



Saturna Island Local Trust Committee Regular Meeting Agenda

Date: November 7, 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 July 18, 2024 (for Adoption)		4 - 11
9.2	Section 26 Resolutions-without-meeting Report Dated Oct 2024		12 - 12
10.	BUSINESS ARISING FROM THE MINUTES		
10.1	Follow-up Action List Dated Oct 2024		13 - 13
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	Janet Land re LTC Housing Amendments Review		14 - 16

12.2	Fisheries and Oceans Canada re Southern Resident Killer Whale Proposed Management Measures	17 - 18
13.	APPLICATIONS AND REFERRALS	12:20 PM - 12:50 PM
13.1	PLDP20240229 (Anielski) – Staff Report (attached)	19 - 62
14.	LOCAL TRUST COMMITTEE PROJECTS	12:50 PM - 1:20 PM
14.1	Minor Housing Amendments Project – Staff Report (attached)	63 - 69
15.	REPORTS	1:20 PM - 1:30 PM
15.1	Work Program Reports (attached)	
15.1.1	<u>Active Projects Report Dated Oct 2024</u>	70 - 70
15.1.2	<u>Future Projects Report Dated Oct 2024</u>	71 - 71
15.2	Applications Report - Verbal Update	
15.3	Trustee and Local Expense Report Dated July 2024 (attached)	72 - 72
15.4	Adopted Policies and Standing Resolutions (attached)	73 - 77
15.5	Local Trust Committee Webpage	
15.6	Islands Trust Conservancy Report Dated July 2024	78 - 79
16.	NEW BUSINESS	1:30 PM - 2:00 PM
16.1	Dark Sky Principles Adoption Advocacy Briefing (Attached)	80 - 83
16.2	Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP) - Staff Report (attached)	84 - 88
16.3	Local Trust Committee Compliance and Enforcement Policy - Staff Report (attached)	89 - 98
17.	UPCOMING MEETINGS	2:00 PM - 2:10 PM
17.1	Draft 2025-2026 LTC Meeting Schedule (attached) (for Adoption)	99 - 99
	THAT Saturna Island Local Trust Committee adopt the 2025-2026 regular meeting schedule for the next fiscal year as proposed by staff.	
18.	TOWN HALL	2:10 PM - 2:25 PM
19.	CLOSED MEETING (Distributed Under Separate Cover)	

19.1 Motion to Close Meeting

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

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

AND that the recorder and staff attend the meeting.

19.2 Recall to Order

19.3 Rise and Report

20. ADJOURNMENT

2:25 PM - 2:25 PM

Saturna Island Local Trust Committee Minutes of Regular Meeting

Date: July 18, 2024
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
Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)
Lisa Millard, Recorder (electronic)

Others Present: Paul Brent, Capital Regional District (CRD) Electoral Area Director for the Southern Gulf Islands
Rob Fenton, Alternate Director for the Southern Gulf Islands

There were approximately 14 members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 11:35 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendments to the agenda were presented for consideration:

- 16.1 Bylaw Enforcement Protocols
- 16.2 Letter to Island Health
- 12.1 Add email correspondence from Janet Land

By general consent the agenda was adopted as amended.

3. TRUSTEE REPORT

Trustee Middleton reported the following:

- Working with Nature Trust of British Columbia to assist in securing the donation of the Myers property on Harris Road which entails dealing with Ministry of Transportation and Infrastructure subdivision requirements and resulting complications

Trustee Boland reported the following:

- Noted recent road improvements

- Attended Committee of the Whole discussion on the draft Islands Trust Policy Statement which mainly consisted of a closed meeting to receive legal advice

4. CHAIR'S REPORT

Chair Maude reported the following:

- Attended Trust Council
- Noted draft Trust Policy Statement work continues and anticipates public engagement process to commence in the fall
- Acknowledged the retirement of Chief Administrative Officer (CAO) Russ Hotsenpiller and welcomed Julia Mobbs who will act as interim CAO during the ongoing competition for permanent placement

5. ELECTORAL AREA DIRECTOR'S REPORT

Paul Brent, Capital Regional District (CRD) Electoral Area Director for the Southern Gulf Islands reported the following:

- CRD has purchased land on Galiano Island for a proposed twenty unit affordable housing initiative
- Rural housing strategy has been approved by the Board and will be funded in part by external financing coming in from the short-term vacation rental tax with additional internal funds being secured in 2025
- CRD will be paralleling the provincial program to fund secondary suites

6. TOWN HALL AND QUESTIONS

- A member of the public spoke to the re-establishment of the Advisory Planning Commission which would enable the public to have broader discussions about current topics such as the draft Trust Policy Statement. They also noted that education about what the Trust does, how land use bylaws affect residents, and language used by the Local Trust Committee would be helpful.
 - Island Planner Smith stated that an Advisory Planning Commission is referral driven and members can only consider information that is referred to them by the Local Trust Committee
 - Trustee Boland noted that the Advisory Planning Commission meetings have specific procedural requirements that might constrain community discussions while a Community Information Meeting can be held to provide information about a specific topic and is for the purpose of general discussion
- A speaker noted concerns about the Trust Council Policy Statement review process and referred to the open letter sent to Trust Council and signed by thirty-four past Trustees. They stated that Islands Trust is unique and Trustees have no clear model for their role and that the Trust is not a regional district, municipality, or non-profit environmental group therefore those models are not useful. They indicated concern that the Governance Committee did not rely on either the 1986 or 2021 reports which defined the responsibilities of the Trust and requested that the 2024 draft Trust Council Policy Statement be revisited.
 - The Chair and Trustees responded with the following comments:

- The Chair of Trust Council has committed to holding a session open to the public to discuss what was put forward as the condensed summary of the Policy Statement discussion has led to misunderstanding about intent
 - The discussion at Trust Council asks if Islands Trust was only concerned with the environment or if there are other factors for consideration and the question to be answered is if the Trust is a land use planning body with concern for environment or an environmental Trust that uses land use planning as a tool
 - The in-camera work has been seen as a non-transparent discussion but has generally been about legal concerns
 - The Policy Statement work is continuing and will be done in public venues
 - Trust Council will be requesting the Province do a governance review
 - The *Islands Trust Act* is ambiguous, 50 (fifty) years old, and leaves openings for questioning of the meaning of statements which causes division
- A member of the public asked why policy statement work was being done prior to a governance review
 - Trustees clarified that the work needs to continue as there is no guarantee when, or if, the Province will undertake a review
 - A speaker stated there should be a common area where a member of the public can review background information and other details related to the Trust Policy Statement work
 - Trustee Boland agreed that a web portal with an area for comments would be helpful and indicated she would bring it up at the next Trust Council meeting

7. COMMUNITY INFORMATION MEETING

7.1 Minor Housing Amendments Project

The Planner provided a presentation and highlighted the following:

- Intent of Community Information Meeting was to provide information to the community and answer questions to better inform the future decision making process
- Scope of the project was to review cistern requirements for water storage, update secondary suite mapping to include new provincial saltwater intrusion mapping, and look at Multiple Family Residential zoning
- A building permit can not been issued within the East Point water management area unless the applicant has water storage capacity of 4800 gallons and the Local Trust Committee is considering extending the requirement for water storage cisterns for new dwelling construction to other, or all, areas of the island
- Secondary suites had not been permitted in areas of water vulnerability
- Map to be updated to reflect areas where secondary suites may be appropriate by looking at groundwater recharge mapping and the land suitability analysis
- Multiple Family Residential zoning currently applies to one area for the purpose of providing housing for seniors and the project will look at community interest in amending the Official Community Plan and Land Use Bylaw to expand housing opportunities

- An overview of Islands Trust housing initiatives and zoning policy options across the Trust area was provided

The following public comments and questions were noted:

- Speaker asked if it mattered if stored water is potable
 - Island Planner Smith clarified that the Local Trust Committee has a land use planning function which can put in place requirements for water storage while other agencies regulate water systems and requirements of potable water. Staff also noted that the Local Trust Committee has a standing resolution that supports rain water catchment
- Speaker noted that cistern requirements would add costs for anyone building a house
 - Island Planner Smith replied that it would be a requirement of the building permit application
- Speaker asked if a single plan for rainwater catchment can be developed so that an engineer does not have to be hired and paid every time a new application is made for multiple lots within one development
 - Capital Regional District (CRD) Director Brent replied that the Provincial regulatory requirement is an approved application for each lot
- Speaker asked if areas that use private water systems would be included on the secondary suite suitability map
 - Island Planner Smith indicated that would need to be determined
 - Trustee Boland noted that the existing map excluded areas using private water systems with the exception of the CRD zone as the systems were deemed unreliable however she feels systems should be considered and it be determined how many secondary suites a system is capable of supporting
- Speaker stated that private water systems are unregulated and this should be looked into
- Speaker asked if the assumption is that adding more wells to an area that is mapped as having saltwater intrusion would invite further intrusion and inquired if there was data to support the assumption
 - Island Planner Smith indicated the Province had provided a considerable amount of data
 - Trustees noted that rain water catchment and desalination can be considered when wells might not be ideal
- Speaker asked if the Local Trust Committee had requested an interpretation of the rule that requires an assessment for each individual lot in order to prove water as those that design the systems indicate they are repeatable and a template could be used. They asked the Local Trust Committee to support the template approach to minimize costs associated with multiple individual assessments

- Island Planner Smith replied that Islands Trust is not the regulatory decision maker to approve water systems at time of subdivision build out and suggested that property owners consider collaborating to find a shared template solution to reduce engineering costs
- Speaker asked if rain water diminishment will be assessed
 - Electoral Area Director Brent noted that the Capital Regional District (CRD) had recently undertaken a study of weather projections for the next 30 years and had also looked at climate modeling and rain and snow forecasting, and this data is available to the public
- Speaker asked if the commercial zone allows multiple residences
 - Island Planner Smith noted conflicts with current bylaw which dictates no rezoning is allowed for increased residential density
- Speakers spoke to possibility of density transfer or increasing densities
 - Island Planner Smith noted that the community would need to decide if density increases or transfers are something they are interested in
 - Trustee noted there might be community interest in the possibility of revisiting the 150 densities that were lost when land was transferred to Parks Canada
- Speaker noted that the Local Trust Committee seemed interested in increasing housing and asked if the intent of multiple family housing and secondary suites is to increase availability of lower cost housing versus market housing
 - Electoral Area Director indicated that secondary suites are the most environmentally appropriate way to increase density and that they can be economically viable and supported by rain water catchment
 - Island Planner Smith added that water is a constraint when considering a multi unit building due to regulations surrounding rain water catchment
- Speaker inquired about the Trustee's goals if secondary suites are not a viable way of providing lower cost housing
 - Chair Maude said they are trying to open up opportunities and flexibility in housing options to provide long term possibilities
- Speaker asked that if the options discussed were not successful models then why would the Local Trust Committee spend time on this work
 - Chair Maude noted the idea it to open up potential possibilities and remove existing barriers
- Speaker spoke to the need for balance between open land, land that supports the environment, and the biodiversity of the area versus the need for more housing and asked if there was a rate of development the Local Trust Committee is considering
 - The Trustees replied that the Official Community Plan allows for 2000 people and 875 building structures and that is what the community consensus for density points to, and the intent of the project is to open up

the community discussion to look at minor incremental steps for potential avenues toward housing options

General discussion ensued about potential overdevelopment, housing solutions seen in other areas, and uniqueness of each of the gulf islands.

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Minutes Dated May 23, 2024 (for Adoption)

By general consent the Saturna Island Local Trust Committee meeting minutes of May 23, 2024 were adopted.

9.2 Section 26 Resolutions-without-meeting Report Dated June 2024

Received for information.

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated July 2024

Received for information.

11. DELEGATIONS - None

12. CORRESPONDENCE

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

12.1 Email correspondence from Janet Land.

Received for information.

13. APPLICATIONS AND REFERRALS - None

14. LOCAL TRUST COMMITTEE PROJECTS - None

15. REPORTS

15.1 Work Program Reports

15.1.1 Active Projects Report Dated July 2024

Received for information.

15.1.2 Future Projects Report Dated July 2024

Received for information.

15.2 Applications Report - Verbal Update

Received for information.

15.3 Trustee and Local Expense Report Dated May 2024

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

No updates.

15.6 Islands Trust Conservancy Report Dated May 2024

Received for information.

16. NEW BUSINESS

16.1 Bylaw Enforcement Protocols

Trustee Middleton noted the following:

- Local Trust Committee had a standing resolution on notice period required before Bylaw Officers attend private property
- A miscommunication related to a recent investigation might have occurred
- The Bylaw Compliance and Enforcement Manager is working with Local Trust Committees on a bylaw policy review and bylaw enforcement guidelines
- The Saturna Island Local Trust Committee will begin this work in the fall

16.2 Letter to Island Health

Trustee Boland referenced a conversation with a member of the community who informed her that during their subdivision application process Island Health did not acknowledge water catchment as their chosen method of proof of water.

Discussion ensued.

SA-2024-033

It was Moved and Seconded,

that Saturna Island Local Trust Committee write a letter to Island Health stating full support for water catchment (in accordance with Provincial Guidelines) as proof of potable water in case of subdivision and development applications as per the Saturna Local Trust Committee standing resolution.

CARRIED

17. UPCOMING MEETINGS

Discussion ensued about potential for a special meeting to hold a Community Information Meeting (CIM) before the next regular meeting. Island Planner Smith indicated a CIM can be included within the next regular meeting and that if more are needed a date can be set by resolution without meeting.

17.1 Next Regular Meeting Scheduled for October 17, 2024 at the Saturna Recreation and Cultural Centre, Saturna Island

18. TOWN HALL

No comments from the public.

19. CLOSED MEETING - None

20. ADJOURNMENT

By general consent the meeting was adjourned at 2:36 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Recorder

DRAFT



Resolutions Without Meetings Log

Saturna Island

Resolution Number	Action	Date
2024-005 SA-ALR-2023.1 to withdraw and close That the Saturna Island Local Trust Committee directs staff to withdraw Agricultural Land Commission exclusion application id 100176 from the ALC web portal and to close file SA-ALR-2023.1 (Hall).	Carried	23-Aug-2024
2024-004 To Adopt Bylaw No. 141 That Saturna Island Local Trust Committee adopt Bylaw No. 141, cited as 'Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 2, 2023'.	Carried	02-Aug-2024
2024-003 To Adopt Bylaw No. 140 That Saturna Island Local Trust Committee adopt Bylaw No. 140, cited as 'Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2023'.	Carried	02-Aug-2024

Follow Up Action Report

Saturna Island

23-May-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 In Camera - 1) March 26, 2024 in camera meeting minutes adopted as presented 2) Rise and report - Jon Spalding appointed to SA BoV 3) Rise and report - Carly Bilney appointed as secretary	Emily Bryant Jas Chonk	Target: 07-Jun-2024	Completed

18-Jul-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 9.1 May 23 LTC meeting minutes adopted as presented	Emily Bryant	Target: 02-Aug-2024	Completed
100%	2 16.2 Support for water catchment - SA-SUB-2022.1 (Gaines) - Brad/Emily to receive signed letter from Chair Maude and send to Island Health		Target: 02-Aug-2024	Completed

On Wed, 10 Jul 2024 at 16:06, Janet Land <[REDACTED]> wrote:

I want to offer the following comments on the Islands Trust Minor Housing Amendments Review Project.

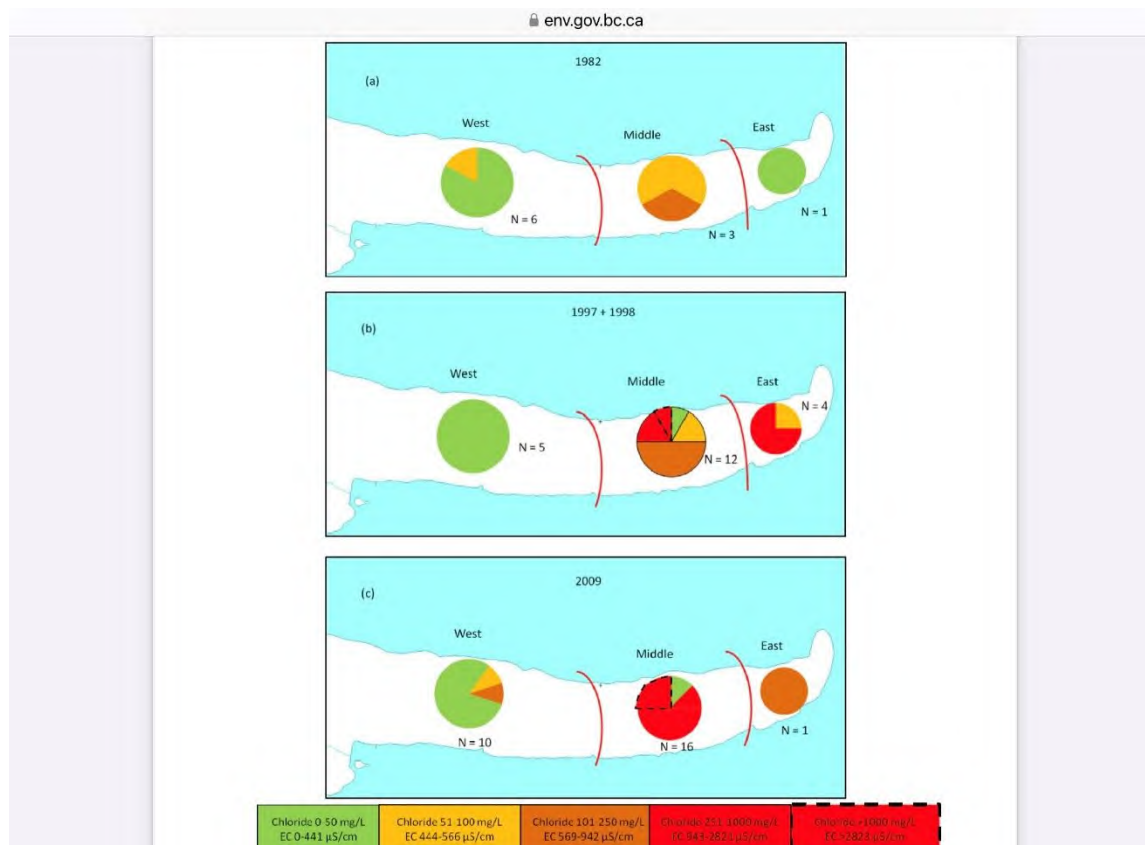
A past proposal to allow secondary suites in most areas of Saturna was developed without any input from provincial groundwater specialists until the last possible minute and was thwarted as a result. The Ministry (now Water, Land and Resource Stewardship) needs to be involved at the beginning of this initiative as they have the historical perspective and expertise to advise on the impact of proposals on groundwater quality and specifically salt water intrusion.

The Lyall Harbour Boot Cove Water System provides a large number of properties with water from Money Lake but all other properties on Saturna use groundwater from wells many of which are located in areas at risk of salt water intrusion. There are some community water systems that use wells to provide water to a number of properties. These water systems are managed by qualified water operators who test and monitor water quality to ensure standards are met. These standards are set by the B.C. Drinking

Water Protection Act and the Water Sustainability Act. The latter requires that a well must not be operated in a manner that causes saltwater intrusion. These water systems serve to protect groundwater since their community has the ability to prohibit certain land use activities that can negatively impact their wells.

By far the majority of the rest of the wells across Saturna are not part of any managed water system but are individual private wells owned and maintained by the property owner. There are no legal requirements for testing or monitoring of water quality for these private wells and no protection for the groundwater that is pumped.

Over past decades there have been a number of groundwater studies done on private wells on Saturna especially at East Point. The last study was done in 2009 https://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/library/aquifers/saturna_final_report2010.pdf and documented the spread of salt water intrusion in wells at East Point over the years.



The 2009 testing of wells was done only with the consent of the property owner. There has been no further testing done or action required by the Ministry even for those wells with salt water intrusion. Private well owners have complete autonomy and there is no oversight or enforcement of provincial groundwater quality requirements. Most if not all of the wells that had salt water intrusion are still in use today and their water quality status is unknown. Although testing of private wells on other areas of Saturna was done in 2000 <https://web.viu.ca/earle/geol304/allen-suchy.pdf> no further testing of those wells outside of East Pt has been done since. Given the amount of development that has taken place since 2000 the quality of groundwater may well be lessened but that can only be determined by further testing.

As salt water intrusion has become more prevalent and of concern some people have started collecting and storing rainwater and the Islands Trust has set requirements for rain water catchment in new construction or major renovations at East Point. While some property owners now rely solely on rain water catchment many continue to use their well for household use and use non potable rain water catchment for outdoor use. It is hard to determine what effect this augmentation with rain water catchment has had on groundwater quality without ongoing testing of well water.

It seems that there is now a proposal to require rain water catchment in areas identified as at risk of salt water intrusion in order to allow secondary suites where they have previously been prohibited. I certainly support the promotion of rain water collection and perhaps the requirement in new construction or renovations but this alone may not be sufficient to protect groundwater from existing wells where there could be a doubling of water for domestic use.

The area where secondary suites are currently prohibited includes properties served by the Lyall Harbour Boot Cove Water System. Since these properties are not using groundwater it would

seem reasonable to allow secondary suites there as long as the water system can support the extra use. They may wish to encourage or require rain water catchment as an adjunct to the water they provide if secondary suites are permitted.

Some other areas where secondary suites are currently prohibited are served by community water systems which may determine that secondary suites can be accommodated with the provision of rain water catchment . Since these systems are monitored regularly for water quality there is some assurance that groundwater will be protected even with additional use.

In all other cases where private wells are being used secondary suites should continue to be prohibited. At present there is no way to determine if these private wells are already salty or if an additional household would put the well over threshold and cause salt water intrusion. Nor is there any way to determine if the use of rain water catchment would be sufficient to counter balance the extra use by a secondary suite. In the absence of any outside oversight, testing or ability to prevent the pumping of salt water from private wells it would be irresponsible of the Island Trust whose mandate is to preserve and protect our water resources to allow a potential doubling of groundwater use in areas known to be at risk of salt water intrusion.

There are other concerns about secondary suites that should be considered. Secondary suites currently exist on Saturna. Some provide long term housing for local residents but others are more commonly used as accommodation for family or guests (paying or otherwise). Unless there are some enforceable restrictions on the permitted use it is likely that additional secondary suites will be used for other purposes than long term rental Their use as short term vacation rental not only puts additional pressure on water supplies during the critical dry summer season but drives up rental rates for long term housing. We have already seen this on Saturna. We have also seen the inability of the Islands Trust to shut down short term vacation rentals not permitted under our bylaws hence the need for an enforcement mechanism.

Respectively submitted,

Janet Land
Saturna Island



July 30, 2024

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

Attn: Brad Smith

Re: Southern Resident Killer Whale Proposed Management Measures

Thank you for your letter dated February 15, 2024, regarding Southern Resident killer whale (SRKW) management measures on behalf of the Saturna Island Local Trust Committee (LTC). The Government of Canada greatly appreciates the contributions that Saturna Island LTC has made towards SRKW recovery, including the feedback and information that you have provided to inform management measures for 2024 and 2025, as well as longer-term actions. These [measures were announced by the Minister of Natural Resources Canada, Jonathan Wilkinson, on behalf of the Government of Canada](#) on June 3, 2024. More information on the Southern Resident Killer Whale measures is available via this website: [2024 management measures to protect Southern Resident killer whales | Pacific Region | Fisheries and Oceans Canada \(dfo-mpo.gc.ca\)](#) This letter provides information in response to your comments and suggestions in your February letter.

Longer term measures

The Government of Canada greatly appreciates your support to develop longer-term actions for SRKW recovery, including integration and alignment of SRKW fisheries management measures into the Salmon Integrated Fisheries Management Plan (IFMP) process going forward. We hope this adjustment in process supports more collaboration and alignment with salmon fisheries management measures to further consider and support prey availability for SRKW. We also thank you for your ongoing participation and recommendations regarding commercial whale watching, Pacific killer whale approach distances and the transition from Transport Canada Interim Orders to longer-term actions.

As part of the Government of Canada's commitment to develop longer-term actions for the recovery of Southern Resident Killer Whales, the Department of Fisheries and Oceans (DFO) is considering amendments to the *Marine Mammal Regulations* that would implement increased approach distances for all Pacific killer whales. As per the consultation letter sent on June 3rd, 2024, DFO has launched an [online national public survey](#) open until September 3, 2024, to consult Canadians on potential amendments to the *Marine Mammal Regulations*. We welcome your feedback in this process as any potential changes to the *Marine Mammal Regulations* will be informed by First Nations, stakeholders, and public feedback, as part of

the consultation process, as well as the best available scientific advice and information. Additionally, feedback can be submitted directly to this email address as an alternative to the survey: (DFO.NCRFMMMRconsultation-consultationRMMGPRCN.MPO@dfo-mpo.gc.ca).

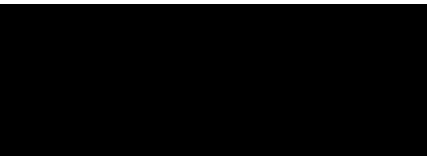
Large Commercial Vessel Speed Reduction Initiatives

We appreciate the Saturna Island LTC's support of the large commercial vessel speed reduction initiatives. The 2019-2024 "*Species at Risk Act* Section 11 Conservation Agreement to Support the Recovery of the Southern Resident Killer Whale played a key role in facilitating collaboration in the marine sector over the past five years, with a focus on reducing threats posed by commercial shipping activity to SRKW.

The Agreement was recently renewed for another five years beginning May 10, 2024. The goal of the renewed agreement is to reduce, quantifiably where possible, acoustic disturbance and physical disturbance to SRKW by current and future large commercial vessels in Pacific Canadian waters. In addition to voluntary seasonal slowdowns and altered transit paths by ships for the benefit of SRKW, the Agreement promotes and coordinates collaborative research, innovation, education, and outreach relating to shipping impacts on at-risk whales.

The Government of Canada looks forward to continuing discussions with your organization regarding the SRKW recovery efforts through these correspondences. If you have further questions or feedback about the SRKW management measures, please do not hesitate to contact Kendra Moore, Acting Regional Manager, Marine Mammals (Kendra.Moore@dfo-mpo.gc.ca).

Sincerely,



Neil Davis
Regional Director, Fisheries Management
Fisheries and Oceans Canada

Cc:
Maya Berci, Executive Director, Chemicals Management Division, ECCC
Maxine Bilodeau, Director, Whales Protection Policy, Transport Canada
Mark Leblanc, Field Unit Superintendent, Coastal BC, Parks Canada
Danielle Scriven, Acting Director, Resource Management and Sustainability, Fisheries and Oceans Canada
Kendra Moore, Acting Regional Manager, Marine Mammals, Fisheries and Oceans Canada

File No.: SA-PLDP20240229 (Anielski)

SA-PLBP20240064

DATE: October 17, 2024

TO: Saturna Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner

SUBJECT: Development Permit Application
Applicant: Tomasz Anielski
Location: 180 and 182 Cliffside

RECOMMENDATION

1. That the Saturna Island Local Trust Committee approve issuance of Development Permit application SA-PLDP20240229 (Anielski).

REPORT SUMMARY

This report is to consider issuance of a Development Permit (DP) for the construction of a portion of a deck within **Development Permit Area 2 – Bluffs (DPA)**. The purpose of the DP is to provide measures for the protection of the sensitive bluff ecosystem.

BACKGROUND

The objectives of the DPA are as follows:

To protect the highly visible scenic qualities of the fragile natural features of vegetation and habitat of the bluffs.

To maintain a treed buffer along the top and bottom of rock bluffs to reduce disturbance of breeding birds and to provide perch sites for raptors.

To protect all rock bluff and cliff habitats as nesting areas for birds and red and blue listed species of plants and animals found in these ecosystem units.

The application is the result of a Preliminary Plan Review (PPR - SA-PLBP20240064) for a new dwelling on the two (2) abutting properties. As shown in the site plan (Figure 2), the proposed dwelling straddles the shared property line. The owner is in the process of consolidating the properties into a single title with the Land Title Office which requires an application to the Ministry of Transportation and Infrastructure (MoTI) and will likely not be finalized until well into next year. The proposed permit SA-PLDP20240229 (Anielski – Attachment 4) requires consolidation as a condition precedent where otherwise the permit would be invalid.

The extent of proposed development within the DPA is an 86 m² (925 ft²) portion of the deck attached to the dwelling that would be sited within the DPA. The proposed construction does not require any cutting or removal of standing trees within the DPA.

The extent of proposed development on the properties as a whole consists of a dwelling with an attached garage and decks with a total area of 878 m² (9,450 ft²) (Attachment 2.2). As the garage is sited within 5 metres of the dwelling and connected with a breezeway, it is considered part of the principal dwelling (LUB Subsection 2.4.1). Lot coverage for the combined property size is limited to 20% of the property in the zone (720 m² [7750 ft²]). As the proposed area exceeds 20% by 4%, a variance must be obtained or the proposed plans adjusted to conform to the regulation. The applicant has indicated that they intend apply for a variance - either a Development Variance Permit (DVP) or Board of Variance Order (BoV). In the case of the former, that application would likely be brought to the first LTC meeting next year.

The combined size of the properties is 0.36 ha (0.88 ac). According to the environmental assessment report the site has likely been disturbed by clearing or selective logging, however, much of the characteristics of the sensitive bluff ecosystem remains intact. There is a dilapidated house on 180 Cliffside as well as a damaged concrete set of stairs and fencing along the bluff crest.

The application is supported by the attached professional report which is discussed further in ‘Analysis’ (below): ‘Environmental Assessment of 180 & 182 Cliffside Road, Saturna Island’ (Caurinus Environmental/ Dan Baxter, R.P. Bio. September 30, 2024 – ‘Biologist’s Report’ - Attachment 3).

Additional site context is provided in Attachment 1. The survey plan and building elevations are included in Attachment 2.

Staff have not conducted a site visit owing to the small time window between receiving the application and consideration. Recent photographs can be found in the Biologist’s Report.

Figure 1 – Subject Property

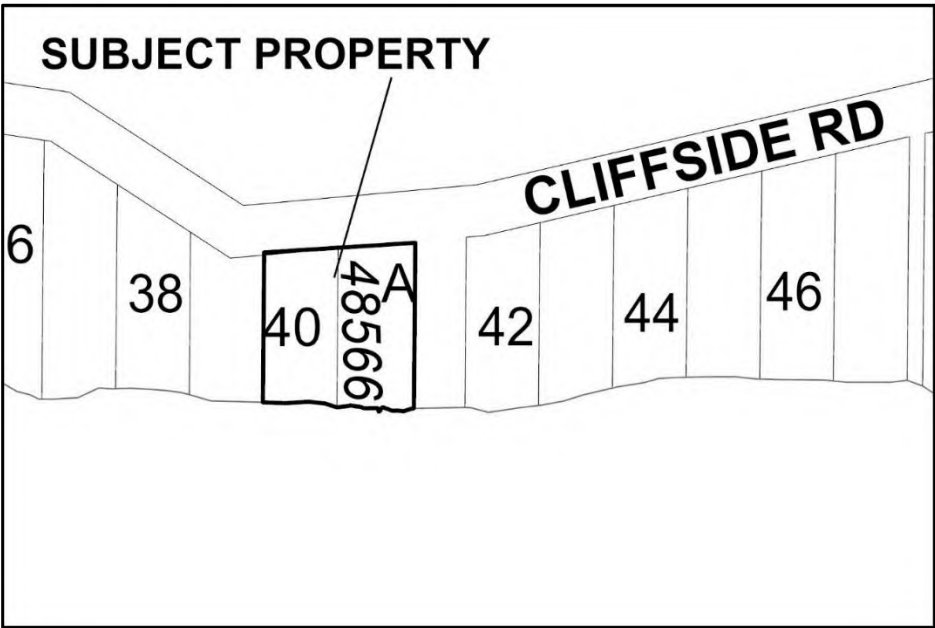
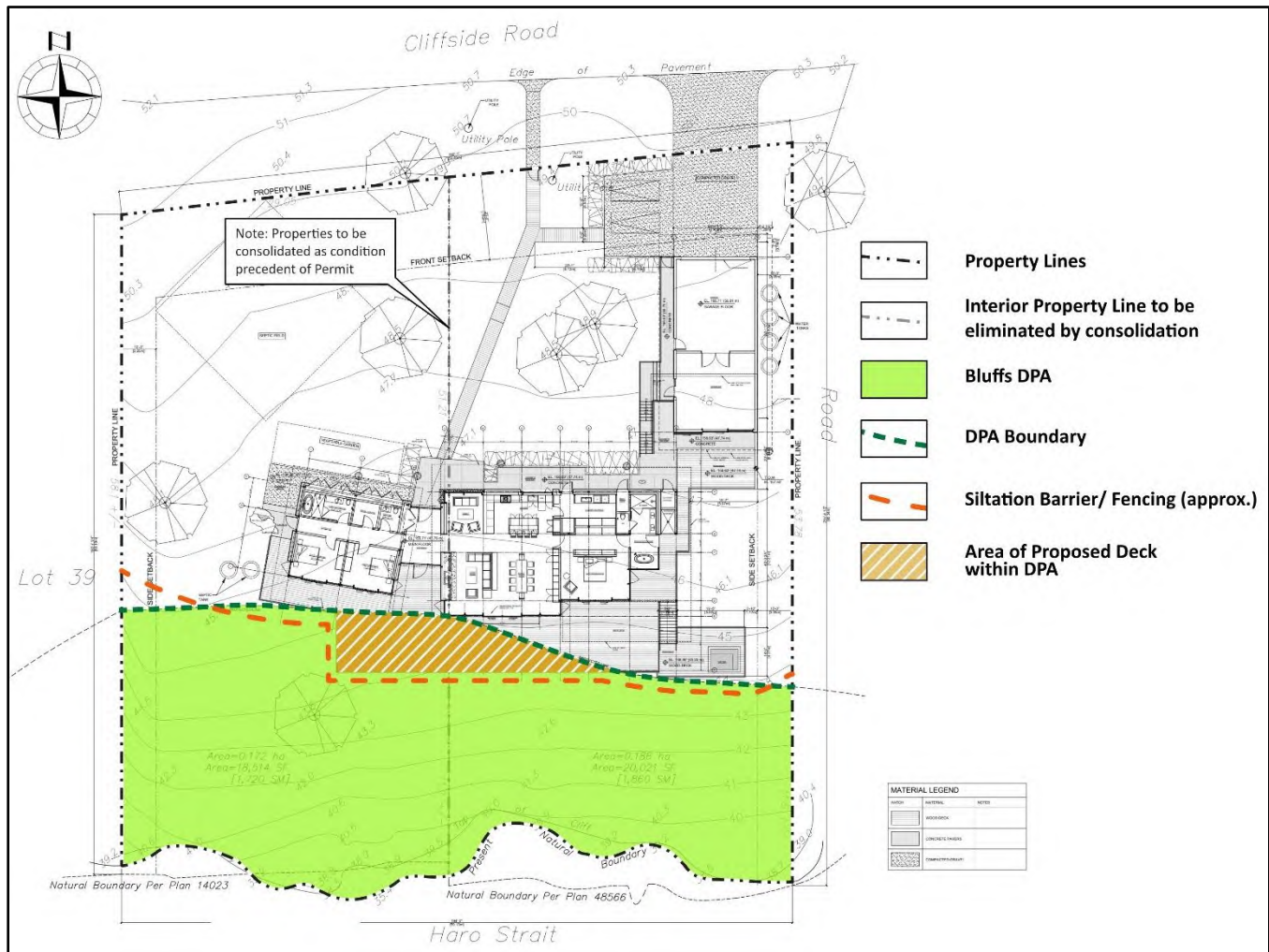


Figure 2 – Site Plan



ANALYSIS

The Biologist's Report provides a comprehensive analysis including: a biophysical and habitat inventory for the DPA; an impact assessment; and recommendations for mitigation measures to minimize the impacts of the proposed development on the sensitive bluff ecosystem. No Species at Risk were identified on the properties, although the waters surrounding the subject property fall within the Critical Habitat zone for Southern Resident Killer Whale that are **Red** listed in BC, and **Endangered** under the federal *Species at Risk Act*.

The Biologist's Report assessed potential impacts on the ecosystem as minimal that center "... around the movement of equipment and materials, excavation activity, subsequent reclamation, and redirection of rain and groundwater as part of the dwelling design." (p.17). Further, the specific impacts of the deck are limited to reducing soil water inputs from precipitation and increasing shading that can be partially mitigated through design.

The conclusion of the Biologist's Report is that following its guidelines and recommendations "... will ensure that detrimental impacts to the sensitive and threatened ecosystem on the subject property can be avoided." (p. 25).

All conditions for mitigation found on pages 21-23 have been included in the proposed DP in addition to other conditions consistent with the DPA guidelines.

Rationale for Recommendation

The recommendations on page 1 are supported as:

- The proposed DP is consistent with the objectives of the DPA.
- The proposed DP is consistent with all relevant DPA guidelines.
- All relevant recommendations of the Biologist's Report and have been incorporated into the conditions of the proposed DP and will ensure the protection of the bluff ecosystem.

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 be advised to describe the specific information needed.

Resolution:

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

2. Make amendment(s) to draft development permit

The LTC may consider amending or including additional conditions in the development permit.

Resolution:

That the Saturna Island Local Trust Committee direct staff to make the following amendments to draft development permit SA-PLDP20240229 (Anielski) _____.

3. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should specify which guideline(s) the application does not comply with.

Resolution:

That the Saturna Island Local Trust Committee deny application SA-PLDP20240229 (Anielski) as it does not comply with guideline _____.

Submitted By:	Phil Testemale, Planner 2	October 9, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	October 9, 2024

ATTACHMENTS

1. Site Context
2. Plans and Photos
3. Biologist's Report
4. Draft Development Permit SA-PLDP20240229 (Anielski)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 40, SECTION 14, SATURNA ISLAND, COWICHAN DISTRICT, PLAN 14023 and, LOT A, SECTION 14, SATURNA ISLAND, COWICHAN DISTRICT, PLAN 48566
PID	004-454-006 and 013-995-839
Civic Address	180 and 182 Cliffside Simpson Crescent, Gossip Island
Lot Size	0.36 ha (0.88 ac)

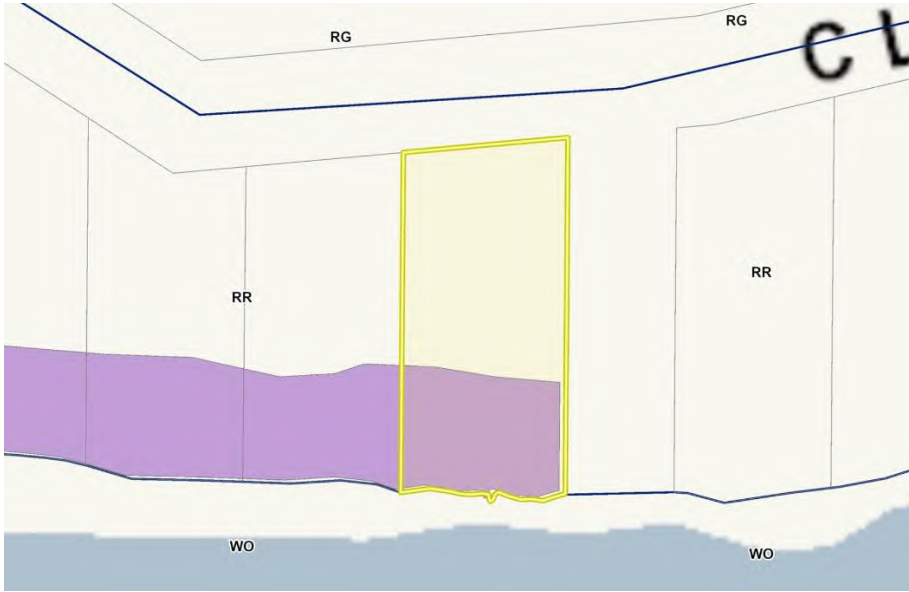
LAND USE

Current Land Use	Rural Residential (Vacant - dilapidated dwelling and stairs on Lot 40)
Surrounding Land Use	Rural Residential & Rural General

HISTORICAL ACTIVITY

File No.	Purpose
PLBP20240064	Dwelling (in abeyance pending current application)

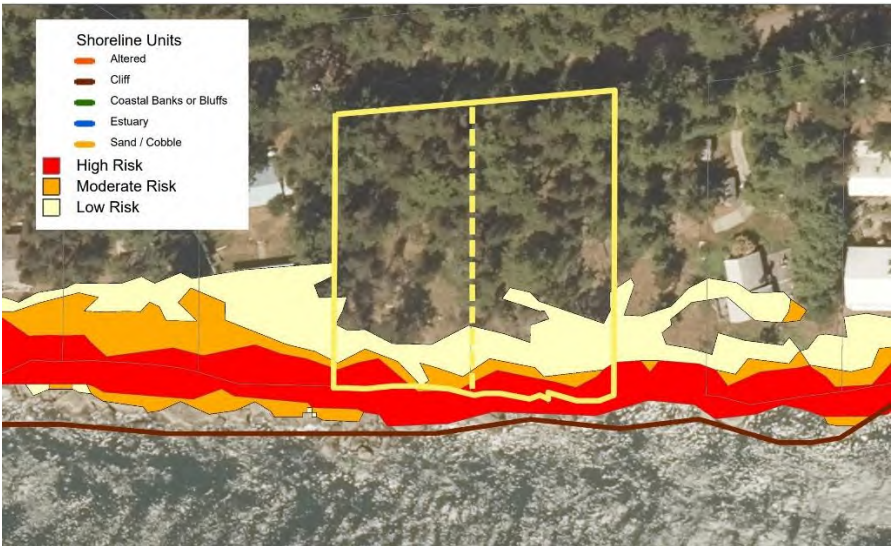
POLICY/REGULATORY

Official Community Plan Designations	Rural – R in in the Saturna Island Official Community Plan No. 70 Bluffs Development Permit Area  <i>DPA's</i>
--------------------------------------	--

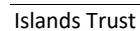
Land Use Bylaw	Rural Residential Zone in the Saturna Island Land Use Bylaw No. 119,2 2018  <i>Orthozoning</i>
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

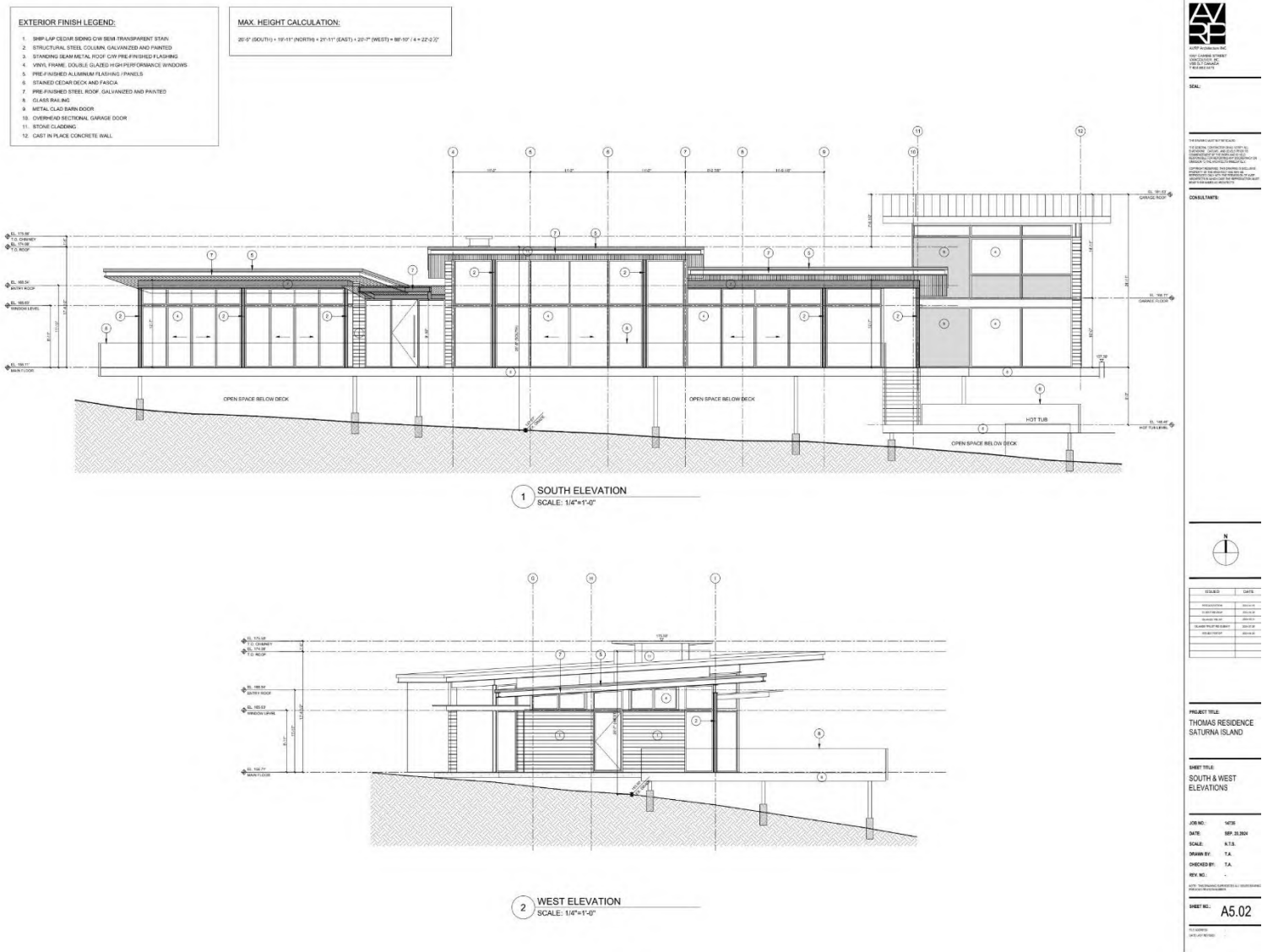
Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed - confirmed by Biologist's Report
Sensitive Ecosystems	 <i>Sensitive Ecosystem Mapping</i>

Hazard Areas	 <i>Steep Slope Hazard and Shoreline Mapping</i>
Archaeological Sites	Archaeological Potential on property (See report under 'First Nations')
Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DP
Shoreline Classification	Cliff (see 'Hazard Areas' – above)

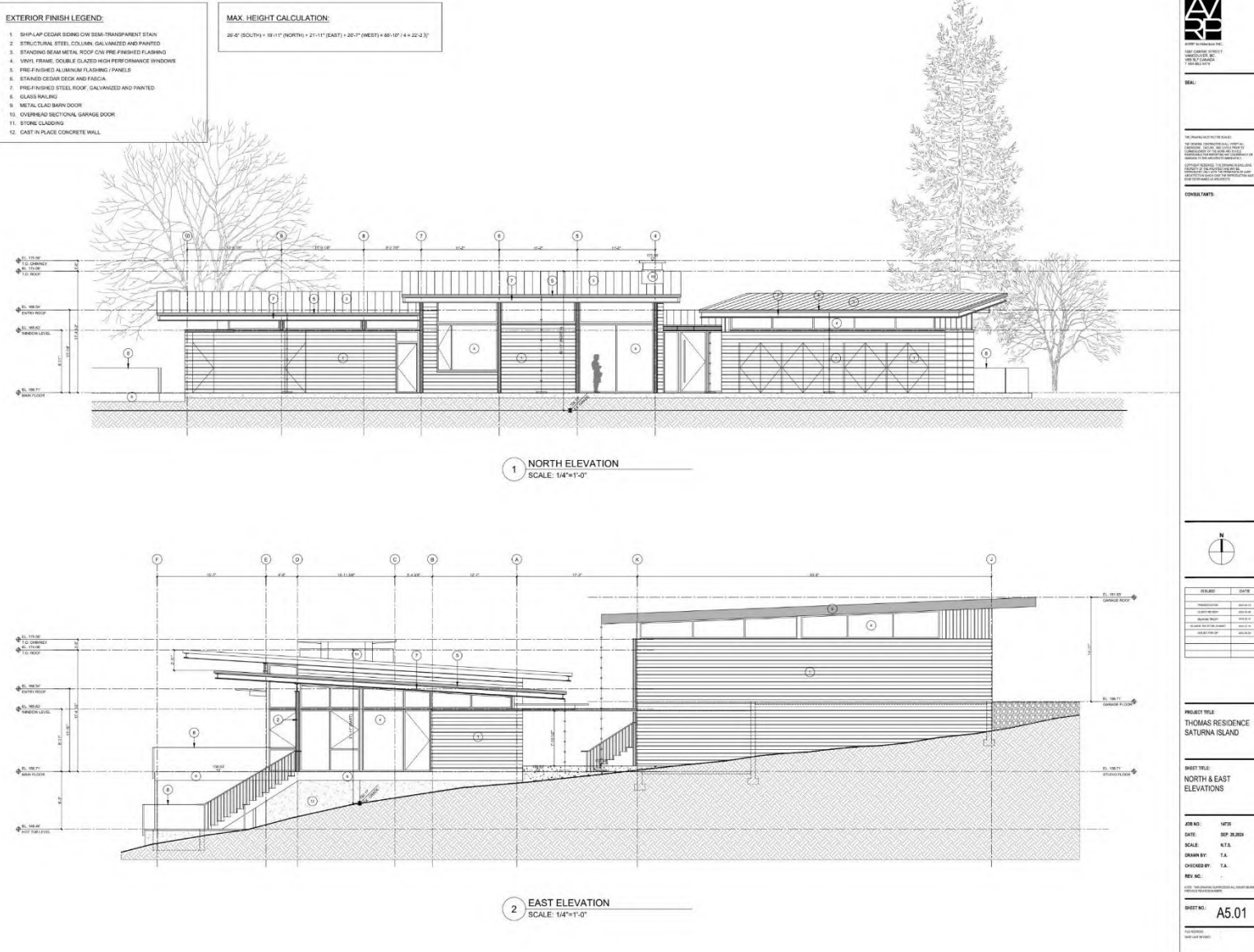
2.1 SURVEY PLAN



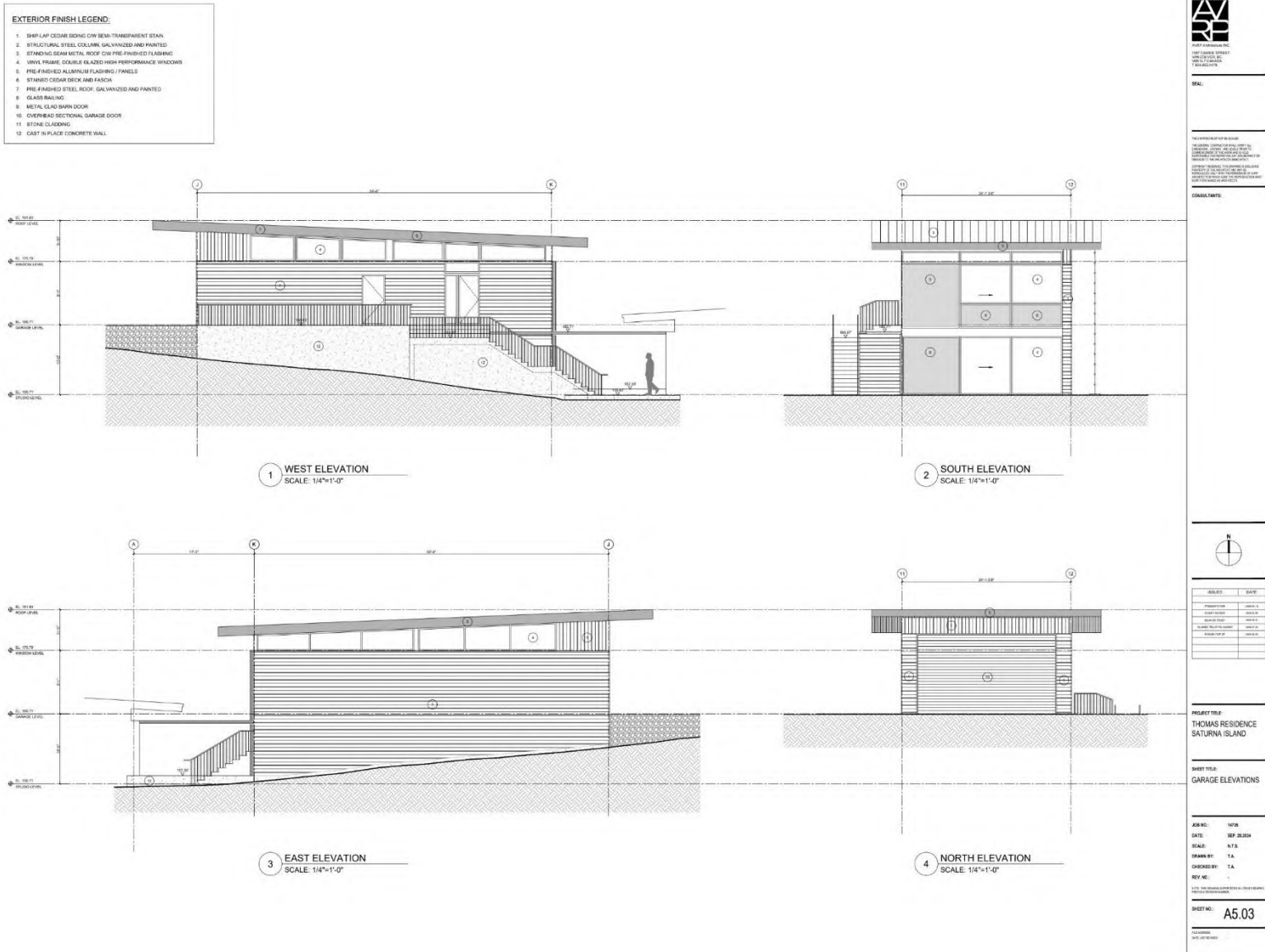
2.2 ELEVATIONS 1 OF 3



2.2 ELEVATIONS 2 OF 3



2.2 ELEVATIONS 3 OF 3 (ATTACHED GARAGE)



Environmental Assessment of 180 & 182 Cliffside Road, Saturna Island, BC V0N 2Y0

Submitted To:

AVRP Architecture Inc.

On

September 30, 2024

Prepared By:

Dan Baxter



Caurinus Project No.: CE2024003

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1.0 Introduction

In September 2024, Caurinus Environmental was retained by AVRP Architecture Inc. on behalf of the Thomas family to complete an environmental inventory and impact assessment for the construction of a dwelling within the designated Bluffs Ecosystem DPA located at 180 & 182 Cliffside Drive, Saturna Island (Figure 1). The purpose of this report is to provide a complete environmental inventory, impact assessment and strategies with other disciplines to guide the proposed development in an environmentally responsible manner.



Figure 1. Saturna Island; Gulf Islands (Google Earth 2024).

The subject area is located in the Saturna Island Local Trust Area, Capital Regional District (CRD). Both lots combined are approximately 0.3642 ha (0.90 acres) in size. The properties are located on Cliffside Rd. approximately 2 km from East Point (Figure 2). The legal property descriptions for the parcels are:

- 180 Cliffside Drive - Lot 40, Plan VIP14023, Section 14, Cowichan Land District, Portion Saturna Island (PID: 004-454-006)
- 182 Cliffside Drive - Lot a Plan, VIP48566, Section 14, Cowichan Land District, Portion Saturna Island (PID: 013-995-839)

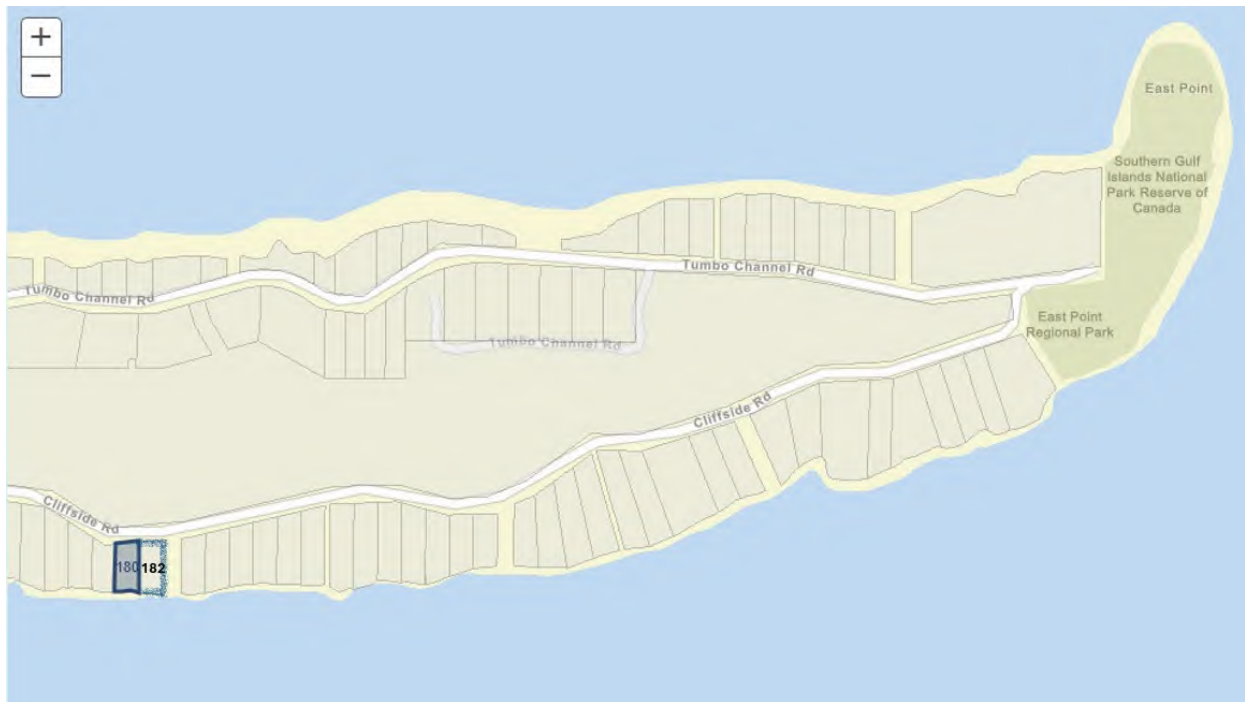


Figure 2. 180 & 182 Cliffside Drive, Saturna Island (e-valueBC, BC Assessment 2024).

The proposed area is currently zoned RR2 (Rural Residential) in a strata lot with the adjacent property to the west and an open right of way to the east also designated as rural residential. The subject property falls under the jurisdiction of the Saturna Island Local Trust Area and consequently must conform to the Saturna Island Official Community Plan Bylaw No.70, 2018. Both phases of the environmental assessment are included in this report: Ecological Assessment Phase as well as Impact Assessment and Mitigation Phase. Other regulatory frameworks which also guide the assessments and strategies within this report include, but are not limited to:

1. **Species at Risk Act (SARA) - Federal**
2. **Migratory Birds Convention Act – Federal**
3. **Wildlife Act – Provincial**

2.0 Supporting Inventories

A review of current information pertaining to the subject property and surrounding areas was conducted using the following resources:

- **Biogeoclimatic maps and online satellite imagery of the subject property**
- **BC Conservation Data Centre (CDC)**
- **Ecocat, Ecosystems Report Catalogue**
- **Terrestrial Ecosystem Mapping**

2.1 Physical Resources

Humid Temperate Ecodomain

In British Columbia, the ecosystems of the Gulf Islands originate from the most southerly extent of the Humid Temperate Ecodomain extending from the continental slope and shelf, all the coastal islands, adjacent

mountains, the central interior plateau, and the southern interior mountains. The climate is characterized by strong seasonal cycles of temperature and precipitation with a distinct winter (CPAWS 2005; Demarchi 2011).

Humid Maritime & Highlands Ecodivision

This Ecodivision occurs along the coast from the western edge of the Continental Slope eastward to the effective height of land on the Coast Mountains, including the Nass Basin and Nass Ranges. This Ecodivision's climate is temperate, with abundant rainfall throughout the year, but with reduced precipitation in summer. Coniferous tree species that occur include Douglas-fir (*Pseudotsuga menziesii*), Western redcedar (*Thuja plicata*), Western hemlock (*Tsuga heterophylla*), Sitka spruce (*Picea sitchensis*), amabilis fir (*Abies amabilis*), and yellow-cedar (*Chamaecyparis nootkatensis*). In the extreme south of the province, where it is much drier, it contains arbutus (*Arbutus menzeisii*) and Garry oak communities (CPAWS 2005; Demarchi 2011).

Georgian Depression Ecoprovince (GED)

This ecoprovince lies between the Vancouver Island Mountains and Olympic Mountains to the west and the southern Coast Mountains and northern Cascade Ranges to the east. In British Columbia, the Georgia Depression Ecoprovince is a large basin that encompasses the southeastern Vancouver Island Mountains, the Nanaimo Lowlands, and the Gulf Islands in the west, the Strait of Georgia in the middle, and the Georgia Lowlands and Fraser Lowlands in the east (CPAWS 2005; Demarchi 2011).

SGI - Southern Gulf Islands Ecoregion

These islands occur from Newcastle and Gabriola islands south to Chatman, Discovery and Chain islands, including the inter-island channels and sounds that extend across the Strait of Georgia, and the San Juan Islands in Washington. The islands consist of folded and faulted shale and sandstone/conglomerate, with some volcanic stocks intermixed. This has resulted in the many linear valleys and island separations. The northwesterly aligned folded structure and the eroding power of southeasterly moving glacial ice have resulted in the prominent northwesterly-southeasterly alignment of the Gulf Islands. As the glaciers retreated, it resulted in very deep deposits of sediments on this lowland. Streams that originate here are short and often ephemeral, drying in the summer (CPAWS 2005; Demarchi 2011).

2.2 Topography

The bedrock geology plays a large role in the topography of the islands. Saturna Island bedrock is categorized as the Late Cretaceous Nanaimo Group with the strata consisting of alternating interbeds of sandstone, shale, and some conglomerate. This has led to the steep rugged topography following the trends of the major resistant bedrock units (sandstones and conglomerates), with the valleys being comprised of sandy or clay soils located over less resistant shale and along fault lines (Allen and Suchy 2001; Kenney *et al.* 1988; Kohut *et al.* 2001). Locally, the region including the surveyed property has been incised heavily and scraped down to the bedrock with large deposits of sediment throughout (Kohut *et al.* 2001).

2.3 Hydrology

Soils, climate, vegetation cover, and surface topography work together in a complementary manner. Soils directly influence the infiltration rate of rainfall, the rate of surface runoff, and ultimately the groundwater recharge/discharge as well as soil moisture content (Kenney *et al.* 1988). The Saturna soils are well drained. They are moist throughout the late fall to spring but are droughty during summer. During and shortly after wet periods, water may flow laterally through the saturated subsoil on top of sloping bedrock. The surface water drainage system consists of Lyall Creek, one small creek that drains into Narvaez Bay, and multiple small ephemeral streams. Money Lake, which is man-made, provides municipal water to many households in the Lyall Harbour

area. Several wetlands are situated throughout the island, both at high and low elevations (Allen and Suchy 2001).

2.4 Biological

2.4.1 Biogeoclimatic Ecosystem

In British Columbia, resource managers have advocated Terrestrial Ecosystem Mapping (TEM) as a means to establish natural resource baselines for planning and management purposes. Furthermore, these databases are to be used by stakeholders and resource planners to provide guidance for the private sector and all levels of government regarding conservation and management at a meaningful scale, such as community development plans, and to do so in a common language.

Climate, topography and surface geology influence the site hydrology, which in turn influences the biological resources on site. This ecological principle is fundamental to most Ecological Landscape Classifications. The vegetation assessment utilizes the Biogeoclimatic Ecosystem Classification (BEC) which is used extensively throughout British Columbia to report and describe terrestrial ecosystems. In the BEC system, climate is the most significant determinant of ecosystems, influencing soil characteristics which in turn influence the climax (old growth) vegetation, its composition and structure.

The subject property is located in the CDFmm - Moist Maritime Coastal Douglas-fir subzone occurring in the Southern Gulf Islands (Pojar and Mackinnon 2016). The Southern Gulf Islands ecosystems are heavily influenced by the rain shadow of the mountains on Vancouver Island and Washington's Olympic Peninsula. This results in warm, dry summers and mild, wet winters. The Southern Gulf Islands occur in the Coastal Douglas-Fir biogeoclimatic zone. The most common tree species found are Douglas-fir, Western redcedar and Garry oak (*Quercus garryana*). Other common species include salal (*Gaultheria shallon*) and dull Oregon grape (*Berberis nervosa*) in upland areas, wild rose (*Rosa acicularis*), snowberry (*Symphoricarpos albus*) and oceanspray (*Holodiscus discolor*) in rocky outcrops, and bigleaf maple (*Acer macrophyllum*), sword fern, and salmonberry (*Rubus spectabilis*) in moister regions (Meidinger and Pojar 1991; Demarchi 2011).

The following ecosystems occur within the subject property (Green and Klinka 1994; Figure 3):

- **CDFmm DS/01: Douglas-fir – Salal**
- **CDFmm DO/03: Douglas fir – Onion Grass**
- **CDFmm RO: Rock Outcrop**

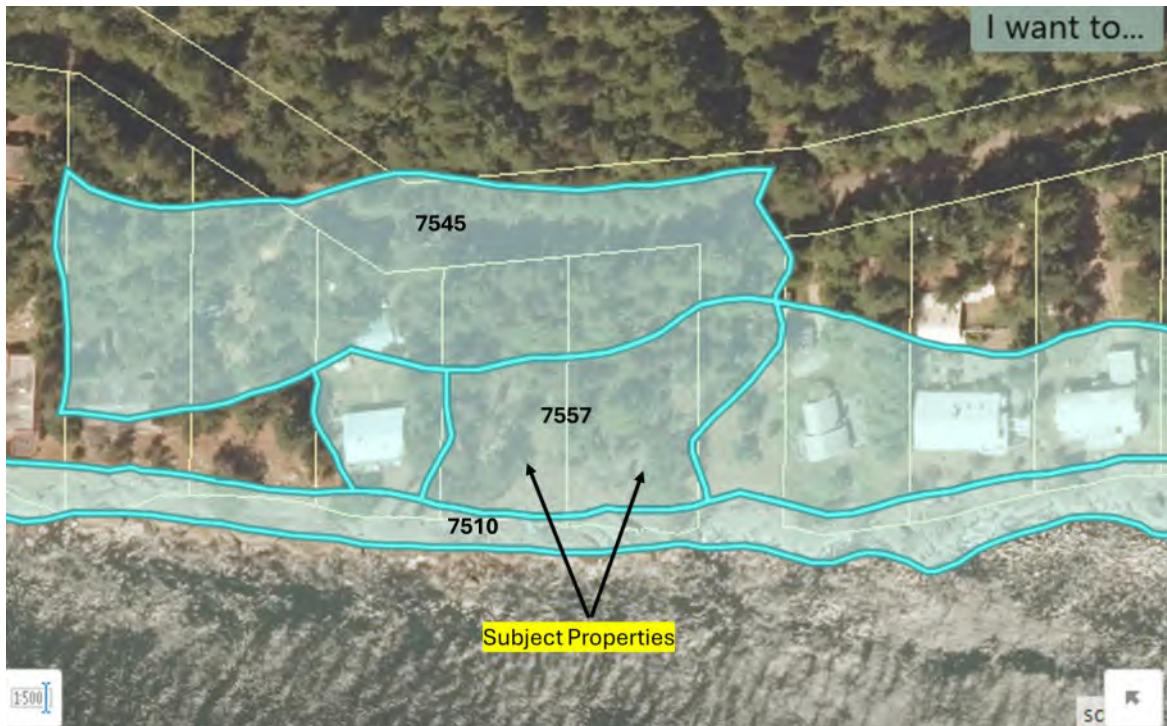


Figure 3. Subject Property Ecosystems: (7545: 100% Douglas-Fir-Salal, Mature Forest; 7557: 100% Douglas-fir – Onion Grass, Young Forest; 7510: 100% Rock Outcrop, Cliff Coastal (Islands Trust (MapIT) 2024))

Development Permit Areas

British Columbia's Local Government Act enables communities to designate parts of their planning area as Development Permit Areas (DPAs). A set of objectives and guidelines for development are designated as part of the Saturna Island Official Community Plan (OCP), including two DPAs that were identified to protect sensitive ecosystems or to guide development in areas with special circumstances. A Development Permit may be needed for any building construction, demolition, land alteration, or subdivision of land that occurs in a DPA.

Development Permit Area Two - Bluffs Ecosystem DPA

Portions of the property have been locally designated as a Bluffs Ecosystem DPA by the Islands Trust. This designation includes bluffs that have at least 30% slope and frequently include vertical and overhanging rockfaces. They are generally restricted to dry and exposed sites with variable aspects and shallow soil veneers. These sites provide suitable habitat for rare plants, well protected nesting sites for terrestrial and ocean birds as well as a refuge for species particularly susceptible to habitat disturbance. The Bluffs Ecosystem DPA present is designated as Cliff Coastal, with a specific classification of Rock outcrop with a Primary Unit Stage: Sparse/bryoid (Figure 4).



Figure 4. Bluffs Ecosystem DPA within the subject properties. Cliff Coastal - Primary Unit Classification Rock outcrop; Primary Unit Stage Sparse/bryoid (Island Trust (MapIT) 2024).

3.0 Site Inventory

Dan Baxter (B.Sc., R.P.Bio) and Erin O'Brien (Ph.D.) of Caurinus Environmental conducted a site visit and review of current information pertaining to the subject property and surrounding areas in September 2024. The review included online satellite imagery, reports, independent studies, and recent Terrestrial Ecosystem Mapping (TEM). The Subject Property is accessed from Cliffside Drive (Figure 2) and is located on the south side of the road. An overgrown driveway extends from the northern property boundary down a gentle slope to the bluff, where it continues steeply south to the ocean. The property has been previously disturbed by historic land use and is composed of grasses, shrubs, and young to mature trees. A dilapidated shed is present outside of the DPA.

3.1 Conservation Data Centre

British Columbia Conservation Data Centre (CDC) is an extension of the Ministry of Environment and Climate Change Strategy and is the provincial coordinator of tracking rare and endangered species (native plants, animals, and natural plant communities) in British Columbia on provincial, national and international levels. Documented locations of sensitive (at-risk or endangered) and non-listed species were reviewed for the area using a 1 km search radius; no known sensitive or listed species occurrences have been reported in the area (BC Conservation Data Centre 2024; Data review: September 20, 2024).

3.2 Flora

The ecosystems on the property categorized by the Islands Trust (Figure 3) are as follows:

- 7545: 100% Douglas-Fir-Salal, Mature Forest
- 7557: 100% Douglas-fir – Onion Grass, Young Forest
- 7510: Development Permit Area Two: Bluffs – 100% Cliff Coastal

The following summarizes the Provincial Terrestrial Ecosystem Mapping (TEM) ecosystems identified in a data review and confirmed during the survey of the Subject Property:

Woodland - CDFmm: Coastal Douglas-fir Zone, Moist Maritime

- **CDFmm DS/01: Douglas-fir – Salal**

Forested site dominated by Douglas-fir with association with grand fir (*Abies grandis*) and Western redcedar. Typical site conditions for zonal DS forests are mid to upper slope positions and gentle topography. Soils are most often moderately-well to well drained and medium-textured loamy soils. Understory species can include snowberry, pinegrass (*Calamagrostis rubescens*) and birch-leaved spirea (*Spiraea betulifolia*), salal, dull Oregon-grape, oceanspray, sword fern (*Polystichum munitum*) and Oregon beaked moss (*Eurhynchium oreganum*).

- **CDFmm DO/03: Douglas fir – Onion Grass**

The tree layer of this ecosystem classification is dominated by Douglas-fir with Garry oak present on warm aspects; arbutus is the only other tree species present. It is typically found on crests to upper slopes where bedrock is near the surface or forms outcrops. Soils are shallow, mostly sandy loamy, often with moderate coarse fragments, but can be deeper where Garry oak is present. The shrub layer is sparse with small amounts of oceanspray and hairy honeysuckle (*Lonicera hispidula*) as well as regeneration of the overstory species. The herb layer is diverse with many annual and perennial species.

The Douglas-fir/onion grass plant community is provincially **Red** Listed (B.C. List Status 2024) and is ranked S1 (critically imperiled; Provincial Conservation Status 2024) in British Columbia. This rare ecological community occurs within a very small but highly urbanized range. Historically, this community has a very restricted range, and occurs infrequently in mostly small patches within the natural landscape. Of the remaining ~1%, only 3 km² has been identified as mature or old forest (BC Ministry of Water, Land and Air Protection 2004). This ecological community has experienced significant declines as a result of permanent conversion to urban land cover, rural developments, and road infrastructure. This ecosystem is found in areas with favourable scenic aspects and is in high demand for new and re-development in the region; hence, it has been depleted to near-extirpation in British Columbia. Threats include development, agriculture, fire suppression, invasive species, recreational use, grazing and browsing by domestic livestock and the overabundance of deer (BC Ministry of Water, Land and Air Protection 2004).

Cliff Coastal - CDFmm: Coastal Douglas-fir Zone, Moist Maritime

This ecosystem can be defined by having very steep slope of exposed bedrock, which may include steep-sided sand bluffs. Generally, there are portions of rocky outcrops that are gentle to steep, bedrock escarpment or outcropping, with little soil development and sparse vegetation. The coastal cliff has a marine influence, generally near-vertical bedrock with accumulation of soil limited to fissures and ledges. These open ledges and horizontal fissures are known to provide avian nesting sites. Cliff crevices can be used for roosting bats while deep crevices are used for shelter and overwintering of snakes and lizards.

- **CDFmm SV/RO: Rock Outcrop: sparsely vegetated**

Rock outcrop are generally comprised of exposed bedrock, usually at the top of knolls or on portions of steeper slopes. Environmental factors influencing plant and animal establishment include steepness and activity of slopes; aspect and position on a slope; exposure to severe weather conditions; lack of moisture or continuous seepages; and whether the site is wind-blown or fully sheltered. Rapid drainage and the accumulation of soil organic matter that is limited to bedrock fissures and ledges results in shallow-rooted stunted trees such as Garry oak, arbutus and Douglas-fir. Patches of kinnikinnick (*Arctostaphylos uva-ursi*) may be present, and scattered baldhip rose (*Rosa gymnocarpa*) can also occur. Herbs can include Stonecrop (*Sedum sp.*), small-flowered

alumroot (*Heuchera micrantha*), and nodding onion (*Allium cernuum*). Introduced grasses are typical, with mosses and lichens developing in the shallow soils. Sparsely vegetated ecosystems are areas of low vascular vegetation cover, generally 5 – 10%, usually discontinuous, interspersed with bare sand, gravel, or exposed bedrock. These unique landforms are often in a dynamic state of change due to factors such as water level changes, sediment deposition, sediment erosion and mass wasting. Although species diversity is low in these ecosystems in comparison to other sensitive ecosystems, they provide a variety of specialized wildlife habitats. They support slowly developing pioneer plant communities that are formed by species adapted to hostile environmental conditions (McPhee *et al.* 2000).

Habitat description

The Subject Property was assessed during the site visit for the possible occurrence of all provincially Red- and Blue-listed species as well as federal Species at Risk Act-scheduled species.

Site Inventory Description

All areas on the property have been previously disturbed from clearing for development or selective logging. Our vegetation survey was restricted to the Bluffs Ecosystem DPA, where some historical development and disturbance has already occurred. There is a concrete staircase present on site with blue metal railings. The area around the top portion of the stairway has some historical disturbance in the form of cliff rock removal and a small man-made depression filled with local sandstone and older concrete pieces (Plate 1,2).

Plate 1. Existing stairs at 180 & 182 Cliffside Road, Saturna Island BC.



Plate 2. Small man-made depression with local sandstone and concrete pieces at 180 & 182 Cliffside Road, Saturna Island BC.



Due to the narrow width of the Bluffs Ecosystem DPA, and the proximity of the proposed dwelling any development near could potentially affect the Bluffs ecosystem DPA. Although the proposed dwelling construction is not intended to require any cutting or removal of standing trees within the DPA, land alteration activities can cause soil compaction in tree root zones and other potential impacts on tree health; hence the environmental assessment survey included the entire property. The plants detected during the site survey are presented in Table 1; the predominant invasive species detected include: Scotch broom (*Cytisus scoparius*), daphne (*Daphne laureola*), and bull thistle (*Cirsium vulgare*). No species at risk were detected during the vegetation survey. However, the timing of our inventory (fall) would not preclude the potential occurrence of rare species at other points during the growing season, and given that many species at risk within the CDF biogeoclimatic zone occur in bluff ecosystems, this is a reasonable possibility.

Table 1. List of plant species detected at 180 & 182 Cliffside Road, Saturna Island BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Hairy honeysuckle	<i>Lonicera hispidula</i>	Native	S5	Yellow	Not Listed
Yarrow	<i>Achillea millefolium</i>	Native	S5	Yellow	Not Listed
Oregon gumweed	<i>Grindelia stricta</i>	Native	S5	Yellow	Not Listed
Trailing blackberry	<i>Rubus ursinus</i>	Native	S5	Yellow	Not Listed
Wallace's selaginella	<i>Selaginella wallacei</i>	Native	S5	Yellow	Not Listed
Yerba buena	<i>Clinopodium douglasii</i>	Native	S5	Yellow	Not Listed
Deer fern	<i>Struthiopteris spicant</i>	Native	S5	Yellow	Not Listed
Broom moss	<i>Dicranum scoparium</i>	Native	S5	Yellow	Not Listed
Rein orchid sp.	<i>Platanthera sp.</i>	----	----	----	----
Fescue sp.	-----	----	----	----	----
Brome sp.	-----	----	----	----	----

Grass sp.	-----	----	----	----	----
Douglas-fir	<i>Pseudotsuga menziesii</i>	Native	S5	Yellow	Not Listed
Shore pine	<i>Pinus contorta</i> var. <i>contorta</i>	Native	S5	Yellow	Not Listed
Invasive/non-native					
Perennial ryegrass	<i>Lolium perenne</i>	Exotic	SNA	Exotic	Not Listed
Hedgehog dogtail	<i>Cynosurus echinatus</i>	Exotic	SNA	Exotic	Not Listed
Common soft brome	<i>Bromus hordeaceus</i>	Exotic	SNA	Exotic	Not Listed
Scotch broom	<i>Cytisus scoparius</i>	Exotic	SNA	Exotic	Not Listed
Spurge-laurel	<i>Daphne laureola</i>	Exotic	SNA	Exotic	Not Listed
Bull thistle	<i>Cirsium vulgare</i>	Exotic	SNA	Exotic	Not Listed
Hairy cat's-ear	<i>Hypochaeris radicata</i>	Exotic	SNA	Exotic	Not Listed

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/eflora/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>

<https://explorer.natureserve.org/AboutTheData/Statuses>

³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

3.3 Fauna

During the site visit, all provincially Red- and Blue-listed species as well as Species at Risk Act-scheduled species were assessed for possible occurrence on the Subject Property. This wildlife assessment only considers vertebrate animals. The study area was carefully assessed for evidence of recent or past use by wildlife species. The following species were detected during the survey of the property:

Birds

The following 14 (10 terrestrial, 4 marine) bird species were observed on or adjacent to the property during the site visit, with one species at risk detected offshore in the Salish Sea (Provincially: double-crested cormorant (*Nannopterum auritum*); (Table 2). The double-crested cormorant breeds primarily in the Strait of Georgia. During the fall and winter double-crested cormorants can be found in sheltered waters throughout the coast but are most abundant in the Strait of Georgia and Juan de Fuca Strait (Campbell *et al.* 1990). The birds detected on site are typical for the area in early autumn. No heron or raptor nests were detected during the site visit; however, there are three documented bald eagle (*Haliaeetus leucocephalus*) nest locations within 330 m of the subject property (Wildlife Tree Stewardship Atlas 2024; Figure 7).

Table 2. List of plant species detected at 180 & 182 Cliffside Road, Saturna Island BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Belted kingfisher	<i>Megaceryle alcyon</i>	Native	S4S5	Yellow	Not Listed
Chestnut-backed chickadee	<i>Poecile rufescens</i>	Native	S5	Yellow	Not Listed
Dark-eyed junco	<i>Junco hyemalis</i>	Native	S5	Yellow	Not Listed
Spotted towhee	<i>Pipilo maculatus</i>	Native	S5	Yellow	Not Listed
Red-breasted nuthatch	<i>Sitta canadensis</i>	Native	S5	Yellow	Not Listed
Red crossbill	<i>Loxia curvirostra</i>	Native	S5	Yellow	Not Listed
Hutton's vireo	<i>Vireo huttoni</i>	Native	S4	Yellow	Not Listed

Northern Flicker	<i>Colaptes auratus</i>	Native	S5	Yellow	Not Listed
Hairy woodpecker	<i>Dryobates villosus</i>	Native	S5	Yellow	Not Listed
Common raven	<i>Corvus corax</i>	Native	S5	Yellow	Not Listed
Marine Species					
Black Oystercatcher	<i>Haematopus bachmani</i>	Native	S4	Yellow	Not Listed
Double-crested cormorant	<i>Nannopterum auritum</i>	Native	S3S4	Blue	NAR
Heermann's gull	<i>Larus heermanni</i>	Native	SU	Unknown	Not Listed
Gull sp.	-----	---	---	---	---

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/efauna/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>
<https://explorer.natureserve.org/AboutTheData/Statuses>

³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>



Figure 7. Bald eagle nest locations (red squares; BAEA-101-167 (330m), BAEA-101-257 (285m), BAEA-101-484 (225m) relative to the subject property on Saturna Island, BC. Data are from the BC Wildlife Tree Stewardship Atlas (accessed Sept 2024).

Mammals

Two species of mammal were detected during our site visit (Table 4), with no species at risk detected. We detected a harbour seal (*Phoca vitulina*) offshore in the Salish Sea south of the property. Black-tailed deer (*Odocoileus hemionus columbianus*) presence was evident in the form of pellets and trails at multiple locations on the property. Although not detected during our survey, killer whale (*Orcinus orca*) has been observed offshore in the Salish Sea. The waters surrounding the subject property fall within the Critical Habitat zone for Southern Resident Killer Whale (SRKW, **Red** listed in BC, **Endangered** under SARA; Figure 8). Other mammals that may be on site, but which were not directly surveyed include small rodents and bats. Suitable habitat for bat roosting and nursery sites includes clefts in steep rock outcrops and standing dead trees with hollow interiors or flaking bark (Lausen *et al.* 2022); these features are present on the subject property and may support roosting or

hibernating bats. The shed (outside of the DPA) may also support roosting bats, such as little brown myotis (*Myotis lucifugus*), big brown bat (*Eptesicus fuscus*), California myotis (*Myotis californicus*) or Townsend's big-eared bat (*Corynorhinus townsendii*).

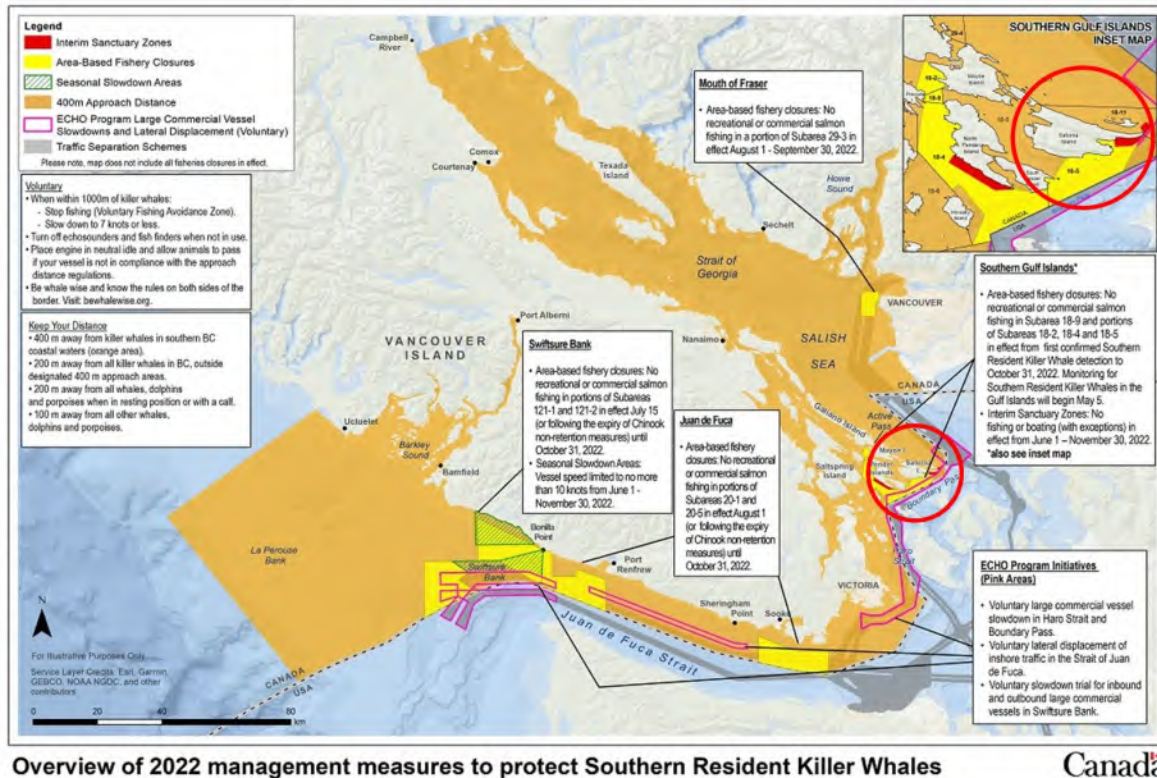


Figure 8. Southern Resident Killer Whale Critical Habitat zones relative to southern Saturna Island (within red circle). Data from Ministry of Transportation (2022).

Table 3. List of mammal species detected at 180 & 182 Cliffside Road, Saturna Island BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Black-tailed Deer	<i>Odocoileus hemionus columbianus</i>	Native	S5	Yellow	Not Listed
Harbour Seal	<i>Phoca vitulina</i>	Native	S5	Yellow	NAR

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/efauna/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>
<https://explorer.natureserve.org/AboutTheData/Statuses>

³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

Amphibians and Reptiles

No reptiles or amphibians were detected during our site visit but may occur in the warmer months. The Bluffs Ecosystem DPA portion of the property (Figure 4) has a suitable southern exposure with a rocky outcrop (Plate 2,3) that can provide shelter and protection from predators as well as possible basking sites. The most common species found within this type of habitat are the Northern Alligator Lizard (*Elgaria coerulea*) and Garter snakes

(*Thamnophis sp.*), as they are more likely to persist within disturbed landscapes, provided that critical habitat features for their survival are maintained. Any crevices in the rocky outcrops can provide excellent breeding nursery and hibernation habitat for a variety of snakes, including the **red-listed** sharp-tailed snake (*Contia tenuis*) as well as alligator lizards (Rutherford and Gregory 2003; Ovaska *et al.* 2004). No hibernacula were found on the Subject Property.

Plate 3. Rocky outcrop on property with suitable snake and alligator lizard habitat at 180 & 182 Cliffside Road, Saturna Island BC.



3.4 On Site Land Use

All habitat polygons on the property have evidence of previous disturbance either from clearing for development or selective logging. Currently there is an existing damaged stairway (Plate 1,4) and a chain link fence (Plate 5) located in the Bluffs Ecosystem DPA section of the property.

Plate 4. Aerial view of existing stairs on lower portion of the property (CRD Regional Map 2024) at 180 & 182 Cliffside Road, Saturna Island BC.



Plate 5. Fence and stairs in the Bluffs DPA of Subject Property at 180 & 182 Cliffside Road, Saturna Island BC.



4.0 Impact Assessment

Currently, 95% the proposed dwelling on the Subject Property will lie outside of the Bluffs Ecosystem DPA. The only section of the proposed dwelling that will encroach the Bluffs Ecosystem DPA will be portions of the deck (Appendix 1). The existing stairway constructed within the Bluffs Ecosystem DPA has had little or no impact on the overall health and ecological integrity of this sensitive area. This disturbance would have resulted in localized erosion and sediment transport to the foreshore below. However, soil and vegetated areas appear to have been mostly avoided during construction, with most of the installation activity occurring along the bare rock face. There was evidence of some removal of the thin soils characteristic of this ecosystem in the immediate area surrounding the top of the stairs (Plate 1,2). Much of the vegetation appears to have recovered from this disturbance; however, the grass species present are dominated by invasive species such as hedgehog dogtail (*Cynosurus echinatus*), a highly competitive annual grass that alters species composition in bluff ecosystems. Potential impacts of this proposed development on the Bluffs Ecosystem DPA centre around the movement of equipment and materials, excavation activity, subsequent reclamation, and redirection of rain and groundwater as part of the dwelling design. Although impacts will be minimal, restoration of a resilient coastal shoreline habitat with appropriate coastal erosion safeguards and plantings or seeding is needed.

Slope Stability / Erosion

The shoreline along the property is well vegetated with patches of invasive species such as Scotch broom, daphne, and bull thistle. The upper section of the backshore is very stable with minimal soil runoff as evidenced by well rooted grasses and vegetation along the edge (Plate 6). The foreshore is exposed to high wave energy and is characterized by erosion of sandstone bedrock and soil overlay (Plate 7).

Plate 6. Evidence of stable backshore with minimal soil erosion at 180 & 182 Cliffside Road, Saturna Island BC.



Plate 7. Evidence of seasonal shoreline erosion due to wave action at 180 & 182 Cliffside Road, Saturna Island BC.



Although the backshore is generally stable, there is the potential for disturbance at the terrestrial-marine interface. Construction activities involving soil disturbance could result in erosion and reduced slope stability within the DPA (Appendix 1).

Hydrology

The installation of proper drainage will be needed to ensure water flow is directed away from the proposed dwelling. The proposed construction plan includes a rainwater capture system, which will substantially mitigate any groundwater flow concerns in the proposed dwelling location. Any overflow should be directed away from the shoreline to permit the natural movement of water and terrestrial nutrients into the Bluffs Ecosystem DPA and beyond to the marine environment, consistent with existing drainage patterns on the landscape. The proposed deck encroaches into the DPA (Appendix 1), and although it is intended to be a permeable, flow-through design (Tomasz Anielski, personal communication), there will be some reduction in precipitation inputs into the DPA as a result of the proposed development.

Excavation and Root Damage

Given the shallow soil depth on the property, it is important to reduce the likelihood of potential for damage to lateral anchoring roots of trees growing within the Bluffs Ecosystem DPA. Root damage due to equipment or soil compaction can compromise tree health and stability; this has the potential to impact the integrity of the Bluffs Ecosystem DPA and could result in risk of tree fall damage to structures, necessitating future tree removal. Of particular concern are any impacts to trees caused by large equipment operation during construction; if root damage occurs on the upland side, this will lead to the loss of these stabilizing trees over the bank and further erosional losses, as well as detrimental reduction in carbon storage, biodiversity, and groundwater effects of continued tree loss.

Introduction of Non-native Flora

Any construction activities involving the use of heavy equipment, as well as revegetation of disturbed areas using commercial reseeding preparations, have the potential to introduce non-native vegetation to immediate and surrounding areas.

Septic Field

The proposed septic site is on the northwest portion of the property near Cliffside Road and lies outside the Bluffs Ecosystem DPA. The location of the septic field must comply with sewerage system regulations regarding well setbacks.

Wildlife Impacts

Three documented bald eagle nests are located near the Subject Property (Figure 7, 9):

- **BAEA-101-167 (330m)**
- **BAEA-101-257 (285m)**
- **BAEA-101-484 (225m)**

Provincial guidelines for rural development state that no development should occur within 100 m of an eagle nest, with an additional 100 m “quiet buffer” during the nesting season (Jan 5 – Aug 31; BC Ministry of Forests, Lands and Natural Resource Operations 2013). This places the nest locations outside of the buffers where activities must be limited to minimize disturbance; however, it is noteworthy that adult eagles have been observed in the area flying over or immediately adjacent to the subject property, and several veteran Douglas-firs within the DPA are suitable eagle perch trees. Hence, the importance of the subject property within a larger territory of habitat use by nesting bald eagles should be acknowledged.



Figure 9. Three bald eagle nest locations closest to the subject property on Saturna Island, BC. Red circles are 100 m buffers, and the yellow circles are the additional 100 m “quiet buffer”. Data are from the BC Wildlife Tree Stewardship Atlas (accessed Sep 2024).

The shoreline of the subject property is located within the Critical Habitat Zone for Southern Resident Killer Whales (SRKW; Figure 7). This designation is intended to mitigate boater activity within areas of critical

importance for this species, given these areas are important seasonal foraging habitats. Sediment flow from the terrestrial to marine environment because of upland development and soil disturbance will impact habitat quality for SRKW and their primary prey, Chinook salmon (*Oncorhynchus tshawytscha*).

5.0 Mitigation and Recommendations

Although an existing stairway lies within the Bluffs Ecosystem DPA, much of the characteristics of the habitat have remained intact. The Red-listed Douglas-fir – Onion Grass ecosystem adjacent to the Bluffs DPA (see Figure 3) requires some restoration (invasive plant removal and revegetation; see recommendations below) to ensure that this contiguous section of rare habitat remains intact, and to prevent seeding of non-native species into the Bluffs Ecosystem DPA itself.

Vegetation protection and remediation

The Bluffs Ecosystem DPA provides habitat for rare plants, nesting sites for terrestrial and marine birds and serves as a refuge for species susceptible to habitat disturbance. Following the proposed development, no further work or development should occur in the Bluffs Ecosystem DPA on the subject property, and any further activities on the upland portion of the property must prevent disturbance to soil and existing native vegetation in order to maintain soil stability and minimize erosion and sediment transport into the DPA. The Red-listed Douglas-fir – Onion Grass ecosystem located within the Bluffs Ecosystem DPA has been modified by human disturbance and we recommend revegetation in this and associated upland areas. Revegetation should consist of Garry oak, arbutus and Douglas-fir as canopy tree species, shrubs such as oceanspray, red-flowering currant (*Ribes sanguineum*), Nootka rose (*Rosa nutkana*) and saskatoon (*Amelanchier alnifolia*), and ground cover species such as kinnikinnick, nodding onion, camas (*Camassia quamash*), and drought-tolerant grasses such as native fescue (e.g. *Festuca roemerii*).

The proposed development includes a deck that encroaches on the DPA, potentially reducing soil water inputs from precipitation and increasing shading. Designing the deck surface to be as permeable as possible, allowing maximum flow-through of precipitation, will minimize loss of soil water. Directing overflow of precipitation from the rainwater collection system into the DPA beyond the dwelling will also help to compensate for any loss of soil water due to the siting of the deck in the DPA. The proposed height of the deck (approximately 2 m; Appendix 1) will ensure a reasonable amount of light reaches the ground below, and so will minimize light stress on vegetation.

Any activity during construction must minimize disturbance to the soil and existing vegetation, and particularly to large anchoring tree roots. The root zone for most trees typically extends at least the same radius from the trunk as the canopy, or crown, spread extends aboveground; hence, it can be quite extensive for many species. Further, ongoing invasive plant removal is recommended for species such as Scotch broom, Daphne, and any other invasive species detected on the property (See Table 1), as well as revegetation with native plant species in areas of disturbance to help avoid further introduction of non-native species. Scotch Broom modifies soil chemistry and prevents native species from establishing, shades out native species, and competes with native plants for access to water, nutrients and pollinators and hence it is critical that it be eliminated from this landscape to restore it to a healthy and diverse native plant community (Slesak *et al.* 2022). Removal should be achieved by cutting the plants at or just below the ground (just below the root collar) to avoid soil disturbance and erosional loss, as well as to reduce the chance of germination of seeds contained in the soil seed bank. (Germination is enhanced in newly disturbed soil.) Cutting plants when they are in full bloom in the spring will minimize resprouting, as all nutrients have been moved from roots into above ground parts. It will take many years before Scotch broom will be fully removed from this landscape as there will be a considerable seed bank

that can persist for many decades. Replanting of native shrubs and trees should be accompanied by deer browse exclusion fencing and irrigation to allow plantings to establish.

Wildlife considerations

The double-crested cormorant (Blue listed in BC) has distant breeding locations along the coast of British Columbia and the proposed project on the subject property will have no effect on these breeding areas. Mitigation and restoration measures that prevent erosion of soils into the marine environment will minimize disturbance to marine-associated species such as cormorants during the winter months, as increased water turbidity due to overland sediment transport in coastal areas can negatively impact habitats for diving birds and mammals, forage fish species, filter-feeding invertebrates, and photosynthetic algae (e.g. bull kelp, *Nereocystis luetkeana*). The subject property is sufficiently distant from established bald eagle nests that construction activity is unlikely to impact their nesting behaviour or success.

Bats can reside in abandoned structures such as old houses, barns and sheds. Before demolishing the dilapidated building (shed), it is recommended that a bat survey be conducted. The shed on the property has the potential to house a variety of species of bats. There are 16 species of bats in BC, with 10 species occurring in the Gulf Islands. Under the BC Wildlife Act it is illegal to physically remove bats, and evictions or exclusions are not permitted during the maternity season from May 1 to September 1. Ideally evictions, if necessary, should take place in fall (September 1 to November 1). (BC Bats - <https://bcbats.ca/got-bats/excluding-bats-from-a-building/>). A bat survey (visual and acoustic) will establish whether bats are present in the structure. Surveys can establish the approximate number of bats, locate access points and determine which species are present. This information helps to assess the potential impact of demolition and recommends appropriate measures that can be taken to reduce disturbance.

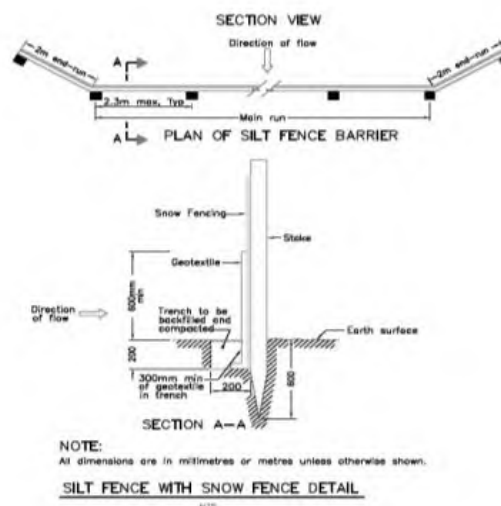
Site Specific Recommendations

Slope Stability / Erosion

1. Prior to construction, install silt fence as illustrated below to prevent surface transport of soil or fill and other material toward the marine edge of the Bluffs Ecosystem DPA beyond the immediate construction area.

EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL, STRIPPED FOR REUSE, TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.



2. Install silt barrier fencing as close as possible to the construction area and ensure no equipment crosses the barrier in areas of the Bluffs Ecosystem DPA. Storage of building materials must be limited to areas outside of the Bluffs Ecosystem DPA as is practical.
3. Immediately stabilize shorelines or banks disturbed by any activity associated with the project using silt barrier fencing to prevent erosion and/or sedimentation, and subsequently through revegetation with native species suitable for the site (e.g. saline-tolerant species such as Nootka rose, oceanspray). This is of extreme importance for the Subject Property to maintain a low risk of erosion through the DPA and especially along the cliff edge. Any increase in sediment runoff would cause increased sedimentation of nearshore waters, and increased turbidity can impact many nearshore species, including restricting the growth of photosynthetic macroalgae along the shore.
4. To further stabilize the bank from future erosion, we recommend ongoing invasive plant removal, as well as revegetation with native plant species in areas of disturbance to help avoid further introduction of non-native species. All restoration planting along the bank should occur in the fall-spring (Nov-Feb) to allow for plant root establishment before being exposed to summer drought, and plantings should be mulched to enhance soil moisture retention.
5. Ensure no work involving ground disturbance is carried out during precipitation events.
6. Any soils exposed for prolonged periods, i.e., greater than 2 weeks, shall be covered. Covering may include tarping, or hydromulch (without seed mixture) and must be maintained.

Excavation and Root Damage

7. Use lightest possible equipment for lowest impact and avoid cutting or damaging large lateral anchoring tree roots.

Revegetation

8. Use lightest possible equipment for lowest impact and avoid cutting or damaging large lateral anchoring tree roots.
9. Based on our professional opinion and in consultation with a professional forester: post construction, we recommend planting small seedlings as the best way to ensure tree root systems can develop undisturbed and to avoid transplant stress commonly associated with larger nursery stock. Planting small seedlings is also less invasive and can be done by hand rather than bringing in equipment to plant larger trees. This is especially relevant because some of the replanting will be occurring in the sensitive Bluffs Ecosystem DPA and adjacent upland areas.
10. Newly planted trees and shrubs require little care; however, until they reach a sufficient height, protection from wildlife browsing will be necessary. It is recommended that wire cages (e.g. stucco wire) be used to protect new seedlings and shrubs from animal damage. Cages need to be expandable to allow for plant growth while still ensuring protection from browsing. Barriers should start close to the ground and extend past the reach of deer, at least 1.5 m in height. Alternatively, the property as a whole could be fenced, ensuring that the newly planted trees and shrubs will grow without the risk of browsing.
11. All plantings (trees, shrubs and ground cover) should be maintained by the property owner to ensure survival. For canopy trees, this is typically required until they have reached a suitable “free to grow” stage of 1.5 m. Maintenance may require browsing exclusion fencing (see #10 above), removal of invasive weeds (e.g., Himalayan blackberry, Daphne, Scotch broom), and some irrigation may also be necessary to ensure seedling establishment; however, the species we have recommended for planting are generally drought tolerant once established. Unhealthy, dying or dead stock should be replaced in the next regular planting season.
12. The removal of invasive species (particularly Scotch broom and Daphne) is recommended throughout the entire property, including the Bluffs Ecosystem DPA, to prevent their continued spread and improve the resilience and biodiversity of natural areas. See above for specific removal recommendations.

Introduction of Non-native Flora

13. Contractors should inspect their equipment to ensure they do not transport invasive plant species seeds onto or off the property. All equipment should be washed prior to arrival. Manual removal of weeds from equipment should be performed regularly.
14. Landscaping and restoration of disturbed areas should be conducted using *only* native plant species.
15. The removal of invasive species is recommended throughout the entire property. Where invasive plants occur along the cliff edge of the Bluffs Ecosystem DPA, ensure all stems are cut and not pulled to maintain stabilization of the bank. Keeping the Scotch broom and Himalayan blackberry trimmed before flowering will also help reduce seed spread.

Downslope Contamination

16. The construction plan for the proposed septic system installation will require approval by Island Health. Providing the plan is implemented as proposed, there should be no potential for contamination of the surrounding Bluffs Ecosystem DPA or adjacent marine environment.

The following measures would help retain or enhance ecological value of the property as a whole:

17. To maintain ecological integrity of the Bluffs Ecosystem DPA, and the subject property as a whole, all existing canopy trees should be maintained. This includes standing dead trees (snags), as these features provide critical habitat for many species of birds, bats, and invertebrates. Existing seedlings or young trees should be managed to provide the best opportunity for survival (e.g. removal of competing vegetation and non-native species as needed, protection from herbivore browsing). Retention of all mature trees in the Bluffs Ecosystem DPA on the property will help stimulate the natural tree regeneration process, since mature Douglas-fir and arbutus provide a source of seed for future regeneration.
18. For project planning in the Gulf Islands region, the songbird nesting window is March 12 to August 17 across all habitat types, with peak nesting occurring between May 1 and July 22 (Department of Environment and Climate Change 2020). All construction activities involving ground or tree disturbance should be avoided during this peak nesting period.

6.0 Monitoring and Restoration

A follow-up site visit by a Qualified Environmental Professional (QEP) is recommended in the future, to assess the effectiveness of the proposed mitigation measures. A restoration plan is not needed at this time; however, an expert with knowledge of saline tolerant, drought resistant plants can provide the property owners with the shrubs/plants needed to revegetate the affected area in the DPA and surrounding habitat. To assist with the identification of appropriate native plants, below are links to local providers in the area:

<https://www.penderconservancy.org/>
<http://galianoconservancy.ca/grow-native-plants/>
<https://mayneconservancy.ca/>
<https://satinflower.ca/>
http://www.goert.ca/gardeners_restoration/buying_native_plants.php

Our recommended mitigation measures are primarily intended to enhance the disturbed ecosystem, in order to ensure protection of the Bluffs Ecosystem DPA itself (minimize ongoing introduction of invasive species), and to directly restore the **Red-listed** Douglas fir – Onion Grass ecosystem within the Bluffs Ecosystem DPA.

The objectives of the Bluffs Development Permit Area relevant to the property are as follows (Saturna OCP 2018):

- To protect the highly visible scenic qualities of the fragile natural features of vegetation and habitat of the bluffs.
- To maintain a treed buffer along the top and bottom of rock bluffs to reduce disturbance of breeding birds and to provide perch sites for raptors.
- To protect all rock bluff and cliff habitats as nesting areas for birds and red and blue listed species of plants and animals found in these ecosystem units.

7.0 Conclusion

The proposed new dwelling will be located primarily outside of the Bluffs Ecosystem DPA, with only part of the proposed deck encroaching into the Bluffs Ecosystem DPA (Appendix 1). The most significant concerns regarding impacts of the proposed development are (1) surface runoff during pre- and post-construction as it has the potential to accelerate erosion along the marine boundary of the property, which is currently undergoing seasonal erosion, and (2) direct impacts of the deck on precipitation inputs to soil and ground shading. Providing our mitigation recommendations are followed, these potential impacts can be minimized. Invasive plant removal and restoration with native plants throughout the property is essential to enhance the ecological value of the DPAs, and to further protect the property from ongoing erosional losses. It is our opinion that the guidelines and recommendations we have outlined above will ensure that detrimental impacts to the sensitive and threatened ecosystem on the subject property can be avoided.

If you have any questions or comments, please contact the undersigned at your convenience.



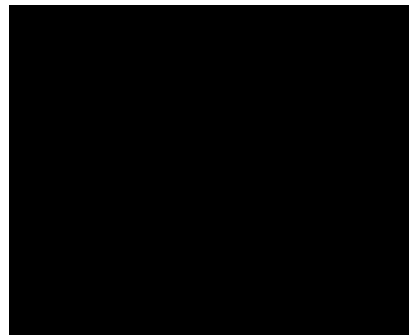
Dan Baxter, B.Sc., R.P.Bio. #1999
Project Manager



Erin O'Brien, Ph.D.
Director of Science



Caurinus Environmental



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Islands Trust

**SATURNA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
SA-PLDP20240229**

To: Bronwen Thomas
c/o Tomasz Anielski

1. This Development Permit (the “Permit”) applies to the land described below:

LOT 40, SECTION 14, SATURNA ISLAND, COWICHAN DISTRICT, PLAN 14023
(PID: 004-454-006)

And

LOT A, SECTION 14, SATURNA ISLAND, COWICHAN DISTRICT, PLAN 48566
(PID: 013-995-839)

2. It is a condition precedent of this Permit that, prior to the commencement of any development permitted herein, the land described in 1. (above), namely Lot 40, Plan 14023 and Lot A, Plan 48566 shall be consolidated as a single parcel registered with the Land Title Office.
3. This Development Permit SA-PLDP20240229 authorizes development (construction of a deck structure) within **Development Permit Area 2 – Bluffs** (“DPA”) subject to the following requirements and conditions:

General

- a) The siting and dimensions of the deck structure shall be substantially consistent with Schedules ‘A’ and ‘B’ attached to and forming part of this permit.
- b) The deck structure shall be constructed to minimize ground shading and allow water penetration to the extent practicable.
- c) With the exception of the development permitted herein, there shall be no land alteration or clearing or disturbance of native plants and trees within the DPA, and all construction shall minimize disturbance and maintain all undeveloped terrestrial habitat in as natural a state as possible.
- d) All contractors and construction personnel shall be notified of the location of the DPA and the conditions of this Development Permit.
- e) Construction activities and ground disruption should occur outside of the Gulf Islands region songbird annual peak nesting period between May 1 to July 22.
- f) Contractors shall inspect their machinery, equipment and vehicles for leaks prior to operation and to ensure they are in good working order and ensure they do not transport invasive plant species seeds onto or off of the property.
- g) Machinery and equipment shall only be refuelled at a designated location that is a minimum 15 metres distant from the DPA boundary.
- h) A spill response kit shall be on site during all periods when machinery is being operated and all operators are to be trained in the use of the spill kit.

Erosion and Sedimentation Control

- i) All necessary measures to protect the Bluff Ecosystem marine ecosystem from erosion and sedimentation shall be used by the property owners and contractors through the construction process, specifically:
 - i. Construction and landscaping shall be undertaken during dry weather and not during periods of prolonged rainfall deposition.
 - ii. Prior to commencing construction, a siltation barrier/fencing shall be installed as close to the construction area of the dwelling and underground utilities in the approximate location shown in Schedule 'A', and in accordance with the specifications as shown in Schedule 'C', attached to and forming part of this permit..
 - iii. Outside of the area of the permitted deck in the DPA, In the event of disruption resulting from the construction process, siltation barrier shall be installed and maintained until restoration planting is completed.
 - iv. No machinery or equipment shall be permitted to operate on the seaward side of the siltation barrier/fencing.
 - v. Any soils, construction equipment and machinery shall be placed and/or stored outside of the DPA.
 - vi. Any soils exposed or deposited for a period of greater than two (2) weeks shall be covered and maintained by means of tarps in good repair and/or hydromulch (without seeds).
 - vii. During construction, any surface water flow shall be directed away from the DPA toward the north portion of the property.
 - viii. Upon completion of construction, all storm water drainage and rain water collection from the dwelling shall be directed away from, and outside of, the DPA and into the required cistern(s) for the storage of rainwater and/or a rock pit.

Protection of Root Systems

- j) Excavation for foundations, footings and services shall be of a minimal depth, utilize the lightest possible machinery and equipment practical, and avoid cutting or damaging large lateral anchoring tree roots.

Retention and Restoration Planting

- k) To maintain the integrity of the DPA and to stimulate natural tree regeneration, all mature canopy trees shall be retained.
- l) Native young trees and seedlings shall be retained and maintained by removal of competing, non-native species and exclusion fencing (below).
- m) Dead or declining trees, downed logs, snags and leaf litter within DPA shall be retained.
- n) The foregoing conditions k), l) and m) are encouraged to be implemented on the balance of the property outside of the DPA.
- o) To further stabilize the bluff from future erosion, and to restore the ecological integrity of the DPA, the following restoration measures should be undertaken:
 - i. Landscaping and restoration planting of disturbed areas within the DPA shall use only native plant species.
 - ii. The planting of drought resistant native trees as small seedlings and shrubs in the DPA using species selected to suit the soil, light and groundwater conditions of the site and for erosion control and/or fish and wildlife habitat values and as recommended by the monitoring Qualified Environmental Professional (QEP).
 - iii. Planting should occur in the spring (February to March) to allow for plant root establishment and soil stabilization before being exposed to winter precipitation.
 - iv. New plantings should be protected from foraging by wildlife by the use of exclusion fencing (cages and/or mesh) and maintained by periodic watering during the summer drought season and the removal of non-native and invasive weeds and shrubs for a minimum of two (2) years from the date of completion of the planting to ensure survival.
 - v. Unhealthy, dying or dead stock should be replaced next regular planting season.

- vi. Replanting with drought resistant trees and shrubs on the balance of the property outside of the DPA is encouraged.
- p) The removal of non-native and invasive species such as Scotch broom, Himalayan blackberry, English ivy and non-native rose is encouraged. Keeping Scotch broom and Himalayan blackberry trimmed before flowering will help reduce the spread of seed in the area.
- q) Where invasive species occur along the cliff edge, ensure that all stems are cut and not pulled in order to maintain bank stability.

Monitoring

- r) Upon completion of the permitted development work, a monitoring QEP shall provide written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
- 4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
- 5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
- 6. This permit does not relieve the applicant from complying with the provisions of the Saturna Island Land Use Bylaw unless varied by this Permit.
- 7. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Saturna Island Land Use Bylaw No. 119, 2018 and to obtain other approvals necessary for completion of the proposed development.

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

Deputy Secretary, Islands Trust

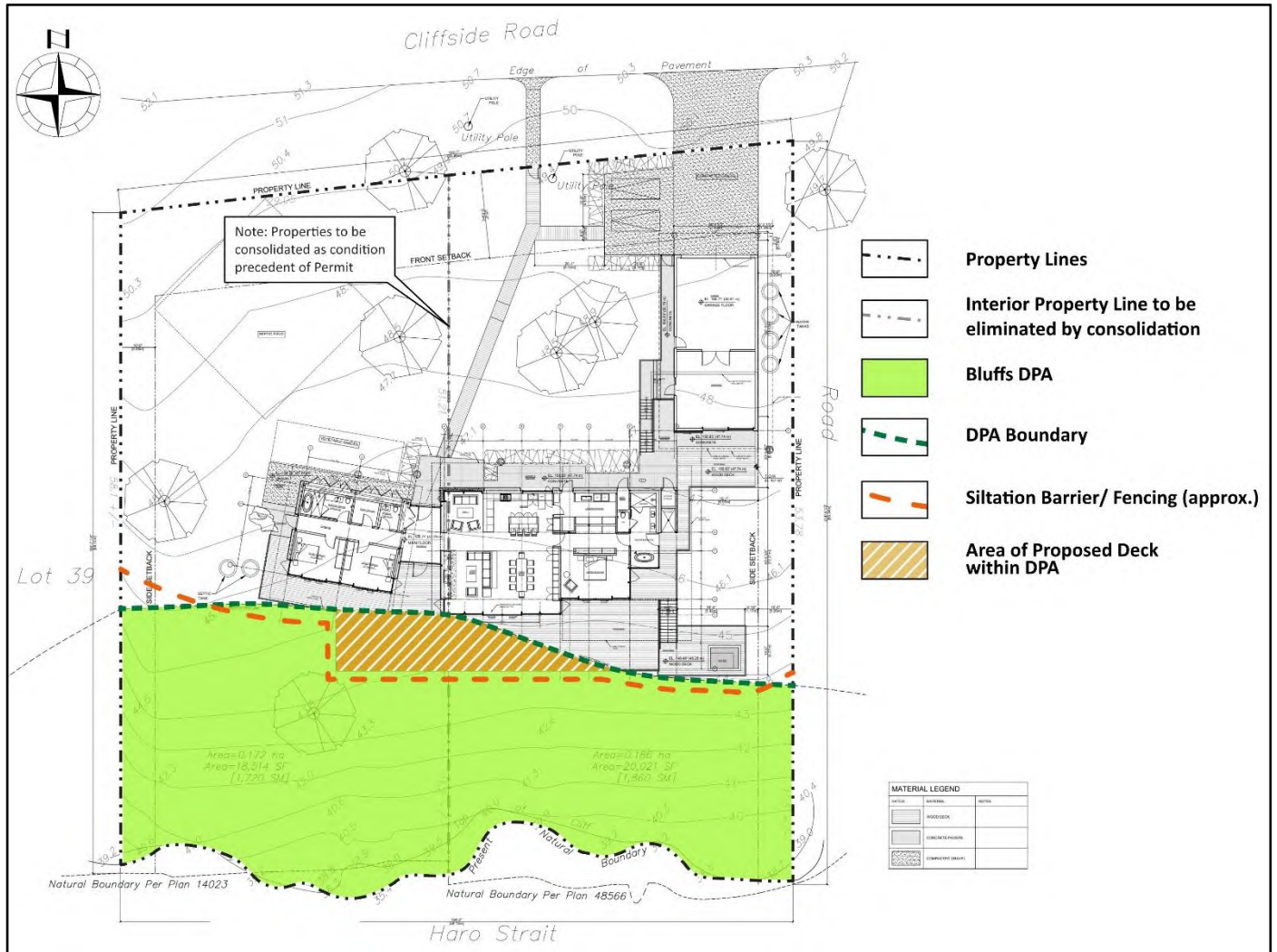
Date of Issuance

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

SATURNA ISLAND LOCAL TRUST COMMITTEE

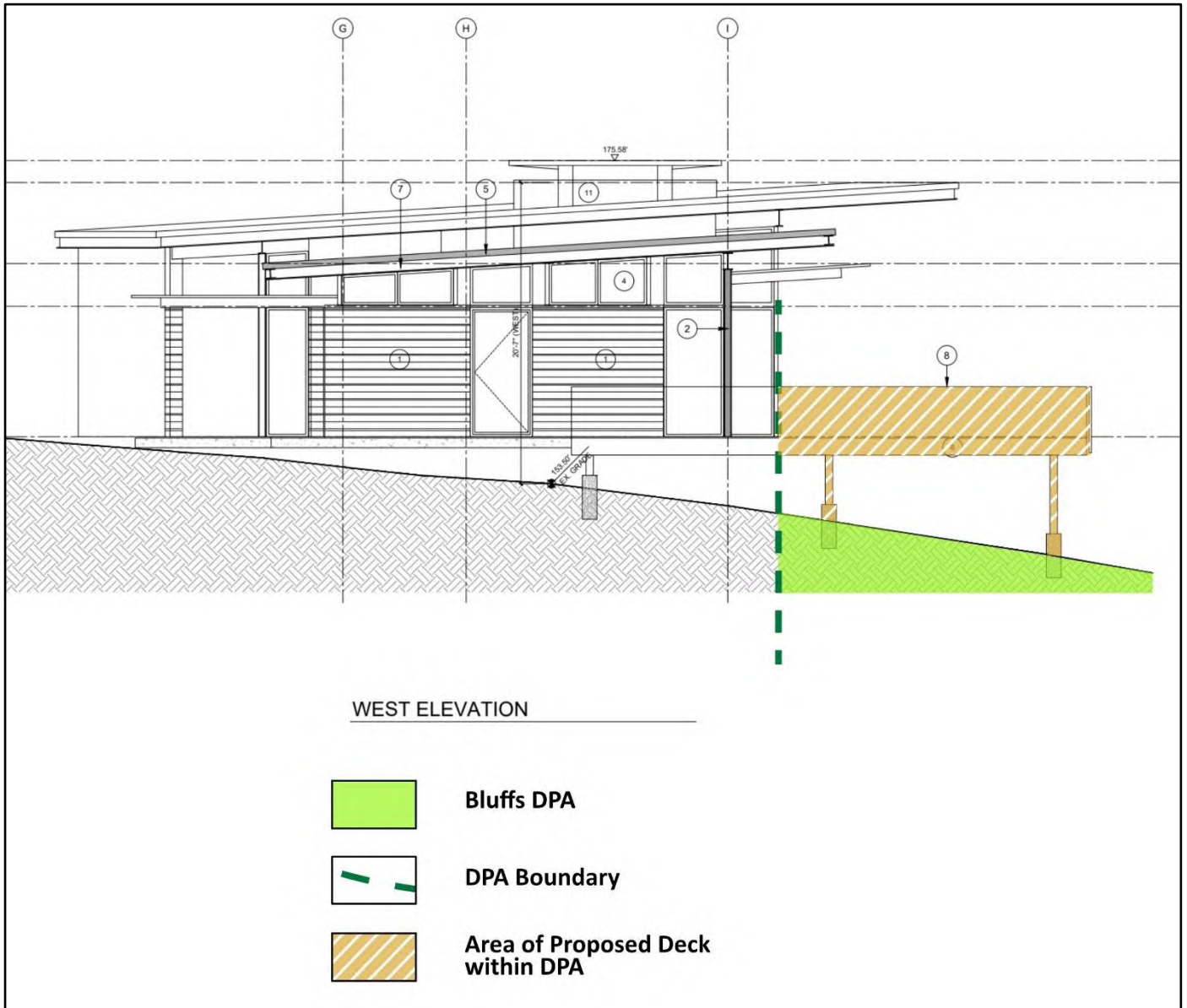
SA-PLDP20240229

SCHEDULE 'A'



SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-PLDP20240229

SCHEDULE 'B'



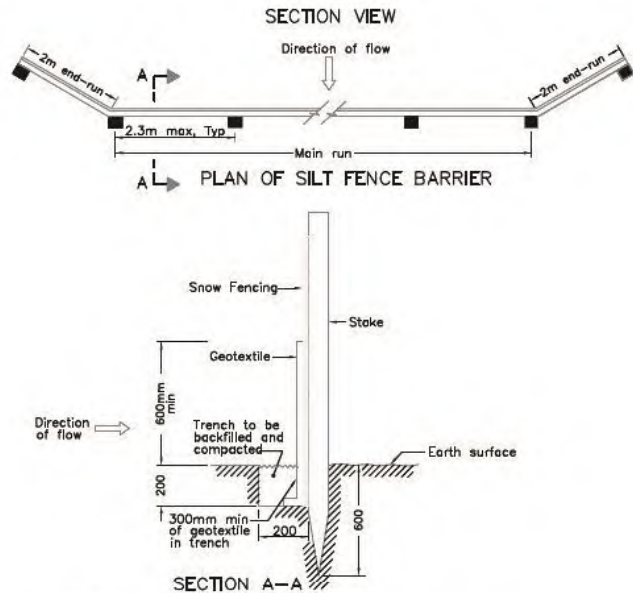
SATURNA ISLAND LOCAL TRUST COMMITTEE

SA-PLDP20240229

SCHEDULE 'C'

EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS

File No.: Minor Housing Amendments
Review Project

DATE OF MEETING: October 17, 2024
TO: Saturna Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Minor Housing Amendments Review Project – Project Updates

RECOMMENDATIONS

1. That the Saturna Island Local Trust Committee directs staff to prepare a draft bylaw that would amend the Saturna Island Land Use Bylaw No 119, 2018 by:
 - a. Changing all references of ‘rainwater’ to ‘freshwater’ to be consistent with other recent amendments and the advice of the Islands Trust Senior Freshwater Specialist;
 - b. Removing *Schedule “C” Eastpoint Water Management Area*, and updating water storage requirements in *Section 2.18 Water Storage*, for any new residential building, visitor accommodation unit, or addition to a residential building or visitor accommodation unit to apply across the entire Saturna Island Local Trust Area;
 - c. Simplifying secondary suite provision 2.18.5 by deleting the reference to areas having moderate to high aquifer vulnerability; and,
 - d. Revising the associated *Schedule “E” Secondary Suites* map in consideration of updated 2022 provincial saltwater intrusion mapping.
2. That the Saturna Island Local Trust Committee directs staff to schedule a Community Information Meeting on the Minor Amendments Housing Project at the January 2025 regular business meeting, and to advertise the meeting in the Saturna Scribbler.

REPORT SUMMARY

This staff report provides an update to the Saturna Island Local Trust Committee (LTC) on the LTC’s Minor Housing Amendments Review Project; and seeks direction from the LTC on next steps for the project.

The recommendations above are supported as:

- Establishing water storage requirements across the entire Local Trust Area (LTA) is precautionary in response to climate change and should reduce overall dependence on groundwater;
- Revising secondary suite mapping to reflect updated saltwater intrusion data would increase opportunities for secondary suites which may alleviate housing shortages;

- Proceeding with water storage and secondary suite bylaw amendments will allow for progress to be made while further community engagement can occur in exploring more flexible housing options;
- LUB changes to enable more flexible housing options may also require Official Community Plan (OCP) amendments that would necessitate Ministerial approval; and,
- Another CIM will allow for additional community engagement on all items within the project scope.

BACKGROUND

At the May 23, 2024 meeting, the LTC adopted the [project charter](#). The project scope includes:

- 1) Reviewing Schedule C of the LUB and assessing establishment of cistern requirements across the LTA;
- 2) Reviewing Schedule E for secondary suites and update with new provincial saltwater intrusion mapping;
- 3) Reviewing Multiple Family Residential (MFR) zoning restrictions and associated OCP policies.

Staff are now seeking direction on proposed LUB amendments to address Items 1 and 2, above. The LTC should also turn their minds to next steps with respect to Item 3, including additional community engagement, staff analysis or other associated tasks.

ANALYSIS

July 18 Community Information Meeting

A Community Information Meeting (CIM) was held on July 18, 2024 in conjunction with the LTC's regular business meeting. There were approximately 10 members of the public present.

At that meeting, staff made a [presentation](#) on the regulatory scope, context and background in respect of the three project items. The presentation was well received and follow-up Q/A was extensive and generally positive.

Key themes emerging from the discussion included:

- Attendees were supportive of expanding water storage requirements across the entire LTA;
- Attendees were generally supportive of updating secondary suite mapping to reflect updated provincial mapping while also expressing that a precautionary approach should be taken to ensure water resources are not compromised in areas sensitive to aquifer vulnerability;
- Housing needs are wide ranging, from worker housing shortages, to affordability challenges, to lack of options for aging in place;
- The scope of just reviewing MFR zoning is too narrow and should be expanded;
- There is significant interest in exploring potential flexible housing options and more community dialogue is needed.

First Nations Engagement Letter

Staff have sent an early engagement letter to all identified First Nations with an invitation to engage and participate in the project (Attachment 1). To date, no responses have been received.

Should the LTC proceed with amending bylaw(s), referrals would be sent to all identified First Nations.

Draft Bylaw for Water Storage and Secondary Suite Provisions

Staff are of the view that given the community support for Items 1 and 2, and the additional review and deliberation associated with Item 3, that the LTC should proceed with a separate LUB amendment for water storage and secondary suite mapping updates.

If the LTC decides to proceed, the draft bylaw would make the following changes to the LUB:

- 1) Section 2.17 – Water Storage, would be amended by deleting the words “in the water management area depicted on Schedule C” so that it reads

A building permit shall not be issued for any new residential building, visitor accommodation unit, or addition to a residential building or visitor accommodation unit unless a building on the lot is equipped with a water catchment system and cistern(s) for the storage of freshwater.

- 2) Section 2.18 – Secondary Suites, Subsection 2.18.5 would be amended by deleting the words “as having moderate to high aquifer vulnerability depicted” so that it reads:

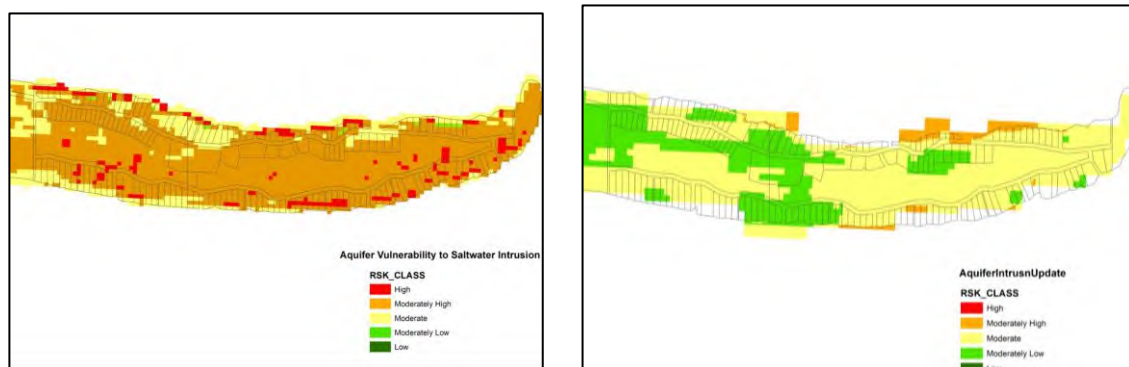
Secondary suites are not permitted in the areas identified on Schedule E.

- 3) Schedule “C” – Eastpoint Water Management Area, would be deleted in its entirety
- 4) Schedule “E” – Secondary Suites Map, would be replaced by a new Schedule “E” reflecting updated provincial mapping and direction from the LTC
- 5) All references to rainwater would be changed to freshwater.

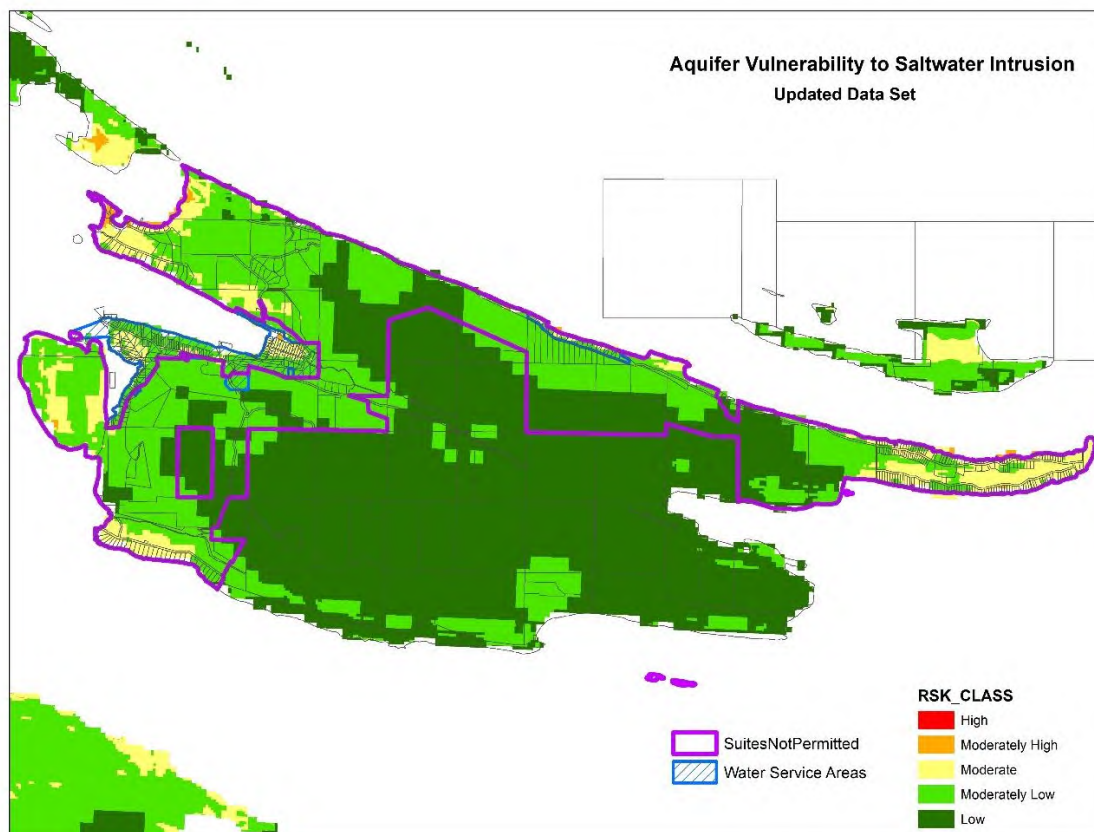
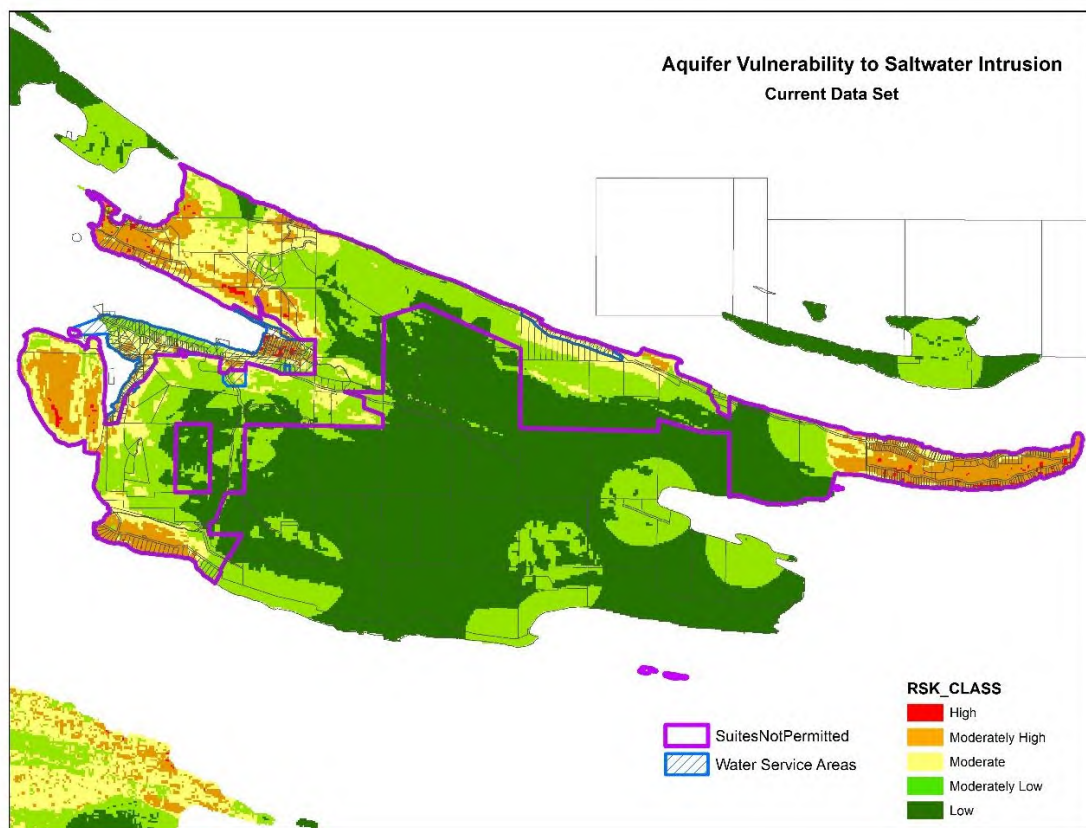
Mapping Considerations

Staff have initiated mapping updates with GIS staff. On the next page are the existing and new 2022 provincial saltwater intrusion data layers for Saturna Island. The new data set does have more areas in the low and moderately low categories. However, the data is also not as fine a scale as the original data set as can be seen by the larger block polygons in the 2022 mapping image.

In the East Point Water Management Area, there are a number of parcels where the new data sites them entirely within low or moderately low categories. Given the known water issues in the area, and to ensure fairness within the local community, the LTC may want to consider some exclusions to the approach of only using saltwater intrusion data to determine if secondary suites are permitted.



There may also be areas in the Saturna Beach Strata Corp where this occurs. Staff will bring more detailed mapping and associated analysis and recommendations, including a specific list of parcels potentially affected by the data changes (ie. parcels where a secondary suite would now be permitted, or vice-versa), to the LTC in a staff report for the January 2025 meeting.



January 2025 Community Information Meeting

Staff recommend that the LTC schedule a CIM at the January LTC meeting. At that CIM, staff will present the proposed amending draft bylaw and associated secondary suite mapping for discussion, and the LTC can also have further community dialogue on potential flexible housing options.

Staff will also invite Capital Regional District (CRD) staff to present on the CRD's [Rural Housing Program](#) project.

Project Charter Timelines

The project is on track with project timelines. Initial analysis is complete and bylaw drafting is commencing.

Phase	2024												2025											
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
Pre-Project																								
Project Initiation																								
Analysis																								
Bylaw Drafting																								
FN Consultation																								
Community Consultation																								
Legislative																								
Implementation																								

Rationale for Recommendation

The recommendations on page 1 are supported as:

- Establishing water storage requirements across the entire Local Trust Area (LTA) is precautionary in response to climate change and should reduce overall dependence on groundwater;
- Revising secondary suite mapping to reflect updated saltwater intrusion data would increase opportunities for secondary suites which may alleviate housing shortages;
- Proceeding with water storage and secondary suite bylaw amendments will allow for progress to be made while further community engagement can occur in exploring more flexible housing options;
- LUB changes to enable more flexible housing options may also require Official Community Plan (OCP) amendments that would necessitate Ministerial approval; and,
- Another CIM will allow for additional community engagement on all items within the project scope.

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. Recommended wording for the resolution is as follows:

That the Saturna Island Local Trust Committee request that...

2. Not proceed with a separate amending bylaw for water storage and secondary suite provisions

The LTC may decide not to proceed with a separate bylaw and instead consider all bylaw amendments in one package including any proposed changes to MFR zoning or flexible housing options.

3. Not Proceed with the Project

The LTC may decide to not proceed with the project.

4. Receive for information

The LTC may receive the report for information.

NEXT STEPS

With direction from LTC, staff will draft an amending bylaw and schedule the January CIM.

Submitted By:	Brad Smith, Island Planner	October 9, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	October 9, 2024

1. First Nations Engagement Letter

August 22, 2024

IT File: SA-LTC
 Minor Housing Amendments Review Project

Via E-mail:

Cowichan Tribes
 Halalt First Nation
 Ts'uubaa-asatx 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
 WSA NEC Leadership Council

Dear Chief and Council:

Re: Minor Housing Amendments Review Project

I am writing to you on behalf of the Saturna Island Local Trust Committee (LTC) to inform you of the LTC's **Minor Housing Amendments Review** project and to invite you to participate. Lack of affordable housing is a concern of the Saturna Island community. Housing is also a priority in Trust Council's strategic plan and is a priority of the Regional Planning Committee.

The scope of this project is to:

- 1) Review cistern regulations and assess establishing cistern requirements across the Trust Area;
- 2) Review secondary suite mapping and update with new provincial saltwater intrusion mapping; and,
- 3) Review Multiple Family Residential (MFR) zoning restrictions and associated Official Community Plan (OCP) policies to increase options for housing access and affordability on Saturna Island.

As the LTC moves forward with the project, which may include land use bylaw and Official Community Plan (OCP) regulatory amendments to update secondary suite and cistern mapping, along with changes to enable higher density housing options on the island, we would like to know your Nation's interest in the project and how you would like to be involved.

More information on the project, including the [project charter](https://islandstrust.bc.ca/island-planning/saturna/projects/) and staff reports, are located here:
<https://islandstrust.bc.ca/island-planning/saturna/projects/>

Thank-you for considering our request to engage on this LTC project initiative.

Respectfully,

B. Smith

Brad Smith
 Island Planner – Saturna Island Local Trust Area

cc: Saturna Island Local Trust Committee

Active Projects Report

Saturna Island

1. *Minor Project - Minor housing amendments review project*

Responsible

Dates

Activity:

Brad Smith

Rec'd: 23-May-2024

Robert Kojima

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. *Shoreline policy review*

Responsible

Date Received

23-May-2024

Islands Trust
 LTC EXP SUMMARY REPORT F2025
 Invoices posted to Month ending July 2024

660 Saturna	Invoices posted to Month ending July 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-660	LTC "Trustee Expenses"	100.00	161.84	-61.84
LTC Local				
65200-660	LTC - Local Exp - LTC Meeting Expenses	<u>790.00</u>	<u>563.14</u>	<u>226.86</u>
TOTAL LTC Local Expense		<u>790.00</u>	<u>563.14</u>	<u>226.86</u>
Projects				
73001-660-4135	Saturna Minor Housing Review	<u>2,000.00</u>	<u>250.00</u>	<u>1,750.00</u>
TOTAL Project Expenses		<u>2,000.00</u>	<u>250.00</u>	<u>1,750.00</u>

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2024-015 (Standing)	Carried	15-Feb-2024
Southern Resident Killer Whale Management Measures Review - Supported That 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) that commercial whale watching boats be regulated and or licensed to mirror the regulatory regime established in the adjacent waters of Washington State. b) 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; c) efforts by the Government of Canada to develop longer-term and permanent measures, and integrate the annual interim measures into existing management processes; and, d) large commercial vessel speed reduction initiatives as part of the Southern Resident killer whale 2019 conservation agreement signed between Canada and shipping industry stakeholders.		

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 two-weeks 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. Amended on February 15, 2024 (15.4) - Amend standing resolution 2023-008 by replacing changing all references of '24 hours' to 'two-weeks'.		
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.		
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.		

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2019-017 (Standing) 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.	Carried	09-May-2019
2019-011 (Standing) 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.	Carried	17-Jan-2019

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
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.		
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		

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
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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.

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.



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JULY 23rd, 2024 BOARD MEETING

NOTE: For more detail on Islands Trust Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- Chair Smith spoke to the cancellation of the July 23rd ITC-EC Liaison Meeting stating that since the ITC Board had attended recent Executive Committee meetings, there wasn't a need to meet in July.
- Manager Stewart presented the Islands Trust Conservancy (ITC) Freedom of Information and Protection of Privacy Bylaw No. 4, advising that this bylaw brings the Conservancy in line with the way Freedom of Information and Protection of Privacy is done with other entities of the Islands Trust, and updates the fees.
- Trustee Elliott provided an update to the ITC Board from Executive Committee on ongoing conversations regarding the request to the Province for the review of Islands Trust.
- Trustee Elliott provided an update to the ITC Board from Financial Planning Committee reporting that Trust Council has been asked to decide on budget assumptions, principles, and guidelines to help set the budget. The 2025/26 budget will be discussed at the September Trust Council meeting.
- Chair Smith provided an update to the ITC Board on the ITC presentation delivered at Trust Council.
- Trustee Gauvreau provided an update to the ITC Board from Governance Committee including further detail about the aspects to be included in a request for a Provincial review, that the request will be worked on by a sub-committee using the original Request for Decision (2022) as a starting point, and noting key items likely to be raised.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board endorsed the Coastal Douglas-fir and Associated Ecosystem Conservation Partnership (CDFCP) revised Terms of Reference and Statement of Cooperation. The Chair of the ITC Board was directed to sign the Statement of Cooperation on behalf of ITC. The ITC Board continues to support the participation of staff on the CDFCP steering committee and/or working groups as authorized by the ITC Manager.
- The ITC Board approved the ITC 2025/26 Budget Submission for inclusion in the Islands Trust 2025/26 budget with the following amendment:
 - Increase the Board training and conference line to \$4,600.
- The ITC Board discussed the ITC 2024/25 Work Plan provided by Manager Stewart.
- Manager Stewart presented the ITC 5 Year Plan Engagement Plan Outline to provide additional detail about the engagement process for development of the 2026-2030 ITC Plan.
- The ITC Board requested staff to provide a briefing on potential disposition of ITC land to Indigenous Governing Bodies.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

5. COMMUNICATIONS AND OUTREACH

- The ITC Board approved the 2024-2026 Islands Trust Conservancy Communications and Engagement Strategy, as amended.
- Manager Stewart provided a verbal update to the Board regarding a Referral for GB-TUP-2024.2 Burren's Acres, Gabriola Island.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved an Opportunity Fund Grant of \$8,000 for the Bowen Island Conservancy.

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>



BRIEFING

To:	All Local Trust Committees Bowen Island Municipality	For the Meeting of:	Next Available Meeting
From:	Trust Area Services	Date Prepared:	August 19, 2024
SUBJECT:	Dark Sky Principles Adoption Advocacy		

PURPOSE: To provide all local trust committees and Bowen Island Municipality with an RFD prepared by North Pender Trustee Morrison regarding Dark Sky Principles, and inviting LTCs and BIM to notify Trustee Morrison of interest in initiating conversations with relevant regional districts about adopting Dark Sky Principles.

BACKGROUND: At its June 2024 regular meeting, Trust Council received a request for decision from Trustee Morrison of North Pender Island regarding Dark Sky Principles. Trust Council passed the following resolution:

TC-2024-062

That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.

ATTACHMENT(S):

- 1) Request for Decision: Dark Sky Principles Advocacy (June 18, 2024)

FOLLOW-UP: If LTCs or Bowen Island Municipality wish Islands Trust Council to pursue further discussion about Dark Sky Principles they should pass a resolution notifying Trust Morrison of their interest. An example resolution is as follows:

That [Island Name] Local Trust Committee/Bowen Island Municipality direct staff to notify Trustee Morrison of [Island Name] Local Trust Committee's/Bowen Island Municipality's interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.

Prepared By: Senior Policy Advisor, August 20, 2024

Reviewed By/Date: Director, Trust Area Services, August 21, 2024



REQUEST FOR DECISION

To: Trust Council

For the Meeting of: June 18, 2024

From: Trustee Morrison

Date Prepared: May 24, 2024

SUBJECT: Dark Sky Principles Adoption Advocacy

RECOMMENDATION FOR IMMEDIATE ACTION:

1. That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.
2. That Trust Council encourages Trustees to work with their communities to develop and build awareness of the principles of Dark Sky International and encourage voluntary adoption of the principles of Dark Sky International.

RECOMMENDATIONS FOR FUTURE CONSIDERATION:

3. The Trust Council clarify its jurisdiction to control nighttime illumination in all contexts within the Trust Area for Official Community Plan and Bylaw adoption and enforcement across the Trust Area.
4. The Trust Council adopt and promote the principles of Dark Sky International.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

PURPOSE:

To protect and promote public and ecological health, safety, and welfare, quality of life, and the ability to view the night sky.

BACKGROUND:

“Over lighting” from dusk on into the darkness is a growing problem as it interferes with/pollutes the night sky, poses an annoying and invasive nuisance to neighbours, is harmful to wildlife who depend on darkness, and is a waste of electricity. May come from freighters in the region or from residential, industrial, or other land use related lighting not directed at ground or properly shielded.

Critical considerations with resources:

- Night skies are an important natural resource requiring protection. Action is being taken across a variety of contexts and scales globally, many of which are simple to enact.
 - [Dark Sky International Principles](#)
 - [How can you help preserve the night sky?](#)
 - [Model Lighting Ordinance](#)
 - [Vancouver Bylaw 10.2.2.10 Lighting in Residential Buildings](#)
- Night skies promote healthy humans and wildlife.
 - [Let's Talk Science – Light Pollution](#)
- Within the Trust Area, action has also been taken.
 - Example of regulation: [Bowen Island Municipality Bylaw No. 272, 2010 re protection of night sky](#)

The outstanding question is: How can non-municipal jurisdictions of the Trust Area provide protection for Night Skies?

Some regulation may be considered around:

- External lighting of buildings, gardens and driveways that is left on all night.
- External lighting of any building or grounds when it is not downward cast.
- Indoor lighting in accessory buildings not shaded that is left on during some or all of night.
- Indoor lighting of residences facing neighbouring residences that is not shaded.

Such regulation might involve regulation on:

- the type of lighting that is appropriate (e.g. energy efficient),
- the strength of light (low lighting versus high wattage lighting)
- the direction of lighting so as not to throw light off to neighbours or animals (e.g. downward cast)
- the length of time for certain types of lighting to be used (to depend on purpose with a view to
- limiting unnecessary or excessive accessory uses in particular), and
- means of enforcement of any regulations

In our role as a coordinator of jurisdictional overlapping authorities within the Trust Area, we need to get into conversation with multiple levels of government on this issue to provide clarity and enforcement on this issue as desired within communities and to support the mandate of preserving and protecting the unique amenities and environment of the Trust Area.

IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL:

FINANCIAL:

POLICY:

IMPLEMENTATION/COMMUNICATIONS:

FIRST NATIONS:

OTHER:

Circulated to MLA Adam Olsen and MP Elizabeth May.

RELEVANT POLICY(S):

ATTACHMENT(S):

RESPONSE OPTIONS

Recommendation:

Alternative:

Prepared By: Trustee Morrison in consultation with and at the request of community members.

Reviewed By/Date:

File No.: Policy Statement
Amendment Project (PSAP)

DATE OF MEETING: Fall 2024

TO: Local Trust Committees
Bowen Island Municipality

FROM: Trust Area Services

SUBJECT: Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP)

RECOMMENDATION

1. That *[name of LTC/Bowen Island Municipality]* select Engagement Option(s) *[Insert option #s here]* for Phase 4 community engagement about the new draft Islands Trust Policy Statement.

REPORT SUMMARY

The purpose of this report is to provide local trust committees (LTCs) and Bowen Island Municipality (BIM) with the opportunity to advise Trust Council which, if any, local public engagement activities the LTC/BIM would prefer used to seek community input to inform the LTC's/BIM's referral response to Trust Council about the draft new Policy Statement. Trust Council will refer the new Policy Statement to LTCs and Bowen Island Municipality for comment once Trust Council has provided approval in principle.

The project work plan anticipates that virtual and on-island engagement will take place between May and October 2025.

BACKGROUND

Through approval of the Policy Statement Amendment Project Charter, Islands Trust Council has confirmed its intent to support a six-month local engagement window once Trust Council grants the draft Policy Statement approval in principle.

The project charter for the Policy Statement Amendment Project envisions Phase 4 engagement taking place simultaneously at the federation-wide and local trust area/Bowen Island levels. At the federation-wide level, the following engagement activities are planned:

- A survey¹, available both online and in hard copy that can be picked up at key locations on the islands; and
- An online workshop open to all that wish to attend.

¹ There will be an opportunity for people to phone in their answers to the survey as well.

Options for on-island engagement are laid out in the table below.

This will be the fourth time that local communities have been engaged as part of the Policy Statement Amendment Project. Information about previous engagement phases is available in the “Project Library” on the [Islands 2050 webpage](#).

ANALYSIS

On-Island Engagement Options

Option Number	Option Type	Option Description	Trust Area Services Staff Participation	Option Cost (from PSAP budget)
1.	No formal on-Island engagement	LTC/BIM receives the draft policy statement and develops a referral response based on their own perspectives or information gathered informally in the community ²	N	\$0
2.	Town Hall during regular LTC/BIM meeting(s)	LTC/BIM allocates time within one or more regular LTC meetings to hear views of community members	N	\$0
3.	LTC/BIM-led Community Information Meeting prior to regular LTC meeting	LTC/BIM requests and advertises Community Information Meeting to be held on regular LTC/BIM meeting day specific to the draft new Policy Statement	N	\$XXX (advertising) \$XXX (engagement materials)
4.	Staff-led Community Information Meeting prior to regular LTC/BIM meeting	LTC/BIM requests and advertises for Community Information meeting to be held on regular LTC/BIM meeting day specific to the Policy Statement	Y	\$XXX (advertising) \$XXX (engagement materials)
5.	Staff-led Community Information Meeting outside of regular LTC/BIM meeting ³	LTC requests and advertises for special meeting to be held specific to the Policy Statement	Y	\$XXX (advertising) \$XXX (engagement materials) \$XXX (hall rental + catering) \$XXX (minute taker)

² Trustees are welcome to convene informal gatherings at their own cost, but use of project funds requires a more formal structure (minute taker/recorder etc).

³ On-Island engagement events that involve TAS staff will likely involve total overtime, travel, and potentially accommodation costs in the order of between \$250 and \$1,000.

6.	Staff-run info booth	Staff set up a booth at a popular community hub to share information about the PSAP and gather feedback for presentation to LTC/BIM	Y	\$XXX (advertising) \$XXX (engagement materials)
7.	Staff-run info booth on the ferry	Staff set up a booth on the ferry to share information about the PSAP and gather feedback for presentation to LTC/BIM	Y	\$XXX (advertising) \$XXX (engagement materials)

Issues and Opportunities

Need for Local Engagement

LTCs/BIM considering Phase 4 local engagement for the Policy Statement Amendment Project should consider the nature of the information they hope to receive to inform their referral response. LTCs/BIM are under no obligation to pursue on-island engagement if they are satisfied they can comment on the draft Policy Statement without it. A survey option will be available to on-island residents regardless of an LTC's/BIM's on-island engagement selection.

Project Budget

Subject to Trust Council approval, the anticipated budget for Phase 4 on-island community engagement is \$20,000. This is not sufficient for staff-supported engagement on all 13 large islands or associated islands. Once all LTCs/BIM have submitted their engagement requests, staff will review the nature of each request, and if it does not seem feasible to deliver the type of engagement requested with the existing budget, staff will advise Executive Committee and propose options and alternatives.

Rationale for Recommendation

The purpose of this report is to solicit LTC/BIM direction so Trust Area Services staff can prepare appropriate opportunities and materials in support of local trust committee engagement on the Policy Statement. The content of any recommendations is at the LTC's/BIM's discretion.

ALTERNATIVES

1. Request alternative approach to engagement

The LTC/BIM may have ideas for local engagement that staff have not included above. If this is the case, and provided such ideas are feasible within both project budget and timeline, then LTC/BIM may request this approach. If this is the case, the following resolution is appropriate :

That the [name of LTC/Bowen Island Municipality] requests the following form of local engagement for Phase 4 community engagement about the new draft Policy Statement

NEXT STEPS

Staff will collate the on-island engagement requests of all LTCs/BIM and assess them for feasibility relative to project budget and staff resources. Depending on the results of that assessment, staff will draft a public engagement plan and schedule for Trust Council approval and/or seek direction from Executive Committee if LTC/BIM requests exceed budget or resourcing limits.

Submitted By:	Jason Youmans, Senior Policy Advisor	September 26, 2024
Concurrence:	Clare Frater, Director, Trust Area Services	October 2, 2024

ATTACHMENTS

- 1. Policy Statement Amendment Project Charter V9

Policy Statement Amendment Project - Project Charter V9

Purpose To support Trust Council’s update of the Islands Trust Policy Statement bylaw, incorporating feedback from Indigenous Governing Bodies, the public, and referral agencies, and approval by the Minister of Municipal Affairs.

Background Trust Council has assigned Executive Committee, with involvement from Trust Programs Committee as appropriate, the task of updating the Islands Trust Policy Statement through the lenses of reconciliation, climate change, and affordable housing, and to undertake early engagement with Indigenous Governing Bodies (IGBs) and the public in the process.

Objectives

- To adopt an updated Policy Statement bylaw that supports Trust Council’s commitments to reconciliation, climate change, and affordable housing, and reflects feedback from the public, IGBs, and partner agencies.

In Scope

- Amendment drafting of V1 as directed by TC resolutions, communications, legal review, and implementation planning
- IGB engagement, public engagement, and agency referrals
- Four readings/Ministerial approval

Out of Scope

- Treaty or territorial negotiations or accommodation
- Consequential amendments to official community plans and land use bylaws

Workplan Overview

Major Deliverable/Milestone	Dates
Past Years (FY 2019-20, 2021-22, 2022-23, 2023-24) -IGB early engagement Phases 1 (2019-2021), 2 (2021-2022), and 3 (2023) -Public engagement Phases 1 (2019-2020), 2 (2021), and 3 (2022) -Policy review and analysis by Trust Council’s committees/working groups and staff (2020-22) -Amendment drafting and legal review Phase 1 (Apr-Jun 2021), Phase 2 (Dec 2022-Mar 2023) - IGB Early engagement Phase 3	2019-2024
Present (FY 2024-25) - Review and revision of draft Policy Statement by Committee of the Whole	May - December 2024
Proposed Next Steps (FY 2024-25) - Approval in principle by Trust Council -Six month public engagement (referrals to local trust committees and Island Municipalities for local engagement; Trust-wide survey; and virtual community workshop) - Amendments and First Reading - Bylaw referral to IGBs, regional districts, Conservancy Board and others	Jan 2025 May– October 2025 Nov- Dec 2025 Dec 2025 - March 2026
Final Adoption (FY 2025-26/2026-27) -Trust Council receives referral responses and passes resolutions on further revisions required -Amendment drafting and amendment/ Second and Third Reading by Trust Council -Refer proposed bylaw to Minister with final FN engagement report; allow six months for review - Ministerial Approval (estimated—no statutory timeline), and Adoption -Final graphic design and distribution, celebration event, implementation planning	April 2026 May 2026 May2026 Dec 2026 Dec 2026—Jan 2027

Project Team

Executive Committee
Trust Programs Committee
Director, TAS

Project Champion
Policy Content Advisors
Project Director

Sr. Policy Advisor

Project Manager & Policy Writer

Program Coordinator

Public Engagement Coordinator

Communications Specialist

Communications Coordinator

Budget

Item	FY 24-25	FY25-26	FY26-27
Communications	\$10,000	\$26,000	\$10,000
Public Engagement	\$0	\$60,000	\$0
Legal Review	\$25,000	\$5,000	\$5,000
Capacity Funding	\$4,000	\$0	\$0
Total Activity Costs:	\$39,000	\$91,000	\$15,000

Approved by:

Clare Frater, Director, TAS

Endorsement: TC

Date: TC-2024-077, Sept, 25, 2024

*Timeline assumes Trust Council schedules special meetings between regular quarterly meetings.

DATE OF MEETING: October 17, 2024
TO: Saturna Island Local Trust Committee
FROM: Warren Dingman, Manager of Bylaw Compliance and Enforcement
Southern Team
SUBJECT: Bylaw Compliance and Enforcement Policy

RECOMMENDATION

- 1. That the Saturna Island Local Trust Committee direct staff to amend the proposed Bylaw Compliance and Enforcement Policy as necessary and bring it forward for future consideration.**

REPORT SUMMARY

The purpose of this report is to present a Bylaw Enforcement Policy document for review and consideration by the Local Trust Committee. The proposal is to incorporate all current standing resolutions for compliance and enforcement into a single document and to provide clarity on current policies.

This report is also presented in an effort to provide education and information regarding how and why investigations are conducted and when there is the need to contact residents directly during such investigations.

BACKGROUND

There have been concerns expressed about the conduct of bylaw staff and the manner in which properties are accessed for inspection and how requests for compliance are proceeding. Currently, bylaw staff follow adopted Trust Council policies for compliance and enforcement, and they receive direction from Local Trust Committees in the form of standing resolutions regarding specific bylaw contraventions where the Local Trust Committee wants either proactive enforcement or deferral of enforcement.

These policies are not combined and there is no public facing document that can be easily accessed by either residents of Saturna Island or staff. This has led to a lack of understanding of how bylaw staff conduct themselves or why they follow certain procedures.

TRUST COUNCIL POLICY

Trust Council Policy 5.5.1, which is attached, provides direction to staff and Local Trust Committees on when compliance and enforcement investigations will be commenced and closed; the priority of investigation; the role of Local Trust Committees in bylaw enforcement; use of mediation; when legal action should be commenced; and the confidentiality of complainants.

However, it does not contain policies for the following:

1. Notice of Site inspections
2. Time to Comply
3. Frivolous or vexatious complaints
4. Definition of minor contraventions
5. Use of discretion

Trust Council policy states that Local Trust Committees can close files and adopt policies to address specific issues regarding compliance and enforcement, and the proposed policy document is an opportunity to ensure that those issues are addressed in an open and transparent manner, and to allow the Local Trust Committee the opportunity to provide additional direction to staff on how to conduct bylaw enforcement.

PROPOSED POLICIES

The proposed policy contains the current policies adopted by standing resolution and it also provides additional policies on when site inspections are to occur, or not occur, when files should be closed at the discretion of staff. It also includes consideration on whether or not those subject to compliant should face enforcement or penalties if they are financially unable to comply.

RATIONALE FOR RECOMMENDATION

Local governments throughout British Columbia have bylaw enforcement policy documents that provide direction to staff regarding how bylaw compliance will be sought and how enforcement will be conducted. Within the Islands Trust, Local Trust Committees have been establishing such policies piecemeal and for individual issues through the adoption of standing resolutions. Establishing the policies into one document that can be readily accessed by staff and the general public should ensure a more efficient and open and transparent access to information and policies, and a better understanding of how bylaw enforcement is conducted.

ALTERNATIVES

1. That the Saturna Island Local Trust Committee adopt the proposed Bylaw Compliance and Enforcement Policy.
2. That the Saturna Island Local Trust Committee direct staff to proceed no further with work on the policy document.

Submitted By:	Warren Dingman, Manager of Bylaw Compliance and Enforcement	October 8, 2024
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Attachments

1. Proposed Saturna Island Bylaw Compliance and Enforcement Policy
2. Trust Council Policy 5.5.1

PROPOSED

Saturna Island Local Trust Committee Bylaw Compliance & Enforcement Policy

Bylaw Compliance & Enforcement Policy No. 1, effective ____XXX_____, 2024

Version No. 1

Purpose

To establish policies and procedures for bylaw compliance and enforcement in the Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1., and that are within the authority of the Local Trust Committee to enforce, and to ensure that policies and procedures are efficient, transparent, reasonable, and consistent with local community standards.

PART A

1.0 Application

This policy will apply to the Saturna Island Local Trust Area and the enforcement of all applicable regulatory bylaws.

2.0 Definitions & Abbreviations

BEN – bylaw enforcement notice

LUB – Land Use Bylaw

LTC – Local Trust Committee

Minor structure – any structure that does not require a building permit, and that is not located in a development permit area or located within any other environmentally sensitive area

Respondent – a property owner whose property is subject to a bylaw enforcement complaint

Health & Safety concerns – fire, unsafe construction, hazards relating to steep slopes or cliffs, or unsafe sewage disposal

Approved septic system – one that has been registered with the Vancouver Island Health Authority

3.0 References

Islands Trust Act section 28:

Enforcement of bylaws

28 (1) For the purposes of enforcing its bylaws and section 32 of this Act, a local trust committee has all the power and authority of a regional district board.

Saturna Island Land Use Bylaw No. 119 Section 1.4.1

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

Trust Council Policy 5.5.1

Policies adopted by the Islands Trust Council to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

4.0 Priorities

- 4.1** The Islands Trust Act grants the LTC the power and authority to enforce its bylaws and the LTC also has discretion to adopt priorities for enforcement or to defer enforcement.
- 4.2** There will be no enforcement against unlawful short term vacation rentals unless one of the following circumstances exists:
 - 4.2.1 There is more than one complainant from the immediate neighbourhood;
 - 4.2.2 The complaint is made by a representative of an improvement district and it concerns overuse of water;
 - 4.2.3 The complaint concerns use of a common driveway servicing at least two separate lots;
 - 4.2.4 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.
- 4.3** There will be no enforcement against unlawful dwellings unless one of the following circumstances exists:
 - 4.3.1 There is a complaint from an immediate neighbour;
 - 4.3.2 Or there is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.

5.0 Inspection

- 5.1** At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.
- 5.2** Bylaw Enforcement Officers will request mutually agreeable times to arrange site inspections and provide minimum of 30 days notice despite section 1.4.1 of the LUB.
- 5.3** Investigations into health and safety issues and matters that may cause adverse environmental impact and result in irreversible damage are a priority and may be investigated with 24 hours notice pursuant to section 1.4.1 of the LUB.

- 5.4** Holders of temporary use permits will be held accountable for any violations of their Permit. Bylaw Enforcement Officers may enter properties between the hours of 9:00 am and 5:00 pm, on any day, without prior consultation with the holder of a Temporary Use Permit for the purpose of investigating a complaint.
- 5.5** If a respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection will only be conducted to confirm compliance.
- 5.6** If a respondent provides photographic evidence, a survey, or a professional report that confirms compliance, a site inspection is not required.

6.0 Enforcement Procedures

- 6.1** If a bylaw contravention is confirmed, respondents will be given a minimum of 90 days to comply.
- 6.2** Bylaw Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year.
- 6.3** If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the respondent to cease the use or activity immediately.
- 6.4** If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Enforcement Officer will advise planning staff and they will arrange a meeting to discuss the feasibility of such an application.
- 6.5** If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated and this may include a request to the LTC for legal action.

7.0 Closing Files

- 7.1** If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant used a false name, the file will be closed.
- 7.2** If the contravention is for a minor structure that has only received one written complaint, the file can be closed.
- 7.3** If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers or the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file.
- 7.4** If a contravention has been identified that is subject to deferred enforcement by the LTC, the file can be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety.
- 7.5** If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file unless there is work in a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns.

8.0 Frivolous, Repeat or Vexatious Complaints

- 8.1** Complaints that are made in bad faith, false, or made for retaliatory purposes may be considered vexatious.
- 8.2** Repeated complaints that form a part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process may be considered frivolous or vexatious.
- 8.3** Frivolous, repeat or multiple complaints about the same issue or a matter that has been investigated with no offence found may be considered vexatious.
- 8.4** If a decision is made to not act upon a complaint that is considered frivolous, repeat, or vexatious, the complainant will be advised of the decision, the reason for it, and may be advised of the circumstances under which it may be reconsidered.

9.0 Communications

- 9.1** When a file is opened and an investigation commenced, respondents will be advised of the Trust Council Policy that authorized the opening of the file and that an investigation has commenced.
- 9.2** Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.
- 9.3** If there are questions or concerns regarding individual files, Trustees or the LTC will communicate with the Manager of Bylaw Compliance and Enforcement.
- 9.4** The Manager of Bylaw Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting.

10.0 Reporting

- 10.1** The LTC will receive regular reporting on open files where investigations have been completed, and the reporting will state whether or not enforcement or legal action of any kind is recommended.
- 10.2** The Manager of Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement that they believe the LTC needs to be aware of.
- 10.3** The Manager of Compliance and Enforcement will maintain the Bylaw Enforcement Policy and will report to the LTC if amendments are recommended or required.



Policy:	5.5.1
Approved By:	Trust Council
Approval Date:	March 11, 1995
Amendment Date(s):	June 6, 1997; June 6, 1998; June 13, 2003; December 5, 2003; December 10, 2004; June 17, 2005; March 10, 2006; March 13, 2019, December 2, 2021
Policy Holder:	Director of Local Planning Services

BYLAW COMPLIANCE AND ENFORCEMENT

Purpose

The purpose of the bylaw compliance and enforcement program is to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

A. Definitions

1. "Long-form information" means a complaint sworn before a Provincial Court judge by a bylaw compliance and enforcement officer

B. Policy

1. COMPLIANCE

- 1.1 Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

2. BEST PRACTICES MANUAL

- 2.1 The Bylaw Compliance and Enforcement Manager will maintain a best practices operating manual in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report ["Bylaw Enforcement: Best Practices Guide for Local Governments"](#), March, 2016.

3. COMMENCING INVESTIGATIONS

- 3.1 Bylaw investigations may be commenced and an investigation file opened in one or more of the following circumstances:
 - 3.1.1 in response to written complaints of an alleged contravention made by any person;
 - 3.1.2 bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;
 - 3.1.3 bylaw contraventions appear to cause health and safety issues;
 - 3.1.4 bylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the

- Islands Trust;
- 3.1.5 a referral is received from a permitting agency that identifies alleged land use bylaw contraventions associated with the permit request;
- 3.1.6 advertisements exist for apparently unlawful uses;
- 3.1.7 a Local Trust Committee directs staff to commence an investigation.

4. CLOSING INVESTIGATIONS

- 4.1 Bylaw investigation files can be closed in one or more of the following circumstances:
 - 4.1.1 if no contravention existed;
 - 4.1.2 if compliance has been achieved;
 - 4.1.3 on direction of a Local Trust Committee;
 - 4.1.4 if the Director of Local Planning Services concurs with the Bylaw Compliance and Enforcement Manager that the contravention is of a minor character and does not suit the public interest to enforce.

5. PRIORITY OF INVESTIGATION

- 5.1 The workload for bylaw investigations will be prioritized as follows:
 - 5.1.1 by specific direction of a Local Trust Committee;
 - 5.1.2 health and safety issues;
 - 5.1.3 adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;
 - 5.1.4 contraventions of land use bylaws and other bylaws.

6. MEDIATION

- 6.1 Bylaw investigation efforts to gain compliance should be conducted using the principles and techniques employed in mediation.
- 6.2 Persons alleged to have committed contraventions and complainants may be invited to participate in a process designed to:
 - 6.2.1 provide full information and exchange of information;
 - 6.2.2 confirm facts;
 - 6.2.3 explore opportunities for compliance;
 - 6.2.4 negotiate a timeline for compliance;
 - 6.2.5 reach a compliance solution.

7. LEGAL ACTION

- 7.1 If unlawful activity does not cease or if compliance is not achieved, a bylaw enforcement officer may:
 - 7.1.1 issue a bylaw violation notice; or
 - 7.1.2 make recommendations to the Local Trust Committee on how to proceed, including taking civil action or closing the investigation without compliance.
- 7.2 Immediate legal action may be recommended to Local Trust Committees or bylaw violation notices issued if impacts of unlawful activity risk serious harm to persons or the environment.
- 7.3 Offence Act prosecutions may be recommended to the Local Trust Committees under

the following conditions:

- 7.3.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.
- 7.3.2 A long-form information may be sworn only after approval by a local trust committee; and
- 7.3.3 Executive Committee has approved legal funding for the prosecution; and
- 7.3.4 The long-form information has been reviewed and prepared by legal counsel.

8. BYLAW NOTICE DEBT

- 8.1 Debts incurred as the result of default on bylaw notices may be cancelled if the Director of Local Planning Services and the Bylaw Compliance and Enforcement Manager concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.

9. CONFIDENTIALITY

- 9.1 Information in regards to a complainant is kept confidential. However, confidentiality cannot be guaranteed should litigation proceed against the violator or where a request for information is received under the *Freedom of Information and Protection of Privacy Act*.

10. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES

- 10.1 Trustees will be immediately advised when a bylaw investigation file is opened indicating the type and area where the contravention is alleged to occur but names and addresses of the complainant and alleged violator will not be communicated.
- 10.2 Trustees may make a written complaint alleging a bylaw contravention.
- 10.3 Local Trust Committees and trustees are not to be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.
- 10.4 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement in regards to specific issues.
- 10.5 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.
- 10.6 Trust Council will be informed of the volume and type of bylaw enforcement files bi-annually.

C. Legislated References

- 1. [Islands Trust Act](#)
- 2. [Offence Act](#)

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- [BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016](#)
- [BC Local Government Bylaws>Bylaw Enforcement](#)



Islands Trust

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Saturna Island Local Trust Committee 2025-2026 Regular Meetings

The Saturna Island Local Trust Committee will be meeting to consider land use applications, bylaws, correspondence, and various community planning topics.

Meetings are subject to change. Please visit the Islands Trust website for up-to-date schedule information.

DATE		TIME	MEETING TYPE	LOCATION
Thursday	January 16, 2025	11:30 a.m.	Regular	Saturna Recreation & Cultural Centre 104 Harris Road
Thursday	April 24, 2025	11:30 a.m.	Regular	Saturna Recreation & Cultural Centre 104 Harris Road
Thursday	July 24, 2025	11:30 a.m.	Regular	Saturna Recreation & Cultural Centre 104 Harris Road
Thursday	October 23, 2025	11:30 a.m.	Regular	Saturna Recreation & Cultural Centre 104 Harris Road
Thursday	January 15, 2026	11:30 a.m.	Regular	Saturna Recreation & Cultural Centre 104 Harris Road

The proposed meeting agenda is generally available one week prior to the meeting and may be obtained at the Islands Trust office or on our website.

Please note that correspondence received from the public may become part of a meeting agenda that is published online.

VISIT OUR WEBSITE: <https://islandstrust.bc.ca/location/saturna/>

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