



Saturna Island Local Trust Committee Regular Meeting Agenda

Date: October 4, 2018
Time: 12:30 pm
Location: Saturna Recreation and Cultural Centre
104 Harris Road, Saturna Island, BC

		Pages
1.	CALL TO ORDER	12:30 PM - 1:00 PM
2.	APPROVAL OF AGENDA	
3.	TOWN HALL AND QUESTIONS	
4.	COMMUNITY INFORMATION MEETING	
	None	
5.	PUBLIC HEARING	
	None	
6.	MINUTES	
6.1	Local Trust Committee Minutes Dated June 14, 2018 (for Adoption)	4 - 10
6.2	Section 26 Resolutions-without-meeting Report	
	None	
6.3	Advisory Planning Commission Minutes	
	None	
7.	BUSINESS ARISING FROM THE MINUTES	
7.1	Follow-up Action List Dated September 2018	11 - 11
8.	DELEGATIONS	
	none	

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

1:00 PM - 2:00 PM

10.1 SA-DVP-2018.1 (Wood) - Staff Report (attached)

12 - 27

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Secondary Suites - Staff Report

28 - 40

11.2 Land Use Technical Review - Staff Report - Bylaw No. 119 (attached)

41 - 106

For further consideration

12. REPORTS

2:00 PM - 2:30 PM

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated September 2018

107 - 107

12.1.2 Projects List Report Dated September 2018

108 - 108

12.2 Applications Report Dated September 2018 (attached)

109 - 111

12.3 Trustee and Local Expense Report July 2018 (attached)

112 - 112

12.4 Adopted Policies and Standing Resolutions (attached)

113 - 114

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Report

12.8 Islands Trust Conservancy Report Dated July 2018 (attached)

115 - 116

13. NEW BUSINESS

2:30 PM - 2:45 PM

13.1 Islands Trust Conservancy, Incorporating the Regional Conservation Plan Into Land Use Planning - Staff Briefing (attached)

117 - 120

13.2 Retail Cannabis Licensing - Staff Report (attached)

121 - 127

13.3 Housing Needs Assessment Report - Staff Report (attached)

128 - 130

14. UPCOMING MEETINGS

- 14.1** Next Regular Meeting Scheduled for November 1, 2018, at the Recreation & Cultural Centre, Saturna Island

15. TOWN HALL

- 16. CLOSED MEETING (Distributed Under Separate Cover)** 2:45 PM - 3:00 PM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1) (a, d & i) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated March 8, 2018*
- *Legal Advice*
- *BOV Memberships*

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

- 17. ADJOURNMENT** 3:00 PM - 3:00 PM



DRAFT

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

Saturna Island Local Trust Committee

Minutes of Regular Meeting

Date: June 14, 2018
Location: Saturna Island Community Hall
105 East Point Road, Saturna Island, BC

Members Present: George Grams, Chair
Paul Brent, Local Trustee
Lee Middleton, Local Trustee

Staff Present: Gary Richardson, Island Planner/Recorder

Public Present: There were 8 members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 12:30 p.m. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Priscilla Ewbank asked for a fulsome report regarding the First Nations Relationship Building Project.

Chair Grams responded that this project will be addressed under item 7.1.1.

Morgan Yates expressed his satisfaction and appreciation for the secondary suites bylaws and work being done.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated April 27, 2018

The following amendments to the minutes were presented for consideration:

- Page 4, paragraph 2: Change “Draft 1” to “Draft 2”.

Trustee Middleton indicated that Chair Gram’s commendation of Trustee Brent’s work on the Financial Planning Committee was not included in item 12.7.

Trustee Brent said it was ok that the minutes did not reflect this.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report

None

6.3 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated June 2018

7.1.1 First Nations Relationship-Building

Planner Richardson was asked to get a legal opinion and is awaiting Managers sign-off which should be available for the next business meeting.

The resignation of Senior Intergovernmental Policy Advisor MacRaid was discussed and included following through with the body of work already in place.

Items 9 and following were addressed next as the delegation had not yet arrived.

8. DELEGATIONS

8.1 Tom Mommsen & Risa Smith - Solar Energy & Salish Sea Renewable Energy Coop - Power Point Presentation

At 1:40 p.m. the meeting moved to adjournment as the delegation was still absent. It was noted that this group would be presenting at Trust Council next week.

9. CORRESPONDENCE

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

None

10. APPLICATIONS AND REFERRALS

10.1 SA-RZ-2018.1 (Hall/Crooks) - Staff Report & Draft Bylaws No. 220 & 221

Planner Richardson reviewed the report and presented the draft bylaws for consideration and first reading.

SA-2018-021

It was Moved and Seconded,

That Saturna Island Local Trust Committee Draft Bylaw No. 120 cited as “Saturna Official Community Plan Bylaw No. 70, 2000, Amendment No.1, 2018” be read a First time.

CARRIED

SA-2018-022

It was Moved and Seconded,

That Saturna Island Local Trust Committee Draft Bylaw No. 121 cited as “Saturna Island Land Use Bylaw No. 78, 2002, Amendment No.1, 2018” be read a First time.

CARRIED

SA-2018-023

It was Moved and Seconded,

That the Saturna Island Local Trust Committee directs staff to schedule a public hearing for Bylaw No. 120 cited as “Saturna Official Community Plan Bylaw No. 70, 2000, Amendment No.1, 2018” and Bylaw No. 121 cited as “Saturna Island Land Use Bylaw No. 78, 2002, Amendment No.1, 2018”.

CARRIED

SA-2018-024

It was Moved and Seconded,

That the Saturna Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 120 cited as “Saturna Official Community Plan Bylaw No.70, 2000, Amendment No.1, 2018” and Bylaw No. 121 cited as “Saturna Island Land Use Bylaw No. 78, 2002, Amendment No.1, 2018” are not contrary or at variance with the Islands Trust Policy Statement.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw (LUB) Review - Staff Report & Draft Bylaw 119

Planner Richardson reviewed the amendments and LTC requested changes since the last meeting and introduced new issues that had developed since the last meeting:

- Mr. Money would like to include a portion of his marina into the same zoning as the upland marina;
- Allowing commercial use on the government dock;

- An application to increase the size the government dock is in the works therefore increase the zoning to accommodate this;
- Removed the National Park amendment which would have included an Official Community Plan (OCP) amendment thus creating more time in approving the LUB amendments which only have to go to the Executive Committee for approval and not the minister;
- Concerns over the tent sites.

Trustee Brent requested that trailers be included as a permitted residence. This is currently allowed on Mayne Island and also addresses affordable housing.

Trustee Middleton wanted to ensure the National Park amendments continue.

Discussion about structures in the foreshore to include boathouses in that zoning and defining boathouse story, height and setbacks ensued.

Screening solutions for campgrounds was discussed as there are no setbacks for tents other than the building setbacks for structures which is 10 feet.

Priscilla Ewbank asked about using the Advisory Planning Commission (APC) to consider and offer input to these proposed changes.

Discussion continued on the upland zoning and the Money marina.

Morgan Yates asked if the APC was given a strict turn-around time for reporting would the LTC consider forwarding the LUB to the APC for comment.

SA-2018-025

It was Moved and Seconded,

That the Saturna Island Local Trust Committee direct staff to amend the current Land Use Bylaw draft by incorporating the amendments itemized in the staff report prepared for the June 14, 2018 LTC meeting and that staff be requested to prepare an RWM for consideration of first reading and scheduling of a public hearing.

CARRIED

SA-2018-026

It was Moved and Seconded,

That the Saturna Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 119 cited as "Saturna Official Community Plan Bylaw No.119, 2018 is not contrary or at variance with the Islands Trust Policy Statement.

CARRIED

11.2 Secondary Suites - Staff Report & Draft Bylaws No. 222 & 223

Planner Richardson and the LTC discussed the staff report and bylaws which, if approved, would allow a secondary suite in every residence of the Saturna Island Local Trust Area.

SA-2018-027

It was Moved and Seconded,

That Saturna Island Local Trust Committee Draft Bylaw No. 122 cited as “Saturna Official Community Plan Bylaw No. 70, 2000, Amendment No.2, 2018” be read a First time.

CARRIED

SA-2018-028

It was Moved and Seconded,

That Saturna Island Local Trust Committee Draft Bylaw No. 123 cited as “Saturna Island Land Use Bylaw No. 78, 2002, Amendment No.2, 2018” be read a First time.

CARRIED

SA-2018-029

It was Moved and Seconded,

That the Saturna Island Local Trust Committee directs staff to schedule a public hearing for Bylaw No. 122 cited as “Saturna Official Community Plan Bylaw No. 70, 2000, Amendment No.2, 2018” and Bylaw No. 123 cited as “Saturna Island Land Use Bylaw No. 78, 2002, Amendment No.2, 2018.”

CARRIED

SA-2018-030

It was Moved and Seconded,

That the Saturna Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 122 cited as “Saturna Official Community Plan Bylaw No. 70, 2000, Amendment No.2, 2018” and Bylaw No. 123 cited as “Saturna Island Land Use Bylaw No. 78, 2002, Amendment No.2, 2018” are not contrary or at variance with the Islands Trust Policy Statement.

CARRIED

Planner Richardson asked the LTC if they wished to forward this item to the APC.

By General Consent the Saturna Island Local Trust Committee chose not to forward this item to the Advisory Planning Commission (APC).

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated June 2018

No changes.

12.1.2 Projects List Report Dated June 2018

Full house with priorities before even getting to the projects. Leave for next term.

12.2 Applications Report Dated June 2018

No questions.

12.3 Trustee and Local Expense Report Dated March 2018

No questions.

12.4 Adopted Policies and Standing Resolutions

For information.

12.5 Local Trust Committee Webpage

No discussion.

12.6 Chair's Report

Chair Grams reported that the Executive Committee is preparing for Trust Council which is being held on Saturna next week; his cross-border meetings regarding the coast guards and their spill response ability which included input from First Nations who are a wealth of information. Chair Grams also noted a joint letter with San Juan County for a shared rescue tug.

12.7 Trustee Report

Trustee Brent attended a Financial Planning Committee meeting and a Southern Gulf Islands Community Economic Sustainability Commission (CESC) meeting with a focus on affordable housing.

Trustee Middleton elaborated on the CESC meeting, that he and Trustee Brent were invited as advocates for the changes to the government dock, formerly a DFO dock and "owned" by the CRD Harbours Commission; the transfer has now taken place.

12.8 Trust Fund Board Report Dated May 2018

Chair Grams noted the long anticipated name change of the Trust Fund Board to Islands Trust Conservancy has now been finalized and a letter thanking the minister has been sent.

13. NEW BUSINESS

None

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for October 4, 2018 at the Community Hall, Saturna Island

A Special Local Trust Committee Meeting will be held on July 28, 2018 at 1:00 p.m., at the Saturna Recreation & Cultural Center with food to be arranged.

15. TOWN HALL

Priscilla Ewbank inquired about the future of the First Nations relationship building project on Saturna in light of the departure of SIPA MacRaild whom she found innovative, stimulating and hard working.

The LTC responded that the work is ongoing and will continue to be woven into the fabric of Islands Trust as a whole.

Morgan Yates thanked the LTC for their APC discussion earlier then asked how the secondary suites bylaws would affect strata arrangements like Blackbird Hill Estates.

The LTC responded that water districts and strata regulations currently prohibit secondary suites or exclude the use.

16. CLOSED MEETING

None

17. ADJOURNMENT

By General Consent the meeting was adjourned at 1:40 p.m.

George Grams, Chair

Certified Correct:

Lori Foster, Recorder (Transposed from audio recording)

**Follow Up Action Report****Saturna Island****28-Jul-2018**

Activity	Responsibility	Target Date	Status
Minutes of June 14 LTC Minutes adopted as drafted.	Sharon Lloyd-deRosario Maple Hung		Done
Proposed Bylaw 119 - to be amended - Done - update showing 2nd and 3rd readings - Done - forward to the Executive Committee for approval (Sept 5) - Done - put on October 4 LTC agenda for adoption.	Gary Richardson Sharon Lloyd-deRosario		Done
Proposed Bylaws 120 and 121 (SA-RZ-2018.1) Hall/Crooks - update showing 2nd and 3rd readings - forward to the Executive Committee for Approval (Sept 5) - forward to Minister for approval	Gary Richardson Sharon Lloyd-deRosario		Done
Proposed Bylaws 122 and 123. - Update 122 showing 2nd and 3rd readings - contact Pat Lapsevic to discuss concerns about bylaw 123 - prepare staff report for Oct 4 LTC Mtg.	Gary Richardson Sharon Lloyd-deRosario		Done

DATE OF MEETING: October 4, 2018
TO: Saturna Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit
Applicant: Dawn Wood
Location: 145 East Point Road

RECOMMENDATION

1. That the Saturna Island Local Trust Committee approve issuance of Development Variance Permit SA-DVP-2018.1 (Wood).

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to reduce the setback from an interior side lot line to allow for the siting of an accessory building (storage building) on the subject property.

The above recommendation is supported as: the variance is minor in nature and the new building is modest; the applicant's rationale is sound; the variance would minimize development impacts; notification to date has not generated any objections/comments; and, the variance does impact the intent of the bylaw regulation.

BACKGROUND

The proposal is to vary the interior side lot line regulation in the Saturna Island Land Use Bylaw 78, 2002 (LUB). Specifically:

Subsection 4.2.9 is varied to permit: 1) a proposed accessory building (storage building) to be sited within 0.73 metres of an interior side lot line.

The application states that the proposed accessory building will be sited on an existing driveway and will require no tree removal or significant excavation. The application also states that there will be minimal impact on the neighbouring property as the driveway exists and the neighbour's house and garage are located a great distance away (at the rear of their property).

A copy of the notice and draft permit are attached (Attachment 4 and 5).

Figure 1 – Subject Property

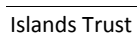
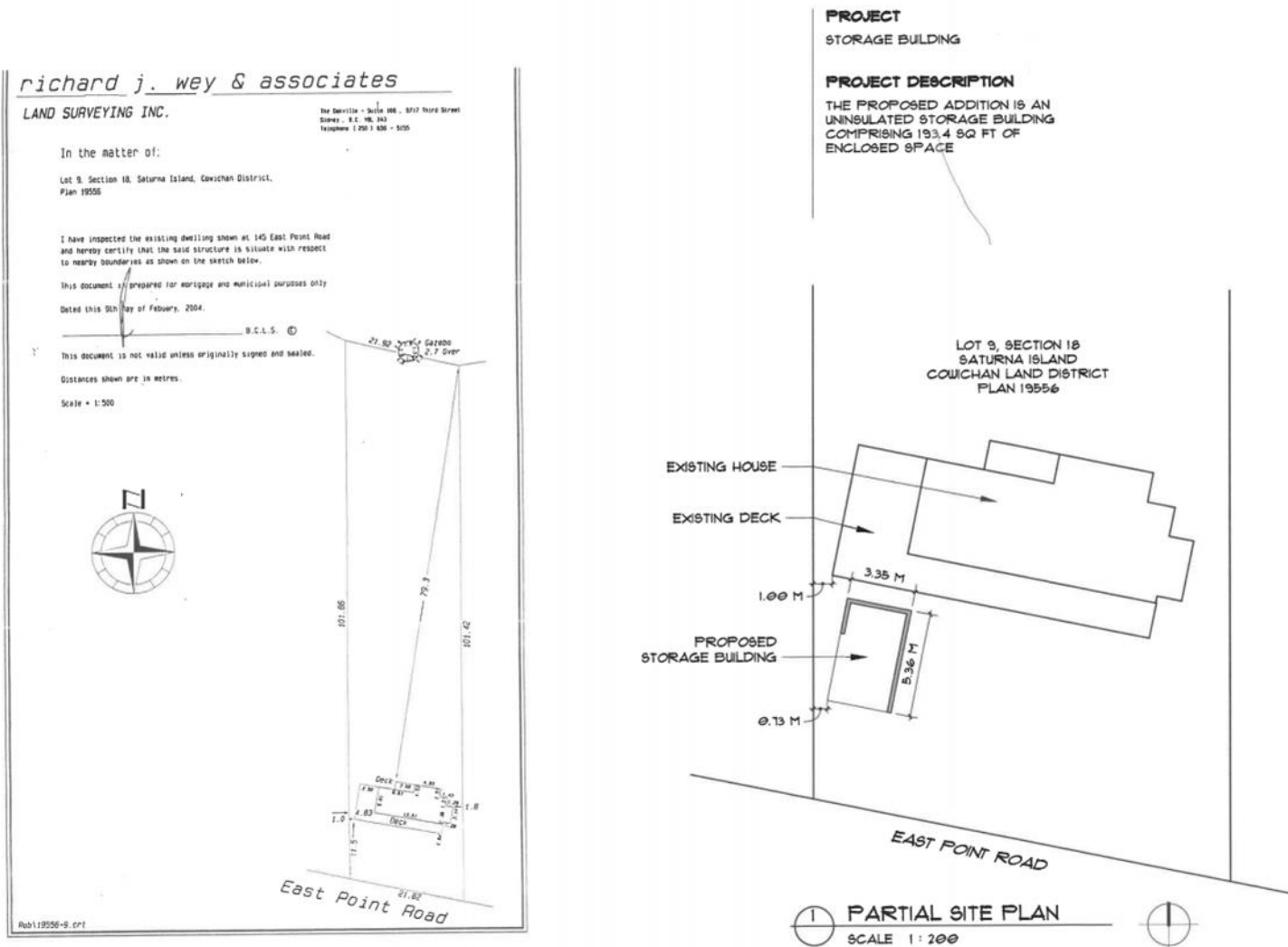


Figure 2 – Site Plan



Policy/Regulatory

Islands Trust Policy Statement:

There are no relevant policies for this application.

Official Community Plan:

The property is designated as Rural (R) – in the Saturna Island Official Community Plan No. 70, 2000 (OCP). There are no Development Permit Areas designated in the OCP for the subject property.

Land Use Bylaw:

The property is in the Rural General (RG) Zone in the LUB.

The existing residential use complies with use and density provisions for the zone on the property.

Islands Trust Conservancy:

This application has no considerations for the Islands Trust Conservancy and has no considerations for the Regional Conservation Plan.

Issues and Opportunities***Rationale for the Variance***

The applicant's rationale for the variance:

- Minimal disruption with respect to tree removal and excavation as the driveway where the building is to be sites is already constructed.
- Minimal impact on neighbours due to siting.

Impact on Neighbouring Properties

The requested variance is minor in nature.

The size and configuration of the proposed storage building is modest in size and height.

The proposed storage building is sited at the opposite end of the lot from the residence on the adjacent lot.

The Overall Intent of the Regulation being Varied

The overall purpose of the setback regulation is to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on October 3, 2018.

At the time of writing, staff have received no submissions as a result of notification.

Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

Rationale for Recommendation

The recommendation on Page 1 is supported as:

- The variance is minor in nature and the building is modest.
- The applicant's rationale is sound.
- The siting and size of the storage building is unobtrusive and minimizes impacts of tree removal, excavation and driveway construction.
- Notification to date has not generated any concerns/objections.
- The variance does not impact the intent of the bylaw regulation.

ALTERNATIVES

- **Request further information**

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the Saturna Island Local Trust Committee request that the applicant submit to the Islands Trust...

- **Deny the application**

The LTC may deny the application.

Recommended wording for the resolution is as follows:

That the Saturna Island Local Trust Committee deny application SA-DVP-2018.1 (Wood).

Submitted By:	Gary Richardson, Island Planner	September 24, 2018
Concurrence:	Robert Kojima, Regional Planning Manager	September 25, 2018

ATTACHMENTS

1. Site Context
2. Steep Slope Map
3. Photographs
4. Notice
5. Draft SA-DVP-2018.1

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 9, Section 18, Saturna Island, Cowichan District, Plan 19556
PID	003-733-335
Civic Address	145 East Point Road

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
SA-DVP-2004.2	To reduce the interior side lot line setback to allow a residence to be sited within 1 metre from the west interior side lot line.

POLICY/REGULATORY

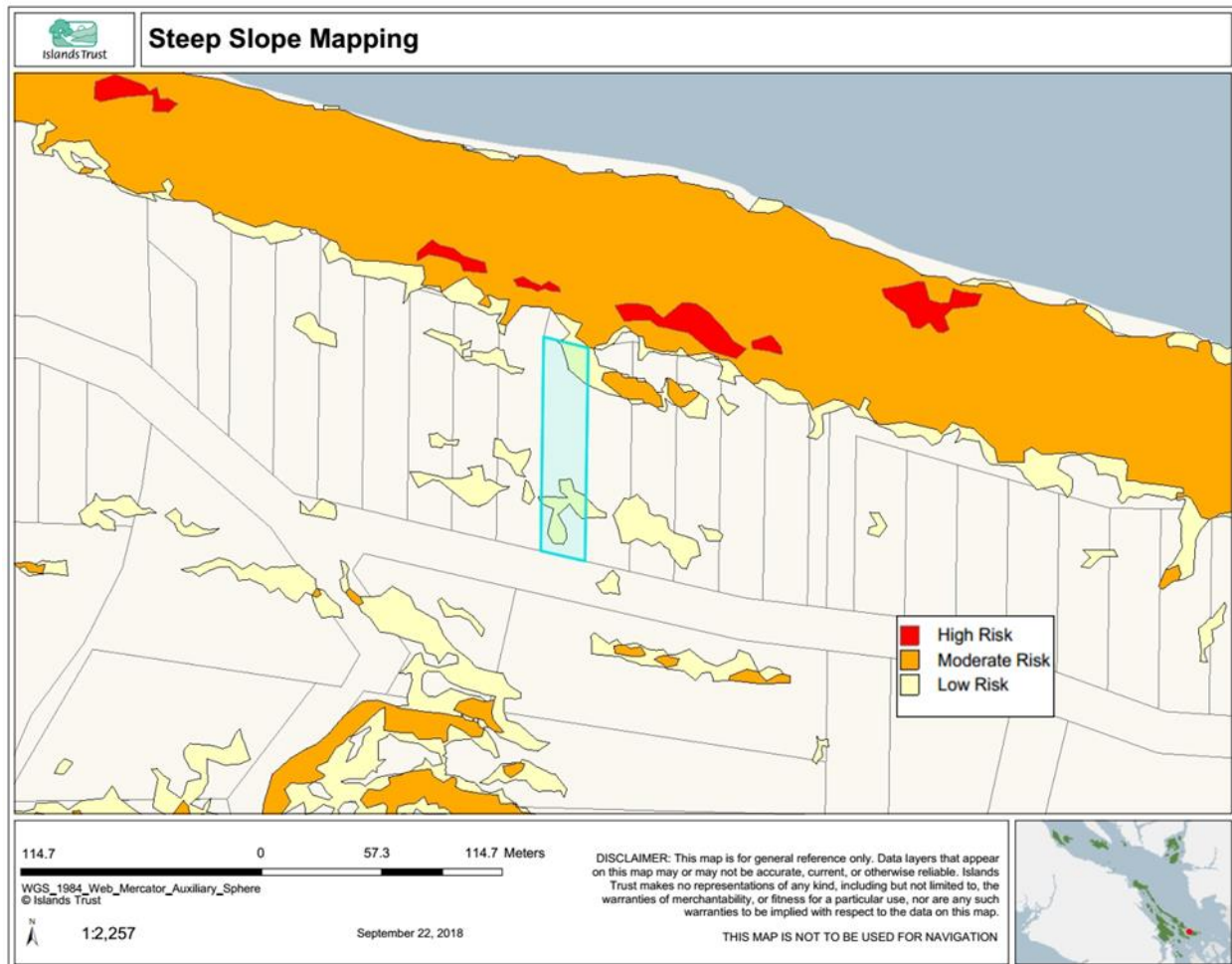
Official Community Plan Designations	The property is designated as R – Rural in Saturna Island Official Community Plan No. 70, 2000 (OCP). There are no Development Permit Areas designated in the OCP for the subject property.
Land Use Bylaw	The property is in the Rural General (RG) Zone in the Saturna Island Land Use Bylaw No. 78, 2002. The existing residential use complies with use and density provisions for the zone on the property.
Other Regulations	N/A
Covenants	none
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	N/A
Sensitive Ecosystems	None shown on Islands Trust sensitive ecosystem mapping within or near the subject area.
Hazard Areas	There are only small pockets of Low Slope Hazard on the property in the area of the proposed storage building. See attachment 2.
Archaeological Sites	There are no archaeological sites listed in the Remote Access to Archaeological Data (RAAD) within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and

	applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No new clearing for construction. The elevation indicates that the impacts from anticipated or possible climate change induced hazards are not immediate.
Shoreline Classification	Not Applicable

Attachment 2



Attachment 3



Attachment 4



Islands Trust

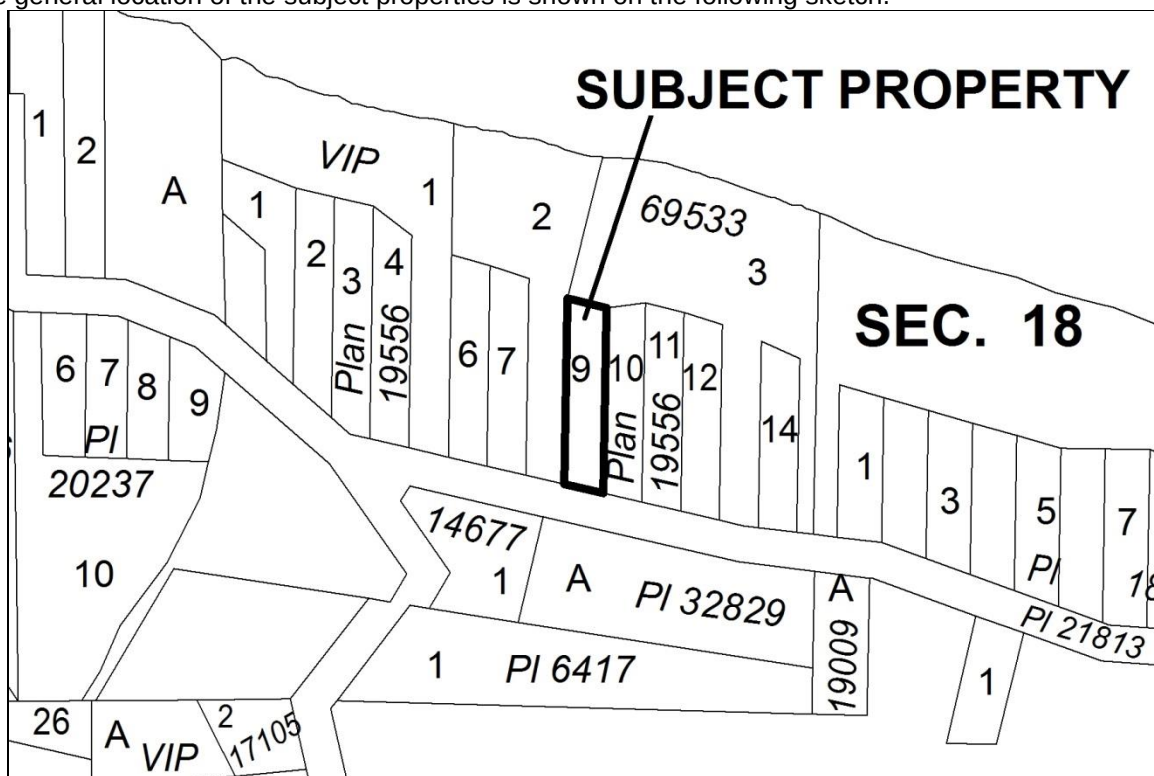
NOTICE SA-DVP-2018.1 SATURNA ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Saturna Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Saturna Island Land Use Bylaw No.78, 2002, by varying:

Subsection 4.2.9 which states that no building or structure or part thereof shall be located within 3.0 metres (10 feet) of any interior side lot line is varied to permit the **construction of an accessory building** within **0.73 metres** of an interior side lot line.

The property is located at 145 East Point Road and is legally described as Lot 9, Section 18, Saturna Island, Cowichan District, Plan 19556 (PID: 003-733-335).

The general location of the subject properties is shown on the following sketch.



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **September 21, 2018** and continuing up to and including **October 3, 2018**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Pender Island.

Enquiries or comments should be directed to Gary Richardson, Island Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **October 3, 2018**.

The Saturna Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **12:30 p.m., October 4, 2018**, at the **Community Hall, 105 East Point Road** on Saturna Island.

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

Sharon Lloyd-deRosario
Deputy Secretary

Attachment 5



PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

SA-DVP-2018.1

To: Avril Dawn Wood

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

Lot 9, Section 18, Saturna Island, Cowichan District, Plan 19556
(PID: 003-733-335)

2. Saturna Island Land Use Bylaw 78, 2002 is varied as follows:

- a) Subsection 4.2.9 which states that no building or structure or part thereof shall be located within 3.0 metres (10 feet) of any interior side lot line is varied to permit the **construction of an accessory building** within **0.73 metres** of an interior side lot line.

The development shall be consistent with Schedules 'A,' 'B' and 'C' which are attached to and form part of this permit.

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 "Saturna Island Land Use Bylaw 78, 2002" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

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

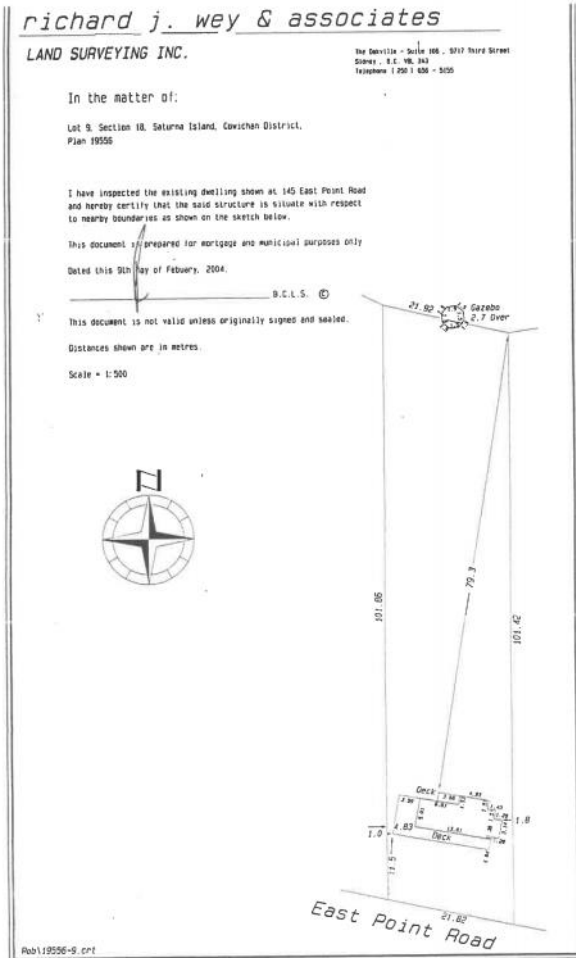
Deputy Secretary, Islands Trust

Date of Issuance

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

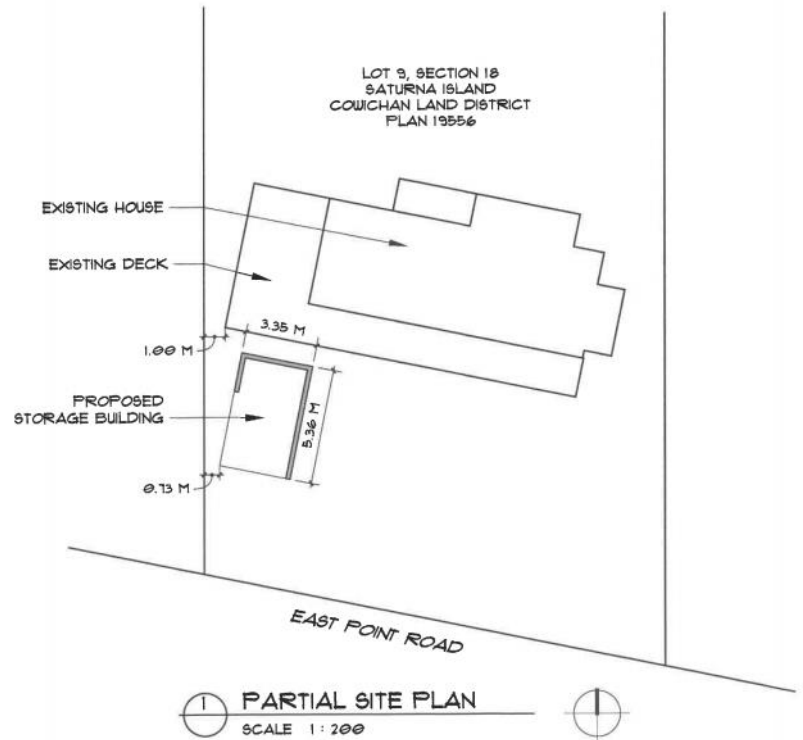
SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-DVP-2018.1

SCHEDULE 'A'
SITE PLAN



PROJECT
STORAGE BUILDING

PROJECT DESCRIPTION
THE PROPOSED ADDITION IS AN
UNINSULATED STORAGE BUILDING
COMPRISING 193.4 SQ FT OF
ENCLOSED SPACE

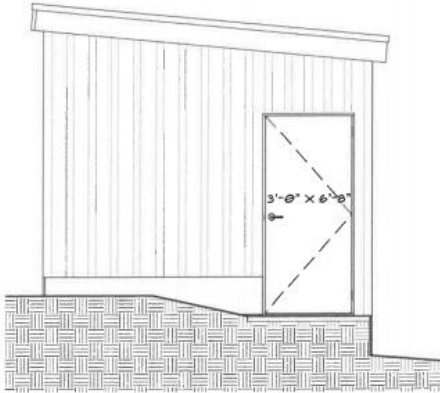


SCHEDULE 'B'

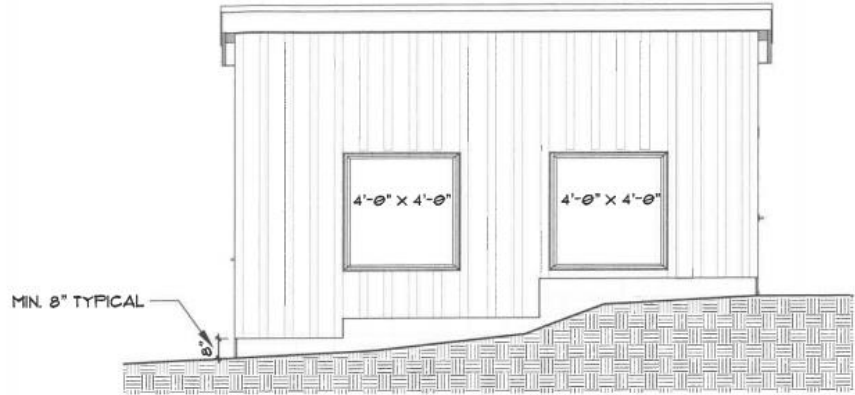


SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-DVP-2018.1

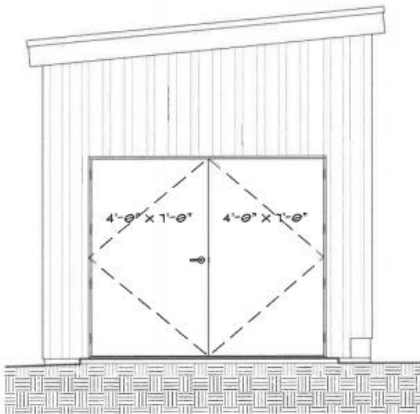
SCHEDULE 'C'



① NORTH ELEVATION
SCALE 1/4" : 1'-0"



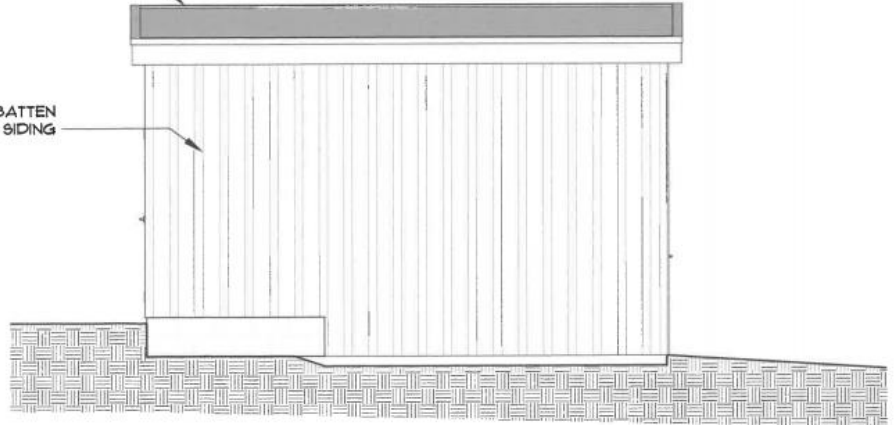
② EAST ELEVATION
SCALE 1/4" : 1'-0"



③ SOUTH ELEVATION
SCALE 1/4" : 1'-0"

METAL ROOFING

BOARD & BATTEN
CEDAR SIDING



④ WEST ELEVATION
SCALE 1/4" : 1'-0"



File No.: 6500-20-Secondary Suite
Review

DATE OF MEETING: October 4, 2018
TO: Saturna Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Southern Team
SUBJECT: Secondary Suite Review
Location: Saturna Island Local Trust Area

RECOMMENDATION

1. That Saturna Island Local Trust Committee direct staff to prepare amendments to Proposed Bylaw No. 122 cited as "Saturna Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2018" and Proposed Bylaw No. 123 cited as "Saturna Island Land Use Bylaw 78, 2002, Amendment No. 2, 2018" for the Local Trust Committees consideration, in order to allow secondary suites in all residences within the Saturna Island Local Trust Committee area and to require water catchment and storage systems for secondary suites in areas identified as having moderate, moderately high, and high vulnerability to saltwater intrusion, unless those areas are served by a community water system .

REPORT SUMMARY

The purpose of this report is to address referral comments raised by Pat Lapcevic, Section Head of Water Protection, Ministry of Forests, Lands, Natural Resource Operations and Rural Development regarding saltwater intrusion. The report provides options to the Saturna LTC regarding allowing secondary suites within the Saturna Island Local Trust Area in a way that addresses the concerns raised regarding saltwater intrusion raised by the Ministry.

The above recommendation is supported as: it allows secondary suites in all areas of the Saturna Island Local Trust Committee area, it satisfies the concerns of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, in some cases it will reduce some of the barriers for landowners, and has a low administrative burden on the Islands Trust.

BACKGROUND

This issue was identified as a Work Program Priority by Resolution-Without-Meeting November 22, 2017.

The LTC passed the following resolution at its April 27, 2018 LTC Meeting:

SA-2018-017

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee request staff to prepare a draft bylaw to amend Saturna Island Official Community Plan Bylaw No. 70, 2000 to allow secondary suites within residences, within the Saturna Island Local Trust Area.

SA-2018-018

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee request staff prepare a draft bylaw to amend Saturna Island Land Use Bylaw No 78, 2002 to allow secondary suites within residences, within the Saturna Island Local Trust Area.

Two draft bylaws (Bylaws 122 and 123) were prepared as a result of the direction given April 27, 2018. Draft Bylaws were given first reading June 14, 2018. and a public hearing was held July 28, 2018.

The proposed bylaws were referred to First Nations and agencies prior to the public hearing.

Proposed Bylaw 122 was given 2nd and 3rd reading following the hearing. Proposed Bylaw 123 was not given any further readings following the hearing.

The following referral comments were received from Pat Lapcevic, Section Head of Water Protection, Ministry of Forests, Lands, Natural Resource Operations and Rural Development:

Approval of (Bylaws 122 and 123) is recommended subject to conditions below:

(1) Part 2 (3): We would suggest clarifying the statement “an adequate supply of potable water”. For example if a property owner was using rainwater catchment as their primary source of potable water and could demonstrate that their supply is adequate for the secondary suite, then perhaps the restriction in Schedule D could be waived? This would be in line with best practices as outlined in https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-wells/saltwaterintrusion_factsheet_flnro_web.pdf

(2) Part 2 (5): We suggest that consideration be made to change Schedule D. It is assumed that secondary suites result in an increase in the total groundwater usage on a given lot. Recent work completed by Simon Fraser University and ourselves recognizes that risk of saltwater intrusion is higher in areas of high well density and where groundwater pumping rates are higher. To assist with assessment of risk within different areas, specifically we suggest that information on “Aquifer Vulnerability to Saltwater Intrusion” available as a provincial data layer on iMapBC and in the 2016 report by J. Klassen and D. Allen, Risk of Saltwater Intrusion in Coastal Bedrock Aquifers: Gulf Islands, BC <http://a100.gov.bc.ca/pub/acat/public/viewReport.do?reportId=50332> form the basis of restricting secondary suites. We would recommend that secondary suites not be permitted in all areas that have

been identified as being at Moderate, Moderately High or High vulnerability to saltwater intrusion. I have attached a map for information only.
(map is attached to this report – **attachment 1**)

Options:

1. Designate some or all of the areas that are to permit secondary suites as a Development Permit Area (DPA) for the purpose of establishing objectives to promote water conservation. This would require a DPA to be created with guidelines to ensure the addition of a secondary suite on a lot would have no negative effect on the quantity or quality of the groundwater in the area. This would be a professional reliance model where a report from a professional with experience groundwater hydrology would be required for every proposed suite. The DP would be issued by the LTC if the guidelines of the DPA are complied with.

This option would create an increased administrative workload for the implementation of the project as each proposed secondary suite would require that a DP application to be reviewed and, if the DPA guidelines are satisfied, a DP issued. It would be costly and time consuming for the landowner as a professional report would be required for each proposed suite and the DP application process would need to be carried out. This option could allow suites anywhere within the Saturna Island Local Trust Committee area.

2. Water catchment and storage systems could be required prior to the issuance of a building permit for a secondary suite in areas most vulnerable to saltwater intrusion. This is presently in place for construction of new residences in the East Point area. Pat Lapsevic mentions in her referral response that if water catchment and storage is in place it could allow suites to be constructed in areas on Saturna Island that have been identified as areas where suites should not be permitted due to concerns about saltwater intrusion. Staff recently discussed this matter with Pat Lapsevic and confirmed that in her opinion secondary suites could be permitted anywhere on Saturna Island if water catchment and storage systems are required prior to construction.

As an example the Mayne Island Land Use Bylaw requires the following in areas where secondary suites are permitted:

A building permit shall not be issued for a secondary suite until the building that is to contain the secondary suite is equipped with a water catchment and storage system for the storage of rainwater. Minimum cistern capacity required for a building containing a secondary suite is 13640 litres (3000 gallons).

The construction of water harvesting and storage systems can be quite costly to construct and costly to have approved as the CRD requires that the systems be approved by an engineer. The cost of a water harvesting and storage system may be a barrier to some. The administrative burden to the Islands Trust would be minimal in this option as only a building permit application to the CRD would be required. This option could allow suites anywhere within the Saturna Island Local Trust Committee area.

3. Secondary suites could be permitted on lots that are in the low or moderately low areas shown on the saltwater intrusion vulnerability map and areas served by community water systems. This option would satisfy the Ministry's concerns.

The administrative burden to the Islands Trust would be minimal in this option as only a building permit application to the CRD would be required. Approval would need to be obtained from the appropriate water system to allow the connection/increased use created by the addition of a secondary suite. This option would exclude may areas on Saturna Island from being permitted secondary suites.

Alternatives

1. Proceed No Further

If the LTC determines that this project should not proceed a resolution to proceed no further should be passed.

2. Proceed as Directed by LTC

If the LTC wants to proceed other than recommended by staff a resolution to proceed with specific direction will be required.

NEXT STEPS

- 1) Staff to draft amended bylaw(s) as directed by LTC.
- 2) Prepare further staff report and amended bylaws for Nov 1, 2018 LTC meeting for LTC consideration.

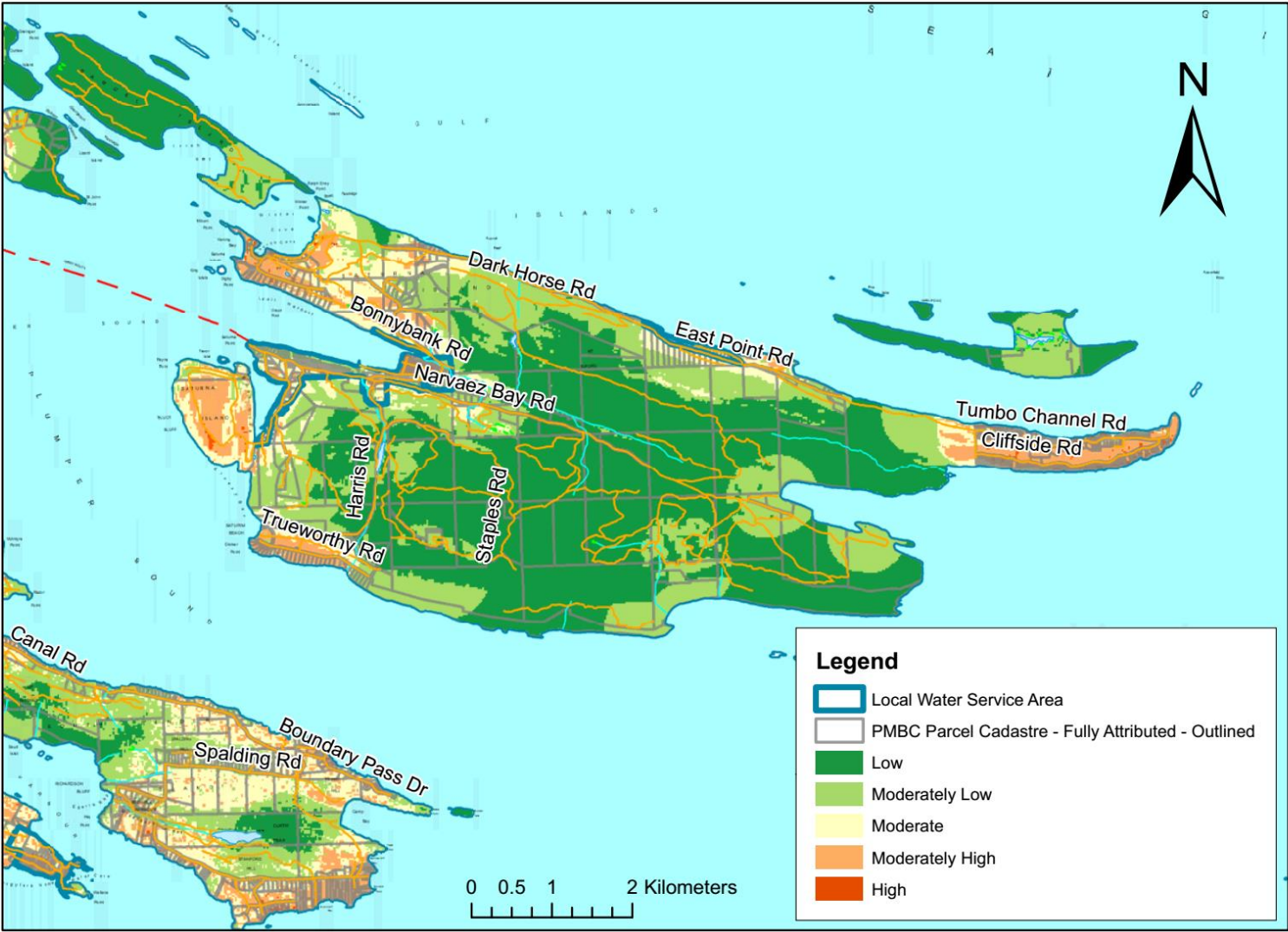
Submitted By:	Gary Richardson, Island Planner	September 25, 2018
Concurrence:	Robert Kojima, RPM	September 26, 2018

ATTACHMENTS

1. Map – Aquifer Vulnerability to Saltwater Intrusion
2. Proposed Bylaw 122
3. Proposed Bylaw 123

ATTACHMENT 1

Aquifer Vulnerability to Saltwater Intrusion - Saturna Island



Attachment No. 2

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 122

A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 70, 2000

The Saturna Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2018”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	14 TH	DAY OF	JUNE	2018
PUBLIC HEARING HELD THIS	28 TH	DAY OF	JULY	2018
READ A SECOND TIME THIS	28 TH	DAY OF	JULY	2018
READ A THIRD TIME THIS	28 TH	DAY OF	JULY	2018
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 122**

SCHEDULE 1

The Saturna Island Official Community Plan No. 70, 2000, is amended as follows:

1. Amending subsection C.1.3 by inserting the following as the last sentence in the subsection: "Secondary suites are not considered as residential density for the purposes of calculating overall residential density within the Saturna Island Local Trust Area."

2. Amending section D.1 Rural by adding a new section j) immediately following section i) as follows:

"j) Secondary suites may be permitted in designations that permit residential use."

3. Amending subsection D.1.R Rural Residential by adding a new article D.1.R.7 immediately following article D.1.R.6 as follows:

"D.1.R.7 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence."

4. Amending subsection D.1.G Rural General by adding a new article D.1.G.6 immediately following article D.1.G.5 as follows:

"D.1.G.6 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence."

5. Amending subsection D.1.C Rural Comprehensive by adding a new article D.1.C.5 immediately following article D.1.C.4 as follows:

"D.1.C.5 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence."

6. Amending section D.2 Farmland by adding a new subsection D.2.10 immediately following subsection D.2.9 as follows and renumbering the remaining subsections accordingly:

"D.2.10 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence."

7. Amending section D.4 Forest by adding a new subsection D.4.14 immediately following subsection D.4.13 as follows and renumbering the remaining sections accordingly:

“D.4.14 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence.”

8. Amending section D.4 Forest by adding a new subsection D.4.20 immediately following subsection D.4.19 as follows and renumbering the remaining subsections accordingly:

“D.4.20 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence on Forest Residential zoned land.”

9. Amending section D.5 Heritage Forest by adding a new subsection D.5.6 immediately following subsection D.5.5 as follows:

“D.5.6 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence.”

10. Amending section D.6 Wilderness Reserve by adding a new subsection D.6.5 immediately following subsection D.6.4 as follows and renumbering the remaining sections accordingly:

11. “D.6.5 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence.”

Attachment No. 3

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 123

A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW 78, 2002

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

1. Citation

This bylaw may be cited for all purposes as “Saturna Island Land Use Bylaw 78, 2002, Amendment No. 2, 2018”.

2. Saturna Island Local Trust Committee Bylaw No. 78, cited as “Saturna Island Land Use Bylaw 78, 2002,” is amended as follows:

1. Part 2 General Regulations is amended by inserting the following as a new section 2.19:

“2.19 Secondary Suites

(1) The secondary suite must be contained within the walls of the building that contains the principal residence.

(2) The entrance to a secondary suite from the exterior of the building must be separate from the entrance to the principal residence.

(3) A building permit shall not be issued for a secondary suite until the building is serviced by an adequate supply of potable water.

(4) The floor area of the secondary suite shall not exceed 90 m² (968 ft²) nor shall it exceed 40 per cent of the floor area of the principal residence. A secondary suite must not be subdivided from the principal residence under the Land Title Act or the Strata Property Act.

(5) Secondary suites are not permitted in the areas depicted on Schedule D.”

2. By adding a new subsection immediately following subsection 4.1.4 as follows:

“ 4.1.5 One secondary suite is permitted per residence subject to section 2.19.” and renumbering the following sections accordingly;

3. By adding a new subsection immediately following subsection 4.2.6 as follows:

“ 4.2.7 One secondary suite is permitted per residence subject to section 2.19.” and renumbering the following sections accordingly;

4. By adding a new subsection immediately following subsection 4.4.4 as follows:
 “ 4.4.5 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
5. By adding a new subsection immediately following subsection 7.1.3 as follows:
 “ 7.1.4 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
6. By adding a new subsection immediately following subsection 7.3.4 as follows:
 “ 7.3.5 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
7. By adding a new subsection immediately following subsection 9.2.4 as follows:
 “ 9.2.5 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
8. By adding a new subsection immediately following subsection 9.3.6 as follows:
 “ 9.3.7 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
9. By adding a new subsection immediately following subsection 10.1.3 as follows:
 “10.1.4 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
10. By adding a new parking requirement “k” to Part 14, Table 1: Off street parking requirements, following “(j)” as follows:

Table 1: Off street parking requirements		
	Use	Minimum Number of Off street parking Spaces Required
(k)	Secondary Suite	1 per secondary suite

11. By adding a new definition to Part 15. Interpretation immediately after subsection 15.1.40 as follows:
 “15.1.41 “**secondary suite**” means an accessory, self-contained residential unit, located within a building that otherwise contains a residential unit, and having a lesser floor area than the principal residential unit.”;
 and renumbering the following sections accordingly.

12. By adding a new 'Schedule D' immediately following 'Schedule C' as shown on Plan No. 1 which is attached to this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	14 TH	DAY OF	JUNE	2018
PUBLIC HEARING HELD 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____

Chair

Secretary

File No.: 6500-20 (Land Use Bylaw Review)

DATE OF MEETING: October 4, 2018
TO: Saturna Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Victoria Office
SUBJECT: Proposed Bylaw 119 – Saturna Island Land Use Bylaw Review
Applicant: Saturna LTC Project
Location: Saturna Island Local Trust Area

1. That the Saturna Island Local Trust Committee Proposed Bylaw No. 119, 2018 be adopted.

REPORT SUMMARY

Proposed Bylaw 119 (LUB) replaces the existing Saturna Island LUB.

This report recommends adoption and steps to be taken following adoption.

BACKGROUND

Updating the Saturna Land Use Bylaw has been a project priority of the Saturna LTC.

Proposed Bylaw 119 contains amendments that are a result of revising and removal of out-of-date references, revisions for clarity, correctness, and consistency, changes to regulations that exceed the LTC's jurisdiction, revisions to regulations that are inconsistent with recent case law, and review and updating of definitions.

There have been various staff reports prepared (available on the Saturna Island LTC webpage).

Bylaw 119 was approved by the Executive Committee of the Islands Trust September 5, 2018.

NEXT STEPS

- Copies of Bylaw 119 will be forwarded to the LTC, staff and agencies for reference.

Submitted By:	Gary Richardson, Island Planner	September 27, 2018

ATTACHMENTS

1. Proposed Bylaw 119 (under separate cover)



Islands Trust

PROPOSED

**SATURNA ISLAND
LAND USE BYLAW No. 119, 2018**

Consolidation as of: _____, 201__

Note: Items in italics are explanatory notes to the template and are not intended to form part of any LUB

]

[Back of front cover]

Table of Amendments		
Bylaw No.	Date of Adoption	Date of Bylaw Consolidation

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**SATURNA ISLAND LOCAL TRUST COMMITTEE
LAND USE BYLAW No. 119, 2018**

A Bylaw to establish regulations and requirements respecting the use of land, including the surface of water, the use, siting and size of buildings and structures, the provision of parking, landscaping and screening and the subdivision of land 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 adopt a Land Use bylaw and other development regulations and to show by map the boundaries of the zones;

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

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

1. This Bylaw may be cited for all purposes as the “Saturna Island Land Use Bylaw No. 119, 2018.”
2. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Land Use Bylaw for that part of the Saturna Island Local Trust Area as shown on Schedule D:
 - (1) Schedule A (Land Use Bylaw Text)
 - (2) Schedule B (Zoning Map)
 - (3) Schedule C (Eastpoint Water Management Area Map)
 - (4) Schedule D (Bylaw Area Map)
3. 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.
4. Bylaw No. 78 cited as “Saturna Island Land Use Bylaw No. 78, 2002” and all of its amendments are repealed.

READ A FIRST TIME this 16th day of July , 2018.
PUBLIC HEARING HELD this 28th day of July , 2018.
READ A SECOND TIME this 28th day of July , 2018.
READ A THIRD TIME this 28th day of July , 2018.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
5th day of September , 2018
ADOPTED this day of , 201_

SECRETARY

CHAIRPERSON

SCHEDULE A

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**Saturna Island Local Trust Committee
Bylaw No. 119**

A bylaw to regulate the use of land, buildings and structures, the subdivision of land, the provision of off street parking spaces, screening and landscaping, and the erection of signs in the Saturna Island Local Trust Area

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

PART 1

ADMINISTRATION

1.1 Compliance

- 1.1.1 No person may use or permit any land, water surface, *building* or *structure* to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- 1.1.2 No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as expressly permitted by this Bylaw.
- 1.1.3 Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures or the subdivision of land.
- 1.1.4 The use of land, building and structures that is lawful at the time of the adoption of this Bylaw, although not conforming to the provisions of this Bylaw may be continued subject to Section 528 of the *Local Government Act*.
- 1.1.5 Any existing lot that has less area than the minimum lot area specified in the applicable zone for the creation of lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- 1.1.6 No land may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders the existing use, building or structure illegal or non-conforming.

1.2 Violation

- 1.2.1 Every person commits an offence under this Bylaw, who, being an owner or occupier of land or of the surface of water in the Saturna Island Local Trust Area:
 - 1.2.1.1 violates any of the provisions of this Bylaw;
 - 1.2.1.2 causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
 - 1.2.1.3 neglects or omits to do anything required under this Bylaw;
 - 1.2.1.4 carries out, causes or permits to be carried out any development of land or the surface of water in a manner prohibited by or contrary to any of the provisions of this Bylaw;
 - 1.2.1.5 fails to comply with an order, direction or notice given under this Bylaw; or
 - 1.2.1.6 prevents or obstructs or attempts to prevent or obstruct a person authorized under Section 1.4 from entering on the property.

1.3 Penalty

- 1.3.1 Every person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty as provided in the *Offense Act* and the costs of prosecution.
- 1.3.2 Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

1.4 Inspection and Enforcement

- 1.4.1 The Islands Trust Bylaw Enforcement Officer or any other person designated by the Saturna Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given 24 hours prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

1.5 Severability

- 1.5.1 If any provision of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

1.6 Metric Units of Measurement

- 1.6.1 Metric dimensions are used in this Bylaw. Imperial equivalents provided are approximate and for convenience only, and do not form part of this Bylaw.

1.7 Numbering

- 1.7.1 In the numbering system used in this Bylaw, the first number indicates parts of the Bylaw; the second indicates Sections; the third indicates Subsections; the fourth indicates Articles; and, the fifth indicates clauses as follows:

18	Part
18.1	Section
18.1.1	Subsection
18.1.1(1)	Article
18.1.1(1)(a)	Clause

PART 2

GENERAL REGULATIONS

2.1 Uses Permitted in any Zone

2.1.1 The following uses are permitted in every *zone* except the Wilderness Reserve Zone:

- 2.1.1(1) *public service uses*
- 2.1.1(2) *navigational aids*
- 2.1.1(3) *natural area parks and reserves*
- 2.1.1(4) *accessory uses, buildings and structures*
- 2.1.1(5) *passive recreation*
- 2.1.1(6) *roadside stands for sale of produce*
- 2.1.1(7) *water storage tanks*

2.2 Prohibited Uses

2.2.1 Only the uses, buildings and structures expressly permitted in this Bylaw are permitted in the relevant zones. Without limiting the generality of the foregoing, the following uses, buildings and structures are prohibited in all zones:

- 2.2.1(1) Except in the Farmland Zone and land within the Agricultural Land Reserve, on a *lot* having an area of less than 1.0 hectare (2.5 acres) the keeping of cattle, sheep, goats, pigs, donkeys or similar animals, bees, llamas, ostriches and emus, and more than one horse;
- 2.2.1(2) Other than on land within the Agricultural Land Reserve, *intensive farm use* operations; and
- 2.2.1(3) Commercial airstrips and helicopter landing pads except for emergency landing sites.

2.3 General Height Regulations

- 2.3.1 No *building* or *structure* used for *farm use* purposes may exceed 15 metres (50 feet) in *height* and no other *building* or *structure* may exceed 9 metres (30 feet) in *height* unless otherwise specifically permitted in the Bylaw. (Note: The Industrial Zones permit buildings up to a maximum of 15 metres in height.).
- 2.3.2 The *height* restrictions for *buildings* and *structures* specified in this Bylaw may be exceeded for retaining walls, wind generators, radio and television antennas, chimney stacks, flag poles, lightning poles, farm silos, water towers, electrical transmission towers, church steeples, fire hose towers and fire alarm towers, provided that the *lot coverage* of such *structures* does not exceed 1% or, if located on a *building*, they do not occupy more than 10% of the roof area of the *building*.

2.4 Accessory Buildings

- 2.4.1 Where a *building* or *structure* is attached to a principal *building* on a *parcel* by a *breezeway* attached to both *buildings*, it is to be considered a part of the principal *building* and is not an *accessory building*. The distance of the *breezeway* between the *building* or *structure* and the principal *building* is not to exceed 5 metres (16.4 feet).
- 2.4.2 *Accessory buildings* shall be subject to the same setback requirements as the principal *building* and no *accessory building* shall be located within 3 metres (10 ft.) of any principal *building*. (Note: See Section 2.6 for setbacks between a residence and a cottage).
- 2.4.3 The maximum combined *floor area* of *accessory buildings* and *structures* other than *cottages* shall not exceed 140 square metres (1500 sq. ft.) in respect of each constructed *residence* on a lot. For clarity, the reference to *residence* in this subsection does not include a *cottage*.
- 2.4.4 The following buildings and structures may be constructed or placed on a lot prior to the construction of a principal residence or the commencement of a principal residential use on the same lot:
- 2.4.4(1) one storage building not exceeding 61 square metres (656 sq. ft.) in floor area, and
- 2.4.4(2) one utility building or pumphouse not exceeding 9.3 square metres (100 sq. ft.) in floor area.

Any other accessory building or structure may only be constructed where a valid building permit has been issued for the construction of a principal use building on the same lot.

2.5 Setbacks from Watercourses and Natural Boundaries

- 2.5.1 No building or structure other than one referred to in Subsection 2.5.2 and 2.5.3 may be sited, within 7.6 metres (25 feet) upland of the natural boundary of the sea nor 7.6 metres (25 feet) upland of the natural boundary of a *watercourse*, and for this purpose paved areas of asphalt, concrete or similar material are "structures".
- 2.5.2 Despite subsection 2.5.1: fences; one small boat storage platform not exceeding a floor area of 18.5 m² per constructed residence; one boathouse not exceeding a floor area of 18.5 m² per constructed residence; stairways; and, wharf and dock ramps and their footings can be sited within 7.6 metres (25 feet) upland of the natural boundary of the sea.
- 2.5.3 Despite subsection 2.5.1, fences and pumphouses can be sited within 7.6 metres (25 feet) of the natural boundary of a *watercourse*.

2.6 Setbacks between Cottages and Other Residences

- 2.6.1 Notwithstanding Subsection 2.4.2, no *cottage* may be located within 5 metres (16 feet) of a *residence* or other *cottage*.

2.7 Covenants Against Buildings and Subdivision

- 2.7.1 Where, under this bylaw, an owner of land is required to grant a covenant restricting subdivision or development, the covenant must be granted to the Saturna Island Local Trust Committee in priority to all financial charges. The covenant must be delivered in a form that will be accepted for registration by the Registrar of Titles and is satisfactory to the Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

2.8 Enforcement of Siting Regulations - Other Permits

- 2.8.1 Every applicant for a development permit, temporary use permit or development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed *buildings, structures* and sewage absorption fields in relation to lot and zone boundaries, *watercourses*, wells and the sea, and in relation to other buildings on a lot unless an Islands Trust staff member determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures and sewage absorption fields comply with the siting requirements of this or any other bylaw.

2.9 Provisional Residence while Constructing

- 2.9.1 Where a valid *building* permit has been issued for the construction of a residence, one travel trailer or camper or an *accessory building* may be used for the provisional residence of the owner or builder. However, as soon as the residence is occupied the travel trailer, camper or *accessory building* must not be used for residential purposes.

2.10 Cottages

- 2.10.1 On those *parcels* where a *residence* and a *cottage* are permitted uses, a *cottage* may be constructed prior to the construction of a *residence*.

2.11 Determination of Residential Density - Lots in More than One Zone

- 2.11.1 Where a *lot* is located in two or more *zones*, additional *residences* may only be constructed in compliance with the density regulation for the *zone* in which the *residence* is to be constructed..

Without limiting the generality of section **2.11.1**, the following provisions **2.11.2** and **2.11.3** apply:

- 2.11.2 Where the zoning on a *lot* contains provisions of both the Farmland and Rural *zones*, site density shall be the combined area of the Rural and Farmland portions of the *parcel* as though the sum total of the land were all in the Rural Zone provided that;
- a) all *residential uses* are located on the rural *zone* portion of the *parcel*;
 - b) maximum density shall be 5 primary residences and 5 *cottages*; and
 - c) where necessary, a covenant is to be placed on the other *zone* areas prohibiting further residential construction.

- 2.11.3 Where a *lot* contains both Watershed and either Rural or Forest *zones* maximum permitted residential density shall be one primary residence per 10.12 hectares (25 acres) of Watershed; provided that:
- a) the residential density doesn't exceed the *subdivision capacity*;
 - b) all *residential uses* are restricted to the Rural or Forest zoned portions of the lot; and
 - c) where necessary, a covenant is to be placed on the Watershed zoned area prohibiting further development.

2.12 Use of Common Property

- 2.12.1 Land comprising the common property in a strata plan is not a "lot" for the purposes of the density regulations set out in this Bylaw, but may be used for *accessory* uses to principal uses located on strata lots in the same strata plan.

2.13 Use of Recreational Vehicles and Yurts

- 2.13.1 The use of a recreational vehicle or yurt as a dwelling or cottage is permitted subject to:
- 2.13.1.1 the connection of the recreational vehicle or yurt to sewage disposal facilities consistent with the *Public Health Act*;
 - 2.13.1.2 the provision of a domestic water supply; and
 - 2.13.1.3 compliance with the use, density and siting requirements of this Bylaw for dwellings and cottages.

2.14 Measurements of Setbacks

- 2.14.1 All setbacks of *buildings* and *structures* must be measured on a horizontal plane from the natural boundary, lot line or other feature specified to the nearest portion of the *building* or *structure* in question.
- 2.14.2 Steps, eaves, gutters, cornices, sills, chimneys, or other similar features, may project up to 1 metre into the setback area or 0.5 metres in the case of a side yard setback area less than 3 metres in width; and balconies, decks and sun shades, may project up to 1 metre into the required setback area.

2.15 Home Occupation Regulations

- 2.15.1 A *home occupation* use other than a horticultural use must be carried out wholly within a *residence* or within a permitted *accessory building*. The combined floor area of all *accessory buildings* used in a *home occupation* must not exceed 140 sq. metres (1500 sq feet).
- 2.15.2 There shall not be carried on as a *home occupation*, any occupation which by reason of its nature, emits or causes to be produced or emitted, noises, dust, smoke, gas or other effluents in such quantities or under such conditions as to be detectable at the lot line.
- 2.15.3 There may be no exterior indication of the existence of the *home occupation* either by:
- 2.15.3(1) storage exterior to a *building* or *structure* of any material used in the processing or resulting from the processing of any product unless such storage areas are screened by a *landscape screen* or fence not less than 2

metres in *height*; or

2.15.3(2) displays, lighting; or

2.15.3(3) any other variation from the residential character of the *residence* or *accessory building*, with the exception of signs permitted by this Bylaw.

2.15.4 A *home occupation* is not permitted unless the premises on which it is conducted are concurrently occupied as a *residence*. A person or persons residing in the *residence* must operate the *home occupation*. Not more than two additional persons (two full time equivalent positions) not residing in the residence, may be employed in the *home occupation*.

2.15.5 The following activities are not permitted:

2.15.5(1) the serving of food or drink products on the premises as part of a *home occupation* except for bed and breakfast *home occupations* as noted in subsection 2.15.6; and,

2.15.5(2) the retail sale of liquor, other than the sale of liquor produced on the premises having a display and sales floor area not exceeding 10 m².

2.15.6 The following additional regulations apply to bed and breakfast *home occupations*:

2.15.6(1) not more than 3 bedrooms may be used to accommodate guests;

2.15.6(2) a bed and breakfast *home occupation* must be conducted solely on the property;

2.15.6(3) breakfast may be served on the premises to paying guests;

2.15.6(4) up to twelve special events per calendar year may be catered on the premises by the bed and breakfast operator; and,

2.15.6(5) occasional dinners may be served on the premises to paying guests.

2.15.7 The operator of every *home occupation* must comply with all licensing, health and other applicable regulations of British Columbia and the Capital Regional District, including building, public health, noise, air quality, and water quality regulations.

2.15.8 *Home occupations* involving retail sales of products not made or grown on the premises may have not more than 25% of the built premises (*residential* and *accessory buildings*), to a maximum of 30 sq metres (323 sq ft) dedicated to the presentation and sale of those products.

2.15.9 The following additional regulations apply to the short term rental of a *cottage* as a *home occupation*:

2.15.9(1) no more than one *cottage* per constructed *residence* may be used as a *short term vacation rental* at any one time;

2.15.9(2) despite subsection 2.15.1 the total combined floor area per lot of *cottages* being used for *short term vacation rentals* under the *home occupation* regulations can exceed 140 sq. metres (1500 sq. feet).

2.16 Home Based Industry Regulations

2.16.1 A *home based industry* other than a horticultural use must be carried out wholly within a *residence* or within a permitted *accessory building*. The combined *floor areas* of all *accessory buildings* used in the *home based industry* must not exceed 140 m² (1500 ft²).per constructed residence.

- 2.16.2 There shall not be carried on as a *home based industry*, any use which by reason of its nature, emits or causes to be produced or emitted, noises, dust, smoke, gas or other effluents in such quantities or under such conditions as to be detectable at the lot line.
- 2.16.3 A *home based industry* use:
- 2.17.3(1) is not permitted on any *lot* less than 2 hectares (5 acres) in area;
 - 2.17.3(2) must not be sited within 22.5 metres (75 feet) of any *lot* line nor be sited within 7.5 metres (25 feet) of the sea; and
 - 2.17.3(3) must be screened from view from abutting lots and from public lands and public roads.
- 2.16.4 The hours of operation for a *home based industry* use are limited to 7:00 a.m. to 7:00 p.m. Operation is permitted outside those hours when there is no discernible impact, in terms of noise, light, smell, dust, smoke, gas or other effluents, detectable at the lot line.
- 2.16.5 There may be no exterior indication of the existence of the home based industry either by:
- 2.16.5(1) storage exterior to a building or structure of any material used in the processing or resulting from the processing of any product unless such storage areas are screened by a landscape screen or fence not less than 2 metres in height; or
 - 2.16.5(2) displays, lighting; or
 - 2.16.5(3) by any other variation from the residential character of the residence or accessory building, with the exception of signs permitted by this Bylaw.
- 2.16.6 A home based industry is not permitted unless the premises on which it is conducted are concurrently occupied as a residence. A person or persons residing in the residence must operate the home based industry. Not more than two additional persons (two full time equivalent positions) not residing in the residence, may be employed in the home based industry.
- 2.16.7 The following activities are not permitted as part of a home based industry:
- 2.17.7(1) the serving of food or drink products on the premises; and,
 - 2.17.7(2) the retail sale of liquor, other than the sale of liquor produced on the premises having a display and sales floor area not exceeding 10 m².
- 2.17.8 Home based industries involving retail sales of products not made or grown on the premises may have not more than 25% of the built premises (residence and accessory buildings) to a maximum of 40 sq metres (430 sq ft) dedicated to the presentation and sale of those products.

2.17 Water Storage

A building permit shall not be issued for any new residential building, visitor accommodation unit, or addition to a residential building or visitor accommodation unit in the water management area depicted on Schedule C unless a building on the lot is equipped with a water catchment system and cistern(s) for the storage of rainwater. Minimum cistern capacity is required as follows:

A minimum cistern capacity of 21820 litres (4800 gallons) is required for any new construction of a residence or visitor accommodation unit, or any addition to a residence or visitor accommodation unit that exceeds 11.6 square metres (125 square feet) of floor area.

PART 3

ESTABLISHMENT OF ZONES

3.1 Division Into Zones

The Saturna Island Local Trust Area shown on Schedule D is divided into the zones identified in Column 1 and described in abbreviated form in Column II.

COLUMN I	COLUMN II
Rural Residential	RR
Rural General	RG
Rural Agricultural Sales	RAS
Rural Comprehensive Development	RCD
Multiple Family Residential	MFR
Community Services	CS
Public Utilities	PU
Community Park	CP
Commercial Recreation and Accommodation	CRA
Commercial	C
Industrial Storage and Repairs	ISR
Industrial Comprehensive	IC
Farmland	F
Farm Resort	F1
Farm Retreat	F2
Watershed	W
Forest Reserve	FR
Forest General	FG
Forest Residential	FR1
Wilderness Reserve	WR
Water	WA
Water General Commercial	WGC
Water Public Utility	WPU
Open Water	WO

3.2 Zone Boundaries

- 3.2.1 The extent of each *zone* is shown on Schedule B and the interpretation of Schedule B is subject to Sections 3.2.2 to 3.2.4 inclusive.
- 3.2.2 The boundary between land and water *zones* is the surveyed *lot* line and where there is no survey plan the boundary is the *natural boundary*.
- 3.2.3 If a *zone* boundary follows a highway or other right of way, a creek, or a stream, the centre line of the highway, creek, or stream is the *zone* boundary.

- 3.2.4 If a *zone* boundary does not coincide with a *lot* boundary, *natural boundary*, or the centre line of a highway, creek, or stream, and where distances are not specifically indicated on Schedule B, the location of the *zone* boundary must be determined by scaling from Schedule B.
- 3.2.5 Unless otherwise indicated on Schedule B, marine *zones* extend from the *natural boundary* of the sea to the boundary of the Saturna Island Local Trust Area as described in Schedule A to the Islands Trust Regulation B.C. Reg. 119/90.

4. RURAL ZONING REGULATIONS

4.1 RURAL RESIDENTIAL ZONE (RR)

Permitted Uses

- 4.1.1 In the **Rural Residential (RR) 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.

4.1.1(1) *residential*;
4.1.1(2) *home occupations*.

- 4.1.2 In addition to the uses permitted above, the following uses shall be permitted on lots 1.0 ha (2.5 acres) in area or larger:

4.1.2(1) *farm use*;
4.1.2(2) the harvesting of trees and the carrying out of all *silviculture* practices; and
4.1.2(3) portable *temporary* sawmills, chippers and other similar machinery used for the processing of logs harvested on the *parcel* only.

Residential Density.

- 4.1.3 On a lot having an area of 1.21 hectares (3 acres) or less the maximum density is one (1) *residence*.
4.1.4 On a lot greater than 1.21 hectares (3 acres) in area the maximum density is one (1) *residence* and one (1) *cottage*.

Lot Coverage

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

Building Setbacks

- 4.1.6 No *building* or *structure* except a fence or *pumphouse* shall be sited within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.
4.1.7 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be sited within 3 metres (10 ft.) measured from the *interior side lot line* to the furthest projection of the *building*, nor, within 4.5 metres (15 ft.) of an *exterior side lot line*.
4.1.8 No enclosure or *structure* for housing animals and poultry shall be within 7.6 metres (25 ft.) of any property line.

Subdivision Lot Size Requirements

- 4.1.9 No *lot* having an area less than 0.81 hectares (2 acres) may be created by subdivision in the Rural Residential Zone except where a proposed *lot* fronts on the ocean, it may have an area not less than 0.4 hectares (1 acre).
- 4.1.10 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).

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 *lots* having an area of 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, chippers and other similar machinery used for the processing of logs harvested on the lot only.

Residential Site Density.

- 4.2.4 On a lot 1.21 hectares (3 acres) in area or less the maximum density is one (1) *residence*.
- 4.2.5 On a *lot* having an area 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 lots having an area of 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 lot *parcel*.

Lot Coverage

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

Building Setbacks

- 4.2.8 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be sited within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.
- 4.2.9 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be sited within 3 metres (10 feet) of any *interior side lot line* nor be sited within 4.5 metres (15 ft.) of an *exterior side lot line*.
- 4.2.10 No enclosure or *structure* for housing animals and poultry shall be sited within 7.6 metres (25 ft.) of any lot line.

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).

4.3 RURAL AGRICULTURAL SALES ZONE (RAS)

Permitted Uses

- 4.3.1 In the **Rural Agricultural Sales (RAS) 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.
 - 4.3.1(1) retail sales of horticultural and landscaping products;
 - 4.3.1(2) *farm use*;

Lot Coverage

- 4.3.2 Lot coverage for buildings and structures and parking areas shall not exceed 30 %.

Building Setbacks

- 4.3.3 No *building* or *structure* except a fence or *pumphouse* shall be sited within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.
- 4.3.4 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be sited within 3 metres (10 ft.) measured from the *interior side lot line* to the furthest projection of the *building*, nor, sited within 4.5 metres (15 ft.) of an *exterior side lot line*.

- 4.3.5 No enclosure or *structure* for housing animals or poultry shall be sited within 7.6 metres (25 ft.) of any lot line.

Subdivision Lot Size Requirements

- 4.3.6 No lot having an area less than 2.02 hectares (5 acres) may be created by subdivision.

4.4 RURAL COMPREHENSIVE DEVELOPMENT ZONE (RCD)

Permitted Uses

- 4.4.1 In the **Rural Comprehensive Development (RCD) 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.
- 4.4.1(1) *residential*;
 - 4.4.1(2) *home occupations and home based industry*;
 - 4.4.1(3) *farm use*;
 - 4.4.1(4) the harvesting of trees and silviculture practices;
 - 4.4.1(5) portable *temporary* sawmills , chippers and other similar machinery used for processing of logs harvested on the *lot* only.

Residential Site Density.

- 4.4.2 One (1) *residence* is permitted per 2.02 hectares (5 acres) of *lot* area.
- 4.4.3 On the land commonly known as “Old Point Farm” and legally described as Sections 6 and 7, Saturna Island, Cowichan District and Lot 1, Plan 11378, Section 18, Saturna Island, Cowichan District the maximum density is 28 residences.
- 4.4.4 On the land commonly known as “Blackbird Hill Estates” and legally described as Lot A, Sections 17 and 18, Plan VIP74669, Saturna Island, Cowichan District the maximum density is 7 residences.

Lot Coverage

- 4.4.5 Lot coverage for buildings and structures and parking areas shall not exceed 20%.

Building Setbacks

- 4.4.6 No *building* or *structure* except a fence or *pumphouse* shall be sited within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.
- 4.4.7 No *building* or *structure* or part thereof except a fence or *pumphouse* shall be sited within 3 metres (10 ft.) measured from the *interior side lot line* to the furthest projection of the *building*, nor, sited within 4.5 metres (15 ft.) of an *exterior side lot line*.
- 4.4.8 No enclosure or *structure* for housing animals and poultry shall be sited within 7.6 metres

(25 ft.) to any lot line.

Subdivision Lot Size Requirements

- 4.4.9 No lot having an area less than 12.14 hectares (30 acres) may be created by subdivision.
- 4.4.10 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).

4.5 MULTIPLE FAMILY RESIDENTIAL ZONE (MFR)

Permitted Uses

- 4.5.1 In the **Multiple Family Residential (MFR) 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.
 - 4.5.1(1) *residential* for the purpose of providing affordable, senior or special need housing.

Lot Coverage

- 4.5.2 *Buildings and structures* shall not cover more than 33 percent of the lot on which they are located.

Setback Provisions

- 4.5.3 No *building or structure* or part thereof except a fence or a *pumphouse* shall be sited within 7.6 metres (25 ft.) of any front or *rear lot line*.
- 4.5.4 No *building or structure* or part thereof except a fence or a *pumphouse* shall be sited within 6.1 metres (20 ft.) from any *interior side lot line*, nor, sited within 7.6 metres (25 ft.) of an *exterior side lot line*.

Residential Density

- 4.5.5 There shall not be more than four (4) *residential units* per 0.4 hectares (one acre) in the Multiple Family Residential Zone.

Subdivision Lot Size Requirements

- 4.5.6 No lot having an area less than 0.81 hectares (2 acres) may be created by subdivision.
- 4.5.7 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).

4.6 COMMUNITY SERVICES ZONE (CS)

Permitted Uses

4.6.1 In the **Community Services (CS) 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.

- 4.6.1(1) community halls
- 4.6.1(2) churches
- 4.6.1(3) schools
- 4.6.1(4) libraries
- 4.6.1(5) fire halls, police and ambulance stations
- 4.6.1(6) cemeteries.

Lot Coverage

4.6.2 *Buildings and structures* shall not cover more than 33 percent of the lot on which they are located.

Setback Provisions

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

4.6.4 No *building or structure* or part thereof except a fence or a *pumphouse* shall be sited within 6.1 metres (20 ft.) of any *interior side lot line* measured from , nor, sited within 7.6 metres (25 ft.) of an *exterior side lot line*.

Subdivision Lot Size Requirements

4.6.5 No lot having an area less than 2.02 hectares (5 acres) may be created by subdivision.

4.6.6 Site Specific Regulations

4.6.6(1) The regulations listed in Column 3 of the following table only apply to the land listed 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations

CS(a)	Lot s 1 and 2, Section 8, Plan EPP17444, Saturna Island, Cowichan District. (Recreation Centre and Firehall)	(1) Despite 4.6.5, no lot having an area of less than 0.2 ha (.5 acre) may be created by subdivision. (2) Despite 4.6.5 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 0.8 ha (2 acres).
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4.7 PUBLIC UTILITIES ZONE (PU)

Permitted Uses

- 4.7.1 In the **Public Utilities (PU) 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.
- 4.7.1(1) highways maintenance yard
 - 4.7.1(2) hydro maintenance yard
 - 4.7.1(3) telephone maintenance yard
 - 4.7.1(4) water supply facilities
 - 4.7.1(5) recycling facilities

Lot Coverage

- 4.7.2 *Buildings and structures* shall not cover more than 33 percent of the lot on which they are located.

Setback Provisions

- 4.7.3 No *building or structure* or part thereof except a fence or a *pumphouse* shall be sited within 7.6 metres (25 ft.) of any front or *rear lot line*.
- 4.7.4 No *building or structure* or part thereof except a fence or a *pumphouse* shall be sited within 6.1 metres (20 ft.) of any *interior side lot line*, nor sited within 7.6 metres (25 ft.) of an *exterior side lot line*.

Subdivision Lot Size Requirements

- 4.7.5 No lot having an area less than 2.02 hectares (5 acres) may be created by subdivision.

4.8 COMMUNITY PARK ZONE (CP)

Permitted Uses

- 4.8.1 In the **Community Park Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 4.8.1(1) Playgrounds; and
- 4.8.1(2) Picnic facilities.

Permitted Structures

- 4.8.2 No buildings or structures other than playground structures, picnic tables, picnic shelters, toilets and storage buildings may be constructed.

Lot Coverage

- 4.8.3 Buildings and structures shall not cover more than 5 percent of the parcel of land lot on which they are located.

Setback Provisions

- 4.8.4 No building or structure or part thereof except a fence or a pumphouse shall be sited within 7.6 metres (25 ft.) of any front or rear lot line.
- 4.8.5 No building or structure or part thereof except a fence or a pumphouse shall be sited closer than a distance of within 6.1 metres (20 ft.) measured from of any interior side lot line measured from to the farthest projection of the building, nor, closer than sited within 7.6 metres (25 ft.) from of an exterior side lot line.

5. COMMERCIAL ZONING REGULATIONS

5.1 COMMERCIAL RECREATION and ACCOMODATION ZONE (CRA)

Permitted Uses

- 5.1.1 In the **Commercial Recreation and Accommodation (CRA) 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.
- 5.1.1(1) *visitor accommodation*;
 - 5.1.1(2) 1 restaurant;
 - 5.1.1(3) 1 neighbourhood pub;
 - 5.1.1(4) retail use which is *accessory* to any of the above uses;
 - 5.1.1(5) accessory residential use together with any of the uses listed in this subsection which shall not exceed one self-contained residential unit for the caretaker, owner or operator.
- 5.1.2 Despite Subsection 5.1.1 on the CRA zoned area of the parcel legally described as Lot A, Section 18, Plan VIP 75287, Saturna Island, Cowichan District (commonly know as the Lighthouse Pub building) the only uses permitted in addition to those set out in Section 2.1 are: *visitor accommodation*; restaurants and cafes; neighbourhood pub; retail stores; personal services; professional offices; and, an accessory residential use together with any of the uses listed in this subsection which shall not exceed one self-contained residential unit for the caretaker, owner or operator.
- 5.1.3 Despite Subsection 5.1.1 and 5.1.2 on the CRA zoned area of the parcel legally described as the South ½ of Section 14, Except parts in Plans 13357, 14023, 20126, 38382, 51385, VIP53200, VIP55663, VIP58068 and VIP60837, , Saturna Island, Cowichan District (commonly known as East Point Ocean Cottages Ltd.) the only uses permitted in addition to those set out in Section 2.1 are: *visitor accommodation*; a restaurant; a retail use which is *accessory* to any of the above uses; boat ramp and boat rentals; and, an accessory residential use together with any of the uses listed in this subsection which shall not exceed one self-contained residential unit for the caretaker, owner or operator.
- 5.1.4 In addition to the uses permitted in Subsection 5.1.1, on the CRA zoned area of the parcel described as Lot B, Section 18, Plan VIP75287, Saturna Island, Cowichan District residential use is permitted provided that there is no more than one residence sited on the lot.

Lot Coverage

- 5.1.5 *Buildings and structures* shall not cover more than 30 percent of the CRA zoned portion of land on which they are located.

Site Density

- 5.1.6 For the CRA zoned portion of a parcel of land on which *accommodation units* and *sleeping units* are permitted, the number of accommodation units shall not exceed three per 0.4 ha (1 acre) and the number of bedrooms shall not exceed six per 0.4 ha (1 acre)

nor twelve per building.

Building Setbacks

- 5.1.7 No *building or structure* except a fence shall be sited within 7.6 metres (25 ft.) of any front or rear lot line.
- 5.1.8 No *building or structure* except a fence shall be sited within 3 metres (10 ft.) of any interior side lot line, nor sited within 4.6 metres (15 ft.) of an exterior side lot line.

Subdivision Lot Size Requirements

- 5.1.9 No lot having an area less than 2.02 hectares (5 acres) may be created by subdivision.

5.2 Commercial Zone (C)

Permitted Uses

- 5.2.1 In the **Commercial (C) 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.
- 5.2.1(1) retail stores and shops;
 - 5.2.1(2) professional or business offices including medical or dental clinics;
 - 5.2.1(3) barber shops, beauty parlours, shoe repair shops, electric and electronic repair shops, launderette, laundry and dry cleaning shops;
 - 5.2.1(4) printers and publishers;
 - 5.2.1(5) restaurants, cafes, bakeries;
 - 5.2.1(6) places of indoor recreation; and
 - 5.2.1(7) *residential*.

Lot Coverage

- 5.2.2 *Buildings and structures* shall not cover more than 33 percent of the lot on which they are located.

Building Setbacks

- 5.2.3 No *building or structure* except a fence shall be sited within 7.6 metres (25 ft.) of any front or rear lot line.
- 5.2.4 No *building or structure* except a fence shall be sited within 3 metres (10 ft.) of any interior side lot line, nor, , sited within 4.6 metres (15 ft.) of an exterior side lot line.

Residential Site Density

- 5.2.5 On the Commercial zoned portion of a lot, a maximum of three self-contained residential units are permitted.

Subdivision Lot Size Requirements

- 5.2.6 No lot having an area less than 0.4 hectares (1 acre) may be created by subdivision.
- 5.2.7 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).

6 INDUSTRIAL ZONING REGULATIONS

6.1 INDUSTRIAL STORAGE AND REPAIRS ZONE (ISR)

Uses Permitted

- 6.1.1 In the **Industrial Storage and Repairs (ISR) 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.
- 6.1.1(1) warehouses;
 - 6.1.1(2) storage yards;
 - 6.1.1(3) contractor's yards and workshops;
 - 6.1.1(4) building materials and supplies sales;
 - 6.1.1(5) freight service;
 - 6.1.1(6) motor vehicle sales and repairs;
 - 6.1.1(7) machinery and parts sales, rentals and repairs;
 - 6.1.1(8) wood, metal and plastic fabricating;
 - 6.1.1(9) welding and machine shops;
 - 6.1.1(10) boat *building* and repairs;
 - 6.1.1(11) *off street parking* lots;
 - 6.1.1(12) marinas for the accommodation, maintenance and servicing of boats including refueling;
 - 6.1.1(13) one *residential unit* in accessory to an industrial use for the accommodation of the owner, operator or an employee of the principal use is permitted.
- 6.1.2 In addition to the uses permitted in subsection 6.1.1, on the ISR portion of the lot legally described as Lot 17, Plan 18592, Section 8, Cowichan District, Saturna Island the following use is permitted: retail sale of fuels.
- 6.1.3 Despite subsection 6.1.1, on the ISR portion of the lot legally described as Lot A, Section 18, Plan VIP75287, Cowichan District, Saturna Island the only uses permitted in addition to those set out in Section 2.1 are: boat *building* and repairs; marinas for the accommodation, maintenance and servicing of boats including refueling; service stations; bulk fuel storage tanks; garden centre; tent sites for no more than 10 tents; off street parking lots; and, one *residential unit* in conjunction with an industrial use for the accommodation of the owner, operator or an employee of the principal use is permitted. Tent sites must comply with setback requirements for structures and be screened from abutting properties by either a landscape screen or a fence no less than 2 meters in height. Tent sites must be sited a minimum of 4.6 metres from any lot line.
- 6.1.4 Despite subsection 6.1.1, on the ISR portion of the lot legally described as Lot A, Section 18, Plan EPP17708, Cowichan District, Saturna Island the only uses permitted in addition to those set out in Section 2.1 are: boat building and repairs; marinas for the accommodation, maintenance and servicing of boats including refueling; service stations; bulk fuel storage tanks, storage yards and freight service.

Height

6.1.4 No *building* shall exceed 15 metres (50 ft.) in *height*.

Lot Coverage

6.1.5 *Buildings* and *structures* shall not cover more than 33 percent of the lot on which they are located.

Building Setbacks

- 6.1.6 No *building or structure* except a fence shall be sited within 7.6 metres (25 ft.) of any front or rear lot line.
- 6.1.7 No *building or structure* except a fence shall be sited within 3 metres (10 ft.) of any interior side lot line, nor, sited within 4.6 metres (15 ft.) of an exterior side lot line.

Subdivision Lot Size Requirements

- 6.1.8 No lot having an area less than 0.4 hectares (1 acre) may be created by subdivision.
- 6.1.9 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).

6.2 INDUSTRIAL COMPREHENSIVE ZONE (IC)

Permitted Uses

- 6.2.1 In the **Industrial Comprehensive (IC) 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.
 - 6.2.1(1) warehouses;
 - 6.2.1(2) storage yards;
 - 6.2.1(3) contractor's yards and workshops;
 - 6.2.1(4) building materials and supplies sales;
 - 6.2.1(5) freight service;
 - 6.2.1(6) motor vehicle sales and repairs;
 - 6.2.1(7) machinery and parts sales, rentals and repairs;
 - 6.2.1(8) wood, metal and plastic fabricating;
 - 6.2.1(9) welding and machine shops;
 - 6.2.1(10) boat building and repairs;
 - 6.2.1(11) off street parking lots;
 - 6.2.1(12) marinas for the accommodation, maintenance and servicing of boats including refueling;
 - 6.2.1(13) one residential unit accessory to an industrial use for the accommodation of the owner, operator or an employee of the principal use is permitted;
 - 6.2.1(14) services stations;
 - 6.2.1(15) bulk fuel storage tanks and sale of fuels;
 - 6.2.1(16) sawmills, and related wood products processing; and,
 - 6.2.1(17) *manufacturing*.

Height

- 6.2.2 No *building* shall exceed 15 metres (50 ft.) in *height*.

Lot Coverage

- 6.2.3 *Buildings* and *structures* shall not cover more than 33 percent of the lot on which they are located.

Building Setbacks

- 6.2.4 No *building*, *structure* or storage of materials except a fence shall be sited within 7.6 metres (25 ft.) of any front or *rear lot line*.
- 6.2.5 No *building* or *structure* except a fence shall be sited within 3 metres (10 ft.) of any *interior side lot line*, nor, sited within 4.6 metres (15 ft.) of an *exterior side lot line*.

Subdivision Lot Size Requirements

- 6.2.6 No lot having an area less than 0.4 hectares (1 acre) may be created by subdivision.
- 6.2.7 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).

7. FARMLAND ZONING REGULATIONS

7.1 FARMLAND ZONE (F)

Permitted Uses

7.1.1 In the **Farmland (F) 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. Uses that are inconsistent with permitted uses under the *Agricultural Land Commission Act* or Regulations will require approval from the Agricultural Land Commission.

- 7.1.1(1) *farm use*;
- 7.1.1(2) the harvesting of trees and the carrying out of all silvicultural practices;
- 7.1.1(3) portable wood chippers and sawmills only for the processing of logs harvested on the *parcel*;
- 7.1.1(4) *residential*;
- 7.1.1(5) sleeping accommodation for farm employees;
- 7.1.1(6) fish farming;
- 7.1.1(7) *home occupations and home based industry*.

Lot Size and Site Density

7.1.2 The maximum density is one *residence* on lots having an area of 20.24 ha (50 acres) or less and one *residence* and one *cottage* on lots having an area greater than 20.24 ha (50 acres).

Lot Coverage

7.1.3 Buildings and structures shall not cover more than 33 percent of the parcel of land lot on which they are located.

Building Setbacks

- 7.1.4 No *building or structure* except a fence or *pumphouse* shall be sited within 7.6 metres (25 ft.) of any *front lot line* or *rear lot line*.
- 7.1.5 No *building or structure* or part thereof except a fence or *pumphouse* shall be sited within 6.1 metres (20 ft.) of an *interior side lot line* measured from the farthest projection of the *building*, nor, sited within 6.1 metres (20 ft.) of an *exterior side lot line*.

Special Building Setback

- 7.1.6 No *building or structure* associated with *farm uses* except a fence or a *pumphouse* shall be sited within 30 metres (100 ft.) of a *front lot line*, nor sited within 15 metres (50 ft.) of an interior, exterior or *rear lot line*, measured from the *lot line* to the farthest projection of the *building*.

Subdivision Lot Size Requirements

- 7.1.7 No *lot* having an area less than 20.24 hectares (50 acres) may be created by subdivision in the *zone*.

7.2 FARM RESORT ZONE (F1)

Permitted Uses

- 7.2.1 In the Farm Resort (F1) 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.
- 7.2.1(1) *farm use*;
 - 7.2.1(2) vinting and bottling of wines and ciders;
 - 7.2.1(3) accessory to the vinting and bottling of wines and ciders, the sale of wine and cider including tasting facilities
 - 7.2.1(4) accessory to the vinting and bottling of wines and ciders, a restaurant and premises licensed under the *Liquor Control and Licensing Act* for the sale and consumption of beverages on the premises;
 - 7.2.1(5) accessory to the farm use, *visitor accommodation* of the traveling and vacationing public in *accommodation units* and *sleeping units* for farm employees; and
 - 7.2.1(6) accessory residential use

Height

- 7.2.2 No building shall exceed 9 metres (30 feet) in height, except a barn which shall not exceed 15 metres (49.2 ft.) in height.

Site Coverage

- 7.2.3 Buildings and structures and required parking areas shall not cover more than two percent (2%) of the lot on which they are located.

Density

- 7.2.4 *Visitor Accommodation* use shall not exceed five *accommodation units* and the total number of bedrooms shall not exceed twenty nor twelve bedrooms per building.
- 7.2.5 Residential use shall not exceed one self-contained residence and one cottage.

Siting of Uses, Buildings and Structures

- 7.2.6 No use other than farm use shall be located on any land that is south of Quarry Trail, except for three non-agricultural buildings provided that: not more than one shall contain a

restaurant, not more than one shall contain transient accommodation and not more than one shall contain residential use.

- 7.2.7 No building or structure except a fence or pumphouse shall be sited within 7.6 metres (25 feet) of any front or rear lot line.
- 7.2.8 No building or structure except a fence shall be sited within 6.1 metres (20 feet) of any interior side lot line or exterior side lot line.

Site Area Restrictions

- 7.2.9 The minimum site area for all of the uses set out in Section 7.2.1 is 31.5 hectares (78 acres), and for the purposes of this regulation a “site” may not comprise more than one parcel.”

Subdivision Lot Size Requirements

- 7.2.10 No lot having an area less than 31.5 hectares (78 acres) may be created by subdivision.

7.3 FARM RETREAT ZONE (F2)

Permitted Uses

- 7.3.1 In the Farm Retreat (F2) 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. Uses that are inconsistent with permitted uses under the *Agricultural Land Commission Act* or regulations will require approval from the Provincial Agricultural Land Commission.
- 7.3.1(1) *Farm use;*
- 7.3.1(2) *Educational and instructional uses;*
- 7.3.1(3) *Residential;*
- 7.3.1(4) *Accessory to 1 or 2 above, Visitor Accommodation and special events, such as, but not limited to weddings, reunions and retreats;*
- 7.3.1(5) *Accessory to 1, 2 or 4 above, the serving of food and drink;*
- 7.3.1(6) *Accessory to 1, 2 or 4 above, retail and rental uses;*
- 7.3.1(7) *Accessory to 3 above, home occupations.*

Lot Coverage

- 7.3.2 Buildings, structures and required parking areas associated with non-farm uses shall not cover more than two percent (2%) of the lot on which they are located.

Site Density

- 7.3.3 *Visitor accommodation* use shall not exceed 8 sleeping units and 4 campsites.

(Information Note: Subsection 7.3.3 does not apply to rooms that may be used as part of a bed and breakfast home occupation in any of the permitted residences.)

- 7.3.4 On the parcel of land legally described as Lot B, Plan 11380, Section 7 and Lot 1, Plan 51011, Section 8 both in Cowichan District, Saturna Island the maximum number of residences is 7 and the maximum number of cottages is 7.

Siting of Uses, Buildings and Structures

- 7.3.5 No building or structure except a fence shall be sited within 12 metres (40 ft.) of any front lot line.
- 7.3.6 No building or structure except a fence shall be sited within 3 metres (10 ft.) of any interior or rear lot line.
- 7.3.7 No building or structure associated with an intensive farm use, except a fence or pumphouse, shall be sited within 30 metres (100 ft) of a front lot line.

Subdivision Lot Size Requirements

- 7.3.10 No lot having an area less than 20.24 hectares (50 acres) may be created by subdivision.

8. WATERSHED ZONING REGULATIONS

8.1 WATERSHED ZONE (W)

Permitted Uses

- 8.1.1 In the **Watershed (W) 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.
- 8.1.1(1) growing and harvesting of forest products; and,
8.1.1(2) accessory buildings.

Lot Coverage

- 8.1.2 **Buildings, structures and required parking areas shall not cover more than two percent (2%) of the parcel of land lot on which they are located.**

Buildings Setbacks

- 8.1.3 No *building or structure* except a fence or a *pumphouse* shall be sited within 7.6 metres (25 ft.) of any *front lot line*, nor sited within 3 metres (10 ft.) of any interior side or *rear lot line*, nor sited within 4.6 metres (15 ft.) of any *exterior side lot line*, nor sited within 61 metres (200 ft.) of any *watercourse* or body of fresh water.

Subdivision Lot Size Requirements

- 8.1.4 No *lot* having an area less than 10.12 hectares (25 acres) may be created by subdivision in this *Zone*

9. FORESTLAND ZONING REGULATIONS

Information Note: Pursuant to Forest Policies in the Saturna Island Official Community Plan (Bylaw No. 70, properties may be rezoned to Forest Residential Zone providing an opportunity to cluster and concentrate permitted residential development. Every rezoning to Forest Residential Zone is to entail a simultaneous rezoning of the residual forest lands to Forest Reserve Zone. The reserve area would be for forestry and conservation purposes. All Forest Subdivision Capacity attributable to the forestlands is to be transferred to the Forest Residential zoned area, and result in the subdivision capacity of the area zoned Forest Reserve to be nil.

9.1 FOREST RESERVE (FR) Zone

Permitted Uses

9.1.1 In the **Forest Reserve (FR) 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.

- 9.1.1(1) silviculture;;
- 9.1.1(3) portable wood chippers and sawmills for logs harvested on the *parcel*; and,
- 9.1.1(4) *farm use* on land within the Agricultural Land Reserve.

Lot Coverage

9.1.2 Buildings, structures and required parking areas shall not cover more than two percent (2%) of the parcel of land lot on which they are located.

Lot Size Requirements.

9.1.3 Minimum *lot* size shall be 20.24 hectares (50 acres).

9.2 FOREST GENERAL ZONE (FG)

Permitted Uses

9.2.1 In the **Forest General (FG) 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.

- 9.2.1(1) *residential*;
- 9.2.1(2) the harvesting of trees and the carrying out of all silvicultural practices;
- 9.2.1(3) *grazing, accessory to the growing of trees*
- 9.2.1(4) portable wood chippers and sawmills for logs harvested on the *parcel*;

- 9.2.1(5) television and radio antennas;
- 9.2.1(6) *home occupations* and *home based industry*; and,
- 9.2.1(7) *farm use* on land within the Agricultural Land Reserve.

Height

- 9.2.2 No *building* shall exceed 9 metres (30 ft.) in *height*.

Building Setbacks

- 9.2.3 No *building* or *structure* except a fence or a *pumphouse* shall be sited within 7.6 metres (25 ft.) of any front or rear *lot line*, nor sited within 3 metres (9.8 ft.) of any *interior side lot line*, nor sited within 4.6 metres (15 ft.) of any *exterior side lot line*.

Site Density

- 9.2.4 The permitted site density shall be one *residence* and one *cottage* per *parcel*.

Lot Size Requirements

- 9.2.5 No *lot* having an area less than 20.24 hectares (50 acres) may be created by subdivision in this *Zone*.

9.3 FOREST RESIDENTIAL ZONE (FR1)

Permitted Uses

- 9.3.1 In the **Forest Residential (FR1) 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.
 - 9.3.1(1) *residential*;
 - 9.3.1(2) the harvesting of trees and the carrying out of all silvicultural practices;
 - 9.3.1(3) grazing, accessory to the growing of trees
 - 9.3.1(4) portable sawmills for sawing of logs harvested on the property;

Lot Coverage

- 9.3.2 Buildings, structures and required parking areas shall not cover more than twenty percent (20%) of the parcel of land lot on which they are located.

Height

- 9.3.3 No *building* shall exceed 9 metres (30 ft.) in *height*.

Building Setbacks

- 9.3.4 No *building* or *structure* except a fence or a *pumphouse* shall be sited within 7.6 metres (25 ft.) of any front or rear *lot line*, nor sited within 3 metres (9.8 ft.) of any *interior side lot line*, nor sited within 4.6 metres (15 ft.) of any *exterior side lot line*.

Site Density

- 9.3.5 The permitted site density shall be one *residence* on lots having an area less than 1.21 hectares (3 acres) and a maximum of one residence and one *cottage* on lots having an area of 1.21 hectares (3 acres) or more.
- 9.3.6 Notwithstanding Subsection 9.3.4, on the FR1 zoned portion of the land legally described as the south-west $\frac{1}{4}$ of Section 8, Plan 23285, Cowichan District, Saturna Island a maximum of 5 *residences* and 5 *cottages* is permitted. Residences are not permitted on the area of land zoned Forest Reserve.

Lot Size Requirements

- 9.3.7 The minimum *lot* area required for subdivision shall be 0.81 hectares (2 acres) and the maximum *lot* area required for subdivision is not to exceed 1.21 hectares (3 acres). plus 1.21 hectares (3 acres) for each additional *lot* permitted by the *parcel's* remaining *Subdivision Capacity*.
- 9.3.8 Notwithstanding 9.3.7, no more than five lots (not to exceed three acres each) may be created in the Forest Residential portion of Lot 1, Section 8, Plan 23285, Saturna Island.

10. WILDERNESS RESERVE ZONING REGULATIONS

10.1 Wilderness Reserve (WR) Zone

Uses Permitted

10.1.1 In the **Wilderness Reserve (WR) 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.

10.1.1(1) *residential*;

10.1.1(2) *ecological reserves*

Building Setbacks

10.1.2 No *building* or *structure* except a fence or a *pumphouse* shall be sited within 7.6 metres (25 ft.) of any *front lot line*, nor sited within 3 metres (10 ft.) of any interior side or *rear lot line*, nor sited within 4.6 metres (15 ft.) of any *exterior side lot line*.

Site Density

10.1.3 The maximum density permitted shall be one *residence*.

Lot Coverage

10.1.4 *Buildings* or *structures* shall not cover more than 1% of lot on which they are located.

Subdivision Lot Size Requirements

10.1.5 No lot having an area less than 64.7 hectares (160 acres) may be created by subdivision.

11. WATER ZONING REGULATIONS

(Note: All uses of the Crown foreshore must be authorized by this Bylaw and a crown lease obtained from Land and Water BC Inc.)

11.1 WATER ZONE (WA)

Permitted Uses

11.1.1 In the **Water (WA) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited:

- 11.1.1(1) private or communal floats, wharves, piers and walkways *accessory to residential use* and providing access to properties adjacent to the foreshore;
- 11.1.1(2) sea walls, breakwaters, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this Section;
- 11.1.1(3) log dumping where the logs originate on the abutting upland *parcel*;
- 11.1.1(4) Ocean loop geo-exchange systems for the purpose of domestic heat and cooling *accessory to the residential use* of the upland property.

Setbacks of Floats and Wharves

11.1.2 Floats and wharves shall be set back 3 metres (10 ft.) from the projection of any side lot line and shall be located within the boundaries of water leases and licenses of occupation.

Buildings Prohibited

11.1.3 Other than posts to carry lighting fixtures or safety supports, no *buildings*, including a *boathouse*, shelter or *structure* shall be erected on any float or wharf.

Commercial and Industrial Activity Prohibited

11.1.4 Private floats and wharves shall be used for private access only and no commercial or industrial activity or use shall be permitted.

Site Specific Regulations

11.1.5 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.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations

WA(a)	Portion of Unsurveyed Crown Foreshore or land covered by water being part of the beds of Breezy Bay and Plumper Sound, Saturna Island, Cowichan District.	(1) Despite subsections 11.1.1 and 11.1.4 and in addition to the uses permitted in the Water Zone (WA), a float, wharf and walkway is permitted accessory to the uses permitted on Strata Lot 32, Section 5, Plan VIS3488, Saturna Island, Cowichan District. (2) For certainty the commercial use of the float, wharf and walkway structure is to be limited to the loading, unloading and moorage of boats, used by guests and owners of Strata Lot 32, Section 5, Plan VIS3488, Saturna Island, Cowichan District and no other commercial use of the dock is permitted.”
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11.3 WATER GENERAL COMMERCIAL ZONE (WGC)

Permitted Uses

11.3.1 In the **Water General Commercial (WGC) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited:

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

Setbacks of Floats and Wharves

11.3.2 Floats and wharves shall be located within the boundaries of water leases or licenses of occupation.

11.4 WATER PUBLIC UTILITY ZONE (WPU)

Permitted Uses

11.4.1 In the **Water Public Utility (WPU) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all

other uses are prohibited:

- 11.4.1(1) ferry docks;
- 11.4.1(2) government wharves;
- 11.4.1(3) *boathouses* and shelters;
- 11.4.1(4) mooring facilities for water taxis, pleasure craft, ferries, fishing boats or sea planes;
- 11.4.1(5) marine fuelling stations;
- 11.4.1(6) sea walls, breakwaters, slips, docks, ramps, dolphins and pilings necessary for the establishment or maintenance of the uses permitted in this part; and
- 11.4.1(7) seafood sales and boat rentals.

Setbacks of Floats and Wharves

- 11.4.2 Floats and wharves shall be located within the boundaries of water leases or licenses of occupation.

11.5 OPEN WATERS ZONE (WO)

Permitted Uses

- 11.5.1 In the Open Waters (WO) Zone, the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited:
 - 11.5.1(1) marine navigation
 - 11.5.1(2) marine navigational aids
 - 11.5.1(3) marker buoys
 - 11.5.1(4) aquaculture, excluding fin-fish farming
 - 11.5.1(5) Ocean loop geo-exchange systems for the purpose of domestic heat and cooling *accessory* to the *residential use* of the upland property.

12. SUBDIVISION REGULATIONS

Compliance with Minimum and Average Lot Area

- 12.1 The average *lot* area of every subdivision must equal or exceed the applicable minimum and average *lot* area specified by this Bylaw and for that purpose the average *lot* area of the proposed subdivision is the sum of the areas of the proposed lots divided by the number of proposed lots.

Covenant Against Further Subdivision and Development

- 12.2 When a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum and average *lot* sizes specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable

average *lot* size, the applicant must grant a covenant complying with s.2.7 of this bylaw in respect of such *lot* prohibiting further subdivision of the *lot* and prohibiting the construction, erection, or occupancy on the *lot* of more than one *residence* and where a *cottage* is a permitted use, more than one such *cottage*.

- 12.3 When a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable average *lot* sizes specified by this Bylaw, and:

12.3.1 one or more of the lots being created has an area equal to or greater than twice the applicable average *lot* size; and

12.3.2 one or more of the lots being created has an area less than the applicable average *lot* size;

The applicant must grant a covenant complying with s. 2.7 of this Bylaw in respect of every *lot* referred to above prohibiting:

12.3.3 the subdivision of the *lot* so as to create a greater total number of lots by subdivision and re-subdivision of the original *lot* than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and average *lot* sizes specified by this Bylaw; and

12.3.4 the construction, erection, or occupancy on the *lot* of *residences* and, where permitted by this Bylaw, *cottages* so as to create a greater density of such development on the original *lot* than would have been created had the original *lot* been developed to the greatest density permitted by this Bylaw.

Parcel Size calculations

- 12.4 For the purpose of the Bare Land Strata Regulation, the average *parcel* size shall be the average parcel size specified in the *zone* where the *parcel* proposed to be subdivided is located. within two or more *zones* the average *parcel* size shall be the area of the original *lot* divided by the number of lots authorized by the *zones*.

- 12.5 Where a *parcel* proposed to be subdivided is subject to a registered covenant in favour of the Saturna Island Local Trust Committee limiting the number of *parcels* into which it may be subdivided, the average *parcel* size for the purpose of the Strata Property Regulations shall be as specified in the covenant.

Lot Size Exemptions

- 12.6 The average and minimum *lot* sizes specified in the *zones* shall not apply as described in sections 12.6.1 to 12.6.6:

12.6.1 Where the *parcel* being created is to be used solely for the unattended equipment necessary for the operation of:

12.6.1(1) a community water or sewer system;

12.6.1(2) a community gas distribution system;

12.6.1(3) a community radio or television receiving antenna;

12.6.1(4) a telecommunication relay station;

12.6.1(5) an automatic telephone exchange;

12.6.1(6) an air or marine navigational aid;

12.6.1(7) electrical substations or wind or hydro generating stations; and

12.6.1(8) any other similar public service facility or utility.

12.6.2 Where the land proposed to be subdivided is entirely within a *zone* in which none of the uses permitted would generate sewage, and the owner registers a covenant in favour of the Saturna Island Local Trust Committee prohibiting any use of the land that would generate sewage;

12.6.3 Where a *parcel* being created is for dedicated park use only;

12.6.4 To subdivisions for the provision of a residence for a relative under Section 514 of the *Local Government Act* provided the land:

12.6.4(1) is not within the Agricultural Land Reserve;

12.6.4(2) has not been subdivided previously under 514 the *Local Government Act*; and

12.6.4(3) has a minimum *lot* size of 8.1 hectares;
such a subdivision shall be subject to all the requirements of that Section.

12.6.5 Where the subdivision will consolidate two or more *parcels* or annex a portion of a *lot* where it is separated from the main portion of the *lot* by a road, *watercourse* or topographical feature so as to render it useless to the main portion.

12.6.6 Where the subdivision:

12.6.6(1) adjusts the boundary between two or more *parcels*,

12.6.6(2) no additional *parcels* are created, and

12.6.6(3) no *parcel* is increased in area such that it may be further subdivided under this Bylaw.

Lot Width

12.7 No lot may have a width less than one third of its depth.

Panhandle Lots

12.8 The minimum width of the access strip of a panhandle lot is:

12.8.1 6 metres in the case of a lot that has insufficient area to be further subdivided under the provisions of this bylaw; and

12.8.2 20 metres in the case of a lot that has sufficient area to be further subdivided under the provisions of this bylaw.

Lots in More than One Zone

12.9 If a lot is located in two or more zones, for the purposes only of the minimum and average lots size regulations of Parts 4 through 11 of this bylaw the portions of the lot that have different zoning designations must be considered as if they were separate lots unless specific regulations pertaining to split zoned lots apply.

Subdivision Capacity of Split Zoned Lots

12.10 Rural together with Farmland, Forest or Watershed

Where a lot contains areas of Rural zoned land together with any, Farmland, Forest or Watershed zoned lands the subdivision capacity from these zones, if any, may be transferred to the Rural zoned portion of the lot. The Saturna Island Local Trust Committee will require the placing of a restrictive covenant reflecting the reduction in subdivision capacity and residential building density on the contributing areas.

12.11 Forest together with Farmland or Watershed

Where a lot contains areas of Forest zoned land together with any Farmland, or Watershed zoned lands the subdivision capacity from these designations, if any, may be transferred to the Forest designated portion of the lot. The Saturna Island Local Trust Committee will require the placing of a restrictive covenant reflecting the reduction in subdivision capacity and residential building density on the contributing areas.

13. SIGN REGULATIONS

13.1 No signs shall be erected in any *zone* except in accordance with this Section and subject to the signs being located upon the *lot* occupied by the principal use to which they refer.

13.2 The maximum total area of signs per use shall be in accordance with the following table:

BL #89

Zone	Total sign area per use permitted	Number of signs per use permitted
Commercial, Community Services and Industrial zones WCM and WGC zones	A lit sign of 1.8 metres (19.4 sq. ft.) or An unlit sign of 3.7 square metres (39.8 sq. ft.)	2
All other zones	1 square metre (10.7 sq.ft.)	1

13.3 Any sign which has become obsolete because of discontinuance of the business, service or activity which it advertises shall be removed from the premises within thirty (30) days after the sign becomes obsolete.

13.4 Nothing in this Bylaw prohibits the erection of a sign by an agency of government for purposes of public health or safety, or by a candidate in a local, provincial or federal election during the period after nomination and prior to the election.

13.5 Third party signs must be removed within 30 days of the event or, in the case of a sign advertising a property for sale , within 30 days of the sale.

14. OFF STREET PARKING REGULATIONS

*[Note: These off street parking regulations only apply to new developments and not to those developments that exist as of the date of adoption of this Bylaw]

Off street parking

- 14.1 When any new use of *buildings* or *structures* takes place or when any *existing* use of land or *buildings* or *structures* is enlarged or increased in capacity, provisions must be made for vehicular *off street parking spaces* in accordance with the standards set out in this section.
- 14.2 The number of *off street parking spaces* required in respect of particular uses is set out in Table 1, and where a particular use is not listed, the number required for the most similar listed use applies.

Table 1: Off street parking requirements

	Use	Minimum Number of Off street parking Spaces Required
(a)	Residences and <i>cottages</i>	2 per <i>residential unit</i>
(b)	Retail Stores, Offices	1 per 23 square metres (248 sq. ft.) of <i>floor area</i> .
(c)	Cafe, Restaurant, Neighbourhood Pub	1 per 3 seats
(d)	Visitor Accommodation	1 per accommodation or <i>sleeping unit</i> plus 1 per 3 seats in food or beverage service area
(e)	Marina	1 per 2 berths used for year round moorage plus 1 per 2 employees
(f)	Campground	1 per camp space plus 1 per 2 employees
(g)	Industrial	1 per 2 employees counted as total of 2 shifts but not less than 5 spaces per tenant or establishment
(h)	Bed and Breakfast	1 per room used for guest accommodation
(j)	Community halls, churches and lodge halls	1 per 4 seats
(k)	Home Occupations and Home Based Industry	1 per employee and 2 per home occupation or home based industry
(l)	Tent sites	1 per tent site

- 14.3 Each required *off street parking space* shall be a minimum of 2.6 metres (8.5 ft.) in width, and a minimum of 5.5 metres (18 ft.) in length, exclusive of access drives or aisles, ramps, columns, or similar obstructions, and have vertical clearance of at least 2 metres (6.5 ft).
- 14.4 For parallel *off street parking spaces*, the length of the *off street parking spaces* must be increased to 7.3 metres (24. feet) except end spaces, which must be a minimum length of 5.5 metres (18 feet).
- 14.5 Maneuvering aisles must be a minimum of 7.3 metres (24 feet) wide for 90 degree off street parking; 5.5 metres (18 feet) wide for 60 degree off street parking; and 3.6 metres (12 feet) wide for 45 degree and parallel off street parking. Where *off street parking spaces* are directly off a lane, the lane may be considered part of the aisle and in such cases the combined width of the aisle and *off street parking spaces* must be a minimum of 12.8 metres (42 feet).

15. INTERPRETATION

Definitions

- 15.1 In this bylaw,
 - 15.1.1 “**accessory**” in relation to a use, *building* or *structure* means incidental and secondary to a principal use, *building* or *structure*, expressly permitted by this bylaw on the same *lot* or, where the *accessory* use is located on the common property in a bare land strata plan, or a strata *lot* in the same strata plan.
 - 15.1.2 “**accommodation unit**” means a rental unit with a kitchen and a bathroom and no more than two bedrooms with a total combined floor area of not more than 92.9 square metres (1,000 sq. ft.) used exclusively for temporary commercial accommodation of the public.
 - 15.1.3 “**aquaculture**” means the growing and cultivation of aquatic plants or animals for commercial purposes, in any water environment, or in human-made containers of water, and includes the growing and cultivation of shellfish on, in or under the foreshore or in the water column.
 - 15.1.4 “**arable land**” means land that, due to topography and soil conditions, is suitable for cultivation by plowing or tillage.
 - 15.1.5 “**basement**” means that portion of a *building* between two floor levels which is partly underground and which has its ceiling less than 1.8 metres (6 ft.) above average natural grade.
 - 15.1.6 “**boathouse**” means a one storey *structure* to house a boat or boats.
 - 15.1.7 “**breezeway**” means a covered passageway without walls between two buildings constructed of permanent building materials and architecturally attached to each building.
 - 15.1.8

"building" means a roofed structure, including a mobile home, used or intended to be used for supporting or sheltering any use or occupancy.

15.1.9 **"cottage"** means a building accessory to a residence that shall not be greater than 92.9 square metres (1,000 sq. ft.) in total floor area, excluding a basement that does not exceed the footprint of the main floor.

15.1.10 **"depth of a parcel"** means the mean distance between front and rear parcel boundaries, excluding the access strip of panhandle lots.

15.1.11 **"Ecological Reserve"** means a land or water area established as an *ecological reserve* under the *Ecological Reserves Act*.

15.1.12 **"farm use"** means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other activity designated as farm use by *the Agricultural Land Commission Act* or its regulation and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*.

15.1.13 **"floor area"** means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the exterior walls, exclusive of any *floor area* occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and the ceiling above it are less than 1.5 metres (5 feet) apart, and includes the floor area of balconies, decks, porches and similar projections fully enclosed by siding, glazing, screening or other materials. For certainty if a balcony, deck, porch or similar projection is not fully enclosed then the floor area of such projections is excluded from any calculation of floor area.

15.1.14 **"height"** means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls. In the case of buildings and structures on the surface of water, average natural grade shall be the natural boundary for a building or structure fixed to the bed of the water and the watermark of any floating building or structure. In the case of a fence, height means the vertical distance between the top of the fence and the grade at any point along the fence.

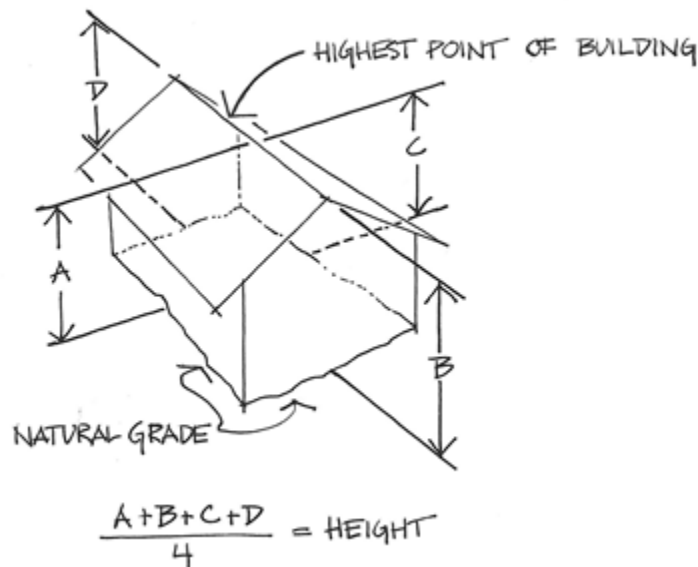


Figure 1 – Illustration of calculation of height

- 15.1.15 **"home based industry"** means a manufacturing, maintenance or repair or similar enterprise carried on for gain, which due to the noise, dust, etc. generated by the use is conducted on a larger property, and is clearly incidental and secondary to the use of the *residence*.
- 15.1.16 **"home occupation"** means an occupation or profession carried on as an incidental and secondary use of a *residence* and meets all the provisions set forth in this Bylaw pertaining to *home occupations*.
- 15.1.17 **"intensive farm use"** means the use of the land, buildings or structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur-bearing animals or the growing of mushrooms.
- 15.1.18 **"landscape screen"** means a visual barrier which may be a compact evergreen hedge, or trees, or a fence, or a brick, stone or concrete wall incorporating suitable plant material, terracing or grassed area and broken only for access drives or walks.
- 15.1.19 **"lot"** means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.
- 15.1.20 **"lot coverage"** means the total area of those portions of a *lot* that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof and the common property of a bare land strata plan is deemed to be a lot for the application of lot coverage regulations if the common property is used for accessory buildings or structures.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office, or the boundary of a lot as otherwise described under the Land Title Act; and

"front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line;

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four or more sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line;

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan; and

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.

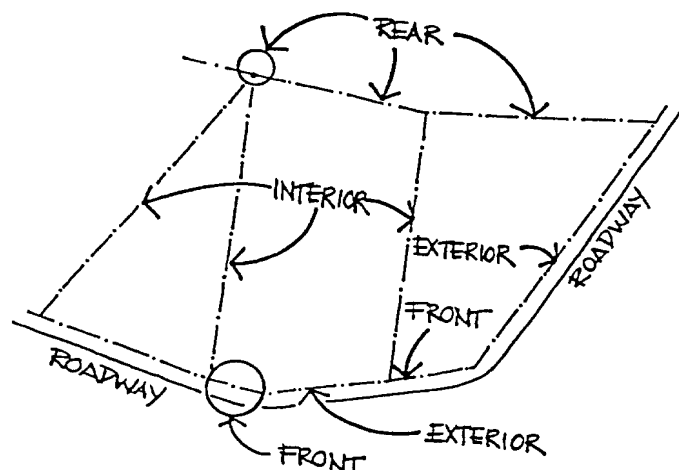


Figure 2 - Illustration of lot lines

15.1.21 **"manufacturing"** means an industrial use involving the fabrication or assembly of articles or materials into new products.

15.1.22 **"natural boundary"** means the visible high water mark of the sea a lake, river, stream or other body of water where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the body of water a character distinct from that of the banks thereof in respect to vegetation as well as in respect to the soil itself.

15.1.23 **ocean loop geo-exchange system"** means a renewable geo-exchange system (geothermal heat exchange) utilizing the natural occurring temperature of the ocean for the purpose of heating and cooling that:

- (a) is a closed-loop system using only water or a combination of water and propylene glycol as the circulating heat transfer fluid,
- (b) meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and

- (c) is designed and installed by a Registered System Designer accredited by the Canadian Geoeexchange Coalition, or the International Ground Source Heat Pump Association.

15.1.24 **"off street parking space"** means an area for motor vehicle off street parking other than a public highway.

15.1.25 **"panhandle lot"** means any parcel, the building area of which is serviced and gains road frontage through the use of a relatively narrow strip of land which is an integral part of the parcel (hereinafter called the "access strip").

15.1.26 **"parcel"** means the same as a lot.

15.1.27 **"passive recreation"** means recreation that is of an informal nature, performed by individuals or informal groups of individuals and usually requires little or no specialized equipment, places or fields, but excludes recreation that primarily involves the use of a power driven conveyance.

15.1.28 **"public service uses"** means a use providing for the essential servicing of Saturna Island with water, sewer, solid waste disposal, electricity, telephone, cablevision, and similar services.

15.1.29 **"pumphouse"** means a subordinate *building or structure* not exceeding 9.3 square metres (100 sq. ft.) in area, separated from and located on the same *parcel* as the main *building*, that is used for water or sewage pumping facilities.

15.1.30 **"residence"** means a building used by an individual, or group of individuals living together in common occupancy, as a single household and containing only one kitchen.

15.1.31 **"residential"** means a use providing for the accommodation and home life of a person or persons.

15.1.32 **"short term vacation rental"** means the use of a *cottage* as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a *cottage* used as *short term vacation rental* shall be considered an accessory *home occupation* subject to the regulations established in section 2.16.

15.1.33 **"sleeping unit"** means a bedroom with or without an attached bathroom and containing no cooking or dining facilities.

15.1.34 **"storey"** means the space between two floors or between the floor and the roof next above, used or occupied as the habitation, place of assembly or work area of a person or persons, or place of business or storage area, but excludes a *basement*.

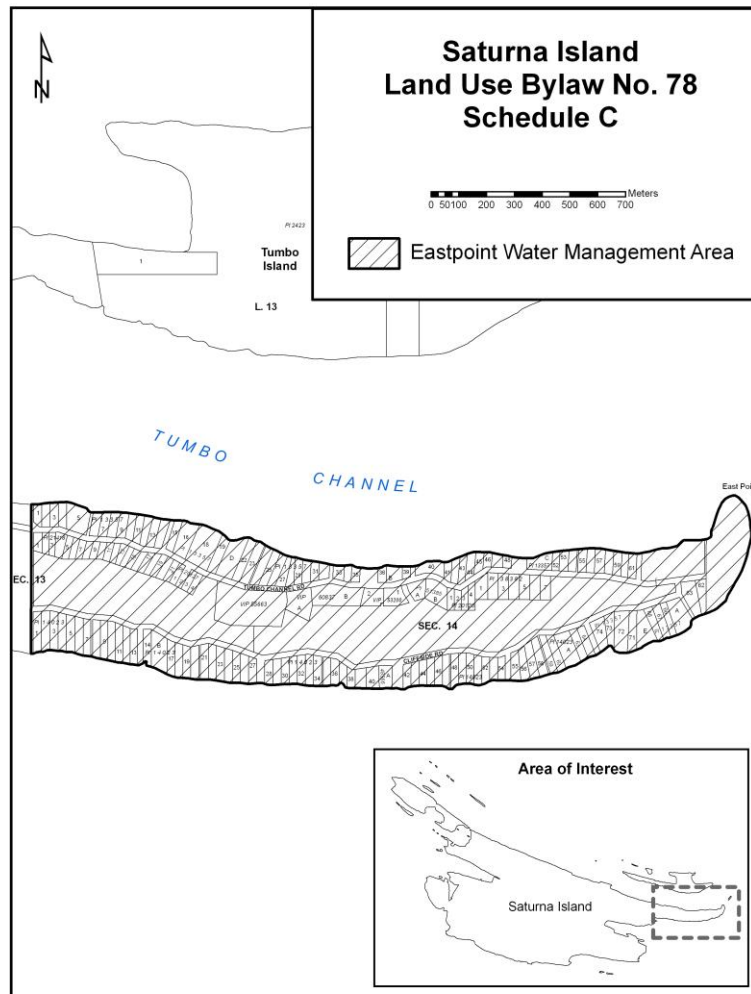
15.1.35 **"street"** includes all public thoroughfares except lanes, walkways or bridges.

15.1.36 **"structure"** means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic tanks and fields, buried water tanks, wells, and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures less than 1.2 metres (4 feet) in height at all points.

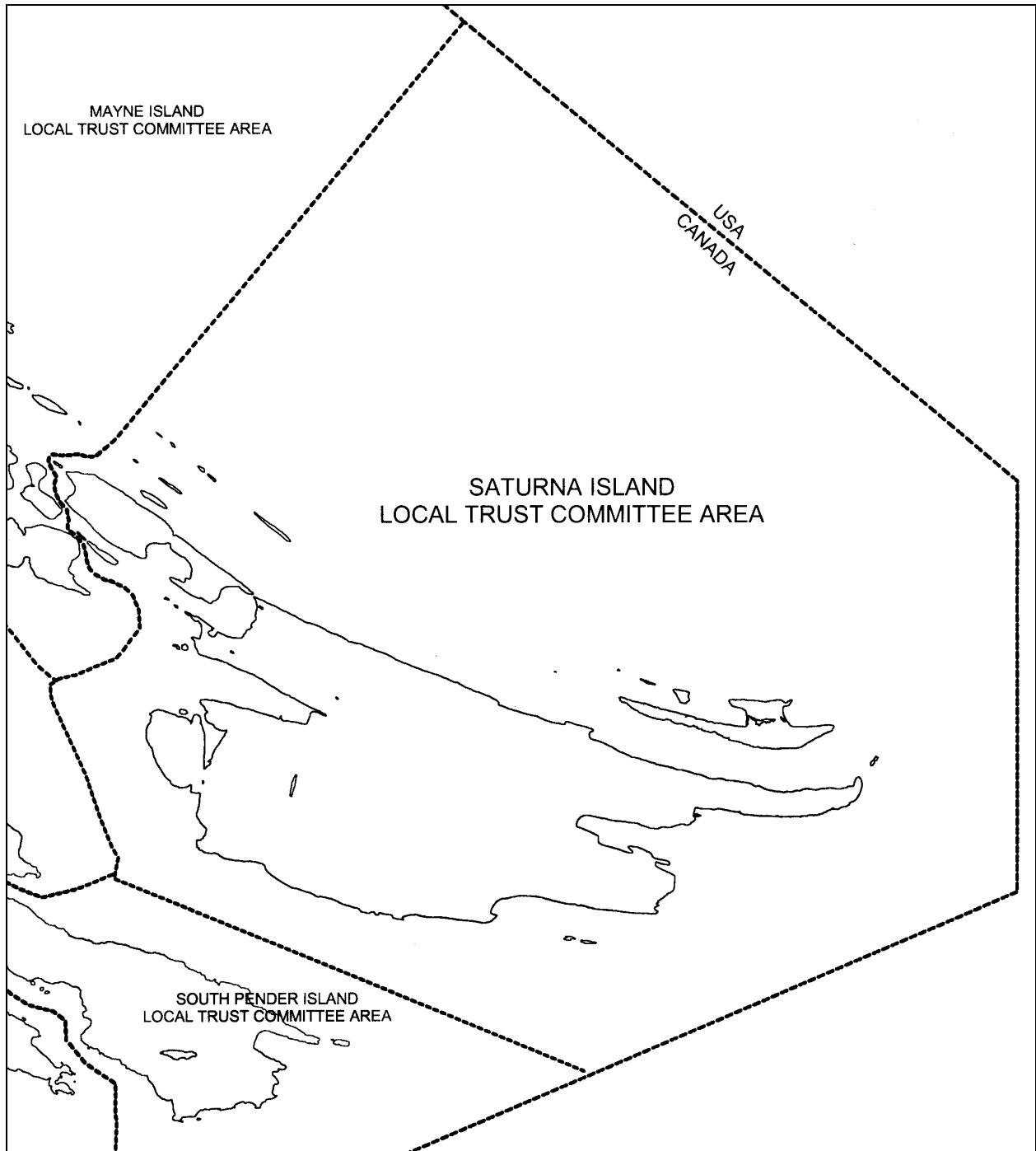
- 15.1.37 **"subdivision capacity"** means the maximum permitted number of lots that can be created from a parcel of land or, the maximum number of permitted lots which can be created with respect to that portion of a parcel lying within a particular zone
- 15.1.38 **"temporary"** in respect of the use of an *accommodation unit*, *sleeping unit* or campsite means use by a succession of different persons, whether by license, rental or otherwise, and excludes the personal use of an *accommodation unit* or *sleeping unit* by the *Unit Owner* for more than 45 days in a calendar year or more than 29 continuous days. In the case of sawmills, chippers, and other similar equipment and machinery used for processing logs, *temporary* means not more than 45 days of use in a calendar year.
- 15.1.39 **"unit owner"** means:
- (a) the registered owner of one or more *accommodation units* or *sleeping units* located on a Commercial Recreation zoned *parcel*, and includes the spouse, children and parents of the registered owner and the parents of the registered owner's spouse;
 - (b) where there is more than one registered owner of one or more *accommodation units* or *sleeping units* located on a Commercial Recreation zoned *parcel*, all the registered owners, and includes their spouses, children, parents and parents of their spouses; and
 - (c) where the registered owner of one or more *accommodation units* or *sleeping units* located on a Commercial Recreation zoned *parcel* is a corporation or corporations, all directors, officers, shareholders and employees of the corporation or corporations, and includes the spouse, children and parents of each of them, together with the corporation or corporations."
- 15.1.40 **"visitor accommodation"** means the temporary use by any person of an *accommodation unit* or *sleeping unit* exclusively for accommodation while traveling or vacationing, and where permitted by the bylaws of the Trust Committee includes such subordinate and incidental uses as are customarily accessory to the use of the accommodation unit or sleeping unit.
- 15.1.41 **"watercourse"** means a naturally formed area of land that usually or periodically contains surface water, including a lake, river, creek, spring, ravine, wetland, salt water march, and a bog, but does not include a constructed ditch, or surface drain, or the sea.
- 15.1.42 **"width of a parcel"** means the mean distance, measured perpendicularly between the two boundaries intersecting a highway, or a parcel fronting on a highway, but excluding access strips.
- 15.1.43 **"zone"** means the use and the regulation of the use as established in a district by this Bylaw and the Zoning Map attached hereto.

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 119
SCHEDULE “B” ZONING MAP**

SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 119
SCHEDULE “C” EASTPOINT WATER MANAGEMENT AREA



SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 119
SCHEDULE “D” BYLAW AREA MAP





Top Priorities

Saturna Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	First Nations Relationship Building	Legal Review of OCP amendment.	16-Sep-2016	Gary Richardson	
2	LUB Technical Review	Public Hearing for proposed LUB held July 28, 2018 Received 2nd and 3rd reading To Sept 5 Executive Committee meeting for approval To Oct 4 LTC meeting for consideration of adoption.	30-Sep-2017	Gary Richardson	30-Sep-2018
3	Secondary Suite Review	Public hearing for proposed bylaws held July 28, 2018 Further Consultation required with Ministry of Forests, Lands, Natural Resource Operations and Rural Development required prior to proceeding. Target is to have staff report prepared for Oct 4 LTC Meeting.	22-Nov-2017	Gary Richardson	01-Dec-2018



Projects

Saturna Island

Description	Activity	R/Initiated
Shoreline Review		17-Jun-2016
Review Density Transfer Mechanisms		16-Sep-2016
Amenity Zoning Review		16-Sep-2016



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SA-DVP-2018.1	AVRIL D WOOD Planner: Gary Richardson	19-Jun-2018	145 East Point Road - side lot line setback intrusion for storage building
Planning Status			
Status Date: 19-Jul-2018 Staff report and permit to be prepared for Oct 4 LTC meeting for LTCs consideration.			
Status Date: 16-Jul-2018 Received folder from RPM, assigned to Planner (Gary).			
Status Date: 10-Jul-2018 Requested mapping and mail list from GIS, done and checked LAN folder; gave hard folder to RPM for review.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
SA-RZ-2018.1	Ronald Hall & Saturna Garage and Contracting Planner: Gary Richardson	15-Jan-2018	To amend zoning of two properties.
Planning Status			
Status Date: 23-Sep-2018 Bylaws approved by executive committee.			
Status Date: 23-Sep-2018 Bylaws forwarded to Minister Sept 25.			
Status Date: 19-Jul-2018 Public Hearing scheduled for July 28, 2018			

Subdivision



Applications

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2017.1	RONALD H HALL Planner: Gary Richardson	22-Nov-2017	Subdivision to create a new parcel.
Planning Status			
Status Date: 06-Apr-2018 Staff sent response to MoTI March 12, 2018			
Status Date: 04-Dec-2017 Fees received, LTC notified - new application/referral.			
Status Date: 29-Nov-2017 Received application, sent subdivision fee request.			
File Number	Applicant Name	Date Received	Purpose
SA-SUB-2018.1	RONALD HALL Planner: Gary Richardson	01-Feb-2018	Create one lot with one remainder.
Planning Status			
Status Date: 06-Apr-2018 Staff sent response to MoTI April 4, 2018.			
Status Date: 15-Feb-2018 Fees received, notified LTC, gave file to Planner.			
Status Date: 01-Feb-2018 opened file, sent fee request to applicant. RPM to assign planner.			
File Number	Applicant Name	Date Received	Purpose
SA-SUB-2018.2	JORDAN ELLIOT LITKE c/o POLARIS LAND SURVEYING Planner: Gary Richardson	06-Jun-2018	105 Payne Road - Proposed 2-lot conventional boundary adjustment subdivision with 187 East Point Road (see SA-SUB-2015.2)
Planning Status			
Status Date: 23-Sep-2018 Response to MoTI be prepared by Oct 5, 2018			

Applications

Status Date: 23-Jul-2018

Received Subdivision Referral Review application and fee cheque by post. Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files; created letter of receipt.

Status Date: 23-Jul-2018

Emailed scanned letter, receipt and cheque to Applicant, mailed originals; emailed Subd Ref Review application to LTC cc Planner and MoTI. Gave folder to Planner.

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending July 2018

660 Saturna	Invoices posted to Month ending July 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-660	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-660	LTC - Local Exp - LTC Meeting Expenses	2,500.00	0.00	2,500.00
65210-660	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-660	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-660	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,750.00</u>	<u>0.00</u>	<u>3,750.00</u>
Projects				
73001-660-4032	Saturna Secondary Suite Review	2,000.00	905.40	1,094.60
73001-660-4069	Saturna LUB Technical Review	1,500.00	1,446.70	53.30
73001-660-4077	Saturna First Nations Relations	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>7,500.00</u>	<u>2,352.10</u>	<u>5,147.90</u>

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.	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 Conservancy Board Report to Local Trust Committees and Bowen Island Municipality July 2018

Islands Trust Conservancy Manager – Temporary Assignment with BC Parks

The Islands Trust Conservancy Manager, Jennifer Eliason, advised the board she is leaving for a temporary assignment with BC Parks for the next eight months. The board praised Jennifer for her hard work the last ten years and thanked her for her dedication. She will be missed.

Board Vacancy

The board of the Islands Trust Conservancy is thrilled to have received a list of candidates from the Crown Agency and Board Resourcing Office for a vacant board position for an appointed member. The vacancy is due to the completion of Ron Bertrand's appointed term with the board. The board sincerely thanks Ron for his commitment and valuable contributions to the Islands Trust Conservancy over his term.

Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022

The board received and reviewed a response letter from Minister Robinson on the ITF Five-Year Plan that included congratulations on the recent name change.

Audited Financial Statements

The board received and approved the Audited Financial Statements for the 2017-2018 fiscal year. The KPMG auditor's opinion was consistent with previous years.

Local Trust Committee Briefing on Regional Conservation Plan

The board requested staff to circulate the Regional Conservation Plan briefing document to Local Trust Committees and Bowen Island Municipality, and to bring it back to the board's September meeting for further direction.

Summary of Current Island-by-Island Activities

Denman

The board approved the finalised management plan for the Morrison Marsh Nature Reserve, dated July 17, 2018. Board members discussed the report's findings, including intervening in naturally occurring events such as beaver dams, and discussed invasive species removal, First Nations relations, stewardship programs and information sharing.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The campaign is over 40 per cent of the way to a \$250,000 goal.

Salt Spring Island

The board considered and approved a request from the Salt Spring Island Conservancy for a waiver to the Andreas Vogt Nature Reserve Covenant to girdle Douglas-fir trees that are encroaching on the Garry Oak meadows in the nature reserve to protect against future impacts of climate change on Garry oak meadows habitat. The board suggested public communication regarding management techniques to ease possible concerns from the public.

Thetis

Staff continue to negotiate a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Public consultation dates are in the process of being organized with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust to inform the management plan for the protected area.

*Please feel free to contact members of the board of the Trust Fund Conservancy or Islands Trust Conservancy staff for more details. Note: The Islands Trust Fund has changed its legal name to the **Islands Trust Conservancy**. We are in the process of switching over all references to the Islands Trust Fund/Trust Fund Board to the new name. Look for a public launch of our new website and social media in the fall.*

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca



BRIEFING

To: Local Trust Committees and Bowen Island Municipality **For the Meeting of:** October 4, 2018

From: Islands Trust Conservancy **Date Prepared:** July 17, 2018

SUBJECT: Incorporating the Regional Conservation Plan into Land Use Planning

PURPOSE: The Islands Trust Conservancy is providing all local trust committees and Bowen Island Municipality with a briefing to provide information on the ways the Islands Trust Conservancy's 2018-2027 Regional Conservation Plan and associated mapping and data can be incorporated into Official Community Plans, Land Use Bylaws and local planning initiatives and projects.

BACKGROUND:

In March, Trust Council endorsed the Islands Trust Fund's Regional Conservation Plan. At its April 2018 meeting, the Trust Fund Board (now Islands Trust Conservancy) passed the following resolution:

That the Trust Fund Board direct staff to provide a briefing to all local trust committees and Bowen Island Municipality requesting that consideration be given to incorporating elements of the 2018-2027 Regional Conservation Plan (including associated data and mapping) into Official Community Plans.

The Regional Conservation Plan contains significant information about regional conservation priorities that could be considered when making land use planning decisions. This information is informed by conservation area modelling, which uses multiple data sets regarding biodiversity priorities and threats to ecosystems. The information is available by local trust area/island municipality.

Why do we have a Regional Conservation Plan?

The rich diversity of life in the Islands Trust Area makes the region ecologically significant, not only locally, but globally. Most of the region is within the Coastal Douglas-fir zone, one of the rarest of British Columbia's 16 biogeoclimatic zones. The Douglas-fir ecosystems of this zone, including Garry oak and associated ecosystems, are globally rare – in the entire world they occur only on the east coast of southern Vancouver Island, the islands of the Georgia Basin, and a small area of the mainland. The Islands Trust Area is also home to several other sensitive and rare ecosystems and hundreds of rare terrestrial and marine plants and animals.

Despite its ecological significance, biodiversity in the Islands Trust Area is exposed to significant threats. With over 68% of the Islands Trust Area in private land ownership and over 3.3 million people living in the surrounding areas, the pressures to develop and change the natural landscape in the islands are substantial.

Because of the significance of the ecosystems found in the Islands Trust Area and the threats they are under, conservation planning is an important tool to ensure that the natural beauty that draws so many to the region is not lost. Since 2005, the work of the Islands Trust Conservancy has been guided by regional conservation plans. These plans have also, in some cases, supported the planning work of the Islands Trust.

What's in the Regional Conservation Plan?

The Regional Conservation Plan provides background on the ecosystems in the Islands Trust Area, evaluates their current status, identifies priorities and threats, and sets goals and objectives for the Islands Trust Conservancy for the next ten years. The goals identified in the 2018-2027 Regional Conservation Plan are:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities
2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals
3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity
4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

There are island profiles in Appendix II of the RCP with information specific to each local trust committee area and Bowen Island.

How can the Regional Conservation Plan support land use planning?

The Regional Conservation Plan can help trustees and planners identify opportunities and inform priorities for land use planning activities across the Islands Trust. During the 2018-2022 local government term, each Islands Trust LTC/IM will identify top priorities for land use planning activities and should ensure that existing Official Community Plans and Land Use Bylaws meet the goals of the Islands Trust Policy Statement and support the goals of the Regional Conservation Plan.

LTCs and BIM can use the following table to identify land use planning projects to initiate during the 2018-2022 term to advance the Islands Trust Policy Statement Goal: *to Foster preservation and protection of the Trust Area's ecosystems* and the directive policies:

Directive Policy	Available resources (Regional Conservation Plan, mapping, etc.):	What can LTCs/IM do with this information?
3.1 Ecosystems		
3.1.3 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.</i>	The Regional Conservation Plan highlights the following as biodiversity priorities for the region: • Sensitive ecosystems • Healthy forests • Species and ecosystems at risk • Marine shorelines and nearshore areas • Islets and small islands • Size, corridors and connectivity to other protected areas Available information and data/mapping to support these directive policies: • updated Sensitive	Development of maps; Official Community Plan (OCP) policy language and Land Use Bylaw (LUB) regulations that: • Identify and protect environmentally sensitive areas • Identify and protect significant natural sites/features/landforms • Support the development of protected area networks (or "greenways") • Identify contiguous forest cover Designate Development Permit Areas (DPAs) to protect environmentally sensitive areas
3.1.4 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>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.</i>		

	Ecosystem Mapping • Species at Risk/Critical Habitat Mapping • Ecosystem Disturbance Mapping • Priority Lands for Conservation (regional scale)	and significant natural features Prioritize bylaw investigation and enforcement on matters negatively impacting ecosystem health
3.2 Forest Ecosystems		
3.2.2 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.</i>	Available information and data/mapping to support this directive policy: • Mapping of Forested Ecosystems, including forest type and age • Regional Conservation Plan: Biodiversity Priorities; Forest Ecosystem descriptions and statistics • RCP Island Profiles: Sensitive Ecosystems, Forest Ecosystems and Ecosystem Disturbance for each LTA/BIM	Designate DPAs to protect unfragmented forest ecosystems Reduce site coverage density in land use bylaws Negotiate covenants to protect contiguous forest as conditions of rezoning Integrate conservation subdivision principles into land use bylaw requirements for subdivision (lot clustering, density transfer, conservation planning) Prioritize bylaw investigation and enforcement on matters negatively impacting forest ecosystems Adopt Tree Protection Bylaws (for municipalities)
3.3 Freshwater and Wetland Ecosystems and Riparian Zones		
3.3.2 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.</i>	Available information and data/mapping to support this directive policy: • Mapping of Sensitive Ecosystems, including wetlands, freshwater and riparian • RCP: Island Profiles - Sensitive Ecosystems • Watershed mapping • Water courses mapping (TRIM) • Riparian Areas Regulation data/mapping in select areas	Designate DPA's to protect sensitive freshwater, wetland and riparian areas Implement the <i>Riparian Areas Regulation (RAR)</i> including protection of non RAR watercourses Develop LUB setbacks from water bodies Develop LUB landscape buffers along water bodies Implement freshwater planning tools and regulations available in the <i>Water Sustainability Act</i> Develop aquifer mapping and water budgets

		Designate DPAs for water conservation for all new construction/development Prioritize bylaw investigation and enforcement on matters negatively impacting freshwater, wetland and riparian ecosystems
3.4 Coastal and Marine Ecosystems		
3.4.4 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of sensitive coastal areas.</i>	Available information and data/mapping to support these directive policies: • Eelgrass mapping • Forage fish habitat mapping (for some islands) • Species at Risk Critical Habitat Mapping – Southern Resident Orca • Shorezone mapping • New Sand Ecosystems Mapping • Dock mapping (point data)	Include mapping of marine ecosystems in OCPs and policies for regulation of development in sensitive coastal areas Designate DPAs to protect sensitive coastal areas and the intertidal zone Include DPA guidelines that address fragmentation of the coastline by subdivision Amend LUBs to create landscape buffers along the shoreline Increase LUB setbacks from the natural boundary of the sea based on the provincial 2100 sea level rise predictions Amend LUBs to limit development of private docks/structures in the marine zones Prioritize bylaw investigation and enforcement on matters negatively impacting coastal and marine ecosystems
3.4.5 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the planning for and regulation of development in coastal regions to protect natural coastal processes.</i>		

ATTACHMENT(S):

No attachments. For reference, the 2018-2027 Regional Conservation Plan is available online [here](#).

FOLLOW-UP:

- Consider this briefing when establishing work program priorities
- Request planning advice on how to integrate conservation data and mapping resources when considering applications, projects, etc.
- Local trust committees/island municipalities wishing to create specific maps using conservation modeling (land prioritization based on multiple data sets) or ecosystem mapping should request assistance from ITC and GIS staff.

Prepared By: Jennifer Eliason, Islands Trust Conservancy Manager

Reviewed By/Date: Regional Planning Managers and Director of Local Planning Services/July 3, 2018
Clare Frater, Director of Trust Area Services/July 9, 2018
Islands Trust Conservancy Board/July 17, 2018

File No.: 6500-20
(LTC Cannabis Regulation)

DATE OF MEETING: September 4, 2018

TO: Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

FROM: Robert Kojima, Regional Planning Manager
Southern Team

COPY: David Marlor, Director of Local Planning Services

SUBJECT: Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees

RECOMMENDATION

1. That the Saturna Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

2. That the Saturna Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw to specify a separate fee for Liquor and Cannabis Regulation Branch non-medical cannabis retail license applications in the amount of \$2,000.

REPORT SUMMARY

This report provides information to local trust committees regarding the proposed *Cannabis Act* and describes options for the regulation of cannabis production and non-medical cannabis retail sales. The LTC is asked to consider:

- Adopting a standing resolution to process Liquor and Cannabis Regulation Branch (LCRB) non-medical cannabis retail applications;
- Amending the LTC fees bylaw to include a specific fee for the processing of LCRB non-medical cannabis retail applications;
- As an option, reviewing its land use regulations applicable to cannabis production and retail sales.

BACKGROUND

Regulatory Framework

Cannabis Act

The *Cannabis Act*¹ provides a framework for the production, distribution, sale and possession of cannabis, which would be jointly regulated by federal, provincial and local governments across Canada. Under the *Cannabis Act*, the federal government's primary responsibilities include licensing both medical and non-medical cannabis producers, regulating the industry (advertising, marketing, and promotion), and determining health and safety standards (e.g. potency and ingredients). Provinces and territories would license and oversee the distribution and retail sale of cannabis.²

Until the *Cannabis Act* comes into force October 17, 2018, the *Access to Cannabis for Medical Purposes Regulation (ACMPR)* released 2016³ remains the authority for lawful cannabis production and possession; cannabis may only be grown by registered persons or licensed producers for medical purposes; and retail distribution of cannabis in dispensaries and storefronts is illegal.⁴

The *Cannabis Act* includes a broad definition of cannabis:

- Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Marihuana is a form of cannabis. "Cannabis" is preferable to "marihuana" for the regulatory context.⁵

¹ Proposed *Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/royal-assent>

² FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

³ The *Access to Cannabis for Medical Purposes Regulation* replaced the *Marihuana for Medical Purposes Regulation*.

⁴ FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

⁵ IBID.

BC Cannabis Control and Licensing Act

The *BC Cannabis Control and Licensing Act (BCCLA)*, proclaimed on May 31, 2018, establishes provincial control over the sale, supply and possession of non-medical cannabis, and establishes licensing of private cannabis retailers, including registration and training requirements for those who will work in cannabis retail. The *Act* outlines restrictions on the possession, personal cultivation and consumption of cannabis by adults and prohibitions for minors.

The *BCCLA* requires notification to the local government or Indigenous nation for the area in which a retail establishment is proposed to be located or is located.

Upon receipt of notification, the applicable local government must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents by one or more of the following methods:

- a) By receiving written comments in response to a public notice of the application;
- b) By conducting a public hearing in respect of the application;
- c) By holding a referendum;
- d) By using another method the local government or Indigenous nation considers appropriate.

The *BCCLA* further states that a licence must not be issued or amended unless the local government for the area gives a recommendation that the licence be issued or amended.⁶

In BC, the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor and Cannabis Regulation Branch (LCRB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

Local Government Land Use Authority

Local governments have delegated authority from the Province, through the *Local Government Act (LGA)*, to regulate, through zoning regulations, the location, size, and siting of cannabis businesses.

Both the production of medical marihuana, and as of July 2018, cannabis production for retail sale, are now a permitted farm use in the ALR under the *Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation*. However, this regulation was amended on July 13, 2018 by removing the outright permission and replacing it with a provision allowing “the lawful production of cannabis” if produced either outdoors in a field, or inside a structure that (i) has a soil base or (ii) existed or was being constructed for the purpose of growing crops before July 13, 2018.

ANALYSIS

Issues and Opportunities

Land Use (Zoning) Authority

Local trust committees are responsible for consideration for the types and locations of land uses in their communities, and specific regulations to mitigate the potential for land use conflict. In accordance with the proposed Cannabis Act, LTCs have the ability to regulate the location, size, and siting of cannabis production and retail sales. This may occur in a variety of ways:

⁶ *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

1. Permissive zoning

Cannabis retail sales would theoretically be permitted in all zones where retail uses are permitted (potentially including home occupations where retail sales are permitted, subject to the criteria of the LCRB) where the applicable Land Use Bylaw permits retail sales and the definition of retail sales is broad or absent.

Similarly, LUB regulations may allow cannabis production anywhere agriculture is permitted (depending on the LUB definition of agriculture and in which zones agriculture is permitted). Cannabis production is, as noted earlier, an outright permitted use in the ALR with only limited ability to regulate structures.

2. Prohibitive Zoning

Cannabis retail sales could be prohibited in all zones (other than the ALR) if the applicable Land Use Bylaw included a regulation such as “Cannabis retail sales are prohibited in all zones” and a distinct definition of “cannabis retail sales”.

Cannabis production could be prohibited outside the ALR (although the federal government will retain exclusive authority to license producers).

3. Discretionary Zoning

Cannabis retail sales may be permitted in select zones (e.g. commercial zones) and/or a minimum distance from other cannabis retail sales establishments or other land uses (e.g. dwellings, schools, parks, museums, libraries, or medical facilities).

Cannabis production outside the ALR could be limited to select zones. Within the ALR, LTCs may regulate the siting and size of cannabis production facilities.

The LTC should consider whether or not it would like to pursue LUB amendments to strengthen its regulatory control with respect to the zoning and siting of cannabis retail sales or cannabis production facilities outside the ALR. This may occur through a resolution to add an LUB review project to the projects list or top priorities list.

Fees Bylaw

LTCs have the ability to charge fees for processing applications for LCRB non-medical cannabis retail licenses or license amendments. All southern LTCs currently require an \$825 fee for “Liquor Control Licensing Branch” applications.

The application fees collected for review of LCRB applications are used to offset staff time and notification costs in relation to the review of the applications. Generally, the fees collected for LCRB applications are insufficient to cover the costs of processing applications where the views of residents are gathered, prior to the LTC making a recommendation to the LCRB.

Staff recommend that each LTC enact a distinct and higher fee for LCRB cannabis retail applications, in anticipation of a high degree of public interest and corresponding staff resources and costs to process these applications. For reference, the Regional District of Nanaimo has amended its fees bylaw to include a fee of \$4,000 for processing non-medical cannabis license applications. LTCs and the public may, however, view inordinately high fees as being unfair or intentionally prohibitive. For this reason, staff are recommending a lesser fee in the amount of \$2,000; this is more in line with the 2004 Trust Council Model Fee for LCRB applications, following a CPI adjustment, and would offset some costs associated with staff application review, public notification, and conducting a public meeting.

Staff can proceed with the preparation of a draft bylaw to amend the LTC fees bylaw; this would require minimal staff time. Such a bylaw amendment would require three readings, and approval by the Executive Committee prior to final adoption. No public hearing would be required.

As an aside, LTCs may consider whether or not there are other application fees which are either absent or require adjustment and could be included in a fees bylaw amendment.

Consultation Requirements

The *BCCLA* does impose a responsibility onto local governments to consider applications referred through a notice by the Liquor Control and Licensing Branch (LCRB) in accordance the *BCCLA*. In doing this, each LTC should turn its mind to the “prescribed criteria”, and option to gather the views of local residents under “prescribed circumstances”.

The evaluation criteria and/or a policy for considering such applications may be formalized through the adoption of a standing resolution. Staff have recommended the following standing resolution, which may be amended (either prior to initial adoption or from time to time):

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

RATIONALE FOR RECOMMENDATION

Local trust committees must be referred notice of any cannabis license proposals, and are obligated to respond to such notices. Because a specific consultation process is not prescribed through provincial legislation or LTC bylaws, staff are recommending that LTCs adopt a standing resolution to deal with these types of applications. LTCs would have the flexibility to readily amend such a standing resolution over time to adapt to their community’s unique needs. Furthermore, because of the likelihood that these applications will attract significant public interest and involve significant staff resources to process, staff are recommending that LTCs amend their

fees bylaws to include a specific fee for LCRB cannabis retail applications, which is distinct from and higher than liquor license applications.

ALTERNATIVES

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

1. Adopt an Amended Standing Resolution

Should the LTC wish to proceed with a standing resolution, it may adopt an amended resolution in lieu of the recommended resolution.

2. Proceed with Land Use Bylaw Amendments

The LTC may wish to pursue amendments to its LUB. This would require that a project be added to the projects list or top priorities list and for the project to be scoped and funded. Staff still recommend that a standing resolution be passed to address applications which may be received prior to adoption of LUB amendments. Should the LTC wish to pursue an LUB review project, the following resolution may be passed:

That the Saturna Island Local Trust Committee add to its [Projects/Top Priorities List], "Review of land use regulations for cannabis production and retail sales".

3. Request further information

NEXT STEPS

A standing resolution adopted by the LTC would take effect immediately. Fees bylaw amendments would require preparation of an administrative bylaw amendment, three readings, and approval by the Executive Committee prior to adoption.

Submitted By:	Robert Kojima, Regional Planning Manager	August 22, 2018
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REFERENCES

- *Proposed Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/third-reading>
- Federation of Canadian Municipalities. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>
- Agricultural Land Commission. Information Bulletin 04: Cannabis Production in the ALR. https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/information_bulletin_04_cannabis_production_in_the_alr.pdf
- Liquor and Cannabis Regulation Branch: Local Governments' Role in Licensing Non-Medical Cannabis Retail Sales. https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf
- *Access to Cannabis for Medical Purposes Regulation* <http://laws.justice.gc.ca/eng/regulations/SOR-2016-230/page-1.html>
- *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

- Cannabis licensing website: <https://justice.gov.bc.ca/cannabislicensing/>



DATE OF MEETING: October 4, 2018
TO: Saturna Island Local Trust Committee
FROM: David Marlor, Director
Local Planning Services
SUBJECT: Housing Needs Assessment Report

RECOMMENDATION

1. That the Saturna Island Local Trust Committee receive the “Southern Gulf Islands Housing Needs Assessment”, report by JG Consulting Services Ltd dated February 2018; and
2. That the Saturna Island Local Trust Committee request Staff to publish the “Southern Gulf Islands Housing Needs Assessment”, report by JG Consulting Services Ltd dated February 2018 on the Islands Trust website.

REPORT SUMMARY

The purpose of this report is to provide a Housing Needs Report to the Local Trust Committee and to meet the requirements of the new legislation on Housing Needs Reports.

BACKGROUND

In the 2017/18 Fiscal Year the Capital Regional District (CRD) undertook Housing Needs Assessments for Galiano, Mayne, North Pender, Saturna, and South Pender islands using similar methodology undertaken on a 2015 Salt Spring housing needs assessment. The final report was submitted to Trust Council in June 2018.

The Southern Gulf Islands Housing Needs Assessment (attached) used both qualitative and quantitative research methods; the surveys were met with very high response rates. Like the results in the Northern region, the report finds that affordable and adequate housing is unattainable for many Southern Gulf Island residents. As noted in the staff report from the Capital Regional District (attached as appendix 2(a)), the particular findings include:

- *A gap in the availability of timely housing data between Census periods, particularly on the rental market on the Southern Gulf Islands;*
- *Rental supply is low and unit numbers are decreasing;*
- *A high proportion (44%) of renters paying more than 30% of their income on shelter costs with 44 renters who answered a survey indicating they were paying more than 50% of their income on shelter costs;*
- *Home ownership becoming increasingly out of reach for many households in the area. The median household income is \$54,000 annually, but it would take an income of over \$99,000 annually to afford a home sold at the median sale price of \$580,000 (February 2018);*
- *A very low and declining rate of permanent residency in the area with dwellings increasingly being used as vacation or short-term vacation purposes;*

- *High incidence of low income households; and*
- *Households with children and seniors showing particular vulnerability to housing stress.*

Islands Trust Community Housing Strategy

Improving the availability of affordable, accessible, and appropriate housing has been a strategic priority for Islands Trust Council over the 2014-2018 political term. Over the course of the term, this has been largely pursued through the work of Local Planning Committee:

1. June 2013, Local Planning Committee hosted a community housing forum with over 70 participants from across the region. The forum showcased examples of affordable/community housing throughout the Trust Area.
2. Completed a [baseline inventory](#) of housing policies and regulations for each LTA across the Trust Area
3. Completed the final report: [Community Housing in the Islands Trust Area](#) and advanced through Trust Council 15 recommendations for action.
4. Completed Housing Needs Assessment for the Northern and Southern regions. Islands Trust now has a complete data set identifying housing needs in each region.
5. Established the administrative capacity for the administration of housing agreements by Islands Trust:
 - A housing agreement guide for planners
 - A housing agreement reference list
 - An application guide for affordable housing proponents
 - A roles and responsibilities checklist
 - Housing Agreement Templates
 - Information Brochure (on-going)
 - Monitoring Procedure (for Leg. Clerks or potential new Project Coordinator job)
 - Annual Monitoring Letter Template
 - Monitoring and Enforcing Guide

Trust council has directed staff to update the Community Housing report and consider creating a Trust wide community housing strategy designed to meet the needs identified in the Housing Needs Assessments. Such a strategy could include recommendations for Local Trust Committee land use planning processes, Trust Council advocacy, and communications to be pursued by Trust Council in the 2018-2022 political term.

Provincial Housing Needs Reports Legislation

In Spring 2018 the Provincial Government gave Royal Assent to Bill 18, 2018, amendments to the Local Government Act that requires that local governments, including local trust committees, adopt housing needs reports, update those reports every five years, and consider those reports when undertaking Official Community Plan text or mapping amendments that relate to housing.

Bill 18, 2018 comes into effect on adoption of regulation by the Lieutenant Governor-in-council, which is expected sometime in 2018.

The transitional section of the Bill 18, 2018 states that adoption of a housing needs report under Section 585.31(3)(a) of the legislation does not apply if a local government, on or after January 2, 2018 and before this section comes into force, receives, by resolution, an interim housing needs report, and publishes the interim housing needs report. Under the transitional section of Bill 18, 2018, this interim housing needs report is deemed to be the first housing needs report.

ALTERNATIVES

1. Not Receive or Publish the Housing Needs Assessment

Not received or publish the “Housing Needs Assessment, Northern Region of Islands Trust “Southern Gulf Islands Housing Needs Assessment” report by JG Consulting Services Ltd dated February 2018. The Local Trust Committee would have to undertake a housing needs report within three years of the enactment of Bill 18, 2018 (which is expected by regulation this year).

NEXT STEPS

Staff will publish the report to the Islands Trust website, and update staff reports to ensure that consideration of the Housing Needs Assessment is undertaken for Official Community Plan text and mapping amendments that affect housing.

Local Trust Committees can consider making housing a top priority and engaging a community process that considers how land use bylaws and official community plans can be amended to respond to the needs identified in the reports.

Submitted By:	David Marlor, Director of Local Planning Services	July 5, 2018
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LINKS

1. [“Southern Gulf Islands Housing Needs Assessment”, report by JG Consulting Services Ltd dated February 2018](#)