



Saturna Island Local Trust Committee

Regular Meeting Agenda

Date: February 15, 2024
Time: 11:30 am
Location: Saturna Recreation and Cultural Centre
104 Harris Road, Saturna Island, BC

	Pages
1. CALL TO ORDER	11:30 AM - 11:45 AM
2. APPROVAL OF AGENDA	
3. TRUSTEE REPORT	
4. CHAIR'S REPORT	
5. ELECTORAL AREA DIRECTOR'S REPORT	
6. TOWN HALL AND QUESTIONS	11:45 AM - 12:00 PM
7. COMMUNITY INFORMATION MEETING - None	
8. PUBLIC HEARING - None	
9. MINUTES	12:00 PM - 12:10 PM
9.1 Local Trust Committee Minutes Dated October 19, 2023 (for Adoption)	4 - 12
9.2 Local Trust Committee Public Hearing Record Dated October 19, 2023 (for Receipt)	13 - 14
9.3 Section 26 Resolutions-without-meeting Report Dated Feb 2024	15 - 15
10. BUSINESS ARISING FROM THE MINUTES	
10.1 Follow-up Action List Dated Feb 2024	16 - 18
11. DELEGATIONS	
12. CORRESPONDENCE	12:10 PM - 12:20 PM
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
12.1 Islands Trust Council Chair re Rescind name on Tumbo Island	19 - 21

	12.2	Saturna Island Residents and Ratepayers Association (SIRRA) re Bylaw Amendments	22 - 24
13.	APPLICATIONS AND REFERRALS		12:20 PM - 1:00 PM
	13.1	North Pender Island Local Trust Committee Referral for Draft Bylaw No. 234 (for Response) (attached)	25 - 27
	13.2	SA-RZ-2023.2 (Thachuk) - Staff Report (attached)	28 - 48
	13.3	SA-ALR-2023.1 (Hall) - Staff Report (attached)	49 - 68
14.	LOCAL TRUST COMMITTEE PROJECTS		1:00 PM - 1:15 PM
	14.1	Saturna Island Local Trust Committee Draft Fees Bylaw No. 142 - Staff Report (attached)	69 - 77
15.	REPORTS		1:15 PM - 1:25 PM
	15.1	Work Program Reports (attached)	
	15.1.1	<u>Active Projects Report Dated Feb 2024</u>	78 - 78
	15.1.2	<u>Future Projects Report Dated Feb 2024</u>	79 - 79
	15.2	Applications Report Dated Feb 2024 (attached)	80 - 82
	15.3	Trustee and Local Expense Report Dated Dec 2023 (attached)	83 - 83
	15.4	Adopted Policies and Standing Resolutions (attached)	84 - 88
	15.5	Local Trust Committee Webpage	
	15.6	Islands Trust Conservancy Report - None	
16.	NEW BUSINESS		1:25 PM - 1:50 PM
	16.1	Housing Statute Changes to British Columbia Legislation - Staff Memo (attached)	89 - 103
	16.2	Trustee Boland re Request to revise Saturna Island Schedule E - Secondary Suites - LUB No. 119	104 - 105
	16.3	SRKW Management Measures Review – Staff Memo (attached)	106 - 110
17.	UPCOMING MEETINGS		1:50 PM - 1:55 PM
	17.1	Consider moving May 16, 2024 meeting to May 23, 2024 at the Saturna Recreation and Cultural Centre	
18.	TOWN HALL		1:55 PM - 2:10 PM
19.	CLOSED MEETING (Distributed Under Separate Cover)		

19.1 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)(i) for the purpose of considering:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

AND that the recorder and staff attend the meeting.

19.2 Recall to Order

19.3 Rise and Report

20. ADJOURNMENT

2:10 PM - 2:10 PM

Saturna Island Local Trust Committee Minutes of Regular Meeting

Date: October 19, 2023
Location: Saturna Recreation and Cultural Centre
104 Harris Road, Saturna Island, BC

Members Present: David Maude, Chair
Lee Middleton, Local Trustee
Mairead Boland, Local Trustee

Staff Present: Brad Smith, Island Planner
Bruce Belcher, Planner 1
Carly Bilney, Recorder

Others Present: There were approximately five (5) members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 11:32 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- New Business Item 16.5 – Bylaw Enforcement Update
- New Business Item 16.6 – Discussion on Saturna Island Schedule E Secondary Suites – Land Use Bylaw (LUB) No. 119
- New Business Item 16.7 – Discussion on Multiple Family Residential Zone (MFR) Permitted Uses

By general consent the agenda was adopted as amended.

3. TRUSTEE REPORT

Trustee Boland made the following comments in her report:

- There is need for an advisory panel that focuses on traffic and roadway infrastructure on Saturna Island, and acts as a point of contact for the Ministry of Transportation and Infrastructure (MoTI) and a source of information for islanders
- A proposed increase on tax was included in the budget at a recently held meeting of the Financial Planning Committee
- A housing needs assessment report for the Trust Area that is mandated by provincial regulations is due this year and will cost a hundred thousand dollars; the Islands Trust is hoping to seek funding from the Province to assist

Trustee Middleton made the following comments in his report:

- The Governance Committee will meet in early November
- At the last Trust Council meeting, the Governance Committee sought endorsement of its interpretation of the Trust's mandate as it applies to decision-making as needing to consider a balance between the ecological needs and the needs of the human population/communities

4. CHAIR'S REPORT

Chair Maude made the following comments in his report:

- A long-term vision statement was considered, but not agreed upon, at the recent Trust Council meeting
- The Union of British Columbia Municipalities (UBCM) recently met in Vancouver, during which the Islands Trust met with the Ministry of Transportation and Infrastructure (MoTI); the latter committed to setting up a Task Force where the Minister will formally meet with representatives of the Islands Trust to discuss projects

5. ELECTORAL AREA DIRECTOR'S REPORT – None

6. TOWN HALL AND QUESTIONS

Town hall was held and no comments were made.

7. COMMUNITY INFORMATION MEETING

7.1 SA-ALR-2023.1 (Hall) - ALR Land Exclusion/Inclusion Application

Island Planner Smith reviewed application SA-ALR-2023.1 (Hall). Discussion was held and comments were made about legislative changes made in 2020 whereby land exclusion applications to the Agricultural Land Commission (ALC) must be submitted by a local government body (rather than the property owner).

8. PUBLIC HEARING

8.1 SA-ALR-2023.1 (Hall) - ALR Land Exclusion/Inclusion Application

8.1.1 Recess for Public Hearing

Saturna Local Trust Committee meeting closed at 11:55 a.m.

8.1.2 Recall to Order

Saturna Local Trust Committee meeting recalled at 12:08 p.m.

Public Hearing record under separate cover.

9. **MINUTES**

9.1 **Local Trust Committee Minutes Dated July 27, 2023 (for Adoption)**

By general consent the Saturna Island Local Trust Committee meeting minutes of July 27, 2023 were adopted.

9.2 **Local Trust Committee Public Hearing Record Dated July 27, 2023 (for Receipt)**

9.3 **Section 26 Resolutions-without-meeting Report Dated Oct 10, 2023**

10. **BUSINESS ARISING FROM THE MINUTES**

10.1 **Follow-up Action List Dated Oct 2023**

Discussion was held regarding the Follow-up Action List. Comments were made in support of a staff review of the current wording on the marine traffic standing resolution and for incorporating two Follow-Up Action List statements of support into an updated standing resolution.

11. **DELEGATIONS – None**

12. **CORRESPONDENCE**

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

13. **APPLICATIONS AND REFERRALS**

13.1 **SA-TUP-2023.1 (Hannay) - Staff Report**

Planner Belcher provided an update on SA-TUP-2023.1 (Hannay). Discussion was held and the following comments were made:

- Island Planner Smith recently visited the site and no concerns were noted
- Requirements regarding septic and water would need to be met to transfer an accessory building to a single-family dwelling
- The LTC may only approve or deny the permit, but may not modify it (i.e. no requirement related to landscaping may be added)

SA-2023-029

It was Moved and Seconded,

That Saturna Island Local Trust Committee approve the issuance of renewal Temporary Use Permit SA-TUP-2023.1 (Hannay) for a three (3) year period.

CARRIED

Discussion continued and comments were made about how it would be helpful for the LTC if the monitoring requirements included notification of when a building permit has been issued. Staff added to FUAL.

13.2 SA-RZ-2023.2 (Thachuk) - Staff Report

Island Planner Smith reviewed the staff report related to SA-RZ-2023.2 (Thachuk). Discussion was held and the following comments were made:

- The applicants have secured the purchase of an additional density from a willing property owner (Judy Myers) to allow for an additional dwelling on the subject parcel
- The process of adopting these bylaws will continue regardless of what happens with the three Myer property densities being considered for addition to the Community Amenity Density Reserve
- Support for the proposed bylaws was expressed as they set the property owner up for land transfer to Nature Trust of Canada

SA-2023-030

It was Moved and Seconded,

That the Saturna Island Local Trust Committee Bylaw No. 140, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2023” be read a first time.

CARRIED

SA-2023-031

It was Moved and Seconded,

That the Saturna Island Local Trust Committee Bylaw No. 141, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 2, 2023” be read a first time.

CARRIED

SA-2023-032

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. 140, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2023” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SA-2023-033

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. 141, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 2, 2023,” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

Discussion continued about the process and next steps for the application, including referrals and scheduling a Community Information Meeting (CIM) and Public Hearing (PH).

It was noted that there is potential to schedule a CIM and PH at the February LTC meeting, though timing would be tight and clarification on notification regulations is needed.

13.3 SA-ALR-2023.1 (Hall) - ALR Land Exclusion/Inclusion Application – Post Public Hearing Staff Report

Island Planner Smith reviewed the staff report related to SA-ALR-2023.1 (Hall). Discussion was held and the following comments were made:

- This is one of first applications staff has seen with a request of this nature, and the recommendation from staff to provide a site visit for First Nations will likely become more common as part of the Trust's commitment to Reconciliation
- This application received more response than the LTC gets on most bylaws
- Applications related to the Agricultural Land Reserve (ALR) seem to trigger more interest because there is potentially meaningful impact on the land base
- First Nations have a reason to see and understand what farming activities might do to known archaeological sites
- There is broader discussion within the Islands Trust about how to involve First Nations in the referral process from its beginning rather than approaching First Nations once a conclusion has been reached
- The current system, where a referral comes in when the LTC is at the end of a process, is not good – Lyackson First Nation received a Public Hearing Notice before having the opportunity for staff to respond to their referral
- Lyackson First Nation gave a clear request that a site visit was necessary
- There is no clear way forward for the applicant and engagement with First Nations could produce entirely unknown outcomes
- It is a morally good thing to engage with and build relations with First Nations, but the expenses must be considered
- Anything other than following the staff recommendation that was shared with Lyackson First Nation could be a mistake
- A more correct course of action would be to respond to Lyackson First Nation with an invitation to a site visit and open that invitation to other First Nations
- The cost of a site visit is too much of a burden to put on a single person/applicant
- The duty to consult is government's responsibility and should not be a financial responsibility of the property owner
- The LTC could acknowledge the interests of First Nations and the concern that has been expressed, but point out that those interests would be better addressed by the body responsible for the ALR
- The ALC process is unclear and needs to be confirmed

- It was suggested that the LTC might respond to Lyackson First Nation to say it is pausing to address this issue with the ALC
- It was suggested that the LTC note it is seeking to understand the consultation process for the ALR and will follow up with more information
- It is impossible to proceed with the referral process without clarification of the expectation and goals of the ALC
- The LTC is placed in the position of having to make political decisions of First Nations, which is not an appropriate move, and to adequately deal with those concerns causes the LTC to download to the property owner unspecified expenses that may not be what the ALC requires
- The process is new and LTC must honour what has been requested but should get advice first

SA-2023-034

It was Moved and Seconded,

That the Saturna Island Local Trust Committee direct staff to contact Agricultural Land Commission staff to clarify the process and steps the Agricultural Land Commission would take to consider First Nations input after submission by a local government and that First Nations respondents be informed of this step.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

15. REPORTS

15.1 Work Program Reports

15.1.1 Active Projects Report Dated Oct 2023

Received for information.

15.1.2 Future Projects Report Dated Oct 2023

Received for information.

15.2 Applications Report Dated Oct 2023

Received for information.

15.3 Trustee and Local Expense Report Dated Aug 2023

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

15.6 Islands Trust Conservancy Report – None

16. NEW BUSINESS

16.1 New Fee Bylaw – Request for Decision (Deferred from May 19, 2022 meeting)

Discussion was held and the following comments were made:

- Almost all other Southern Gulf Islands have adopted the New Fee Bylaw
- If directed to proceed, a draft fees bylaw will be developed for Saturna Island planning area using the model bylaw as the template

SA-2023-035

It was Moved and Seconded,

That Saturna Local Trust Committee request Staff to draft a new Fee Bylaw based on the model Fee Bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

CARRIED

16.2 Saturna Island LTC Freedom of Information and Protection of Privacy Bylaw No. 139 – Updated Request for Decision

SA-2023-036

It was Moved and Seconded,

That Saturna Island Local Trust Committee Bylaw No. 139, cited as “Saturna Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 139, 2023”, be read a second time.

CARRIED

SA-2023-037

It was Moved and Seconded,

That Saturna Island Local Trust Committee Bylaw No. 139, cited as “Saturna Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 139, 2023”, be read a third time.

CARRIED

SA-2023-038

It was Moved and Seconded,

That Saturna Island Local Trust Committee Bylaw No. 139, cited as “Saturna Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 139, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

16.3 Advisory Committee Discussion

Discussion was held about how to address road infrastructure issues on Saturna Island.

SA-2023-039

It was Moved and Seconded,

That Saturna Island Local Trust Committee direct staff to initiate advertising for up to five members of an Advisory Planning Commission with the scope of addressing road infrastructure issues on Saturna Island.

CARRIED

16.4 Census Infographics - Briefing (for information)

Comments were made about the need to share the Census Infographics more widely, including on the LTC webpage.

16.5 Bylaw Enforcement Update

Discussion on bylaw enforcement notification was held and the following comments were made:

- The Land Use Bylaw currently provides for 24-hour notice to be given to property owners before investigations are carried out by bylaw enforcement officers
- Support was expressed for updating the current notice from 24 hours to two weeks, in accordance with the standing resolution

SA-2023-040

It was Moved and Seconded,

That Saturna Island Local Trust Committee add a review of the bylaw enforcement notification provisions in Bylaw 30 and Bylaw 119 to the Projects List.

CARRIED

16.6 Discussion on Saturna Island Schedule E Secondary Suites – LUB No. 119

Discussion was held on Saturna Island Schedule E Secondary Suites – LUB No. 119 and the following comments were made:

- Mapping that outlines areas of salt water intrusion vulnerability around the Saturna Island is used to exclude the use of secondary suites
- Work has since been done by the Province that relates to salt water intrusion and provides guidelines on how to manage the risk
- Support was expressed for reconsidering the mapped area so less areas are excluded from creating secondary suites

SA-2023-041

It was Moved and Seconded,

That Saturna Island Local Trust Committee add to the Future Projects list a review of the new information available that would influence the Saturna Island Schedule E Secondary Suites – Land Use Bylaw No. 119 map pertaining to secondary suites.

CARRIED

16.7 Discussion on Multiple Family Residential Zone (MFR) Permitted Uses

Discussion was held on Multiple Family Residential Zone (MFR) Permitted Uses and the following comments were made:

- Support was expressed for considering the removal of restrictions that limit MFR zoning to the purpose of providing affordable, senior or special need housing
- The suggestion was made that removing the constraint may create housing flexibility
- Comments were made that removing the restriction would be a significant shift and could lead to commercial multi-family housing developments, a cautious approach with robust community consultation is recommended by staff.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting

17.1.1 Draft 2024 LTC Meeting Schedule (for approval)

SA-2023-042

It was Moved and Seconded,

That Saturna Island Local Trust Committee adopt the 2024 LTC regular meeting schedule as proposed by staff.

CARRIED

18. TOWN HALL

Town hall was held and no comments were made.

19. CLOSED MEETING – None

20. ADJOURNMENT

By general consent the meeting was adjourned at 3:15 p.m.

David Maude, Chair

Certified Correct:

Carly Bilney, Recorder

Saturna Island Local Trust Committee

Record of Public Hearing

SA-ALR-2023.1 (Hall)

Date: October 19, 2023
Location: Saturna Recreation and Cultural Centre
104 Harris Road, Saturna Island, BC

Members Present: David Maude, Chair
Lee Middleton, Local Trustee
Mairead Boland, Local Trustee

Staff Present: Brad Smith, Island Planner
Bruce Belcher, Planner 1
Carly Bilney, Recorder

Others Present: There were approximately five (5) members of the public present.

1. CALL TO ORDER

Chair Maude called the Public Hearing to order at 11:55 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. INTRODUCTIONS AND OPENING STATEMENT FROM THE CHAIR

Chair Maude introduced himself, the Trustees and staff present.

Chair Maude read a statement outlining the content, purpose, and process of the Public Hearing according to Section 465 of the *Local Government Act*.

Chair Maude noted that no written submissions had been received prior to the meeting. All relevant documents are contained in the Public Hearing binder, which is available to the public.

3. REVIEW OF PUBLIC HEARING NOTICE

Island Planner Smith reviewed the procedures for posting of notices and publication of Public Hearing according to statutes. There were no public submissions received in response to the notice. There were a number of referral responses from First Nations that the Local Trust Committee (LTC) received.

4. SA-ALR-2023.1 (Hall) - ALR Land Exclusion/Inclusion Application

Chair Maude asked if any members of the public would like to speak to application SA-ALR-2023.1 (Hall)

The following comments were made:

- Ronald Hall, the property owner requesting the exclusion, expressed surprise at the staff recommendation included in the report.
- Ronald Hall was in favour of the first alternative recommendation in the staff report.
- John Hutchison expressed support for the applicant's concern about the recommendation
- Daniel Thachuk commented on an increasing need to reflect on and work out competing interests, including First Nations interests

Chair Maude called a second time for any comments or submissions on the application.

Chair Maude called for submissions a third and final time.

5. ADJOURNMENT

Chair Maude noted that upon closure of the Public Hearing, any further questions or submissions should be forwarded to staff, as Trustees cannot hear or receive anything further on the application post-public hearing.

There being no further submissions, Chair Maude declared the Public Hearing closed at 12:07 p.m.

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

David Maude, Chair

Certified Correct:

Carly Bilney, Recorder

DATE



Resolutions Without Meetings Log

Saturna Island

Resolution Number	Action	Date
2023-005	Carried	10-Nov-2023
To adopt FOI Bylaw No. 139		
THAT Saturna Island Local Trust Committee adopt Bylaw No. 139, cited as "Saturna Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 139, 2023".		

Follow Up Action Report

Saturna Island

14-Feb-2020

Activity	Responsibility	Dates	Status
1 Letter to be sent from the chair to the appropriate agencies/people regarding the LTCs resolution supporting interim sanctuary zones for the recovery of Southern Resident Killer Whales (SKRWs). (see minutes and contact Trustee Middleton for further details). Trustee Middleton to provide draft wording for letter UPDATE - OCTOBER 2023 Staff to review current wording on marine traffic standing resolution and incorporate FUAL statements of support into an updated standing resolution for next meeting	Brad Smith	Target: 31-Dec-2022	In Progress
2 Letter to be sent from the chair to the appropriate agencies/people regarding the LTCs resolution supporting the regulation of commercial whale watching boats similar to the regulatory regime in the adjacent Washington State waters. (see minutes and contact Trustee Middleton for further details). Trustee Middleton to provide draft wording for letter UPDATE - OCTOBER 2023 Staff to review current wording on marine traffic standing resolution and incorporate FUAL statements of support into an updated standing resolution for next meeting	Brad Smith	Target: 31-Dec-2022	In Progress

19-Oct-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Saturna Island

19-Oct-2023

Activity	Responsibility	Dates	Status
1 9.1 July 27, 2023 meeting minutes adopted as presented	Emily Bryant	Target: 03-Nov-2023	Completed
2 10.1 Send letter to MOTI re advocating to road improvements on Harris Road RWM - 2023-004	Brad Smith	Target: 03-Nov-2023	Completed
3 13.1 SA-TUP-2023.1 - Application approved - Jas issue permit, Emily/Bruce to close-out file Updated TUP to go here to replace current: https://islandstrust.bc.ca/island-planning/saturna/current-applications/ Bruce - Add to monitoring requirement in TAPIS: follow-up to determine status of occupancy permit application in 6 months and then every 6 months after for Saturna Planner	Bruce Belcher Emily Bryant Jas Chonk	Target: 03-Nov-2023	Completed
4 13.2 SA-RZ-2023.2 (Thachuk) - BL 140 and 141 given 1st reading and ITPS statement checklist approved Jas - update amending bylaws and initiate referrals - update bylaws on website Emily - post Oct 19 staff report to applications webpage Brad - review referrals and determine if RWM feasible for Feb 15 CIM and PH (requested by Mairead) - Jas to provide timelines for notification	Brad Smith Emily Bryant Jas Chonk	Target: 03-Nov-2023	Completed

Follow Up Action Report

Saturna Island

19-Oct-2023

Activity	Responsibility	Dates	Status
5 13.3 SA-ALR-2023.1 (Hall) 1) Staff to contact ALC staff to clarify process steps the ALC would take to consider First Nation input after submission by a local government. 2) Staff to respond to Lyackson with status of process. 3) Staff to confirm cost estimate for site visit with Lyackson.	Brad Smith	Target: 03-Nov-2023	Completed
6 16.2 FOI BL 139 given 2nd/3rd reading, send to EC for approval	David Marlor Jas Chonk	Target: 03-Nov-2023	Completed
7 16.3 APC - staff to initiate advertisements for up to 5 members on an APC with specific focus on roadway infrastructure issues	Brad Smith Jas Chonk	Target: 10-Nov-2023	Completed
8 16.5 Staff to add to LTC projects list: 1) Review of bylaw enforcement notification requirements in BL 30 and 119 2) Review and update of Schedule E mapping for secondary suites in land use bylaw.	Brad Smith	Target: 03-Nov-2023	Completed
9 17.1.1. Draft 2024 LTC meeting schedule adopted as presented - Emily to book meetings, update schedules etc.	Emily Bryant	Target: 03-Nov-2023	Completed
10 16.1 Fees Bylaw - LTC gave direction to proceed with draft bylaw - staff to create bylaw and bring back to next meeting for further consideration.	Jas Chonk Robert Kojima	Target: 30-Nov-2023	Completed



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Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

November 7, 2023

File: 10280-60 (92B/14)

via e-mail: Trent.thomas@gov.bc.ca

Trent Thomas
BC Geographical Names Office
PO Box 9818 Stn Prov Govt
Victoria BC V8W 9W3

Dear Trent Thomas,

Re: Rescind name on Tumbo Island

On behalf of the Islands Trust Council, I thank you for inviting our comment on the request your office received to change the name of the location (Savage Point, Tumbo Island) detailed in Appendix A on page 2 of this letter, and on the attached map, that is within our Trust Area.

At this time, we have no concerns with the request to rescind the name. We understand that this means if the name is to be rescinded that it would no longer be labelled on provincial maps and charts or distributed as an official place name in B.C. until a supported naming proposal is brought forward and officially adopted by your organization.

We look forward to hearing the outcome of this request so we can update our records accordingly.

Kind regards,

Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

Enclosure

cc: Saturna Island Local Trust Committee
Executive Committee

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

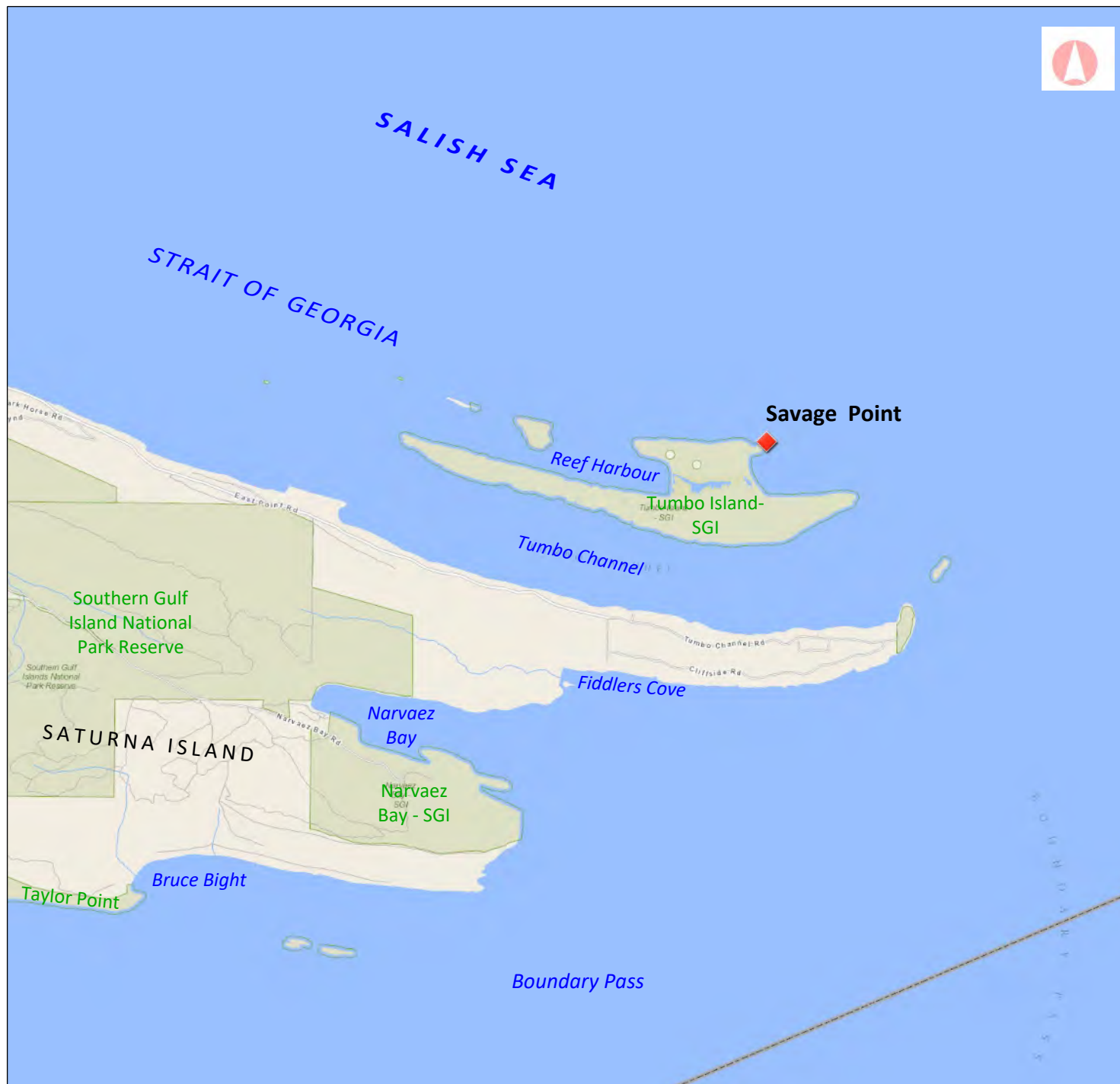
Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

Appendix A: Name Proposal

Rescind **Savage Point** for the NE point of Tumbo Island, off the NE coast Saturna Island, Capital Regional District.

- Adopted December 29, 1945.
- The name was established on a British Admiralty Charts, 1851.
- Significance or origin of the name was not recorded.
- This island is located at: 48.7978, -123.0611.
- Name record: <https://apps.gov.bc.ca/pub/bcgnws/names/17177.html>.

The request did not include a replacement name for this feature.



BC Geographical Names Office

Name Information

Savage Point

Adopted: January 14, 1946
Location: 48.7977, -123.0611
Relative Location: NE point of
Tumbo Island, off E end
Saturna Island, Capital
Regional District

NTS Map: 92B/14

0 1.47 2.94 km

1: 72,224

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Datum: NAD83

Projection: WGS_1984_Web_Mercator_Auxiliary
_Sphere

Key Map of British Columbia



Jas Chonk

Subject: FW: Saturna Island - request for changes to By-law 119
Attachments: SIRRA Request for By-law Changes Jan. '24.pdf

From: David Maude <davemaude@hotmail.com>
Sent: Friday, January 19, 2024 10:29 AM
To: Brad Smith <bsmith@islandstrust.bc.ca>
Subject: FW: Saturna Island - request for changes to By-law 119

From: [Robert R. Alloway](#)
Sent: January 19, 2024 10:27 AM
To: [Mairead Boland](#); [Lee Middleton](#)
Cc: [David Maude](#)
Subject: Re: Saturna Island - request for changes to By-law 119

To:
Members of the Saturna Island LTC
From: Saturna Island Residents & Ratepayers Association (SIRRA) (Rob Alloway, President)

Re: Requested amendments to Saturna Island Building By-law 119

Dear Trustees:

For ease of reference and distribution, I've attached a pdf letter directed to you, outlining SIRRA's request for two amendments to our building by-law. I have already spoken with all of you, and this letter is simply a formal request for changes already discussed at length. Our requests are driven by the need for a broader range of housing options than what is currently allowed on our island. The letter outlines selected island demographics, the need for these changes, and the specific sections of the by-law we ask you to consider amending.

Thank you for considering these changes for the betterment of our island. I look forward to your response.

Respectfully,
Rob Alloway - President, SIRRA

Rob Alloway



12th January 2024

To: Saturna Islands Local Trust Committee Members
Mairead Boland
Lee Middleton
David Maude (Chair)

From: Saturna Island Residents & Ratepayers Association (SIRRA) Sent via Email

Re: Removing Roadblocks to “Missing Middle” Housing Possibilities
Request for two modest changes to Saturna Land Use By-law 119

For the past year, SIRRA has carefully investigated what changes are possible within our island’s Building By-law 119 to foster and enhance appropriate housing solutions to meet our needs over the next decades. We are a population of 465 residents and SIRRA’s membership represents about 40% of that population. Our island currently has 484 dwellings, (225 of which are seasonal) and, pursuant to our Official Plan, there are only about 135 undeveloped densities remaining. Creating the right regulatory environment for what is essentially the last 20% of our island’s residential build-outs is vital to our island’s well-being. Without certain changes, the prospects of utilizing any of the remaining densities to increase the ‘missing middle’ stock of housing on our island, remains problematic.

Saturna still lags behind both provincial and CRD objectives to loosen up municipal building by-laws so that “missing middle” housing can be more easily built. Our own island demographics also point to the need for changes. Currently only 6% of our housing stock is owned by people under 39, (provincial equivalent is 16%). Our median age is now 64 (provincial median is 48), and 110 – almost 25% – of islanders are living alone. The long-term implication of even these few statistics suggest that our entire community would benefit from more, and cheaper, housing options. We believe that our two requested changes are in keeping with the vision of our Official Plan. They are most definitely consistent with Provincial directives to remove By-law impediments that frustrate efforts to build lower cost housing options than the traditional “one lot, one house” model that currently prevails.

Our two requests are as follows:

- 1) Allow any land-owner to apply for **Multitple Family Residential (MFR)** zoning where such land(s) qualify in other respects . Currently, section 4.5.1 (1) of the By-laws reserves this zoning exclusively for “*affordable, senior or special need housing*”. This well-intentioned wording remains a permanent obstacle to any kind of modest densification that could offer lower cost housing options to all residents from what is currently available. This change in no way would remove the existing review process associated with an application for a change to zoning. It would simply open up the possibility of such housing to all residents who might wish to build.

- 2) Amend section 2.18.5 so that **Secondary Suites** are permitted within Schedule E provided they include the installation of additional above ground water catchment in at least the same volumes as cited in 2.17 (21,820 litres). While we laud the intent of the current restrictions (“to protect areas identified as having moderate to high aquifer vulnerability”) the unintended consequence has been to make the building of secondary suites all but impossible on the island. The additional benefit of this change is that our By-law would better conform to the standing LTC Resolution passed in July of 2021 that sought to recognize water catchment systems as a viable and renewable source of water for homeowner use, without any threat to existing groundwater resources.

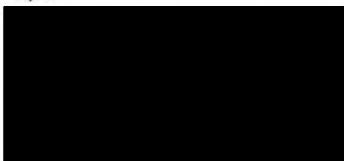
There are four LTC meetings scheduled for this year: Feb. 17th, May 16th, July 18th and October 17th. SIRRA is requesting that these two changes be reviewed and initiated within this calendar year. We are happy to make an “in person” presentation on any of those dates if that would be helpful.

We look forward to a response of your intentions to act on our request so that we can keep our members informed.

Respectfully submitted,



Rob Alloway – President, SIRRA
c/o





Islands Trust

BYLAW REFERRAL FORM

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

Island: North Pender Island Local Trust Area Bylaw No.: 234 Date: November 9, 2023

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Pender Islands Housing Society (PIHS), #7-5719 Canal Road Pender Island, BC V0N2M1

PURPOSE OF BYLAW:

The purpose of draft Bylaw No. 234 is to make amendments to the North Pender Island Land Use Bylaw No. 224 (LUB) to permit multi-family dwellings within the Community Housing 1 (CH1) zone.

Currently, the LUB limits the permitted use within the CH1 zone to only two-family dwellings. The property owner and non-profit housing provider, the Pender Islands Housing Society (PIHS), is seeking to broaden their options for construction of affordable housing units. No changes to density are being considered, only the number of permitted dwelling units allowed in each building.

Additional background, including the preliminary staff report and draft Bylaw No. 234 are located at:
<https://islandstrust.bc.ca/island-planning/north-pender/current-applications/>

GENERAL LOCATION:

North Pender Island Local Trust Area

LEGAL DESCRIPTION:

LOT 1, SECTION 11, PENDER ISLAND, COWICHAN DISTRICT, PLAN 45713

SIZE OF PROPERTY AFFECTED:

1.43 hectares

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Community Service

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/north-pender/projects/> under the heading "Land Use Bylaw Review".

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

BSmith

(Signature)

Name: Brad Smith

Title: Island Planner

Tel: 250-405-5194
Contact Email: bsmith@islandstrust.bc.ca
Info:

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Federal Agencies

n/a

Provincial Agencies

Ministry of Municipal Affairs & Housing

Ministry of Forests - Water Protection Branch

Non-Agency Referrals

None

Regional Agencies

Capital Regional District – Building Inspection

Capital Regional District – Planning & Protective Services

Adjacent Local Trust Committees and

Municipalities

Mayne Island Local Trust Committee

Saturna Island Local Trust Committee

South Pender Island Local Trust Committee

Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Snuneymuxw First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area
(Island)

(Signature)

(Date)

234
(Bylaw Number)

(Name and Title)

(Agency)

DATE OF MEETING: February 15, 2024

TO: Saturna Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: 101 Payne Rd Rezoning Application – Proposed Bylaws No. 140 and 141

Applicants: Daniel Thachuk, Jean Morgan, Linda Cunningham, Beverly Lowsley, Judith Myers

RECOMMENDATION

1. That the Saturna Island Local Trust Committee Bylaw No. 140, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2023” be read a second time.
2. That the Saturna Island Local Trust Committee Bylaw No. 141, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 2, 2023” be read a second time.
3. That the Saturna Island Local Trust Committee directs staff to schedule a public hearing on application SA-RZ-2023.2 (Thachuk), to be held electronically via a special meeting.
4. That the Saturna Island Local Trust Committee direct staff to schedule a community information meeting on application SA-RZ-2023.2 (Thachuk) to be held concurrently with a public hearing.

REPORT SUMMARY

The purpose of this staff report is to provide a summary of First Nation and agency referral responses for rezoning application SA-RZ-2023.2 and to seek direction from the Saturna Island Local Trust Committee (LTC) on next steps including the scheduling of a public hearing and Community Information Meeting (CIM).

The above recommendations are supported as:

- The proposal is reasonable and consistent with Saturna Island Official Community Plan No. 70 (OCP) policies and the Islands Trust Policy Statement (ITPS);
- There have been no significant concerns raised as part of the bylaw referral process;
- As there is a required OCP amendment a public hearing must be held and it is generally standard practice to hold a CIM prior to the public hearing;
- Proceeding with a public hearing will allow for the identification of any outstanding concerns, and,
- Holding the public hearing electronically will allow for faster processing of this application given there some urgency to transfer the densities and the next regular LTC meeting is not until May.

BACKGROUND

A rezoning application was submitted in March 2023. The joint property owners of 100 and 101 Payne Road are seeking to rezone the subject property to allow for an additional dwelling density to be added. Currently, the shared property has a single primary dwelling and an accessory cottage which are lived in by separate families.

The proposed additional density is to be purchased by the property owners from Judy Myers who owns a 35.6 acre lot located at 201 Harris Road. There are also three additional densities being transferred from 201 Harris Road to the LTC's Community Amenity Density Reserve (CADR), prior to the land being potentially donated to the Nature Trust of Canada.

At the July 27, 2023 meeting, the LTC received a preliminary report on application SA-RZ-2023.2 and directed staff to proceed with the application including the drafting of amending bylaws. The LTC gave first reading to proposed Bylaw No 140 and No. 141 at the October 19, 2023 meeting.

Staff have now completed bylaw referrals for proposed Bylaw No. 140 and No. 141 and are seeking direction from the LTC on next steps. Further information regarding the application is located here:

<https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

ANALYSIS

Policy/Regulatory

Bylaw No. 140 - Official Community Plan

In the [October 19, 2023 staff report](#), staff determined that the application is consistent with the policies of the OCP.

Based on the direction of the LTC at the July 27, 2023 meeting, proposed Bylaw No. 140 (Attachment 2) contains a site-specific OCP provision that allows for a smaller minimum lot size of 0.70 ha for the Payne Road subject parcel. This would allow for subdivision along the existing road boundaries and would avoid the need for Agricultural Land Commission (ALC) subdivision approval.

As this is the first instance where the CADR is being used, amending language is also included in Bylaw No 140 to better clarify the CADR tracking process in the OCP.

Land Use Bylaw

Proposed Bylaw No. 141 would amend the LUB by reducing the density of the 201 Harris Road parcel by 4, increasing the density of the Payne Road parcel by one, and transferring three densities into the CADR. These changes are realized through site specific bylaw amendments for each parcel. To ensure policy OCP D.1.G.2 is met, a site specific zoning amendment also establishes that only one dwelling per lot be allowed on the Payne Road parcel. In the interim between rezoning and subdivision, the cottage would be legal non-conforming as it was lawfully in place prior to the rezoning.

Islands Trust Policy Statement

At the October 19, 2023 meeting, the LTC passed a resolution that Bylaw No. 140 and 141 are not contrary to or at variance with Islands Trust Policy Statement (ITPS) policies.

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a CIM prior to that. In this case, staff recommend that they be scheduled concurrently.

Given there is some urgency in moving forward with the density transfer and the next regular scheduled meeting is not until mid-May, staff are recommending the public hearing and CIM be held electronically.

Public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing.

Agencies

Staff referred the proposed bylaws to the following agencies:

- CRD, Planning and Protective Services, Building Inspection
- CRD, Integrated Water Services (Lyllall Harbour – Boot Cove Water System)
- Island Health
- Ministry of Transportation and Infrastructure
- Mayne Island Local Trust Committee
- North Pender Island Local Trust Committee
- South Pender Island Local Trust Committee

Island Health responded in favour of the amendment but did provide a number of comments in respect of future development at the property in consideration of drinking water, sewerage disposal and Island Health's healthy built environment initiative (Attachment 3). Further in respect of water supply, CRD Integrated Water Services states: *"The CRD does not hold issue with the density transfer but cannot support an increased demand within the LHBC CRD water service area without further information being provided. If the subject property located at 100/101 Payne Road rezones, then develops any additional density, there should be a separate referral, as per any added demand/development, to confirm LHBC CRD water system capacity and requirements."*

In this case, as both 'new lots' are already built-out with septic and connected to the CRD water supply, the concerns of these agencies are largely avoided.

South Pender and Mayne LTCs responded that their interests are unaffected. No other responses were received.

No specific bylaw amendments or conditions of rezoning are recommended in response to these agency referrals.

First Nations

Staff initiated referrals to all identified First Nations consistent with the standardized list maintained by staff. Ts'uubaa-asatx Nation and Tsawwassen First Nation responded generally with no comment or no objections (Referral responses included as Attachment 4).

No other responses were received from First Nations.

Rationale for Recommendation

Based on the foregoing, the recommendation on page 1 is supported as:

- The proposal is reasonable and consistent with Saturna Island Official Community Plan No. 70 (OCP) policies and the Islands Trust Policy Statement (ITPS);
- There have been no significant concerns raised as part of the bylaw referral process;
- As there is a required OCP amendment a public hearing must be held and it is generally standard practice to hold a CIM prior to the public hearing;
- Proceeding with a public hearing will allow for the identification of any outstanding concerns, and,
- Holding the public hearing electronically will allow for faster processing of this application given there some urgency to transfer the densities and the next regular LTC meeting is not until May.

ALTERNATIVES

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

1. Request further information

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

Resolution:

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

2. Deny the application

The LTC may deny the application.

Resolution:

That the Saturna Island Local Trust Committee proceed no further with application SA-RZ-2023.2 (Thachuk).

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Resolution:

That the Saturna Island Local Trust Committee hold application SA-RZ-2023.2 (Thachuk) in abeyance.

NEXT STEPS

With direction from the LTC, Staff will initiate statutory notifications to hold a public hearing electronically.

Submitted By:	Brad Smith, Island Planner	January 25, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	January 25, 2024

ATTACHMENTS

1. Proposed BL 140
2. Proposed BL 141
3. Agency Referral Responses
4. First Nation Referral Responses

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 140

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

The Saturna Island Local Trust Committee in open meeting assembled enacts 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, 2023”.

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	19 TH	DAY OF	OCTOBER	2023.
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 OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 140**

SCHEDULE 1

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

1. Part C – Policies, Subsection C.1.3 is amended by deleting the sentence “Details are described further in Appendix A.” and replacing it with the sentence “A reference table is included as an information note following Schedule E, Appendix A and not forming part of the bylaw for tracking and controlling changes in unallocated density designated as CADR”.
2. Subsection D.1.G (Rural General) is amended by:
 - a. adding a new Article D.1.G.6 that states “Despite Article D.1.G.5, the minimum lot area for subdivision of *Lot 1, Section 18, Saturna Island, Cowichan District, Plan 6417* shall not be less than 0.70 hectares (1.73 acres)”
 - b. renumbering subsequent Article D.1.G.6 accordingly.

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 141

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

The Saturna Island Local Trust Committee, being the Local 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. 2, 2023”.

2. Saturna Island Local Trust Committee Bylaw No. 119, cited as “Saturna Island Land Use Bylaw No. 118, 2018,” is amended as follows:

2.1 Inserting a new row in the Site Specific Regulations Table immediately following the row referencing RG(e) with the Site-Specific Zone Reference of “RG(f)”, such that it reads:

RG(f)	Lot 1, Section 18, Saturna Island, Cowichan District, Plan 6417	(7) Despite 4.2.12 no subdivision plan may be approved unless the lots created by the subdivision have a minimum lot area of at least 0.70 hectares (1.73 hectares). (8) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have a minimum average lot area of at least 0.84 hectares (2.08 hectares).
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2.2 Inserting a new row in the Site Specific Regulations Table immediately following the row referencing RG(f) with the Site-Specific Zone Reference of “RG(g)”, such that it reads:

RG(g)	Lot 1, Section 5, Saturna Island, Cowichan District, Plan 25360	(9) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have a minimum average lot area of at least 7 hectares (1.78 hectares). (10) Despite Subsections 4.2.4 - 4.2.6, the maximum density is one (1) residence.
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2.3 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Lot 1, Section 18, Saturna Island, Cowichan District, Plan 6417 from Rural General (RG) to Rural General (f) [RG(f)], as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 119 as are required to effect this change.

2.4 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Lot 1, Section 5, Saturna Island, Cowichan District, Plan 25360 from Rural General (RG) to Rural General (g) [RG(g)], as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 119 as are required to effect this change.

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.

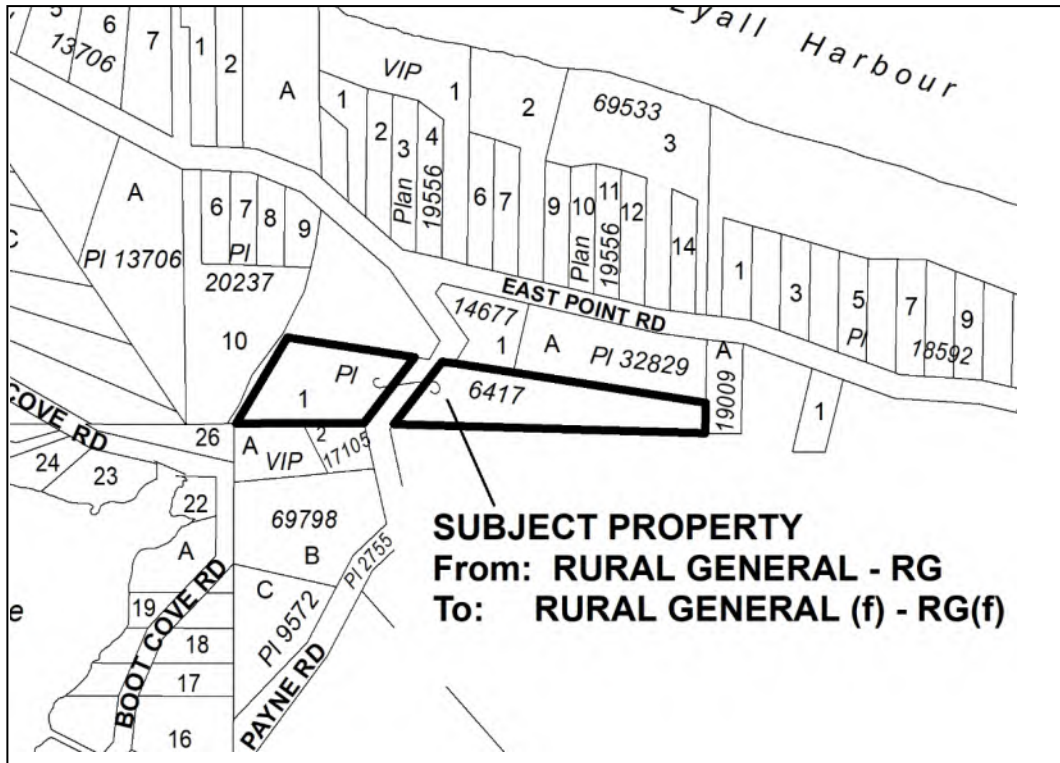
READ A FIRST TIME THIS	19 TH	DAY OF	OCTOBER	2023.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

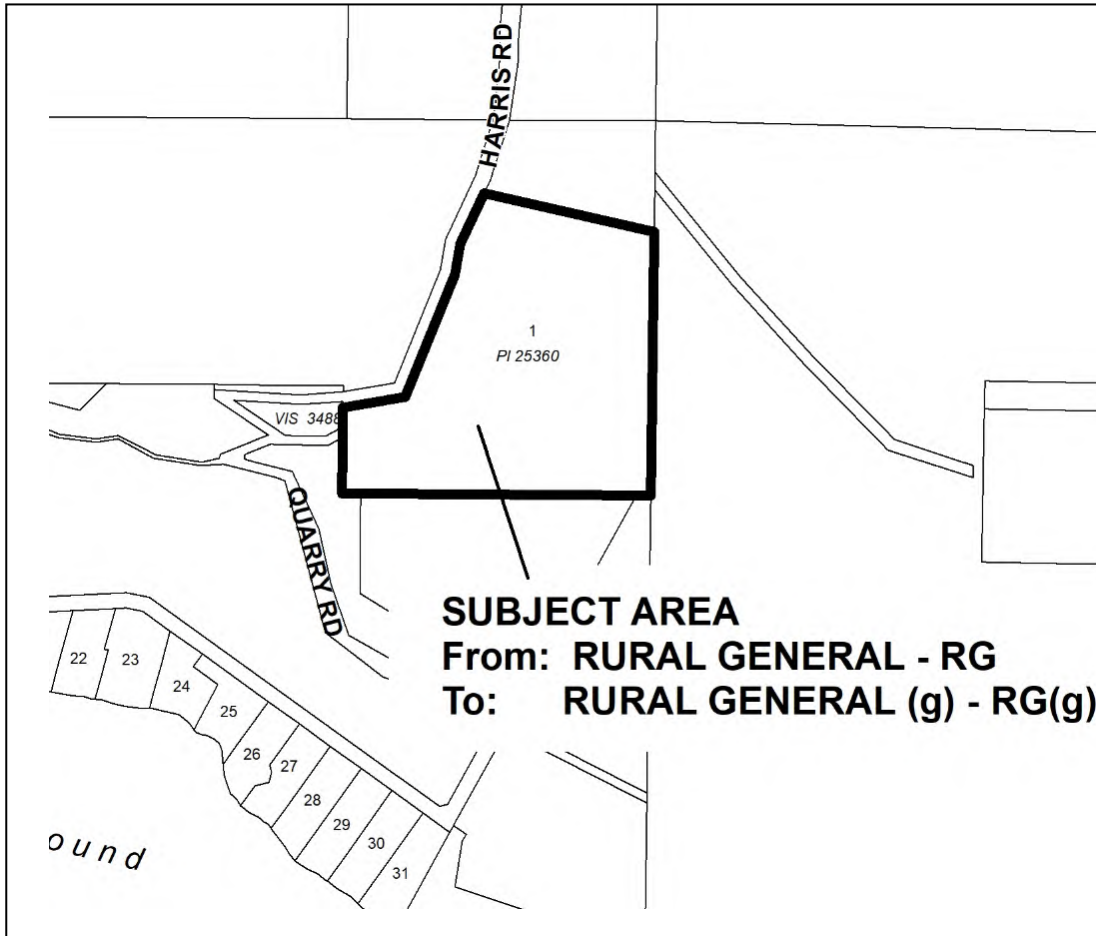
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 141

Plan No. 1



SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 141

Plan No. 2



BYLAW REFERRAL FORM

RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☒

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

The referral response from Vancouver Island Health Authority regarding the proposed bylaw referral for property located at 100/101 Payne Rd, Saturna Island is as follows:

This office has no objections to the proposed rezoning referral subject to the following conditions:

- 1) A referral for the subdivision of any land parcels is sent to the office for an assessment against the Island Health Subdivision Standards.
- 2) Any water supply systems serving more than one single-family residence must obtain the necessary approvals/permits as per the Drinking Water Protection Act and Regulation.
- 3) Any proposed sewerage systems are constructed in accordance with the Sewerage System Regulation (SSR).
- 4) Any installation of wells are constructed in accordance with the Health Hazards Regulation. In particular, a well must be installed at least 30m from any probable source of contamination, including fertilizer or manure application.

In addition, a comment from our Healthy Built Environments representative:

This application will offer protection of a land area of ecological significance. Protection of biodiversity within natural environments sustain the essential elements we need to live and provides positive impacts on health outcomes. Current evidence supports a relationship between biodiversity and measures of ecosystem functioning such as maintaining water quality, soil health, plant health and pollination.

In addition, the natural environment provides space for recreation, physical activity and promotes better mental health. There is a strong link between exposure and engagement with nature and the reduction of stress, chronic diseases, depression and anxiety and improvements to cognitive functioning.

Saturna Island Local Trust Area

(Island)

140/141

(Bylaw Number)

Hei Chih Chan

(Signature)

Hei Chih (Phoebe) Chan, Environmental Health Officer

(Name and Title)

November 20, 2023

(Date)

Island Health

(Agency)

From: Aggie Chan <AChan@crd.bc.ca>
Sent: Thursday, November 30, 2023 2:11 PM
To: Jas Chonk; SouthInfo
Cc: Brad Smith
Subject: RE: Saturna Island Local Trust Committee Proposed Bylaws 140/141 Referral - For Response

Attachments:

ReferralResponse_CRD_IslandsTrust_Saturna_100_101PayneRd_201HarrisRoad.pdf

Hi Jas,

Please find attached CRD's comments on the above-mentioned referral.

Regards,

Aggie Chan

Senior Administrative Secretary | Real Estate Services
T: 250.360.3176 |
[Facebook](#) | [X](#) | [Instagram](#) | [LinkedIn](#) | www.crd.bc.ca



Capital Regional District
625 Fisgard Street
Victoria, BC V8W 1R7

From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Thursday, November 30, 2023 10:32 AM
To: Aggie Chan <AChan@crd.bc.ca>
Cc: Brad Smith <bsmith@islandstrust.bc.ca>
Subject: RE: Saturna Island Local Trust Committee Proposed Bylaws 140/141 Referral - For Response

CRD IT SECURITY WARNING: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Ok thank you for letting us know.

From: Aggie Chan <AChan@crd.bc.ca>
Sent: Thursday, November 30, 2023 9:53 AM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: Jas Chonk <jchonk@islandstrust.bc.ca>
Subject: RE: Saturna Island Local Trust Committee Proposed Bylaws 140/141 Referral - For Response

Good morning,

CRD will have comments on this referral. I am waiting for one of the departments to send me their response. Sorry for the delay. We will get the comments to you as soon as we can.

Regards,

Aggie Chan

Senior Administrative Secretary | Real Estate Services

T: 250.360.3176 |

Facebook | X | Instagram | LinkedIn | www.crd.bc.ca



Capital Regional District
625 Fisgard Street
Victoria, BC V8W 1R7

From: Jas Chonk <jchonk@islandstrust.bc.ca>

Sent: Friday, October 27, 2023 2:50 PM

To: 'Gulf Info (PC)' <gulfinfo@pc.gc.ca>; 'Ryan.Pinches@gov.bc.ca' <Ryan.Pinches@gov.bc.ca>; Aggie Chan <AChan@crd.bc.ca>; Jessica Arnet <jarnet@crd.bc.ca>; 'Gateway_Office@islandhealth.ca' <Gateway_Office@islandhealth.ca>

Cc: Brad Smith <bsmith@islandstrust.bc.ca>

Subject: Saturna Island Local Trust Committee Proposed Bylaws 140/141 Referral - For Response

CRD IT SECURITY WARNING: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello Referral Coordinators:

The Saturna Island Local Trust Committee has asked that its proposed Bylaws 140 and 141 be referred to you for comment. The referral package prepared by Island Planner Brad Smith is attached.

Purpose: Amendments would be made to the Saturna Island Official Community Plan Bylaw No. 70, 2000 (OCP) and the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) to rezone the parcel located at 100/101 Payne Road to allow for an additional dwelling density to be added. Currently, the shared property has a single primary dwelling and an accessory cottage which are lived in by separate families, and these families are now seeking to separate their financial/property obligations to ensure their estate planning is properly taken care of.

The density for the additional dwelling is to be transferred from the parcel located at 201 Harris Road, which has been arranged through a private agreement between the property owners. As the additional proposed density is to be transferred from another parcel on Saturna, there is no net increase in overall density. In addition, three (3) densities would be removed from the Harris Road property and transferred to the Community Amenity Density Reserve (CADR) for potential future use by the LTC in meeting land conservation objectives. The transfer of these three (3) densities to the CADR is voluntary at the request of the property owner.

Additional information, including a preliminary staff report and the current bylaws, is available at:
<https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

A reply is respectfully requested by **Tuesday, November 28, 2023.**

Should you have any questions, or require further information, please contact Island Planner Brad Smith at 250-405-5194 or bsmith@islandstrust.bc.ca and he would be happy to answer any questions you may have.

Please direct referral responses to southinfo@islandstrust.bc.ca or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səliwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SÁÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁLP, WSIKEM, Xeláltxw, Xwémalhkwi, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

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CRD Staff Referral Response Form

Referral No.: Islands Trust - Saturna Island - 100/101 Payne Rd and 201 Harris Road

	Interests Unaffected	Approval recommended for reasons outlined	Approval recommended subject to conditions	Approval <i>not</i> recommended due to reasons outlined	Comments
Executive Services	☐	☐	☐	☐	NA
Finance & Technology	☐	☐	☐	☐	NA
Integrated Water Services	☐	☐	☒	☐	The subject property that is applying for rezoning and additional dwelling density is within the Lyall Harbour Boot Cove (LHBC) water service area. The proposed density transfer does not mitigate or cancel out the proposed density increase, as the proposed density transfer is from a parcel outside the LHBC water service area (201 Harris Rd), to the parcel within the LHBC water service area (100/101 Payne Rd). The proposed rezoning and density increase could result in an increased demand within the existing LHBC CRD water service area if the properties develop to their zoning potential. The CRD does not hold issue with the density transfer but cannot support an increased demand within the LHBC CRD water service area without further information being provided. If the subject property located at 100/101 Payne Road rezones, then develops any additional density, there should be a separate referral, as per any added demand/development, to confirm LHBC CRD water system capacity and requirements. If you have any questions, or require further information, please contact Natalie Tokgoz, Manager, Water Distribution Engineering and Planning, Infrastructure Engineering at 250-474-9516, or ntokgoz@crd.bc.ca.
Legislative Services	☐	☐	☐	☐	
Parks & Environmental Services	☐	☐	☐	☐	No Comments – Environmental Services No impact on interests – Regional Parks
Planning & Protective Services	☐	☐	☐	☐	NA

From: TFN Referrals <referrals@tsawwassenfirstnation.com>
Sent: Thursday, November 23, 2023 2:04 PM
To: Jas Chonk
Cc: Brad Smith
Subject: Re: Saturna Island Local Trust Committee Proposed Bylaws 140/141 Referral - For Response

Hi Jas,

Thank you for the email.

Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, TFN requests all copies of interim and final environmental and archaeological reports produced for this project.

hay čx^w qə

Thank you

Amelia Cooper, B.A., Cert.

Referrals Analyst

Treaty Rights and Title Department

Tsawwassen First Nation

1926 Tsawwassen Drive, Tsawwassen, BC V4M 4G4

C 604-619-6930



From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Friday, October 27, 2023 3:18 PM
To: TFN Referrals <referrals@tsawwassenfirstnation.com>
Cc: Brad Smith <bsmith@islandstrust.bc.ca>
Subject: Saturna Island Local Trust Committee Proposed Bylaws 140/141 Referral - For Response

Hello Tsawwassen First Nation Referral Coordinator:

The Saturna Island Local Trust Committee has asked that its proposed Bylaws 140 and 141 be referred to you for comment. The referral package prepared by Island Planner Brad Smith is attached.

Purpose: Amendments would be made to the Saturna Island Official Community Plan Bylaw No. 70, 2000 (OCP) and the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) to rezone the parcel located at 100/101 Payne Road to allow for an additional dwelling density to be added. Currently, the shared

property has a single primary dwelling and an accessory cottage which are lived in by separate families, and these families are now seeking to separate their financial/property obligations to ensure their estate planning is properly taken care of.

The density for the additional dwelling is to be transferred from the parcel located at 201 Harris Road, which has been arranged through a private agreement between the property owners. As the additional proposed density is to be transferred from another parcel on Saturna, there is no net increase in overall density. In addition, three (3) densities would be removed from the Harris Road property and transferred to the Community Amenity Density Reserve (CADR) for potential future use by the LTC in meeting land conservation objectives. The transfer of these three (3) densities to the CADR is voluntary at the request of the property owner.

Additional information, including a preliminary staff report and the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

A reply is respectfully requested by **Thursday, December 28, 2023.**

Should you have any questions, or require further information, please contact Island Planner Brad Smith at 250-405-5194 or bsmith@islandstrust.bc.ca and he would be happy to answer any questions you may have.

Please direct referral responses to southinfo@islandstrust.bc.ca or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səliwətaʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SÁAUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLELP, WSIKEM, Xeláltxw, Xwémalhwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.



Ts'uubaa-asatx Nation

Project Name:

Saturna LTC Bylaws 140 and 141

FN Consultation ID:

Islands Trust

Consulting Org Contact:

Jas Chonk

Consulting Organization:

[Islands Trust](#)

Date Received:

Friday, November 3, 2023

Ts'uubaa-asatx Nation
313B Deer Lake Road
Lake Cowichan, British Columbia
V0R 2G0
Phone: 250-749-3301
Fax: 250-749-4286

November 3, 2023

Islands Trust
Attn: Jas Chonk

'Au Si'em:

Ts'uubaa-asatx Nation is in receipt of the referral for: Saturna LTC Bylaws 140 and 141

This application is located within the Ts'uubaa-asatx Nation statement of intent area; it is the interest of the Ts'uubaa-asatx Nation to respectfully maintain our rights and access to the lands and resources throughout our territory.

Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this "no comment" response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory.

Furthermore, we may choose in the future to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.

Should you require any further information, please do not hesitate to contact our office.

'Uy' Skweyul,

Monty Horton

Hul'q'umi'num language terms:

'Au Si'em: a term denoting high respect.

'Uy' Skweyul: good day.

DATE OF MEETING: February 15, 2024
TO: Saturna Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Hall ALR Exclusion – Request for Additional Information

RECOMMENDATION

1. That the Saturna Island Local Trust Committee consider the submission of exclusion application SA-ALR-2023.1 to the Agricultural Land Commission after a requested site visit to the subject property for the Lyackson First Nation, and potentially any other Nation that requests a visit, is completed.

REPORT SUMMARY

The purpose of this staff report is to provide the Saturna Island Local Trust Committee (LTC) with additional information from the Agricultural Land Commission (ALC) and the Lyackson First Nation regarding exclusion application SA-ALR-2023.1 (Hall), and to seek further direction from the LTC on whether to proceed with submitting an exclusion application to the ALC. The above recommendation is supported as:

- The inclusion/exclusion proposal would increase potential agricultural capability on the land base and with no net loss to the Agricultural Land Reserve (ALR);
- The proposal does not conflict with Saturna Island Official Community Plan No. 70 (OCP) policies and associated regulatory bylaws;
- The LTC is the applicant for the exclusion application and a site visit as requested by the Lyackson First Nation would provide the opportunity for additional input or concerns to be considered consistent with the Islands Trust's Reconciliation Declaration; and,
- There are registered archaeological sites and mapped archaeological potential within the vicinity of both the proposed inclusion and exclusion subject areas.

BACKGROUND

The property owner, Mr. Ron Hall, has made a request to the LTC to consider submitting an Agricultural Land Reserve (ALR) exclusion application to the ALC. At the May 25, 2023 meeting, the LTC passed the following resolutions:

SA-2023-019

It was Moved and Seconded,

that the Saturna Island Local Trust Committee direct staff to submit an Agricultural Land Reserve exclusion application of behalf of the property owner for the subject properties located on Narvaez Bay Road with the PID numbers of 004-521-889 (exclusion property) and 015-692-205 (inclusion property) and to collect the \$750.00 application fee from the property owner prior to submission of the application.

CARRIED

SA-2023-020

It was Moved and Seconded,

that the Saturna Island Local Trust Committee requires that the property owner, through hired consultants, provide all technical support required by staff in respect of the submission of an Agricultural Land Reserve exclusion application for the subject properties located on Narvaez Bay Road with the PID numbers 004-521-889 (exclusion property) and 015-692-205 (inclusion property) and to enter into a cost recovery agreement with the Islands Trust for all costs associated with the application.

CARRIED

Based on this direction, staff and the property owner completed steps 1-3 to the [ALC exclusion process](#), including the holding of a public hearing and notification to First Nations.

At the October 19, 2023 meeting, staff presented a summary of input received through this process including the following response from the Lyackson First Nation:

After a preliminary review of the LCA Assessment Report by Madrone, there is insufficient information on a number of areas of concern. Without a site visit, we cannot assess the impacts to our constitutionally protected rights. Privatization, logging, and the expansion of residential properties continues to shrink the area we can safely access and harvest.

We would like to understand how the Saturna Island Local Trust Committee unilaterally passed a resolution of support without consulting with the proper rights and title holders. Lyackson First Nation does not consent to the proposed inclusion/exclusion and reiterates our rejection of unilateral decision-making.

Furthermore, and as previously communicated, we require capacity funding to support our meaningful engagement.

Based on this response, and Islands Trust policies with respect to cost recovery, staff made the following recommendation to the LTC:

- 1. That the Saturna Island Local Trust Committee requests staff to arrange a site visit to the subject property for the Lyackson First Nation, and potentially any other Nation, at the cost of the applicant via the existing cost recovery agreement for application SA-ALR-2023.1 (Hall).**

Following significant discussion, the LTC passed the following alternative motion at the October 19 meeting:

SA-2023-034**It was Moved and Seconded,**

That the Saturna Island Local Trust Committee direct staff to contact Agricultural Land Commission staff to clarify the process and steps the Agricultural Land Commission would take to consider First Nations input after submission by a local government and that First Nations respondents be informed of this step.

CARRIED

Staff have now communicated further with the ALC and the Lyackson First Nation as summarized in this staff report.

Note: a local government cannot charge a 'fee' to recover costs for an exclusion application (see: [paper](#) by Young Anderson). To date, costs associated with this application have been covered by a cost recovery agreement with the landowner, however this is entirely voluntary.

Additional application information, including the public hearing binder, is included here:

<https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

ANALYSIS

OCP and Zoning Review of Inclusion/Exclusion

The OCP designates the area of the proposed inclusion as Forest Land and the Exclusion as Rural. There are no associated OCP policies that would restrict either the proposed inclusion, nor the exclusion.

The exclusion area is zoned Rural General (RG) and the inclusion area Forest General (FG). Farm use is permitted in the Rural General zone on lots greater than 1.0 hectares. Farm use is only permitted in the Forest General zone on land within the ALR. As such, in this case, the inclusion would need to proceed in order for farm use to be allowed on the subject property.

The property owner has submitted additional information regarding the applicability of the proposal as it pertains to the various specifications in Section 6 of the *ALC Act* (Attachment 5).

Clarification of ALC Legislative Changes and Process Steps

Purpose of Legislative Amendments

- The intent of the 2019 legislative change was to encourage land exclusion applications be done as part of thoughtful land-use planning process by local governments within the context of OCPs/zoning bylaws.
- The changes were part of a broader package of legislative amendments intended to increase the independence of the decision-making at the ALC and to put more direct onus on local governments to participate as decision-makers in the ALR land exclusion process.
- 2019 News Release: <https://news.gov.bc.ca/releases/2019AGRI0020-000336>
- Publicly available [legal analysis provided by Young Anderson](#) summarizes the intent of the changes as follows (p6):

With the amendment of s. 29 of the Act, the Province has given deep statutory significance to the distinction that the Commission had identified in *McCall*. Where the local government is not willing to make the exclusion application itself, there will be no application at all. It seems clear that provincial policy on ALR exclusion applications is to integrate the ALR designations more firmly with local government land use policy, and to deprive local governments of the option of standing aside as owners seek to have their land removed from the ALR. Local governments may drive the bus, or keep the bus in the parking lot; they may no longer ride the bus.

- As the process still allows for property owners to advocate to local governments to submit an exclusion application on their behalf, ALC acknowledged that other local governments are having to consider similar requests and are wrestling with the same questions.

Inclusion/Exclusion Process Steps

- Decisions made by the ALC in respect of land inclusion and exclusion are independent of each other (Attachment 1):

Applications submitted to the Agricultural Land Commission are considered based on their individual agricultural merits and are considered on a case-by-case basis. With respect to a proposal that involves including land in the Agricultural Land Reserve (ALR) and excluding land from the ALR, each component of the proposal (inclusion, exclusion) requires a separate application. The inclusion application and the exclusion application would be considered separately and individually by the Commission. With respect to the outcome of the applications, each application can be either refused or approved (generally, with conditions). As such, you could imagine a situation where one application is approved while the other is refused, or vice versa.

- For inclusion applications, the LTC is only referred the application for comment and recommendations to provide to the ALC:

STEP 5: THE LOCAL GOVERNMENT CONSIDERS THE APPLICATION

The local government receives the application via the Application Portal and completes the following:

- Ensures the application information is sufficient for local government staff and the Board or Council to review and make informed recommendations
- Refers the application to its Board or Council for recommendations and comments
- Refers the application to various committees when necessary (e.g. Agricultural Advisory Committee (AAC), Advisory Planning Commission (APC))
- Completes a local government report and uploads it through the Application Portal
- Holds a public information meeting when necessary

- For exclusion applications the LTC, as the applicant, is required to pass a resolution and can choose to “refuse” to submit it to the ALC at their discretion:

STEP 4: Local or First Nation Government Passes a Resolution on the Application

- Council/Board passes a resolution to forward or not forward the application to the ALC
 - If forwarded, the application proceeds to the ALC for consideration (see Step 5 below)
 - If not forwarded, the application is refused.
- Local or First Nation government will update the application status in the ALC Application Portal to reflect the outcome of the Council/Board's resolution

- ALC staff have also clarified that typically an ‘inclusion’ applicant may withdraw their application if it is made conditional upon approval of a land exclusion (Attachment 2):

As noted in my correspondence, the individual merits of each application will be considered and each application can be refused or approved. As Ian noted, the applications can be submitted concurrently. In my observation of previous decisions, if the Commission understands that the applicant's proposal of inclusion is conditional on the approval of exclusion and if the Commission refuses exclusion but approves inclusion, the Commission will require written confirmation from the applicant confirming they wish to proceed with the inclusion of the land into the ALR prior to actually including the land into the ALR.

ALC Decision Making Authority

- The scope of ALC decision-making authority is narrowly defined in s. 6 of the [ALC Act](#). ALC staff cautioned that this means that the broader community and First Nation considerations that the LTC and other local governments need to consider may not be within the scope of the mandate of the Commission when considering approval or denial of an exclusion or inclusion application.

Purposes of the commission

6 (1) The following are the purposes of the commission:

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

Process Steps If LTC Submits Exclusion Application

If the LTC were to submit the exclusion application, the ALC may:

- Schedule a site visit for the Commission Members to visit the proposed exclusion site (They could also visit the inclusion site as part of that application if deemed necessary)
- Seek additional information from public/agencies/First Nations/Islands Trust staff through ALC staff
- It was deemed highly unlikely that the Commission would direct the undertaking of a site visit by Lyackson as part of their land inclusion deliberation process or have funding to do so, instead staff indicated that the Commission would find different ways to get that information eg. through staff engagement with Lyackson as required
- For exclusion applications, a meeting with the ALC and the local government is required. At this meeting, the LTC (and staff) would attend as the applicant and the property owner could also attend to speak to the application on their behalf.
- For inclusion applications no meeting is legislatively mandated; however, the LTC could request a meeting with the ALC on the inclusion, but would not be automatically granted one

Additional Input from Lyackson First Nation

Staff received the following additional input from the Lyackson First Nation regarding their request for a site visit (Email included as Attachment 3):

In terms of scope, site visits are important because it allows communities to see the features of the territory in question. There are archaeological and cultural features that can be perceived much easier in situ than on a map. For our members, they offer an experience of the space and what may be lost or

impact to their rights if there are (further) changes. It's also an opportunity to better understand the proposal and provide feedback and input on the nations views. I'm not sure what else I can tell you, would encourage Islands Trust to research what would be beneficial for it.

I will say that we ask for site visits in the context people who have been excluded from their territories in every sense and visiting their spaces is an important part of reclaiming them.

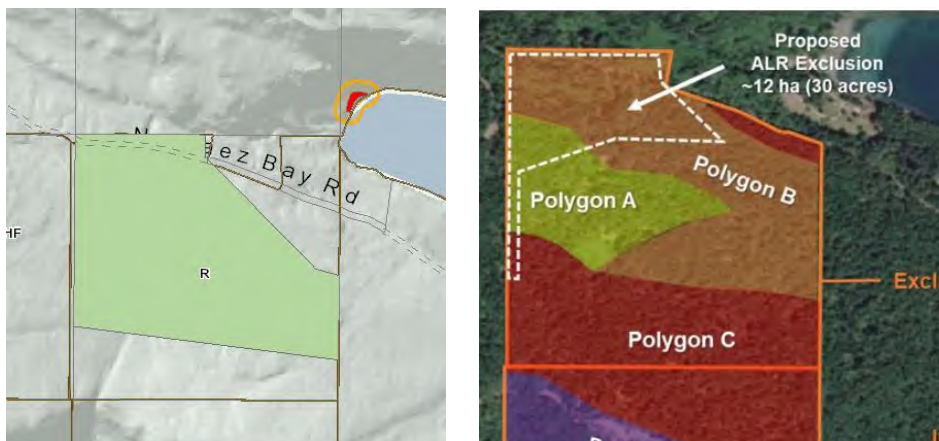
Our visits typically involve staff, a knowledge keeper / Elder / community member (if available) and cover staff costs, transportation, honoraria, per diem etc. A typical budget for a small site visit (e.g. day trip) is \$1,500 - \$5,000, largely dependent on amount of research, location and time.

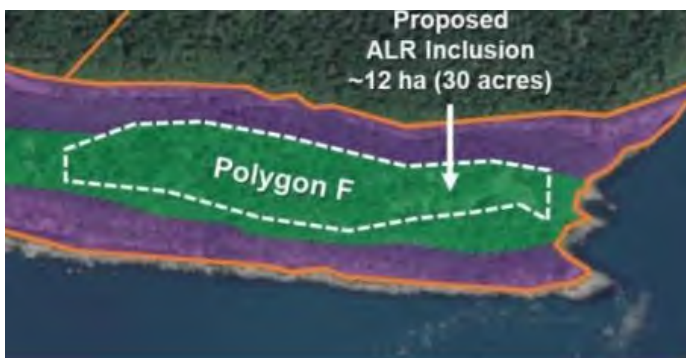
Here's an example of a day trip we did with MOTI last year for a visit to one of the nearby islands (for two staff, two community members, note it did not include archaeology). You will see our rates are modest, mileage costs and allowances based on federal government rates, per ISC.

Technical Staff Preparation, Meetings, Project and Internal Coordination	350.00
Professional Fees - Archaeology (not included - tbc)	-
Site Visit 2 LFN staff / community member / monitor	1,650.00
Accommodation	
Meals / Per Diem	445.00
Travel (ferry / mileage)	231.00
Report - Chief and Council	375.00
Sub Total	\$ 3,051.00
Administration 15%	457.65
Total	\$ 3,508.65

In this case, there are registered archaeological sites in near proximity of both the inclusion and exclusion areas, and archaeological potential identified on the subject properties themselves.

Figure 1. Archaeological Sites with 50 m buffer - Proposed Inclusion and Exclusion Areas





Given the proximity of known First Nation sites, and the further input provided by the Lyackson First Nation, staff are still of the view that a site visit by the Lyackson First Nation should be completed prior to the LTC deciding if it intends to submit the exclusion application.

As the LTC cannot require a site visit through cost recovery, the LTC's option is to request that the applicant voluntarily pay for a site visit.

Rationale for Recommendation

The recommendation on page 1 is supported as:

- The inclusion/exclusion proposal would increase potential agricultural capability on the land base and with no net loss to the Agricultural Land Reserve (ALR);
- The proposal does not conflict with Saturna Island Official Community Plan No. 70 (OCP) policies and associated regulatory bylaws;
- The LTC is the applicant for the exclusion application and a site visit as requested by the Lyackson First Nation would provide the opportunity for additional input or concerns to be considered consistent with the Islands Trust's Reconciliation Declaration; and,
- There are registered archaeological sites and mapped archaeological potential within the vicinity of both the proposed inclusion and exclusion subject areas.

ALTERNATIVES

1. **If the LTC does proceed in the absence of a site visit by the Lyackson First Nation, staff suggest the following motion:**

That the Saturna Island Local Trust Committee directs that staff submit application SA-ALR-2023.1 (Hall) to the Agricultural Land Commission for consideration of the proposed 12-hectare land exclusion.

Staff would proceed with submitting the application to the ALC, including the input provided by all First Nations.

2. **Request further information**

The LTC may request further information prior to making a decision. Recommended wording for the resolution is as follows:

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

3. **Deny the application**

The LTC may choose not to proceed with the application.

That the Saturna Island Local Trust Committee proceed no further with application SA-ALR-2023.1.

4. Hold the application in abeyance

The LTC may choose to hold the application in abeyance.

5. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Submitted By:	Brad Smith, PAg Island Planner	February 5, 2024
Concurrence:	Robert Kojima Regional Planning Manager	February 6, 2024

ATTACHMENTS

1. ALC Email 1
2. ALC Email 2
3. Lyackson Response
4. Applicant Information Submission

From: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>
Sent: Friday, December 1, 2023 9:01 AM
To: 'rhall@telus.net'
Cc: Brad Smith
Subject: RE: ALR Exclusion/Inclusion

Hi Ron,

Thank you for reaching out to me for clarification. I've cc'd Brad on this e-mail chain so we can all be on the same page.

Applications submitted to the Agricultural Land Commission are considered based on their individual agricultural merits and are considered on a case-by-case basis. With respect to a proposal that involves including land in the Agricultural Land Reserve (ALR) and excluding land from the ALR, each component of the proposal (inclusion, exclusion) requires a separate application. The inclusion application and the exclusion application would be considered separately and individually by the Commission. With respect to the outcome of the applications, each application can be either refused or approved (generally, with conditions). As such, you could imagine a situation where one application is approved while the other is refused, or vice versa.

I hope this helps to clarify, please feel free to reach out if you have any further questions.

Sincerely,



Nicole Mak (she/her)
Regional Planner – Island & South Coast (FVRD)
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6
T 236.468.3285 | F 604.660.7033
ALC.Island@gov.bc.ca | www.alc.gov.bc.ca

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-----Original Message-----

From: Ron Hall <rhall@telus.net>
Sent: Thursday, November 30, 2023 2:36 PM
To: ALC Burnaby ALC:EX <ALCBurnaby@Victoria1.gov.bc.ca>
Subject: ALR Exclusion/Inclusion

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Hello Nicole,

It is my understanding that you are the Regional Planner at the ALC who is responsible for Saturna Island.

I am aware that Brad Smith of the Islands Trust has been in contact with you in regard to the procedures used by the Commission when including and excluding land with respect to ALR designation.

Last September I was in touch with Ian Cox who was at that time a planner with the ALC. I presented a rough proposal for moving a part of the ALR designation on one parcel that I own, to another adjacent parcel that I also own. I received information from Ian that said that the inclusion and exclusion applications would be considered individually by the Commission, but they would be considered together as a piece in terms of the proposal as a whole.

Brad Smith reports to me, and to the Saturna Local Trust Committee, that if the inclusion and exclusion applications are made, that one (the inclusion) may be approved, and the other may not approved by the Commission.

This information is contrary to to that I received from Ian Cox, and I am wondering if you could clarify the procedures as they pertain to inclusion and exclusion as a concurrent proposal?

Thanks,

... Ron Hall

From: Ron Hall <rhall@telus.net>
Sent: Friday, December 8, 2023 8:42 AM
To: ALC Island Land Use ALC:EX
Cc: Brad Smith
Subject: Re: ALR Exclusion/Inclusion

Thank-you Nicole!

It seems we have enough information now to be able to submit the concurrent applications. But first, I have a couple of further things to cover off with Brad and the Trustees, so will get on to that shortly.

Your offer of a phone conversation is also appreciated. I will get in touch early next week to set up a time for a brief discussion.

Cheers,

... Ron

On 07/12/2023 9:51 a.m., ALC Island Land Use ALC:EX wrote:

Hi Ron,

Having read Ian's correspondence with you, I believe our advice is consistent. I'd be happy to discuss over the phone to clarify if you would like to schedule a time for a call.

As noted in my correspondence, the individual merits of each application will be considered and each application can be refused or approved. As Ian noted, the applications can be submitted concurrently. In my observation of previous decisions, if the Commission understands that the applicant's proposal of inclusion is conditional on the approval of exclusion and if the Commission refuses exclusion but approves inclusion, the Commission will require written confirmation from the applicant confirming they wish to proceed with the inclusion of the land into the ALR prior to actually including the land into the ALR.

Again, I'd be happy to discuss over the phone or via e-mail.

Sincerely,



Nicole Mak (she/her)
Regional Planner – Island & South Coast (FVRD)
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6
T 236.468.3285 | F 604.660.7033
ALC.Island@gov.bc.ca | www.alc.gov.bc.ca

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From: Ron Hall <rrhall@telus.net>
Sent: Friday, December 1, 2023 1:58 PM
To: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>
Cc: bsmith@islandstrust.bc.ca; mboland@islandstrust.ca; lmiddleton@islandstrust.ca; dmaude@islandstrust.ca
Subject: Re: ALR Exclusion/Inclusion

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi Nicole,

In response, I find that I am now in a position of having taken the advice of an ALC planner a year ago which is contrary to that which you have now given.

The assurance of the process received from the ALC were fundamental to the investment of time and monies I have put toward preparation for making concurrent applications for exclusion and inclusion.

On the advice provided to me by Ian Cox, at the time a planner with the ALC, I have expended approximately \$15,000 to have a Local Capability for Agriculture report prepared, as well as further significant amount for associated costs.

You will appreciate, I'm sure, that the ALC procedures you describe do not align with those provided to me a year ago. Under such circumstance it would be unreasonable to expect that I should be burdened with the risk of receiving approval of inclusion on one parcel along with no change in status of the other.

I trust you will realize there has been a serious failure of the ALC here.

My further question to you then is: how do we now move the applications forward under the terms originally provided to me by the ALC.

If you are unable to provide a reasonable solution, such as the ability to make concurrent applications with inclusion conditional on exclusion approval, I ask that you forward to a higher level at the ALC for consideration.

Thanks,

...Ron

Sent from my iPhone

On Dec 1, 2023, at 9:00 AM, ALC Island Land Use ALC:EX
<ALC.Island@gov.bc.ca> wrote:

Hi Ron,

Thank you for reaching out to me for clarification. I've cc'd Brad on this e-mail chain so we can all be on the same page.

Applications submitted to the Agricultural Land Commission are considered based on their individual agricultural merits and are considered on a case-by-case basis. With respect to a proposal that involves including land in the Agricultural Land Reserve (ALR) and excluding land from the ALR, each component of the proposal (inclusion, exclusion) requires a separate application. The inclusion application and the exclusion application would be considered separately and individually by the Commission. With respect to the outcome of the applications, each application can be either refused or approved (generally, with conditions). As such, you could imagine a situation where one application is approved while the other is refused, or vice versa.

I hope this helps to clarify, please feel free to reach out if you have any further questions.

Sincerely,



If you are not the intended recipient of this e-mail and attachments please notify the sender by return e-mail and delete the e-mail and attachments immediately. This e-mail and attachments may be confidential and privileged. Confidentiality and integrity of the information contained in this e-mail and attachments having been sent to the wrong person. Any use of this e-mail and attachments by the recipient is prohibited.

-----Original Message-----

From: Ron Hall <rhall@telus.net>

Sent: Thursday, November 30, 2023 2:36 PM

To: ALC Burnaby ALC:EX <ALCBurnaby@Victoria1.gov.bc.ca>

Subject: ALR Exclusion/Inclusion

[You don't often get email from rhall@telus.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hello Nicole,

It is my understanding that you are the Regional Planner at the ALC who is responsible for Saturna Island.

I am aware that Brad Smith of the Islands Trust has been in contact with you in regard to the procedures used by the Commission when including and excluding land with respect to ALR designation.

Last September I was in touch with Ian Cox who was at that time a planner with the ALC. I presented a rough proposal for moving a part of the ALR designation on one parcel that I own, to another adjacent parcel that I also own. I received information from Ian that said that the inclusion and exclusion applications would be considered individually by the Commission, but they would be considered together as a piece in terms of the proposal as a whole.

Brad Smith reports to me, and to the Saturna Local Trust Committee, that if the inclusion and exclusion applications are made, that one (the inclusion) may be approved, and the other may not approved by the Commission.

This information is contrary to that I received from Ian Cox, and I am wondering if you could clarify the procedures as they pertain to inclusion and exclusion as a concurrent proposal?

Thanks,

... Ron Hall

From: Brad Smith
Sent: Monday, February 5, 2024 2:46 PM
To: Brad Smith
Subject: Lyackson Site Visit - additional information

Good morning,

Thank you for your emails.

In terms of scope, site visits are important because it allows communities to see the features of the territory in question. There are archaeological and cultural features that can be perceived much easier in situ than on a map. For our members, they offer an experience of the space and what may be lost or impact to their rights if there are (further) changes. It's also an opportunity to better understand the proposal and provide feedback and input on the nations views. I'm not sure what else I can tell you, would encourage Islands Trust to research what would be beneficial for it.

I will say that we ask for site visits in the context people who have been excluded from their territories in every sense and visiting their spaces is an important part of reclaiming them.

Our visits typically involve staff, a knowledge keeper / Elder / community member (if available) and cover staff costs, transportation, honoraria, per diem etc. A typical budget for a small site visit (e.g. day trip) is \$1,500 - \$5,000, largely dependent on amount of research, location and time.

Here's an example of a day trip we did with MOTI last year for a visit to one of the nearby islands (for two staff, two community members, note it did not include archaeology). You will see our rates are modest, mileage costs and allowances based on federal government rates, per ISC.

Technical Staff Preparation, Meetings, Project and Internal Coordination	350.00
Professional Fees - Archaeology (not included - tbc)	-
Site Visit 2 LFN staff / community member / monitor	1,650.00
Accommodation	
Meals / Per Diem	445.00
Travel (ferry / mileage)	231.00
Report - Chief and Council	375.00
Sub Total	\$ 3,051.00
Administration 15%	457.65
Total	\$ 3,508.65

We still remain unclear as to why Islands Trust would be considering submitting an application for the ALR exclusion on behalf of the property owner.

Huy ch q'u

Karyn

From: Brad Smith <bsmith@islandstrust.bc.ca>
Sent: Thursday, October 26, 2023 11:13 AM
To: Karyn Scott <consultations@Lyackson.bc.ca>; Referrals <Referrals@Lyackson.bc.ca>
Cc: Robert Kojima <kojima@islandstrust.bc.ca>
Subject: RE: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Hi Karyn,

In further follow-up to Robert's email below, I also apologize for the timing of the public hearing notice being sent out prior to us responding to your specific concerns.

As this is a relatively new process for the Islands Trust in considering whether to submit an application for ALR exclusion on behalf of a property owner to the Agricultural Land Commission (ALC), we are still working out the process steps including how to effectively communicate and engage with First Nations on these matters.

I should clarify that no decision has been made by the Local Trust Committee (LTC) yet on whether they are willing to submit the application on behalf of the property owner, and the public hearing was only one required step to be completed prior to making that decision.

At the October 19, 2023 LTC meeting, the LTC did not direct staff to submit the application to the ALC. Instead, the LTC have requested that staff seek more information from the ALC regarding next steps in the review process should the Islands Trust submit the application on behalf of the property owner, including what steps would be taken to further consult with First Nations as part of the ALC process.

The LTC also directed staff to contact you at the Lyackson First Nation to determine in more detail what the scope of a site visit would entail, including an estimate of costs. To that end, would it be possible for you to provide more detail on the scope, costs and potential timing of a site visit? Alternatively, perhaps we could set up a zoom call to discuss further?

Best regards, Brad

Brad Smith, PAg
Island Planner, Southern Team
200-1627 Fort Street | Victoria BC V8R 1H8
(778) 679-5185 | bsmith@islandstrust.bc.ca | www.islandstrust.bc.ca
You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

From: Ron Hall <rhall@telus.net>
Sent: Friday, January 12, 2024 2:31 PM
To: Brad Smith
Cc: Lee Middleton; Mairead Boland; David Maude
Subject: Former ALR Boundaries Adjacent to 206 Narvaez Bay Road
Attachments: ALC Section 6 - Alignment.pdf

Hi Brad,

You have earlier mentioned the goal of the ALC as defined by Sec. 6 of the ALC Act.

I have put together some notes of applicability of the ALR move proposal as it pertains to the various specifications in Section 6.

Also, on the last page of the attached, I have put together a map which shows the Exclusion property with ALR designation as well as the adjacent GINPR properties that formerly had ALR designation on them. The map was created using a base taken from old documents in my possession that were provided during the Saturna OCP review. The purpose of the map in present form is to show the disruption of continuity in the ALR designation that occurred when the Parks properties had the ALR designation removed.

If the Exclusion application is submitted, I think the Section 6 comments and map attached here should be included. It would seem more appropriate to include it as part of the exclusion application.

Cheers,

... Ron

6 (1) The following are the purposes of the commission:

(a) to preserve the agricultural land reserve;

The proposal preserves, and in addition enhances, the agricultural capability of, land within the ALR.

(b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest;

The proposal, which would put land with improved agricultural capability into the ALR, encourages farming.

The proposal will make it possible to override the restriction imposed by the local government Forest General Zone, where the local zoning permits grazing but not actual farming. The ALR designation through the proposal's inclusion would make it possible to farm the inclusion parcel of land without being in contravention of the Forest General zoning.

(c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

As noted above, the local government defers to the ALR designation in regard to allowing farming to occur without regard to local zoning.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

(a) the size, integrity and continuity of the land base of the agricultural land reserve;

Under the proposal:

Size:

Size of ALR land base: unchanged,

Integrity and Continuity:

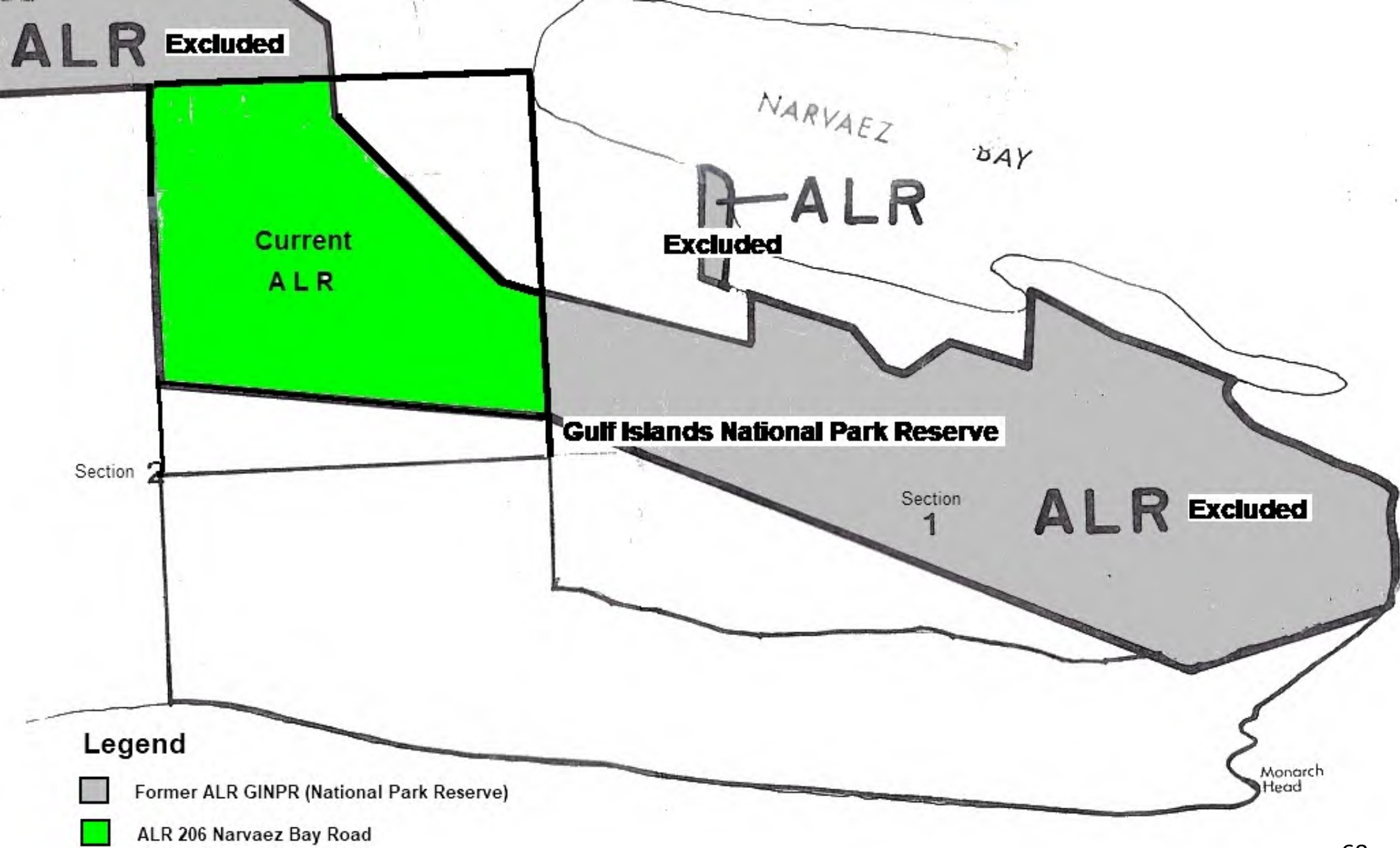
The continuity of the ALR land base was disrupted (circa 2006) by removal of the ALR designation from all Gulf Island National Park Reserve properties on Saturna, including the properties adjacent to the parcel with the proposed exclusion.

See map of former ALR boundaries.

(b) the use of the agricultural land reserve for farm use.

The proposed exclusion property has never been farmed, and likely never will be farmed due to the low quality soil, minimal soil surface cover with exposed rock, and difficult topography.

On the other hand, the proposed inclusion property is very likely to be utilized as a farm.





DATE OF MEETING: February 15, 2024
TO: Saturna Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Proposed Fee Bylaw

RECOMMENDATION

1. That the Saturna Island Local Trust Committee Bylaw No. 142, cited as “Saturna Island Local Trust Committee Fees Bylaw, 2023”, be given First Reading
2. That the Saturna Island Local Trust Committee Bylaw No. 142, cited as “Saturna Island Local Trust Committee Fees Bylaw, 2023”, be given Second Reading
3. That the Saturna Island Local Trust Committee Bylaw No. 142, cited as “Saturna Island Local Trust Committee Fees Bylaw, 2023”, be given Third Reading
4. That the Saturna Island Local Trust Committee Bylaw No. 142, cited as “Saturna Island Local Trust Committee Fees Bylaw, 2023”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee

REPORT SUMMARY

The purpose of this report is for the Saturna Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 142 which would replace Bylaw No. 90 (LTC Fees Bylaw) to include:

- An expanded Interpretation section.
- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

BACKGROUND

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fees bylaws based on the model.

The Model Fees Bylaw was endorsed by Trust Council in 2021 to establish applications fees that are more consistent with the costs of processing applications. There has been a significant and growing gap between the application fees being received and costs incurred to process those applications since the current fee bylaw was adopted in 2007. The Regional Planning Committee spent several meetings reviewing costs, fees and developing recommended new fees. As LTCs are obligated to consider applications, in the absence of increased fees application processing will be increasingly funded from general revenues. Increased fees would not fund 100% of the cost of processing applications, but would create a more equitable balance between 'user pay' and the general taxpayer. Increased fees were also recommended in the recent governance review ("greater cost recovery is required").

It may be useful to clarify when application fees are paid to Islands Trust. Fees are required for the following:

- When owners apply to amend the zoning on their property.
- Land use permit applications, including temporary use permits, development permits, development variance permits
- Owners who apply to subdivide their land into new lots

Many services are not, or cannot be funded by fees, including:

- Owners applying for a building permit: at the request of regional districts, Islands Trust staff review building plans for compliance with zoning but cannot charge a fee.
- Inquiries: owners, professionals and other agencies do not pay a fee for inquiries about zoning, development permit areas, to ask about process or jurisdiction, or for staff to direct inquiries to appropriate agencies.
- Applications by community organizations, where there is a community benefit, can apply to have fees refunded.

The previous LTC deferred consideration of adopting the new fee bylaw. The current LTC received a report at the May meeting, and at the October meeting adopted the following resolution:

SA-2023-035

It was Moved and Seconded,

That Saturna Local Trust Committee request Staff to draft a new Fee Bylaw based on the model Fee Bylaw attached to Trust Council Policy "5.6.1 Application Processing Services."

CARRIED

The draft fee bylaw (Bylaw 142) is attached. Please note: that as the model fee bylaw includes annual increases, the fees in draft Bylaw 142 have been revised to be consistent with the fees as of April 1st in the bylaws adopted by the other LTCs.

The North Pender and Saturna LTCs remain the only LTCs in the Trust Area not to have adopted the new model fee bylaw. The recommendation is for the LTC to give three readings to the draft bylaw and refer it to Executive Committee.

Rationale for Recommendation

The new fee bylaw was developed by the Regional Planning Committee, was endorsed by Trust Council in 2021, and has been adopted by 10 local trust committees. Adopting the new fee bylaw would bring greater cost recovery to the processing of applications, and would bring the LTC's fees in line with those of the other LTCs.

Next Steps

If the LTC gives three readings to the bylaw, it will be referred to Executive Committee for approval and come back to the LTC for consideration of adoption.

Submitted By:	Robert Kojima Regional Planning Manager	January 18, 2024
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ATTACHMENTS

1. Draft Bylaw No. 142

SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 142

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Saturna Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Saturna Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

- 1.1 This bylaw may be cited as the "Saturna Island Local Trust Committee Fees Bylaw, 2023".

Interpretation

- 2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Saturna Island Local Trust Committee Development Procedures Bylaw No. 43, 1992 to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;
- 2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$8,112
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,784

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,040
2. Protection of Development from Hazardous Conditions	\$1,040
3. Protection of Farming	\$1,040
4. Objectives for Form and Character	\$1,768
5. Objectives to Promote Energy Conservation	\$1,040
6. Objectives to Promote Water Conservation	\$1,040
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,040
8. Development Permit Amendment	\$1,040
Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1,976
10. Development variance permit (residential development)	\$1,976
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2,236
12. Temporary Use Permit Renewal	\$728
Other Permits	
13. Heritage Alteration Permit	\$1,768
Combination Applications	
14. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,600
15. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,120

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,040
2. Application for Subdivision Review – per additional lot created	\$104
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$520

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,288
2. Land Use Contract amendment	\$2,080
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,560
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$520
5. Strata Conversions	\$1,560

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Team Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenants at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is more than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Saturna Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 "Saturna Island Local Trust Committee Fees Bylaw No. 90, 2007" is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 202X

READ A SECOND TIME THIS _____ DAY OF _____, 202X

READ A THIRD TIME THIS _____ DAY OF _____, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

Active Projects Report

Saturna Island

<i>ALR Exclusion / Inclusion</i>	Responsible	Dates
ALR legislation requires local governments to initiated ALR exclusion applications. LTC is applying for an exclusion (and concurrent inclusion) on NORTH EAST 1/4 OF SECTION 2, SATURNA ISLAND, COWICHAN DISTRICT, EXCEPT PART IN PLAN 31309 (Hall)	Brad Smith	Rec'd: 25-May-2023 Target: 31-Oct-2023

Future Projects Report

Saturna Island

1. *Groundwater Sustainability Project*

Responsible

Date Received

Phase 1 report pending completed

LTC direction to defer proceeding with consideration of implementation

2. *Review of split zoning regulations in LUB*

Responsible

Date Received

Review of split zoning regulations in LUB

16-Feb-2023

3. *Review of bylaw enforcement notification requirements in BL 30 and 119*

Responsible

Date Received

19-Oct-2023

4. *Review and update of Schedule E mapping for secondary suites in land use bylaw.*

Responsible

Date Received

19-Oct-2023

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SA-ALR-2023.1	,	14-Jun-2023	NARVAEZ BAY RD: Application for exclusion (004-521-889) and inclusion (015-692-205) from the Agricultural Land Reserve.

Planner: Brad Smith

Planning Status

Status Date: 07-Feb-2024

Report on Feb 15 LTC meeting agenda

Status Date: 20-Dec-2023

Planner met with ALC staff over zoom

Status Date: 19-Oct-2023

Public hearing held at regular LTC meeting - post public hearing staff directed to collect more information re Lyackson site visit request and ALC process steps

Rezoning

File Number	Applicant Name	Date Received	Purpose
SA-RZ-2023.2	Linda Cunningham, Beverley Lowsley, M. Daniel Thachuk, & Jean Morgan	15-Jun-2023	101 PAYNE RD/201 HARRIS RD: Application for rezoning for a density transfer.

Planner: Brad Smith

Planning Status

Status Date: 07-Feb-2024

Staff report on Feb 15 agenda

Status Date: 27-Oct-2023

BL 140/141 sent out for agency and First Nation referrals

Status Date: 19-Oct-2023

BL 140/141 given 1st reading by LTC

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2017.1	RONALD H HALL	22-Nov-2017	Referral of a subdivision to create one new lot.

Planner: Brad Smith

Planning Status

Status Date: 08-Sep-2023

Final subdivision plan provided to planner, planner reviewed PLR conditions which have now all been met, final confirmation letter sent to MOTI and applicant

Status Date: 19-Jul-2023

Applicant indicates proof of water has been completed, staff waiting on submission of final subdivision plan from applicant to send letter to MOTI

Status Date: 08-Feb-2023

Applicant still working on proof of water

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2018.1	RONALD HALL	01-Feb-2018	Referral of a subdivision to create one new lot.

Planner: Brad Smith

Planning Status

Status Date: 08-Feb-2023

Applicant still considering options

Status Date: 13-Oct-2022

Planner emailed applicant seeking status update

Status Date: 10-Feb-2022

Applicant still considering options

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2022.1	Gaines Enterprises Ltd.	01-Feb-2022	Application for a proposed eleven lot subdivision.
Planner: Brad Smith			
Planning Status			
Status Date: 15-Nov-2023			
Staff sent PLR response to MOTI			
Status Date: 06-Oct-2023			
Staff to review and provide PLR conditions to MOTI in light of rezoning application approval and new layout			
Status Date: 01-Feb-2023			
Applicant has submitted rezoning application (SA-RZ-2023.1)			

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending December 2023

660 Saturna	Invoices posted to Month ending December 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-660	LTC "Trustee Expenses"	104.00	0.00	104.00
LTC Local				
65200-660	LTC - Local Exp - LTC Meeting Expenses	783.00	730.20	52.80
65210-660	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-660	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-660	LTC - Local Exp - Special Projects	271.00	0.00	271.00
TOTAL LTC Local Expense		<u>1,637.00</u>	<u>730.20</u>	<u>906.80</u>
Projects				
TOTAL Project Expenses		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2023-008 (Standing)	Carried	16-Feb-2023
16.5 Bylaw notification requirements on Saturna that it be resolved that Clause 2 in Saturna Local Trust Committee Bylaw 30 - A Bylaw to Authorize Inspection of Alleged Infractions Against Regulations - is replaced on an interim basis with the wording of Clause 14.1 from Saturna Local Trust Committee Bylaw 119 - Land Use Bylaws amalgamated. This clause reads 'The Island 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.' This Standing Resolution will remain in place until such time a review of Bylaw No. 30 and Bylaw No. 119 Section 1.4 'Inspection and Enforcement' can be reviewed and re-enacted through public process embodying Bylaw Enforcement Best Practices outlined in the 2022 Ombudsperson of British Columbia report concerning Local Government Bylaw Enforcement Policy and Practice.		
2021-007 (Standing)	Carried	21-Oct-2021
14.4 Potable rain water catchment systems That the Saturna LTC endorses the use of potable rain water catchment systems as proof of adequate potable water for residential subdivision, subject to the withholding of temporary or final occupancy permits until such catchment systems are in place.		
2020-006 (Standing)	Carried	14-Feb-2020
15.2 Whale Watching Vessel Operation in the Waters of the Local Trust Area Whereas the waters of the Saturna Island Local Trust area extend to the US border in Boundary Pass and Georgia Strait, the Saturna Island Local Trust Committee resolves that in the waters of the Local Trust area commercial whale watching boats be regulated and or licensed to mirror the regulatory regime under development in the adjacent waters of Washington State.		

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2020-005 (Standing)	Carried	14-Feb-2020
15.2 Whale Watching Vessel Operation in the Waters of the Local Trust Area Be it resolved that the Saturna Island Local Trust Committee fully supports the interim sanctuary zone for the recovery of Southern Resident Killer Whales (SRKWs) in the waters of the Saturna Island Local Trust Area.		
2019-047 (Standing)	Carried	18-Jul-2019
14.4 Adopted Policies and Standing Resolutions Be it resolved that in the waters of the Saturna Local Trust Area we support large commercial vessel speed reduction initiatives as part of the Southern Resident Killer Whale 2019 Conservation agreement signed between Canada and shipping industry stakeholders. We acknowledge voluntary speed reduction efforts in the Local Trust Waters and view the requirement to reduce transit speeds in support of SRKW recovery to be the equivalent of a voluntary bylaw in the Saturna Local Trust Area.		
2019-036 (Standing)	Carried	09-May-2019
13.2 Unlawful Short-Term Vacation Rental Enforcement Policy - Staff Report that the Saturna Island Local Trust Committee only authorize enforcement against unlawful short term vacation rentals, unless one of the following circumstances exists: 1. There is more than one complainant from the immediate neighbourhood; 2. The complaint is made by a representative of an improvement district and it concerns overuse of water; 3. The complaint concerns use of a common driveway servicing at least two separate lots; 4. There is a written complaint by owners or residents in the immediate neighbourhood about bona fide nuisance issues such as noise or parking congestion related to the STVR.		
2019-017 (Standing)	Carried	09-May-2019
7.1 Follow-up Action List Dated May 2019 that Saturna Local Trust Committee no longer wishes to receive bylaw referrals from adjacent local trust committee areas unless the planner deems it in the interest of the LTC to review and comment on a specific referral.		

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2019-011 (Standing)	Carried	17-Jan-2019
13.2 Unlawful Dwelling Policy - Mayne Policies & Standing Resolutions Table that the Saturna Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: There is a complaint from an immediate neighbour; or there is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 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.		
2018-050 (Standing)	Carried	04-Oct-2018
- 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: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.		

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2012-011 (Standing)	Carried	09-Feb-2012
It was Moved and Seconded that where a Liquor Control and Licensing Branch Special Occasion License 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		
2011-000 (Standing)	Carried	22-Jun-2011
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.		
2009-009 (Standing)	Carried	25-Feb-2009
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.		

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2007-016 (Standing)	Carried	16-May-2007
Travel Trailer or Camper It was Moved and Seconded that staff be directed to not take enforcement action against property owners when a travel trailer or camper is located on a lot when: - The travel trailer or camper is being used for recreational purposes by the owners of the lot and; - The travel trailer or camper is being used intermittently and for short periods not exceeding two months. Notwithstanding this direction, staff is to take action to prevent the recreational use of travel trailers or campers on inappropriately zoned land if: - The travel trailer or camper is being used as a second residence or; - The trailer or camper is situated within the setbacks for a structure or; - There are serious safety issues, unsightliness, noise, or health problems related to the use or; - A complaint based on the above three items is received from a person who owns neighboring property. Nothing in this direction should be interpreted by a property owner as giving permission to violate the Land Use Bylaw and the Saturna Island Trust Committee may change this policy at any time and may give direction to enforce the Bylaw at any time.		

MEMORANDUM

File No.: 400-30
12-RPT-HSNG

DATE OF MEETING: January or February 2024
TO: All Local Trust Committees
FROM: Stefan Cermak, Director
Planning Service
SUBJECT: **Housing Statute Changes to British Columbia Legislation**

PURPOSE

The purpose of this memorandum is for Local Trust Committee's to receive a copy of the Housing Statutes and Regulation Changes to BC Legislation briefings received at Trust Council December 7, 2023 and subsequently updated at Executive Committee December 20, 2023. The Executive Committee recommends that Local Trust Committees consider requesting to opt-in to the provincial's principal residence requirement for short term rental accommodations.

BACKGROUND

On December 7, 2023, Trust Council received a briefing: Housing Statute Changes to British Columbia (Attachment 1). The briefing provided an update and speaking notes on:

- The Short Term Rental Accommodation Act (Bill 35)
- The Housing Statutes (Residential Development) Amendment Act (Bill 44)
- Housing Statutes (Development Financing) Amendment Act (Bill 46)
- Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)
- Speculation and Vacancy Tax Act

On December 20, 2023, the Executive Committee received an update (Attachment 2) to the above briefing as provincial regulations were adopted the same day Trust Council considered the original briefing. After consideration, the Executive Committee carried the following resolution:

"That Executive Committee request staff to forward the housing statutes and regulation changes of BC legislation to local trust committees with a recommended consideration of request for opting in to the short term accommodation regulation for the 2025 intake." CARRIED

As per the attached briefing:

A sample Local Trust Committee resolution to opt-in to the provincial principle residence requirement may read:

That the [] Local Trust Committee request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [] Local Trust Area and that the [] Local Trust Area be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.

Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024. If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

NEXT STEPS

All Local Trust Committees, to the exception of Ballenas-Winchelsea, meet before the 2024 March Trust Council meeting. Staff will respond to the ministry in one letter that contains all opt-in resolutions immediately following Trust Council in March 2024. Staff will provide the appropriate background information that describes the area and jurisdiction.

Submitted By:	Stefan Cermak Director, Planning Services	January 18, 2024
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ATTACHMENTS

1. Attachment 1 - Trust Council Housing Statue Changes to British Columbia Briefing for the meeting December 7, 2023
2. Attachment 2 – Executive Committee Housing Statue Changes to British Columbia Briefing Update for the meeting December 20, 2023

To: Trust Council **For the Meeting of:** December 5, 2023

From: Stefan Cermak, Director,
Planning Services **Date Prepared:** November 15, 2023

SUBJECT: Housing Statute Changes to British Columbia Legislation

PURPOSE: To provide Trust Council with an update on recent and upcoming legislative changes regarding provision of housing in British Columbia, and how the legislation may affect the Islands Trust Area and local trust committees.

BACKGROUND:

The British Columbia Government has so far enacted, or is in the process of enacting, five pieces of legislation to increase housing supply throughout BC. They are:

1. ***Speculation and Vacancy Tax Act*** – came into force in on November 27, 2018. The Speculation and Vacancy Tax Regulation was last amended April 3, 2023.
2. ***The Short Term Rental Accommodation Act (Bill 35)*** – received Royal Assent on October 26, 2023 and will be brought into force by Ministerial regulations expected in December 2023.
3. ***The Housing Statutes (Residential Development) Amendment Act (Bill 44)*** - received First Reading on November 6, 2023, and is expected to receive Royal Assent before the end of 2023. This Act will also be brought into force by Ministerial regulations, which are expected in early 2024.
4. ***Housing Statutes (Development Financing) Amendment Act (Bill 46)*** – received First Reading on November 7, 2023, and is expected to receive Royal Assent before the end of 2023.
5. ***Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)*** received First reading on November 8, 2023 and is expected to receive Royal Assent before the end of 2023.

Speculation and Vacancy Tax Act

The *Speculation and Vacancy Tax Act* requires owners in prescribed areas to declare their primary home, and with certain exceptions, would be taxed on homes that they do not occupy as a primary residence. The Act applies to areas specified in the Act (municipalities in the Capital Regional District and Metro Vancouver, as well as seven other municipalities (Abbotsford, Chilliwack, Kelowna, Nanaimo, West Kelowna, Lantzville and Mission)). The Act also includes one unincorporated area, the University Endowment Lands. In April 2023, the list was expanded by Ministerial regulation to include six more municipalities (Duncan, North Cowichan, Squamish, Ladysmith, Lake Cowichan and Lions Bay).

Islands Trust Area and the rest of the Province is excluded from the *Speculation and Vacancy Tax Act* requirements. The Act allows the Minister, by regulation, to add areas to the list of areas to which the *Speculation and Vacancy Tax Act* applies.

The Short-Term Rental Accommodation Act.

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area. Staff understands that the regulations that bring the Act into force will include the ability for any municipality, regional district electoral area or local trust committee area, that are currently not included in the principal residence requirement for a short-term vacation rental, to opt-in. The regulation should address whether opting-out (once in) is something that could be considered, and if so, what the mechanism would be. Staff will know more about this once the regulations are released in December 2023.

The Act requires that platforms that advertise short-term rental accommodations to be registered with the Province. This may help with bylaw enforcement if the Province shares that information with local governments (the Act authorizes disclosure of personal information collected by the province under the authority of the legislation to be disclosed to local governments to support bylaw enforcement).

The Act also allows regional districts to issue business licenses for short-term rental accommodations, and where a business license scheme is in place, that a business license be required for advertising on platforms. The option for business licenses is not open to local trust committees, only regional districts.

The Act also removes legal non-conforming protection for short-term rental accommodation uses.

Action for the Islands Trust is for each local trust committee to consider whether or not it wants to opt-in. Opting-in would mean the Provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).

The Housing Statutes (Residential Development) Amendment Act

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area.

Residential Density Requirements

The Islands Trust Area is excluded by an amendment to the *Islands Trust Act* from the provincially mandated minimum density requirements. Ministerial regulation will establish to which municipalities the minimum density requirements will apply (staff understands that this will be all municipalities over 5,000 population).

The Act also allows the Minister by regulation to add an electoral area to the list on request of a regional district board. It is important to note that local trust committee areas could never be included in the density requirement without an amendment to the *Islands Trust Act*. However, Bowen Island Municipality could be included by Ministerial regulation either by virtue of its population (if the population goes over 5,000 Bowen may be automatically included), or on request of Bowen Island Municipal Council. The Act excludes land that is not on a municipal water or sewer system, is protected or are lots over a certain size.

There is no action required on this for local trust committees.

Housing Needs Reports Amendments

Housing Needs Reports now must include housing needs for 20 years (previously it was 5 years), and the first report is due by December 2028. Transitional provisions in the Act require that an interim report be received before a date to be prescribed by Ministerial regulation, or existing reports be updated by the

prescribed date to reflect the new 20 year horizon and a few other changes to housing needs content requirements.

These reports must then be published as soon as possible to the Islands Trust website, and the requirement to consider them in official community plans is continued. It appears that the mandatory requirement to adopt an official community plan and land use bylaw to reflect the housing needs report does not apply to local trust committees (this appears to apply only to municipal councils). This is a point that needs clarification with Ministry staff.

Action for Islands Trust is to ensure resources and funding is in place to update existing housing needs reports to meet the new requirements so they qualify as transitional, and then plan budget and resources to commission updates to the housing needs reports starting in 2028 and then every five years after that. While it is not mandatory for local trust committees, there should also be a program to ensure that all 20 official community plans are kept up to date reflecting the housing needs reports findings.

Public Hearing Changes

The Act now prohibits public hearings being held for land use bylaw amendments that are consistent with the official community plan and exclusively, or at least 50 per cent, residential. The intent is to allow public comment at the policy level (amendments to official community plans still require public hearings) and to streamline the approval process. There is nothing in the legislation that would prohibit less formal discussions between the local trust committees and Bowen Municipal Council and the community, such as open houses, surveys and community information meetings.

Action for Islands Trust is a change in process for local trust committees when considering land use bylaw amendments that are consistent with the Official Community Plan for residential rezonings, or land use bylaw amendments that contains at least a 50 per cent component of residential. Note that if there is a Official Community Plan amendment as part of the land use bylaw amendment, then a public hearing is required for the amendment to the Official Community Plan.

Housing Statutes (Development Financing) Amendment Act

Amenity Cost Charges

The Act adds a new section to the *Local Government Act* regulating how local governments develop and levy amenity cost charges (ACC), and makes changes to development cost charges and development cost levies (in the Vancouver Charter). The new system provides a framework and regulation on what may be considered as an amenity, who may be required to pay them and who may be exempted, the process to develop an amenity cost charges bylaw, and a reporting requirement. Amenity cost charges are charged at time of subdivision or issuance of a building permit.

Local trust committees are excluded by an amendment to the *Islands Trust Act* from the new ability of local government to levy amenity cost charges. Local trust committees are already exempt from the ability to levy development cost charges. The reason for the exemption is that both of these tools are intended to fund infrastructure improvements related to development, and local trust committee are not responsible for infrastructure.

The new legislation appears to apply to regional districts, and regional districts could, by bylaw, determine to collect amenity cost charges for new construction in the Islands Trust Area.

Housing Statutes (Transit Oriented Areas) Amendment Act

The Act adds a new section to the *Local Government Act* establishing minimum density and height requirements around prescribed transit stations and major bus stops. Regulations will establish which transit stops are included (likely in larger cities) and establish the distance around the stop and the minimum height requirements.

While local trust committees are excluded by an amendment to the *Islands Trust Act*, this is included here to complete the currently known legislative updates to the local government planning legislation.

ATTACHMENT(S):

Speaking Notes – Bill 35 (Short-term Vacation Accommodation) and Bill 44 (Housing Statutes).

FOLLOW-UP:

As requested by the Regional Planning Committee.

As this is new information, staff will update as more information on regulations becomes available. This should be forwarded to Trust Council and all trustees for information and to assist with answering public questions.

Prepared By: David Marlor, Director, Legislative Services

Reviewed By/Date: Robert Kojima, Regional Planning Manager
Stefan Cermak, Director, Planning Services/ November 8, 2023

Backgrounder/Speaking Notes

Bill 44 - Housing Statutes (Residential Development) Amendment Act, 2023 (First Reading version)

Bill 35 - 2023 Short-Term Rental Accommodations Act (Royal Assent)

November 9, 2023

[Bill 44 Housing Statutes \(Residential Development\) Amendment Act, 2023](#)

- The first reading of Bill 44 – 2023 Housing Statutes (Residential Development) Amendment Act, 2023 was on November 1.
- In this Act, "housing unit" means a self-contained dwelling unit
- "local government" includes a local trust committee as defined in section 1 of the *Islands Trust Act*

Minimum Density Requirements

The new provincially mandated minimum residential density requirements added to the planning section (Part 14) of the Local Government Act do not apply to local trust committees by a consequential amendment to the Islands Trust Act. Staff understanding is that this section will also not apply to municipalities under a certain population. The BC Government news release suggests most municipalities with a population under 5,000 people will be exempt; however this will be implemented by regulation. Likely this section will not apply to Bowen Island Municipality based on population. And if it does, would only apply where lots are connected to municipal water and sewage and the legislation excludes specified protected lots or large lots. Staff will need to wait for the regulation to know for sure.

Housing Needs Reports

Changes to the Housing Needs Reports requirements apply to local trust committees and Bowen Island Municipality as follows:

- Housing needs report must be received by December 31, 2028, and then by December 31st every five years after that. A transitional provision in the legislation requires that existing housing needs reports are updated to reflect the new requirements by a prescribed date – that date will be in the forthcoming regulations and will likely be by the end of 2024 or early 2025.
- Housing needs reports must consider five-year and 20-year timelines for expected housing requirements (previously only five years required).
- When developing or amending an Official Community Plan (OCP), the governing body must consider the most recent housing needs report and the OCP must include statements and map designations. The housing needs report should include approximate location, amount, type, and density of residential development that is required to meet anticipated housing needs over a period of 20 years.
- An OCP must now include provisions for 20 years of housing as determined in the housing needs report
- OCPs must be updated within a time period to be prescribed by regulation following receipt of an updated housing report (which will be required once every five years).
- The minimum requirements for housing must be permitted outright in the OCP, not conditional (i.e. cannot require conditions (such as provision of amenities) for the housing to be provided).

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

Public Hearing for Housing Rezoning

The following changes to the public hearing requirements for housing rezoning apply to local trust committees and Bowen Island Municipality:

- Public hearings on proposed zoning bylaws must **not** be held if:
 - an official community plan is in place for that area
 - the bylaw is consistent with the official community plan
 - the purpose of the bylaw is to permit a residential development
 - the residential component of the development accounts for at least half of the floor area of all proposed structures in the development
- Note that notice must be given if a public hearing is not held.

Official Community Plan Adoption

Previously, the decision to adopt an official community plan was discretionary. **Now it is mandatory.** This appears to not apply to the Islands Trust as it states municipal council and a prescribed class of regional districts. This needs to be clarified with Ministry staff but will be obvious once the regulation has been released.

- All municipal councils, board of a regional district, or a board in a prescribed class of regional districts must adopt one or more OCPs.

Bill 35: 2023 Short-Term Rental Accommodations Act

- **Royal Ascent October 26, 2023**– will be brought into force by regulation, which is expected in December 2023.

Registration of Short Term Rental Platforms

- Requires that all platforms advertising short-term rentals must be registered with the Province

Restrictions on Homes that can be used for Short Term Rentals

- For those lands not exempted, legislation requires that the short term rental occurs in the host's residence, or in not more than one accessory dwelling unit.
- Local trust committees are exempted; municipalities under a certain size will be exempted, unless adjacent to a major municipality that is not exempted. Staff not sure if Bowen Municipality will be included or exempted given its proximity to Metro Vancouver.
- Provincial staff have advised that local trust committees will be able to opt-in so that the residence restriction applies. How this happens will be determined by regulation; however, it is likely a resolution of the local trust committee requesting to be removed from the exempted list. The regulation will also indicate how a local trust committees that chooses to opt-in can opt-out in the future.

No Legal Non-Conforming Status

- The legislation removes legal non-conforming status for short-term rentals. This means that if there are any short-term rentals operating and the bylaws change to prohibit them, those short-term rentals cannot continue to operate. Non-conforming use protection will continue to exist for other land uses.

Business Licenses

- The legislation now allows regional districts to require business licenses for short term rentals. This option is not available to local trust committees.

Focus of the Legislation

- The legislation focuses on three key areas:
 - Increasing fines for Municipal Ticket Information (MTI), and strengthening tools for local governments. This is not applicable in all local trust areas, since only three LTCs have MTI bylaws (though those that don't can adopt an MTI bylaw). Bylaw Enforcement Notification ticketing can continue to be used to enforce.
 - Returning more short-term rentals to long-term homes
 - Establishing provincial rules and enforcement
- This proposed legislation will not apply to:
 - Hotels and motels
 - Additional types of properties, for example, timeshares and fishing lodges
 - Communities on First Nations reserve land
 - Modern Treaty Nations will also be exempt but will be able to opt into the legislation, if desired
 - Resort municipalities and mountain resort areas
 - Regional district electoral areas
 - Municipalities of less than 10,000 population, unless adjacent to a larger municipality that is under the regulation (but not an electoral area close to one)

Islands Trust Background:

- Islands Trust is a special-purpose government mandated to preserve and protect over 450 Islands and surrounding waters in the Salish Sea in cooperation with other levels of government
 - Poorly managed growth could threaten the preservation and protection of the Trust Area
- The Islands Trust Council has declared that a housing equity and workforce shortage crisis exists on many of the islands within the Islands Trust Area
 - Strengthening housing affordability is an Islands Trust Council priority
 - Lack of available workforce housing impacts the viability of island businesses, the ability to deliver services, and other aspects of community life such as volunteerism
- Short Term Vacation Rentals (STVR) have been a long standing concern for Islands Trust
 - In 2012, the Salt Spring Island Local Trust Committee was unsuccessful at seeking an injunction via the Supreme Court of British Columbia to restrain a company from using or offering residentially-zoned properties for commercial guest accommodation rather than on individual property owners
- It is recognized that STVRs likely have a positive economic impact on the islands
- While some STVRs are operated legally and responsibly, many are completely unlawful

- The funds generated through the rental of STVRs are also, in many cases, vital to the financial well-being and solvency of the property owner
- Primary concerns with STVRs are around impacts on availability of long-term rental housing, as well as the effect on limited groundwater resources
- Other negative impacts which are frequently mentioned are:
 - Increased noise, traffic and parking concerns
 - Increased fire risk
 - Increased consumption of disposable goods, production of solid waste, and sewage
 - Impacts to community character and cohesiveness
 - Lack of a fair playing field between legal and non-legal STVR operators, as well as regular commercial accommodation such as hotels and motels

Existing Islands Trust Regulations

- Local trust committees have taken a variety of approaches consistent with its each island's individual culture, history, and intensity of tourist use
- The main tools available to LTAs under the *Islands Trust Act* are modifications to the official community plans (OCP) and associated land use bylaws (LUB) to include STVR-specific provisions
 - Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.
- The OCP allows Temporary Use Permits to be issued for limited periods of time, and several islands have created specific guidelines
 - Bowen Island Municipality issues business licenses to operate a Residential Guest Accommodation, as it is incorporated as an island municipality and has more powers than local trust areas
 - There is interest from some islands in advocating to regional districts to institute business licenses for STVRs

Current Islands Trust Enforcement

- Since the 2012 Islands Trust loss in the Supreme Court of BC of a case that would have restrained a rental agent from using or facilitating the use of residential homes for STVRs on Salt Spring Island, Islands Trust has continuously found that accommodation platforms are not cooperative or assistive to bylaw enforcement efforts. In the 2012 case the judge found that the activities of the rental agent did not, on their own, constitute a breach of the land use bylaw.
- Currently, 204 open bylaw enforcement files, with the majority on Salt Spring Island
- There may be 500+ advertisements at any given time for all local trust areas, which must be continually vetted to ensure compliance
- Bylaw staff regularly review and update a database for the known operators
 - Co-op planning students have, at times, reviewed the listings
 - Since 2005, 532 STVR enforcement files have been closed

- During the peak summer season, the majority of bylaw staff resources are for STVRs
- Seven local trust areas have directed proactive bylaw enforcement on STVRs because of concerns about diminishing housing supply
- Bylaw notices (tickets) are issued when contraventions are confirmed. There is a mixed response to ticketing:
 - Some are disputed and there is a good response to negotiating compliance agreements to ensure a cease of unlawful operations
 - For those that have proceeded to adjudication, 90 percent of the tickets are upheld by an adjudicator
 - However, with a \$500.00 limit on bylaw notices penalties, the upscale operations charging \$500-700 per night can treat the penalties as the cost of doing business and makes court action, the next step in enforcement, an expensive choice.
- Enforcement staff note that the clear bylaw language in the Gabriola Island Land Use Bylaw has resulted in less complications and conflicts than have occurred in other local trust areas.
 - The Gabriola Island Land Use Bylaw also explicitly states that you cannot operate without that permit:
 - *B.6.3 Commercial Vacation Rentals*
 - B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee*
- There is currently a trend towards “glamping” operations on larger lots in an effort to maximize the number of rentals:
 - These operations are considered non-permitted campgrounds and it appears to be the next trend for STVRs, as it offers a lower cost for guests
 - These non-permitted campgrounds create a unique challenge because of the risks of improper sewage disposal for a large number of customers, and the threat to neighboring wells

Provincial Statistics

- In British Columbia in June 2023, there was an average of 28,510 short-term rental listings active each day (a year-over-year increase of 17.8%)*
- While the province’s STVR market is dominated by commercial operators*, this may not be the case for the Islands Trust Area
- The top 10% of hosts earned 48.8% of revenue*
- Listings operated by hosts with multiple listings were 48.4% of active listings and 51.7% of total host revenue in June 2023*
- In June 2023, 16,810 housing units were taken off BC’s long-term and shifting to the STVR market*

**Data from The Housing Impacts of Short-Term Rentals in British Columbia’s Regions. A report prepared by researchers from the Urban Politics and Governance research group, School of Urban Planning, McGill University*

BRIEFING

To: Executive Committee **For the Meeting of:** December 20, 2023

From: Stefan Cermak, Director,
Planning Services **Date Prepared:** December 14, 2023

SUBJECT: Housing Statute and Regulation Changes to British Columbia Legislation

PURPOSE:

To provide the Executive Committee with an update on recent and upcoming legislative and regulatory changes regarding provision of housing in British Columbia, and how the changes may affect the Islands Trust area and local trust committees.

Key Takeaways:

- A draft resolution is provided for local trust committees to opt-in to the principal residence requirement for Short Term Rental. Such a resolution needs to be made by March 31, 2024 to take effect by November 1, 2024.
- Local Trust Committees with MTI Bylaws (Gabriola, North Pender, Salt Spring, and Thetis) may amend the penalty fees to \$3,000 per infraction per day. Other LTCs would require MTI bylaws if seeking the extra short term rental disincentive.
- Housing Need Reports Regulations have not been adopted at time of drafting this briefing.

BACKGROUND:

On December 7, 2023, the Islands Trust Council was briefed on five recent and upcoming provincial legislative changes designed to increase housing supply throughout BC. On the same day, the province adopted Orders-In-Council (Regulations) for Bills 35 and 44 (Short Term Rental Accommodation and Housing Statutes (Residential Development) respectively) and released policy documents to assist local governments implement the changes.

1. **The Short Term Rental Accommodation Act (Bill 35)**
 - Received Royal Assent on October 26, 2023
 - NEW regulations (Order in Council) adopted December 7, 2023
2. **The Housing Statutes (Residential Development) Amendment Act (Bill 44)**
 - Received Royal Assent on November 30, 2023
 - NEW regulations (Order in Council) adopted December 7, 2023
3. **Housing Statutes (Development Financing) Amendment Act (Bill 46)**
 - Received Royal Assent on November 30, 2023
 - Does not apply to Local Trust Committees; applies to Bowen Island Municipality
4. **Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)**
 - Received Royal Assent on November 30, 2023

- Does not apply to Local Trust Committees; applies to Bowen Island Municipality
5. **Speculation and Vacancy Tax Act**
- Came into force in on November 27, 2018
 - The *Speculation and Vacancy Tax Regulation* was last amended November 16, 2023
 - Does not apply to properties in the Islands Trust area

The Short-Term Rental Accommodation Act and Regulations.

Materials pertaining to [Bill 35](#) - *Short-Term Rental Accommodation Act* include:

- Order in Council [679](#) – bringing into force specific provisions of the *Short-Term Rental Accommodation Act*, and making a regulation that addresses various details including interpretation, changes to exempt land, and general and specific exemptions.
- A policy guidance [document](#) for local governments detailing the new short-term rental framework including key considerations relating to principal residence requirements, time period regulations, legal non-conforming use, business licensing updates and enforcement responsibilities.
- Properties in the Islands Trust Area are exempt from the principal residence requirement. A local trust committee or Bowen Island Municipality needs a resolution requesting to be removed from the list of exempt land in order to “opt-into” the principal residence requirement. Opting-in would mean the provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).
- A sample LTC resolution to opt-in may read:
 - That the [XX Local Trust Committee] request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [XX Local Trust Area] and that the [XX Local Trust Area] be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.
 - Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024.
 - If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.
- Order in Council [680](#) - increases possible maximum bylaw ticketing fine from \$1,000 to \$3,000 (amends BC Reg 425/2003).
 - The maximum fine that a local trust committee may set for a bylaw ticket has been increased to \$3,000 per infraction per day in accordance with the Community Charter Bylaw Enforcement Ticket Regulation. Note that this has been implemented via “Municipal Ticket Information System Bylaws” (MTI Bylaw) within the Islands Trust Area. The following local trust committees have MTI Bylaws: Gabriola, North Pender, Salt Spring, and Thetis (Table 1).
 - MTI Bylaws have been generally replaced in favour of Bylaw Enforcement Notification (BEN) Bylaws. The maximum Local Trust Committee bylaw notices penalty of \$500 under the Local Government Bylaw Notice Enforcement Act (Bylaw Enforcement Notification (BEN) Bylaws) is overseen by the Ministry of Attorney General and remains unchanged (Table 1).

Table 1 LTCs Enforcement Bylaws and Associated Maximum Permitted Penalty

Local Trust Committee	MTI Bylaw (max: \$3,000 penalty)	BEN Bylaw (max: \$500 penalty)
Ballenas-Winchelsea	N/A	✓
Denman	N/A	✓
Gabriola	✓	✓
Galiano	N/A	✓
Gambier	N/A	✓
Hornby	N/A	✓
Lasqueti	N/A	N/A
Mayne	N/A	✓
North Pender	✓	✓
Salt Spring	✓	✓
Saturna	N/A	N/A
South Pender	N/A	✓
Thetis	✓	✓

- Effective May 1, 2024, the *Short-Term Rental Accommodation Act* removes legal non-conforming protection for short-term rental accommodation uses.

Bill 35, Order in Council 679, and the policy guidance document for local governments will be forwarded to the Regional Planning Committee as per the December 7, 2023 [draft] Islands Trust Council resolution:

“THAT Trust Council request the Regional Planning Committee to evaluate the Short Term Rental Accommodation Act to identify opportunities and challenges for implementation of the act on the management of short term rentals in the Trust Area.”

The Housing Statutes (Residential Development) Amendment Act

Materials pertaining to [Bill 44](#) – *Housing Statutes (Residential Development) Amendment Act* include:

- A Policy [Manual](#) & Site Standards document to guide updates to zoning bylaws, other regulatory bylaws, and policies undertaken to comply with Small Scale Multi-Unit Housing (SSMUH) legislation. In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the SSMUH legislation, a local government must consider any applicable guidelines for SSMUH, including this Policy Manual.
- Order in Council [673](#) – bringing into force specific provisions of the *Housing Statutes (Residential Development) Amendment Act* and making a Local Government Zoning Bylaw Regulation that among other things, prescribes: minimum densities, distances and parcel sizes. The regulation also provides additional details on what constitutes a bus stop, and details exemptions from small-scale multi-family housing requirements. Does not apply to local trust committees.

ATTACHMENT(S):

- Hyperlinks provided to Orders In Council and Policy Manuals

FOLLOW-UP:

Staff will update as more information on regulations becomes available (ex: Housing Needs Reports).
Staff may forward to Local Trust Committees for consideration of opting to the principal residence regulations.

Prepared By: Stefan Cermak, Director, Planning Services

Reviewed By/Date:

From: Mairead Boland
Sent: Sunday, January 21, 2024 6:39 PM
To: Lee Middleton; David Maude
Cc: Brad Smith; Jas Chonk
Subject: Request to revise Saturna Island Sch E - Secondary Suites - LUB No. 119
Attachments: Revise Schedule E - Saturna Secondary Suites..docx

Hello LTC,

I've attached a draft request to revise Saturna Island Sch E - Secondary Suites - LUB No. 119, which designates areas where secondary suites are not allowed.

<https://islandstrust.bc.ca/document/saturna-island-sch-e-secondary-suites-lub-no-119/>

I think that updating and correcting the map on the basis of the latest information is a valid and easy way to modestly increase the areas in which secondary suites are allowed.

I look forward to the discussion at the coming meeting,

Regards,
Mairead

For consideration under New Business at Saturna Local Trust Committee meeting on Feb 15th 2024.
Request to revise **Saturna Island Sch E - Secondary Suites - LUB No. 119** to bring it in line with current provincial maps of vulnerability to saltwater intrusion.

Purpose: to allow a modest number of legal secondary suites to be created on Saturna by increasing the areas where secondary suites are permitted.

Rationale: As of 2021, new methods have been used to estimate the risk of saltwater intrusion and the provincial maps have been updated. Furthermore, it is possible that the levels of risk excluded at that time (in Schedule E) included less vulnerable areas.

Background:

Nov 2017: Saturna LTC began a project to update the OCP and the LUB to allow secondary suites.

2 Bylaws were drafted (122 to update the OCP and 123 to update the LUB)

July 2018: The province response to a referral of these bylaws was:

- that they would not support secondary suites in areas identified as being at Moderate, Moderately High or High vulnerability to saltwater intrusion referencing the 2016 report by J. Klassen and D. Allen, Risk of Saltwater Intrusion in Coastal Bedrock Aquifers: Gulf Islands, BC (NOTE the following legend is on those maps and therefore *Low and Moderately Low* areas could be allowed secondary suites)
 - *Low, Moderately Low, Moderate, Moderately High, High*
- If water catchment was required, that “an adequate supply of potable water” be clarified. This requirement was proposed as mitigation for areas at risk of Moderate, Moderately High, High saltwater intrusion but was not supported by provincial staff and was therefore abandoned.

January 2019: Staff Report:

“This report has been prepared to further advance the Saturna Local Trust Committee’s work program priority to implement secondary suites within residences in the Saturna Island Local Trust Area. Previous reports and bylaws have been prepared (122 - OCP and 123 – LUB) and a public hearing has been held. As a result of referral comments received from Pat Lapcevic, Section Head of Water Protection at the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR), and direction given by the LTC, regarding aquifer vulnerability to saltwater intrusion new draft bylaws have been prepared (124 – OCP and 125 - LUB). This report recommends that bylaws 124 and 125 receive first reading and proceed to a community information meeting and public hearing.”

Conclusion: Bylaws 124 and 125 were presented and implemented together with Schedule E (a map indicating areas where secondary suites were/were not allowed).

Most of the island was excluded due to vulnerability to salt water intrusion (risk levels excluded: *Moderately Low, Moderate, Moderately High, High*).

Secondary suites were allowed in the CRD water improvement district because of access to a centralised managed water source.

DATE OF MEETING: February 15, 2024

TO: Saturna Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Southern Resident Killer Whale Interim Management Measures Review

PURPOSE

The purpose of this staff memo is to provide the Saturna Local Trust Committee (LTC) with a review of current standing resolutions and Follow-up Action List (FUAL) items related to Southern Resident killer whales (SRKW) and to seek guidance from the LTC on next steps with respect to these resolutions.

BACKGROUND

At the October 19, 2023 LTC meeting, the LTC directed staff to review the wording of standing resolutions and FUAL items related to SRKW. The LTC currently has the following standing resolutions pertaining to SRKW:

Resolution Number	Action	Date
2020-006 (Standing) 15.2 Whale Watching Vessel Operation in the Waters of the Local Trust Area Whereas the waters of the Saturna Island Local Trust area extend to the US border in Boundary Pass and Georgia Strait, the Saturna Island Local Trust Committee resolves that in the waters of the Local Trust area commercial whale watching boats be regulated and or licensed to mirror the regulatory regime under development in the adjacent waters of Washington State.	Carried	14-Feb-2020
2020-005 (Standing) 15.2 Whale Watching Vessel Operation in the Waters of the Local Trust Area Be it resolved that the Saturna Island Local Trust Committee fully supports the interim sanctuary zone for the recovery of Southern Resident Killer Whales (SRKW) in the waters of the Saturna Island Local Trust Area.	Carried	14-Feb-2020
2019-047 (Standing) 14.4 Adopted Policies and Standing Resolutions Be it resolved that in the waters of the Saturna Local Trust Area we support large commercial vessel speed reduction initiatives as part of the Southern Resident Killer Whale 2019 Conservation agreement signed between Canada and shipping industry stakeholders. We acknowledge voluntary speed reduction efforts in the Local Trust Waters and view the requirement to reduce transit speeds in support of SRKW recovery to be the equivalent of a voluntary bylaw in the Saturna Local Trust Area.	Carried	18-Jul-2019

The LTC also has the two following items on their FUAL since 2020 in respect of SRKW:

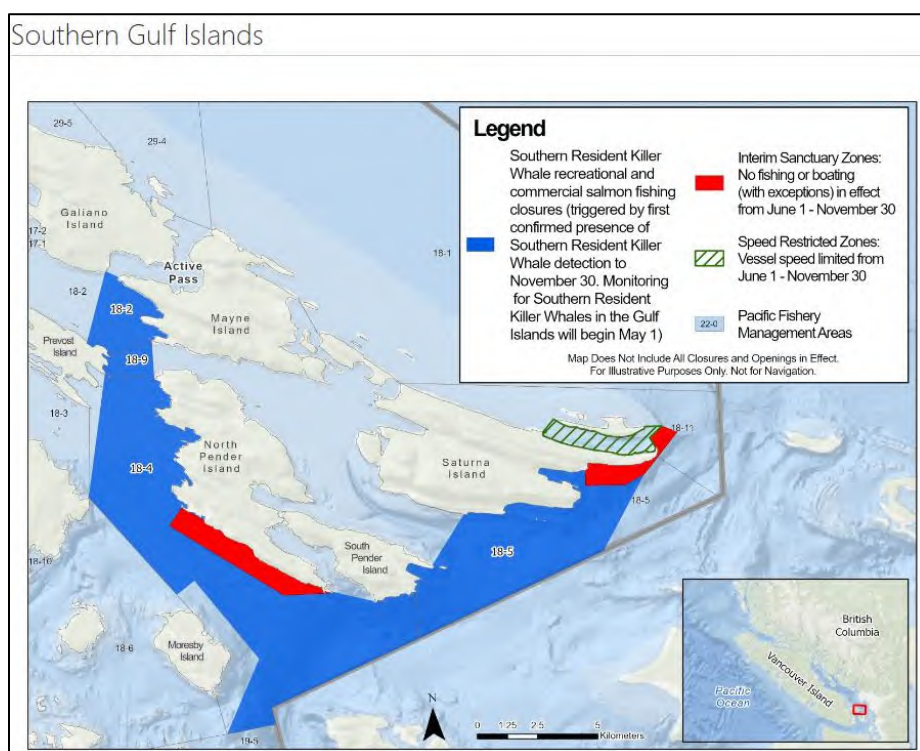
14-Feb-2020	31-Dec-2022	Letter to be sent from the chair to the appropriate agencies/people regarding the LTCs resolution supporting interim sanctuary zones for the recovery of Southern Resident Killer Whales (SRKW). (see minutes and contact Trustee Middleton for further details). Trustee Middleton to provide draft wording for letter UPDATE - OCTOBER 2023 Staff to review current wording on marine traffic standing resolution and incorporate FUAL statements of support into an updated standing resolution for next meeting	Brad Smith	
14-Feb-2020	31-Dec-2022	Letter to be sent from the chair to the appropriate agencies/people regarding the LTCs resolution supporting the regulation of commercial whale watching boats similar to the regulatory regime in the adjacent Washington State waters. (see minutes and contact Trustee Middleton for further details). Trustee Middleton to provide draft wording for letter UPDATE - OCTOBER 2023 Staff to review current wording on marine traffic standing resolution and incorporate FUAL statements of support into an updated standing resolution for next meeting	Brad Smith	

Government of Canada Proposed Interim Measures 2024-25

Since 2018, the Government of Canada (GoC) has been implementing annual measures to support the recovery of the SRKW in southern BC coastal waters, including protecting key foraging areas in the southern Gulf Islands. Measures include salmon fishing closures, a mandatory avoidance distance and prohibition on impeding the path of killer whales to keep vessels away, Interim Sanctuary Zones (i.e., vessel no-go zones), and mandatory vessel slowdown areas.

The GoC is seeking input through a [Public Survey](#) on 2024/2025 management measures to support SRKW recovery. The GoC is proposing the following 2024-2025 interim measures for areas around Saturna Island:

Figure 1. Fisheries Closures, Interim Sanctuary and Speed Restricted Zones

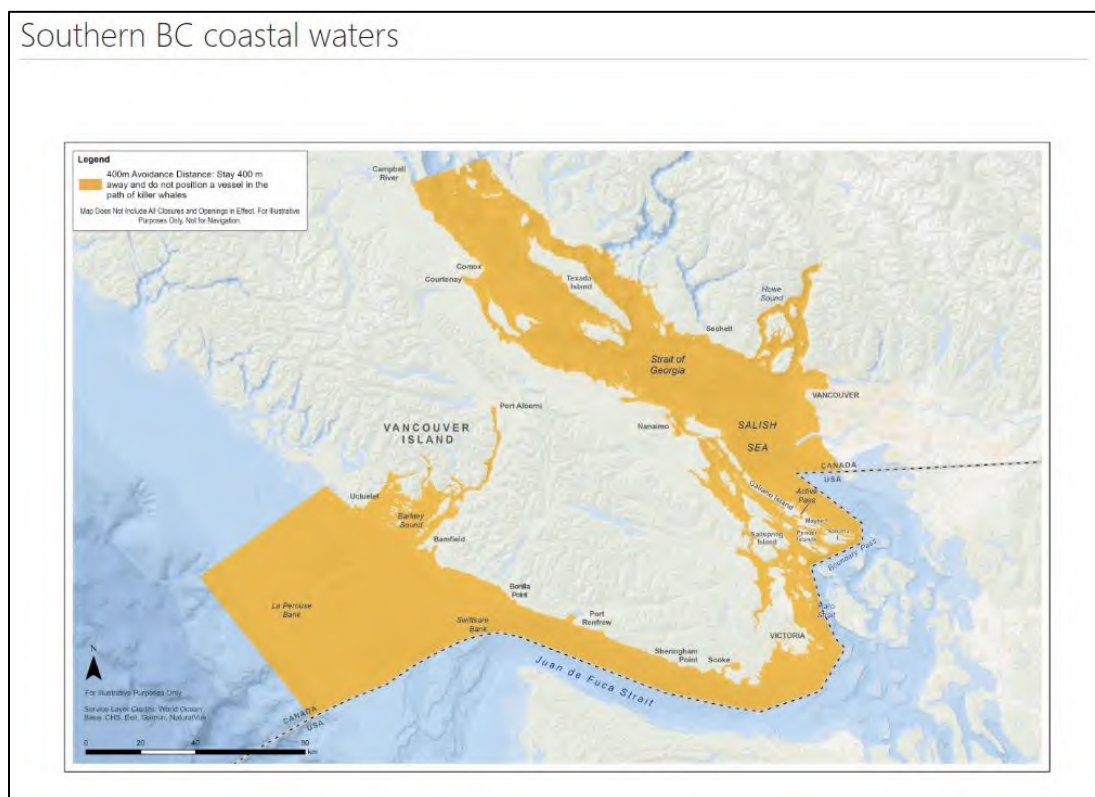


BLUE AREA: STATUS QUO (SAME AS 2023) FOR 2024 AND 2025. Recreational and commercial salmon fishing closures from first confirmed detection of southern resident killer whale in the area until November 30. Monitoring would begin on May 1. Food, social and ceremonial harvest is not prohibited.

RED AREA: STATUS QUO (SAME AS 2023) FOR 2024. Interim sanctuary zone: no fishing or boating (with exceptions) in effect from June 1 - November 30.

GREEN HATCHED AREA: *NEW PROPOSED* FOR 2024. Voluntary speed restricted zone: Vessel speed limited from June 1 - November 30.

Figure 2. 400 m Avoidance Distance and Pathway Impeding Prohibition Area



Orange Area: Status quo (same as 2023). The continuation of the 400m avoidance distance, whereby vessels are prohibited from approaching any killer whale at a distance of less than 400-metres, or impeding the path of an individual, or group of, killer whales in southern B.C. coastal waters. These measures are currently in effect until May 31, 2024 and may be proposed to be extended for another year until May 31, 2025.

Washington State Commercial Whale Watching Licensing Program

A [commercial whale watching licensing program](#) was established by the Washington State Legislature in 2019 and put into effect in 2021. This program includes an annual license and requirements that must be met by businesses and individuals who meet the state's definition of commercial whale watching.

Commercial whale watching businesses, operators, and kayak guides need to apply annually for their license(s), which includes completion of the annual required training. Rules and requirements for commercial whale watching, including requirements for the viewing of SRKWs, are in effect.

In Canada, while there are regulations and best practices in place to protect SRKWs from the impacts of whale watching, there is currently no specific licencing program that regulates the industry.

Recommended Wording for Standing Resolutions

Based on the information above, if the LTC decides to update their standing resolutions with respect to SRKWs, staff recommend that the following consolidated resolution be considered.

This resolution encompasses the items currently in standing resolutions 2019-047, 2020-005, and 2020-006, and also includes LTC support for the establishment of longer term permanent SRKW management measures, as proposed by the GoC.

Be it resolved that the Saturna Island Local Trust Committee fully supports the implementation of the following measures for the recovery of Southern Resident killer whales in the waters of the Saturna Island Local Trust Area:

- a) the continuation of annual interim measures by the Government of Canada including recreational and commercial salmon fishing closures, interim sanctuary and speed restricted zones, and avoidance requirements whereby vessels are prohibited from approaching any killer whale at a distance of less than 400-metres, or impeding the path of an individual or group;
- b) b) efforts by the Government of Canada to develop longer-term and permanent measures, and integrate the annual interim measures into existing management processes;
- c) large commercial vessel speed reduction initiatives as part of the Southern Resident killer whale 2019 conservation agreement signed between Canada and shipping industry stakeholders; and,
- d) that commercial whale watching boats be regulated and or licensed to mirror the regulatory regime established in the adjacent waters of Washington State.

If the LTC passes this resolution, they could also direct staff to send a letter to the GoC in response to the 2024/2025 measures survey. This would also allow for completion and removal of the two outstanding FUAL items.

That the Saturna Island Local Trust Committee directs staff to send a letter to the Government of Canada in support of the 2024/2025 proposed management measures for Southern Resident killer whale recovery and that includes the wording of standing resolution #TBD.

The LTC should also pass a resolution directing staff to remove standing resolutions 2019-047, 2020-005, and 2020-006 from the standing resolutions table as they will have been replaced by the new standing resolution.

That the Saturna Island Local Trust Committee directs staff to remove standing resolutions 2019-047, 2020-005, and 2020-006 from the standing resolutions table.

NEXT STEPS

Upon direction from the LTC, staff will update the standing resolutions table and initiate a response to GoC.

Submitted By:	Brad Smith, PAg Island Planner	January 30, 2024
Concurrence:	Robert Kojima Regional Planning Manager	January 31, 2024