



Saturna Island Local Trust Committee

Regular Meeting Agenda

Date: October 19, 2023
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	12:00 PM - 12:30 PM
7.1 SA-ALR-2023.1 (Hall) - ALR Land Exclusion/Inclusion Application	
8. PUBLIC HEARING	12:30 PM - 1:30 PM
8.1 SA-ALR-2023.1 (Hall) - ALR Land Exclusion/Inclusion Application	
8.1.1 <u>Recess for Public Hearing</u>	
8.1.2 <u>Recall to Order</u>	
9. MINUTES	1:30 PM - 1:40 PM
9.1 Local Trust Committee Minutes Dated July 27, 2023 (for Adoption)	4 - 9
9.2 Local Trust Committee Public Hearing Record Dated July 27, 2023 (for Receipt)	10 - 11
9.3 Section 26 Resolutions-without-meeting Report Dated Oct 2023	12 - 12
10. BUSINESS ARISING FROM THE MINUTES	
10.1 Follow-up Action List Dated Oct 2023	13 - 14

11.	DELEGATIONS	
12.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
13.	APPLICATIONS AND REFERRALS	1:40 PM - 2:20 PM
13.1	SA-TUP-2023.1 (Hannay) - Staff Report (attached)	15 - 24
13.2	SA-RZ-2023.2 (Thachuk) - Staff Report (attached)	25 - 43
13.3	SA-ALR-2023.1 (Hall) - ALR Land Exclusion/Inclusion Application - Post Public Hearing Staff Report (attached)	44 - 54
14.	LOCAL TRUST COMMITTEE PROJECTS	
15.	REPORTS	2:20 PM - 2:30 PM
15.1	Work Program Reports (attached)	
15.1.1	<u>Active Projects Report Dated Oct 2023</u>	55 - 55
15.1.2	<u>Future Projects Report Dated Oct 2023</u>	56 - 56
15.2	Applications Report Dated Oct 2023 (attached)	57 - 59
15.3	Trustee and Local Expense Report Dated Aug 2023 (attached)	60 - 60
15.4	Adopted Policies and Standing Resolutions (attached)	61 - 65
15.5	Local Trust Committee Webpage	
15.6	Islands Trust Conservancy Report - None	
16.	NEW BUSINESS	2:30 PM - 3:00 PM
16.1	New Fee Bylaw - Request for Decision (Deferred from May 19, 2022 meeting - attached)	66 - 84
16.2	Saturna Island LTC Freedom of Information and Protection of Privacy Bylaw No. 139 - Updated Request for Decision (attached)	85 - 89
16.3	Advisory Committee Discussion	
16.4	Census Infographics - Briefing (for information) (attached)	90 - 97
17.	UPCOMING MEETINGS	3:00 PM - 3:10 PM
17.1	Next Regular Meeting	

- | | | |
|-----|-----------------------|-------------------|
| 18. | TOWN HALL | 3:10 PM - 3:25 PM |
| 19. | CLOSED MEETING - None | |
| 20. | ADJOURNMENT | 3:25 PM - 3:25 PM |

Saturna Island Local Trust Committee

Minutes of Regular Meeting

Date: July 27, 2023
Location: Saturna Recreation and Cultural Centre
104 Harris Road, Saturna Island, BC

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

Staff Present: Brad Smith, Island Planner
Pat Todd, Recorder

Others Present: Paul Brent, Capital Regional District (CRD) Electoral Area Director for the Southern Gulf Islands
There were approximately six (6) members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 11:30 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

Director Brent, Capital Regional District (CRD) spoke of the passing of Pat Carney. She was a long-time resident of Saturna Island, powerful, a larger than life person and will be missed by the community.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Boland reported that:

- She attended the Trust Council meeting held recently on Gabriola Island. The days were long and the meetings went well
- The Regional Planning Committee meeting was today and there was a subgroup working on a housing plan
- The Trustees received a response from Ministry of Transportation and Infrastructure (MoTI). They plan to meet with MOTI on island to visit areas with issues and develop a work plan.

Trustee Middleton reported that:

- Spoke to the Governance Report project underway by Trust Council
- City West is exploring fiber optic feed options. Could be in place within 2 years and would provide high speed internet connectivity on Saturna.

4. CHAIR'S REPORT

Chair Maude reported that:

- Trust Council was very cohesive and debates were civilized
- Governance Committee has been doing excellent work. Hoping to meet with the Minister in October. Trust Council is endorsing the review process.
- The next draft of Trust Policy Statement is expected in January 2024

5. ELECTORAL AREA DIRECTOR'S REPORT

Director Brent reported that:

- City West is keen on providing fiber optic connection. The cost would be \$2.5 million to bring to island
- 90% of costs would need to be covered and CRD would be responsible for remaining 10%. An option to fund this would be to increase taxes. Rural Economic Development Program may provide some funding
- Housing is a global issue impacting on economic health. Looking to allow trailers and recreational vehicles, with septic and safety reviews as a non-compliant housing option
- While there has been increased funding allocated for housing solutions none has been directed to rural areas

6. TOWN HALL AND QUESTIONS

- A member of the public raised a question to the CRD Director about having any sway over building inspections
 - Director Brent responded that he did not have any direction over inspections. His focus is on housing needs. Residents having issues with inspections may forward them to him and he will try to address them
- Chair Maude asked Director Brent about consideration of Siting and Use Permits
 - Director Brent replied that the letter was received and is being discussed at CRD.
- A member of the public expressed support of proposed Bylaw 138, as they felt it was appropriate and they believed it would have either no impact or a positive impact on the island
- Another member of the public offered their support for the application
- Another speaker added that the Official Community Plan (OCP) cites 800 densities; maximum available is 720; no where near threshold
- Another speaker was in support of proposed Bylaw 138

7. COMMUNITY INFORMATION MEETING

7.1 SA-RZ-2023.1 (Gaines) - Proposed Bylaw No. 138

Island Planner Smith reviewed the application. The proposed Bylaw is to rezone the waterfront portion of the subject parcel to rural general to allow for the creation of two waterfront zoned lots through subdivision

- A member of the public asked if there was an error in how the zoning was done initially.
- The applicant replied that the problem was with statements in the OCP that allow for the transfer of density, but did not apply to rural residential lots.
- A speaker shared that they are in favour of the Bylaw

8. PUBLIC HEARING

8.1 SA-RZ-2023.1 (Gaines) - Proposed Bylaw No. 138

8.1.1 Recess for Public Hearing

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

8.1.2 Recall to Order

Saturna Island Local Trust Committee meeting recalled at 12:03 pm.

Public Hearing Record under separate cover.

9. MINUTES

9.1 Saturna Island Local Trust Committee Meeting Minutes Dated May 25, 2023

The following amendments to the minutes were presented for consideration:

- Trustee Boland noted that the 7th bullet on Page 7 should read “MoTI removed 50 old trees with no geotechnical report.

By general consent the Saturna Island Local Trust Committee meeting minutes of May 25, 2023 were adopted as amended.

9.2 Section 26 Resolutions-without-meeting Report Dated July 2023

Received for information.

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated July 2023

Two items to be completed:

- Regarding Protocol Agreement with MoTI and Islands Trust. The Committee will speak with the Minister about the opportunity to revitalize and open conversation regarding roads. Working towards implementing a task force to meet regularly to consult on roads.
- Expenses for the Wetlands Book Launch. The trustees discussed how this took up significant staff time for a \$425.00 expenditure. LTC in support of fiscal policy to withdraw request for reimbursement of this expense. Total cost of \$850.00 were paid personally by Trustee Middleton and Director Brent

11. DELEGATIONS – none

12. CORRESPONDENCE – none

13. APPLICATIONS AND REFERRALS

13.1 SA-RZ-2023.1 (Gaines)

Island Planner Smith spoke in favour of the Bylaw and added that there had been significant support voiced at the Public Hearing and Town Hall portions of the meeting. If given 2nd/3rd reading today, could be on agenda for Trust Council Aug. 23 meeting for approval. Next step would be to bring back to LTC for adoption.

Appreciation was expressed to Mr. Gaines and Planner Smith.

SA-2023-023

It was Moved and Seconded,

that Saturna Island Local Trust Committee Bylaw No. 138, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2023” be read for a second time.

CARRIED

SA-2023-024

It was Moved and Seconded,

that Saturna Island Local Trust Committee Bylaw No. 138, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2023” be read for a third time.

CARRIED

SA-2023-025

It was Moved and Seconded,

that Saturna Island Local Trust Committee proposed Bylaw No. 138 be forwarded to the Secretary of the Islands Trust for Executive approval.

CARRIED

SA-2023-026

It was Moved and Seconded,

that should the Executive Committee approve the proposed Bylaw, Saturna Island Local Trust Committee direct staff to prepare a Resolution-without-Meeting for adoption of Bylaw 138.

CARRIED

13.2 SA-RZ-2023.2 (Thachuk)

Island Planner Smith reviewed the application. The application is a site specific zoning amendment to increase density by one. There are two options for the LTC to consider: One option would be to divide into 2 lots of approximately to meet the minimum .81ha. Or amend the OCP to reduce minimum lot size. One portion of the lot is within the Agricultural Land Reserve (ALR)

Discussion

- Creating smaller lots with smaller footprints
- No intention to increase number of structures
- If subdivided, 1 residence could be enlarged based on 20% lot coverage
- The applicant expressed a preference for making a site-specific amendment to the OCP
- Island Planner Smith outlined impact on subdivision – requires MOTI and ALC involvement
- Minimal adjustment

SA-2023-027

It was Moved and Seconded,

that Saturna Island Local Trust Committee direct staff to proceed with SA-RZ-2023.2(Thachuk) and prepare draft bylaws amending the Land Use Bylaw and the Official Community Plan.

CARRIED

SA-2023-028

It was Moved and Seconded,

that Saturna Island Local Committee direct the Applicant to submit an additional \$1,100 for an Official Community Plan amendment for application SA-RZ-2023-.2 (Thachuk)

CARRIED

Applicant: no intention to increase number of structures.

Appreciation was expressed for working together of staff and applicant.

14. LOCAL TRUST COMMITTEE PROJECTS

15. REPORTS

15.1 Work Program Reports

15.1.1 Active Projects Report Dated July 2023 – received for information

15.1.2 Future Projects Report Dated July 2023 – received for information

15.2 Applications Report Dated July 2023 – received for information

15.3 Trustee and Local Expense Report Dated May 2023 – received for information

15.4 Adopted Policies and Standing Resolutions - received for information

15.5 Local Trust Committee Webpage – information will be updated

15.6 Islands Trust Conservancy Report – none

16. NEW BUSINESS – none

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for October 19, 2023 at the Saturna Recreation and Cultural Centre, Saturna Island

18. TOWN HALL

Mr. Gaines notified staff of a mistake in the rezoning application notification. The map shows a lot boundary that is no longer in use, and Mr. Gaines requested it be corrected. Island Planner Smith requested he email summary of alteration required.

19. CLOSED MEETING – none

20. ADJOURNMENT

By general consent the meeting was adjourned at 12:54 pm.

David Maude, Chair

Certified Correct:

Pat Todd, Recorder

Saturna Island Local Trust Committee

Record of Public Hearing

Bylaw No. 138

Date: July 27, 2023
Location: Saturna Recreation and Cultural Centre
104 Harris Road, Saturna Island, BC

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

Staff Present: Brad Smith, Island Planner
Pat Todd, Recorder

Others Present: Paul Brent, Capital Regional District (CRD) Electoral Area Director for the
Southern Gulf Islands
There were approximately six (6) members of the public present.

1. CALL TO ORDER

Chair Maude called the Public Hearing to order at 11:56 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. INTRODUCTIONS AND OPENING STATEMENT FROM THE CHAIR

Chair Maude introduced himself, the Trustees and staff present.

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

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

3. REVIEW OF PUBLIC HEARING NOTICE

Island Planner Smith reviewed the procedures for posting of notices and publication of Public Hearing according to statutes. There were no submissions received in response to the notice.

4. SA-RZ-2023.1 (GAINES) - PROPOSED BYLAW NO. 138

Chair Maude asked if any members of the public would like to speak to proposed Bylaw No. 138.

- The applicant, Mr. Gaines, stated that he spoke to the immediate neighbours to the East and West of the lot, and they had no problems with the rezoning

- Jean Morton stated that the proposed Bylaw needs to go ahead. This application has taken a lot of time to progress through and there is no reason not to approve the application

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

Chair Maude called for submissions a third and final time.

5. ADJOURNMENT

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

There being no further submissions, Chair Maude declared the Public Hearing closed at 12:02 pm.

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

David Maude, Chair

Certified Correct:

Pat Todd, Recorder

DATE

Resolutions Without Meetings Log

Saturna Island

Resolution Number	Action	Date
2023-004 Letter to MOTI re roadway improvements That the Saturna Island Local Trust Committee write a letter to the Ministry of Transportation and Infrastructure advocating for roadway improvements on Harris Road including near-term maintenance actions to chip problematic protruding rocks and increase crushed fill material, and longer-term engineering, road surface and design solutions to improve safety and access reliability.	Carried	31-Aug-2023
2023-003 To adopt Bylaw 138 THAT Saturna Island Local Trust Committee adopt Bylaw No. 138, cited as "Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2023".	Carried	29-Aug-2023

Follow Up Action Report

Saturna Island

14-Feb-2020

Activity	Responsibility	Dates	Status
1 Letter to be sent from the chair to the appropriate agencies/people regarding the LTCs resolution supporting interim sanctuary zones for the recovery of Southern Resident Killer Whales (SKRWs). (see minutes and contact Trustee Middleton for further details). Trustee Middleton to provide draft wording for letter	Clare Frater Mike Richards	Target: 31-Dec-2022	In Progress
2 Letter to be sent from the chair to the appropriate agencies/people regarding the LTCs resolution supporting the regulation of commercial whale watching boats similar to the regulatory regime in the adjacent Washington State waters. (see minutes and contact Trustee Middleton for further details). Trustee Middleton to provide draft wording for letter	Clare Frater Mike Richards	Target: 31-Dec-2022	In Progress

25-May-2023

Activity	Responsibility	Dates	Status
1 16.2 FOI BL 139 given 1st reading only - staff to clarify if fees have increased in attached fees table, Trustee Middleton to clarify his questions around wording of 'secretary' in BL before consideration of 2nd/3rd reading at July meeting - David to amend staff report - Jas to include on July 27 draft agenda - DEFERRED TO OCTOBER MEETING	Brad Smith David Marlor Jas Chonk	Target: 06-Oct-2023	Completed

Follow Up Action Report

Saturna Island

27-Jul-2023

Activity	Responsibility	Dates	Status
1 9.1 May 25, 2023 LTC meeting minutes adopted as amended - one minor amendment to edit # of trees removed at Russell Reef	Emily Bryant	Target: 18-Aug-2023	Completed
2 13.1 SA-RZ-2023.1 (Gaines) BL 138 given 2nd/3rd reading Jas - staff to send to EC for approval - No ministry approval required - DONE Jas - Following EC approval - LTC have directed staff to initiate adoption by RWM - DONE	Brad Smith Jas Chonk	Target: 11-Aug-2023	Completed
3 13.2 SA-RZ-2023.2 (Thachuk) - LTC directed staff to proceed with option 2 including an OCP amendment to create site specific minimum lot size of 0.73 hectares for 101 Payne Rd. 1) Chloe - contact applicant to receive additional \$1100 in payment to allow for both OCP and LUB amendments - DONE 2) Jas - provide new bylaw templates and #s - DONE 2) Emily/Brad - update current applications webpage - DONE 3) Brad - create amending bylaws and bring back to LTC	Brad Smith Chloe Cookson Emily Bryant Jas Chonk	Target: 18-Aug-2023	Completed

File No.: SA-TUP-2023.1 (Hannay)
(SA-TUP-2020.1)

DATE OF MEETING: October 19, 2023
TO: Saturna Island Local Trust Committee
FROM: Bruce Belcher, Planner 1
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Renewal of Temporary Use Permit for Hydrophone Research Station
Applicant: David Hannay, Jasco Applied Sciences Ltd.
Location: 198 Cliffside Road, Saturna Island

RECOMMENDATION

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

REPORT SUMMARY

The purpose of this report is to consider a **renewal** Temporary Use Permit (TUP) for the upland operation of an offshore cabled hydrophone/oceanographic system that extends upland from the marine environment to the subject property, and for the onsite processing and management of data collected by that system.

The recommendations above are supported as:

- There have been no known issues with the use over the term of the permit;
- The renewal would permit the upland operation to continue for the term of the contract and while residential alterations are made to the building;
- The conditions in the TUP would continue to limit any future construction activities or infrastructure related to the project without prior approval of the Local Trust Committee;

BACKGROUND

The TUP for the hydrophone operation and maintenance was issued for the property and the foreshore in 2020 (SA-TUP-2020.1) for three (3) years. The staff report and attachments for the initial application is available as part of the October 15, 2020 LTC agenda package (pp.11-71) here: <https://islandstrust.bc.ca/document/saturna-island-ltc-regular-business-meeting-agenda/>.

The LUB was amended in 2022 to permit operation of hydrophone research facilities in the water zone applying to the foreshore. The renewal would allow for the operation and maintenance of hydrophone cables and a computer control system that are located inside an existing auxiliary building on the upland property. The cables connect to an underwater listening station located south of the property, offshore in Boundary Pass. The equipment and activities are components of a Transport Canada project designed to reduce the impacts of

commercial vessels on cetaceans and other marine mammals, including critically endangered Southern Resident Killer Whales.

The proposed TUP renewal is for a term of three (3) years.

The applicant has also begun the process of attaining a building permit for the change of occupancy to the existing accessory building where the onsite processing and management of data on the property takes place to a single family dwelling.

The subject property is located at 198 Cliffside Road (Figure 1). Schedule A of the draft permit (see Attachment 1) includes a site plan of the subject property showing infrastructure related to the hydrophone project.

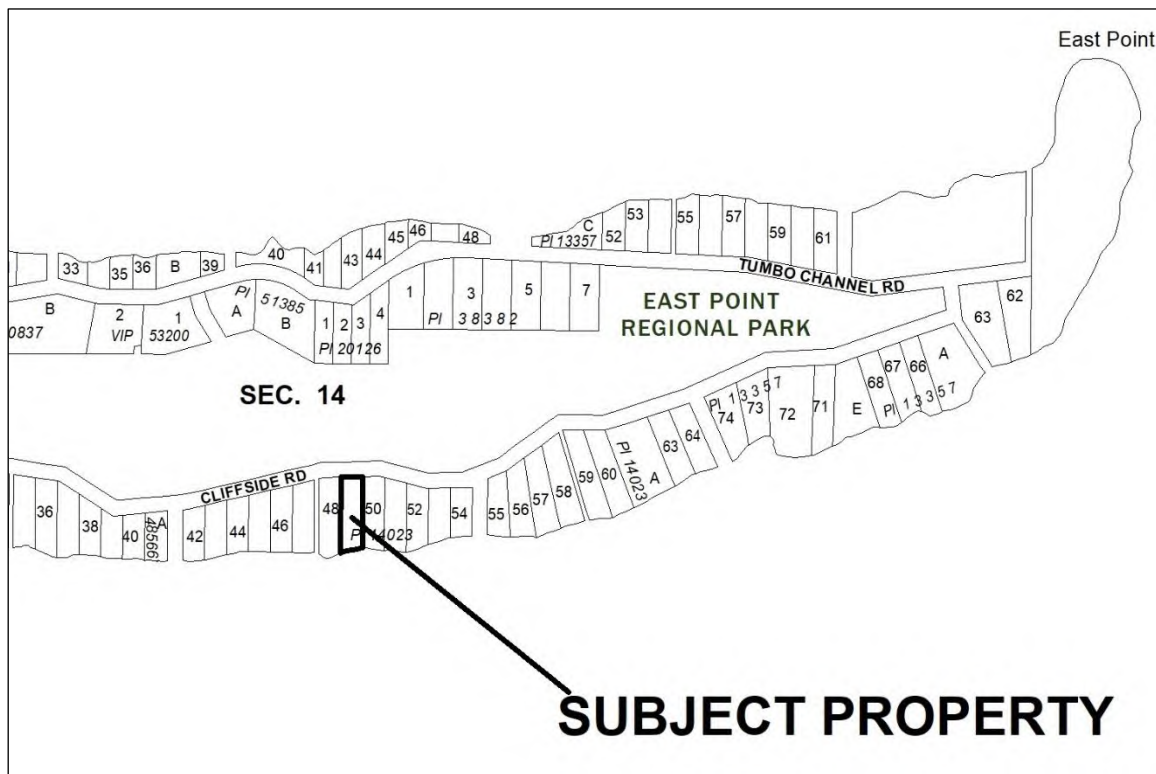


Figure 1. Location of Subject Property

ANALYSIS

TUP Conditions

The proposed permit is included as Attachment 1. The renewed TUP would also permit the use on the foreshore, despite zoning also permitting the use. As a renewal, the permit can either be approved or denied, not altered.

The conditions in the TUP would continue to limit construction activities or infrastructure related to the project without prior approval of LTC.

The 2020 permit included requirements for the property owner to develop an operational management plan and a decommissioning management plan within 6 months of the issued permit. The two plans were received by the Islands Trust on February 10, 2021, included as Attachment 2.

OCP TUP Guidelines

The proposed TUP is generally consistent with the TUP guidelines in the OCP.

Land Use Bylaw

Saturna LTC adopted Land Use Bylaw No. 134 on October 20, 2022 which permits the use of 'Hydrophone research facilities' within the Open Waters (WO) zone where the subject hydrophone is currently operating.

Rationale for Recommendation

The recommendations above are supported as:

- There have been no known issues with the use over the term of the permit;
- The renewal would permit the upland operation to continue for the term of the contract and while residential alterations are made to the building;
- The conditions in the TUP would continue to limit any future construction activities or infrastructure related to the project without prior approval of the Local Trust Committee;

ALTERNATIVES

The LTC could consider the following alternatives to the above recommendation:

1. Request further information

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

Resolution:

That the Saturna Island Local Trust Committee request that the applicant submit to the Islands Trust further information including: _____

2. Approve for a shorter time period

The LTC may wish to limit the term of the permit to a period of less than three years.

Resolution:

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

3. Deny the application

The LTC may deny the application.

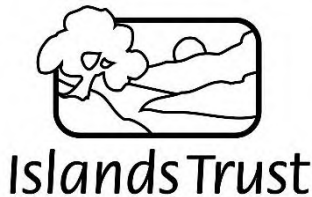
Resolution:

That the Saturna Island Local Trust Committee deny application SA-TUP-2023.1 (Hannay)

Submitted By:	Bruce Belcher, Planner 1	October 4, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	October 5, 2023

ATTACHMENTS

1. Draft Temporary Use Permit
2. Operational Management Plan and Decommissioning Management Plan



**SATURNA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
SA-TUP-2023.1 (Hannay)**

198 Cliffside Road, Saturna Island BC

To: David Hannay, Jasco Research Ltd.

1. This Permit applies to the land described below:
 - a) 198 Cliffside Road, Saturna Island, BC
Lot 49, Section 14, Saturna Island, Cowichan District, Plan 14023
PID: 001-386-450
 - b) Unsurveyed Crown foreshore or land covered by water being the bed of Boundary Passage, Cowichan District.
2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:
 - a) The operation of an offshore cabled hydrophone/oceanographic system that extends from the marine environment to the upland subject property, and for the onsite processing and management of data collected by that system on the upland lot.
3. The Permit is subject to the following conditions:
 - a) The upland use permitted in part 2(a) shall be limited to the existing infrastructure shown in Schedule 'A'. Any additional construction activity or installation of infrastructure associated with the permitted land use in the upland lot would require an amendment to schedule A of this permit.
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. 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, 2023" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE SATURNA ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 2023.

Deputy Secretary, Islands Trust

Date of Issuance

TEMPORARY USE PERMIT SA-TUP-2023.1

February 8, 2021

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

RE: Islands Trust File Number: SA-TUP-2020.1 (Hannay) – Temporary Use Permit Requirements

Dear Islands Trust,

We hereby submit two plan documents related to Temporary Use Permit SA-TUP-2020.1, granted October 22, 2020 by Islands Trust. This TUP pertains to the use of our property at 198 Cliffside Road, Saturna Island, to support certain activities at our property for operating an automated hydrophone system that is deployed offshore of the property in Boundary Pass. Specifically, we are submitting the following two plans to satisfy conditions 3b) and 3c) of the TUP:

- 1) An **Operational Management Plan** and
- 2) A **Decommissioning Management Plan**.

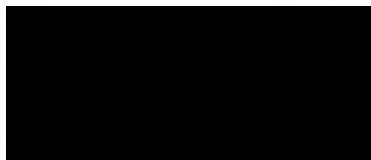
While the content requirements for these plans was not specified in the TUP, we have interpreted them to be as follows:

- 1) For the **Operational Management Plan**: Descriptions of the operational use of the property that is non-residential and related to operating the hydrophone system, including schedules for non-residential personnel visits.
- 2) For the **Decommissioning Plan**: Methods and schedule for decommissioning equipment that has been installed for the purpose of operating offshore hydrophones and for restoring any land modifications made to facilitate the hydrophone systems.

We have considered specifically the activities in both plans that could be noticeable to our neighbours.

We trust that these assumptions are as expected, and we will be happy to revise as necessary to address any other requirements.

Sincerely,



David Hannay
JASCO Research Ltd (owner of 198 Cliffside Road)



Operational Management Plan for SA-TUP 2020.1 (Hannay)

Plan for operating an offshore cabled hydrophone system from 198 Cliffside Road, Saturna Island, BC.

Overview:

A temporary use permit (TUP) was granted by Islands Trust to operate an offshore cabled hydrophone/oceanographic system from the above-mentioned property. The offshore system consists of two frames with hydrophones (underwater microphones) and other sensors deployed on the seabed approximately 2.2 km offshore in Boundary Pass. These systems are connected to shore by cables that run along the seabed and onto land through holes drilled in the foreshore. They connect with onshore cables in a manhole at the south end of the property, and the shore cables continue underground along a driveway to an existing cottage on the property. Inside the cottage, the cables run to a computer-control system that analyzes sound signals and stores sound data on hard disk drives that are retrieved periodically. No outside activities or noise associated with the system operation are expected, but occasional visits by technicians to the cottage are required as outlined here.

Periodic Data Collection:

The hydrophone control systems are automated, but they require a technician to visit approximately every 3 weeks to retrieve data disks as they become full. The technician will typically arrive in a single vehicle that will be parked in the driveway. The data extraction will take less than 8 hours and will be performed inside the cottage. It will not generate audible noise outside the cottage.

Unscheduled Servicing of Equipment:

Most equipment failures can be dealt with during the regular data retrieval visits; however, certain computer equipment failures might require one or two technicians to visit the cottage to repair the problem. Those visits will require just a few hours of work performed inside the cottage.

Scheduled Servicing:

The hydrophone system components that are now deployed on the seabed will be retrieved for scheduled servicing in April or May 2022. If the subsea equipment experiences a failure before then, the servicing work would be advanced. The service work will be performed from a ship positioned 2.2 km offshore in Boundary Pass. The ship will lift the stations from the seafloor for a few hours to replace certain components and then will redeploy the serviced equipment. The duration of this servicing is 1 to 2 days, as the work must be timed with tidal currents. The ship's location will be far enough from shore that its noise will not be discernable from regular ship traffic noise for residents of Saturna Island. During this servicing, a group of two to three technicians will be present inside the cottage to test the serviced equipment. This work will be entirely quiet and will not be noticeable outside the cottage, but the work may occur at night as its timing depends on the tide schedule. There will be less than three vehicles parked in the driveway during servicing.

Decommissioning Plan for SA-TUP 2020.1 (Hannay)

Plan for decommissioning an offshore cabled hydrophone system operated from 198 Cliffside Road, Saturna Island, BC.

Overview:

A cabled hydrophone system was deployed in Boundary Pass in May 2020. The system is located approximately 2.2 km offshore and is connected to shore with fiber-optic data cables that run along the seafloor back to the property. A crown land License of Occupation and a Statutory Right of Way were obtained from Province of BC for this use on the foreshore and along the seabed, , and these are valid through November 19, 2029. A Navigable Waters Permit was obtained from Transport Canada to operate the system for the duration of the project. The installation was performed in May 2020, and the system is intended to operate at least until March 31, 2023 and possibly beyond. The current TUP for operating equipment at the property will expire October 22, 2023.

Schedule:

We will decommission the system at the end of the project.

System Components:

The system consists of three main components: a) two hydrophone sensor frames deployed on the seabed, b) two cables that run from the sensor frames along the seabed and through the foreshore to the cottage on the property, and c) a computer control system in the cottage.

Decommissioning Work:

The work of decommissioning will require the following steps:

- 1) Retrieving the sensor systems from the seabed: this work will be performed by the same vessel used to deploy the systems in May 2020 and its accompanying tugboat. The retrieval vessels will be accompanied by a small vessel that operates a remotely operated vehicle (ROV). The ROV is an underwater device with cameras to monitor subsea work, and it has tools for connecting retrieval lines to the system's sensor frames. The work will be performed while the retrieval vessel holds position over the frames, approximately 2.2 km offshore. Noise from the retrieval vessel will be similar to noise from large commercial vessels that already pass regularly at the same or closer distances to shore. Noise levels at the closest property boundaries on Saturna Island will be far below permitted noise limits for these activities. The offshore operation will be visible to Saturna Island residents along Cliffside Road, but it is not expected to cause disturbance.
- 2) Retrieving the subsea cables: the same vessel that retrieves the sensors will attempt to wind in the seafloor cables over their full 2.8 km length. The cables are very strong and can be pulled out of seafloor sediments if they have not been buried too deeply. If they cannot be pulled from sediments, then the ROV will cut them where that occurs, and the remaining sections will be left in place. If that happens, then we will attempt to retrieve the cables starting from the shore end. In either case, the large retrieval vessel will eventually move close to shore as it lifts the nearshore ends of the cables. Its noise will be audible to residents along Cliffside Road, but it will be below permitted limits. The vessel will be close to shore for less than 12 hours for this operation, and that will occur twice – once for each cable. Most of this task will be performed using the offshore vessel. The cable is pinned to the seabed for the first 50 m away from shore. Divers will be present in a small dive-support boat for approximately one day, as they will need to unpin the cable from the seabed

so it can be retrieved. The divers will also remove cable supports at the bottom of the drill holes in the foreshore. A small group of less than five people with two or three vehicles will be present at the property during this work.

These people will perform the following tasks:

- Perform marine mammal monitoring when the cable retrieval ship is within 400 m of shore. The same **Marine Mammal Action Plan** will be in place during retrieval as used for installation. This requires that all vessels stand-down their work and reduce power to the minimum safe level when marine mammals are within visible range of the work. Support vessels are also required to move close to the retrieval vessel, to reduce the extent of the spread of vessels when animals are observed.
- Support the divers, who will remove the pins that secure the cable to the seafloor for the first 50 m out from shore.
- Release the cable from the manhole so it can be pulled back out of the drill holes by the cable retrieval ship.

We will provide written notice to the residents of Cliffside Road at least one month before the cable retrieval operation occurs.

- 3) Repurposing cables on the property: there are two cables that run underground from the manhole at the south end of the property to the cottage. These are buried 2 feet beneath the centre of the driveway. We plan to repurpose these in place, as digging them up will cause unnecessary noise and ground disturbance, and the cables were chosen to be environmentally benign. They are easily removed, if necessary.
- 4) Sealing drill holes through foreshore: the drill holes are already grouted with concrete at their bottom ends so that seawater cannot penetrate the bedrock. We will seal the holes at the top end with a waterproof plug after the cables are removed. This work will take less than 4 hours, and it will not generate any noise. One or two worker vehicles will be parked in the driveway of the property.
- 5) Removing computer equipment in the cottage: this work will be performed by movers on two separate days. It will require one or two vehicles including a van or small moving truck. These vehicles will be parked in the driveway while they are loaded by hand. Minimal outside noise will be produced as no power equipment is necessary.
- 6) Cleaning-up: any ground disturbance that occurs during decommissioning will be repaired, and all litter and leftover materials will be removed from the property.

Questions and comments can be sent to:

David Hannay,
JASCO Research Ltd.
2305–4464 Markham Street
Victoria, BC, V8Z 7X8

DATE OF MEETING: October 19, 2023

TO: Saturna Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

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

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

RECOMMENDATION

1. That the Saturna Island Local Trust Committee Bylaw No. 140, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2023” be read a first time.
2. That the Saturna Island Local Trust Committee Bylaw No. 141, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 2, 2023” be read a first time.
3. That the Saturna Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 140, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2023” is not contrary to or at variance with the Islands Trust Policy Statement.
4. That the Saturna Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 141, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 2, 2023”, is not contrary to or at variance with the Islands Trust Policy Statement.

REPORT SUMMARY

The purpose of this report is to present draft bylaws to the Saturna Island Local Trust Committee (LTC) for rezoning application GL-RZ-2023.2 (Thachuk) and to seek direction on next steps.

The above recommendations are supported as:

- The proposal is reasonable and generally consistent with Saturna Island Official Community Plan No. 70 (OCP) policies and the Islands Trust Policy Statement (ITPS);
- The applicants have secured the purchase of an additional density from a willing property owner to allow for an additional dwelling on the subject parcel;
- The owner of 201 Harris Rd (Judy Myers) has written a letter to the LTC requesting that three additional densities be added to the Community Amenity Density Reserve (CADR);

- Proceeding with first reading of bylaws will trigger First Nations and agency referrals to identify any outstanding concerns with the proposal prior to consideration of holding a public hearing.

BACKGROUND

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

The proposed additional density is to be purchased by the property owners from Judy Myers who owns a 35.6 acre lot located at 201 Harris Road. This lot has been the subject of recent discussion between the LTC and the property owner who intends for a significant portion to be donated to the Nature Trust of Canada.

At the July 27, 2023 meeting, the LTC received a preliminary report on application SA-RZ-2023.2 and directed staff to proceed with the application including the drafting of amending bylaws.

Subsequent to that meeting, Judy Myers has written a letter to the LTC requesting that three additional densities be removed from her property and added to the Community Amenity Density Reserve, or CADR (Attachment 1).

ANALYSIS

Policy/Regulatory

Bylaw No. 140 - Official Community Plan Amendment

The general policies of the OCP state the following with respect to increased density:

C.1.3 From the date of adoption of the Plan, no rezoning, development permit, temporary permits, or other planning tool or device available to the local trust committee should be used to increase the maximum subdivision capacity, or total residential density of any island within the Area. Secondary suites are not considered as residential density for the purposes of calculating overall residential density within the Saturna Island Local Trust Area.

In this case, as the additional proposed density is to be transferred from another parcel on Saturna, there is no net increase in overall density, so the application is consistent with this policy.

The subject parcel is designated as Rural (R) in the OCP, and is zoned Rural General (RG). OCP Rural General Policy D.1.G.5 states:

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

The portion at 100 Payne Road is approximately 0.96 ha, and 101 Payne Road is approximately 0.71 ha. As policy D.1.G.5 requires a minimum lot size of 0.81 ha, a subdivision creating the lots on either side of Payne Road does not comply with this OCP policy.

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

As such, draft Bylaw No. 140 includes a provision that states:

“Despite Article D.1.G.5, the minimum lot area for subdivision of Lot 1, Section 18, Saturna Island, Cowichan District, Plan 6417 shall not be less than 0.70 hectares (1.78 acres)”

This is the first instance on Saturna Island where densities would be maintained in the CADR. The current language in Part C – Policies, Subsection C.1.3 of the OCP is vague with respect to how CADR densities should be tracked.

To better clarify the CADR tracking process, staff are also proposing the following OCP amendment, by deleting the sentence *“Details are described further in Appendix A.”* and replacing it with:

“A reference table is included as an information note following Schedule E, Appendix A and not forming part of the bylaw for tracking and controlling changes in unallocated density designated as CADR”.

Land Use Bylaw

Both the Payne Rd and Harris Rd parcels are zoned Rural General (RG). Residential site density in the RG zone is as follows:

Residential Site Density.	
4.2.4	On a lot 1.21 hectares (3 acres) in area or less the maximum density is one (1) residence.
4.2.5	On a lot having an area greater than 1.21 hectares (3 acres) and less than 4.05 hectares (10 acres) the maximum density is one (1) residence and one (1) cottage.
4.2.6	On lots having an area of 4.05 hectares (10 acres) or greater one (1) residence and one (1) cottage per 2.02 hectares (5 acres) are permitted up to a maximum density of five (5) units and five (5) cottages per lot parcel.
4.2.7	One secondary suite is permitted per residence subject to section 2.18.

Draft Bylaw No. 141 (Attachment 3) includes site-specific amendments to increase the density of the Payne Road parcel by one and the 201 Harris Road parcel by four. The proposed LUB amendments are as follows:

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

RG(f)	Lot 1, Section 18, Saturna Island, Cowichan District, Plan 6417	(7) Despite 4.2.12 no subdivision plan may be approved unless the lots created by the subdivision have a minimum lot area of at least 0.70 hectares (1.73 hectares). (8) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have a minimum average lot area of at least 0.84 hectares (2.08 hectares).
-------	--	--

2. Harris Rd Parcel - Inserting a new row in the Site Specific Regulations Table immediately following the row referencing RG(f) with the Site-Specific Zone Reference of “RG(g)”, such that it reads:

RG(g)	Lot 1, Section 5, Saturna Island, Cowichan District, Plan 25360	(9) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have a minimum average lot area of at least 7 hectares (1.78 hectares). (10) Despite Subsections 4.2.4 - 4.2.6, the maximum density is one (1) residence.
-------	--	--

Islands Trust Policy Statement

Staff are of the view that draft Bylaw No. 140 and 141 are not contrary to or at variance with Islands Trust Policy Statement (ITPS) policies, in particular with respect to policies related to ecosystem protection and preservation, stewardship of resources, groundwater, and growth and development.

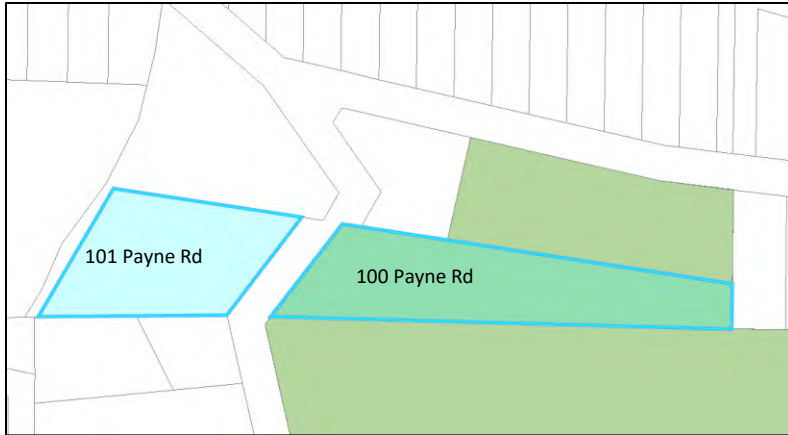
The ITPS policy checklist is included as Attachment 4 for consideration of endorsement by the LTC.

ALR Designation

The entire portion of 100 Payne Road is located within the ALR. In accordance with ALR regulations, staff have confirmed that the provincial approving officer could approve the proposed subdivision without requiring ALC authorization given it would establish a legal boundary along the boundary of the ALR.

Subdivision approval

- 10 (1) Despite section 18 (b) of the Act, an approving officer under the *Land Title Act*, the *Local Government Act* or the *Strata Property Act* or a person who exercises the powers of an approving officer under any other Act may authorize or approve a plan of subdivision without the approval of the commission if the proposed plan achieves one or more of the following:
- (a) consolidates 2 or more parcels into a single parcel by elimination of common lot lines;
 - (b) resolves a building encroachment on a property line and creates no additional parcels;
 - (c) involves not more than 4 parcels, each of which is a minimum of 1 ha, and results in all of the following:
 - (i) no increase in the number of parcels;
 - (ii) boundary adjustments that, in the opinion of the approving officer, will allow for the enhancement of the owner's overall farm or for the better utilization of farm buildings for farm purposes;
 - (iii) no parcel in the reserve of less than 1 hectare;
 - (d) establishes a legal boundary along the boundary of an agricultural land reserve.



Water and Septic

Both the existing house and cottage are serviced by the Boot Cove Lyall Harbour Water System. If the LTC decides to proceed, staff would refer the amending bylaws to the CRD Integrated Water Services for comment. The house and cottage also have separate septic systems. Staff will also refer to Island Health.

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. With direction from LTC, these may be scheduled either separately or concurrently.

In this case, staff recommend that bylaw referrals be complete prior to considering whether to schedule a public hearing and CIM.

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

Agencies

Staff have identified the following agencies for bylaw referral; the LTC may direct staff to include other agencies not listed.

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

First Nations

Staff have identified the following First Nations for bylaw referral:

- Cowichan Tribes
- Halalt First Nation
- Ts'uubaa-asatx Nation (Lake Cowichan)
- Lyackson First Nation
- Malahat First Nation
- Pauquachin First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Snuneymuxw First Nation
- Stz'uminus First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tsawwassen First Nation
- Tseycum First Nation
- WSANEC Leadership Council

Rationale for Recommendation

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

- The proposal is reasonable and generally consistent with Saturna Island Official Community Plan No. 70 (OCP) policies and the Islands Trust Policy Statement (ITPS);
- The applicants have secured the purchase of an additional density from a willing property owner to allow for an additional dwelling on the subject parcel;
- The owner of 201 Harris Rd (Judy Myers) has written a letter to the LTC requesting that three additional densities be added to the Community Amenity Density Reserve (CADR);
- Proceeding with first reading of bylaws will trigger First Nations and agency referrals to identify any outstanding concerns with the proposal prior to consideration of holding a public hearing.

ALTERNATIVES

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

1. Request further information

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

Resolution:

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

2. Deny the application

The LTC may deny the application.

Resolution:

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

3. Hold the application in abeyance

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

Resolution:

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

NEXT STEPS

With direction from the LTC, Staff will initiate bylaw referrals.

Submitted By:	Brad Smith, Island Planner	October 4, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	October 10, 2023

ATTACHMENTS

1. Judy Myers Letter - October, 2023
2. Draft BL 140
3. Draft BL 141
4. Islands Trust Policy Statement Checklist

Judith H Myers
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

1 October, 2023

Saturna Local Trust Committee
Saturna Island, BC

Parcel ID 002-614-383

To the Local Trust Committee, Saturna Island

I am in the process of applying for subdivision of my 11.7 ha lot (Parcel ID 002-614-383, 201 Harris Road, Saturna Island, BC) into two plots; one 0.78ha plot around my cottage, and the remainder to be gifted for conservation (the subdivision process is still under consideration following a survey of the property and submission of the application to MOTI in early June 2023 followed by a lack of any consideration over the summer).

The total property represents 5 density units. One density would remain to be used for the cabin portion of land that I would retain following the subdivision of my lot. An additional density unit would go to the 100/101 Payne Rd. property subdivision at the time of rezoning as has already been approved. In addition, I am requesting the transfer of 3 density units associated with the remaining land to be placed in the CADR for future conservation uses. I understand that this would remove any future development on my land.

I am hopeful that the transfer of these densities will occur in a timely manner. At my age the clock is ticking.

I thank you for your consideration of this matter.

Sincerely,

[REDACTED]

Judith Myers

DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 140

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2023”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 141

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

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

1. Citation

This bylaw may be cited for all purposes as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 2, 2023”.

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

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

RG(f)	Lot 1, Section 18, Saturna Island, Cowichan District, Plan 6417	(7) Despite 4.2.12 no subdivision plan may be approved unless the lots created by the subdivision have a minimum lot area of at least 0.70 hectares (1.73 hectares). (8) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have a minimum average lot area of at least 0.84 hectares (2.08 hectares).
-------	--	--

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

RG(g)	Lot 1, Section 5, Saturna Island, Cowichan District, Plan 25360	(9) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have a minimum average lot area of at least 7 hectares (1.78 hectares). (10) Despite Subsections 4.2.4 - 4.2.6, the maximum density is one (1) residence.
-------	--	--

2.3 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Lot 1, Section 18, Saturna Island, Cowichan District, Plan 6417 from Rural General (RG) to Rural General (f) [RG(f)], as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 119 as are required to effect this change.

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

3. SEVERABILITY

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

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

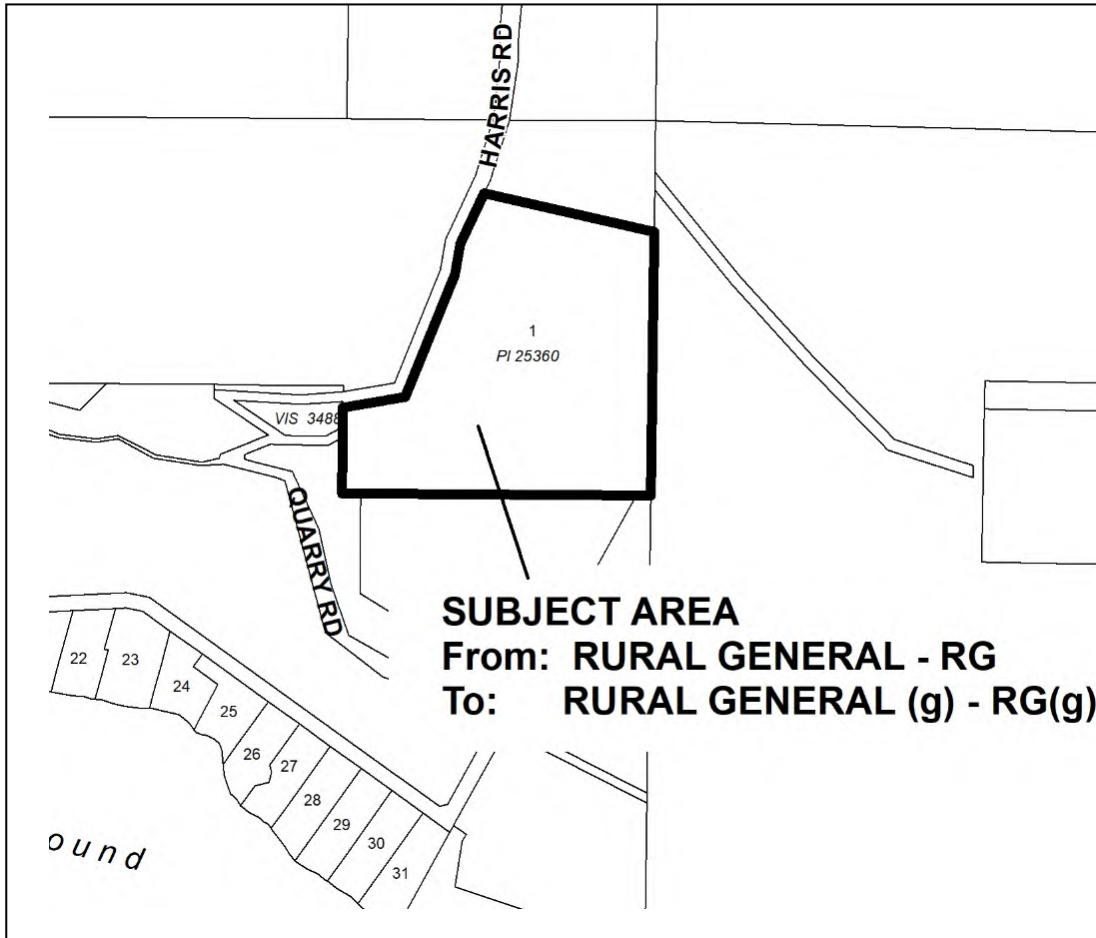
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 141

Plan No. 2





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 140 and 141
SA-RZ-2023.2 (Thachuk)
LTC Endorsement: _____

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.

N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

DATE OF MEETING: October 19, 2023
TO: Saturna Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Hall ALR Exclusion

RECOMMENDATION

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

REPORT SUMMARY

The purpose of this staff report is to provide the Saturna Island Local Trust Committee (LTC) with an update on application SA-ALR-2023.1 (Hall), including a summary of First Nation and agency referrals referral responses, and to seek further direction from the LTC on whether to proceed with submitting an ALR exclusion application on behalf of the property owner.

BACKGROUND

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

SA-2023-019

It was Moved and Seconded,

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

CARRIED

SA-2023-020

It was Moved and Seconded,

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

CARRIED

Staff, in cooperation with the property owner, have now completed steps 1-4 of the ALC exclusion guide, and are bringing back information to the LTC for their further consideration of next steps, including First Nation referral responses.

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

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

ALC EXCLUSION PROCESS STEPS

Staff have completed the following since the May 25, 2023 meeting:

Step 1 - Application submitted to ALC completed by applicant, Attachment 1

Step 2

- Signage posted at property – completed by applicant



- Notice of Public Hearing – included as Attachment 2
- Notice of application provided to adjacent or affected local or First Nation governments – referral responses included in report

Step 3 - Public hearing and Community Information Meeting (CIM) scheduled for October 19, 2023

Following the public hearing, the LTC will be at step 4 of the process:

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

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

If the LTC decides to proceed, staff will complete steps 5 and 6:

STEP 5: Local or First Nation Government Submits the Application

- Proof of notice must be submitted with your application including a copy of the newspaper advertisement and photographs of the sign showing the location of posting in relation to the road or other public access
- Upload public hearing report and any other public comments received
- Upload a copy of the local or First Nation government Council/Board resolution
- Include any other application materials

STEP 6: Local or First Nation Government Pays the Application Fee

- Submit the \$750 application fee to the ALC
 - Fees can be paid by cheque (made out to the Minister of Finance) or by credit card over the phone or in person

The ALC must offer an exclusion meeting with written notice to the local or First Nation government not more than 30 days before the meeting, with the following requirements:

- The ALC must offer an exclusion meeting with written notice to the local or First Nation government not more than 30 days before the meeting
- If the ALC considers it advisable, the ALC may notify adjacent or affected landowners of the parcel(s) subject to the application
- In advance of the exclusion meeting, the ALC must give notice of the materials that will be considered at the meeting, and any new information received
- At the exclusion there may be:
 - representations from the local or First Nation government (e.g. a presentation)
 - written submissions and other forms of evidence to be considered by ALC
 - representations, evidence, opinions of any person present at meeting
- Following the exclusion meeting, the ALC will provide a draft summary of the exclusion meeting proceedings (the "exclusion meeting report") for verification and sign-off by the local or First Nation government

FIRST NATION REFERRAL RESPONSES

Table 1 summarizes First Nation referral responses, including staff actions in response to date. The entire referral record is included in the public hearing binder.

Table 1. Summary of First Nation Referral Responses

Lyackson First Nation

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

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

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

Staff response: Staff still coordinating a response including determination if capacity funding is available for site visit by Lyackson. Staff seeking direction from LTC to provide funding through the applicant via cost recovery - see more information further below in policy discussion.

Ts'uubaa-asatx Nation (Lake Cowichan)

This application is located within the Ts'uubaa-asatx Nation statement of intent area; it is the interest of the Ts'uubaa-asatx Nation to respectfully maintain our rights and access to the lands and resources throughout our territory. Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this “no comment” response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory.

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

Staff response: None required. Information provided to LTC.

Malahat Nation

Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this application.

Staff response: None required. Information provided to LTC.

Tsawwassen First Nation

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

Staff response: None required. Information provided to LTC.

Snuneymuxw First Nation

Defers comment on the above-mentioned referral. Snuneymuxw's deferral is only applicable to initial notification and non-transferrable. Snuneymuxw's deferral does not mean that there are no potential impacts to Snuneymuxw's Aboriginal and Treaty rights and title, or contributions to cumulative effects, from this referral. Nor does Snuneymuxw's deferral define or derogate from Snuneymuxw's Aboriginal and Treaty rights and title. Snuneymuxw reserves the right to review this deferral if new information arises

Staff response: None required. Information provided to LTC.

Tsawout First Nation

Reviewed the proposed application and was hoping you could elaborate on the intent behind the ALR change.

Staff response: Staff responded with additional information including intent of the proposed ALR change. Staff followed up seeking to address any additional concerns, no further response was provided by Tsawout at time of writing.

APPLICATION PROCESSING SERVICES POLICY SUMMARY

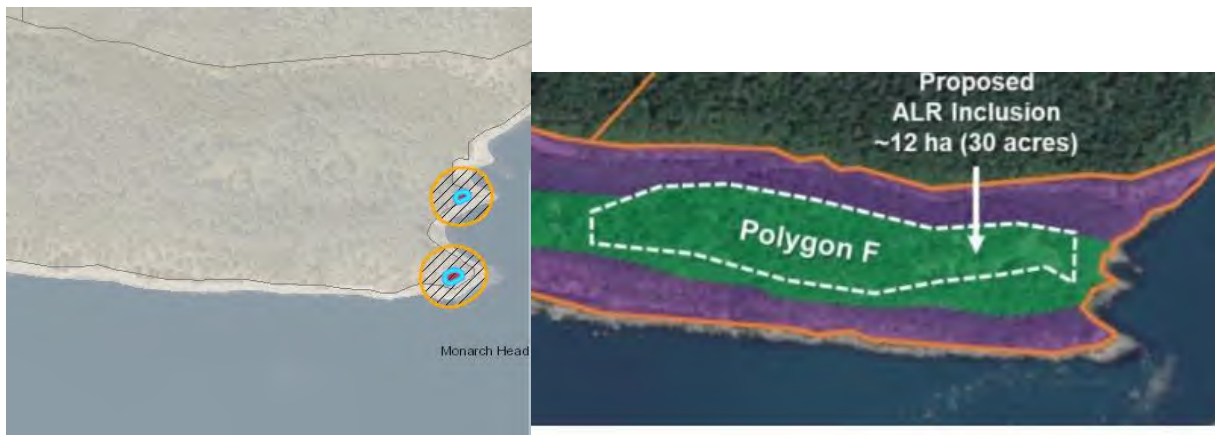
The Application Processing Policy (5.6.1) and fees bylaw states “...where site visits involving First Nations are required for the processing of an application”...staff will assess the cost and go through the cost recovery process.

This is interpreted by staff to mean:

- where there is a known or potential arch site, or
- relevant OCP policy/DAI bylaw, or
- via LTC direction in an application where the LTC has discretion (eg. rezoning or development variance permit – not DPs, TUPs, or other referrals)

In this case, there are two registered archaeological sites located within near proximity of the propose ALR inclusion portion, and there is archaeological potential identified with the inclusion portion itself.

Figure 1. Archaeological Sites with 50 m buffer and Proposed Inclusion Area



LTC has discretion as to whether to determine the requirements for a site visit by First Nations as an extraordinary service for processing an application.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:

2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,

2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,

2.1.1.3 the processing requirements include First Nations site visit(s).

Relevant sections of Policy 5.6.1 in respect of cost recovery for First Nations site visits include:

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

3.2.1 staff time required for covenant development;

3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;

3.2.3 technical assessments or studies as required by the local trust committee;

3.2.4 retaining special technical assistance required by the local trust committee;

3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;

3.2.6 process agreement negotiation;

3.2.7 First Nations site visits;

6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.

AGENCY REFERRALS

The North Pender, Mayne and South Pender LTC's responded that their interests were unaffected. No other responses were received.

Rationale for Recommendation

The LTC is now in a position to decide whether to proceed with sending the application to the ALC. However, staff are recommending that the LTC delay this decision, and allow time for the Lyackson First Nation to conduct a site visit, via cost recovery consistent with the application processing services policy. A site visit will provide the opportunity for additional input or concerns to be provided consistent with Islands Trust's Reconciliation Declaration.

ALTERNATIVES

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

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

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

2. Request further information

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

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

3. Deny the application

The LTC may choose not to proceed with the application.

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

4. Hold the application in abeyance

The LTC may choose to hold the application in abeyance.

5. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Brad Smith, PAg Island Planner	October 6, 2023
Concurrence:	Robert Kojima Regional Planning Manager	October 10, 2023

ATTACHMENTS

1. Attachment 1. Application submission to ALC
2. Attachment 2. Public Hearing Notice



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 68692

Application Status: In Progress

Applicant: Ronald Hall

Agent: Islands Trust

Local Government: Islands Trust Regional District

Local Government Date of Receipt: This application has not been submitted to local government yet.

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Exclusion - Local Government

Proposal: Exclusion application is intended to be submitted on behalf on property owner as part of an Agricultural Land Reserve (ALR) exclusion and inclusion application for review and consideration by Islands Trust and the Agricultural Land Commission (ALC). One parcel is located at 206 Narvaez Bay Road and contains the provincial parcel identification (PID) 004-521-889 (referred to as the Exclusion Property as part of this parcel is being proposed for exclusion from the ALR by the Client). The other parcel has no address but contains the PID 015-692-205 (hereafter referred to as the Inclusion Property as part of this parcel is being proposed for inclusion into the ALR by the property owner - inclusion application ID 68674

Agent Information

Agent : Islands Trust

Mailing Address :

200-1627 Fort Street

Victoria, BC

v8r 1h8

Canada

Primary Phone : (778) 679-5185

Email : bsmith@islandstrust.bc.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type :** Fee Simple

Parcel Identifier : 004-521-889

Legal Description : THE NORTH EAST 1/4 OF SECTION 2, SATURNA ISLAND, COWICHAN DISTRICT, EXCEPT PART IN PLAN 31309

Parcel Area : 41.1 ha

Civic Address : 206 Narvaez Bay Road

Date of Purchase :

Farm Classification : No

Owners

1. **Name :** Ronald Hall

Address :

██████████

████████████████████

██████████

Canada

Phone : ██████████

Email : ██████████

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type :** Fee Simple

Parcel Identifier : 015-692-205

Owner with Parcel Interest : Ronald Hall

Parcel Area : 90.7 ha

Land Use Type : Other

Interest Type : Full Ownership

Current Use of Parcels Under Application

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**

None

2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**

None

3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**

Land is vacant and is designated as PMFL

Adjacent Land Uses

North

Land Use Type: Other

Specify Activity : National Park Reserve

East

Land Use Type: Other

Specify Activity : National Park Reserve

South

Land Use Type: Other

Specify Activity : Zoned Forest General

West

Land Use Type: Other

Specify Activity : National Park Reserve

Proposal

1. How many hectares are you proposing to exclude?

12 ha

2. Does any land under application share a common property line with land in another Local or First Nation Government?

No

3. What is the purpose of the proposal?

Exclusion application is intended to be submitted on behalf on property owner as part of an Agricultural Land Reserve (ALR) exclusion and inclusion application for review and consideration by Islands Trust and the Agricultural Land Commission (ALC). One parcel is located at 206 Narvaez Bay Road and contains the provincial parcel identification (PID) 004-521-889 (referred to as the Exclusion Property as part of this parcel is being proposed for exclusion from the ALR by the Client). The other parcel has no address but contains the PID 015-692-205 (hereafter referred to as the Inclusion Property as part of this parcel is being proposed for inclusion into the ALR by the property owner - inclusion application ID 68674

4. Explain why you believe that the parcel(s) should be excluded from the ALR.

From property owners professional land capability assessment (LCA) report: Based on the collected information from our field assessment and background review, it is the objective, professional opinion of Madrone that the ALR exclusion and inclusion proposal by the Client (Figure 8; Appendix A of LCA report) increases the overall capability of agriculture on Saturna Island should the proposal be accepted by Islands Trust and the ALC. The proposal, which would result in a no net loss of land in the ALR, would improve ALR by at least two LCA classes (i.e., an improvement from Class 5 to 6 land in the Exclusion Property to Class 3 in the Inclusion Property) over an area of ~12.0 ha (30 acres). As such, the proposal would accommodate and encourage long-term farming by the landowner (i.e., the Client) by substantially broadening his options for agricultural activities. Moreover, the proposed ALR exclusion area will not, in Madrones professional opinion, affect the integrity and continuity of the land base of the ALR in the Exclusion Property.

Applicant Attachments

- Professional Report - LCA Report
- Proposal Sketch - 68692

ALC Attachments

None.

Decisions

None.

HAVE YOUR SAY



ALR Land Exclusion/Inclusion Application

Agricultural Land Reserve (ALR) application to exclude 12 hectares of land from the ALR with a corresponding inclusion of 12 hectares on an adjacent property

Subject Property Addresses: 206 Narvaez Bay Road

Parcel Identifier Numbers: 004-521-889, 015-692-205

Application: SA-ALR-2023.1 (Hall)

COMMUNITY INFORMATION MEETING & PUBLIC HEARING SATURNA ISLAND LOCAL TRUST COMMITTEE

What is the purpose of the Public Hearing?

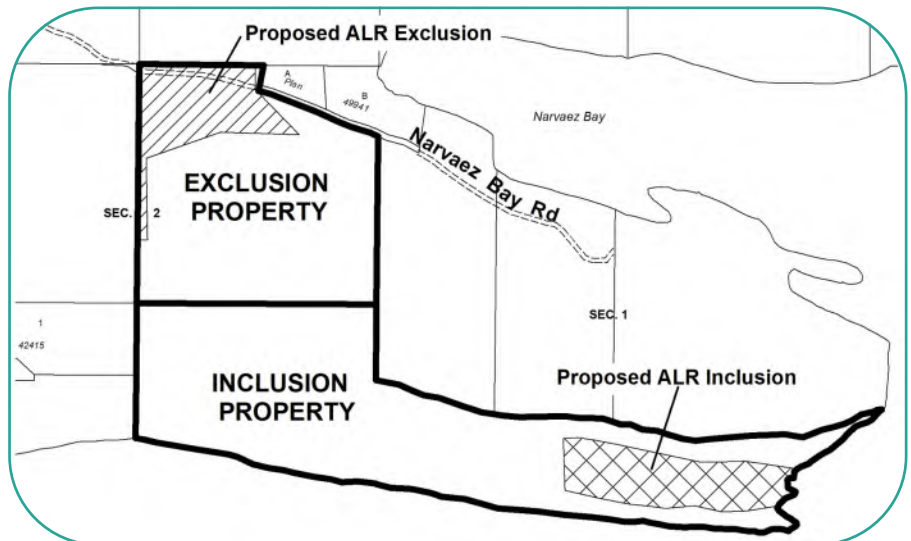
The purpose of this public hearing is to consider a request by the property owner to exclude 12 hectares of property on Narvaez Bay Road from the Agricultural Land Reserve (ALR), with a corresponding ALR inclusion of 12 hectares on an adjacent property, as shown in the map below and as identified in the Land Capability for Agriculture Assessment Report found under professional reports at: [Saturna Island Current Application webpage](#)

In accordance with the *Agricultural Land Commission Act*, exclusion applications may only be submitted by government agencies including for land they do not own that is located within their jurisdiction. The public hearing is required as part of the regulatory process and is intended to provide the public with an opportunity to speak to the application prior to the Saturna Island Local Trust Committee considering formal application submission to the Agricultural Land Commission on behalf of the property owner.

How do I get more information?

Copies of the application, the Public Hearing Binder and other information on the application is available on the [Saturna Island Current Application webpage](#) and, at the Islands Trust office at 200-1627 Fort Street, Victoria, BC, V8R 1H8 from the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday, excluding statutory holidays, after October 5, 2023.

A Community Information Meeting (CIM) will be held prior to the Public Hearing and will provide the opportunity for members of the public to ask questions about the proposed ALR exclusion/inclusion.



Submissions

Prior to the Public Hearing: Written submissions will be accepted until 4:30 p.m., October 18, 2023, by Email: vicphsub@islandstrust.bc.ca, or Mail or Drop Off: Islands Trust, 200-1627 Fort Street, Victoria, BC, V8R 1H8

At the Public Hearing: Only written submissions presented at the Public Hearing will be accepted until the close of the Public Hearing. Written comments made in response to this notice will be available for public review.



Community
Information
Meeting and Public
Hearing
Thurs., October 19,
2023 at 11:30 a.m.



Saturna Recreation
and Cultural Centre
104 Harris Road
Saturna Island, BC



Who should attend?
Anyone affected by
the proposed
application.



Enquiries?
Brad Smith
Island Planner
bsmith@islandstrust.bc.ca
778-679-5185

Active Projects Report

Saturna Island

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

Future Projects Report

Saturna Island

1. *Groundwater Sustainability Project*

Responsible

Date Received

Phase 1 report pending completed

LTC direction to defer proceeding with consideration of implementation

2. *Review of split zoning regulations in LUB*

Responsible

Date Received

Review of split zoning regulations in LUB

16-Feb-2023

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

Responsible

Date Received

16-Feb-2023

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SA-RZ-2023.2	Linda Cunningham, Beverley Lowsley, M. Daniel Thachuk, & Jean Morgan Planner: Brad Smith	15-Jun-2023	101 PAYNE RD/201 HARRIS RD: Application for rezoning for a density transfer.
Planning Status			
Status Date: 19-Jul-2023 Preliminary report added to July 27, 2023 agenda package			
Status Date: 27-Jun-2023 Requested Subject Property Map from GIS.			
Status Date: 21-Jun-2023 Planner Brad Smith assigned.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2017.1	RONALD H HALL Planner: Brad Smith	22-Nov-2017	Referral of a subdivision to create one new lot.
Planning Status			
Status Date: 08-Sep-2023 Final subdivision plan provided to planner, planner reviewed PLR conditions which have now all been met, final confirmation letter sent to MOTI and applicant			
Status Date: 19-Jul-2023 Applicant indicates proof of water has been completed, staff waiting on submission of final subdivision plan from applicant to send letter to MOTI			
Status Date: 08-Feb-2023 Applicant still working on proof of water			

Applications

Subdivision

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

Planner: Brad Smith

Planning Status

Status Date: 08-Feb-2023

Applicant still considering options

Status Date: 13-Oct-2022

Planner emailed applicant seeking status update

Status Date: 10-Feb-2022

Applicant still considering options

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2022.1	Gaines Enterprises Ltd.	01-Feb-2022	Application for a proposed eleven lot subdivision.

Planner: Brad Smith

Planning Status

Status Date: 06-Oct-2023

Staff to review and provide PLR conditions to MOTI in light of rezoning application approval and new layout

Status Date: 01-Feb-2023

Applicant has submitted rezoning application (SA-RZ-2023.1)

Status Date: 08-Sep-2022

Planner discussed options with applicant - applicant still exploring alternative layouts

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SA-TUP-2023.1	JASCO Research Limited	03-Aug-2023	198 CLIFFSIDE RD An application for renewal of a Temporary Use Permit SA-TUP-2020.1 for operating the onshore components of a cabled hydrophone system in Boundary Pass

Planner: Bruce Belcher

Planning Status

Status Date: 06-Oct-2023

Application on October 19, 2023 agenda

Status Date: 28-Aug-2023

Planner Bruce Belcher Assigned

Status Date: 03-Aug-2023

File created in EDM

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

660 Saturna	Invoices posted to Month ending August 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-660	LTC "Trustee Expenses"	104.00	0.00	104.00
LTC Local				
65200-660	LTC - Local Exp - LTC Meeting Expenses	783.00	401.40	381.60
65210-660	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-660	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-660	LTC - Local Exp - Special Projects	271.00	0.00	271.00
TOTAL LTC Local Expense		<u>1,637.00</u>	<u>401.40</u>	<u>1,235.60</u>
Projects				
TOTAL Project Expenses		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2023-008 (Standing)	Carried	16-Feb-2023
16.5 Bylaw notification requirements on Saturna that it be resolved that Clause 2 in Saturna Local Trust Committee Bylaw 30 - A Bylaw to Authorize Inspection of Alleged Infractions Against Regulations - is replaced on an interim basis with the wording of Clause 14.1 from Saturna Local Trust Committee Bylaw 119 - Land Use Bylaws amalgamated. This clause reads 'The Island Trust Bylaw Enforcement Officer or any other person designated by the Saturna Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given 24 hours prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.' This Standing Resolution will remain in place until such time a review of Bylaw No. 30 and Bylaw No. 119 Section 1.4 'Inspection and Enforcement' can be reviewed and re-enacted through public process embodying Bylaw Enforcement Best Practices outlined in the 2022 Ombudsperson of British Columbia report concerning Local Government Bylaw Enforcement Policy and Practice.		
2021-007 (Standing)	Carried	21-Oct-2021
14.4 Potable rain water catchment systems That the Saturna LTC endorses the use of potable rain water catchment systems as proof of adequate potable water for residential subdivision, subject to the withholding of temporary or final occupancy permits until such catchment systems are in place.		
2020-006 (Standing)	Carried	14-Feb-2020
15.2 Whale Watching Vessel Operation in the Waters of the Local Trust Area Whereas the waters of the Saturna Island Local Trust area extend to the US border in Boundary Pass and Georgia Strait, the Saturna Island Local Trust Committee resolves that in the waters of the Local Trust area commercial whale watching boats be regulated and or licensed to mirror the regulatory regime under development in the adjacent waters of Washington State.		

Standing Resolutions Log

Saturna Island

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

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2019-011 (Standing)	Carried	17-Jan-2019
13.2 Unlawful Dwelling Policy - Mayne Policies & Standing Resolutions Table that the Saturna Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: There is a complaint from an immediate neighbour; or there is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Saturna Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.		
2018-050 (Standing)	Carried	04-Oct-2018
- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.		

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2012-011 (Standing)	Carried	09-Feb-2012
It was Moved and Seconded that where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Saturna Island Land Use Bylaw No. 78, 2002 permits public assembly uses, such as halls, recreation facilities or restaurants, and where there have been no issues related to parking or past complaints for the preceding three years, planning staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration		
2011-000 (Standing)	Carried	22-Jun-2011
It was Moved and Seconded that the Saturna Island Local Trust Committee adopt a Standing Resolution to direct staff to place the in camera minutes on the agenda when there is a need to close the meeting or at least once a year.		
2009-009 (Standing)	Carried	25-Feb-2009
It was Moved and Seconded that the Saturna Island Local Trust Committee draft minutes be adopted by Resolution without meeting within 30 days of the meeting and posted to the website.		

Standing Resolutions Log

Saturna Island

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

MEMORANDUM

File No.: 6500-20: 2021-22 Fees Bylaw

DATE OF MEETING: May 25, 2023
TO: Saturna Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Proposed Fee Bylaw

PURPOSE

To update the LTC on the status of the model fee bylaw and summarize steps taken by the Saturna LTC to date.

BACKGROUND

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

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

The Model Fees Bylaw endorsed by Trust Council in 2021 establishes application fees that are more consistent with the costs of processing applications. There have been significant and growing gaps between application fees being received and costs incurred to process applications since the current fee bylaw was adopted in 2007. The Regional Planning Committee reviewed costs, fees and developed recommended new fees. RPC recognized that increased fees would not fund 100% of the cost of processing applications, but would create a more equitable balance between 'user pay' and the general taxpayer. Increased fees were also recommended in the recent governance review ("greater cost recovery is required").

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

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

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

- Owners applying for a building permit: at the request of regional districts, Islands Trust staff review building plans for compliance with zoning but cannot charge a fee.

- Inquiries: owners, professionals and other agencies do not pay a fee for inquiries about zoning, development permit areas, to ask about process or jurisdiction, or for staff to direct inquiries to appropriate agencies.
- Applications by community organizations, where there is a community benefit, can apply to have fees refunded.

In October 2021, the attached Request for Decision was presented to the LTC, and the LTC deferred consideration to the subsequent meeting. At the May 2022 LTC meeting, the LTC consider the RFD and passed the following resolution:

SA-2022-016

It was Moved and Seconded,

that Saturna Local Trust Committee defer a decision on the new fee bylaw until we have had public consultation in the form of a Community Information Meeting.

Discussion also occurred that there should be a Community Information Meeting to discuss further at the October 2022 LTC meeting, however that CIM was ultimately deferred due to the election.

To date all LTCs except North Pender and Saturna have adopted the new model fee bylaw.

If the LTC wishes to proceed as recommended by Trust Council, direction should be given in the form of the following:

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

NEXT STEPS

If the LTC provides direction, staff will bring a bylaw back to the LTC at a future meeting for consideration of reading.

Submitted By:	Robert Kojima, Regional Planning Manager	May 12, 2023
---------------	--	--------------

ATTACHMENTS

1. October 2021 RFD

REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** October 21, 2021

From: David Marlor, Director, Local Planning Services **Date Prepared:** September 15, 2021

SUBJECT: New Fee Bylaws

RECOMMENDATION:

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

DIRECTOR COMMENTS:

The recommendation will allow staff to draft a fee bylaw specific to each local trust committee’s needs based on the model fee bylaw adopted by Trust Council.

1 PURPOSE: To update all local trust committee fee bylaws to be consistent with the new Application Processing Services policy.

2 BACKGROUND:

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. Trust Council also passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new application processing fees bylaw based on the model fees bylaw attached to Policy 5.6.1 “Application Processing Services”.

The Trust Council application processing services policy has been amended to:

1. clarify more specifically the activities covered by the application fee to remove ambiguity;
2. remove the need for planners to determine the work required at the start of the process, which has been identified as practically impossible to implement;
3. establish an objective of 80 per cent of the average processing cost for cost recovery;
4. add more clarity around when cost recovery agreements are required, and what are considered extraordinary cost charges; and
5. add a model fees bylaw to the policy as an attachment.

A new model fees bylaw has been developed that:

1. has updated fees that better reflect the actual average cost of processing the various types of applications, designed to include the staff costs and the fixed costs, such as meeting expenses and advertising;
2. adds consideration for recovery of costs associated with First Nation site visits if required;
3. adds more robust fee refund policy to improve fairness;
4. adds an annual automatic increase of fees of two percent to reflect the estimated actual cost increases due to inflation and collective agreement increases for staff;
5. retains ability of local trust committees to reduce fees by up to 20 percent, intended to allow flexibility recognizing local factors affecting cost of application processing;
6. adds flexibility to allow for reduced temporary use permits fees for community benefits as defined by the local trust committee in its official community plan; and
7. adds a 20 per cent higher fee for applications where development began without a permit or permission to reflect the higher cost of processing such an application.

Each local trust committee has been asked by Trust Council to update its fee bylaw to be consistent with the model fee bylaw approved by Trust Council. If a local trust committee wishes to adjust fees in accordance with items 5 and 6 above, the local trust committee should include this request in the resolution to develop a draft fee bylaw. While a local trust committee is under no legislative obligation to amend its fees bylaw, Trust Council has developed the model fee bylaw to assist in assuring the fees charged better reflect the cost of processing applications using shared resources throughout the Islands Trust Area.

Please note that fees charged are to recover the average cost of processing that type of application. Fees cannot be used to be punitive, or to raise funds above the average cost of processing an application. Local trust committees cannot charge fees for building permit referrals or Crown land referrals as there is no authority provided to do so.

Local trust committees are authorized to charge fees for different types of applications as follows:

- **Section 462 of the *Local Government Act*** provides that a local government may, by bylaw, impose fees related to applications and inspections to recover the average costs of processing official community plan amendments, land use bylaw amendments, subdivisions bylaw amendments, heritage conservation bylaw amendments, issuance of a development permit, development variance permit, temporary use permit, heritage alteration permit, land use contract amendments, heritage revitalisation agreement amendments, board of variance orders, and inspection of works and services related to applications and permits, and subdivision applications;
- **Section 31(2)(b) of the *Islands Trust Act*** provides that a local trust committee may impose fees to recover the cost of processing siting and use permits;
- **Section 41 of the *Liquor Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing liquor and liquor licensing referrals; and
- **Section 35 of the *Cannabis Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing a referral for a license under that Act.

Section 462 of the *Local Government Act* also states that local governments must not impose a fee, charge a tax or require works or services to be provided unless authorized by this Act or any other Act. For this reason, fees are not charged for processing of building permit and Crown land referrals, as there is no authorization in any Act for local trust committees to recover these costs.

Fee bylaws are administrative bylaws. There is no requirement for public input. The local trust committee may consider first, second and third readings all at one meeting. The Executive Committee must approve the bylaw before the local trust committee can consider adoption.

Ideally, all local trust committees will have considered updating their bylaws by March 2022 so that the assumptions on revenue can be included in the next fiscal year budget process.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Staff will draft a fee bylaw based on the model fee bylaw and bring back to a future local trust committee meeting for consideration.

FINANCIAL:

No financial implication from the recommendation.

POLICY:

Updating the Fee bylaw will be consistent with Trust Council Policy 5.6.1 Application Processing Services.

IMPLEMENTATION/COMMUNICATIONS:

Local planning staff assigned to the local trust committee will draft fee bylaw for local trust committee consideration.

FIRST NATIONS:

No First Nations implications from the recommendations.

OTHER:

No other implications from the recommendations.

4 RELEVANT POLICY(S):

Trust Council Policy 5.6.1 Application Servicing Process

5 ATTACHMENT(S):

Trust Council Policy 5.6.1 Application Processing Services

RESPONSE OPTIONS

Recommendation:

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

Alternative:

That the Saturna Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services" with the following modifications: [list modifications].

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Julia Mobbs, Director, Administrative Services/August, 2021



Policy:	5.6.1
Approved By:	Trust Council
Approval Date:	June 9, 2021 Repeals policies 5.6.1, 5.6.2 and 5.6.3
Amendment Dates:	
Policy Holder:	Director of Local Planning Services

APPLICATION PROCESSING SERVICES POLICY

Purpose

This policy is intended:

- to identify the services provided by Islands Trust and the different levels of costs associated with these services;
- to provide direction for the preparation of Fees Bylaws and Schedules by Local Trust Committees (LTCs);
- to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a LTC;
- to recover from applicants 100 per cent of the average cost of processing the development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

A. Definitions

1. Application Processing Services include:

- 1.1 Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws;
- 1.2 Development Application Requests for:
 - 1.2.1 Development Permits,
 - 1.2.2 Development Variance Permits,
 - 1.2.3 Temporary Use Permits,
 - 1.2.4 Soil Removal and Deposit Permits,
 - 1.2.5 Heritage Alteration Permits,
 - 1.2.6 Board of Variance Orders,
 - 1.2.7 Liquor Licensing Permits,
 - 1.2.8 Cannabis Licensing Permits,
 - 1.2.9 Siting & Use Permits,
 - 1.2.10 Land Use Contracts;
- 1.3 Agency Referral Responses and Comments on applications referred from other agencies.

2. Service Levels include:

- 2.1 Information Service that involves providing information to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
- 2.2 Standard Application Processing Service that involves providing a specific service to applicants as a direct response to an application, whether directly to Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant.
- 2.3 Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service, with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement.
- 3. Costs:
 - 3.1 General Service Costs includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.
 - 3.2 Estimated Direct Costs include advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, and staff travel to attend public hearings and community information meetings.
 - 3.3 Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant, and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.
- 4. Community Benefit:
 - 4.1 Community benefit is the provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit or amenity.

B. Policy

1. Standard Application Processing Services

Applicants are responsible for paying different rates based on the level of service. The details involved in each level of a standard application processing service are identified below.

1.1 Information Service – No Fee Required

Information services are considered a public service and include:

- 1.1.1 ***providing information*** on application process requirements including a meeting with staff;
- 1.1.2 ***providing assistance*** to complete an application;
- 1.1.3 ***determination*** of applicable fees;

1.1.4 **identification** of readily identifiable issues to be addressed.

1.2 Application and Processing Service – Included in Application Fee

For rezoning applications, temporary use permit applications, development variances, development permits, liquor and cannabis retail license applications, and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment including site visit where required;
- 1.2.2 staff reports;
- 1.2.3 discussion between planners and applicant throughout process;
- 1.2.4 review of archaeological data;
- 1.2.5 staff referral to other agencies, advisory planning commissions, and analysis of their comments;
- 1.2.6 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
- 1.2.7 staff report with recommendation for Local Trust Committee (LTC) approval consideration;
- 1.2.8 processing bylaws through Executive Committee for approval consideration, if necessary;
- 1.2.9 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary;
- 1.2.10 adoption of all bylaws or issuing of permits as required.

1.3 Public Hearing – Included in Application Fee

Services related to a Public Hearing that will be provided to an applicant who has paid an application fee include:

- 1.3.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, and delivery of notices when needed).

1.4 Community Information Meeting – Included in Application Fee

Services related to a Community Information Meeting that will be provided to an applicant who has paid an application fee include:

- 1.4.1 conducting one community information meeting with staff present (includes staff time, staff travel costs, and estimated direct costs such as meeting place rental and delivery of notices when needed).

2. Extraordinary Processing Services – additional fees required

Extraordinary Processing Services are services provided to the applicant that are beyond the standard processing services identified in 1.1- 1.4. Applicants are responsible for paying additional fees for extraordinary processing services.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

- 2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:
 - 2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,
 - 2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,
 - 2.1.1.3 the processing requirements include First Nations site visit(s).
- 2.1.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.
- 2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

2.2 Provision of Extraordinary Processing Services

- 2.2.1 Extraordinary processing services can be provided by Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- 2.2.2 A resolution of the LTC following the recommendation of the Regional Planning Manager is required to proceed.
- 2.2.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant and a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

3. Extraordinary Services Cost Recovery Agreements

3.1 Extraordinary Services Cost Recovery – Principles

- 3.1.1 Cost Recovery Agreements reflect a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Cost Recovery Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC Fees Bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the Cost Recovery Agreement.
- 3.1.6 The Cost Recovery Agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 staff time required for covenant development;
- 3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;
- 3.2.3 technical assessments or studies as required by the local trust committee;
- 3.2.4 retaining special technical assistance required by the local trust committee;
- 3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;
- 3.2.6 process agreement negotiation;
- 3.2.7 First Nations site visits;
- 3.2.8 other resources and/or services required by the local trust committee to process the application not covered by the Fees Bylaw.

4. Funding Basis and Fee Adjustments

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committees should adopt a Fees Bylaw consistent with the model Fees Bylaw in Attachment 1.
- 4.2 Standard fees in Fees Bylaws are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 31(2)(b) of the *Islands Trust Act*, Section 41 of the *Liquor Control and Licensing Act*, and Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances of up to 20% below what is indicated in the Trust Council's Model Fees Bylaw when adopting a LTC Fees Bylaw. The following criteria must be considered when evaluating a fee variance:
 - 4.3.1 the level of community/environmental benefit offered by the type of application;
 - 4.3.2 variances in direct costs (e.g. hall rental); and,
 - 4.3.3 an amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a Fees Bylaw must be adopted by bylaw amendment. All LTC Fees Bylaws and Fees Bylaw amendments must be approved by the Executive Committee before adoption by a LTC.
- 4.5 Where the model fees bylaw permits reduced fees for temporary use permits that have a community benefit and are small scale, the local trust committee fees bylaw must specify the actual community benefit to which the fee applies, and should be supported by policies in the official community plan on what are considered amenities to the community.
- 4.6 Applications for development that begin without a permit or bylaw authorisation are subject to a 20 per cent surcharge to recover the additional cost in processing these types of applications.

5. Application Fee Sponsorship

- 5.1 If eligible, as identified in [Trust Council Policy 4.1.13 Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications](#), the applicant may apply for development application fee sponsorship.

6. Development Approval Information

- 6.1 The Development Approval Information (DAI) Bylaw provides a mechanism to ensure that the LTC receives appropriate reports and documentation (such as reports from engineers, biologists, hydrogeologists, and geotechnical specialists) from applicants to support rezoning, temporary use permit, and development permit applications.
- 6.2 DAI bylaws reduce operational costs by ensuring that applications are complete and the information provided is appropriate.
- 6.3 Local trust committees should adopt a development approval information bylaw.
- 6.4 The Regional Planning Committee should develop a model Development Approval Information bylaw for addition as Attachment 2 to this policy.

C. Legislated References

Local Government Act, S.462

Local Government Act, S.486

Liquor Control and Licensing Act, S.41

Cannabis Control and Licensing Act, S.35

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

- 1. Model Fees Bylaw

[INSERT LTC NAME] LOCAL TRUST COMMITTEE

BYLAW NO. [XX]

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications. Model fees reflect the cost recovery for application processing.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act, **[DENMAN AND HORNBY ONLY and Section 31(2)(b) of the Islands Trust Act provides that a local trust committee may impose a fees to recover the cost of processing siting and use permits]** ;

NOW THEREFORE the **[Insert LTC Name]** Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the **[Insert LTC Name]** Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "[Insert LTC Name] Local Trust Committee Fees Bylaw, No. [XX]".

Interpretation

2.1 In this bylaw:

"Applicant" means:

2.1.1 the person authorized under the _____ Island Local Trust Committee Procedures Bylaw No. ____, _____ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

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

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit.

[NOTE: This is in relation to temporary use permits for a use under a specified size that provides a community benefit. The local trust committee would define community benefit here based on its official community plan definition of community benefit]

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

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

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

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

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

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

Application Fees

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

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or land use designation)	\$7,800
2. Minor (e.g. policy change without changing density or land use designation not requiring an OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000

Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses and commercial uses under 95 square metres that provide community benefit..	\$1000
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal (Community Benefit)	\$350
Other Permits	
15. Siting and Use Permit	\$250
16. Heritage Alteration Permit	\$1,700
Combination Applications	
17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

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

5. Collection and Refund of Application Processing Fee Amounts

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

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

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

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The (Insert LTC Name) will maintain a record of annual 2% increases and make that record available for public inspection.

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

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

- 10.1 “[Insert LTC Name] Local Trust Committee Fees Bylaw No. [XX]” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

REQUEST FOR DECISION

To: Saturna Island Local Trust Committees **For the Meeting of:** October 19, 2023
From: David Marlor, Director, Legislative Services **Date Prepared:** March 30, 2023
SUBJECT: Freedom of Information and Protection of Privacy Bylaw

RECOMMENDATION:

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

DIRECTOR OF PLANNING SERVICES COMMENTS: The draft Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

2 BACKGROUND:

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated. Maximum fees in the *Act* have been reduced, so to be consistent with the *Act*, the Local Trust Committee needs to adjust its fees. The *Act* also now allows for a non-refundable \$10 application fee.

Local trust committees are required to appoint a Head for the purpose of making determinations under the *Act*. That position in your existing bylaw is the Secretary of the Islands Trust, and that has not changed in the new bylaw. The determinations of the Head are reviewable by the Office of Information Privacy Commission (OIPC).

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of

Information and Protection of Privacy Bylaw, and passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Minimal staff time to update material on the website.

FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS:

Staff would update the Islands Trust website with the new bylaws.

FIRST NATIONS:

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

OTHER:

There are no other implications of the recommendation.

4 RELEVANT POLICY(S): N/A

5 ATTACHMENT(S):

1. Saturna Island Local Trust Committee Bylaw No. 139

Alternative:

1. That Saturna Island Local Trust Committee Bylaw No. 139, cited as “Saturna Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 139, 2023” be amended and be read second and third time. In this case, any amendments not consistent with the model would be reviewed by the Executive Committee to ensure they do not cause a financial burden to the organization.
2. That this report be referred back to staff for additional information.

Submitted By:	David Marlor, Director, Legislative Services	September 19, 2023
---------------	--	--------------------

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY BYLAW NO. 139

A Bylaw to designate the head of the Saturna Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the Saturna Island Local Trust Committee the authority to designate a person as the head of the Saturna Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the Saturna Island Local Trust Committee the authority to set any fees the Saturna Island Local Trust Committee requires to be paid under section 75 of the Act,

THE SATURNA ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

Citation

- 1. This bylaw may be cited as "Saturna Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 139, 2023".

Definitions and Interpretation

- 2. In this Bylaw:

"Act"	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
"Commercial Applicant"	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
"Head"	means the person designated under Section 3 of this Bylaw as the head of the of the Saturna Island Local Trust Committee for the purposes of the Act.
"Request"	means a request for information under Section 5 of the Act.
"Records"	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

Designation of Head

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the Saturna Island Local Trust Committee for the purposes of the Act.
4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

Policies and Procedures

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

Fees

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

Interpretation

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

Repeal

8. "Saturna Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 46, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME THIS 25TH DAY OF MAY 2023.

READ A SECOND TIME THIS DAY OF 20

READ A THIRD TIME THIS DAY OF 20

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

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

Saturna Island Local Trust Committee
Freedom of Information and Protection of Privacy
Bylaw No. 139 - Schedule 'A'

Schedule of Maximum Fees

Item	Description of Services		Fees
1	(a)	Application Fee	\$10.00 (non-refundable)
	(b)	An applicant's request for his/her own personal information is not subject to any fees.	
2	For applicants other than commercial applicants:		
	(a)	for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
	(b)	for producing a record manually	\$7.50 per ¼ hour
	(c)	for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
	(d)	for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
	(e)	for shipping copies	actual costs of shipping method chosen by applicant
	(f)	for copying records	
		(i) floppy disks	\$2 per disk
		(ii) CDs and DVDs, recordable or rewritable	\$4 per disk
		(iii) computer tapes	\$40 per tape, up to 2 400 feet
		(iv) microfiche	\$3 per fiche
		(v) microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
		(vi) microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
		(vii) photographs, colour or black and white	\$5 to produce a negative \$12 each for 16" x 20" photograph \$9 each for 11" x 14" photograph \$4 each for 8" x 10" photograph \$3 each for 5" x 7" photograph
		(viii) photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
		(ix) dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
		(x) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
		(xi) scanned electronic copy of a paper record	\$0.10 per page
		(xii) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
		(xiii) slide duplication	\$0.95 each
		(xiv) audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
		(xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2		the actual cost to the public body of providing that service

BRIEFING

To:	Saturna Island Local Trust Committee	For the Meeting of:	October 19, 2023
From:	Trust Area Services	Date Prepared:	July 19, 2023
SUBJECT:	Census infographics		

PURPOSE: To provide local trust committees with infographics regarding trends in local trust areas and the Islands Trust Area.

BACKGROUND: Trust Area Services staff contracted Statistics Canada to provide a set of infographics for both the Trust Area and local trust areas/Bowen Island (see attached).

To develop the infographics, there was a need for Statistics Canada to undertake geocoding and custom tabulations of past Census years as local trust area Census boundaries have shifted through the decades. This work completes efforts that began in 2016 to identify trends in the Trust Area and improve Census data sets for the Islands Trust Area.

ATTACHMENTS:

1. 2021 Census Infographics – Saturna Island Local Trust Area
2. 2021 Census Infographics – comparisons across the Trust Area

FOLLOW-UP: These products will inform work throughout the Islands Trust including land use planning, communications, and advocacy. They can be found under the Trend Monitoring webpage on the website, and staff plan to feature the infographics on Islands Trust social media.

Since production of the infographics, planning staff have identified that it would be helpful to also seek an infographic showing the trend in number of dwellings in each jurisdiction over time. Staff intend to order this additional data set and associated infographics at a cost between \$275 and \$457 before applicable taxes.

Prepared By: Clare Frater, Director, Trust Area Services

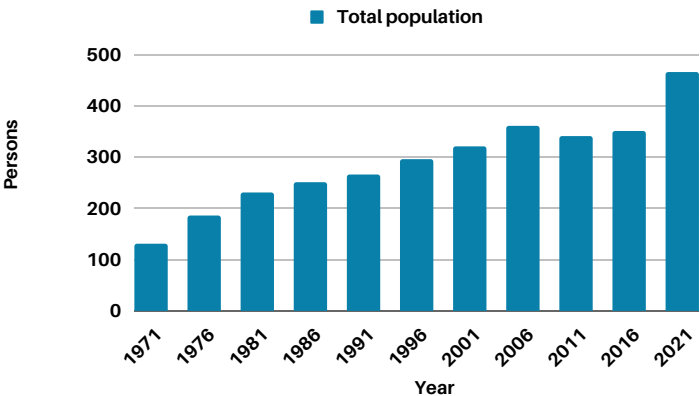
Reviewed By/Date: Robert Kojima, Regional Planning Manager, July 25, 2023

2021 Census Profile

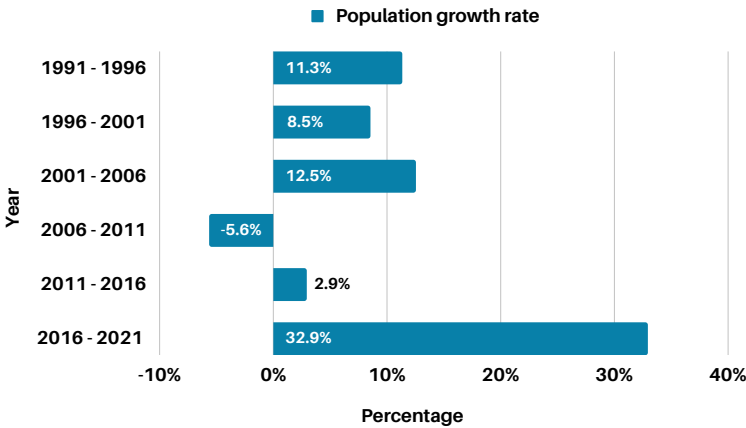
Saturna Island Local Trust Area

Total population

The total population of Saturna Island Local Trust Area was 465 in 2021.



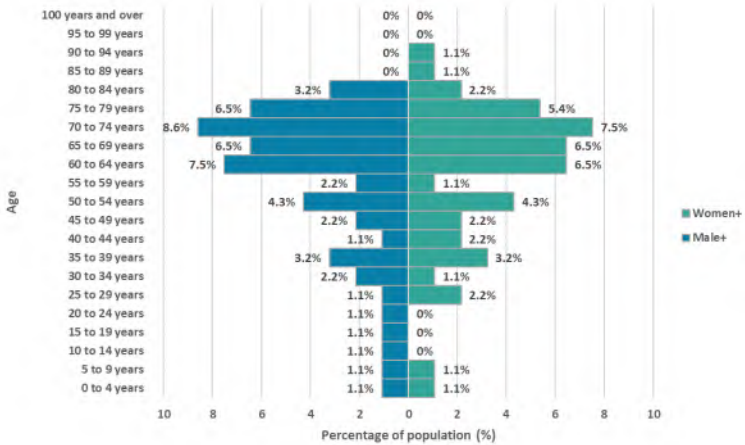
Total population growth rate



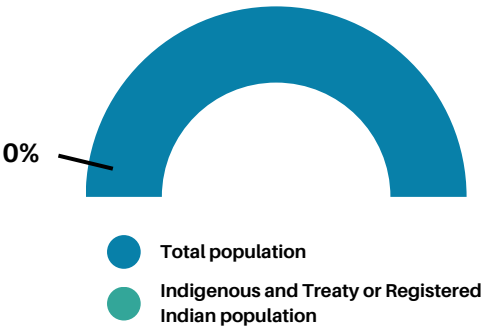
Between 1991 and 2021 the population of Saturna Island Local Trust Area grew by 75.5%.

Total population by gender, 2021

The median age of Saturna Island Local Trust Area was 63.6 in 2021.

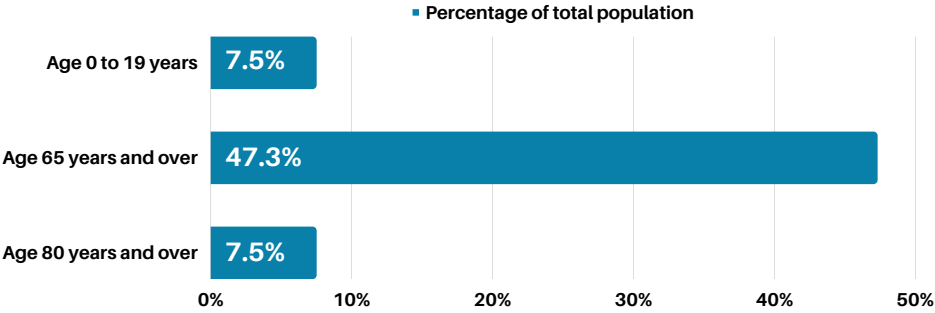


Population by Indigenous and Registered or Treaty Indian status, 2021

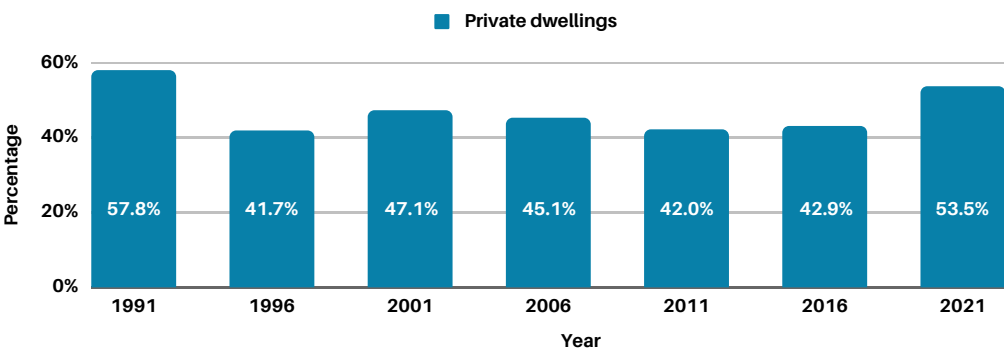


In 2021, 0% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1971 Census, Saturna Island Local Trust Area split into Mayne Island Local Trust Area and Saturna Island Local Trust Area by using the 1976 population and dwelling proportion.
- 1981 Census, about five-sixths of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

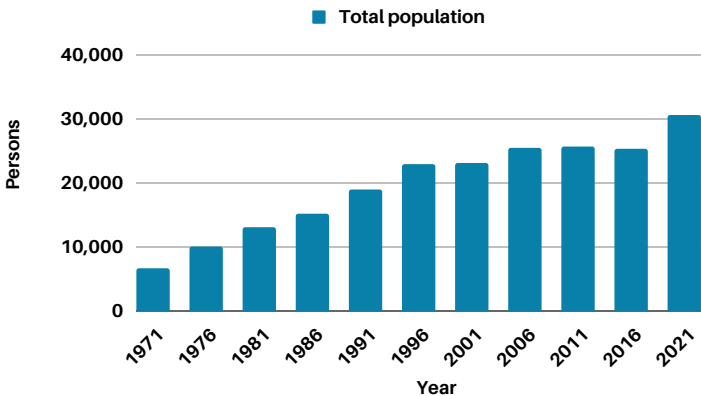


2021 Census Profile

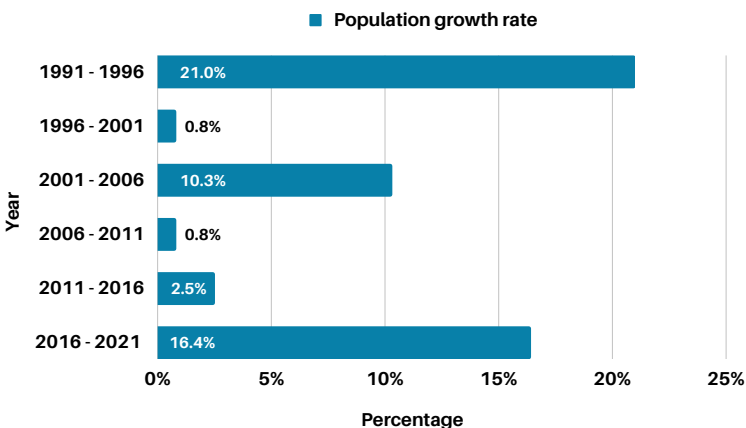
Islands Trust Area

Total population

The total population of Islands Trust Area was 30,510 in 2021.



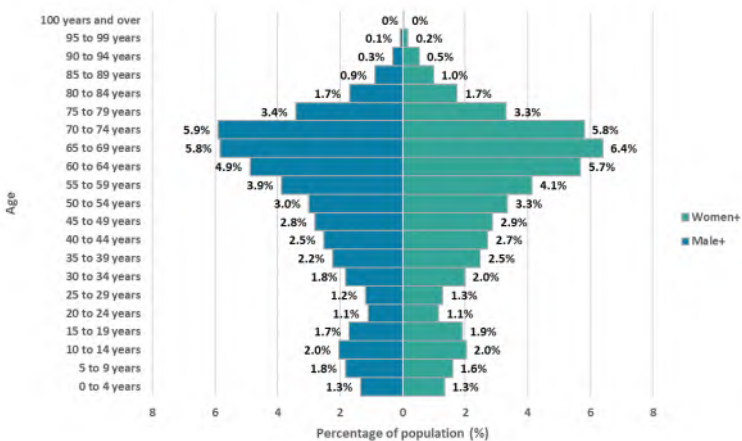
Total population growth rate



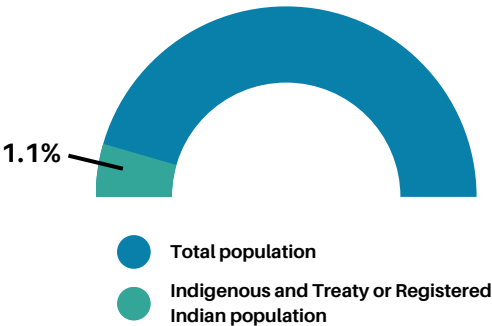
Between 1991 and 2021 the population of Islands Trust Area grew by 61.7%.

Total population by gender, 2021

The median age of Islands Trust Area was 58.8 in 2021.

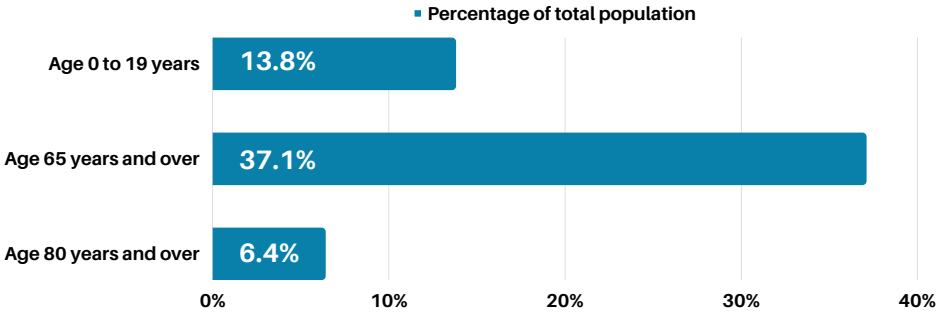


Population by Indigenous and Registered or Treaty Indian status, 2021

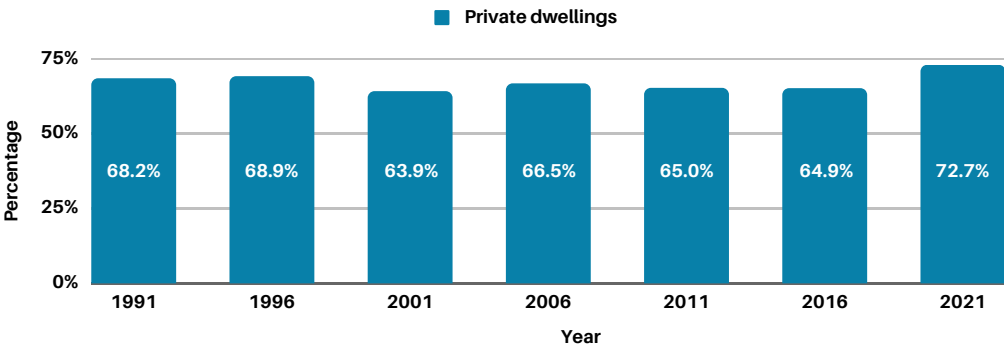


In 2021, 1.1% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1981 Census, about five-sixths of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

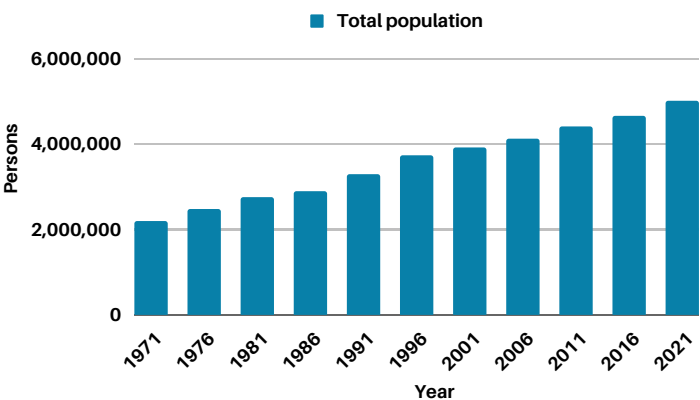
Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

2021 Census Profile

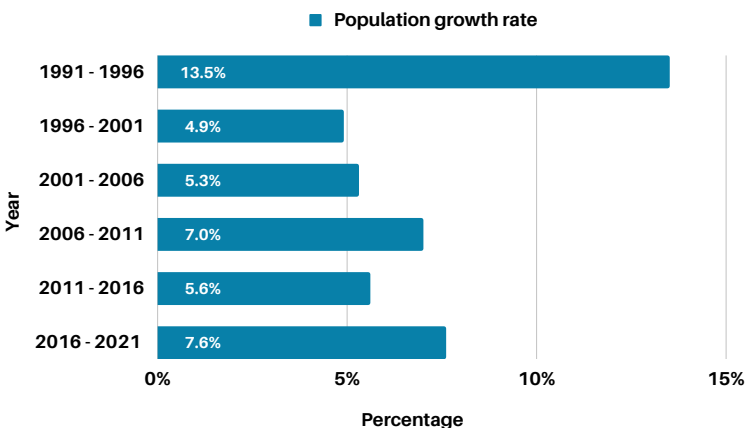
British Columbia

Total population

The total population of British Columbia was 5,000,875 in 2021.



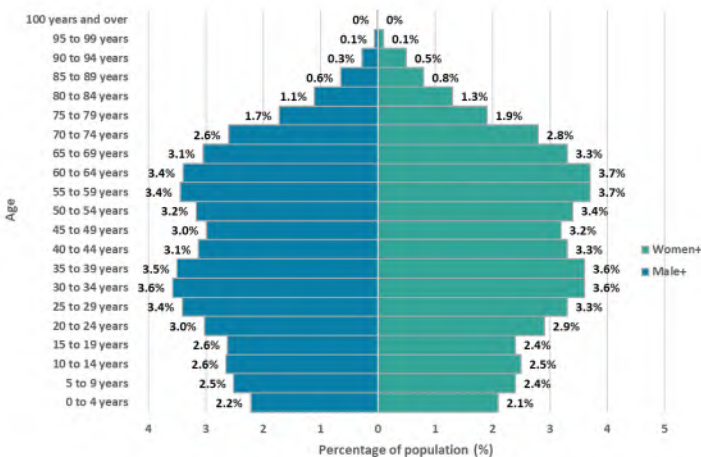
Total population growth rate



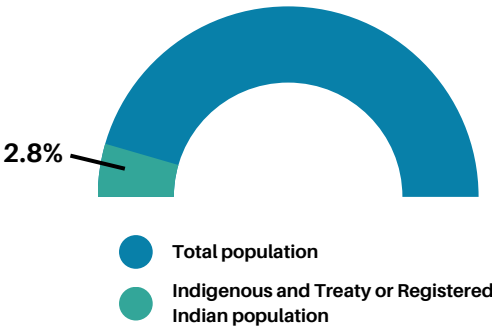
Between 1991 and 2021 the population of British Columbia grew by 52.4%.

Total population by gender, 2021

The median age of British Columbia was 42.8 in 2021.

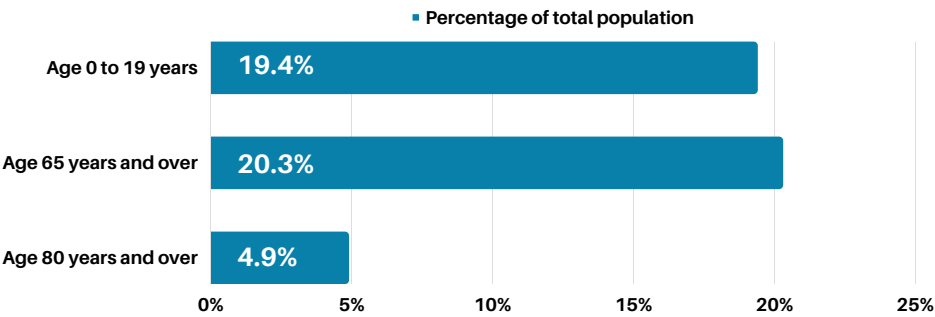


Population by Indigenous and Registered or Treaty Indian status, 2021

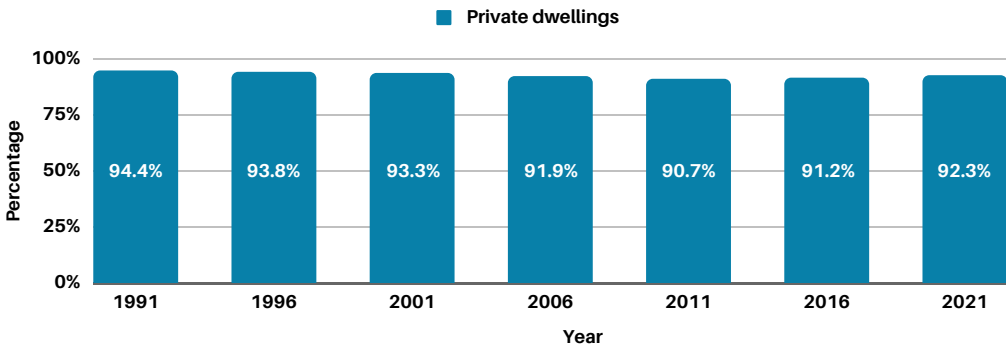


In 2021, 2.8% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Note:

- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10'. To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

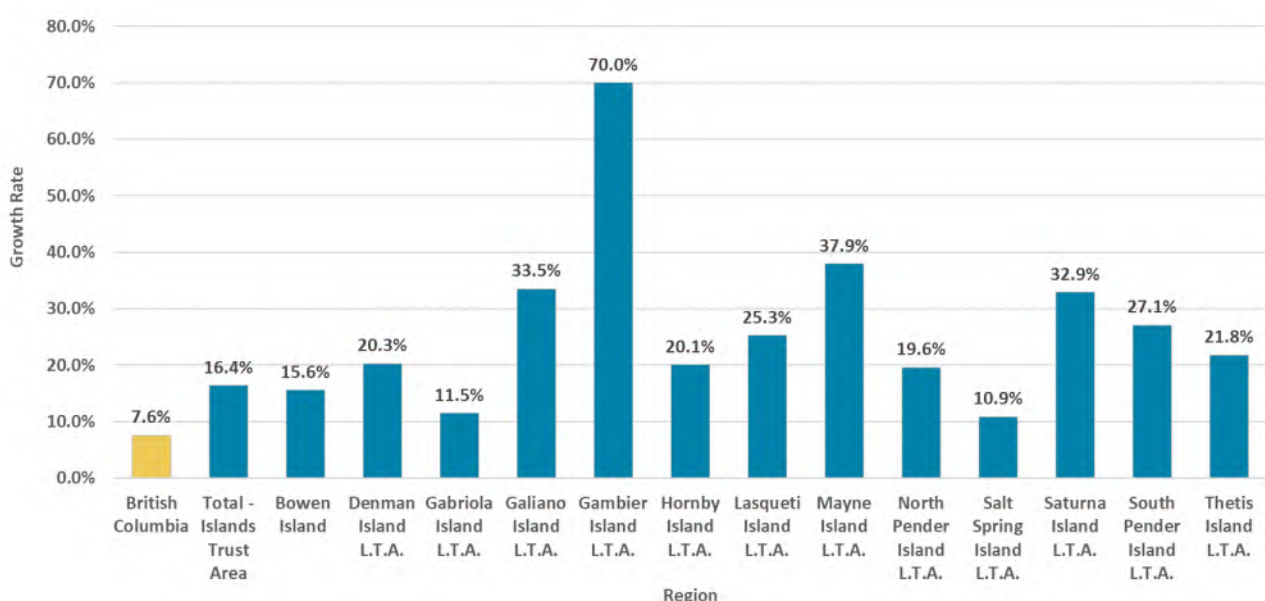
Sources: Statistics Canada, Census of Canada, 1971, vol. 1, part 2, table 14, (Catalogue 92-716); Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

Islands Trust Area Census Profile 2021

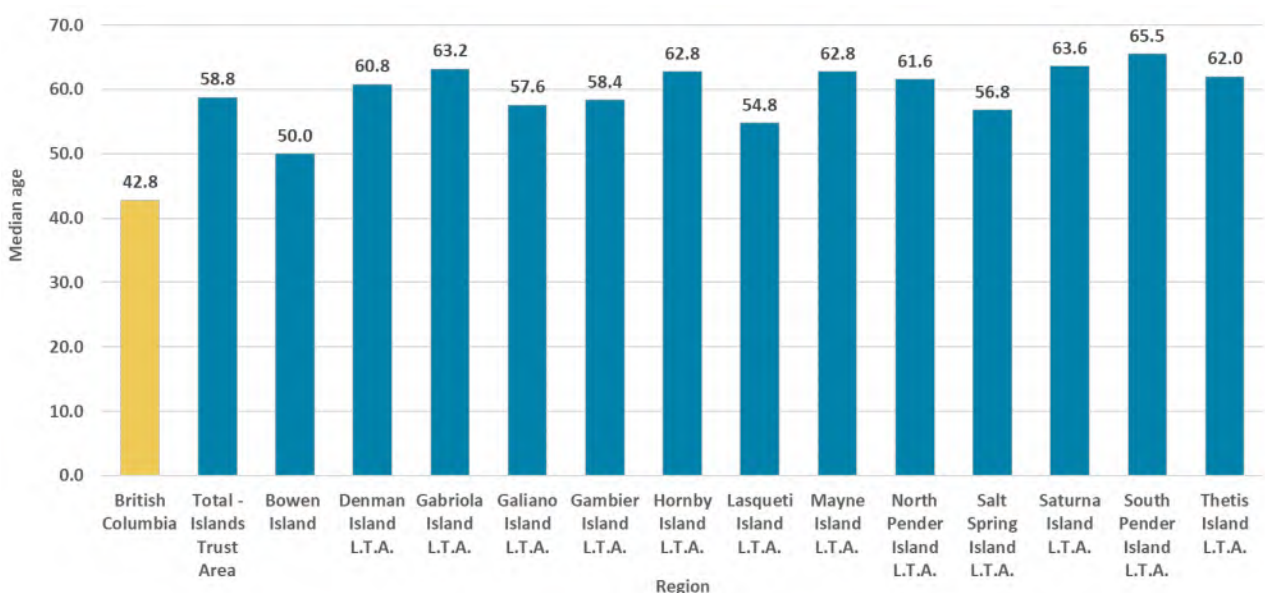


People

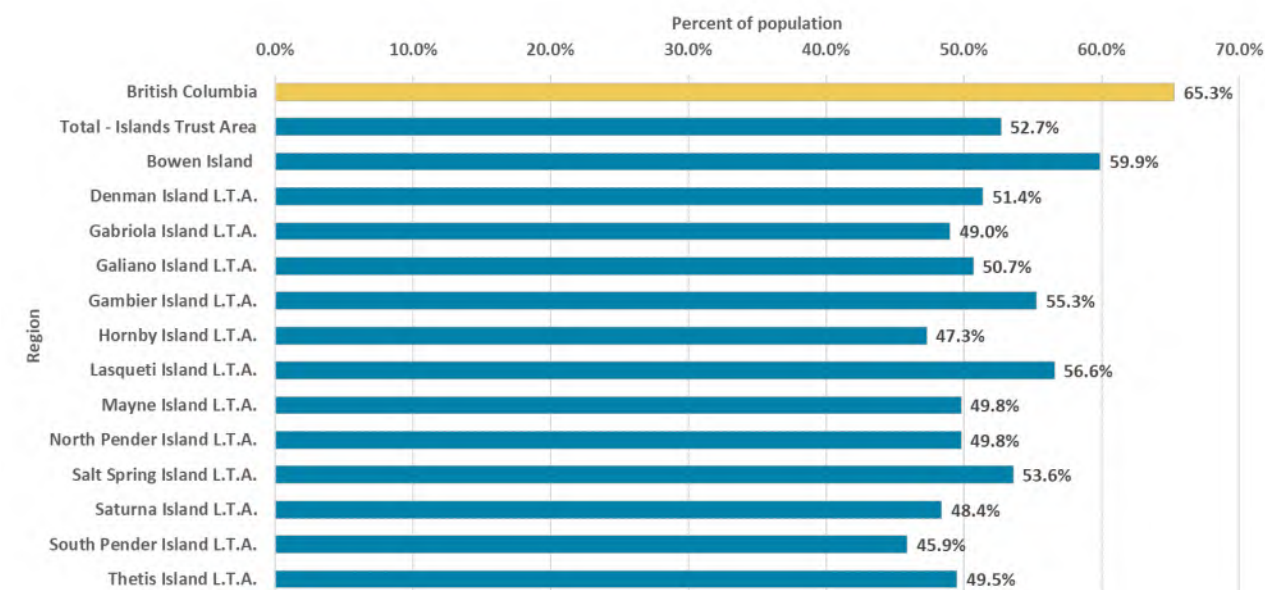
Population growth rate, 2016 to 2021



Median age of population, 2021

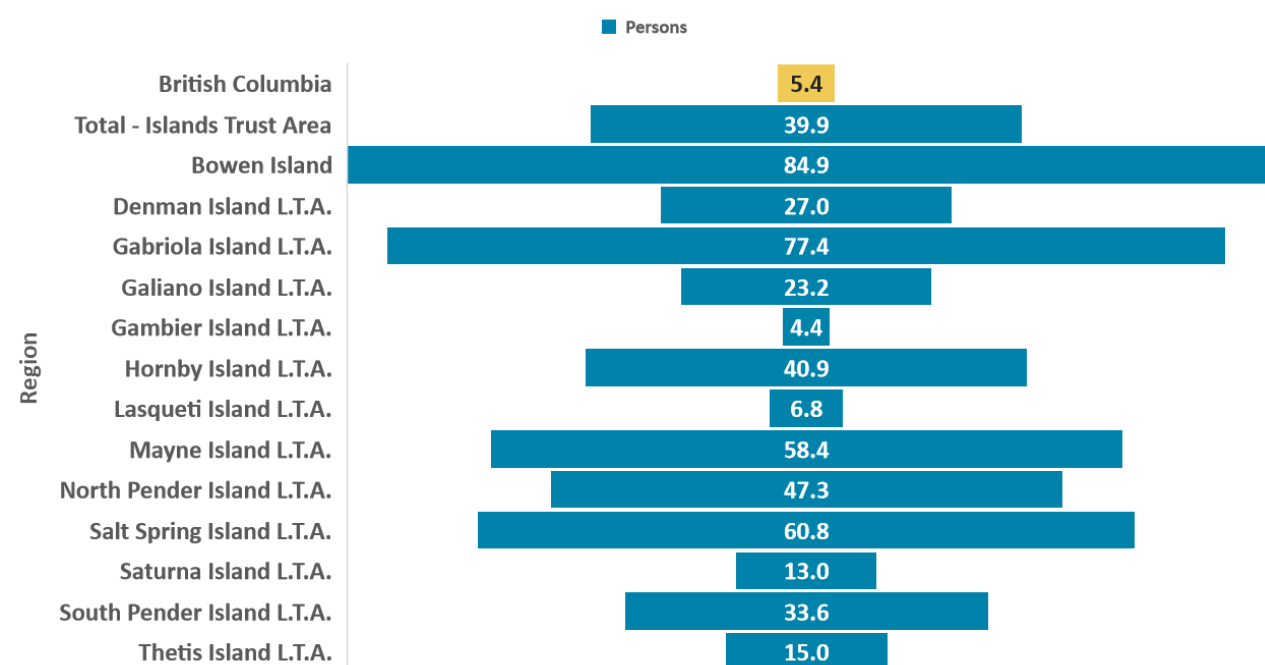


Working age population, 2021*



*Working age is 15 to 64 years old

Population density per square kilometer, 2021



Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data



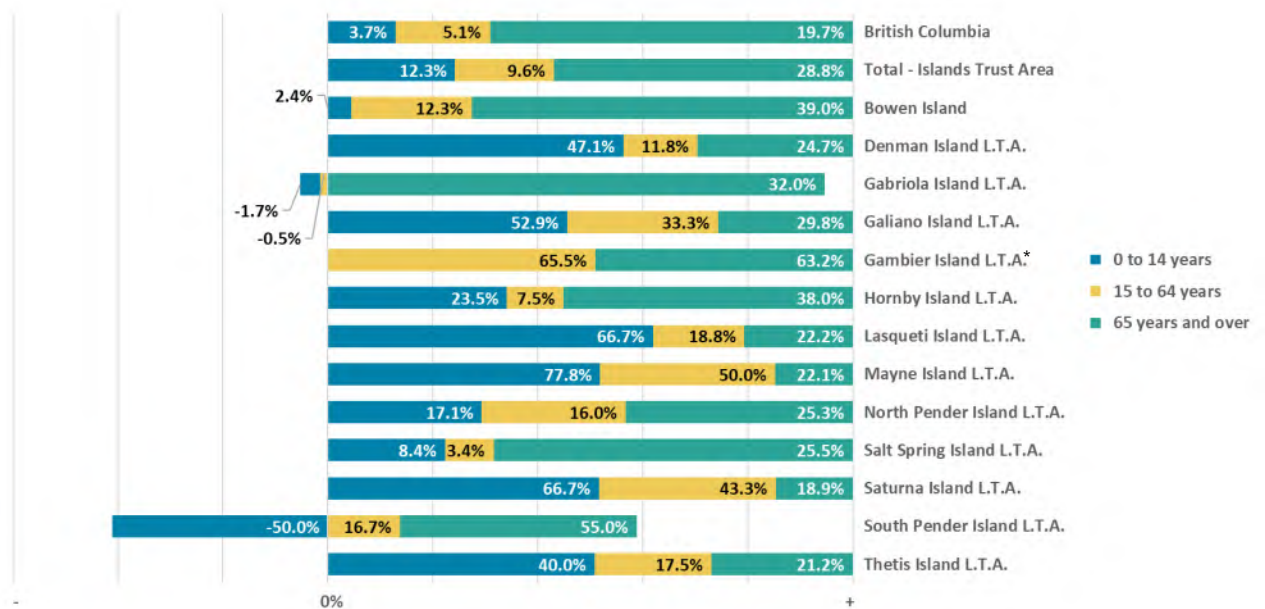
Statistics
Canada

Statistique
Canada

www.statcan.gc.ca

Canada 94

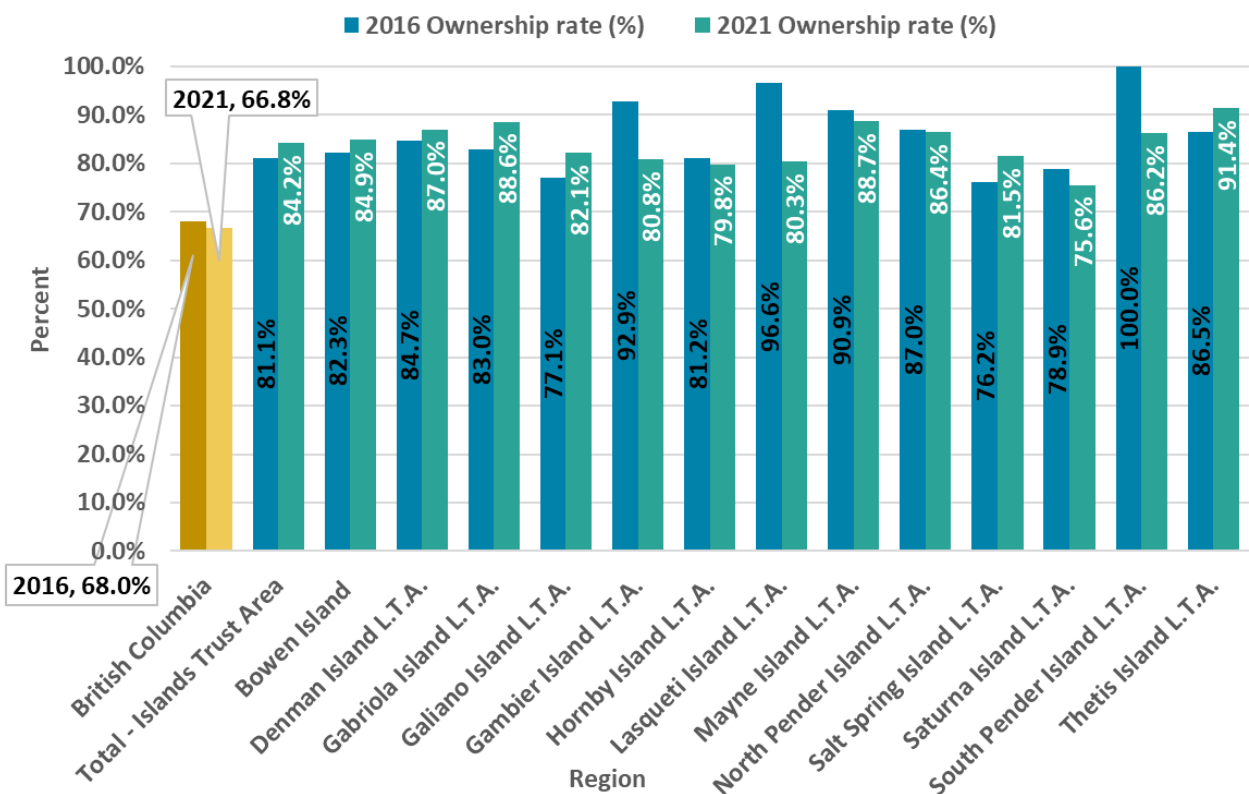
Population change by broad age group, 2016 to 2021



* The population change of 0 to 14 years age group was 250.0% in Gambier Island.

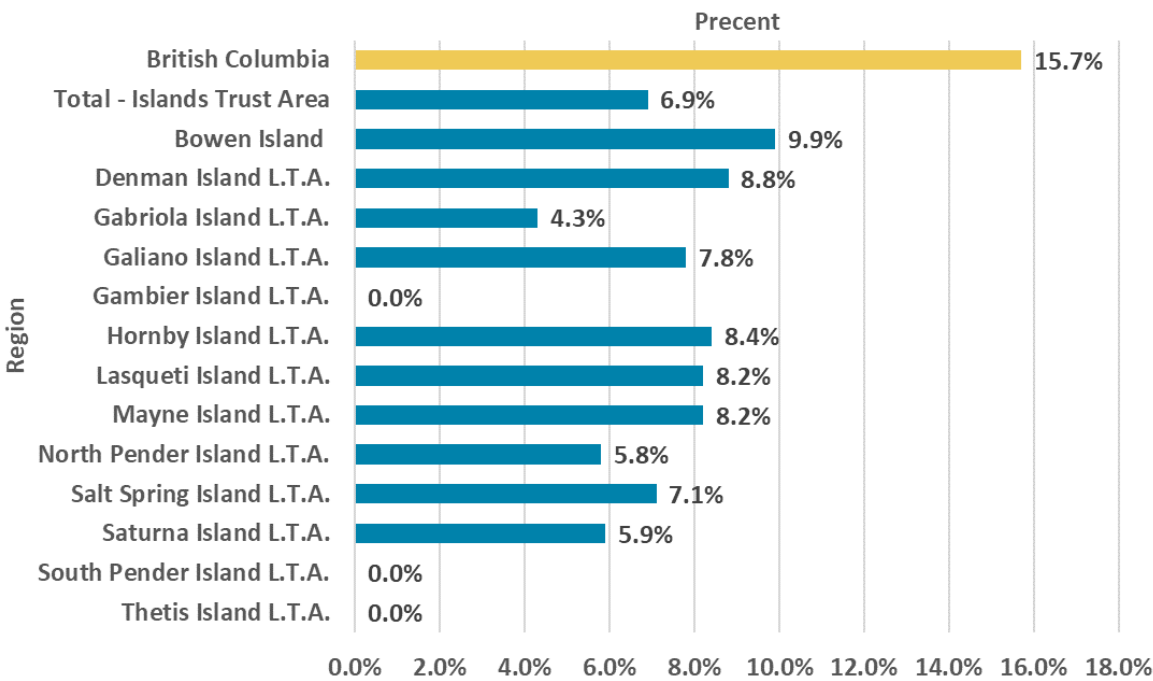
Dwelling

Homeownership rate, 2016 and 2021*

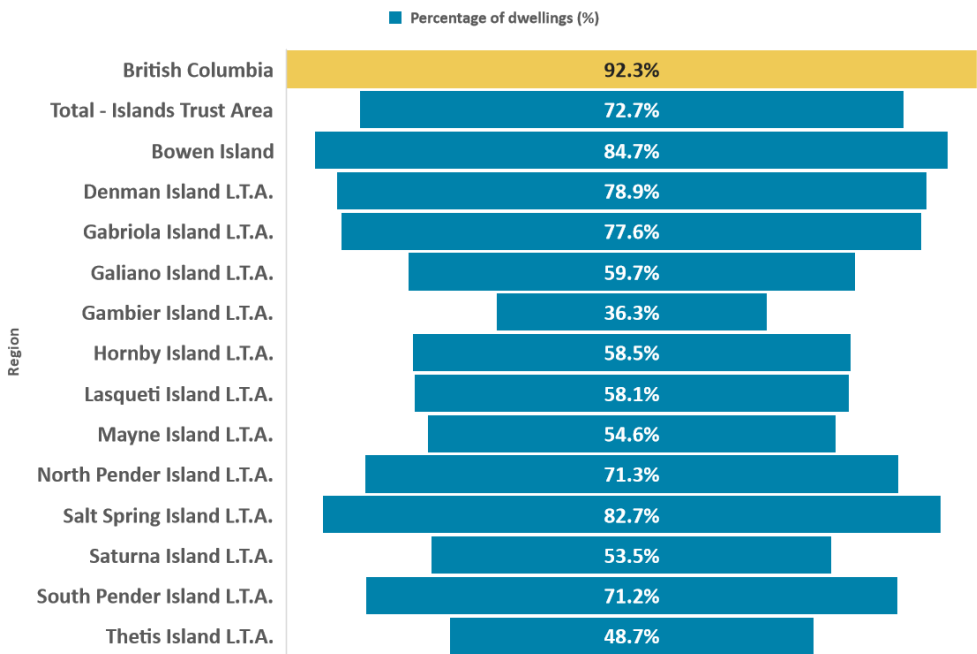


*Owner household refers to a private household where some member of the household owns the dwelling, even if it is still being paid for.

Homeownership rate among 25 to 39 year olds, 2021



Percentage of dwellings occupied by usual residents, 2021

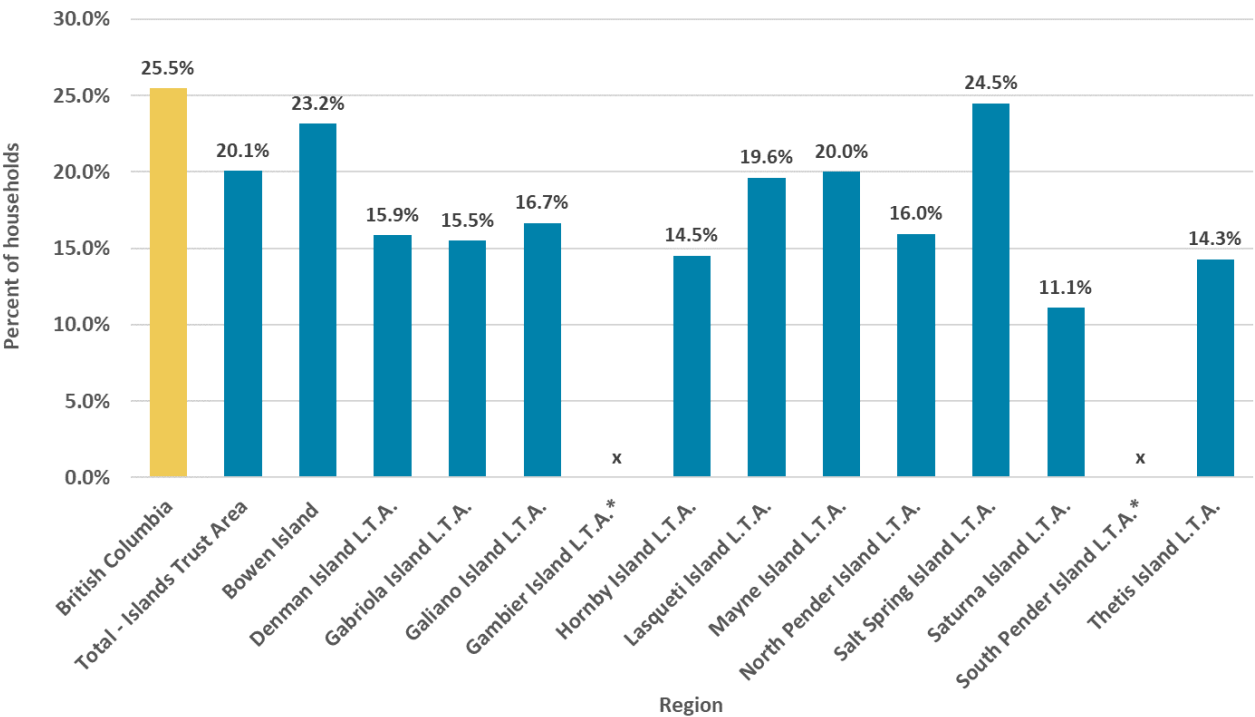


Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data

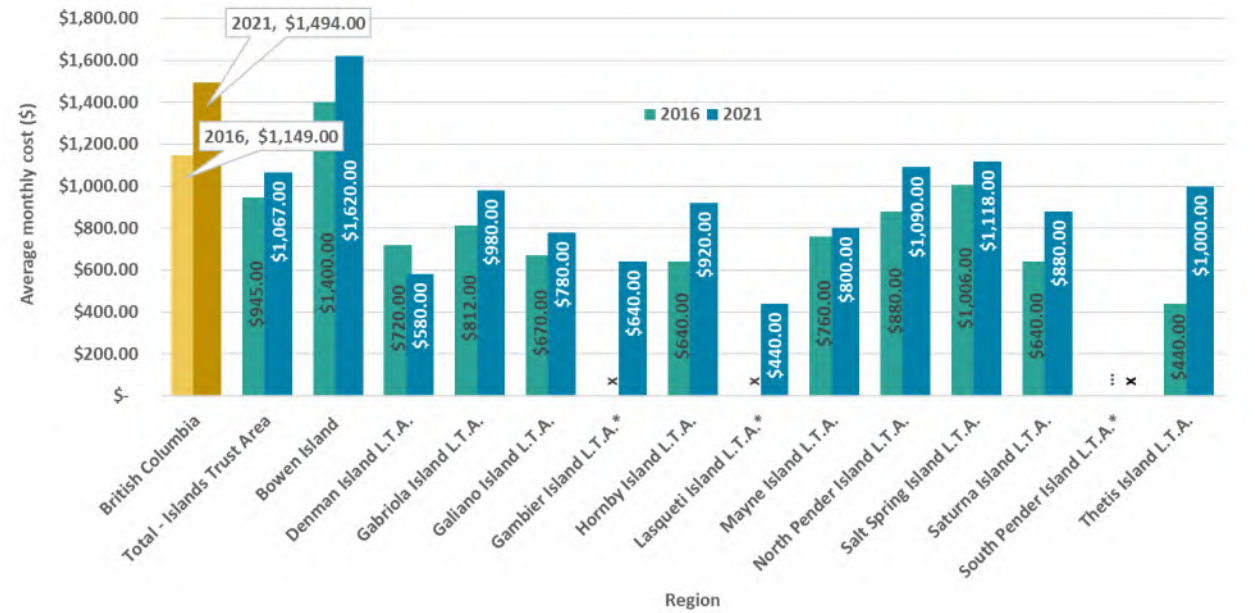
Percentage of households that spend 30% or more of income on shelter costs, 2021¹



*Data for Gambier Island Local Trust Area and South Pender Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act.

1. Total - Owner and tenant households with household total income greater than zero, in non-farm, non-reserve private dwellings by shelter-cost-to-income ratio.

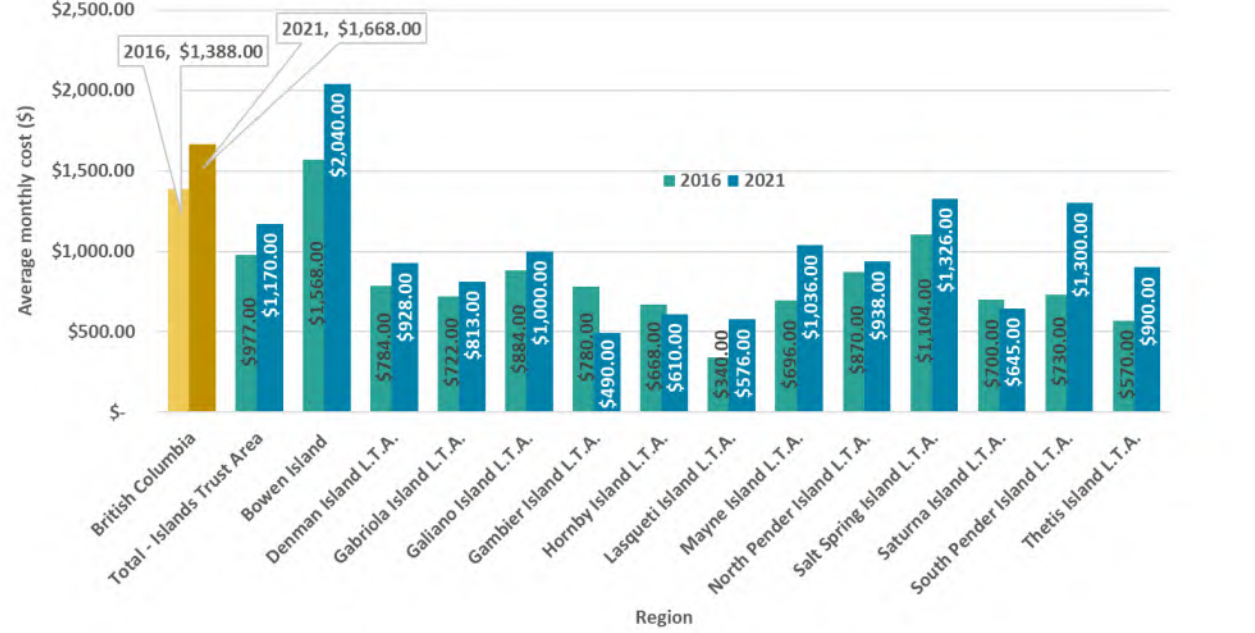
Average monthly shelter cost for renters, 2016 and 2021



Average monthly shelter costs for renters increased by 30.0% in B.C. while the Islands Trust Area saw an increase of 12.9%.

*2016 Census data for Gambier Island Local Trust Area and Lasqueti Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act. 2016 Census data for South Pender Island Local Trust Area not applicable (...). 2021 Census data for South Pender Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act.

Average monthly shelter cost for owners, 2016 and 2021



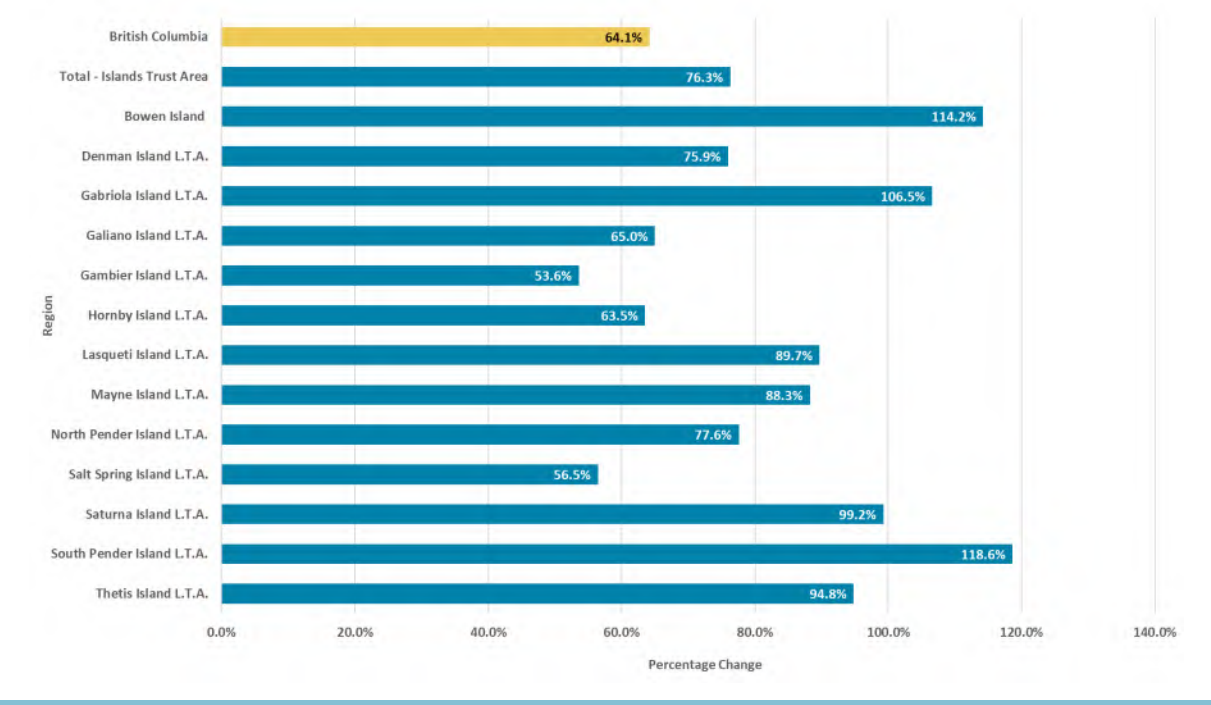
Average monthly shelter costs for owners increased by 20.2% in B.C. while the Islands Local Trust Area saw an increase of 19.8%.

Notes:

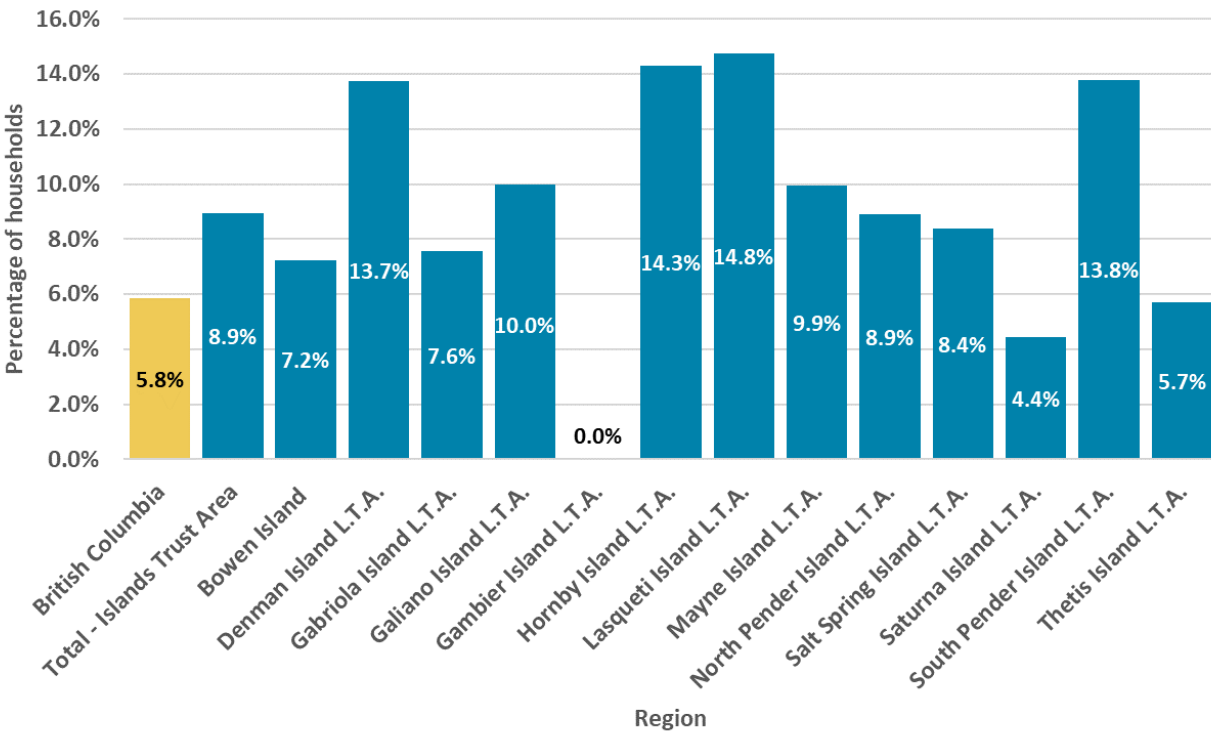
- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data

Percentage change in private dwellings occupied by usual residents, 1991 to 2021



Percentage of households with inadequate housing, 2021*

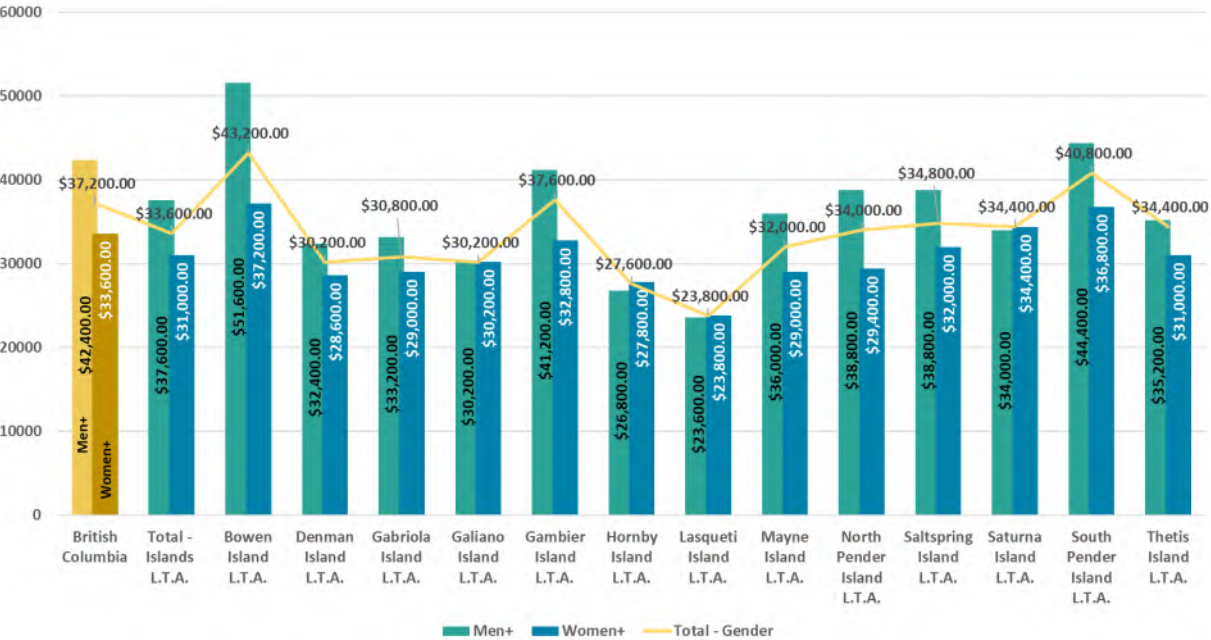


*Housing is considered adequate when it isn't in need of major repairs. Major repairs include defective plumbing or electrical wiring, or structural repairs to walls, floors, or ceilings.
<https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-research/core-housing-need/identifying-core-housing-need>



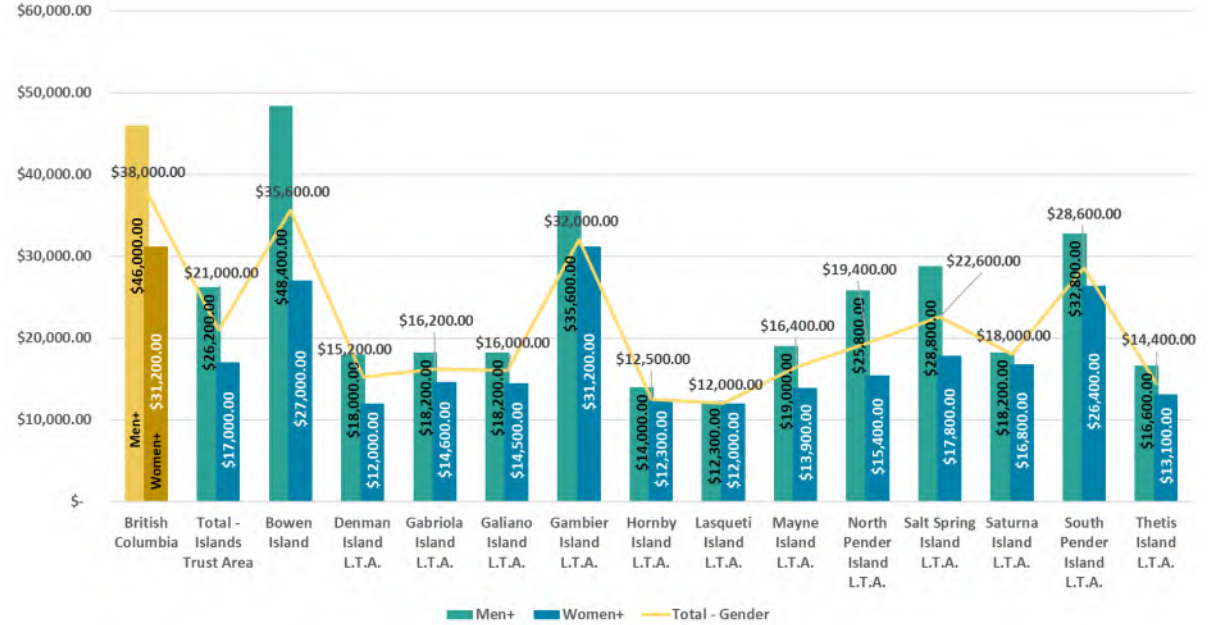
Income

Median after-tax income, 2020*



*For the 2021 Census, the reference period for income data is the calendar year 2020, unless otherwise specified.

Median employment income, 2020*



*For the 2021 Census, the reference period for income data is the calendar year 2020, unless otherwise specified.

Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data



Updated: October 11, 2023

DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE

NOTICE OF 2024 BUSINESS MEETINGS

~~THE LTC HAS ADOPTED THE FOLLOWING DATES FOR ITS 2024 MEETING SCHEDULE. MEETINGS ARE SUBJECT TO CHANGE.~~

PLEASE VISIT THE SATURNA LTC WEBSITE FOR UP-TO-DATE SCHEDULE INFORMATION.

THE LTC WILL MEET ON THE THIRD THURSDAY OF EACH MONTH AT 11:30 AM UNLESS OTHERWISE NOTED*.

LOCATION: Saturna Recreation & Cultural Centre – 104 Harris Rd

MEETING DAY: 3rd Thursday of each month

TIME: 11:30am

DATE	LOCATION
February 15	Saturna Recreation & Cultural Centre 104 Harris Rd
May 16	Saturna Recreation & Cultural Centre 104 Harris Rd
July 18	Saturna Recreation & Cultural Centre 104 Harris Rd
October 17	Saturna Recreation & Cultural Centre 104 Harris Rd

These are regular business meetings of the Local Trust Committee, where they will consider items such as bylaws, applications, and correspondence.

ALL REGULAR BUSINESS MEETINGS ARE OPEN TO THE PUBLIC

Website: www.islandstrust.bc.ca/saturna

Email: southinfo@islandstrust.bc.ca

Phone: 250-405-5151