



Saturna Island Local Trust Committee Special Meeting Agenda

Date: January 26, 2021
Time: 11:30 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	11:30 AM - 11:30 AM	
2.	APPROVAL OF AGENDA	11:30 AM - 11:35 AM	
3.	COMMUNITY INFORMATION MEETING	11:35 AM - 12:05 PM	
	Saturna National Park Project		
3.1.	Staff Presentation		
3.2.	Town Hall - Questions and Answers		
4.	PUBLIC HEARING	12:05 PM - 12:35 PM	
4.1.	Saturna Island Local Trust Committee Bylaws Nos. 129 & 130 - Saturna National Park Zoning Project		
	Public Hearing binder under separate cover.		
5.	Saturna National Park Zoning Project - Post Public Hearing - Staff Report (attached)	12:35 PM - 12:45 PM	3 - 22
6.	-----Break Session-----	12:45 PM - 12:50 PM	
7.	COMMUNITY INFORMATION MEETING	12:50 PM - 1:20 PM	
	First Nations Reconciliation Project		
7.1.	Staff Presentation		
7.2.	Town Hall - Questions and Answers		
8.	PUBLIC HEARING	1:20 PM - 1:50 PM	

8.1. Saturna Island Local Trust Committee Bylaw No.132 - First Nations Reconciliation Project

Public Hearing binder under separate cover.

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|------------|---|--------------------------|----------------|
| 9. | First Nations Reconciliation Project - Post Public Hearing - Staff Report (attached) | 1:50 PM - 2:00 PM | 23 - 27 |
| 10. | ADJOURNMENT | 2:00 PM - 2:00 PM | |

File No.: SA-6500-20 National Park
Zoning

DATE OF MEETING: January 26, 2021
TO: Saturna Island Local Trust Committee
FROM: Brad Smith, Island Planner
Victoria Office
SUBJECT: National Parks Zoning – Bylaw No. 129 and 130 – Post Public Hearing

RECOMMENDATION

1. That the Saturna Island Local Trust Committee proposed Bylaw No. 129, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2020”, be read a second time.
2. That the Saturna Island Local Trust Committee proposed Bylaw No. 129, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2020”, be read a third time.
3. That the Saturna Island Local Trust Committee proposed Bylaw No. 130 cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2020”, be read a second time.
4. That the Saturna Island Local Trust Committee proposed Bylaw No. 130 cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2020”, be read a third time.
5. That the Saturna Island Local Trust Committee proposed Bylaws No. 129 and 130 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
6. That the Saturna Island Local Trust Committee proposed Bylaw No. 129 be forwarded to the Minister of Municipal Affairs for approval.

REPORT SUMMARY

The intent of proposed Bylaws No. 129 and 130 is to amend the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) and Saturna Island Official Community Plan No. 70, 2001 (OCP) to recognize the National Park Reserve Lands both in the text of the OCP and LUB and on the associated mapping.

The recommendations above are supported as:

- While the lands are exempt from Local Trust Committee regulation, rezoning of these lands will provide better clarity and consistency within the bylaws as to the ongoing use of these lands for federal park purposes;
- First Nations were sent a bylaw referral package in August 2020 and no responses were received;
- Staff have completed agency referrals and no responses were received; and,
- There has been no public opposition to the proposed amendments prior to the public hearing.

BACKGROUND

The Local Trust Committee is considering Bylaws No. 129 and 130 that would amend the LUB and OCP to recognize the National Park Reserve Lands both in the text of the OCP and LUB and on the associated mapping.

\\islandstrust.local\DFSMain\EDM\12 Long Range Planning\10 SA\6500 LTC Work Program\20 Projects (P)\2018 National Park Zoning\Staff reports\Jan 26, 2021 Post Public Hearing\SA-LTC-2021-01-26_ NPZ Post Public Hearing.docx

A public hearing is scheduled for January 26, 2021. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendation:

Based on the foregoing, the recommendations on page 1 are supported as:

- While the lands are exempt from Local Trust Committee regulation, rezoning of these lands will provide better clarity and consistency within the bylaws as to the ongoing use of these lands for federal park purposes;
- First Nations were sent a bylaw referral package in August 2020 and no responses were received;
- Staff have completed agency referrals and no responses were received; and,
- There has been no public opposition to the proposed amendments prior to the public hearing.

ALTERNATIVES

1. Make amendments to the bylaw(s).

The LTC may amend the bylaw(s).

Resolution:

That Saturna Island Local Trust Committee proposed Bylaw No. 129, cited as "cited as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2020" be amended as follows:

That Saturna Island Local Trust Committee proposed Bylaw No. 130, cited as "cited as "Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2020" be amended as follows:

2. Receive for information

The LTC may receive the report for information.

3. Proceed no further with the bylaw.

The LTC may decide to proceed no further with Bylaw No. 129 and 130.

Resolution:

That the Saturna Island Local Trust Committee proceed no further with Bylaw No. 129 and 130.

NEXT STEPS

Upon direction from LTC, staff will send proposed Bylaw No. 129 and 130 to the Islands Trust Executive Committee and Minister of Municipal Affairs for approval.

Submitted By:	Brad Smith, Island Planner Southern Team	January 19, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 20, 2021

ATTACHMENTS

1. Proposed Bylaw No. 129
2. Proposed Bylaw No. 130

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 129

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. 1, 2020”.

2. SCHEDULES

Saturna Island Official Community Plan Bylaw 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	15	DAY OF	OCTOBER	2020
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____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 129**

SCHEDULE 1

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

1. Part 3 is amended by removing “c) Schedule “C” – Land Status Overlay Map”. The remaining sections are to be renumbered accordingly.
2. Subsection B.7.1 is amended by removing “i) Schedule “C” – Land Status Overlay Map”. The remaining articles are to be renumbered accordingly.
3. Subsection B.7.4 is removed in its entirety. The remaining subsections are to be renumbered accordingly.
4. Section E1 - Open Space is amended by adding a new subsection, which is to be inserted immediately following subsection E.1.9 as follows:

“E.1.10 Lands Located within the Gulf Islands National Park Reserve should have a separate designation on Schedule B of this plan and should be zoned appropriately, recognizing the Local Trust Committee has no jurisdiction over federal land.”

The sections following the new subsection E.1.10 are to be renumbered accordingly.

5. Section E1 Open Space is amended by adding a new subsection, which is to be inserted immediately following subsection E.1.18 as follows:

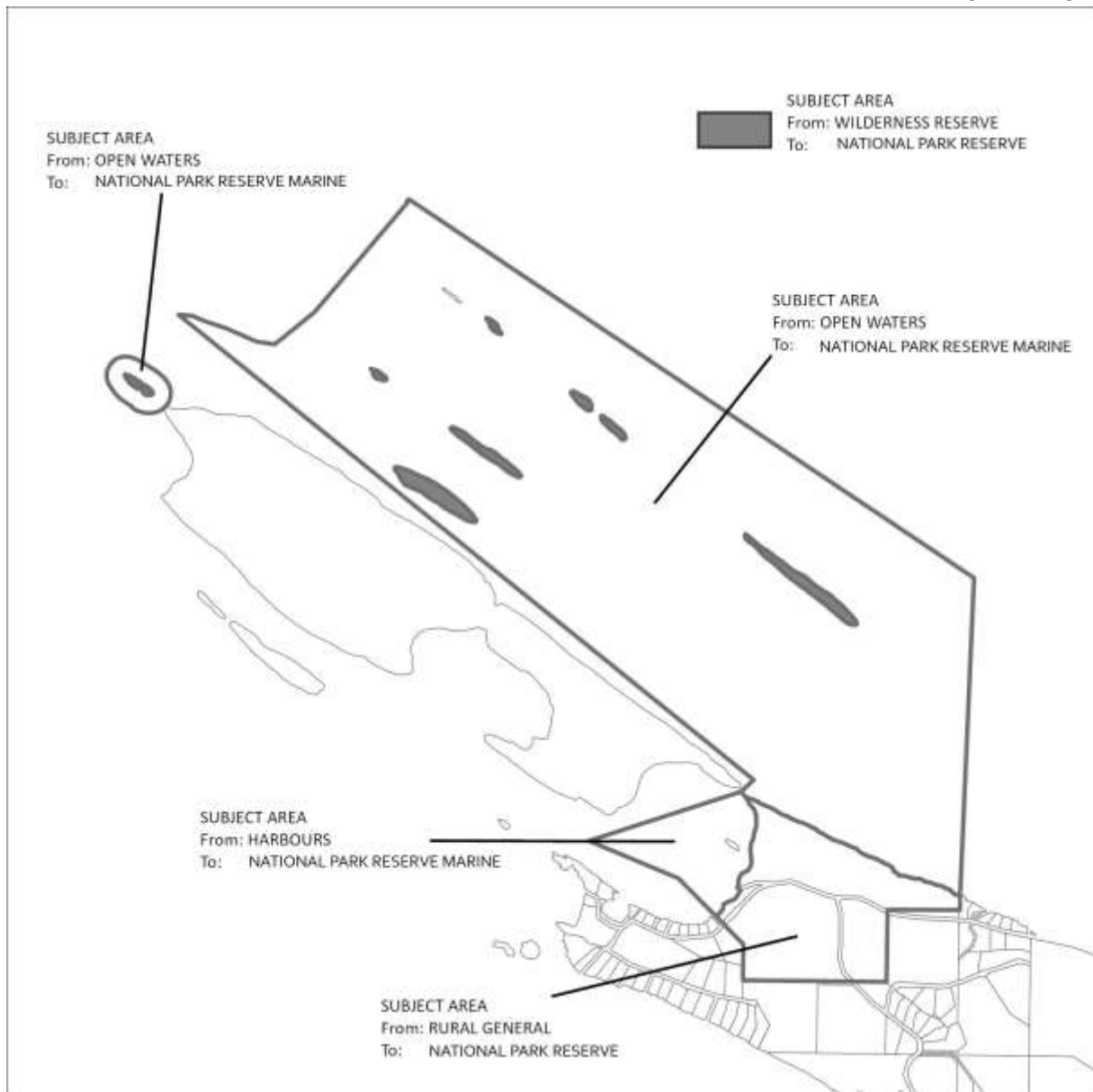
“E.1.19 The Local Trust Committee will work with Parks Canada to address community impacts arising from the establishment of the Gulf Islands National Park Reserve.”
6. Amending Schedule B – Land Use Designation Map by:
 - a) Adding to the legend two new designations: National Park Reserve and National Park Reserve Marine.
 - b) Designating the Lands identified on attached Plans No. 1, 2, 3, 4 and 5 as either National Park Reserve Lands or National Park Reserve Marine Lands.

7. Amending Schedule C - Saturna Island Land Tenure Map by removing it in its entirety.
8. Amending Schedule D – Parks and Open Space Map by removing it in its entirety and placing it with a new Schedule D which is attached to this bylaw as Plan No 6.

SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

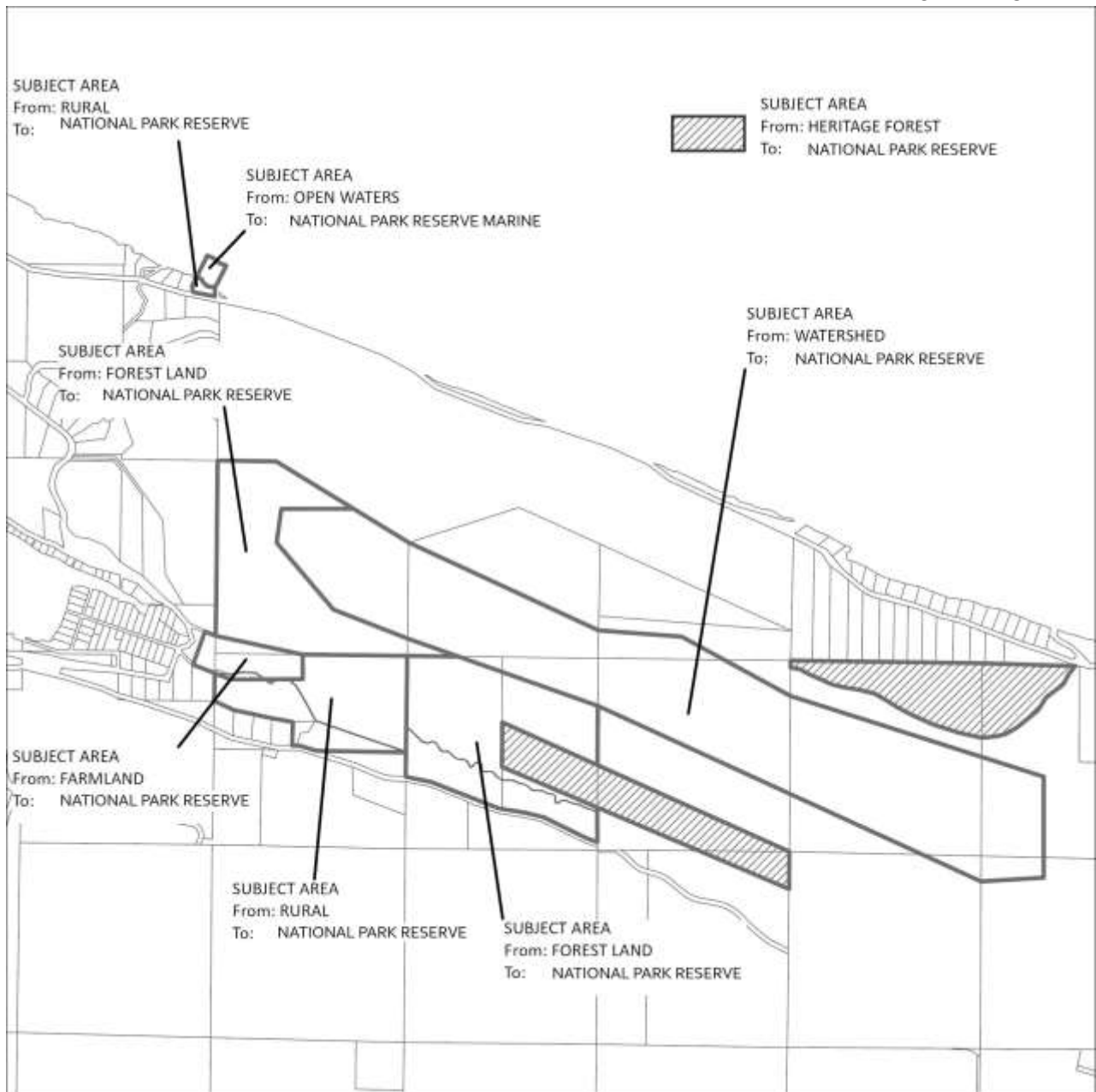
PLAN NO. 1



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

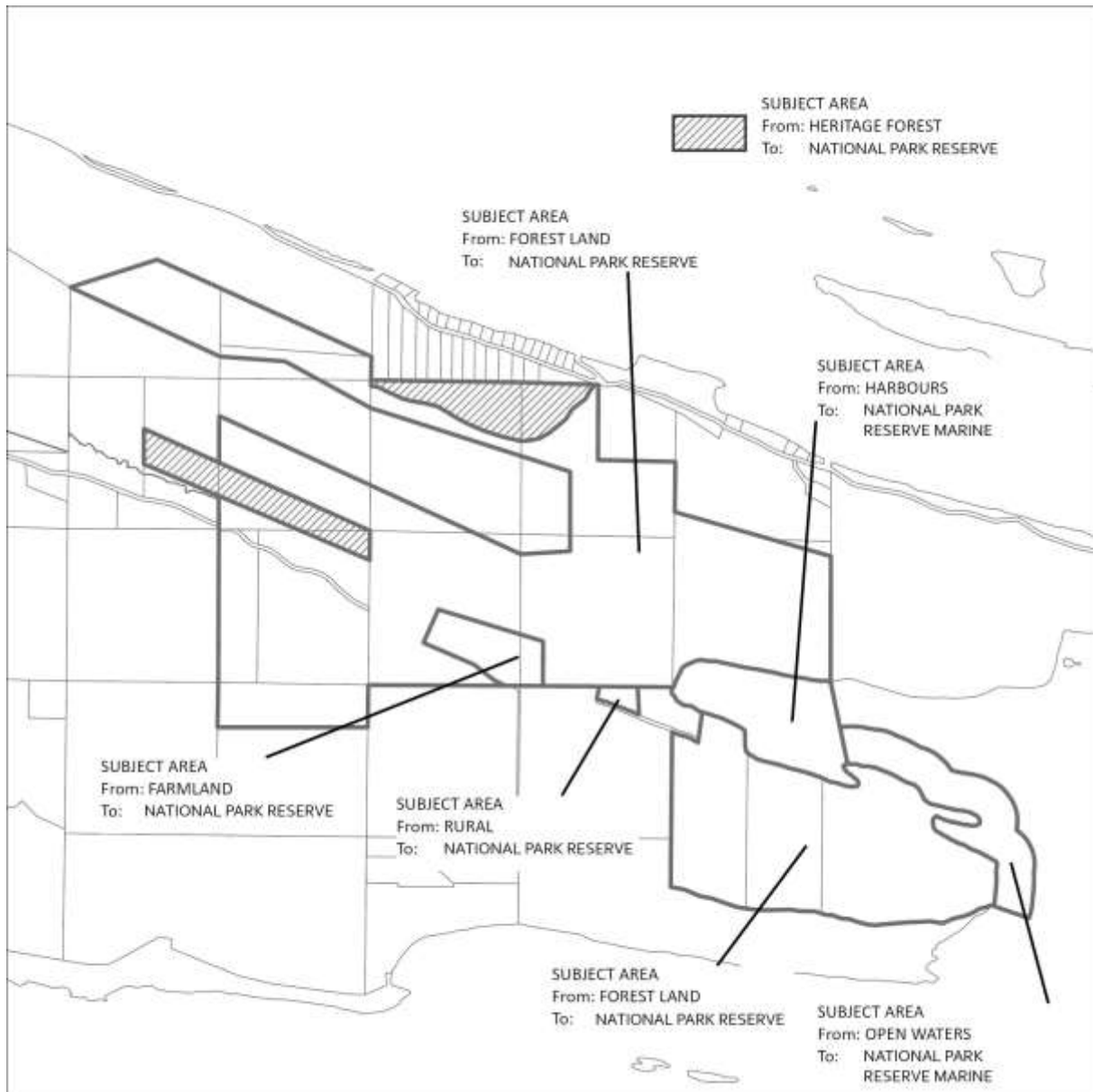
PLAN NO. 2



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

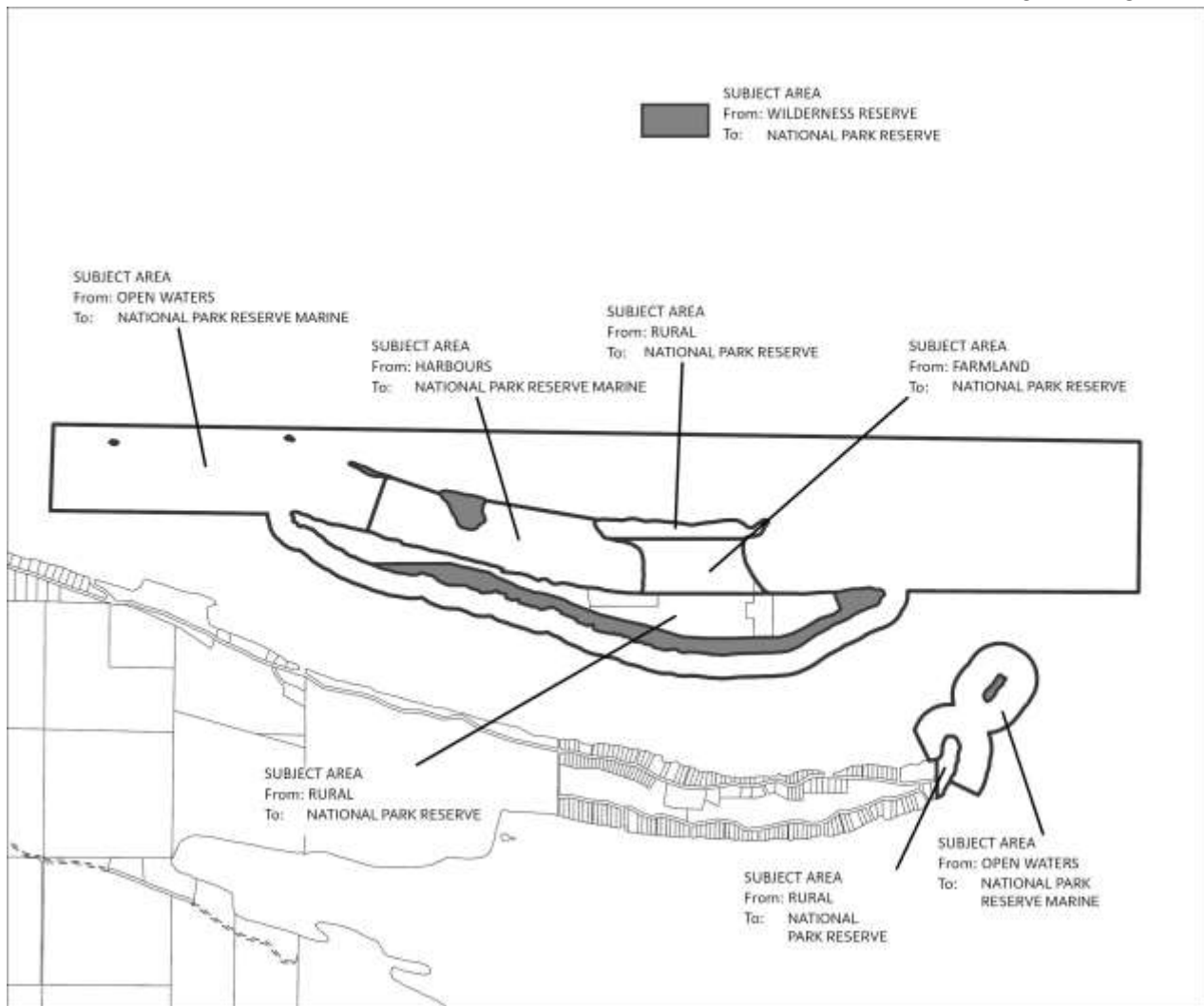
PLAN NO. 3



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

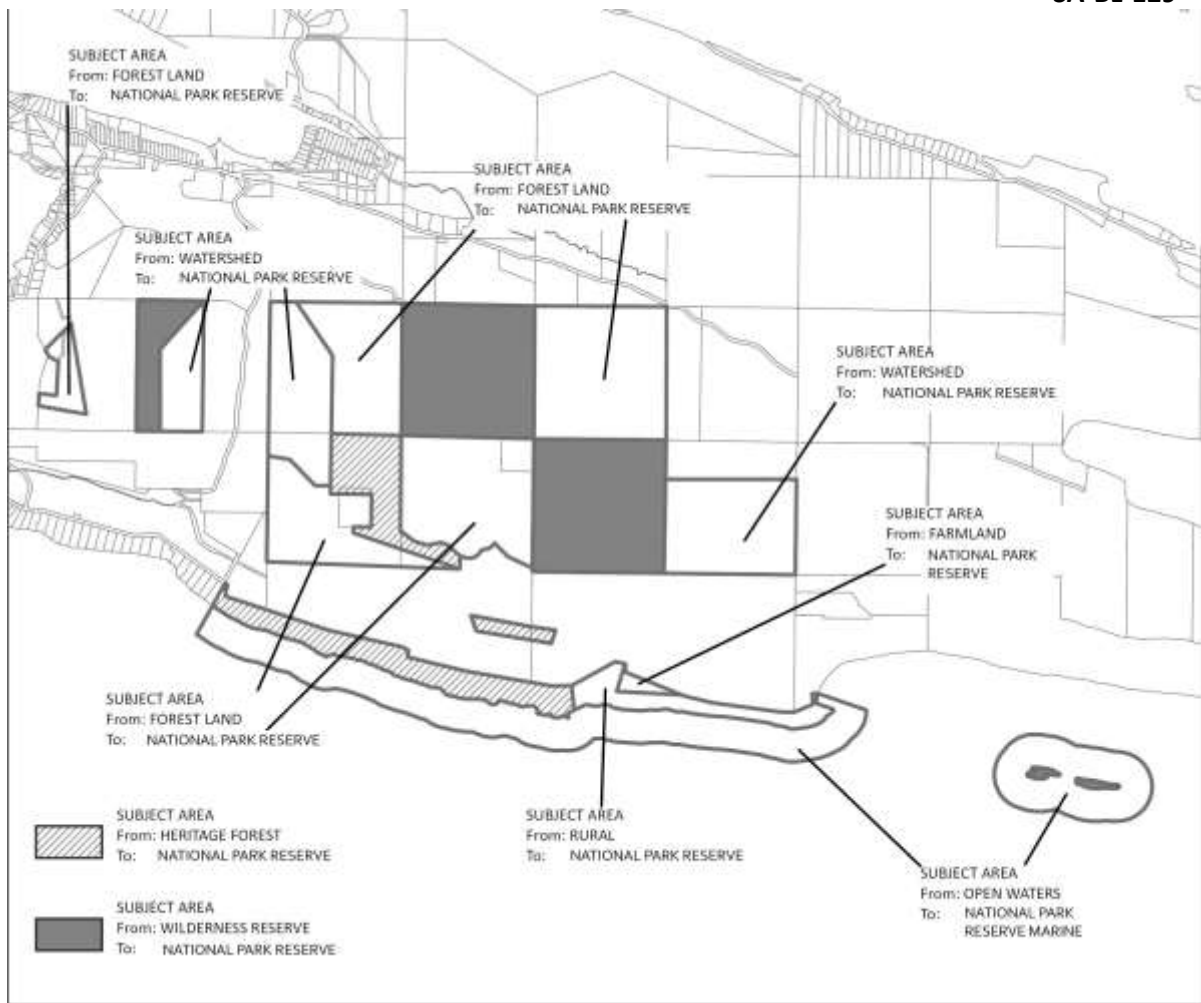
PLAN NO. 4



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

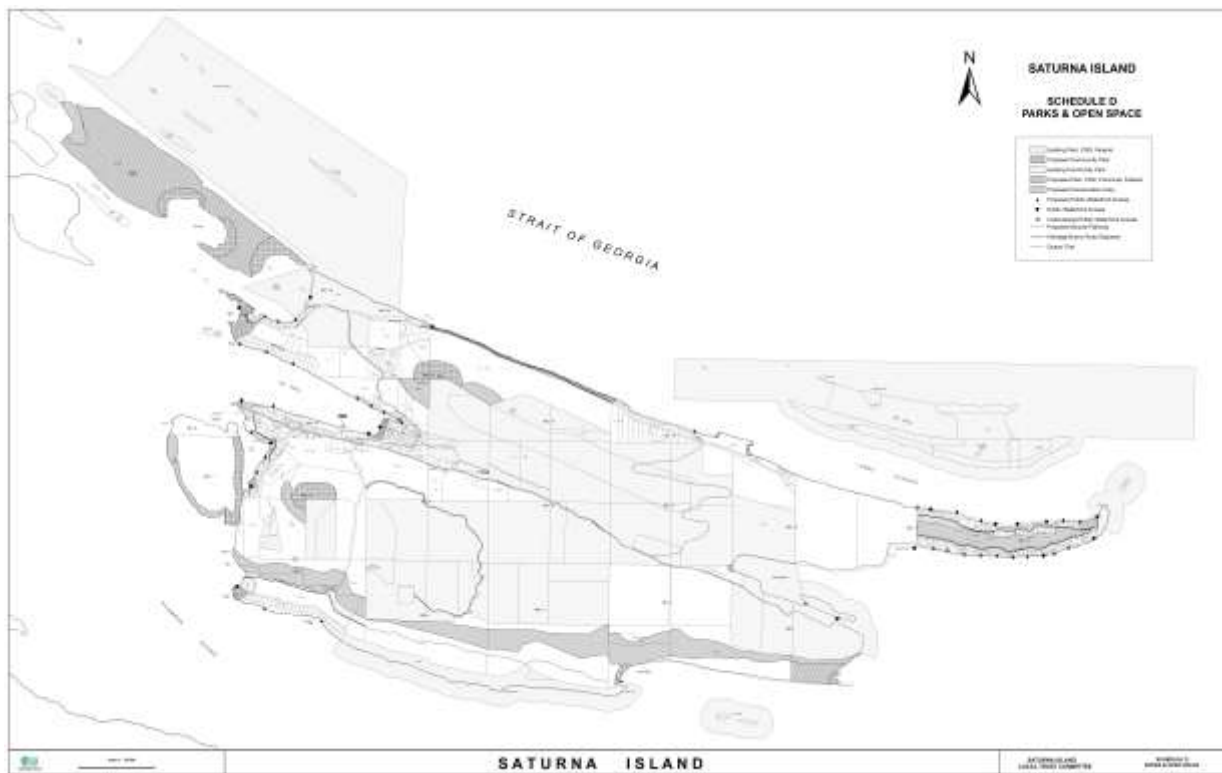
PLAN NO. 5



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

PLAN NO. 6



PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 130

A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW NO. 119, 2018

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 No. 119, 2018, Amendment No. 1, 2020”.

2. Saturna Island Local Trust Committee Bylaw No. 119, cited as “Saturna Island Land Use Bylaw No. 119, 2018,” is amended as follows:

2.1 By adding to Section 3.1 Division into Zones two new zones: The first zone identified in Column I as “National Park” and in Column II as “NP”; and the second zone identified in Column I as “National Park Marine” and in Column II as “W5”.

2.2 Part 4 - Rural Zoning Regulations is amended by adding the following immediately after subsection 4.8:

“4.9 National Park Zone (NP)

Information Note: The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands in the National Park Reserve.

Permitted Uses

4.9.1 In the **National Park (NP) 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.

- 4.9.1(1) informational, interpretive, cultural, and historical uses and facilities;
- 4.9.1(2) natural and cultural resource management and protection;
- 4.9.1(3) camping and picnicking areas;
- 4.9.1(4) park operations and maintenance facilities; and
- 4.9.1(5) accessory uses, buildings and structures.

Lot Coverage

4.9.2 Buildings and structures may not cover more than 5 per cent of the parcel of land on which they are located.

Setback Provisions

4.9.3 No building or structure or part thereof may be sited within 7.6 metres of any lot line.

- 2.3 Part 11 – Water Zoning Regulations is amended by adding the following immediately after subsection 11.5:

“11.6 National Park Marine Zone (W5)

Information Note: The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands in the National Park Reserve.

Permitted Uses

11.6.1 In the **National Marine Park (W5) 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.

11.6.1(1) Marine Navigational Aids;

11.6.1(2) Natural and cultural resource management and protection; and

11.6.1(3) Docks, wharfs and moorage accessory to the upland National Park zone.”

- 2.4 Schedule D – Zoning Map is amended by:

- a) Adding to the legend two new designations: National Park - NP and National Park Marine – W5.
- b) Amending the lands identified on attached Plans No. 1, 2, 3, 4 and 5 as being in the National Park (NP) zone or National Park Marine (W5) zone.

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.

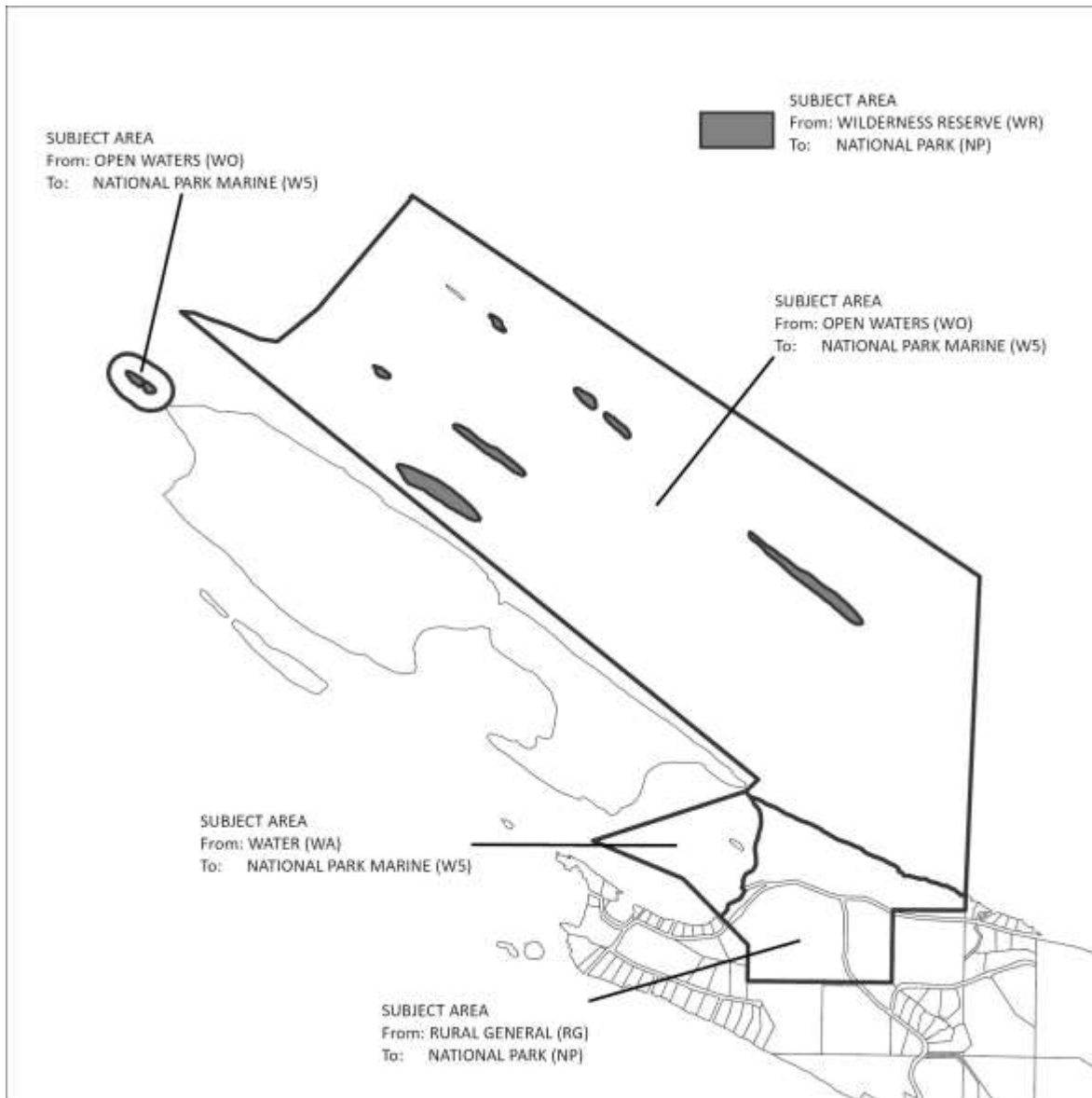
READ A FIRST TIME THIS	15	DAY OF	OCTOBER	2020
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

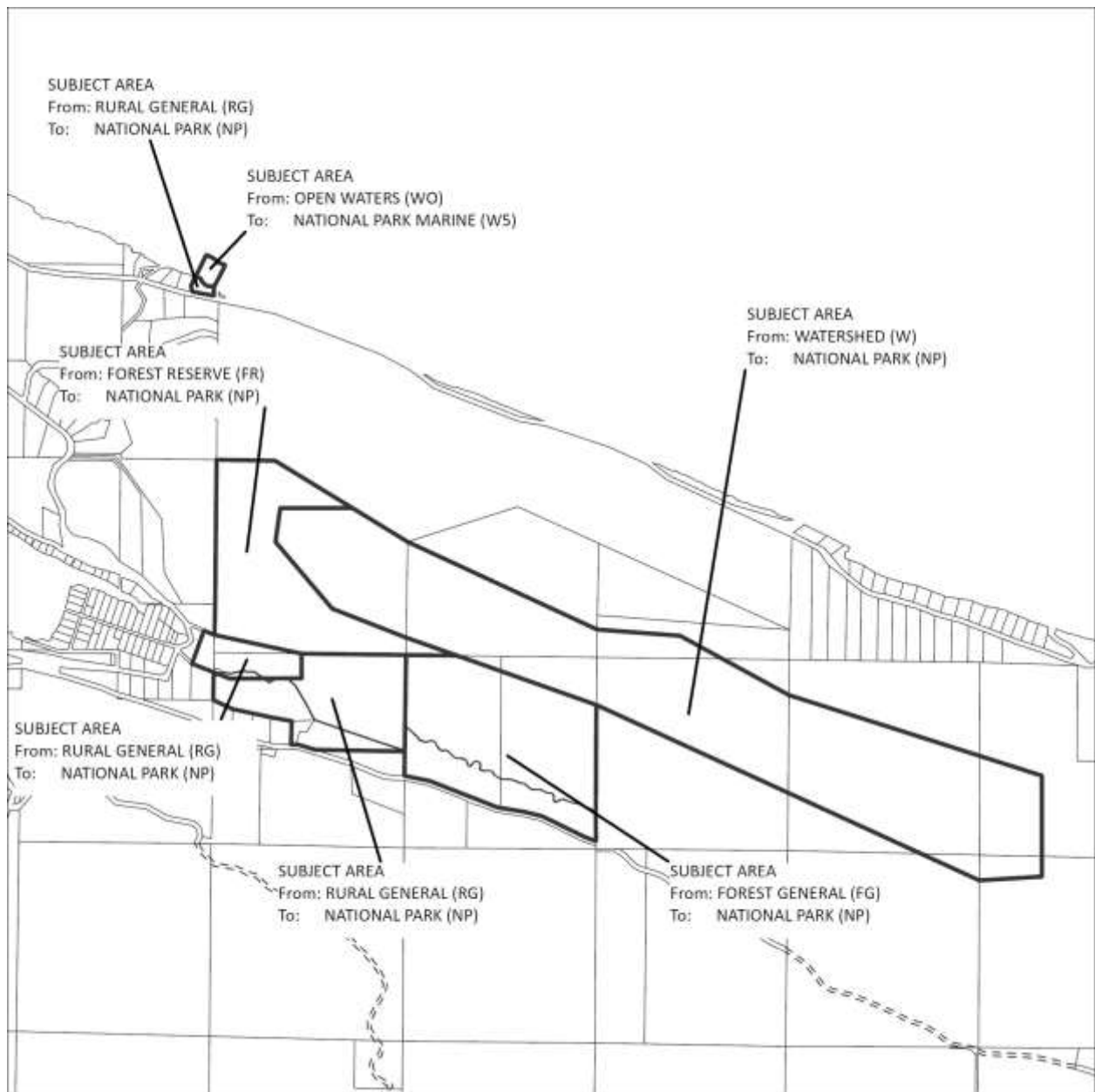
**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

Plan No. 1



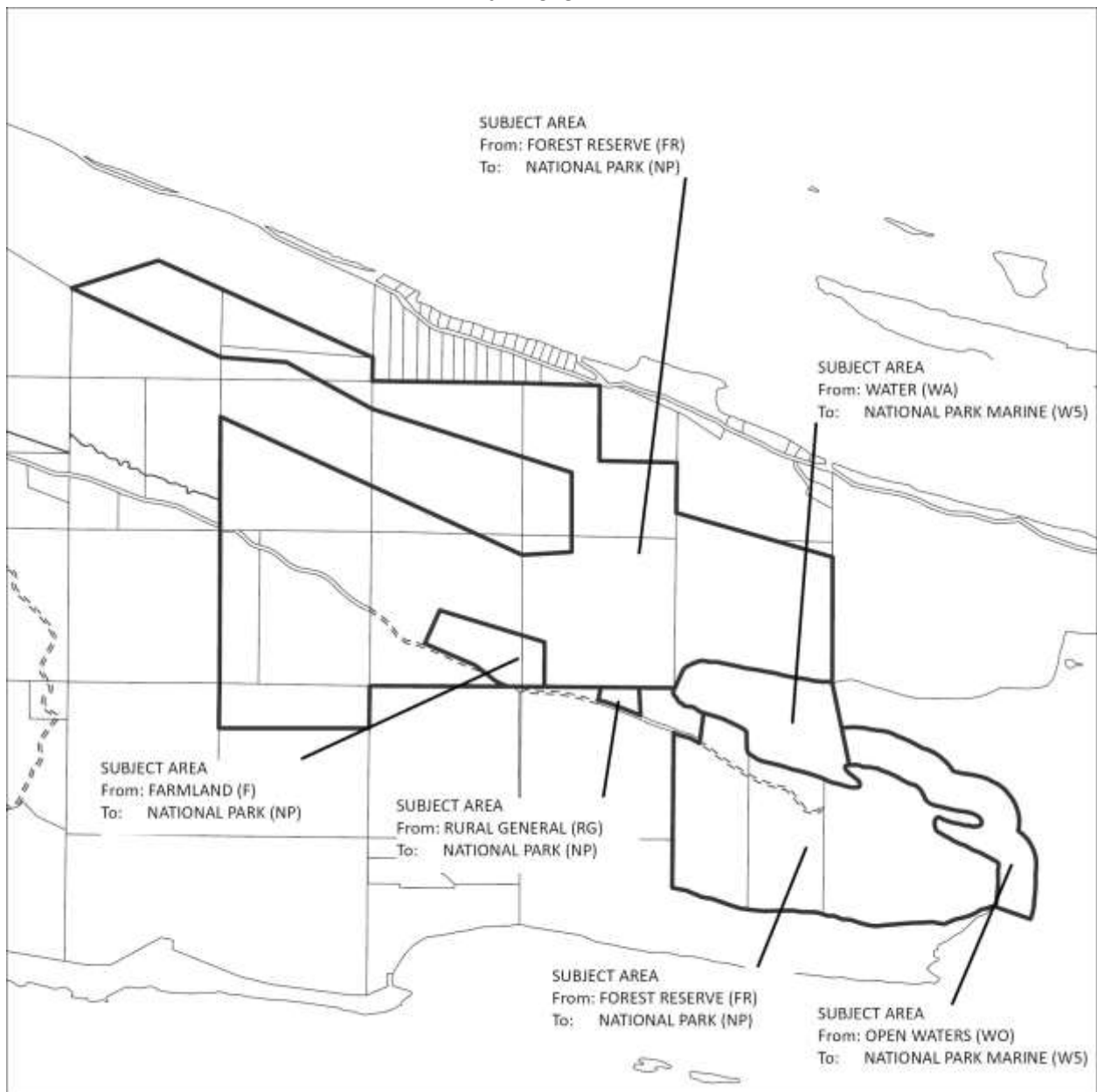
**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

Plan No. 2



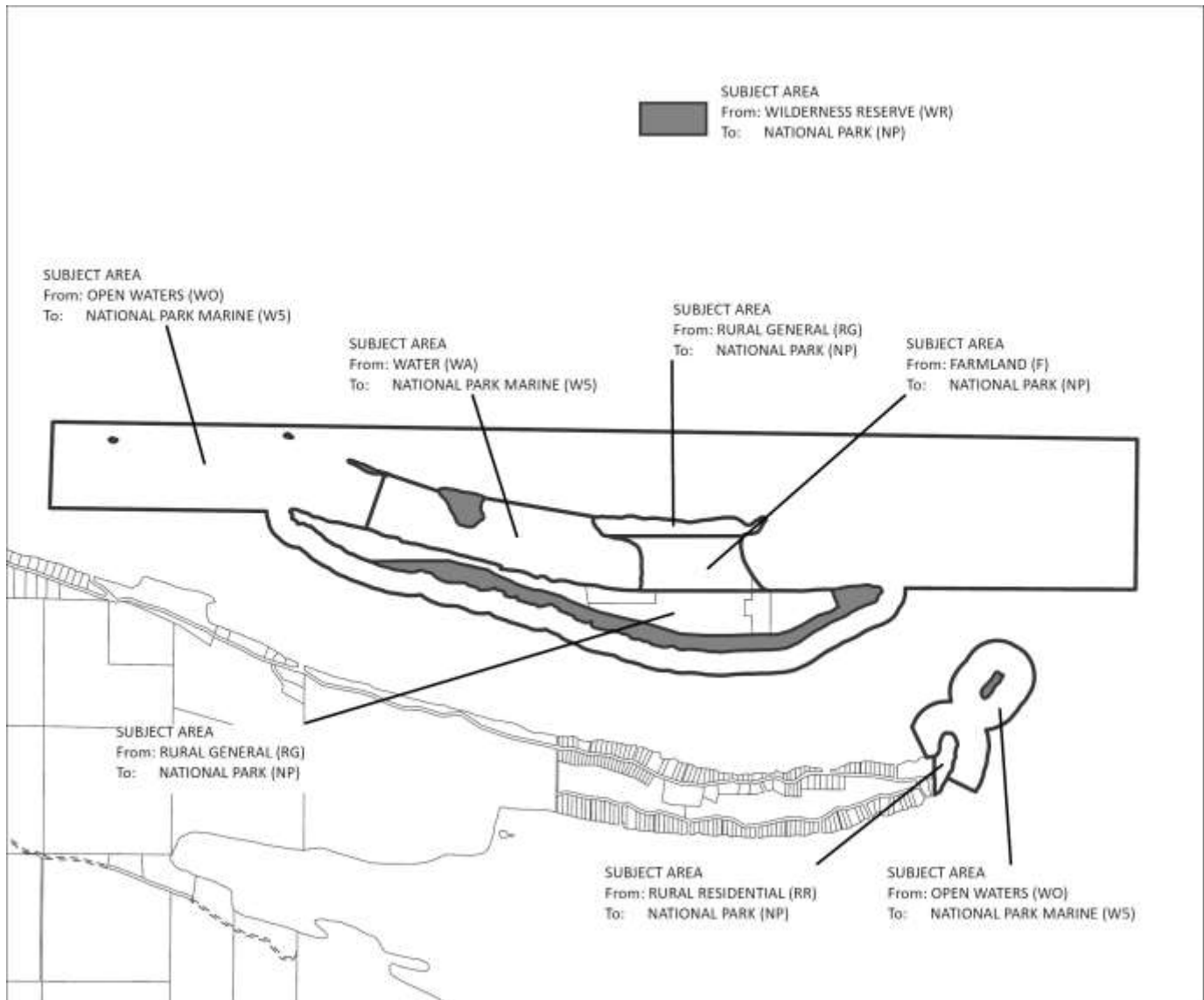
**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

Plan No. 3



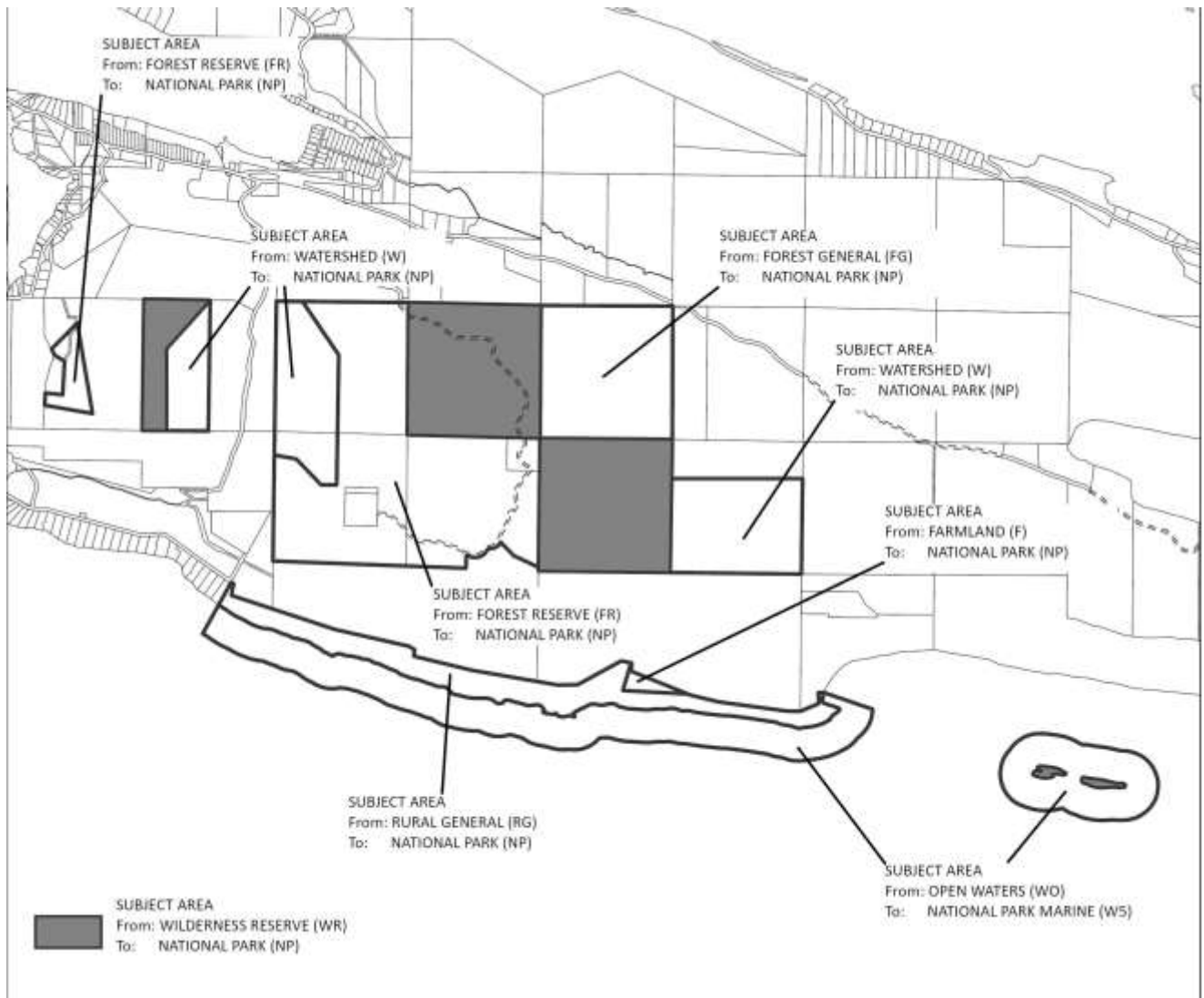
**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

Plan No. 4



**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

Plan No. 5



File No.: SA-6500-20 First Nations
Relationship Building

DATE OF MEETING: January 26, 2021
TO: Saturna Island Local Trust Committee
FROM: Brad Smith, Island Planner
Victoria Office
SUBJECT: First Nations Relationship Building – Bylaw No. 132 – Post Public Hearing

RECOMMENDATION

1. That the Saturna Island Local Trust Committee proposed Bylaw No. 132, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2020” be read a Second time.
2. That the Saturna Island Local Trust Committee proposed Bylaw No. 132, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2020” be read a Third time.
3. That the Saturna Island Local Trust Committee proposed Bylaw No. 132 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
4. That the Saturna Island Local Trust Committee proposed Bylaw No. 132 be forwarded to the Minister of Municipal Affairs for approval.

REPORT SUMMARY

The intent of Bylaw No. 132 is to amend the Saturna Island Official Community Plan No. 70, 2001 (OCP) to include wording in acknowledgement and reconciliation of First Nations place, context and inherent rights.

The recommendations above are supported as:

- The recognition and acknowledgement of First Nations place, context and inherent rights within the OCP is consistent with the reconciliation objectives of the Islands Trust and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); as well as Bill 41 *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*;
- First Nations have been provided both a preliminary referral letter sent in October 2019 and the formal Bylaw No. 132 referral package sent in August 2020 and no responses were received;
- Staff have completed agency referrals and no responses were received; and,
- There has been no public opposition to the proposed amendments prior to the public hearing.

BACKGROUND

The Local Trust Committee is considering Bylaw No. 132 that would amend the OCP to include wording in acknowledgement and reconciliation of First Nations place, context and inherent rights.

A public hearing is scheduled for January 26, 2021. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendation:

Based on the foregoing, the recommendations on page 1 are supported as:

- The recognition and acknowledgement of First Nations place, context and inherent rights within the OCP is consistent with the reconciliation objectives of the Islands Trust and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); as well as Bill 41 *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*;
- First Nations have been provided both a preliminary referral letter sent in October 2019 and the formal Bylaw No. 132 referral package sent in August 2020 and no responses were received;
- Staff have completed agency referrals and no responses were received; and,
- There has been no public opposition to the proposed amendments prior to the public hearing.

ALTERNATIVES

1. Make amendments to the bylaw.

The LTC may amend the bylaw.

Resolution:

That Saturna Island Local Trust Committee proposed Bylaw No. 132, cited as "cited as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2020" be amended as follows:

2. Receive for information

The LTC may receive the report for information.

3. Proceed no further with the bylaw.

The LTC may decide to proceed no further with Bylaw No. 132.

Resolution:

That the Saturna Island Local Trust Committee proceed no further with Bylaw No. 132.

NEXT STEPS

Upon direction from LTC, staff will send proposed Bylaw No. 132 to the Islands Trust Executive Committee and Minister of Municipal Affairs for approval.

Submitted By:	Brad Smith, Island Planner Southern Team	January 19, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	January 20, 2021

ATTACHMENTS

1. Proposed Bylaw No. 132

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 132

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, 2020”.

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	9 TH	DAY OF	JULY	2020
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
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF		20
ADOPTED THIS		DAY OF		20

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 132**

SCHEDULE 1

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

1. Schedule A of the Saturna Island Local Trust Committee Bylaw No. 70, cited as, “Saturna Island Official Community Plan Bylaw No. 70, 2000” is amended by inserting the following text immediately below Part A – Introduction and preceding A.1 Review Process for the Plan:

Coast Salish Peoples, including the W̱SÁNEĆ, have lived and resided on or near Saturna Island since time immemorial.

The history of Coast Salish Peoples is sustained in the language, place names, village sites, cultural and sacred sites that encompass the whole of the Islands Trust Area. Coast Salish Peoples have seen and lived the transformation of their lands and waters since contact. This tide of change has greatly impacted the eco-system that sustained them, and the cultural heritage of the first peoples of the Salish Sea. Coast Salish Peoples have and will continue to be a thriving people, government, and community, connected to the lands and waters through spiritual, cultural, and traditional knowledge for generations to come.

The W̱SÁNEĆ Peoples speak a language called SENĆOŦEN, and have a rich and vibrant economic, social, cultural, and spiritual life that is connected to these lands and waters. The lands and waters of the W̱SÁNEĆ Peoples is enriched with history, place names, village sites, cultural sites, and sacred sites and the islands and waters form the basis of their language, culture, and spiritual life within the Salish Sea.

Saturna Island is the location of the S̱ÁUTW (Tsawout) First Nation and W̱SIKEM (Tseycum) First Nation reserve #7. The importance and inherent rights and jurisdiction that this area holds to the W̱SÁNEĆ Peoples continues now and into the future and the stewardship of these lands and waters for their children’s children endures.