1. Proposed Islands Trust Policy Statement Review and Gas Tax Fund

Trustee Brent invited the public to express their views on the proposed Islands Trust (IT) Policy Statement Review over the next three (3) years made possible by a \$250,000 federal gas tax grant as well as some additional funding.

Trustee Janszen explained that she was on the Local Planning Committee and Trustee Brent was on the Finance and Trust Programs Committees. She said that the proposed review has generated a lot of interest on the islands and they are seeking public input. The IT website has recently added more information about the review and grant application and the IT Council will vote at the next meeting on March 6, 7 and 8.

Lorna Quinn asked why Islands Trust has decided to do a policy review.

Trustee Janszen replied that it is part of the Islands Trust mandate to review policy on a regular basis.

Trustee Brent added that Trust Council plans to review every five (5) years.

Wayne Quinn questioned if the grant application was specifically for a Policy Statement Review.

Trustee Brent replied that the grant could only be used for that purpose.

John Hutchinson commented that he has read all the information available to him regarding the grant and policy review and it requires a lot of accountability from Islands Trust.

Trustee Janszen confirmed that the grant money would be given a little at a time.

Larry Peck stated his concern that Islands Trust gives the public very little time to consider important decisions on a regular basis.

Trustee Janszen related that once the grant is accepted the plan includes a lot of public consultation. She said IT was surprised that they wanted to do community consultation before the vote on the grant.

Beverly Neff commented that most of the money will go towards community consultation since the last review was in 1993.

Trustee Brent confirmed that additional consultation is a large component of the dollars to be spent.

Andree Fredette noted that associated costs are not explained i.e. follow up costs.

Trustee Brent said he has not seen anything broken down and decisions still have to be made on different options that will affect costs.

John McMillan queried if the money would be spent in the Gulf Islands or would non-local experts be paid to do the review.

Trustee Brent answered that he did not know. He added that part of the review has to involve art and perhaps local artists could benefit.

Trustee Janszen noted that some local benefit would come from similar community meetings utilizing local people, local buildings, and local food.

Trustee Brent directed people to go to the IT website, under policy review where an additional \$130,000 is allocated for extra staff.

Tom Haggart questioned where the \$130,000 would come from.

Trustee Brent answered that for the first year of the review it would come from the Islands Trust tax surplus.

Trustee Janszen said it amounts to about \$5 per person.

Wayne Quinn asked if there is much wrong with the current policy statement because otherwise, it would be a colossal waste of money for a wordsmith exercise.

James White commented that spending the money on a Policy Statement Review seemed reasonable since the last review was in 1993. He continued stating his concern was about how to control any additional expenditure over the next three (3) years.

Wes Foster queried whether going forward with the review would make any kind of difference or benefit towards future plans.

Trustee Brent remarked that these were interesting questions. The grant can only be used for the review, he said, and if we decide that we do not want to go forward after a year then we can stop but any money already used has to be paid back.

Larry Peck asked if this was all or nothing or could less money be applied for and used to do a smaller review.

Trustee Janszen replied that it may be possible to do a targeted review and still have some valid input into changes. For example, she said, there is nothing about affordable housing in IT Policy Statement.

Trustee Brent added that there are several schools of thought on how to approach the review.

Ilio Bertolami wondered if IT spent all the grant money and there was still more to do would they keep going.

Trustee Brent replied that they would have to.

Ilio Bertolami asked if there was an environmental focus for the review.

Trustee Janszen answered that Saturna is identified as a sustainable community.

Sheila Wallace spoke to the proposed work plan and time line expressing her concern that three (3) years is a long time with no real action. She asked if there was a way to compress the time line.

Trustee Brent replied that he thought it could be modified.

Bernie Ziegler said he looked through the material and felt that the addendum at the end on healthy communities was an afterthought. He observed that the main purpose of the review appears to be a tightening of the language in the Policy Statement making it more prescriptive.

Trustee Janszen affirmed that the feedback given to Islands Trust has been that communities want to maintain local autonomy.

Andree Fredette questioned whether there was any prior effort to ask communities if they thought the policy statement was broken; adding that she read it recently and it seems very complete especially in the area of environmental protection, so why spend the money.

Trustee Brent suggested that the review may change the emphasis to more community consultation. He added that some deficiency has been identified in the areas of affordable housing, food security and climate change.

Wayne Quinn commented that policy is policy and is intentionally broadly written. He asserted that he could not think of any major deficiencies in the Islands Trust Policy Statements.

Trustee Janszen said her understanding is that there is a bias towards tightening things up and an emphasis on more environmental protection.

Trustee Brent added that the plan to do the review came from the previous Islands Trust Council and IT needs to know what the new Council thinks.

John Hutchinson cautioned that we are a small island and we need to be clear and concise about decisions. He stated his preference would be to do things slowly and calmly and spend very little money.

Ilio Bertolami commented that in 1996 there was an extensive review of the Official Community Plan (OCP) and we have not gotten close to testing this.

Larry Peck asked if a show of hands would be appropriate at this time.

Trustee Brent questioned if everyone had an opportunity to express their view because it is important for the trustees to know all the opinions of individuals in the community.

Trustee Janszen encouraged a show of hands before the end of the meeting or an email.

Sheila Wallace noted that the current IT Policy Statement is written to support a healthy and sustainable community which provides a lot of room for further definition of what that means.

Trustee Brent agreed that the Policy Statement should allow for broad interpretation.

Dawn Wood asserted that the *Islands Trust Act* preserves and protects the islands for the entire province and not just for islanders.

John McMillan questioned whether the goal was to identify where the current policy is lacking or to review all of it.

Trustee Janszen said it was to review all of it and added that the Saturna Island trustees were two (2) votes out of twenty-six (26).

Dawn Wood wondered if there would be more information available at next Saturday's meeting.

Tom Haggart spoke about his experience on another island where an issue is still unresolved after forty (40) years. He suggested a non-leading questionnaire be drafted and sent out to everyone as a way of doing a Policy Statement Review for cheaper and with greater public input.

Peter Seed agreed that more people have to be involved.

Sandra Kriese asked where else could notices be posted.

Lorna Quinn noted that there will always be a percentage of people who will not see a notice.

John Hutchinson commented that it takes Islands Trust up to ten (10) days to get mail to off islanders and encouraged people to subscribe to IT on the website where you get automatic notices.

Trustee Brent said he was impressed with the response of IT staff and their efforts to get more information onto the website prior to the meeting. He also thanked people for coming out to the meeting and reminded everyone to email their comments to Trustees and Trust Council as well.

Andree Fredette summarized that she has heard people saying they do not want to go forward with the proposed review and yet, Saturna only has 2 out of 26 votes.

Trustee Brent agreed that they are only 2 votes but they will represent the majority vote of Saturna Island residents and we are lucky on Saturna because people do care.

Trustee Brent asked the group for a show of hands from people who thought we should go forward and accept the \$250,000 Tax Grant Fund for the proposed Review.

No hands were raised.

Wes Foster pointed out that if we do not take it others will.

James White cautioned if there would be any real truth in the Policy Review process.

John Wiznuk queried what the money would obligate us to. He stated that he was not in agreement with accepting the tax grant dollars.

Ilio Bertolami said we would also have to live with the result.

Trustee Brent asked for a show of hands from those who thought we should turn down the Gas Tax Grant.

Sixteen (16) hands were raised.

Sheila Wallace stated that a vote has to go out to more people.

Trustee Brent agreed and wondered how to reach the silent majority.

Larry Peck affirmed that some interpretation can be made from a small but representative sample.

Trustee Janszen said it is very helpful to have people to come out to the meeting.

Trustee Brent confirmed that we can tell Islands Trust we have consulted with the people on Saturna Island. He added that written opinions sent by letter or emails are also very important.

Trustee Brent adjourned the meeting at 5:33 p.m.

RECORDER

DATE

**Community Information Meeting
Received For Information
By Local Trust Committee**

**NOTES OF THE SATURNA ISLAND LOCAL TRUST COMMITTEE
COMMUNITY INFORMATION MEETING
REGARDING THE PROPOSED ISLANDS TRUST POLICY STATEMENT REVIEW
HELD SATURDAY, FEBRUARY 25, 2012 AT 4:00 PM
AT THE SATURNA ISLAND LIGHTHOUSE RESTAURANT MEETING ROOM
100 EAST POINT ROAD, SATURNA ISLAND, B.C.**

PRESENT:	Pamela Janszen	Local Trustee
	Paul Brent	Local Trustee
	Jenna Foster	Minute Taker
REGRETS:	Ken Hancock	Chair

There were approximately thirty (30) members of the community in attendance.

Trustee Brent called the meeting to order at 4:01 p.m. He welcomed everyone and clarified that the meeting was for discussion and information sharing only and no decisions or resolutions would be made.

1. Proposed Islands Trust Policy Statement Review and Gas Tax Fund

Trustee Brent invited the public to express their views on the proposed Islands Trust (IT) Policy Statement Review over the next three (3) years made possible by a \$250,000 Federal Gas Tax Grant as well as some additional funding. He reported that the updated cost for the review is \$432,000 and a decision will be made at the IT Council meeting on March 7, 2012.

Bill Schermbrucker agreed that it is a good idea to have a lot of discussion with different points of view expressed. He stated that he is not concerned about the time the review will take but he believes it is a colossal waste of money and would like to know how to cut down on the cost if it goes ahead.

Bill Douglass asserted that the process is backwards and should be driven from the islands to Trust Council and the Policy Statement should be as general as possible so each island can be distinctive. He added that he finds the Islands Trust planners hard to understand, due to bizarre bureaucracy.

Trustee Brent reminded everyone that it was important to send their comments to the Islands Trust Council as well so other islands could read them.

Bernie Ziegler asked if other islands were meeting as well.

Trustee Janszen said she knows that Salt Spring Island has some community meetings planned before Trust Council meets. She added that the IT has an online news clipping service and there have been some comments through that.

Trustee Brent noted that the IT committees which they are sitting on have had discussion about wanting community feedback on this issue.

Trustee Janszen confirmed the importance of a strong community voice and encouraged everyone to send their comments directly to IT Council.

Louise Peramaki suggested implementing a low cost Policy Statement Review that would be ongoing throughout the year addressing a couple of priorities at a time.

Trustee Janszen added that the three (3) year review will also involve trustee time over that period.

Joe Harris asked if the Gas Tax Grant was not available, would a policy statement review be a priority.

Trustee Janszen replied that there would not be a policy review without the grant.

Joe Harris noted that a large portion of the cost of the review will go to administration and other extraneous costs.

Trustee Brent commented that it could be done on an annual basis at a local meeting to keep costs low.

Joe Harris wondered if the Islands Trust staff was driving the need for a policy review to ensure job security or for other unknown reasons.

Trustee Janszen clarified that a policy review was done in 1993 and since then, issues like food security, climate change and affordable housing could be added.

Trustee Brent said there are people who want more specificity in the policy statements and he understands that Islands Trust wants the policies to be more directive to ensure local islands have regulations.

Dawn Wood queried if archeological, marine and native land rights protection were also identified as deficiencies in the current Policy Statement.

Trustee Brent replied that he was not aware of those issues being included in the information he had received. He added that Sheila Malcolmson, Chair IT Council, has some strong views on what needs to be changed in the Policy Statement.

Hugh Grasswick expressed his concern about the high cost and added that the review seems to involve an unnecessary layering of government.

Trustee Brent reported that IT staff spent a lot of time on the grant application to show innovation as well as careful costing in order to get the grant. He explained that part of the proposed review process creatively utilizes artwork which carries a cost of \$10,000.

Trustee Janszen said there will be more public meetings on every island which have costs as well.

Barbra Grasswick reiterated that there seems to be a lot of over governance; she said tightening up the Policy Statement will add to this problem and it is not the way to go.

Trustee Brent reminded everyone that Islands Trust is only concerned with land use planning.

Jill Sabre highlighted the community meeting as an effective and low cost method of dealing with issues.

Bill Schermbrucker supported Louise Peramaki's idea of doing a policy review in chunks over the year. He said he appreciates hearing different ideas at this type of meeting.

Trustee Brent encouraged rigorous discussion at the meeting and the expression of minority opinions. He continued that he has asked Islands Trust to make the grant application public. Trustee Brent said he supports a review process that improves planning capabilities to preserve and protect the region, coordinates with other levels of government and provides measures on how we are doing.

Beverly Lowsley expressed her skepticism of government money and referred to the negative experience of the grant they got to upgrade Lyall Harbor. She reiterated the sentiment that if it sounds too good to be true it usually is.

Joe Harris asked where the original idea came from to apply for the grant to do a Policy Statement Review.

Trustee Janszen said there is an IT staff person hired to look at grant money and that individual put together a committee to apply for the Gas Tax Grant. She stressed that trustees from the islands will be the ones to say yes or no to the grant.

Bill Douglass commented if the grant is not accepted then that money would go back into the kitty and go towards infrastructure grants which may be more constructive.

John Hutchinson asserted that he feels the Policy Statement Review will cost taxpayers and he does not support taking money out of the tax surplus for this purpose.

Michael Fry questioned where the money will come from.

Trustee Brent responded that the grant is carefully crafted so that there will be no increase in taxes; the money will come from the IT tax surplus. However, he reminded everyone that if the surplus is not spent there will be no increase over a longer period of time.

Wes Foster asked if it would create a barrier for future grants if we did not accept this one.

Trustee Brent said it would not and it is important to remember that the Islands Trust (IT) can only apply for planning grants.

Trustee Janszen suggested it might be possible to use the grant for something more sensible than a policy review such as supporting rain catchment on the island because we have rain catchment bylaws.

Trustee Brent agreed to ask Islands Trust about that possibility and post the answer on the Saturna Island trustee website.

Hugh Grasswick agreed that a review should happen from time to time. He admitted that he is distrustful of the IT Council and worried about what changes they will make as well as the high cost of the review.

Trustee Brent confirmed that the review is not required; a policy statement is necessary and it should be general. He continued that some trustees believe the review will give clarity to Islands Trust and if it goes ahead, Saturna Island trustees will ensure it is done honestly, with integrity and with the goal of preserving the autonomy of local islands.

Joe Harris questioned if the cost could be lowered.

Trustee Janszen said there are different options and you can view them on the IT website if you go to the Trust Council agenda. She explained if the grant is accepted, the next step will be to look at the different options and costs.

Trustee Brent reminded everyone that the decision to accept the grant was the main focus of this discussion, adding that the IT Council holds the right to accept or decline the grant.

Pam Brown asked if the trustees would be adequately funded without the gas tax money.

Trustee Brent said yes.

Louise Peramaki questioned the review process and its proposed emphasis on public consultation noting that the plan is to have one, three hour public meeting in the first and second years and one in the third year if needed. She concluded that the public would only have two opportunities to speak.

Trustee Janszen said the specifics of the public consultation are not clear.

Trustee Brent asked for a show of hands from those who believe we should not accept Gas Tax Funding for a Policy Statement Review.

Fifteen (15) hands were raised.

Trustee Brent asked for a show of hands from those who believe we should do a Policy Review of some type or another.

Fifteen (15) hands were raised.

John Hutchinson said he believed an annual Policy Statement Review on each island was a great idea.

Aleah Johnson wondered if residents will have a chance to vote on the decision the IT Council makes.

Trustee Janszen commented that from now up to the IT Council meeting was the only opportunity to give your opinion.

Trustee Brent added that Trustee Janszen and he are big proponents of public consultation and they will continue to advocate for more.

Joe Harris asked why the time line was so short.

Trustee Janszen replied that the Islands Trust just found out in February that they got the grant and if they do not make a decision now the grant will be lost.

Ilio Bertolami concluded that it is best to leave things alone unless there is an actual need.

Trustee Janszen agreed that the Islands Trust Policy Statement appears to be working on Saturna Island and therefore, does not need to be fixed. She said she is only aware of one time on another island where there was an issue with unclear direction from policy.

Joe Harris questioned if Saturna Island was a lot different than other islands.

Trustee Janszen said only one other island is holding community consultation meetings.

Trustee Brent reported that some island trustees are receiving very little response or interest from the public. Islands Trust staff he said were surprised by their request to place more information on the website about the Grant and proposed Policy Statement Review because people were questioning it. He added that the staff did work hard to get the information onto the website quickly.

John Hutchinson commented that some meetings with the public before the decision to apply for the grant and use the money for a policy review would have been a good idea.

Trustee Brent related that he is very pleased with the responsiveness of Planner Richardson and Regional Planner Kojima.

Trustee Janszen added that the Planners are very good at laying out information and communicating different options.

Joe Harris concluded that the IT staff does have influence and trustees rely on them.

Lena Oldenburg commented that she was very impressed with the first Local Trust Committee meeting she attended recently.

Dawn Wood thanked the trustees for making sure the information was placed on the website.

Trustee Brent adjourned the meeting at 5:20 p.m.

RECORDER

DATE



Islands Trust

RWM From: February 10, 2012 To: March 29, 2012

Saturna Island

Resolution #	Action	Resolution Description	Resolution Date
2012-04	In Favour	THAT Saturna Island Local Trust Committee Meeting Minutes of February 9, 2012 be Adopted; and THAT Saturna Island Local Trust Committee Community Information Meeting Notes of February 18 and February 25, 2012 be received.	Mar 28, 2012
2012-03	In Favour	THAT Saturna Island Local Trust hold an Open House on April 28, 2012 to discuss the Riparian Areas Regulation.	Mar 16, 2012
2012-02	In Favour	THAT the Saturna Island Local Trust Committee appoint Trustee Janssen as their representative on the Parks Canada-Saturna Island Liaison Committee	Feb 17, 2012



Islands Trust

Follow Up Action Report w/ Target Date

Saturna Island Feb-09-2012

No.	Activity	Responsibility	Target Date	Status
1	Letter from P. Carney dated September 2, 2011 - staff to send response.	Gary Richardson		Done
2	Letter from Carol Money dated October 25, 2011 - staff to send a response.	Gary Richardson		Done
3	Staff to arrange and advertise for two CIMs regarding the review of the Islands Trust Policy Statement - Feb 18 and Feb 25 at 4 pm at the Lighthouse restaurant.	Kathy Jones		Done
4	Impementation of Provincial Riparian areas Regulation -staff to prepare for community consultation; and - DONE - staff to review the Lyall Creek DPA for compliance with the RAR - ON-GOING	Robert Kojima		On Going
5	ESB#2 covenant - proposed amendment to covenant to be put on April 12 LTC agenda - staff to notify as per public hearing requirements.	Kathy Jones Gary Richardson		Done
6	Top priorities to be amended by moving Park zoning to project list and keeping Community Park zoning to the Top Priorities. Staff to prepare a report regarding Community Park zoning for the April 12 LTC meeting.	Gary Richardson		Done
7	Bylaw Enforcement Notification Bylaw - to be forwarded to the APC with specific request regarding review.	Miles Drew Gary Richardson		Done
8	Special Occasion Liquor Licence referrals - policy in staff report dated Jan 18, 2012 adopted.	Kathy Jones		Done

Page No. 103

6.1

9	Standing resolution number 4 (SA-LTC-25-11) Publish Newsletter to be removed.	Kathy Jones	Done
10	Forward report regarding video taping meetings to the LTC for information.	Gary Richardson	On Going
11	Prepare amendment to APC bylaw to reduce to 7 commissioners	Kathy Jones	Done
12	Thank you letters for Priscilla, Andrew Money, Bill Sheffield and Harvey for serving on the APC. Peter Seed, Wayne Quinn and John Gains to be appointed to APC.	Kathy Jones	Done
14	In camera Minutes of Oct 26/11 adopted as drafted.	Sharon Lloyd-deRosario	Done

Gary Richardson
 Island Planner
 Islands Trust, Victoria Office
 200-1627 Fort Street
 Victoria, B.C. V8R 1H8

Aleah Johnson
 Wild Thyme Coffee House
 110 Money Road
 Saturna Island, B.C V0N 2Y0

Dear Gary

April 2nd 2012

I am a long term resident of Saturna Island with family roots in the gulf islands going back to the turn of the century. I am currently trying to open a small scale coffee house to serve a market demographic not currently being tapped in our community. On Saturna Island there isn't an existing establishment open daily or in the mornings to welcome BC Ferry traffic, tourists or local island residents commuting to and from town. In addition to pioneering the island's first coffee house, I want to create a welcoming place for tourists to find the information they need to enjoy the best of what our island has to offer. WTCH will promote other island businesses, will donate 1% of profits to island charities and will offer a 10% discount to volunteer members of our islands emergency services departments. I believe WTCH will become an asset to our community. We will provide 4-5 jobs and encourage more young people to take up residence in our small community. This business is backed with full financing and the support of our community.

Saturna Island has a very limited number of commercially zoned properties. As such, I am looking to apply for a temporary commercial licence for 109 East Point Rd. This property is conveniently located near the BC Ferry terminal and has previously existed as our Island post office and internet café. The owners of this property have given me permission to operate my mobile food vehicle in this property's parking lot as of May 1st 2012. I am hoping to obtain this permit in time to open for this year's tourist season.

Thank you for your help with this matter, I look forward to your response.

Sincerely;

Aleah Johnson
 Wild Thyme Coffee House
 250 539 0691
 aleahsworld@hotmail.ca



STAFF REPORT

March 30, 2012

File No.: SA-RZ-2008.1

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

From: Gary Richardson
Island Planner
Local Planning Services

Re: Firehall Landscaping Covenant FB234900

Owner: Saturna Island Fire Protection Society

Location: 646 Tumbo Channel Road

Background:

The subject property was rezoned from Rural General to Community Services in 2008 by bylaw 96. As a condition of approving the rezoning, a covenant requiring landscaping was agreed to between the Saturna Island Fire Protection Society and the Saturna Island Local Trust Committee. The covenant (FB234900) is attached for reference (attachment 1).

The covenant requires in part that:

The Society shall not use any portion of the Land or any building on the Land for community service purposes unless the Society has established a vegetative buffer around the perimeter of the Land, comprised of existing indigenous vegetation or drought tolerant evergreen plants, or both, of sufficient height and width to create a visual screen between the land and the abutting properties, to the satisfaction of the Trust Committee.

The Capital Regional District building inspection department has issued final occupancy for the building which is now being used for its intended purpose.

Landscaping and planting was started in the fall of 2011. The landscaping plan showing what has been planted is shown on attachment 2.

A fence along a portion of the East border has been constructed.

Proposal:

To amend the existing covenant by removing the existing landscaping/screening requirement and replace it with a requirement that landscaping be provided substantially in accordance with the attached landscaping plan. The landscaping plan that would be attached is the one shown on attachment 2.

Issues:

The landscaping does not, for the whole perimeter of the lot, provide a vegetative buffer providing a visual screen between the firehall and the abutting properties consistent with the terms of the covenant.

The property is now being used for its intended purpose prior to a landscape screen consistent with the covenant being planted.

Screening of the fire hall from surrounding residential properties was a concern that was brought up during public consultation regarding the rezoning of the property in 2008.

The present LTC has not had an opportunity to obtain a broad range public input regarding the proposed amendment to this covenant.

Staff Comments:

As referenced above, the proposed landscape plan does not fully comply with the landscape covenant. To what extent the landscaping will comply is not known as the plantings have not grown to a mature size. It is clear from the landscape plan that there is no screening towards the rear of the lot.

At the public hearing the public was given an understanding that a covenant would be provided that would screen the firehall from surrounding properties. As an amendment to the covenant is being considered notification of property owners and occupiers has been carried out and a public meeting has also been arranged (April 12) that is similar to a public hearing. This is a legal requirement based on the principle that the covenant was integral to the rezoning application and affected property owners should have the same opportunity to make views known on any change to the covenant.

As mentioned the landscape screen does not comply with the terms of the covenant and the building is not supposed to be used until the covenant is complied with; therefore there is a contravention of the covenant.

It will not be known for some time if the landscaping that has been planted will attain sufficient height to create a visual screen between the SIFPS property and abutting residential properties.

It is staff's opinion that the existing screening should provide a reasonable separation between the fire hall lot and surrounding residential properties when the plantings

mature; however community consultation will provide an opportunity surrounding property owners and others potentially affected by the visual aspects of the fire hall and fire hall property to provide comment on the existing screening . The April 12 LTC meeting has been advertised to the same extent as required for a public hearing.

Options:

- Consider amendments to the covenant to allow the landscaping to be provided as it is presently planted. Staff has undertaken notification for today's meeting that satisfies notification necessary for a public hearing. The LTC can direct staff to revise the covenant so that landscaping is required as per the plan recently received from SIFPS shown on attachment 2.
- LTC can advise staff that amendments to the covenant will not be considered and the SIFPS will be advised that screening will need to be provided as per the existing covenant.

RECOMMENDATIONS:

That Saturna Island Local Trust Committee to consider public input at today's LTC meeting (April 12) and then advise staff to either:

- 1) proceed with amending the covenant; or**
- 2) maintain the existing covenant requirements as drafted.**

Prepared and Submitted by:

Gary Richardson

April 1, 2012

Gary Richardson, Island Planner

Date



Robert Kojima
Regional Planning Manager

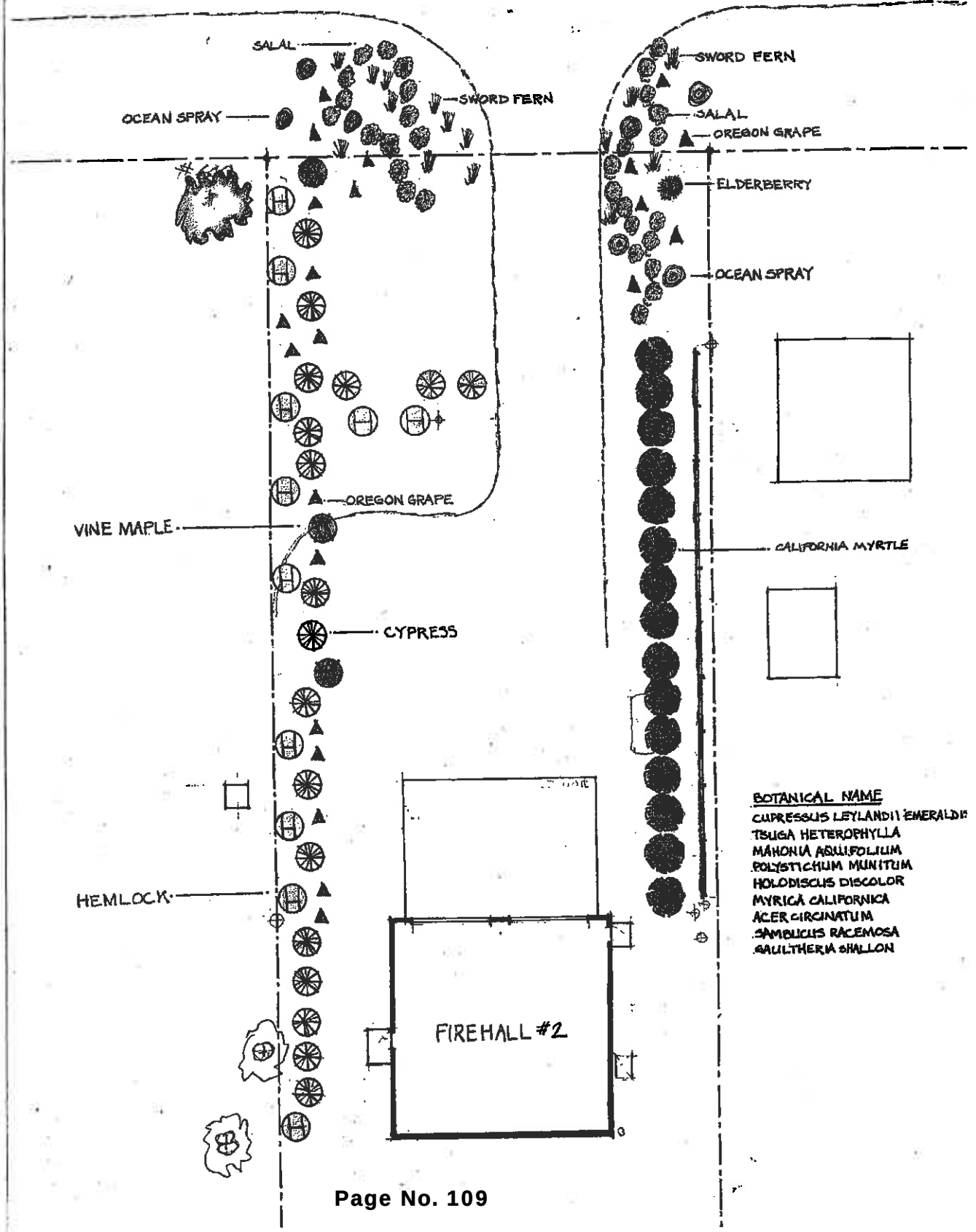
April, 02 2012

Date

PROPOSED LANDSCAPE PLAN to replace
landscaping requirement in section 1 of existing
covenant.

TOMBO CHANNEL ROAD.

0 2 4 6 8 10





STAFF REPORT

File No.: SA-RZ-2012.1

To: Saturna Island Local Trust Committee

From: Gary Richardson, Island Planner

CC: Robert Kojima, Regional Planning Manager

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

Owner: Nepenthe Holdings Ltd.

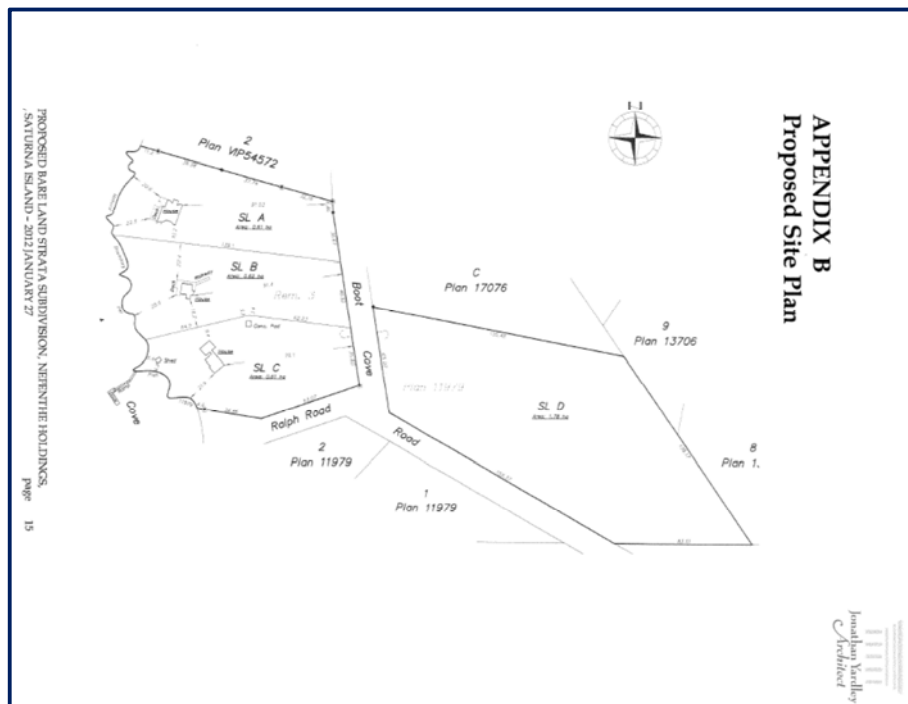
Applicant: Jonathan Yardley, Architect Inc.

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

THE PROPOSAL:

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

The proposed subdivision plan is shown below on Appendix B.



The subject area is a waterfront property located in the Boot Cove area of Saturna Island. The property is predominately surrounded by smaller residential lots. A 1.78 hectare (4.4 acre) portion is separated from the waterfront portion and is located across Boot Cove Road (proposed Lot D). A site review was carried out March 6, 2012 it was clear by the review the houses have been in place for some time. Two of the houses share one access and the third house has its own access. There is one dock in place which fronts proposed Lot C. It appeared as though one of the houses contains a second set of cooking facilities. The lots are well treed and are covered with mostly mature native vegetation.

Figure 2: Orthophoto of subject property



Figure 3: Orthophoto of subject property and surrounding area



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

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

5.2 Growth and Development

Directive Policies

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

Official Community Plan

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

The following sections of the OCP apply to this proposal:

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

D.1.4 Rural Subdivision Capacity:

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

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

D.1.R Rural Residential

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

D.1.G Rural General

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

Land Use Bylaw

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

4.2 RURAL GENERAL ZONE (RG)

Permitted Uses

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

4.2.1(1)residential;

4.2.1(2) home occupations and home based industry;

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

4.2.2(1) farm use;

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

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

Residential Site Density.

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

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

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

Subdivision Lot Size Requirements

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

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

Islands Trust Fund:

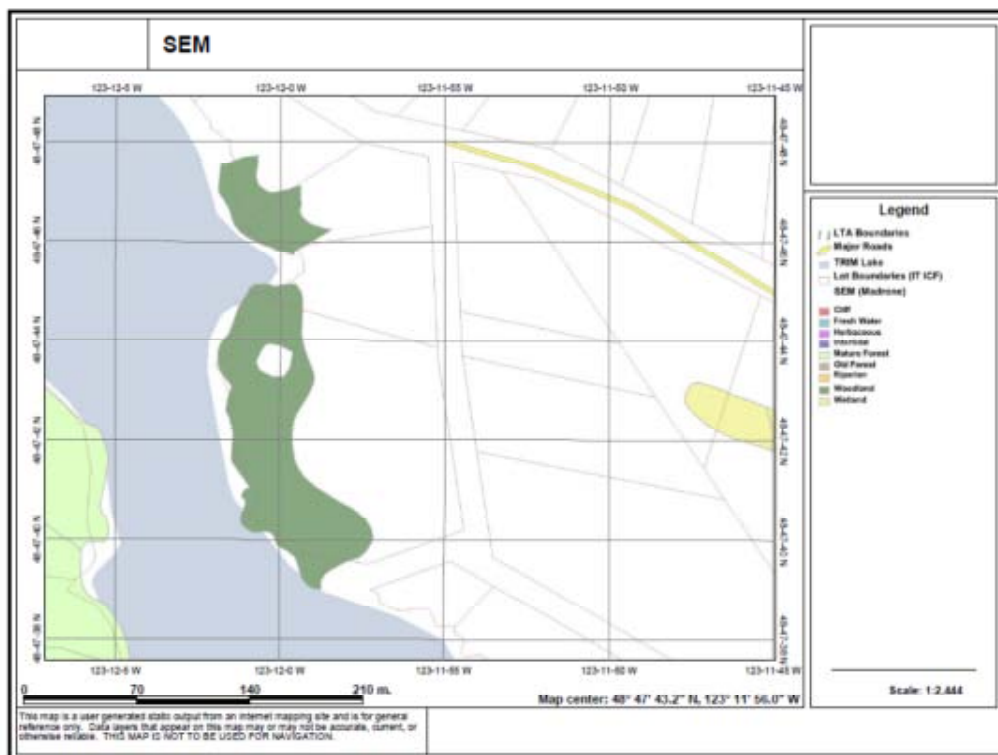
There are no apparent issues that should be referred to the Islands Trust Fund (ITF) for comment, if any arise in the review of this proposal ITF will be forwarded the application for comment.

Regional Conservation Plan:

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

Sensitive Ecosystems and Hazard Areas:

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



Archaeological Sites:

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

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

Covenants:

There are no covenants registered on this property.

Bylaw Enforcement:

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

Climate Change Mitigation and Adaptation

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

Other

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

COMMUNITY CONSULTATION:

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

RESULTS OF CIRCULATION:

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

STAFF COMMENTS:

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

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

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

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

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

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

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

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

OPTIONS

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

RECOMMENDATIONS:

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

Respectfully Prepared and Submitted by:

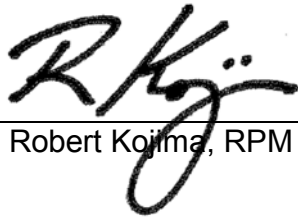
Gary Richardson

April 2, 2012

Gary Richardson
Island Planner

Date

Concurred in by:



Robert Kojima, RPM

April 2, 2012

Date



Islands Trust

BYLAW REFERRAL FORM

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

Island: North Pender Island Local Trust Area **Bylaw No.:** 190 **Date:** March 27, 2012

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

APPLICANTS NAME / ADDRESS:

Ralph Turner (applicant) 1215 Otter Bay Road, North Pender Island

PURPOSE OF BYLAW:

The purpose of proposed bylaw 190 is to amend the North Pender Island Land Use Bylaw to permit the construction of a seawall in the Water 1 zone, which is below the natural boundary of the sea. The objective of the seawall is, in part, to protect a registered archaeological site that is vulnerable to erosion. The proposed bylaw would be a site-specific amendment for this location only, rather than a general amendment to the Water 1 zone.

The proposed development also requires issuance of a development permit for work within a sensitive intertidal ecosystem. A copy of the draft development permit is included with the staff report dated March 12, 2012.

GENERAL LOCATION:

Grimmer Bay, south of Port Washington

LEGAL DESCRIPTION:

Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan EPP12506, PID: 028-656-725

SIZE OF PROPERTY AFFECTED:

Approximately 163m² of the Water 1 zone

ALR STATUS:

no

OFFICIAL COMMUNITY PLAN DESIGNATION:

Marine, with the upland lot being Rural Residential

OTHER INFORMATION:

Two staff reports dated Jan 25 and Mar 12. Related professional reports and copies of the staff reports are also on the web under the 'Proposed Seawall Application' at: <http://www.islandstrust.bc.ca/lc/np/default.cfm>

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

(Signature)

Name: Andrea Pickard

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

This referral has been sent to the following agencies:

Federal Agencies

Parks Canada

Provincial Agencies

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

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

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

PLEASE TURN OVER →

Non-Agency Referrals

Islands Trust Fund

Islands Trust Bylaw Enforcement

First Nations

Chemainus First Nation

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Pauquachin First Nation

Penelakut Tribe

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

BYLAW REFERRAL FORM

RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area

(Island)

190

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 190

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

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

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

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

Column 1 Site- Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
W1(a)	The land covered with water fronting a portion of Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506 and Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan 10989	(1) In addition to the uses permitted in 8.19.1 the following are permitted: (a) Erosion protection in the form of seawalls (2) Despite 8.19.5, siting of a Seawall is permitted only within the identified "Construction Area" lying seaward of the present natural boundary of the sea, and projecting no further than 2.28 metres from said boundary, as shown on "W1(a) Seawall Plan" of Schedule F. (3) The maximum height of a seawall is 5.5 metres, measured from the base on the downslope side, and at no point can a seawall project more than 0.3 metre above the finished grade on the upslope side.

- READ A FIRST TIME this 22nd day of March, 2012
- READ A SECOND TIME this day of , 20__
- PUBLIC HEARING HELD this day of , 20__
- READ A THIRD TIME this day of , 20__
- APPROVED BY THE EXECUTIVE COMMITTEE this day of 20__
- ADOPTED this day of , 20__

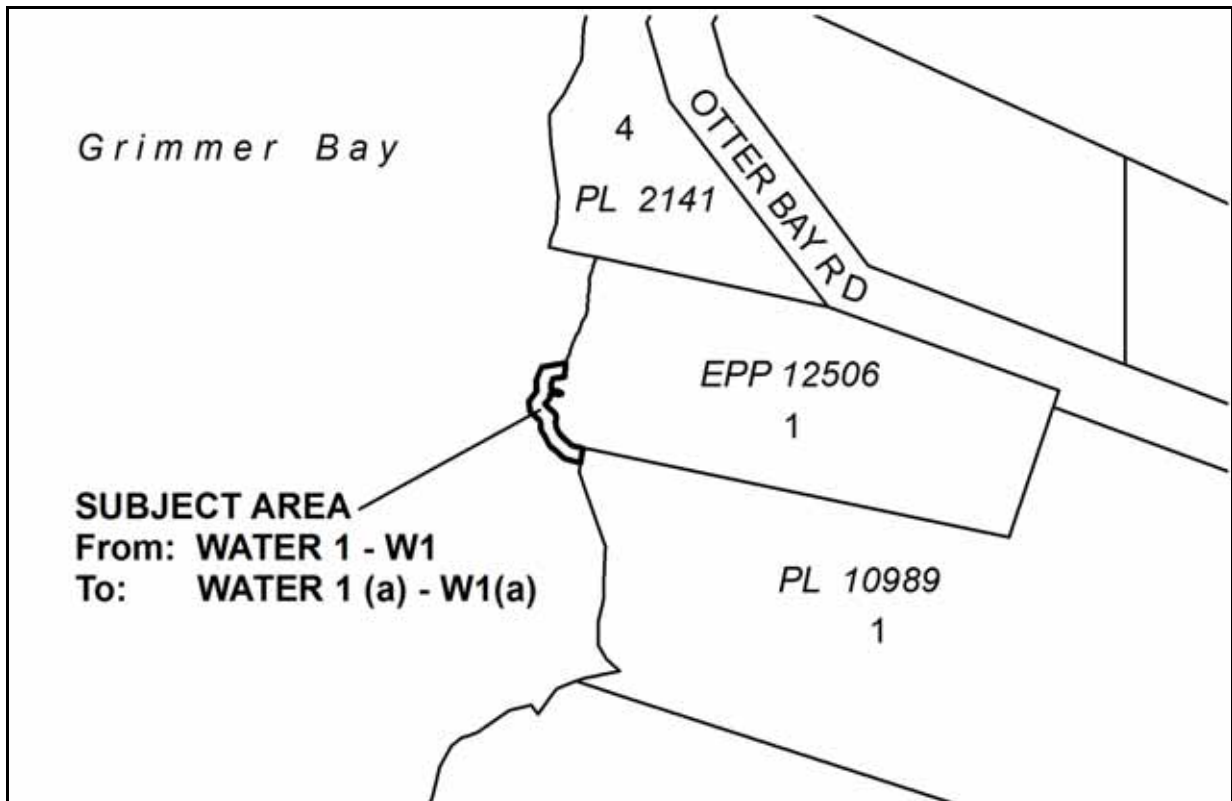
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

PLAN No. 1

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "D" Zoning Map" is amended as follows:



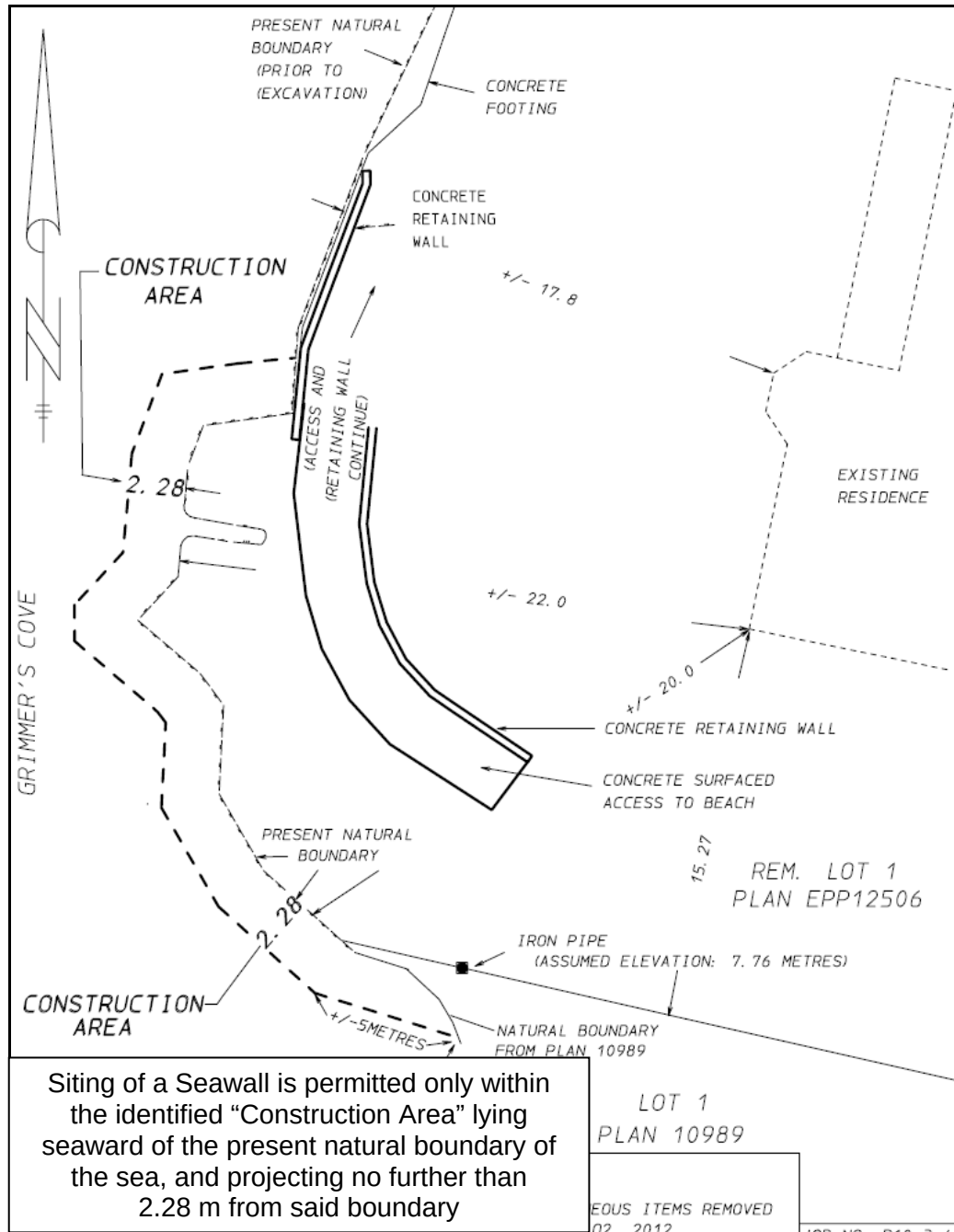
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

Plan No. 2

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "F" Detailed Plans" is amended by adding the following:

"W1(a) Seawall Plan"



January 25, 2012

File No.: NP-RZ-2011.1
(Turner)

To: North Pender Island Local Trust Committee
For the meeting of February 23, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

Re: Bylaw Amendment Application

Owner: Natrikan Holdings c/o Murray Vasilev
Applicant: Ralph Turner
Location: Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan
EPP12506 PID: 028-656-725
1215 Otter Bay Road

Preliminary Report

THE PROPOSAL:

The application is for a bylaw amendment to rezone a portion of Water 1(W1) zone abutting the subject property and neighbouring adjacent property to the south. The objective of the application is to permit construction of a concrete poured seawall that would extend southward from the existing seawall to a shale bank outcrop. The proposed seawall would have a maximum height of 4.5 metres and be approximately 30 m in length.

The proposed seawall requires a bylaw amendment to the W1 zone as it would be located below the natural boundary of the sea. The marine waters are also designated as a sensitive intertidal development permit area. If the rezoning proceeds a development permit would also need to be considered and issued.

The purpose of this report is to provide the Local Trust Committee (LTC) with a preliminary overview of the proposal, identify key issues associated with the proposal, and to seek direction from the LTC to proceed with the application.

SITE CONTEXT:

The subject property is a residential waterfront lot on Grimmer Bay, lying to the west of the Pender Island Golf Course and south of the Port Washington public dock and sea plane terminal. The property is 0.75 ha (1.85 ac) in size. Properties in the area are quite varied in size with some as small as 0.17 ha (0.42 ac) to over 8 ha (20 ac).

Based on GIS data the property rises moderately to 8m above sea level adjacent to the shoreline, then is gently sloping through the remainder of the property to a maximum of 18 m asl.

Figure 1: Subject Property Map

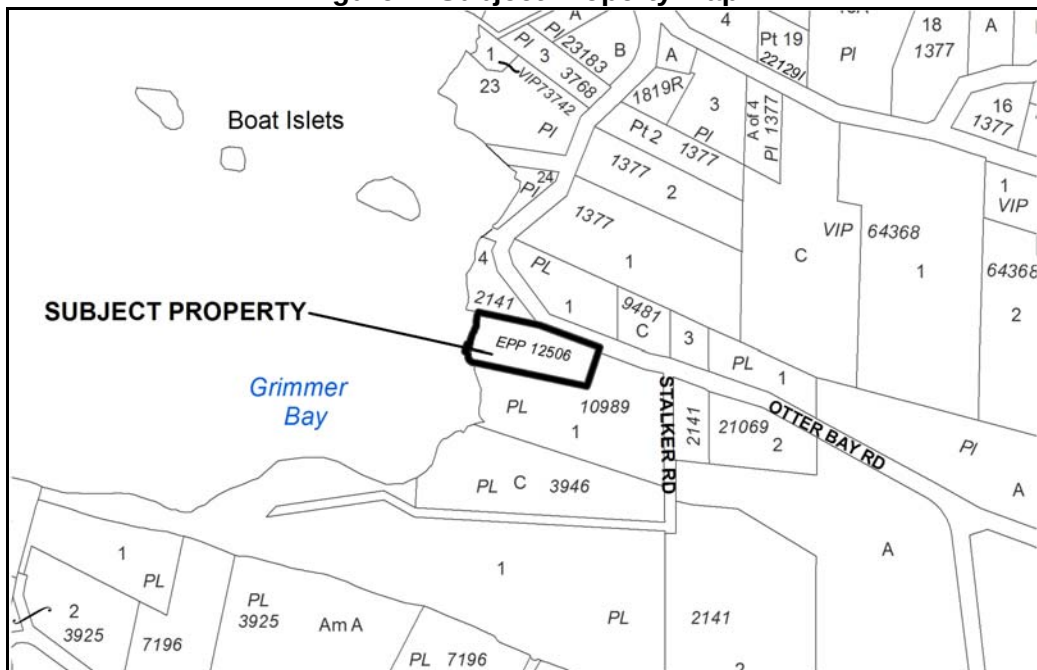
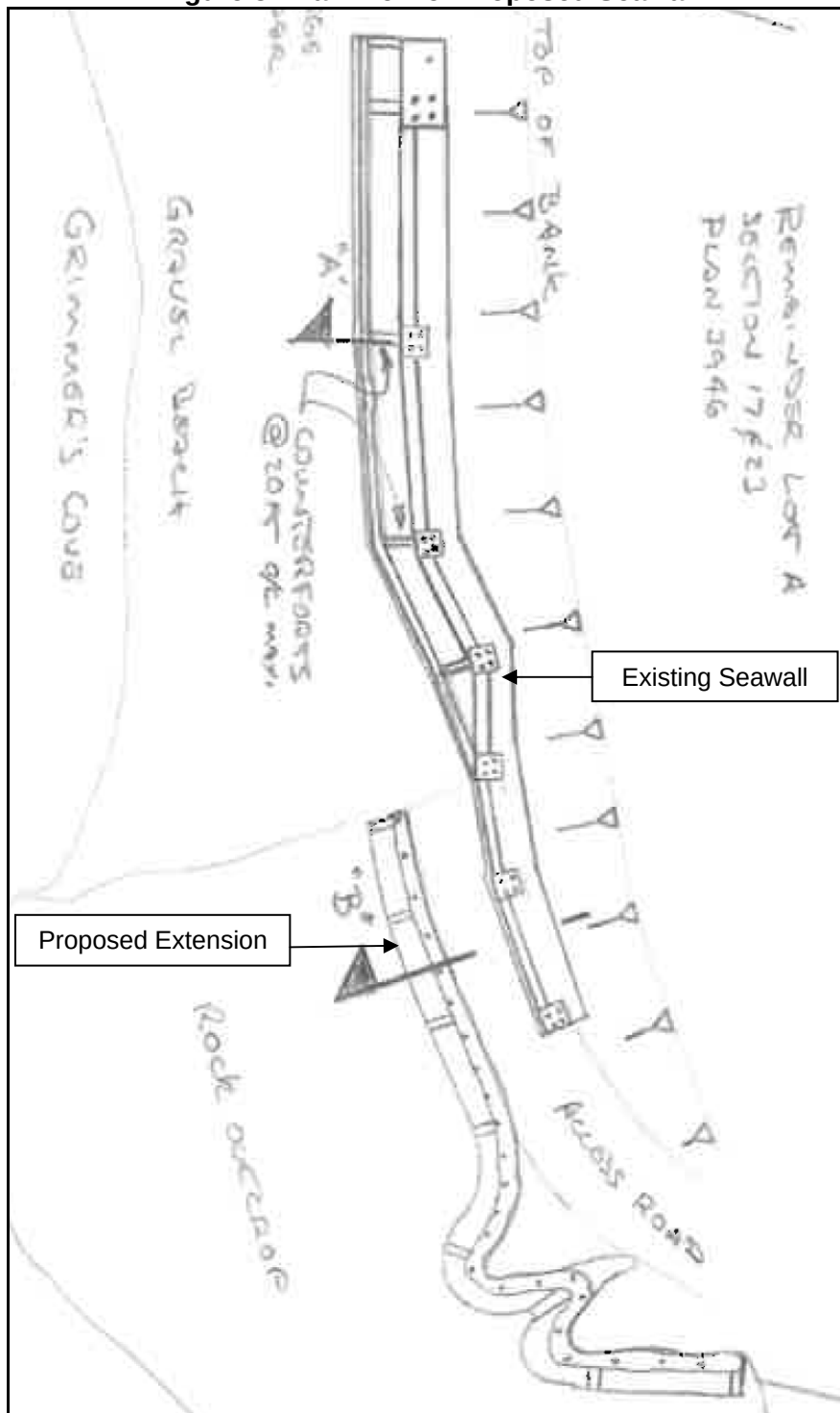


Figure 2: Orthophoto with 2 metre Contour Intervals



Figure 3: Plan View of Proposed Seawall



ENLARGEMENT SHOWING EXISTING SEA WALL

PRESENT NATURAL BOUNDARY PRIOR TO CONSTRUCTION

PRESENT NATURAL BOUNDARY

CONCRETE FOOTING

PAINT MARK 524

CN 906 0.970

RB 598

LINE OF REBAR

RB 907

RB 911

RB 914

RB 920

RB 924

RB 930

RB 933

RB 935

RB 936

RB 937

RB 941

RAIL FENCE

CRACK

RETAINING WALL ALONG ACCESS TO BEACH

ACCESS TO BEACH (CONCRETED SURFACE)

CUT CROSS 905 ELEV. 8.754

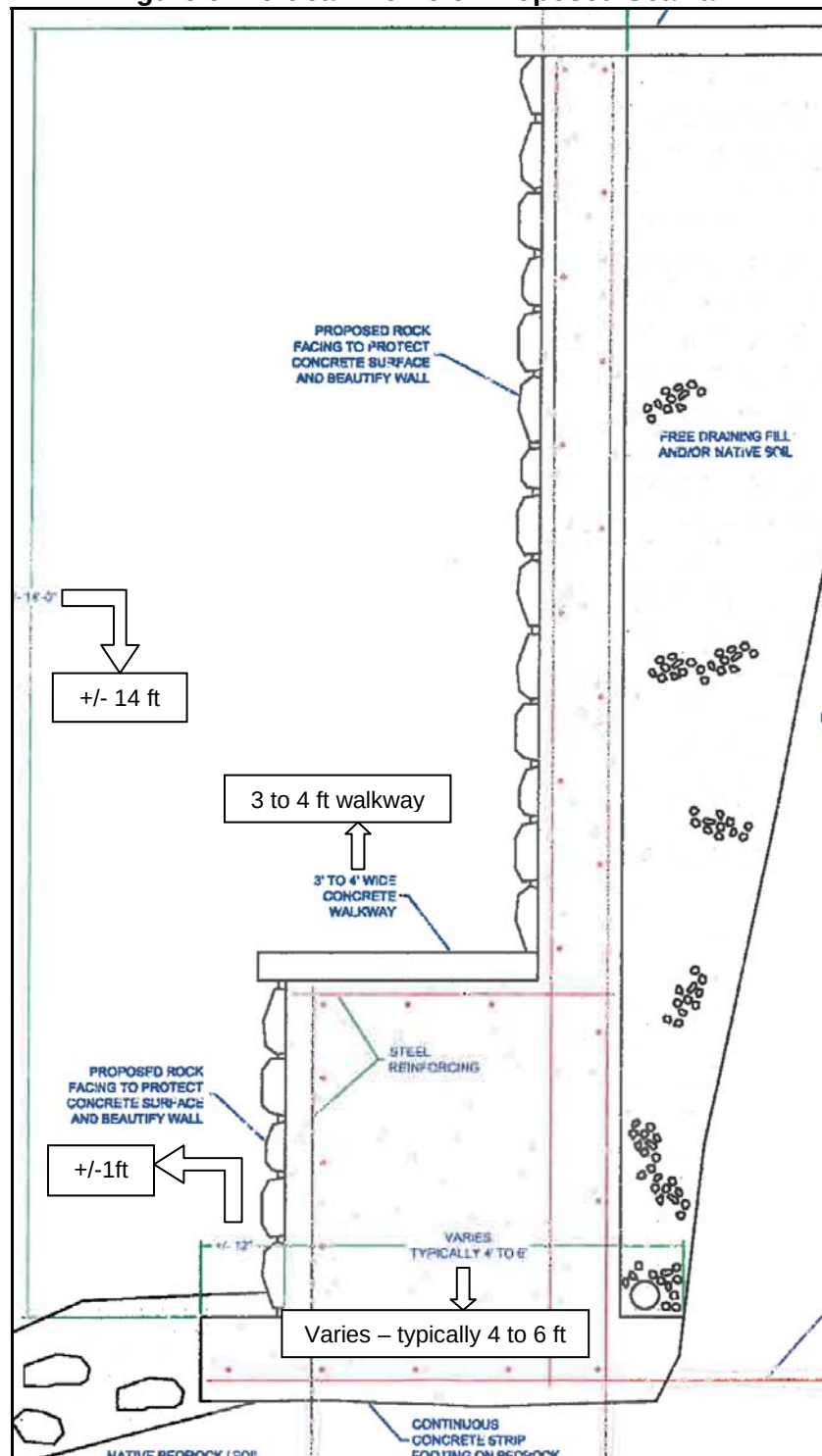
OLD IRON PI ASSUMED ELE 7.76 METRE

LEGEND

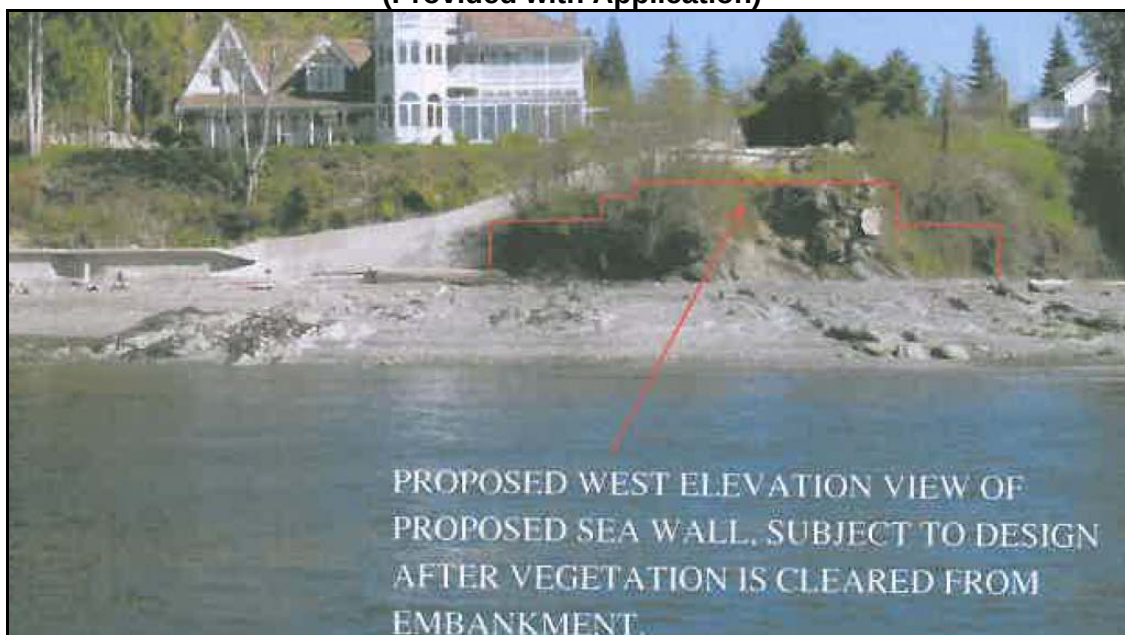
PROPOSED SEA WALL

NATURAL BOUNDARY

Figure 5: Vertical Profile of Proposed Seawall



**Photograph 1: Waterview with Seawall Noted
(Provided with Application)**



**Photograph 2: Shoreline in Area Proposed for Seawall
(Provided by Applicant)**



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- 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
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains

Official Community Plan:

The subject property is designated Rural Residential and the adjacent waters are designated Marine in the OCP. OCP Policies relevant to this application include:

- 4.2.1 – Regulations should protect natural coastal processes from the impacts of development
- 4.2.7 – Maintenance of public access and the right to recreational use of the foreshore shall be protected
- 4.2.8 – Filling, deposit, or excavation of materials on the foreshore shall be prohibited
- 4.2.10 – No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

Land Use Bylaw:

The upland portion of the property is zoned Rural Residential (RR) and the adjacent marine area is zoned Water 1 (W1) which allows:

- Private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea and providing access to that lots or those lots;
- Pilings necessary for the establishment or maintenance of the use above,
- Boat launching ramps; and
- Marine navigation, marine navigation aids and marker buoys.

Neighbouring parcels are zoned Rural Residential, Rural or Agriculture.

Surrounding marine waters are zoned W1 or Water 4 for the Port Washington Public Dock.

Islands Trust Fund:

There is a Trust Fund Board conservation covenants on a nearby property located approximately 300 metres distant. The application was referred to Trust Fund staff for comment.

Sensitive Ecosystems and Hazard Areas:

The marine waters are designated as a sensitive intertidal development permit area (DPA). There are no upland DPA's on the subject property although the surrounding areas contain Woodland, Riparian and Herbaceous sensitive ecosystem DPA's.

The shoreline is identified as a moderate hazard on the North Pender Steep Slope Hazard map.

Figure 6: Nearby Sensitive Ecosystem Development Permit Areas

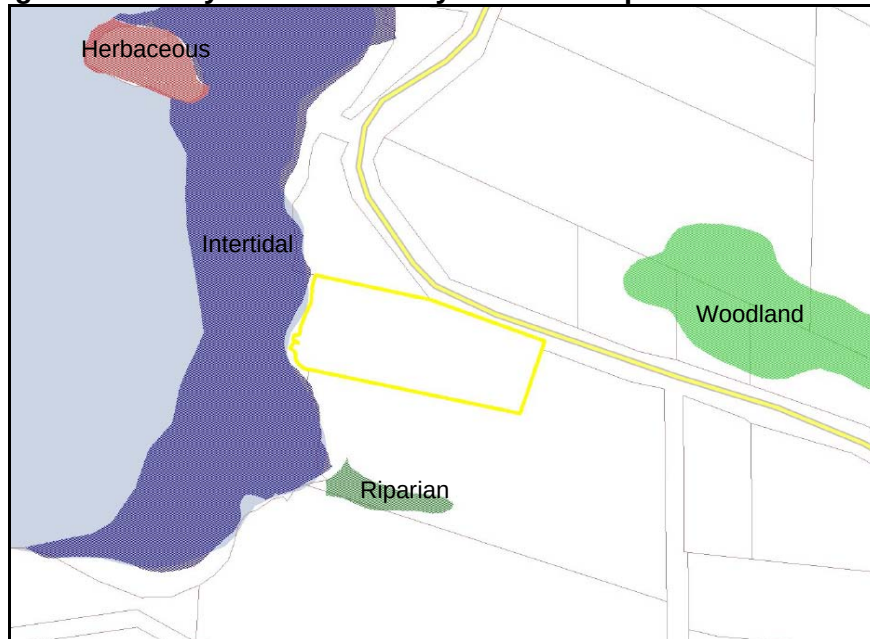
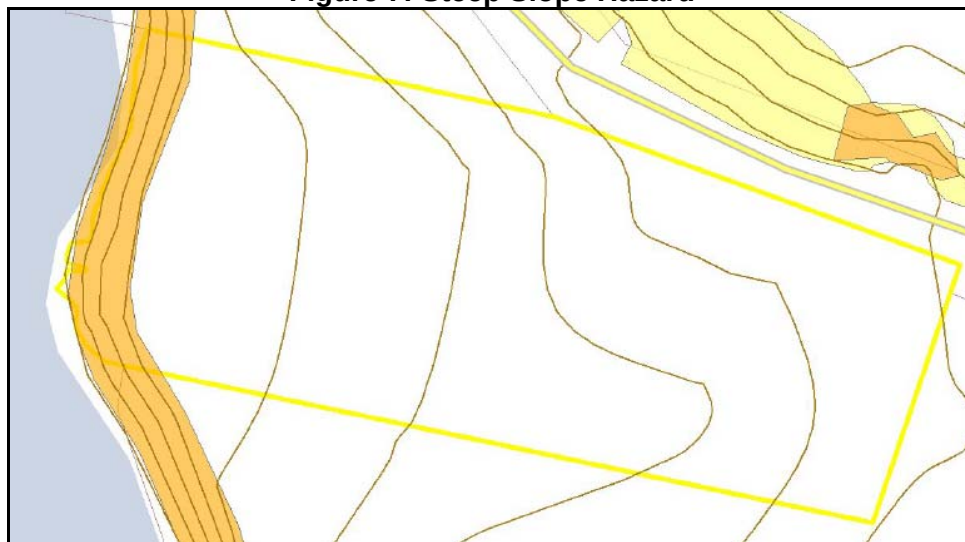


Figure 7: Steep Slope Hazard



Archaeological Sites:

There is a registered archaeological site in the area and Archaeologist Reports have been submitted with the application. The existing seawall on the northern portion of the property was constructed in part, to protect the site.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

Although the proposed seawall has a primary objective of protecting an archaeological site, it could also protect the shoreline bank from exposure during storm events and gradual changes in sea level. Hardening of the shoreline often has the inadvertent effect of transferring the erosional energies to beyond the end points of the structure, often to adjacent properties; as well as, stopping a natural source of sedimentation that often provide the source of beach sediments in the natural coastal process. The professional reports submitted with this application have indicated if the seawall is contiguous between two existing hard points that transfer of energy would be minimal, and that the existing banks are not a significant source for beach sediments.

Applying softer approaches to preventing erosional influences on a shoreline is strongly preferred; however, given the vulnerability of an archaeological site and the terrain (near vertical) the proposed seawall has been supported in the professional reports. Softer approaches include: tree and vegetation retention, replating of vegetation, addressing upland drainage, placement of large logs and boulders, and beach nourishment.

Communications:

The draft bylaws would be forwarded to the following referral agencies for comment; the LTC may also direct staff to include other agencies not listed. Additionally the LTC may choose to refer the proposal to the Advisory Planning Commission.

- First Nations:
 - o Chemainus
 - o Cowichan Tribes
 - o Halalt
 - o Lake Cowichan
 - o Lyackson
 - o Pauquachin
 - o Penelakut
 - o Tsartlip
 - o Tsawout
 - o Tsawwassen
 - o Tseycum
- Fisheries and Oceans Canada (DFO)
- Parks Canada
- Ministry of Forest, Lands and Natural Resource Operation (MFLNRO) – Aquaculture Branch
- MFLNRO – Ecosystems Protection Branch
- MFLNRO – Archaeology Branch
- MFLNRO – Crown Lands and Resource
- CRD, Building Inpsection Services
- Mayne Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Saturna Island Local Trust Committee
- South Pender Island Local Trust Committee
- Islands Trust Fund
- Islands Trust, Bylaw Enforcement

Furthermore the public hearing notice would be circulated to all property owners and tenants within 100 m of the subject property in advance of the public hearing.

The applicants have previously discussed the proposed seawall with two adjacent neighbours to the south and those property owners have submitted letters of support in advance of the application being received.

Other:

The existing seawall was granted a Development Variance Permit in 2008. The existing seawall was located upland of the natural boundary of the sea and was therefore considered permitted as an accessory structure to the residential use of the property. The proposed extension southward would be below the natural boundary, located in the Water 1 zone, and therefore requires a zoning amendment.

The seawall constructed on the northern portion of the property has served to protect the archaeological site. The southern portion of the property has continued to be subject to erosional influences, including some land seaward of the existing pathway where archaeological deposits have been confirmed. Due to the potential impacts from winter weather events and continued erosion that may continue to negatively impact the archaeological deposits, the professional reports comment that the work should be undertaken as soon as possible.

Although the submitted reports have clearly supported the proposed seawall, none have specifically discussed any of the softer options except to compare lock-block or rip-rap to concrete.

The application included a number of professional reports prepared either for the original seawall or the proposed extension, these are summarized below.

Table 1: Summary of Professional Reports

Date	Professional	Key Comments
Nov 2007	Kathleen Reimer, Professional Biologist	Related to northern seawall – construction above the high tide line would not have a negative impact on the eel grasses and clam beds in the bay
Oct 2011	Kathleen Reimer, Professional Biologist	Review of Ryzuk and NHC reports and agrees with their comments Too much hard surfacing below high tide mark could result in erosion of beach materials Recommend extra care during construction
Dec 2007	Lewkowich Geotechnical Engineering Ltd	Ongoing erosion noted Exposed face approx. 3-4 m in height Seepage noted between glaciated till layer and overlying sand and gravel veneer No evidence seepage was related to effluent from septic field; considered minor relative to naturally occurring ground water seepage Notes using lock-block or rip-rap would be prohibitively expensive and cast in place concrete with freely draining materials for backfill is recommended. Rock boulders in front of seawall would dissipate wave energy

July 2011	Ryzuk Geotechnical	Southern portion ~30m is characterized by steep bank and near vertical cliff which are unprotected from wave action ranging in height from 3 to 6m Cliff is highly fractured shale bedrock with a layer of silty clay/sandy silt above with organic soil on top This type of shale is highly erodible, mainly by wave action at toe resulting in localized block failure.evidence of slope failure present Historical review indicates erosion rates have increased over last 25 years, possibly related to increase ferry size and frequency. Est. 5m in 73 yrs Minimal change to the energy regime since it is a hard concrete wall in front of a shale slope Shale bank is not a significant source of sediment for the surrounding beach, therefore no significant change to the foreshore conditions or hydraulic regime Recommendations: -conventional strip footing poured directly onto the shale bedrock and to be located as close to the top of slope as possible -Based on DFO – BMP's recommend timing of works between July 1 and Oct 1 or Dec 1 and Feb 15 -No disturbance beyond 1 m of the natural boundary -Silt abatement measures -All machinery to be leak free, spill kits on all machinery and no refueling near the foreshore -No 'in the wet' working during high tides
Feb 2008	Coast Interior Archaeology, Jim Stafford	Archaeological Impact Assessment of Initial Sea Wall, provided extensive historical context Findings suggest a site within the last 3000yrs Erosion and slumpage a main contributor to impacts with historic development and fill previously disturbing the site High potential for human remains to be encountered on the subject property either intact or scattered
Sept 2011	Coast Interior Archaeology, Jim Stafford	Testing revealed relatively intact deposits and features along the south half including stone tools and hearth feature. Fissures indicate that further bank collapse will continue Area of collapsing bank and deposits eventually to be covered in fill
Oct 2011	Coast Interior Archaeology, Jim Stafford	Update to previous rpt Fragmented human remains recovered, considered to be an individual burial that was impacted and mixed into other deposits

Oct 2011	Northwest Hydraulic Consultants (NHC)	No major sediment inputs to the beach in the area Bedrock is predominantly shale with sandstone outcropping along northern edge Low to moderate wave energy environment, however shale bedrock and overlying sediments are easily erodible Current erosional process are concentrated south of the existing seawall Estimate 5m horizontal bank loss over 73 years No increase in erosion expected as long as proposed wall extends without gaps from the existing seawall to the shale bank outcrop Stabilizing bank should not impact natural beach processes By extending new wall to existing hard points, no additional hard points would be created, providing little chance to enhance erosion on adjacent properties Footings should be extended to bedrock to minimize toe scour Protection structures should be monitored annually and following large events
Oct 2011	Islandscapes	Small Yew on upper cliff edge should not be impacted Replanting with Scouler's willow, Oceanspray, Red Flowering Currant, Nootka Rose, Tall Oregon Grape and Snowberry. Greater Periwinkle also recommended since it has colonized the area, is fast growing and would provide effective trailing groundcover
Aug 2011	Ministry Forest Land and Nature Resource Operations	Review of proposed 2.13m (7ft) encroachment Included 3-4 ft wide walkway to high tide access No objections subject to: • Max encroachment of 2.28m (7.5 ft) from present natural boundary • Approval of DFO and Islands Trust • As-built plan required • Professional Engineer's 2 year post construction monitoring report

STAFF COMMENTS:

The proposal would require an amendment to the North Pender Island Land Use Bylaw No. 103, 1996 (LUB) to amend the W1 zone to permit a seawall. Staff would propose a site specific zoning amendment specific to this proposal. An OCP amendment is not required due to the OCP policy 4.2.10 which would consider structures on the foreshore if an environmental impact assessment indicates there is no disruption to natural coastal processes.

The application included a number of professional reports prepared in advance of submitting their application. Under the Development Approval Information (DAI) Bylaw additional reports could be required. After a staff review we would require:

- A more detailed landscaping proposal with a site plan that identifies both existing vegetation to be retained and proposed areas for replanting, utilisation of native species that would be suitable to the area (wet soils and high seepage), and includes a more detailed cost estimate.
- A more precise survey plan showing the extent of the seawall, the proposed location relative to the property boundaries and the present natural boundary.
- A supplementary report commenting on the feasibility of any softer approaches.

The LTC may also request additional information be submitted for the application to proceed.

The following outlines a minimal timeline for the process that is very tight and does not factor in any contingency time for requiring additional reports, consideration of any registered covenants, an APC referral, a Community Information Meeting or Public Hearing held outside of the regular LTC schedule, or significant changes to the proposal.

February: Staff directed to proceed with application and to prepare draft bylaws, applicant requested to provide the additional information noted above.

March: Review draft bylaws, make any revisions, and direct staff to refer draft bylaw for agency comments.

April: Any preliminary responses received are considered, draft bylaws revised if necessary, draft bylaw given First Reading and staff directed to schedule a public hearing.
A draft Development Permit (DP) would also be prepared for consideration at this time or the next meeting. It would be recommended to at minimum have a draft DP available prior to the Public Hearing.

May: Public hearing (at LTC meeting or separately) for input, remaining agency comments received, further revisions considered then proposed bylaw given Second and Third Reading and forwarded to Islands Trust Executive Committee for approval.

June/Aug: Proposed bylaw returns for adoption.

RECOMMENDATIONS:

1. THAT the North Pender Island Local Trust Committee direct staff to proceed with the application NP-RZ-2011.1 (Turner) and to prepare draft bylaws.

OPTION:

2. THAT the North Pender Island Local Trust Committee refer bylaw amendment application NP-RZ-2011.1 (Turner) to the Advisory Planning Commission for comment.

Prepared and Submitted by:



Andrea Pickard

January 25, 2012

Date

Concurred in by:



Regional Planning Manager

January 25, 2012

Date

March, 12, 2012

File No.: NP-DP-2011.9 and
NP-RZ-2011.1
(Turner)

To: North Pender Island Local Trust Committee
For the meeting of March 22, 2012

From: Andrea Pickard
Island Planner
Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: Development Permit NP-DP-2011.9 and NP-RZ-2011.1 (Turner)

Owner: Natrikan Holdings Limited (A Cyprus Corporation)
Applicant: Ralph Turner
Location: 1215 Otter Bay Road
Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan
EPP12506, PID: 028-656-725

THE PROPOSAL:

The application is for development within the Sensitive Intertidal Ecosystem Development Permit Area (DPA) for the purpose of constructing a seawall below the natural boundary of the sea. The subject property was issued a Development Variance Permit in 2008 to construct a seawall on the northern portion of the property, which was located upland to the natural boundary. Due to continued erosion along the southern portion of the property and the vulnerability of a registered archaeological site, the applicant proposes to construct an extension to the existing seawall. The proposed seawall would be a concrete poured seawall that would extend southward from the existing seawall to a shale bank outcrop located approximately 5 metres beyond the southern boundary of the subject property.

The proposed seawall extension requires a bylaw amendment to the W1 zone as it would be located below the natural boundary of the sea. At the February 23rd meeting the North Pender Island Local Trust Committee (LTC) received a preliminary report for the bylaw amendment and directed staff to prepare draft bylaws and to send an early referral letter to the First Nations with an interest in the area.

There have been a number of professional reports submitted related to this proposal. Rather than attach them all to this report and creating a very large agenda package, staff will provide hard copies to the Trustees and post them on the website to be available to the public.

A draft development permit is attached as Schedule A and draft amending bylaw is attached as Schedule B.

SITE CONTEXT:

The subject property is a residential waterfront lot on Grimmer Bay, lying to the west of the Pender Island Golf Course and south of the Port Washington public dock and sea plane terminal. The property is 0.75 ha (1.85 ac) in size. Properties in the area are quite varied in size with some as small as 0.17 ha (0.42 ac) to over 8 ha (20 ac).

Based on GIS data the property rises moderately to 8m above sea level adjacent to the shoreline, then is gently sloping through the remainder of the property to a maximum of 18 m asl.

Figure 1: Subject Property Map

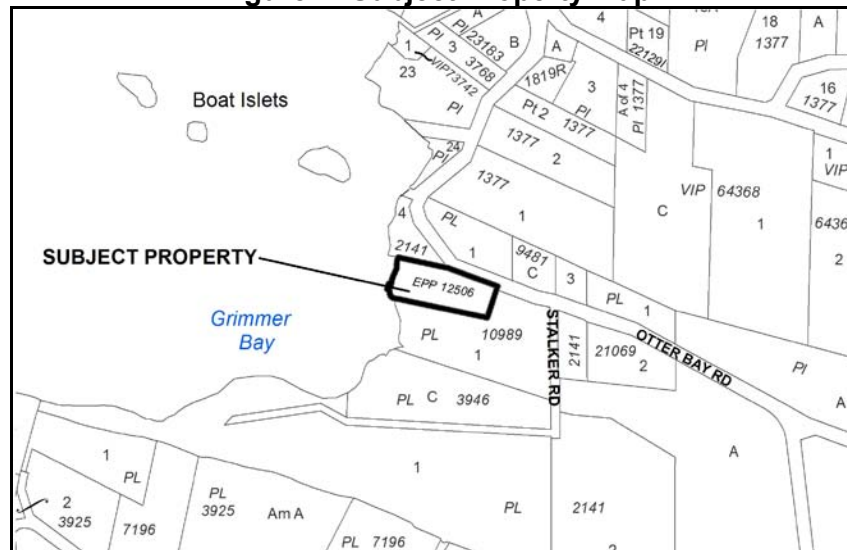


Figure 2: Orthophoto with 2 metre Contour Intervals



PRESENT NATURAL BOUNDARY PRIOR TO CONSTRUCTION

Existing Seawall and Access Ramp

CONCRETE FOOTING

PRESENT NATURAL BOUNDARY

Proposed Extension of Seawall within "Construction Area"

CONSTRUCTION AREA

RETAINING WALL ALONG ACCESS TO BEACH

ACCESS TO BEACH (CONCRETED SURFACE)

CUT CROSS 905 ELEV. 8.754

OLD IRON PIPE ASSUMED ELEVATION 7.76 METRES

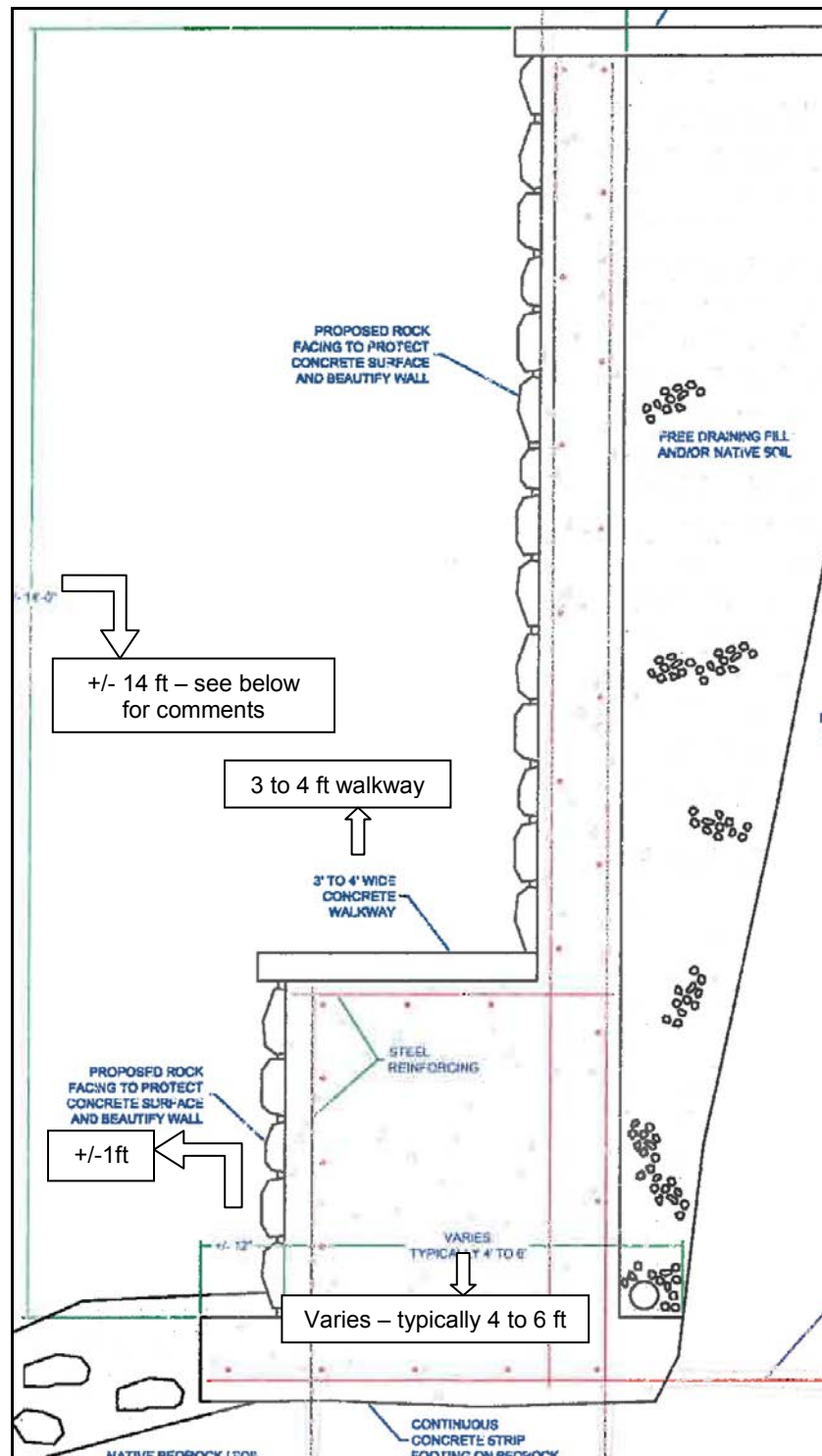
NATURAL BOUNDARY

RESIDENCE

Elevations: 302, 128, 135, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 153, 10.27, 1.00, 12.28, 4.8, 2.1, 2.20, EL. = 8.49

[illegible]

Figure 5: Vertical Profile of Proposed Seawall



Although the profile above has indicated a height of +/- 14 ft (4.3m) the draft bylaws have used a maximum height of 5.5m (18ft). This is to accommodate for undulations in the shale bed the base is constructed on. The intent is to step the top of the seawall in such a manner to follow the natural contours, however some localized sections may exceed a limit of 4.3m. It should be noted the draft bylaw may specify a maximum of 5.5 m, however the actual seawall authorized

is also regulated by the development permit. The proposed development permit includes a photograph rendered to represent how the maximum height will be designed to match the existing elevation.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

Directive policies relevant to this application include:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- 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
- 5.6.3 – the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains

Local Trust Committee bylaws also have to be approved by the Executive Committee before being adopted. As part of their review a checklist is used to review the proposed bylaw against the Islands Trust Policy Statement. The checklist is attached as Schedule C.

Official Community Plan:

The subject property is designated Rural Residential and the adjacent waters are designated Marine in the OCP. OCP Policies relevant to this application include:

- 4.2.1 – Regulations should protect natural coastal processes from the impacts of development
- 4.2.7 – Maintenance of public access and the right to recreational use of the foreshore shall be protected
- 4.2.8 – Filling, deposit, or excavation of materials on the foreshore shall be prohibited
- 4.2.10 – No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

Land Use Bylaw:

The upland portion of the property is zoned Rural Residential (RR) and the adjacent marine area is zoned Water 1 (W1) which allows:

- Private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea and providing access to that lots or those lots;
- Pilings necessary for the establishment or maintenance of the use above,
- Boat launching ramps; and
- Marine navigation, marine navigation aids and marker buoys.

Neighbouring parcels are zoned Rural Residential, Rural or Agriculture.

Surrounding marine waters are zoned W1 or Water 4 for the Port Washington Public Dock.

Islands Trust Fund:

There is a Trust Fund Board conservation covenants on a nearby property located approximately 300 metres distant. The application was referred to Trust Fund staff for comment and they have no concerns.

Sensitive Ecosystems and Hazard Areas:

The marine waters are designated as a sensitive intertidal development permit area (DPA). There are no upland DPA's on the subject property although the surrounding areas contain Woodland, Riparian and Herbaceous sensitive ecosystem DPA's.

The shoreline is identified as a moderate hazard on the North Pender Steep Slope Hazard map.

Figure 6: Nearby Sensitive Ecosystem Development Permit Areas

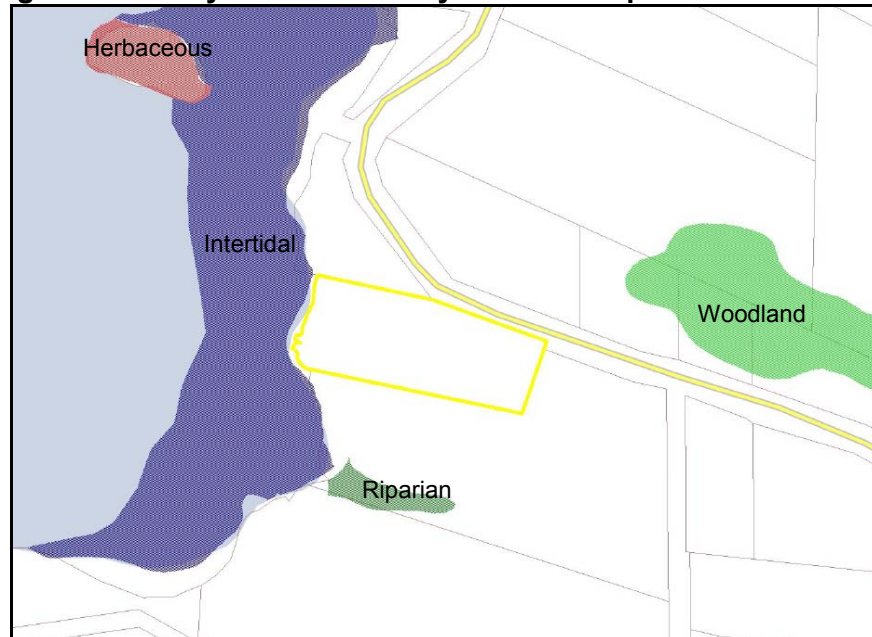
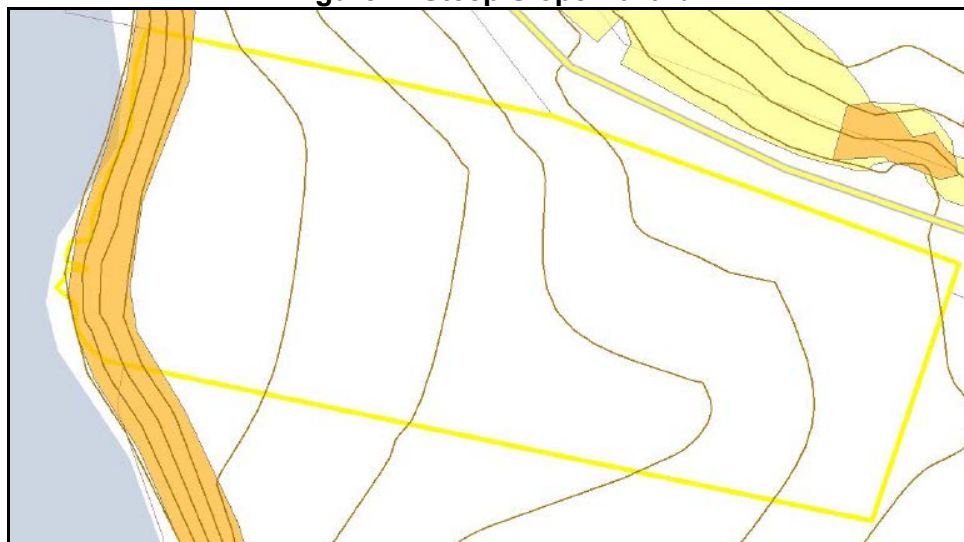


Figure 7: Steep Slope Hazard



Archaeological Sites:

There is a registered archaeological site in the area and Archaeologist Reports have been submitted with the application. The existing seawall on the northern portion of the property was constructed in part, to protect the site.

Covenants:

There are no registered covenants on the subject property.

Climate Change Adaptation and Mitigation:

Although the proposed seawall has a primary objective of protecting an archaeological site, it could also protect the shoreline bank from exposure during storm events and gradual changes in sea level. Hardening of the shoreline often has the inadvertent effect of transferring the erosional energies to beyond the end points of the structure, often to adjacent properties; as well as, stopping a natural source of sediments that often are the source of beach sediments deposited further along the shorelines in the natural coastal process. The professional reports submitted with this application have indicated if the seawall is contiguous between two existing hard points then that transfer of energy resulting in new erosion areas would be minimal. They also note that the existing banks are not a significant source for beach sediments.

Applying softer approaches to preventing erosional influences on a shoreline is strongly preferred; however, given the vulnerability of an archaeological site and the terrain (near vertical) the proposed seawall has been supported in the professional reports. Softer approaches include: tree and vegetation retention, replanting of vegetation, addressing upland drainage, placement of large logs and boulders, and beach nourishment.

Other:

Biologist's Report: A biologist's report was submitted for the original seawall in 2007 with a supplemental report for the proposed extension. The 2007 report concluded "that construction of a seawall above the high tide line, in order to stabilize the bank in front of the building would not have a negative impact on the eel grasses and the clam beds in the bay." In a supplemental report on the seawall extension the report notes that extension should be constructed in such a way that new erosional areas would not be created (anchoring to bedrock and the shale outcrop). The biologist also agrees with the recommendation in the Northwest Hydraulic Consultants report that monitoring of the site after the seawall is constructed should be undertaken, particularly after storm events.

Landscaping: A landscaping plan has been submitted for the upland portion that would be backfilled between the seawall and existing bank. The landscaping plan consists of only native species.

Security Bond: In order to ensure the planting is undertaken as proposed, staff recommend the owner provide security in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost. The security should be required before an amending bylaw is given final adoption. The cost estimate provided is \$7452.10, resulting in a security amount of \$9315.13.

Guidelines Checklist: The DP guideline checklist is attached as Schedule D.

STAFF COMMENTS:

Erosion protection has historically utilized hard armouring of the shoreline with concrete or rip rap walls. Although these methods are relatively inexpensive and have low maintenance requirements, they have proved to produce negative environmental impacts to shorelines by:

- transferring erosion to adjacent locations;
- interfering with natural coastal process, particularly cutting off the source of beach materials; and
- the loss of habitat and vegetation.

In high energy wave environments hard surfaces can also result in the energy forces being transferred upland, rather than being dissipated and this can impact upland structures.

There has been a shift in recent years to alternative approaches that have less environmental and visual impacts. Protection measures are often referred to as a spectrum from 'soft' to 'hard', where 'soft' measures utilize less rigid materials such as vegetation, while 'hard' measures refer to those with solid, hard surfaces such as concrete walls. In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. There is a range of measures that include:

- Vegetation enhancement
- Upland drainage control
- Biotechnical measures
- Beach enhancement
- Anchor trees
- Gravel placement
- Rock (rip rap) revetments
- Gabions
- Concrete or rock groins
- Retaining walls or bulkheads (concrete, lock blocks, etc.)
- Seawalls

SOFT



HARD

Professional reports have commented on the upland drainage. It was identified that the broader area generally consists of poorly draining, wet soils extending well beyond the subject property to beyond the Golf Course. The existing septic field is also identified as a possible source of seepage in the area, however it was considered to be to a minor contributor and well below the volume of naturally occurring ground water seepage.

Professional reports have also commented on the possibility of softer approaches. The site is restricted by the need to avoid further disturbance to the upland soils so as not to impact the archaeological site, and it is a high energy environment. Other design options may require a larger overall footprint, more excavation, or more heavy equipment access to the site. Softer approaches are not feasible at this location since they are not considered suitable for high energy coastal environments such as this.

The key consideration for supporting any form of erosion protection structure is the preservation of a significant archaeological site. The Archaeologist's report identifies it as a large prehistoric habitation site of high scientific significance. The site has been impacted by past development and erosion.

For the proposed seawall to proceed it also requires a development permit, which can include conditions under which the site is developed.

Conditions included in the draft permit include:

- Maximum height to follow natural terrain as much as possible
- Construction to occur during Fisheries and Oceans Canada Best Management Practices (for 2012 July 1 to Oct 1 and Dec 1 to Feb 15)
- All upland work to occur between Jun 1 and Oct 1 (DFO – Best Management Practices)
- No sediments to be released into the foreshore areas, mitigation measures to be undertaken – ie: landscaping and mulching
- No beach materials to be removed from, nor fill introduced into the foreshore
- A spill kit to be on site when motorized equipment is present
- A report to be submitted post construction to confirm recommendations have been followed
- A monitoring report to be submitted 5 year post construction to review effectiveness and structural integrity of the seawall

The next steps are:

- Make any revisions to the draft bylaw (March LTC)
- Refer the draft bylaw to referral agencies for comment
- Optional scheduling of a Community Information Meeting as part of the April LTC agenda or for a weekend
- Give the draft bylaw First Reading and direct staff to schedule a Public Hearing (April)
- Hold Public Hearing at part of the May LTC agenda or a separate date
- Consideration of input and possible amendments to the proposed bylaw
- Given Second and Third Reading (May)
- Refer the Proposed Bylaw to Executive
- Adopt the Proposed Bylaw and issue the Development Permit

Staff recognize the above timeline is fairly ambitious, and if there is a considerable amount of input the timeline would need to be extended. Ongoing workload may also be a factor, and if the Community Information Meeting and Public Hearing are held separately from the LTC meeting dates.

RECOMMENDATION:

THAT the North Pender Island Local Trust Committee direct staff to refer Draft Bylaw No. 190, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012” to referral agencies for comment.

That the North Pender Island Local Trust Committee directs staff to schedule a Community Information Meeting for NP-RZ-2011.1(Turner) for the April Local Trust Committee meeting.

THAT Development Permit NP-DP-2011.9 (Turner) BE APPROVED but NOT ISSUED until the related bylaw amendment for NP-RZ-2011.1 is adopted.

Prepared and Submitted by:



Andrea Pickard

March 12, 2012

Date

concurred in by:



Regional Planning Manager

March 12, 2012

Date



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT NP-DP-2011.9

To: Natrikan Holdings Limited (A Cyprus Corporation)

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

Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506
PID: 028-656-725

2. This Development Permit authorizes the construction of a seawall within a sensitive intertidal ecosystem development permit area subject to the following conditions:
- (a) Siting of a seawall shall be consistent with Schedule "A" attached to and forming part of this permit.
 - (b) Construction of a seawall shall be substantially consistent with Schedule "B" attached to and forming part of this permit.
 - (c) Maximum height of the seawall shall be constructed in a manner that follows the natural terrain as reflected in Schedule "C" attached to and forming part of this permit.
 - (d) Construction of the seawall shall occur during the marine timing windows established by Fisheries and Oceans Canada Best Management Practices; those currently being July 1 to October 1 and December 1 to February 15.
 - (e) All related upland work above the present natural boundary shall occur between June 1 and February 15 in accordance with Fisheries and Oceans Canada Best Management Practices.
 - (f) Development must be conducted in a manner that prevents the release of sediment or sediment-laden water to the marine environment. Mitigation measures, such as landscaping and mulching, shall be undertaken after backfilling of the upland slope behind the seawall such that there is no migration of sediments into the foreshore area.
 - (g) No native beach materials shall be removed from, nor any fill introduced into the foreshore area.
 - (h) A spill kit must be kept on-site at all times motorized equipment is present.
 - (i) A post construction report, prepared by a qualified professional, shall be submitted by March 31, 2014 to confirm that recommendations in the professional reports have been followed.

- (j) A monitoring report, prepared by a qualified professional, shall be submitted by December 31, 2017 to review the effectiveness and structural integrity of the seawall approximately 5 years post-construction.
3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ____ day of _____, 20__

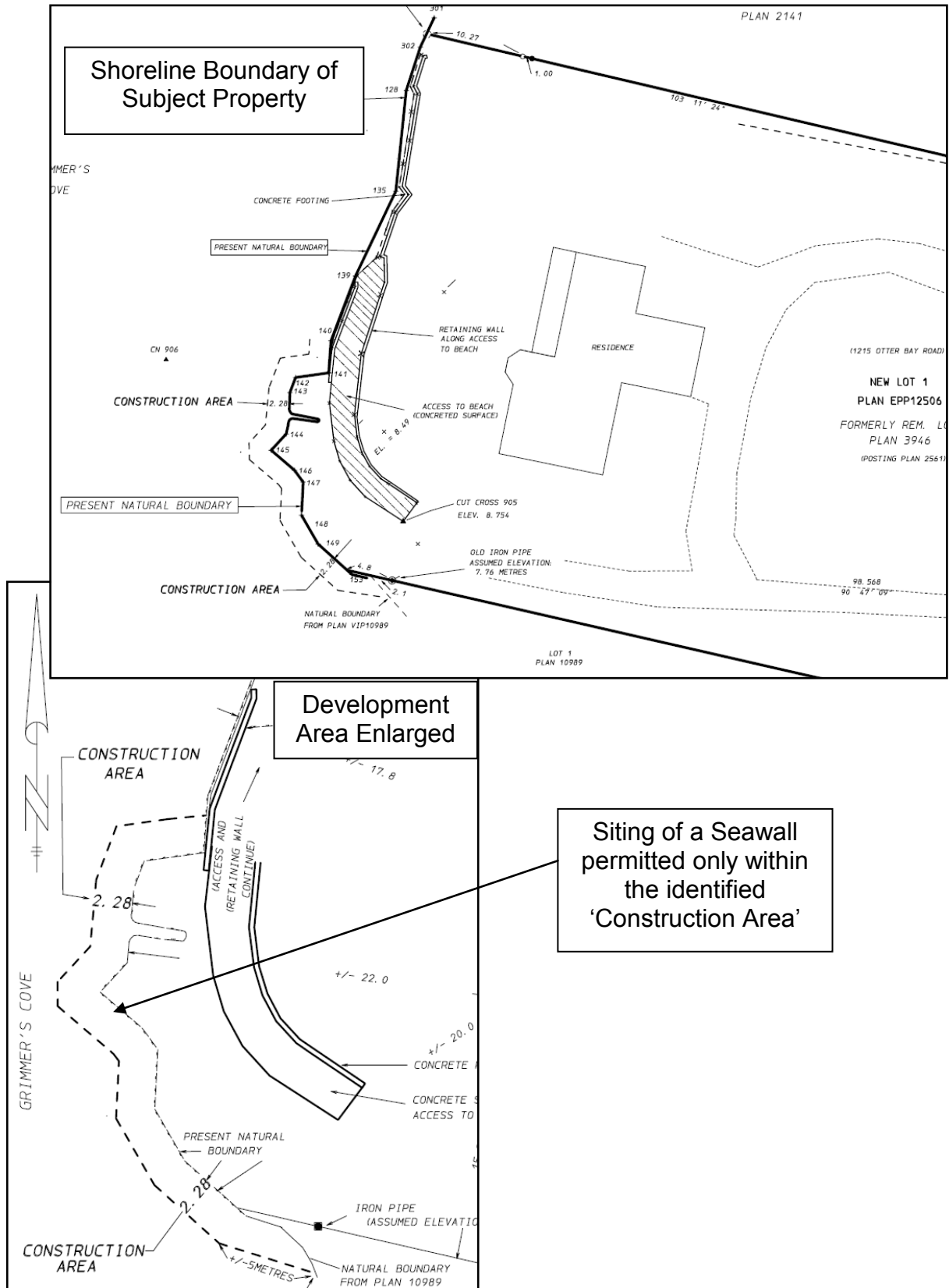
Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 20__ THIS PERMIT AUTOMATICALLY LAPSES.

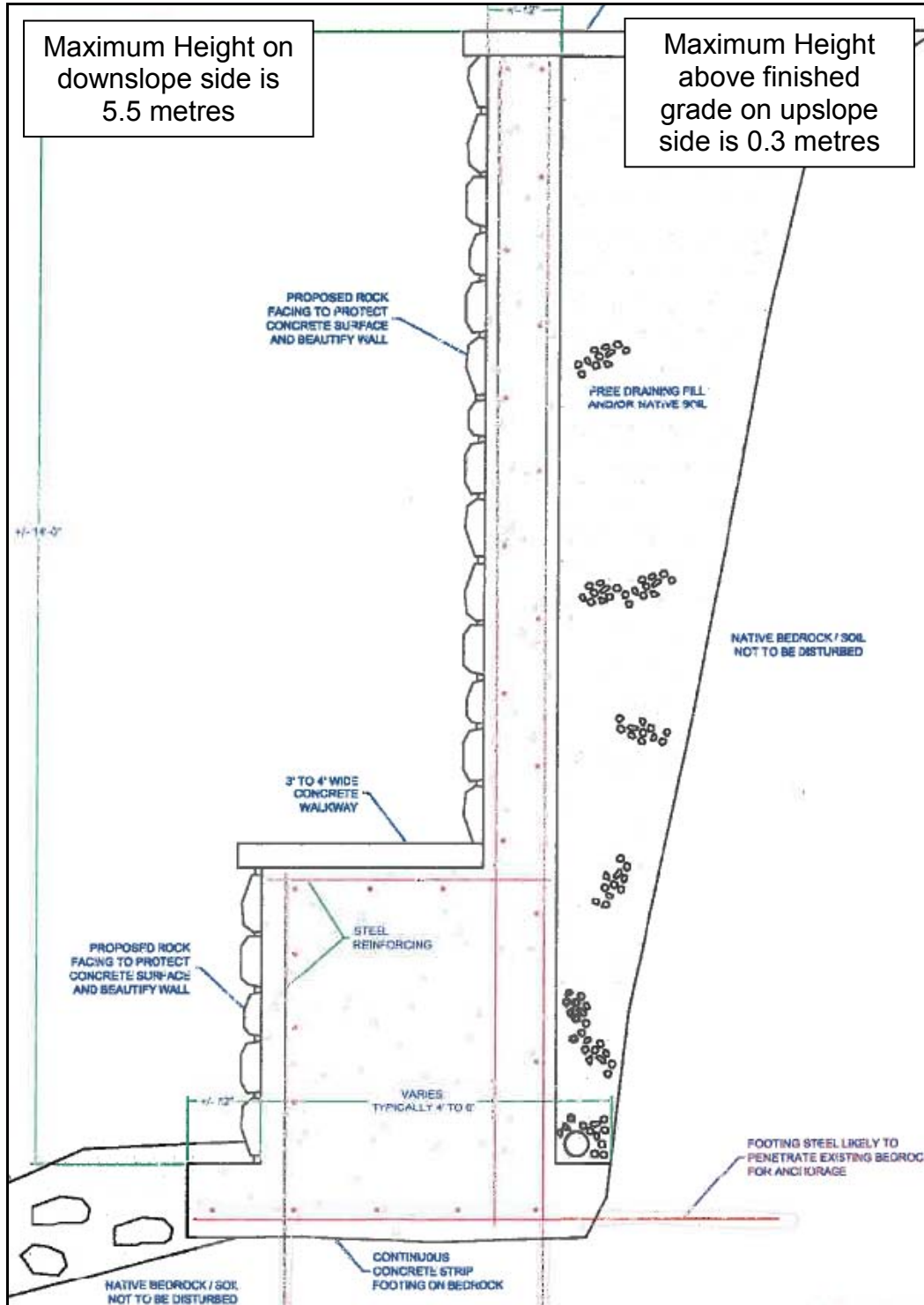
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.9
Schedule "A"**

Site Plans



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.9
Schedule "B"**

Seawall Side Profile



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2011.9
Schedule "C"**

Finished Height of Seawall



Finished height of the seawall shall follow the natural terrain as closely as possible as represented by the line



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 190

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

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

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

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

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

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

Column 1 Site- Specific Zone Reference	Column 2 Legal Description	Column 3 Site Specific Regulations
W1(a)	The land covered with water fronting a portion of Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506 and Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan 10989	(1) In addition to the used permitted in 8.19.1 the following are permitted: (a) Erosion protection in the form of seawalls (2) Despite 8.19.5, siting of a Seawall is permitted only within the identified "Construction Area" lying seaward of the present natural boundary of the sea, and projecting no further than 2.28 metres from said boundary, as shown on "W1(a) Seawall Plan" of Schedule F. (3) The maximum height of a seawall is 5.5 metres, measured from the base on the downslope side, and at no point can a seawall project more than 0.3 metre above the finished grade on the upslope side.

2. Schedule "D" (Zoning Map for North Pender Island) is amended in accordance with the map attached to and forming part of this bylaw as Plan No. 1.
 3. A new Schedule "F" is attached following Schedule "E", entitled "Schedule F, Detailed Plans".
 4. Plan No. 2, attached to and forming part of this Bylaw, is attached to Schedule F as "W1(a) Seawall Plan".
- B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012".
- C. 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	, 20__
READ A SECOND TIME this	day of	, 20__
PUBLIC HEARING HELD this	day of	, 20__
READ A THIRD TIME this	day of	, 20__
APPROVED BY THE EXECUTIVE COMMITTEE this	day of	20__
ADOPTED this	day of	, 20__

Chair

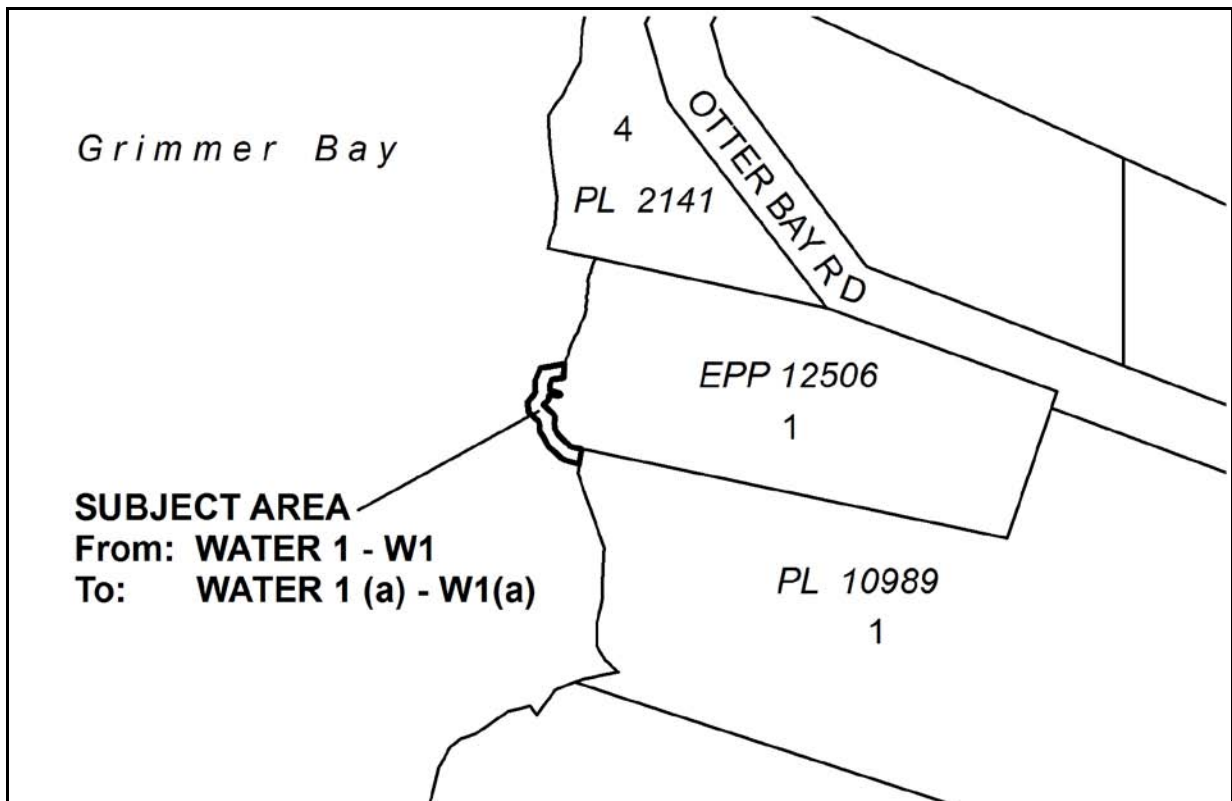
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

PLAN No. 1

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "D" Zoning Map" is amended as follows:



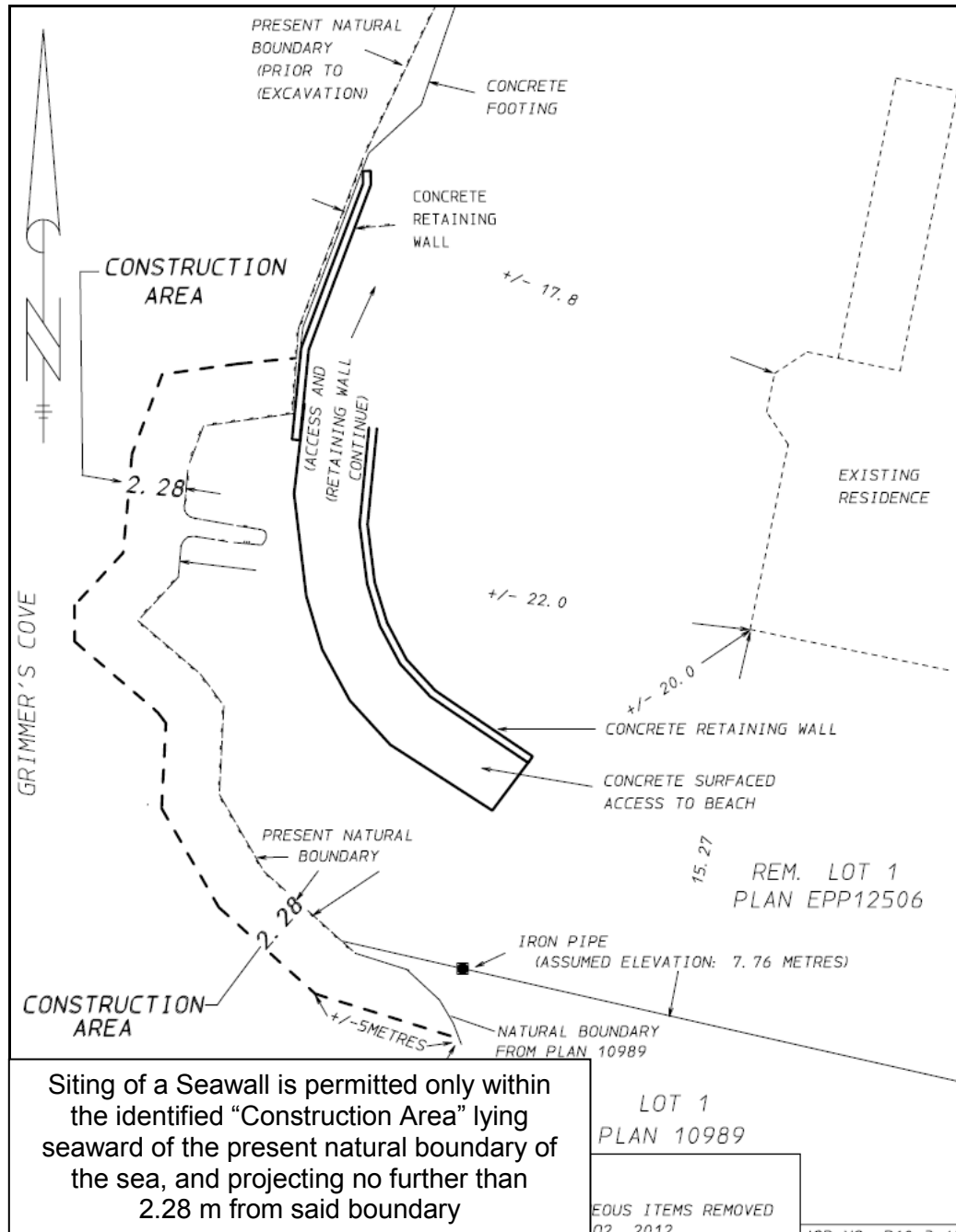
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 190

Plan No. 2

"North Pender Island Land Use Bylaw No. 103, 1996, Schedule "F" Detailed Plans" is amended by adding the following:

"W1(a) Seawall Plan"



DPA Checklist: NP-DP-2011.9 (Turner)
Seawall

Guidelines	Comments
Overall DPA Guidelines	
1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	Lot is not subdividable
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	Proposed location is determined by existing archaeological site and natural boundary of the sea
3. The area cleared and disturbed for development should be minimized.	Limited to identified construction area and within 2.28m permitted by Ministry of Forests, Lands and Natural Resource Operations
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	Disturbance will be adjacent to natural boundary only, with a maximum projection of 2.28 meter seaward
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	One identified Yew tree on the bank will be retained, no impact on root system expected. Surrounding area to have additional soil and plantings to help replenish previously eroded area
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	Surrounding areas already developed, backfilled areas to be replanted
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, pits and dunes should be protected.	Design of wall will follow topography as much as possible, and siting will parallel natural boundary of the sea
8. Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	n/a sensitive features have limited migration ie: eel grasses, clams, oyster bed
9. Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Landscaping plan includes range of native species

Guidelines	Comments
10. Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	No native materials to be removed from, nor fill introduced into the foreshore area as a condition of permit
11. Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Professional reports provide recommendations regarding appropriate drainage materials and design
12. Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	n/a
13. Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	n/a
14. Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	To be permitted as site specific zoning to protect heritage/cultural feature
15. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	Softer approaches considered but not suitable to this location
16. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	Objective, in part, is to protect archaeological site
17. The permit conditions may include:	
a) the construction of permanent or temporary fencing around sensitive features;	Not recommended
b) fencing, flagging and posting of notices during construction;	Not recommended
c) limits on blasting in sensitive areas;	No blasting required
d) limits on construction timing;	DFO timing windows as condition of permit
e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	Not recommended

Guidelines	Comments
f) restoration or enhancement of disturbed sensitive ecosystems and habitat	Area behind seawall to be replanted post construction
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	No required – addressed in site specific zoning
<i>Intertidal Ecosystem Guidelines</i>	
19. Stairs, walkways and other access within a sensitive intertidal ecosystem should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.	Access to foreshore exists on northern portion of seawall
20. Docks should be sited to avoid impacts on sensitive ecosystems such as eel grass beds, fish habitat and natural processes such as currents and littoral drift.	n/a
21. Docks should be constructed in a manner which allows free flow of water beneath the dock and supports should be located on a hard substrate.	n/a
22. Floating docks that do not rest on the bottom at any time and a minimal ramp should be utilized rather than fixed wharves.	n/a
23. Piers on pilings and floating docks are preferred over solid-core piers.	n/a
24. Docks should not incorporate unenclosed plastic foam or other non-biodegradable materials and should be constructed of stable materials that will not degrade water quality.	n/a
25. Boat launch ramps should only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is required.	n/a



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

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 a 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.
n/a	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
n/a	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 use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	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.
n/a	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.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
√	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
n/a	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.
n/a	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.
n/a	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.

CONSISTENT	NO.	DIRECTIVE POLICY
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	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
√	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.
√	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

March 30, 2012

File No.:

To: Saturna Island Local Trust Committee

From: Gary Richardson
Island Planner
Local Planning Services

CC: Robert Kojima, RPM

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

BACKGROUND:

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

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

CRD parks are not immune from local government regulation, including zoning, there are at least two reasons why the LTC should consider designating and zoning these lands to a park zone:

1. The first is simply to recognize the status of the lands in a consistent manner.
2. Second, the zoning, in particular the uses and siting regulations, would provide for park use and park structures. The present zoning does not allow for the types of buildings and structures that compliment a park.

The CRD parklands require appropriate designations outlining the location of the lands, what is permitted on them and where.

Staff reviewed the status of the various parcels within CRD parks on Saturna Island, and prepared some suggested amendments to the text of the OCP and LUB which is contained in this report. Also the subject properties have been identified on sketch maps and are attached to this report.

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

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

SUGGESTED OCP WORDING:

Conservation Areas, Community Recreation and Future Park Policies

- Land acquired or dedicated as park or as a conservation area should be designated appropriately on Schedule 'B' of this plan and zoned accordingly.

SUGGESTED LUB WORDING:

Community Park (CP) Zone

Subdivision Requirements

- (1) No lot having an area less than 10 hectares (24.7 acres) may be created by subdivision.

Permitted Uses and Structures

- (1) In addition to the uses permitted in Section 2.1 of this Bylaw, the following uses and no others are permitted in the Community Park (CP) Zone:
 - (a) playgrounds; and
 - (b) picnic facilities.
- (2) No buildings or structures other than playground structures, picnic tables, picnic shelters, toilets and storage buildings may be constructed.

Lot Coverage

- (1) Lot coverage may not exceed 5 percent.

Setbacks

- (1) No building or structure may be located within 7.6 metres of any lot line.

Height

- (1) No building or structure may exceed 9 metres in height.

Staff Comments:

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

Next Steps:

- 1) Direct staff to draft OCP and LUB amendments.
- 2) Once OCP and LUB amendments are prepared, meet with CRD staff and forward to parks commission to review drafts.
- 3) Bring draft bylaws to next Saturna LTC meeting for consideration of 1st reading.

RECOMMENDATION:

THAT the Saturna Island Local Trust Committee direct staff to prepare draft bylaws that would amend the OCP and the LUB to designate and zone CRD parkland and provide for appropriate policies and regulations.

Prepared and Submitted by:

Gary Richardson

April, 02 2012

Gary Richardson
Island Planner

Date

Concurred in by:

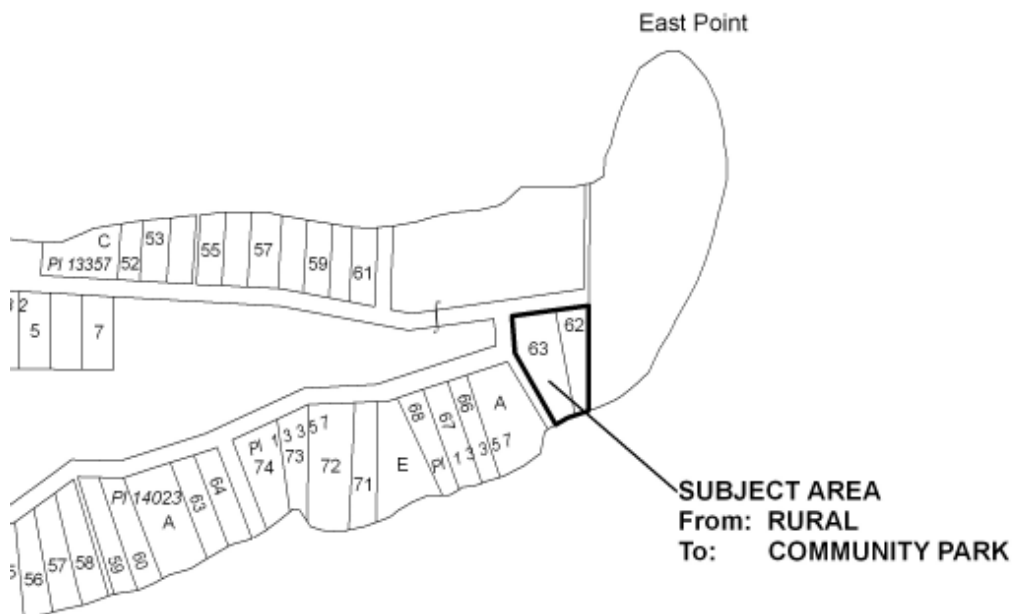


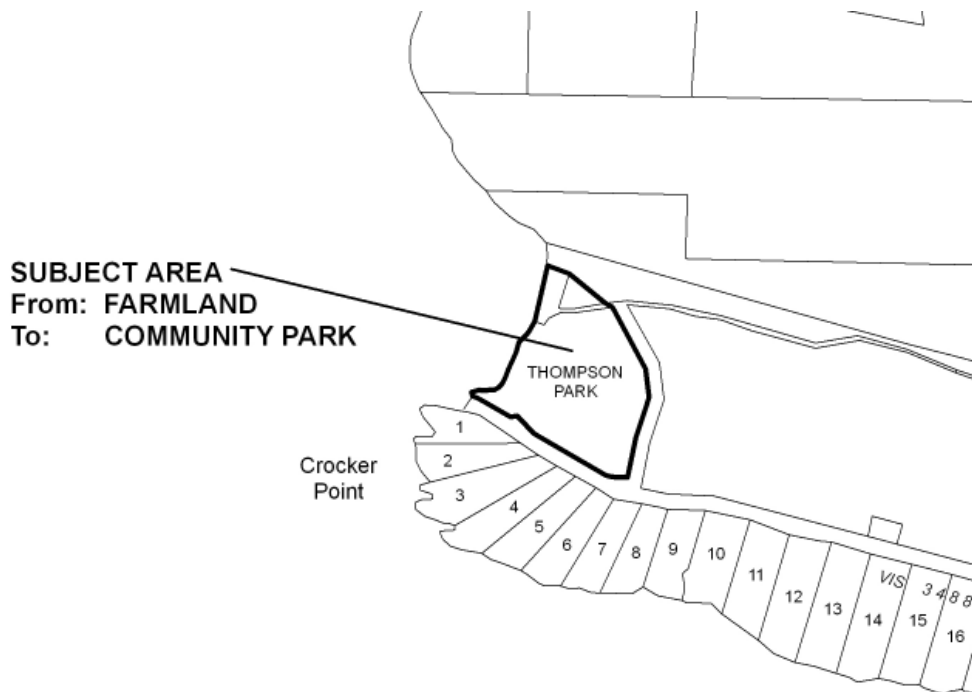
Robert Kojima
Regional Planning Manager

April, 02 2012

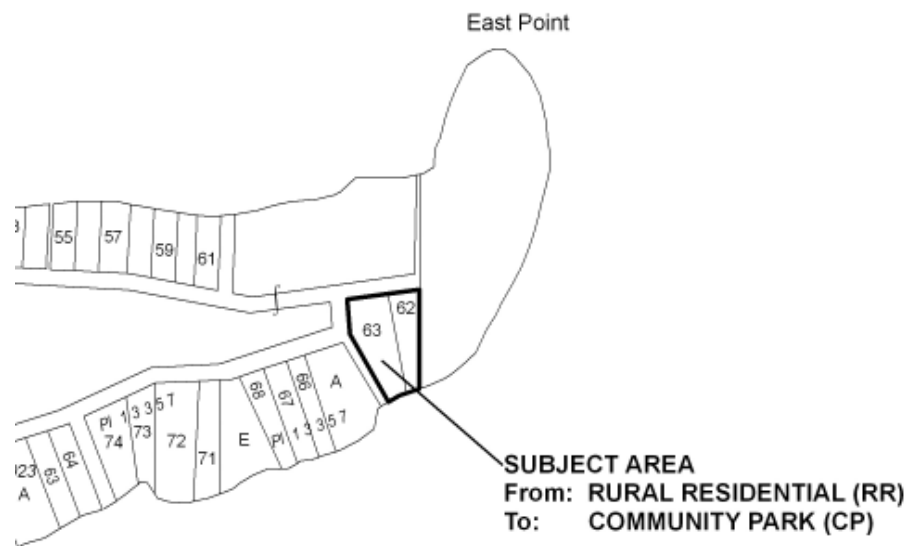
Date

CRD Parkland – OCP

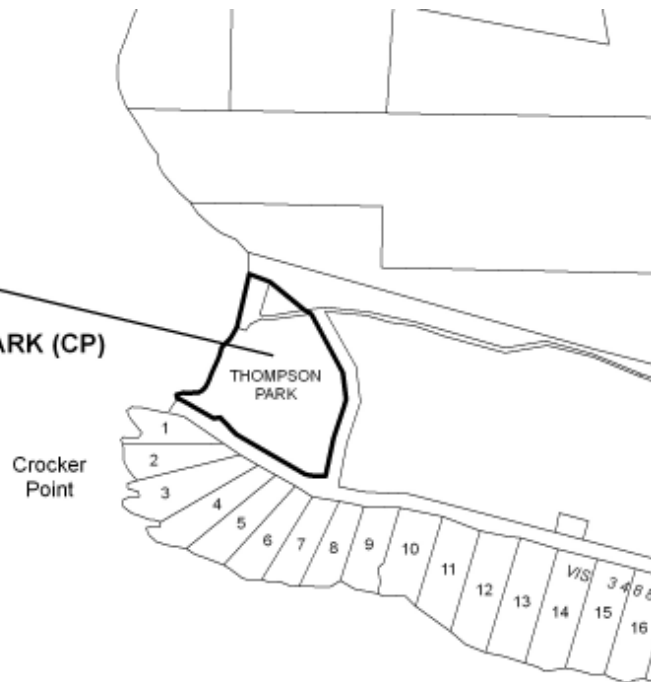




CRD Parkland – LUB



SUBJECT AREA
From: FARMLAND (F)
To: COMMUNITY PARK (CP)



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 106

DRAFT

A bylaw to amend the Saturna Island Local Trust Committee
Advisory Planning Commission Bylaw

The Saturna Island Local Trust Committee, having jurisdiction in respect of the Saturna Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1. Saturna Island Local Trust Committee Advisory Planning Commission Bylaw, 2005 is amended as follows:
 - a. Section 2 - **Appointment of Members**, Subsection (a), is amended by changing "eight" members to "seven" members.
2. This bylaw may be cited as "Saturna Island Local Trust Committee Advisory Planning Commission Bylaw, 2005, Amendment No. 1, 2012".

READ A FIRST TIME THIS DAY OF , 201_

READ A SECOND TIME THIS DAY OF , 201_

READ A THIRD TIME THIS DAY OF , 201_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF , 201_

ADOPTED THIS DAY OF , 201_

CHAIR

DEPUTY SECRETARY

U:\LOCAL TRUST COMMITTEES\Saturna\Bylaws\Administrative\APC\Amendments\draft\Draft Bylaw\ No. 106.doc



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	Feb-09-2011	Gary Richardson	Mar-31-2012	On Going
2	Provincial Riparian Areas Regulation	To amend the Lyall Creek DPA to bring bylaw it into compliance with the provincial RAR	Oct-26-2011	Robert Kojima	Mar-31-2012	On Going
3	Ocean loop Geo-Exchange	Prepare staff report on options to permit and regulate	Aug-31-2011	Gary Richardson	May-30-2012	On Going



Islands Trust

Print Date: Apr-03-2012

Projects

Saturna Island

No.	Description	Activity	Received/Initiated	Status
2	Sensitive Ecosystem Mapping and DPA review	1. Complete Sensitive Ecosystem Mapping 2. Consider options for implementing sensitive ecosystem protection, including DPA	Feb-25-2009	On Going
3	Geological Hazard Mapping		Feb-25-2009	On Going
4	Raptor Nest Mapping		Feb-25-2009	On Going
5	East Point Water Conservation		Sep-30-2011	On Going
6	Agricultural Building Watercourse Setbacks		Sep-30-2011	On Going
7	National Park Lands OCP and LUB amendments		Feb-09-2012	On Going



Islands Trust

Applications w/ Status - Saturna Island Status: Open

Applications

Rezoning

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

Page No. 176

Planning Status

Status Date: Apr-02-2012

Staff report prepared for April 12, 2012 LTC meeting.

Status Date: Feb-01-2012

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

Subdivision

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

Planning Status

Status Date: Feb-01-2012

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

Status Date: Jun-24-2010

Response Sebt to MOTI June 24/10

Status Date: Apr-20-2010

Staff reviewing application.

Kathy Jones

From: Linda McClung
Sent: March-29-12 9:57 AM
To: Gary Richardson; Ken Hancock; Kris Nichols; Pamela Janszen; Paul Brent; Robert Kojima; Sharon Lloyd-deRosario; Kathy Jones
Cc: Nancy Roggers; Cindy Shelest
Subject: Saturna March/12 Expense Report

Please direct any questions to Nancy.

Thanks.

660 Saturna	Invoices posted to March 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,000.00	98.89	901.11
65200	LTC Local Exp LTC Meeting Expenses	3,000.00	1,434.50	1,565.50
65210	LTC Local Exp APC Meeting Expenses	-	247.22	(247.22)
65220	LTC Local Exp Communications	-	642.95	(642.95)
65230	LTC Local Exp Special Projects	-	-	-
65240	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		3,000.00	2,324.67	675.33
72300	Project OCP update	-	-	-

Updated: February 9, 2012

Saturna Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

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

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



Islands Trust

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

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Population (2011):

Approximately 335

Size:

3422 hectares (8,455 acres)

Location:

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

[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.

April 2012

- [Saturna Island April 12, 2012 Public Hearing Notice re: Covenant FB234900 Amendment](#)
- [Saturna Island Local Trust Committee Business Meeting, April 12, 2012 - notice of agenda items](#)
- [Riparian Areas Regulation Notice of Open House - April 28, 2012](#)

March 2012

- [Expression of Interest for the Southern Local Trust Areas Board of Variance](#)

September 2011

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

July 2011

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

Planner Office Hours on Saturna Island

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

Saturna Island Local Trust Committee Projects

East Point Water

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

Committee Links

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

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](#)

General

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

Climate Change Action

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

Ecosystem Mapping Webpage

Affordable Housing

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

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Memorandum

Date February 21, 2012

To Local Trustees

From David Marlor
Director of Local Planning Services

Re A Strategic Approach to Islands Trust Communications

In order to assist local trust committees with enhancing communications and public engagement, Trust Area Services, with input from Local Planning Services, prepared the attached guidelines; these guidelines have been approved by the Executive Committee.

These guidelines will become part of the tool kit planners may use when generating staff report recommendations for projects that would benefit from a communications plan. Staff will include recommendations on communications using the guidelines at appropriate times, for example, at the start of a larger project or initiative that is expected to generate considerable public interest.

Regional Planning Managers will discuss this template in more detail at an upcoming Local Planning Services meeting to to determine the best approach to incorporating the guidelines into the planning process.

David Marlor
Director of Local Planning Services

pc Executive Committee
Linda Adams, CAO
Lisa Gordon, DTAS
Regional Planning Managers



GUIDELINES: A STRATEGIC APPROACH TO LOCAL TRUST COMMITTEE COMMUNICATIONS

Approved by Executive Committee August 2011

Value of a Communications Strategy for Local Trust Committees

A Communication Strategy is an essential planning tool to help coordinate communication activities by:

- Ensuring all communications focus proactively on Islands Trust's priorities, goals and objectives in a clear, timely and cost-effective way
- Ensuring roles & responsibilities are clear and consistent, ideally guided by policy
- Harnessing and focusing combined efforts to prevent duplication, avoid unintended conflicts and to make the most of existing opportunities (e.g. partnership with other agencies)
- Minimizing last-minute demands (crisis management)
- Anticipating public reaction before launching projects

Communications strategy framework - six standard questions to answer for all LTC projects

1. Goals: Define the project's communications goals and objectives.

- Goals are broad, general statements about what you need to address
- Objectives are SMART: Specific, Measurable, Achievable, Realistic, Timely
- Clearly defining these elements makes it much easier to identify key messages

Questions that help define goals:

- Why are we doing this project?
- What is the risk of not doing the project?
- How will the project promote the object/mandate?
- What do we already know and what do we need to find out to succeed?
- What is the problem and what needs to change to solve the problem?
- Is the solution a change in regulation, policy or behaviour? E.g. If the problem is erosion, is a soil bylaw the only solution or are there other ways to change the behaviour that leads to erosion?

2. Audience: Who do you want to reach?

- Target audiences
- Internal (Trustees, senior staff, front line staff)
- Other agencies affected (Regional Districts, First Nations, Provincial, Federal)
- External (e.g. voters, seniors, media, community organizations and leaders)
- What do you know about the audience? What do they think of your program or service?

3. Messages: What do you want to say to each audience?

- What motivates your audience – Benefits – what's in it for me?
- What stops your audience - Barriers?
- Frame your message to emphasize benefits and overcome barriers.

- What is your call-to action? You are trying to change the audience's current state in some way. Are you asking them to share their opinions, participate in a debate, to support something, or just to be aware of something that they have little choice about?
 - Crafting your messages
 - o Make it easy to remember in easy, simple terms
 - o Use captivating information – vivid and personal
 - o Use stories and metaphors to engage your audience
 - o Use two-sided vs. one-sided message – recognize other viewpoints
4. Methods: How will you reach people? Different audiences have different objectives and need different approaches. Consider finding a well-respected expert or community member(s) to offer testimonials in support of your project.
5. Resources: Who will do what, when and at what cost?
6. Evaluation: Did they did get it? Were there misinterpretations? Was there backlash? How can we improve next time? How can we share what we learned with other staff / trustees?

SAMPLE Communication Action Plan

Project: _____

Launch Date: _____

Methods	Person responsible	Cost	Content Focus / Key message	Audience	Due Date (e.g. for approval)	Publication Date
E-mail						
Direct mail						
News release						
Paid ad (Paper / TV / Radio)						
Letter to editor / editorial						
Web page						
Article for newsletter						
Brochure						
Social media						
Poster / bulletin board						
Annual report						
Public meeting						