



Saturna Island Local Trust Committee

Regular Meeting Agenda

Date: April 24, 2025
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. TERRITORIAL ACKNOWLEDGEMENT	
3. APPROVAL OF AGENDA	
4. TRUSTEE REPORT	
5. CHAIR'S REPORT	
6. ELECTORAL AREA DIRECTOR'S REPORT	
7. TOWN HALL AND QUESTIONS	11:45 AM - 12:00 PM
8. COMMUNITY INFORMATION MEETING	12:00 PM - 12:30 PM
8.1 Short Term Vacation Rentals Policy - Options	
9. PUBLIC HEARING - None	
10. MINUTES	12:30 PM - 12:40 PM
10.1 Adopted Local Trust Committee Minutes Dated January 16, 2025 (for Information)	4 - 11
10.2 Section 26 Resolutions-without-meeting Report Dated March 2025	12 - 12
11. BUSINESS ARISING FROM THE MINUTES	
11.1 Follow-up Action List Dated April 2025	13 - 13
12. DELEGATIONS	
13. CORRESPONDENCE	

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

14.	APPLICATIONS AND REFERRALS	12:40 PM - 1:20 PM	
14.1	PL-DVP-2025-0121 (Litke) - Staff Report (attached)		14 - 29
14.2	PL-DP-2025-0087 (Litke) - Staff Report (attached)		30 - 38
15.	LOCAL TRUST COMMITTEE PROJECTS	1:20 PM - 1:50 PM	
15.1	Minor Housing Review Project - Staff Report (attached)		39 - 50
16.	REPORTS	1:50 PM - 2:00 PM	
16.1	Work Program Reports (attached)		
16.1.1	<u>Active Projects Report Dated April 2025</u>		51 - 51
16.1.2	<u>Future Projects Report Dated April 2025</u>		52 - 52
16.2	Applications Report Dated April 2025 (attached)		53 - 54
16.3	Trustee and Local Expense Report Dated Feb 2025 (attached)		55 - 55
16.4	Adopted Policies and Standing Resolutions (attached)		56 - 60
16.5	Local Trust Committee Webpage		
16.6	Islands Trust Conservancy Report Dated Feb 2025		61 - 62
17.	NEW BUSINESS	2:00 PM - 2:20 PM	
17.1	2024/25 Annual Report - Request for Decision (attached)		63 - 65
17.2	Saturna Island Bylaw Compliance and Enforcement Policy – Staff Report (attached)		66 - 73
18.	UPCOMING MEETINGS		
18.1	Next Regular Meeting Scheduled for July 24, 2025 at the Saturna Recreation and Cultural Centre Hall, Saturna Island		
19.	TOWN HALL	2:20 PM - 2:35 PM	
20.	CLOSED MEETING (Distributed Under Separate Cover)		

20.1 Motion to Close the Meeting

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

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

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

AND that the recorder and staff attend the meeting.

20.2 Recall to Order

20.3 Rise and Report

21. ADJOURNMENT

2:35 PM - 2:35 PM

ADOPTED

Saturna Island Local Trust Committee Minutes of Regular Meeting

Date: January 16, 2025
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 (electronic)

Staff Present: Robert Kojima, Regional Planning Manager (electronic)
Brad Smith, Island Planner
Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)
Lisa Millard, Meeting Administrator / Recorder (electronic)

Others Present: There were approximately four members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 11:30 a.m.

SA-2025-001

It was MOVED and SECONDED

that Saturna Island Local Trust Committee waive Meeting Procedures Bylaw No.135, Article No. 25, to allow Trustee Boland to attend the January 16, 2025 regular meeting electronically.

CARRIED

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Maude acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

17.1 Community Amenity Density Reserve – Ron Hall Properties

By general consent the agenda was adopted as amended.

4. TRUSTEE REPORT

Trustee Middleton reported the following:

- The Myers property is still awaiting subdivision approval resulting in delays in the land conservation process; donation to the Community Amenity Density Reserve is complete
- Hall properties - Attendance at presentation by the individual who is managing a private park acquisition for the BC Parks Foundation and discussion with the Chief Executive Officer of the Foundation who indicated a willingness to donate the densities from the two properties to the Community Amenity Density Reserve

Trustee Boland reported the following:

- Attended Trust Council in December and noted discussions about the September Trust Council livestream recording being removed from the website
- Participation on steering committee focussed on regulation of tiny homes
- Attended Committee of the Whole meetings to work on the draft Trust Policy statement
- Attended Chief Administrative Officer Hiring Committee meeting which is developing processes for evaluating the work of the Chief Executive Officer
- Accepted appointment as temporary Chair of Financial Planning Committee
- Will be attending a Regional Planning Committee special meeting to review bylaw enforcement policies, procedures, and practices

5. CHAIR'S REPORT

Chair Maude reported the following:

- Attended Trust Council in December
- Continues work on draft Trust Policy Statement through participation in Committee of the Whole meetings
- Attending several local trust committee meetings following the winter break

6. ELECTORAL AREA DIRECTOR'S REPORT - None

7. TOWN HALL AND QUESTIONS

A member of the public asked if a reply from the Minister of Municipal Affairs regarding the request for a governance review had been received.

Chair Maude noted a reply to the September, 2024 letter had not been received yet.

A member of the public asked if the Trust Policy Statement is short.

A Trustee replied the document was approximately twenty pages in length and well organized. The Chair noted that the document could be found on the Islands Trust website.

A member of the public pointed out that proceeding with developing a new Trust Policy Statement while requesting a governance review at the same time seems to be a conflict.

The Chair replied that a review is not guaranteed, if one did proceed it might take a number of years, and in the meantime the Policy Statement work needs to move forward.

A member of the public asked if the Shoreline Policy review will be coming back for consideration by the Local Trust Committee.

A Trustee noted the land use bylaw that guides shoreline policy requires updating to address sea level rise and a review is on the Future Projects list.

A member of the public made the following comments:

- A policy has been put forward by the Local Trust Committee in which rainwater catchment be considered a viable source of potable water
- Island Health commented on the speaker's subdivision application and indicated rainwater catchment is not a viable source of potable water
- The Local Trust Committee has suggested they are going to require catchment for new development
- The cost of installing a well is significant and adding rainwater catchment systems to those costs is not affordable for many
- Their seawall was built twenty-nine years ago, the current policy does not address bank erosion, and they are losing portions of their land
- They have been unsuccessful at mitigating the erosion and are reluctant to spend in excess of \$100,000 to build a seawall if they are going to be told to remove it
- Their two waterfront lots are 2.12 and 2.35 acres respectively and both have drilled wells; however, the subdivision approving officer does not accept the wells because a well plus a sewage disposal system are not permitted on lots under 2.5 acres

Trustees made the following comments:

- The process of changing the bylaw to permit rainwater catchment at time of subdivision while developing a quantity and quality statement that meets local government standards for water supply and moving it forward with both the Ministry responsible for subdivision approval and the Vancouver Island Health Authority is a large and complex project
- The Capital Regional District, the Province, and other communities have done work on rainwater catchment standards
- The Islands Trust Freshwater Specialist's proof of water document is related to wells only
- The Freshwater Specialist should be invited to the next Local Trust Committee meeting to discuss and review options

Island Planner Smith suggested that the hesitation of the hydrologists at Island Health and the Ministry might have been due to challenges around regulating rainwater catchment and ensuring that it is safe

A member of the public noted the lengthy delays in progress is disheartening, they would like to see water catchment issues dealt with on an individual basis and see progress made on foreshore protection in a reasonable amount of time.

The Chair reiterated that the Local Trust Committee and Planner have extensively tried to support the member of the public however the approving officer relies on other provincial departmental regulations.

A member of the public referred to the bylaw enforcement file related to their shoreline structure complaint and stated that applying for a variance would likely result in high expenses for survey work and the variance application fee, and while setbacks and a building permit have been approved the setbacks were based on the location of the shoreline which continues to erode.

A Trustee highlighted the urgency to move the shoreline project ahead.

SA-2025-002

It was MOVED and SECONDED

that Saturna Island Local Trust Committee request staff to provide a report on bylaw file SA-BE-2023.1 (Gaines).

CARRIED

8. COMMUNITY INFORMATION MEETING

8.1 Minor Housing Amendments Project

Island Planner Smith presented maps that show land parcels where a secondary suite could potentially be allowed based on new provincial mapping data, an updated version of the existing secondary suite map, and one where suites are not permitted.

Discussion ensued and the following comments were recorded:

- A secondary suite is a self-contained unit located within an existing dwelling
- Secondary suites can be part of a new build or constructed within existing dwellings
- Funding to build secondary suites is available through provincial incentives and the Capital Regional District
- The intent is to create additional housing units
- Individual water system providers should be permitted to make decisions on how many connections are allowed
- The exclusion of the water system areas should be reconsidered; on the map, those areas are excluded in addition to the areas of saltwater intrusion risk
- Reversing the map to show areas that allow secondary suites, versus areas that don't allow them, is advisable

8.2 Short Term Vacation Rentals Policy – Options

Bylaw Compliance & Enforcement Manager Dingman noted that the staff report and policy document were inadvertently left off of the agenda package. Trustees requested the item be brought back to the next meeting when the staff report is available.

9. PUBLIC HEARING - None

10. MINUTES

10.1 Local Trust Committee Minutes Dated November 7, 2024 (for Adoption)

By general consent, the Saturna Island Local Trust Committee meeting minutes of November 7, 2024 were adopted.

10.2 Section 26 Resolutions Without Meeting Report - None

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated Jan 2025

Received for information.

12. DELEGATIONS - None

13. CORRESPONDENCE

13.1 Diane Allen re Salt Water Intrusion Mapping Saturna Island

Received for information.

14. APPLICATIONS AND REFERRALS

14.1 PLDVP20240324 (Anielski) - Staff Report

Island Planner Smith summarized the staff report and highlighted the following:

- Application is for a Development Variance Permit for the construction of a dwelling with decks and an accessory building that would exceed maximum lot coverage allowances by approximately 4%
- Applicant intends to consolidate two lots and the Development Variance Permit would not come into effect until that occurs
- Applicants have discussed potentially transferring the extra density that would result from lot consolidation into the Community Amenity Density Reserve

Discussion ensued and the following comments were noted:

- Appreciation that the applicants are considering donating density into Community Amenity Density Reserve as the Local Trust Committee is hoping to initiate a project to broaden the uses of the densities within the density reserve to include affordable housing in addition to the existing conservation uses
- The materials used for the deck construction, and design that allows ground water to flow through, are well received

SA-2025-003

It was MOVED and SECONDED,

that Saturna Island Local Trust Committee approve issuance of Development Variance Permit PLDVP20240324 (Anielski).

CARRIED

SA-2025-004

It was MOVED and SECONDED

that Saturna Island LTC request the property owner provide in writing an agreement to transfer the additional density upon lot consolidation to the Saturna Island Community Amenity Density Reserve.

CARRIED

14.2 North Pender Island Local Trust Committee Referral for Draft Bylaw No. 235 (for response)

SA-2025-005

It was MOVED and SECONDED,

that Saturna Island Local Trust Committee interests are unaffected by the North Pender Island Local Trust Committee Draft Bylaw No. 235.

CARRIED

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Minor Housing Amendments Review Project – Staff Report

Island Planner Smith summarized the staff report.

Discussion ensued and the following comments were noted:

- Areas with potential salt water intrusion are not permitted to build secondary suites however, catchment may alleviate the water availability concerns
- There is some caution in the professional community to allow rainwater catchment to be used for potable purposes resulting in continued interest in the viability of groundwater
- If the work is done with the Ministry and Health Authority to recognize local government's authority to permit rainwater catchment then groundwater use for all future residential purposes would need to be de-emphasized
- Trustees are reluctant to impose the need for cisterns island-wide given that it is unknown how not to also require a well
- Requiring rainwater catchment in areas with high producing wells is not reasonable
- It is necessary to determine how the Local Trust Committee can make it possible for rainwater catchment to be the source of potable water
- There are further steps to be taken before implementing a rainwater catchment requirement with the bylaw
- There had been understanding that requiring cisterns would be a precautionary principle to mitigate climate change and salt water intrusion issues
- Issue is not about imposing water catchment but removing the mandated requirement to have a well, thereby offering a choice
- The term freshwater should be used in place of rainwater as it captures other types, and sources, of freshwater
- Water catchment does not necessarily need to be potable as there are other uses for water
- The Local Trust Committee can pause work on Bylaw No. 143 and the conversation about flexible zoning and work on defining a standard and quantity for potable water from freshwater collection, and then come back and bring that information to the current project
- The LTC could consider only water supply standards, or broaden the review to include other subdivision standard regulations such as septic - staff will provide options in staff report

SA-2025-006

It was MOVED AND SECONDED

That Saturna Island Local Trust Committee request staff provide a report to the Local Trust Committee with options and consideration for initiating a project to develop subdivision regulation standards for water supply.

CARRIED

16. REPORTS

16.1 Work Program Reports

16.1.1 Active Projects Report Dated January 8, 2025

Received for information.

16.1.2 Future Projects Report Dated January 8, 2025

The Local Trust Committee noted they anticipate receiving a report from bylaw enforcement and can then decide how to resource the Shoreline Protection Project.

Island Planner Smith clarified that a property owner can apply for a variance in order to take steps to protect from shoreline erosion and there are options such as green shore protection, and other softer practices, that can be undertaken to lessen impacts to the natural environment of the sea.

16.2 Applications Report - Verbal Update - None

16.3 Trustee and Local Expense Report Dated November, 2024

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage

No updates requested.

16.6 Islands Trust Conservancy Report Dated November, 2024

Received for information.

17. NEW BUSINESS

17.1 Community Amenity Density Reserve – Ron Hall Properties

Discussion ensued and the following comments were recorded:

- BC Parks Foundation is in the process of purchasing the two Ron Hall properties for conservation and are open to donating thirty-four densities to the Community Amenity Density Reserve
- Given the amount of conservation land that now exists there is possibility for the donated densities to be used for affordable, or accessible, housing that is ecologically benign or green in some way
- The Local Trust Committee could receive the densities and then amend the Official Community Plan to broaden the use of the Community Amenity Density Reserve for uses other than conservation
- The Local Trust Committee could signal intent of use in a letter to the BC Parks Foundation

SA-2025-007

It was MOVED and SECONDED

that Saturna Island Local Trust Committee send a letter to BC Parks Foundation requesting density transfer and clarifying potential future uses regarding the Hall properties.

CARRIED

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for April 24, 2025 at the Saturna Recreation and Cultural Centre, Saturna Island

19. TOWN HALL

A member of the public asked why there are differences in Diana Allens's saltwater intrusion maps and the current mapping done by the province.

It was noted that Ms. Allen's email response was comprehensive and it discusses the differences in the methodologies used in detail.

SA-2025-008

It was MOVED and SECONDED

that Saturna Island Local Trust Committee thank Diana Allen for her correspondence and inform her that the Local Trust Committee will be taking it into consideration as the mapping work continues.

CARRIED

20. CLOSED MEETING - None

21. ADJOURNMENT

By general consent the meeting was adjourned at 2:42 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator / Recorder



Resolutions Without Meetings Log

Saturna Island

Resolution Number	Action	Date
2025-001	Carried	06-Mar-2025
To adopt Jan 16, 2025 Minutes		
That the Saturna Island Local Trust Committee regular meeting minutes of January 16, 2025, be adopted as presented.		

Follow Up Action Report

Saturna Island

16-Jan-2025

Progress	Activity	Responsibility	Dates	Status
0%	1 14.1 PLDVP20240324 (Anielski) - DVP approved as presented - staff to issue permit and close file	Emily Bryant Jas Chonk	Target: 30-Jan-2025	Completed
100%	2 10.1 Nov 7, 2024 LTC meeting minutes adopted as presented	Emily Bryant	Target: 24-Jan-2025	Completed
0%	3 14.2 - BL 235 - LTC responds that interests are unaffected	Jas Chonk	Target: 30-Jan-2025	Completed
96%	4 8.2 STVR policy option CIM presentation deferred to April 24 meeting agenda - Add CIM to agenda cover	Jas Chonk Warren Dingman	Target: 31-Jan-2025	Completed
50%	5 Town hall - BL enforcement to provide a staff report to the LTC on bylaw file SA-BE-2023.1 (Gaines).	Warren Dingman	Target: 31-Jan-2025	Completed
0%	6 New Business - Staff to support LTC's drafting of letter to BC Parks Foundation re: potential transfer of densities to CADR from Hall parcels	Brad Smith	Target: 11-Apr-2025	In Progress
0%	7 16.1.1. Staff to provide staff report to LTC with options/considerations for initiating a project to develop subdivision regulation standards for water supply.	Brad Smith William Shulba	Target: 11-Apr-2025	Completed

DATE OF MEETING: April 24, 2024
TO: Saturna Island Local Trust Committee
FROM: Brad Smith
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit – Lot Depth/Width Ratio
Applicants: Manuel Dan Thachuk, Jean Arlene Morgan, Linda Margaret Cunningham
Location: 100/101 Payne Road, Saturna Island

RECOMMENDATION

1. That the Saturna Island Local Trust Committee approve issuance of Development Variance Permit application NP-PL-DVP-2025-0121 (Litke).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit (DVP) application to permit a new lot to be created through subdivision with a lot width less than one third of its depth.

RATIONALE FOR VARIANCE

The above recommendation is supported as:

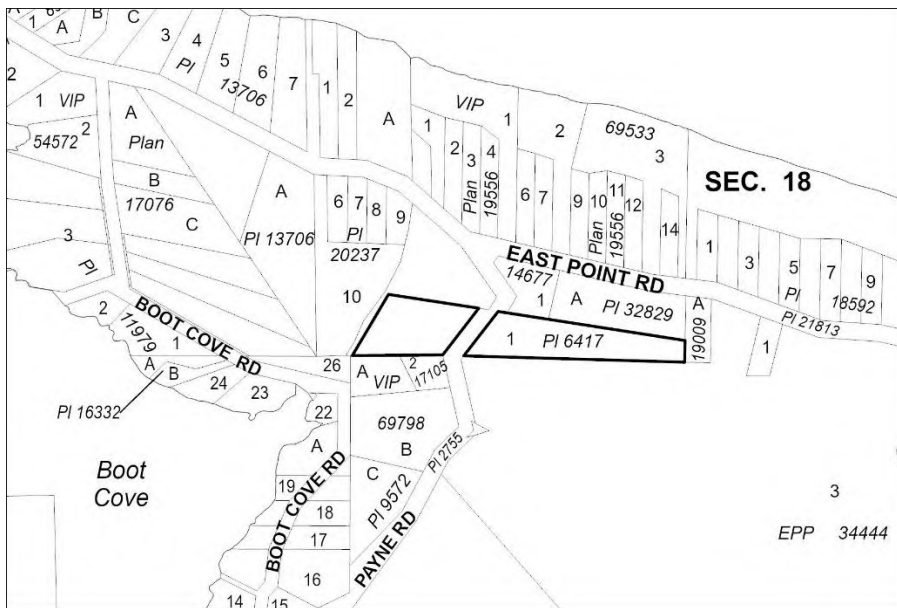
- The variance is relatively minor and is not-impactful to neighbours or the natural environment as the lot is already built-out;
- The proposed new lots align with existing public highway and Agricultural Land Reserve (ALR) boundaries);
- The lot has recently been rezoned to permit subdivision of the lot into two new lots with a minimum lot size smaller than what the bylaw would normally permit; and,
- The proposed variance does not challenge the intent of the regulation.

BACKGROUND

The subject property is located at 100/101 Payne Road, Saturna Island (Figure 1). The lot is built-out with two dwellings and associated structures, one on each side of Payne Road. The parcel has recently been rezoned (x-ref SA-RZ-2024.1) to permit subdivision of the lot into two new lots with a minimum lot size smaller than what the LUB would normally permit.

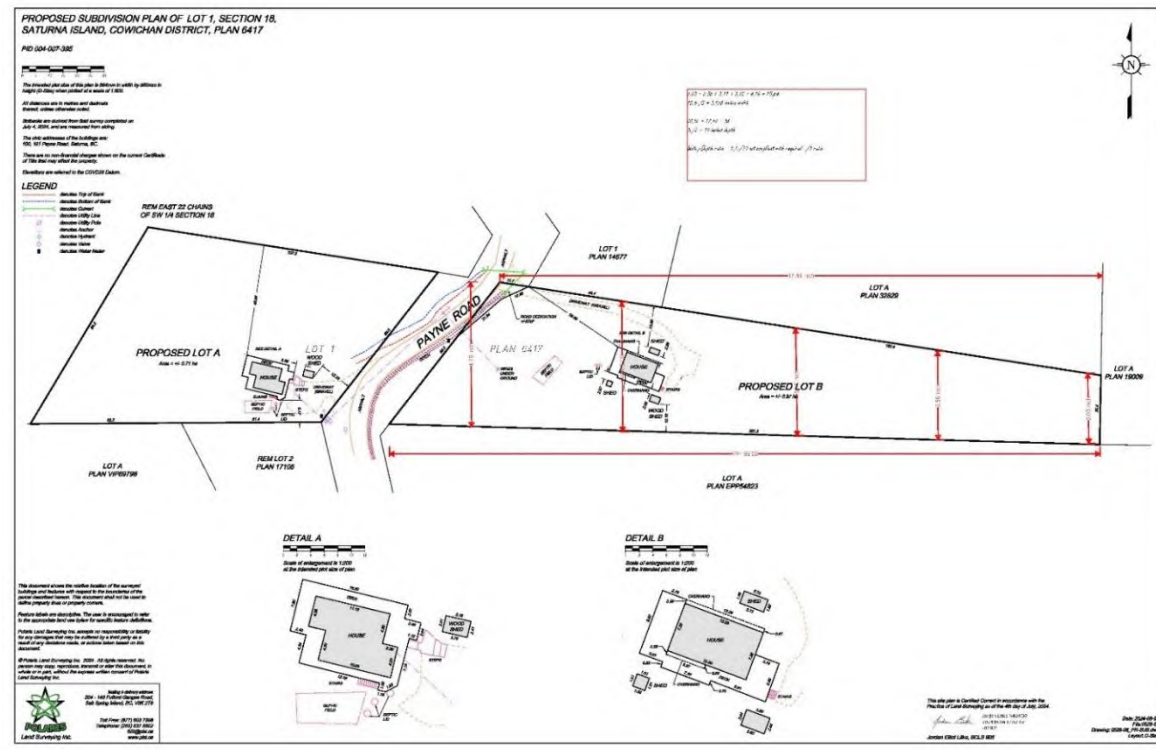
The property owners are now seeking to subdivide the parcel and variance is needed to permit a new lot to be created through subdivision with a lot width less than one third of its depth.

Figure 1. Subject Property



The specific variance being sought is to vary Section 12.7 of the LUB which states that *No lot may have a width less than one third of its depth exclusive of any panhandle access strip* to permit Proposed Lot B to have a width less than one third of its depth, as shown in Figure 1.

Figure 2. Site Plan showing Proposed Lot A and B



Additional site context is included in Attachment 1 and maps and photos are included in Attachment 2. A copy of the proposed permit and statutory notice are included as Attachments 3 and 4.

ANALYSIS

Policy/Regulatory

Official Community Plan

The subject parcel is designated as Rural in the Saturna Island Official Community Plan (OCP) No. 171, 2007. The uses on the lot are consistent with the residential policies of the OCP.

There are no development permit areas on the parcel.

Land Use Bylaw

The parcel is zoned Rural General in the LUB. The current residential uses comply with LUB use and density provisions. The dwelling size on proposed Lot A is restricted to its current 'cottage' footprint with respect to allowable floor area.

Issues and Opportunities

Impact on Neighbouring Properties and Natural Environment

The impacts on the neighbouring properties are minimal as the lot is fully built-out, and there are no immediate neighbouring dwellings with site lines affected. Environmental impact is also minimal as no new construction or development is required. At the time of writing this report, there have been no concerns raised by neighbours in response to the DVP notification. There has been one letter from a neighbour in support of the proposal.

The Intent of the Regulation being Varied

The overall purpose of the subdivision regulation requirements with respect to lot width to depth ratio are to:

- Limit the impact of development on adjacent properties and the environment.
- Establish a consistent development pattern within the Local Trust Area.
- Ensure that lots have a minimum buildable width.
- Maintain a rural character.
- Establish certainty with respect to residential development by maintaining consistent siting regulations.

Potential Impacts of Granting the Variance

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

In this case, staff are of the view that the variance is reasonable as there is minimal impact on adjacent properties or the environment as the lot is fully built-out, no new construction or habitat disturbance is required, the proposed lots align with existing public roadway and ALR boundaries, and the variance is relatively minor.

Consultation

DVP Notices were circulated to surrounding property owners and residents as per statutory requirements. The notification period ended at 4:30 pm, April 15, 2025. At time of report writing, staff have received one response from a neighbouring resident in favour of the proposal and one opposed (Attachments 5).

Responses received after the publishing of this staff report will be provided to the LTC prior to the April 24 meeting, and spoken to by staff at that meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. There are no archaeological sites identified on the provincial RAAD site on the subject parcel, but there is archaeological potential identified in the area.

By copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*.

Recommendation

The recommendation on page 1 is supported as:

- The variance is relatively minor and is not impactful to neighbours or the natural environment as the lot is already built-out;
- The proposed new lots align with existing public highway and Agricultural Land Reserve (ALR) boundaries);
- The lot has recently been rezoned to permit subdivision of the lot into two new lots with a minimum lot size smaller than what the bylaw would normally permit; and,
- The proposed variance does not challenge the intent of the regulation.

ALTERNATIVES

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.

Recommended wording for the resolution is as follows:

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(s).

Recommended wording for the resolution is as follows:

That the Saturna Island Local Trust Committee deny Development Variance Permit application SA-PL-DVP-2025-0121 (Litke).

Submitted By:	Brad Smith, Island Planner	April 10, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	April 10, 2025

ATTACHMENTS

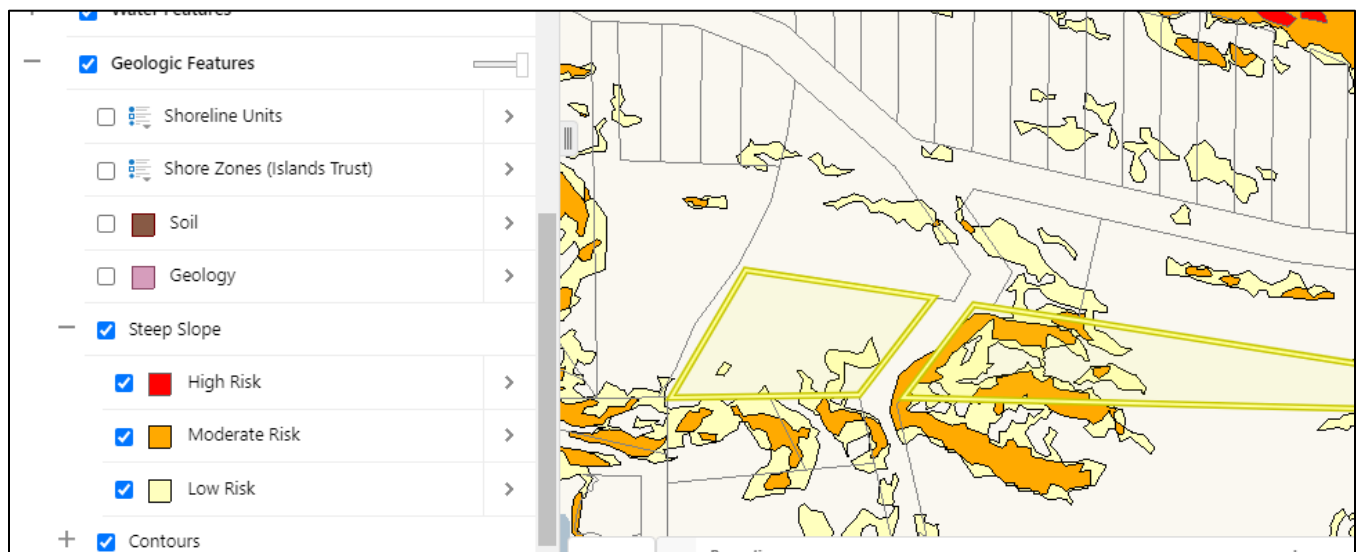
1. Site Context
2. Maps, Plans, Photographs
3. Draft Permit
4. Notice
5. Notification Responses

ATTACHMENT 1 – MAPS

1.1 ORTHOPHOTO AND ZONING



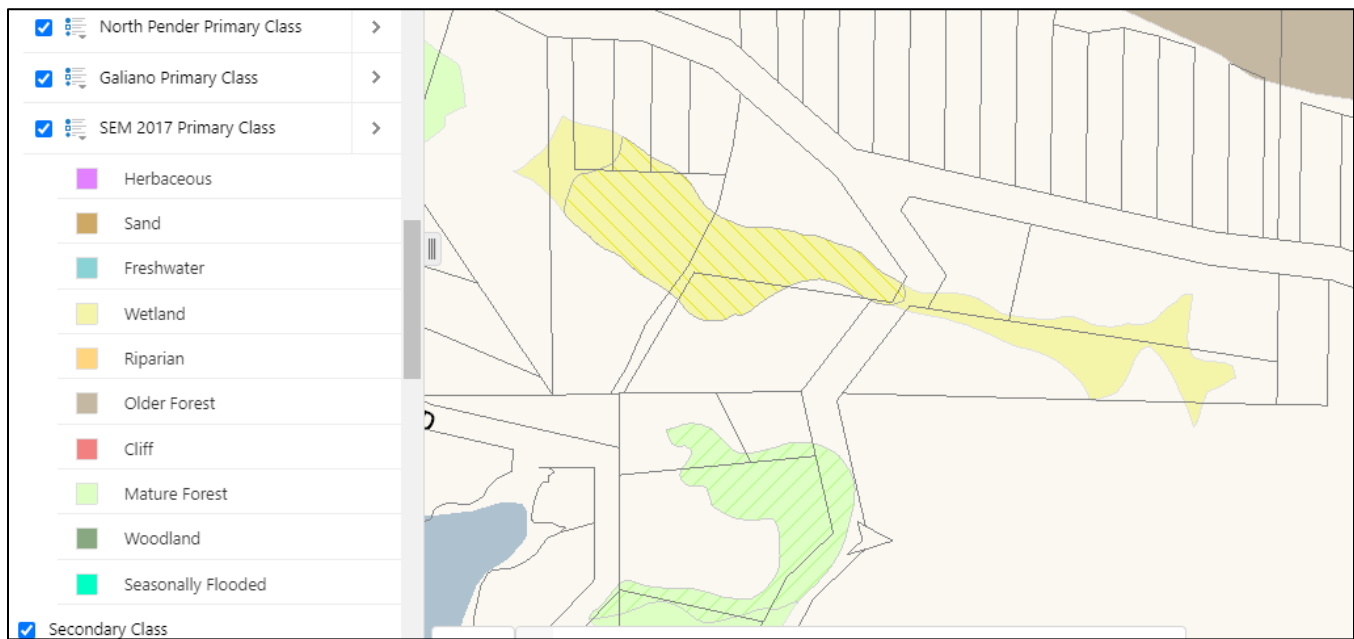
1.2 STEEP SLOPE HAZARD AND CONTOURS



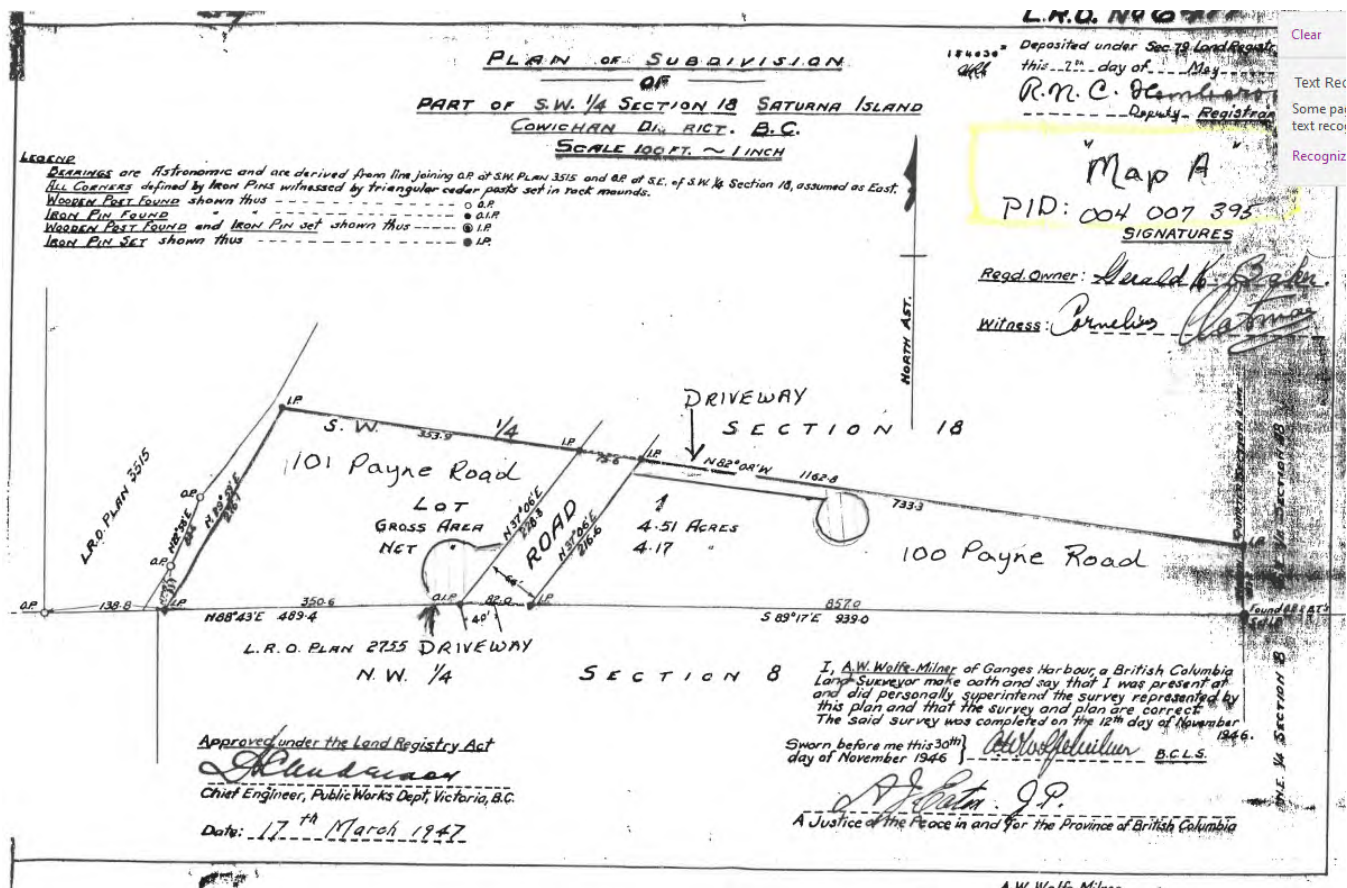
1.3 ALR LANDS



1.4 SENSITIVE ECOSYSTEMS



1.5 1947 ORIGINAL SUBDIVISION PLAN



2

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Section 18, Saturna Island, Cowichan District, Plan 6417
PID	004-007-395
Civic Address	101 Payne Rd Saturna BC V0N 2Y0
Lot Size	1.69 hectares (4.17 acres)

LAND USE

Current Land Use	Rural General (RG)
Surrounding Land Use	Rural General (RG)

HISTORICAL ACTIVITY

File No.	Purpose
None	SA-BP-2009.3 – BP review for construction of single family dwelling

POLICY/REGULATORY

Official Community Plan Designations	Saturna Island OCP No. 70, 2000 Designations: Rural (R)
Land Use Bylaw	Saturna Island LUB No. 119, 2018: Rural General (RG)
Other Regulations	None
Covenants	None
Bylaw Enforcement	SA-BE-2018.1 – concern about potential structure in setback – no structures identified and file was closed

SITE INFLUENCES

Islands Trust Conservancy	There are no Islands Trust Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.
ALR Status	A portion of the subject property is located within the ALR.
Species at Risk	None identified
Sensitive Ecosystems	None identified
Hazard Areas	Portions identified as steep slope (primarily moderate and low risk)

Archaeological Sites	There are no registered archaeological sites on the property. However, there is potential for archaeological material to be located on the property. Staff have directed the applicant to the following guidelines: • All archaeological and cultural heritage is protected under the <i>Heritage Conservation Act</i> and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the <i>Heritage Conservation Act</i> (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits. • In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca. • Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork. • For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca, or contact Islands Trust to access mapping of the subject property.
Climate Change Adaptation and Mitigation	None
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A



Islands Trust

**SATURNA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
PLDVP20250121**

To: Manuel Dan Thachuk, Jean Arlene Morgan, Linda Margaret Cunningham

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

Lot 1, Section 18, Saturna Island, Cowichan District, Plan 6417
PID: 004-007-395

2. Saturna Island Land Use Bylaw 119, 2018 is varied as follows:

- a) Section 12.7 which states that *No lot may have a width less than one third of its depth exclusive of any panhandle access strip* is varied to permit Proposed Lot B to have a width less than one third of its depth consistent with the Subdivision Plan as shown in Schedule A.

The development shall be consistent with Schedule 'A' attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the "Saturna Island Land Use Bylaw 119, 2018" including, but not limited to, the legal consolidation of the two parcels into a single parcel, and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE SATURNA ISLAND LOCAL TRUST COMMITTEE THIS DAY OF , 2025.

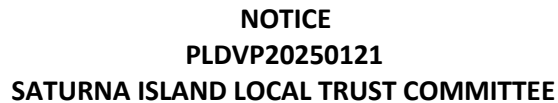
Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE DAY OF , 2027, THIS PERMIT
AUTOMATICALLY LAPSES.**

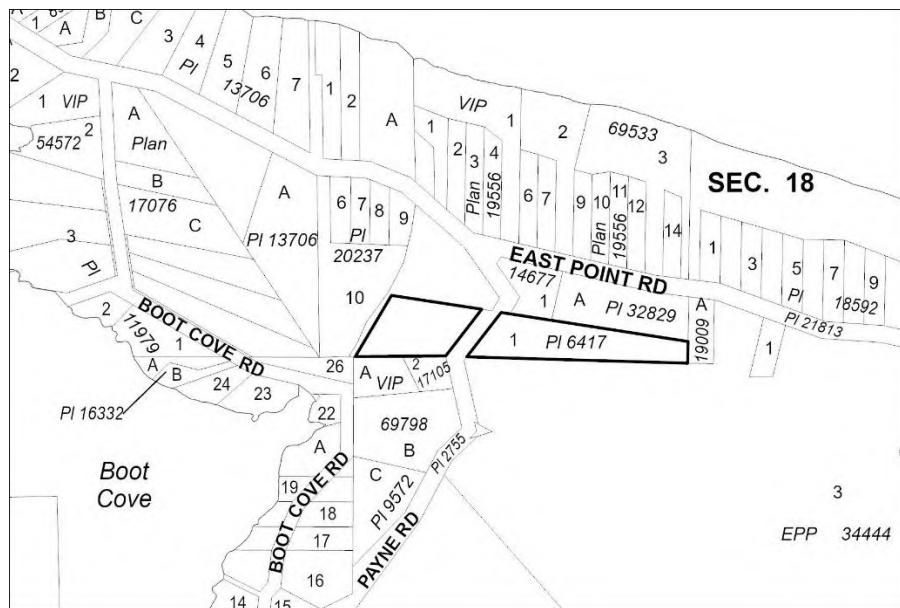
SCHEDULE 'A' – SUBDIVISION PLAN





- Permitting a new lot to be created through subdivision with a lot width less than one third of its depth.

The general location of the subject property is shown on the following sketch:



Jas Chonk, Deputy Secretary

From: Charles Campbell <[REDACTED]>
Sent: Friday, April 4, 2025 1:52 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Saturna variance application PLDVP20250121 (?)

To Brad Smith,

Regarding the application to create a new lot at 100/101 Payne Road on Saturna. I'm the owner at the adjoining lot [REDACTED]. I fully support this application for a Development Variance Permit.

Thanks,

Charles Campbell

[REDACTED]
[REDACTED]
[REDACTED]

Neysa Wiens <[REDACTED]>

Apr 15, 2025,
10:50 PM (11 R
hours ago)ep
ly

to pbrent, lee

Dear Paul and Lee, I have been trying to get this to Brad Smith before the end of the day.

The email we were given in the Islands Trust notice is bouncing back this message. Can you help, please???

Dear Mr. Smith,

I am the owner of [REDACTED]
[REDACTED] adjacent to the proposed new LOT A, out of PI 6417.

It is not possible for me to develop a full report of my concern. The issue is Drainage.

Are you aware that all of 6,7,8,9 and 10 as well as the area proposed as LOT B have had problems with water drainage? Three to four years ago I attempted to contact every one of these neighbours to ask about drainage ditches. I was taken to the Old Drainage Ditch (from 50-70 years ago, when the whole area was a Farm). This Ditch (at that time still used) was the main drainage ditch from the top East Point roadside down to Boot Cove Road. It did not appear that this Ditch was cared for. I was told many stories, with some degree of negative emotion, about individual homeowners in this [REDACTED] area who had unilaterally dug their own drainage ditches, or diverted former drainage ditch(es) to mitigate standing water on their own properties.

At that time I had the energy to desire to get the neighbourhood together to discuss a more unified approach, as My Lot [REDACTED] had an extreme standing water load. The ill spirit due to the negative consequences of this or that neighbour's unilateral drainage solutions prevented any public discussion at that time.

It turned out that my land's water problem was a CRD leak that had gone on for 5-10 years!!
It was finally fixed (I have the section of split water pipe!) and my land finally dried out.

This year, once again there is standing water. My neighbours also have this problem, and the [REDACTED] have had to redo their drainage pool.

I cannot bear the thought of the above Proposal going forward without a responsible look at the geography, elevation change, recent practise of tree removal on the slope above us, increased water flow (atmospheric rivers) and individual water diversion practises in the overall area, which is bounded by Payne Road to the East, [REDACTED] place to the West, [REDACTED] properties at East Point Road, and Boot Cove Road to

the bottom.

Please, please, please look into this ISSUE. There seems to be no governance/oversight to prevent individuals from hurting their neighbours properties. Water does NOT respect property lines!

Thank you,
Yours truly,
Neysa Wiens


DATE OF MEETING: April 24, 2025

TO: Saturna Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Development Permit
Applicant: Jordan Litke c/o Judy Myers
Location: 201 Harris Road, Saturna Island

RECOMMENDATIONS

1. That the Saturna Island Local Trust Committee approve issuance of Development Permit SA-DP-2025-0087 (Litke).
2. That the Saturna Island Local Trust Committee exempt Remainder Lot 1 of the proposed subdivision of Lot 1, Section 5, Saturna Island, Cowichan District, Plan 25360 (PID: 002-614-383) from the 1/10 perimeter provision of Section 512 of the *Local Government Act*.

REPORT SUMMARY

This report is to consider a Development Permit Area 2 – Bluffs (DPA 2) application in relation to the proposed subdivision of the subject property to create one new residential lot and one new lot for conservation purposes (x-ref: SA-SUB-2024.1). The subdivision also requires waiving of the 10% perimeter provision of Section 512 of the *Local Government Act* for Remainder Lot 1.

The above recommendations are supported as:

- The issuing of a development permit is required in all cases on Saturna Island where a subdivision results in the creation of one or more new parcels on subject lands that contain any portion of DPA 2;
- The DPA 2 guidelines are adhered to as there is no new construction within the DPA proposed as part of the subdivision, no disturbance of habitat, and no impacts to vegetative cover;
- The Development Permit (DP) ensures that future driveway construction will minimize encroachment within DPA 2;
- Any future development within the DPA would require a new development permit or permit amendment; and,
- Local governments have the ability to waive the 10% perimeter provision of Section 512 of the *Local Government Act* and in this case it is reasonable to do so.

BACKGROUND

The Saturna Island Official Community Plan No. 70, 2010 (OCP) states that for all subdivision that results in the creation of new lots in DPA 2, proponents are required to obtain a development permit. In this case, the subject 'parent' parcel contains DPA 2, and as such, a development permit is required as a condition of subdivision.

Figure 1 shows the location of the subject property at 201 Harris Road, Saturna Island. There is currently a small cabin, accessory building and driveway on the subject property.

Figure 1 – Subject Property

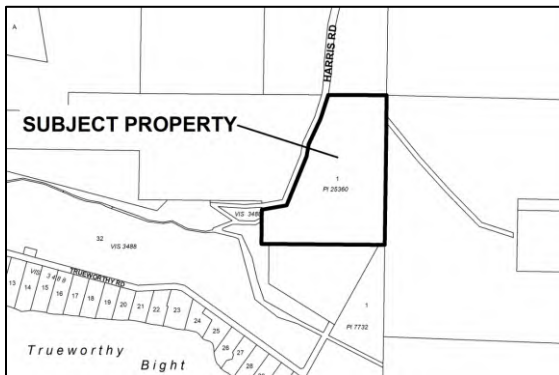


Figure 2 shows the proposed subdivision plan. Proposed Lot A will be donated to a not-for-profit for conservation purposes, and Remainder Lot 1 will be retained by the property owner for residential use of the existing cabin.

Figure 2. Subdivision Plan

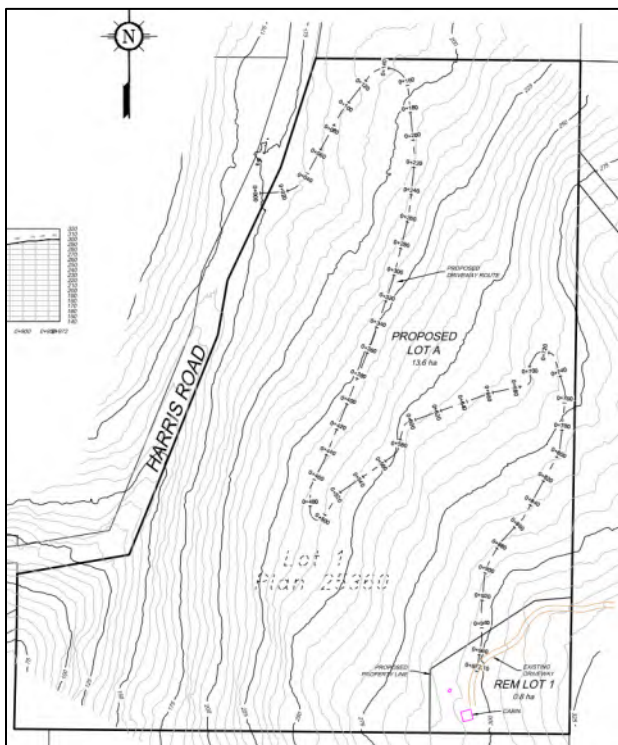
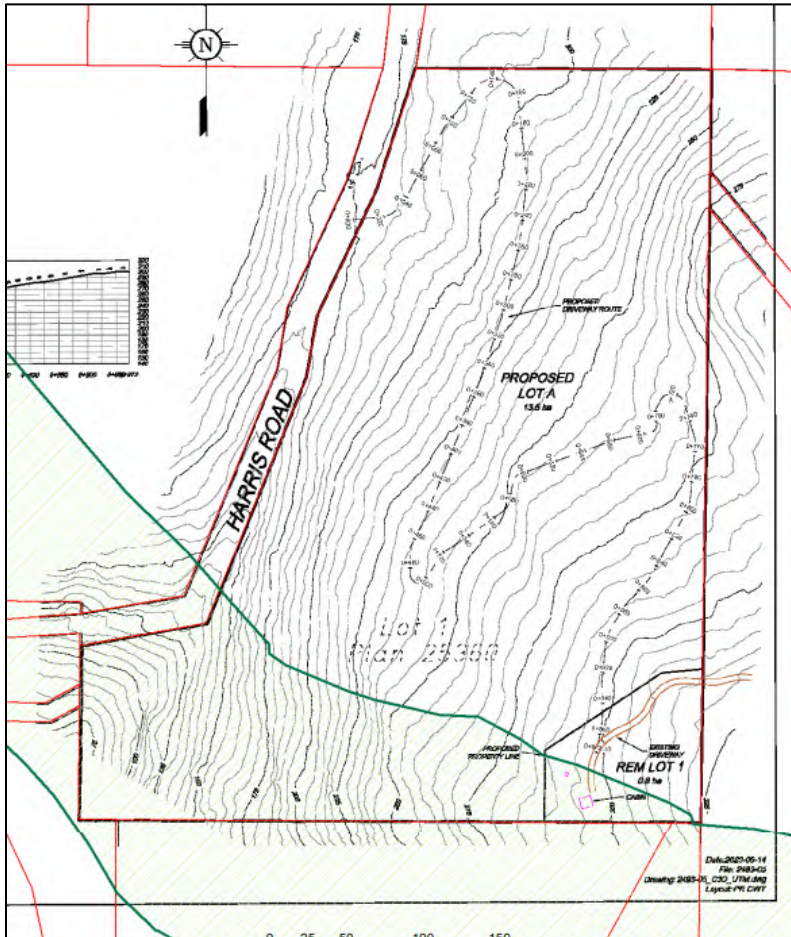


Figure 3 shows the DPA 2 areas located on the subject property in relation to the proposed subdivision.

Figure 2 – Subdivision Plan Overlaid With DPA 2



Policy/Regulatory

Islands Trust Policy Statement

The application is consistent with the following Islands Trust Policy Statements:

- 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.
- 3.4.4 (") address policies related to the aesthetic, environmental and social impacts of development.

Official Community Plan

The property is designated as **Rural and Watershed** in the OCP. The proposed subdivision is consistent with the policies of the OCP.

Development Permit Areas

Section 6.2 of the OCP includes **Bluffs Development Permit Area** objectives and guidelines.

The intent of the Bluffs Development Permit Area is to preserve the natural values, landscape and scenic qualities of the designated bluffs on Saturna Island.

Sub-section G.2.2 of the OCP requires that a development permit be obtained for the creation of new lots.

Guidelines for the **Bluffs Development Permit Area** include:

- **G.2.9** The habitat should be left undisturbed.
- **G.2.10** Any proposed development must not provide predators access to nesting and roosting areas nor disturb fragile root systems for the stunted tree growth, shrubs, grasses, lichens and mosses.
- **G.2.11** If development is permitted, it should be undertaken only under the supervision of a qualified or recognized professional biologist or botanist, with advice from the Ministry of Environment, Lands and Parks, the Department of Fisheries and Oceans, or Environment Canada. The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this development permit area. Guidelines for Subdivision in the Bluffs Development Permit Area.
- **G.2.12** If a proposed land subdivision will create additional new lots, issues such as construction of accesses and changes to vegetative cover shall be addressed in the development permit.

The two specific DP conditions in the draft DP (Attachment 1) are:

- (a) Final subdivision layout for Proposed Lot A and Remainder Lot 1 shall be substantively consistent with the Conceptual Plan of Proposed Subdivision as shown in Schedule A;
- (b) Construction of driveway access shall be substantively consistent with the Proposed Driveway Plan/Profile as shown in Schedule B.

In summary, the subdivision meets the applicable guidelines contained in the DPA as there is no disturbance of habitat or vegetation cover caused by the subdivision, and the required driveway access route would minimize encroachment within the DPA, as confirmed on map schedules A and B of the proposed DP.

Land Use Bylaw

The subject property is zoned as split zoned as Rural General (g) - RG(g) and Watershed in the Saturna Island Land Use Bylaw No. 119, 2018. The current and proposed land uses comply with zoning. If subdivision is approved, a future technical amendment would be completed to update the zoning with the future residential and conservation purposes for each lot.

Minimum Frontage Requirement

Section 512 of the *Local Government Act* requires that if a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of: (a) 10% of the perimeter of the lot that fronts on the highway, and (b) the minimum frontage that the local government may, by bylaw, provide.

In this case, Remainder Lot 1 does not meet the 10% frontage requirement. However, Section 512 allows local governments to exempt this requirement, which in this case is reasonable and recommended by staff.

Minimum parcel frontage on highway

- 512** (1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of
- (a) 10% of the perimeter of the lot that fronts on the highway, and
 - (b) the minimum frontage that the local government may, by bylaw, provide.

(2) A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).

(3) As a limitation on section 229 [delegation of board authority] of this Act or section 154 [delegation of council authority] of the *Community Charter*, a local government may delegate its powers under subsection (2) only to an approving officer.

Consultation

There is no public or agency consultation regularly associated with a Development Permit application. In addition, there is no statutory notification required.

First Nations

Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, staff have directed the applicant to the following guidelines:

- All archaeological and cultural heritage is protected under the *Heritage Conservation Act* and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the *Heritage Conservation Act* (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits>.
- In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.
- Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.
For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca, or contact Islands Trust to access mapping of the subject property.

Rationale for Recommendation

The recommendations on page 1 are supported as:

- The issuing of a development permit is required in all cases on Saturna Island where a subdivision results in the creation of one or more new parcels on subject lands that contain any portion of DPA 2;
- The DPA 2 guidelines are adhered to as there is no construction within the DPA caused by the subdivision, no disturbance of habitat, and no impacts to vegetative cover;
- The DP ensures that future driveway construction will minimize encroachment within DPA 2;
- Any future development within the DPA would require a new development permit or permit amendment; and,
- Local governments have the ability to waive the 10% perimeter provision of Section 512 of the *Local Government Act* and in this case it is reasonable to do so.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should be advised to describe the specific information needed 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. If this alternative is selected, the LTC should specify which guideline(s) the application does not comply with.

Resolution:

That the Saturna Island Local Trust Committee deny application SA-PLDP-2025-0087 as it does not comply with guideline _____.

NEXT STEPS

With direction from LTC, staff will issue the DP and inform MOTT that the two subdivision conditions have been met.

Submitted By:	Brad Smith, Island Planner	April 10, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	April 10, 2025

ATTACHMENTS

1. Draft Development Permit (SAPLDP20250087)



**SATURNA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT SAPLDP20250087**

To: Judy Myers

1. This Development Permit (the "Permit") applies to the land described below and all structures and other developments therein:

201 Harris Road, Saturna Island
Lot 1, Section 5, Saturna Island, Cowichan District, Plan 25360
002-614-383

2. This Development Permit **SAPLDP20250087** authorizes subdivision within **Development Permit Area 2 - Bluffs** subject to the following requirements and conditions:
 - (a) Final subdivision layout for Proposed Lot A and Remainder Lot 1 shall be substantively consistent with the Conceptual Plan of Proposed Subdivision as shown in Schedule A;
 - (b) Any future potential driveway route shall be substantively consistent with the Proposed Driveway Plan/Profile as shown in Schedule B.
3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
4. Any further development within designated Development Permit Area will require a new Development Permit, or a Development Permit Amendment.
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, 2018 and/or Saturna Island Official Community No. 70, 2000 and to obtain other approvals necessary for the lawful completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE SATURNA ISLAND LOCAL TRUST COMMITTEE, THIS
__ DAY OF , 20__.

Deputy Secretary, Islands Trust

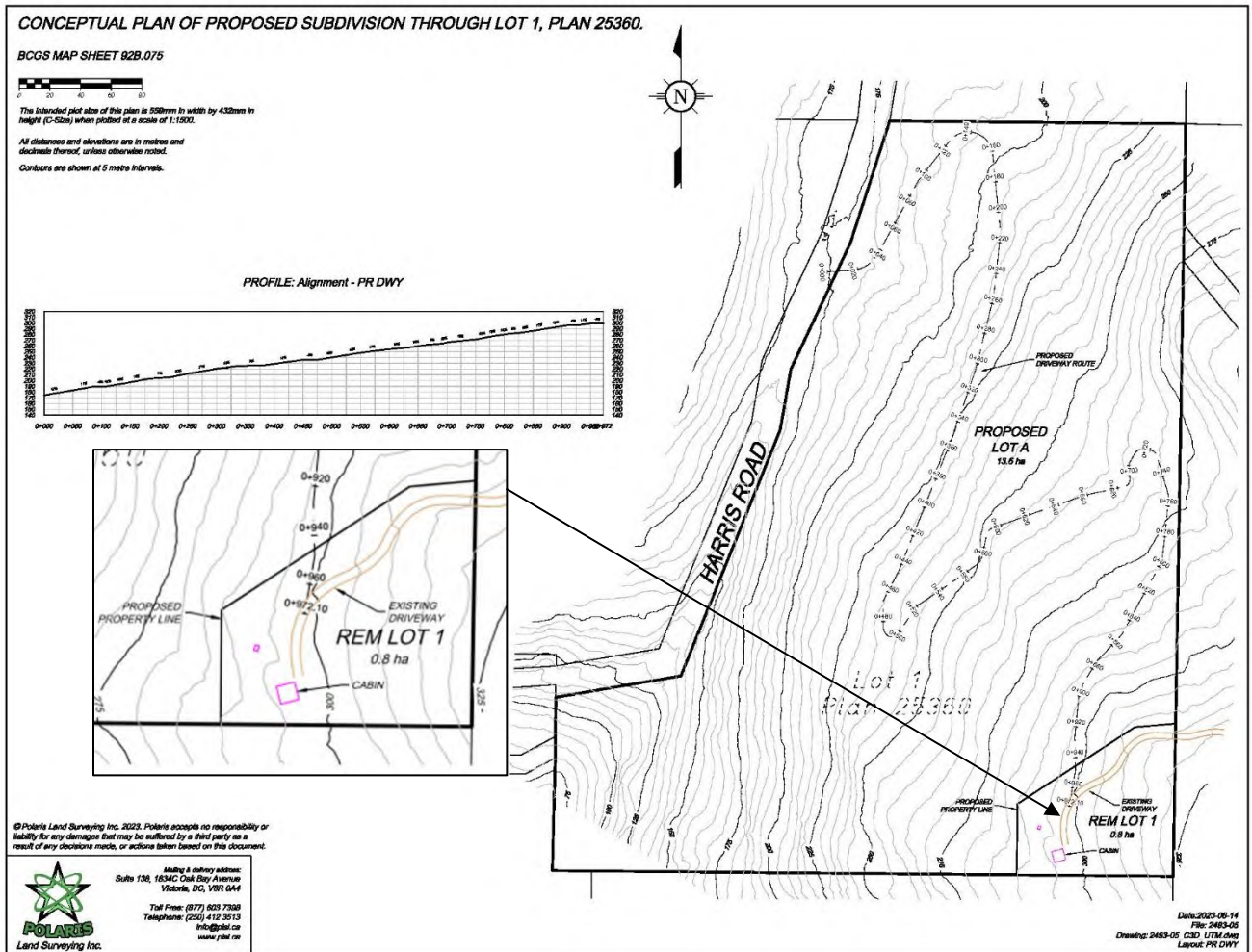
Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE __ DAY OF ___, 202__, THIS PERMIT
AUTOMATICALLY LAPS

SATURNA ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT SAPLDP20250087

Schedule A – Conceptual Plan of Proposed Subdivision



File No.: Minor Housing Amendments
Review Project

DATE OF MEETING: April 24, 2025
TO: Saturna Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Minor Housing Amendments Review Project – Additional Information and BL No. 143

RECOMMENDATIONS

1. That the Saturna Island Local Trust Committee receives draft bylaw No. 143, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2024”, and directs staff to initiate referrals.
2. That the Saturna Island Local Trust Committee directs staff to prepare a staff report that provides potential options for bylaw amendments to increase zoning flexibility for housing on Saturna Island based on the framework of the Islands Trust Housing Toolkit and similar approaches being taken in other Local Trust Areas.
3. That the Saturna Island Local Trust Committee directs staff to add a review of Saturna Island land use bylaw subdivision regulations to the future projects list.

REPORT SUMMARY

The purpose of this staff report is to provide the Saturna Island Local Trust Committee (LTC) with information regarding a potential minor project to conduct a review of Saturna Island Land Use Bylaw No. 119 (LUB) subdivision regulations; and to seek direction on how to proceed with the LTC’s current Minor Housing Amendments Review Project including draft Bylaw No. 143.

The recommendations above are supported as:

- Significant effort and investment has already been made on the Minor Housing project and changing course at this point in the LTC term may not allow a subdivision regulation review project to be completed prior to the next election;
- Proceeding with draft bylaw No. 143 will facilitate First Nations and agency referrals and further public input to identify any issues or concerns prior to consideration of first reading;
- A report on potential options for bylaw amendments to increase zoning flexibility for housing will provide the LTC with some structure for moving forward with consideration of potential bylaw changes; and,
- A review of subdivision regulations including the development of potable water standards would be a worthwhile project to take on as a future LTC priority.

BACKGROUND

The LTC has been working on the Minor Housing Amendments Review Project since May 2023. To date the project scope has included:

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

At the January 16, 2025 meeting, staff presented draft Bylaw No. 143 to the LTC for consideration of next steps. Draft Bylaw 143 includes provisions in respect of priorities 1 and 2 regarding cistern and secondary suite mapping.

Subsequently at that meeting, rather than consider next steps on the housing project, the LTC discussed potentially changing course on their minor project to instead review subdivision regulations for water supply and passed the following resolution:

SA-2025-006

It was MOVED AND SECONDED

That Saturna Island Local Trust Committee request staff provide a report to the Local Trust Committee with options and consideration for initiating a project to develop subdivision regulation standards for water supply.

CARRIED

Staff are now bringing that information to the LTC, and are also seeking direction on the Minor Housing Amendments project should the LTC decide to continue to move forward.

ANALYSIS

Changing Project to Review Subdivision Regulations for Water Supply

While the Provincial Approving Officer (PAO) has the ultimate discretion for determining standards and conditions for subdivision, including for potable water supply, the province typically defers to local government regulations where they exist.

For example, the [North Pender Land Use Bylaw](#) includes detailed water supply standards (p. 87 of link). Whenever subdivision is applied for on North Pender, these standards are then referred to when determining requirements for potable water supply.

The Saturna Island LUB currently does not include subdivision standards for water supply. As such, the requirements for demonstrating proof of water at time of subdivision are left solely to the PAO. The LTC would benefit from having LUB water supply standards, as it would provide more direct control to the LTC for managing water supply, and would also provide more clarity for applicants and the province when determining subdivision requirements. Subdivision regulations can also be varied and on a case by case basis an LTC could consider relaxing subdivision regulations such as proof of potable water if LUB standards were in place.

While there is significant merit in pursuing a project to update LUB subdivision regulations, and specifically for water supply, staff are of the view that the LTC should at this time continue with the Minor Housing Amendments Project. There has already been significant effort invested in the housing project, and draft Bylaw No. 143 is ready to be sent for referrals, pending any further input from the LTC.

The development of water supply subdivision regulations is also a complex task that would require time and significant community input. As such, with the effort required to get the project finalized and endorsed, it is

unlikely that this review could be completed by the end of the current term, leaving a new LTC to decide to carry on or shift priorities, which often occurs.

If the LTC did decide to change projects, the LTC would need to direct staff to bring a draft project charter to the next LTC meeting. At that time, the LTC could endorse the charter, however funding for a new minor project would need to be allocated from the Minor Projects budget by the Director, and funding for a new project may not be available or forthcoming in the current fiscal year. If work could commence in the fall of 2025, it would carry-on to the end of the term. If the project is not completed by the end of the current LTC term (which is unlikely), the new LTC would decide how to proceed.

If the LTC does decide to change projects, staff recommend that the LTC review and modernize all of their subdivision regulations not just water supply. For example, there are currently no septic or drainage requirements in the existing subdivision regulations resulting in some of the same uncertainty and lack of local control as the absence of water supply standards.

Bylaw No 143

As written, draft Bylaw No. 143 would result in the following changes to the Saturna Island Land Use Bylaw No. 119 (LUB):

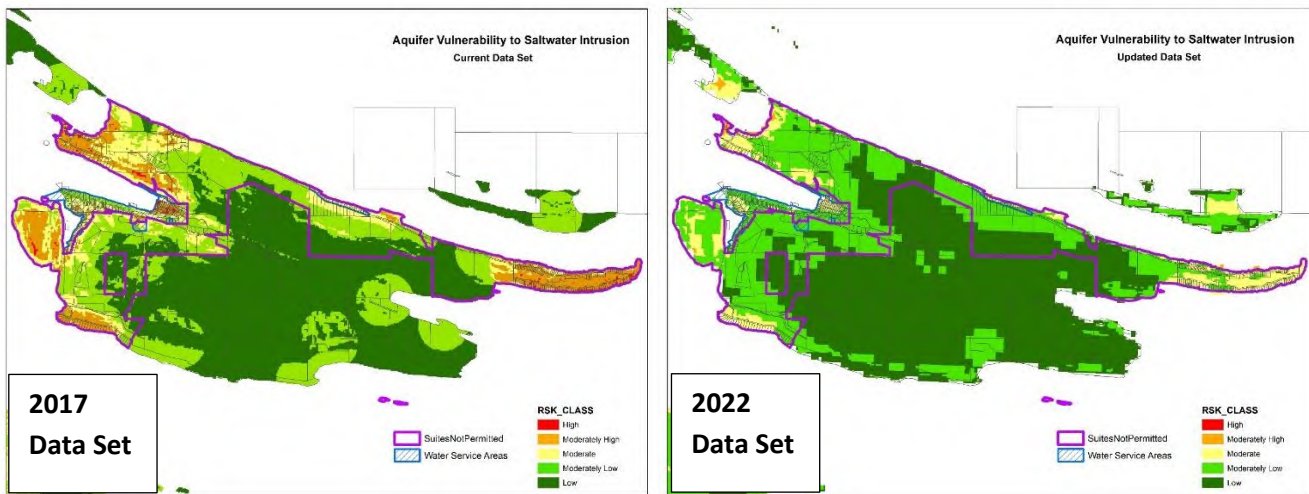
- 1) A minimum cistern capacity of 21820 litres (4800 gallons) would be required on Saturna Island for any new construction of a residence or visitor accommodation unit, or any addition to a residence or visitor accommodation unit that exceeds 11.6 square metres (125 square feet) of floor area. Currently, this requirement only applies in the East Point Water Management Area as depicted in [Schedule C](#).
- 2) References to 'rainwater' would be expanded to 'freshwater' to be consistent with terminology used by the Senior Freshwater Specialist and being adopted in other Trust Areas.
- 3) Areas where secondary suites are permitted would be expanded to include some of those properties where updated saltwater intrusion data moves them from the moderate or higher risk category to moderately low or lower risk. This would be reflected in a new Schedule E map that shows these parcels no longer cross-hatched and thus permitted to have a secondary suite.

As currently drafted, and despite some parcels in these areas moving into the lower risk category for saltwater intrusion, the updated Schedule E does not include any parcels where secondary suites would be permitted in either the East Point Water Management Area or within the Saturna Beach Strata Corporation. This is consistent with the current [Schedule E map](#), as further described below.

Schedule E Mapping Considerations

Figure 1. shows the existing and new 2022 provincial saltwater intrusion data layers for Saturna Island. The new data set does have more areas in the low and moderately low categories. However, the data is also not as fine a scale as the original data set as can be seen by the larger block polygons in the 2022 mapping image. Given this much more granular mapping scale, the new data may not be as accurate or precise in some instances at the site-specific individual parcel level than the 2017 data.

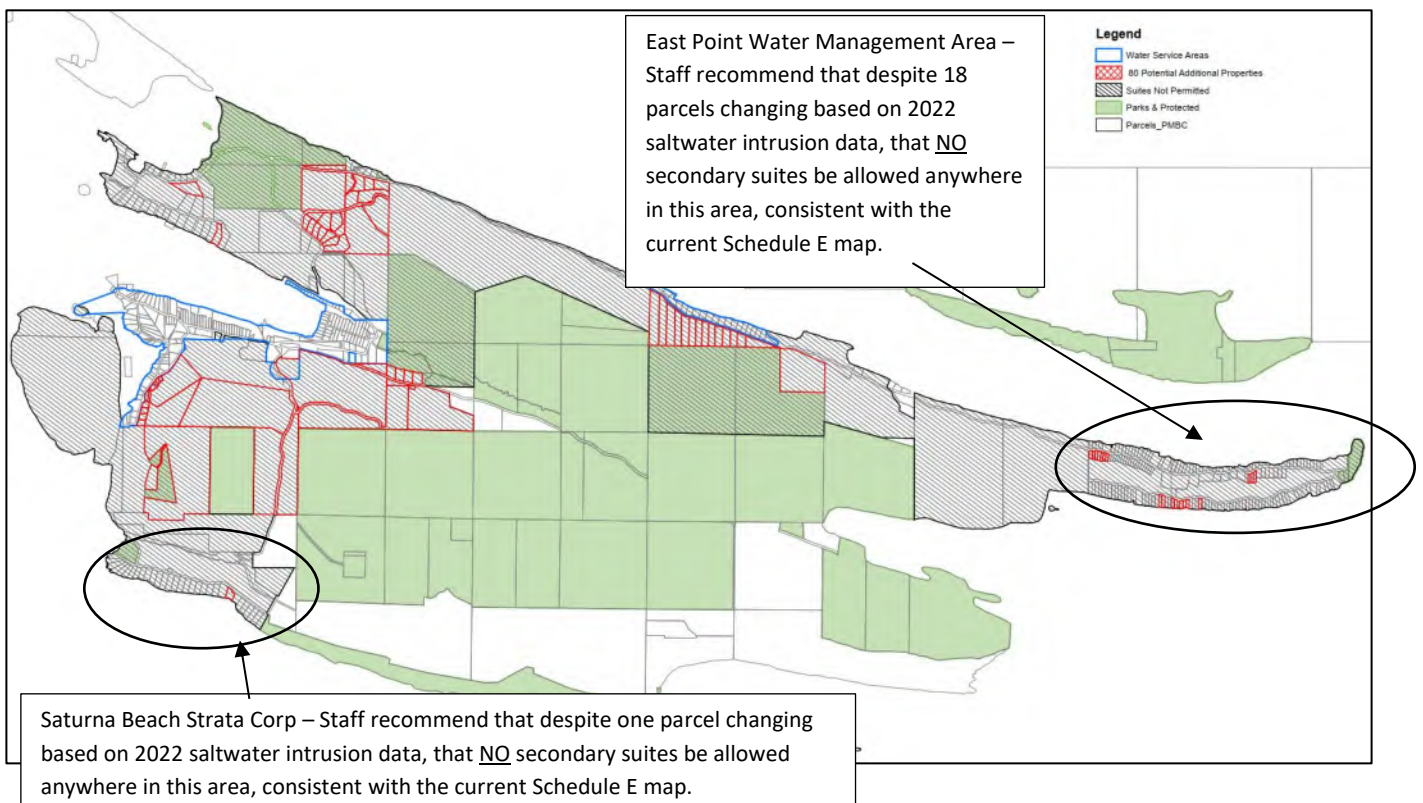
Figure 1. 2017 and 2022 Saltwater Intrusion Mapping, Saturna Island



As shown outlined in red in figure 2, a total of 80 parcels have been identified where the new 2022 saltwater intrusion data moves that parcel entirely within low or moderately low risk categories, which then could potentially allow them to have a secondary suite, based on this parameter alone.

In the East Point Water Management Area, there are 18 parcels where the new data sites them entirely within low or moderately low risk categories. However, given the significant known water issues in the area, and to ensure fairness within the local community, staff have not included these parcels in the updated schedule E map, and thus secondary suites would still not be permitted anywhere in the East Point Water Management Area. The one parcel located within the Saturna Beach Strata Corporation has also not been included for the same reasons.

Figure 2. Parcels Identified that are entirely within low or moderately low risk categories based on 2022 data



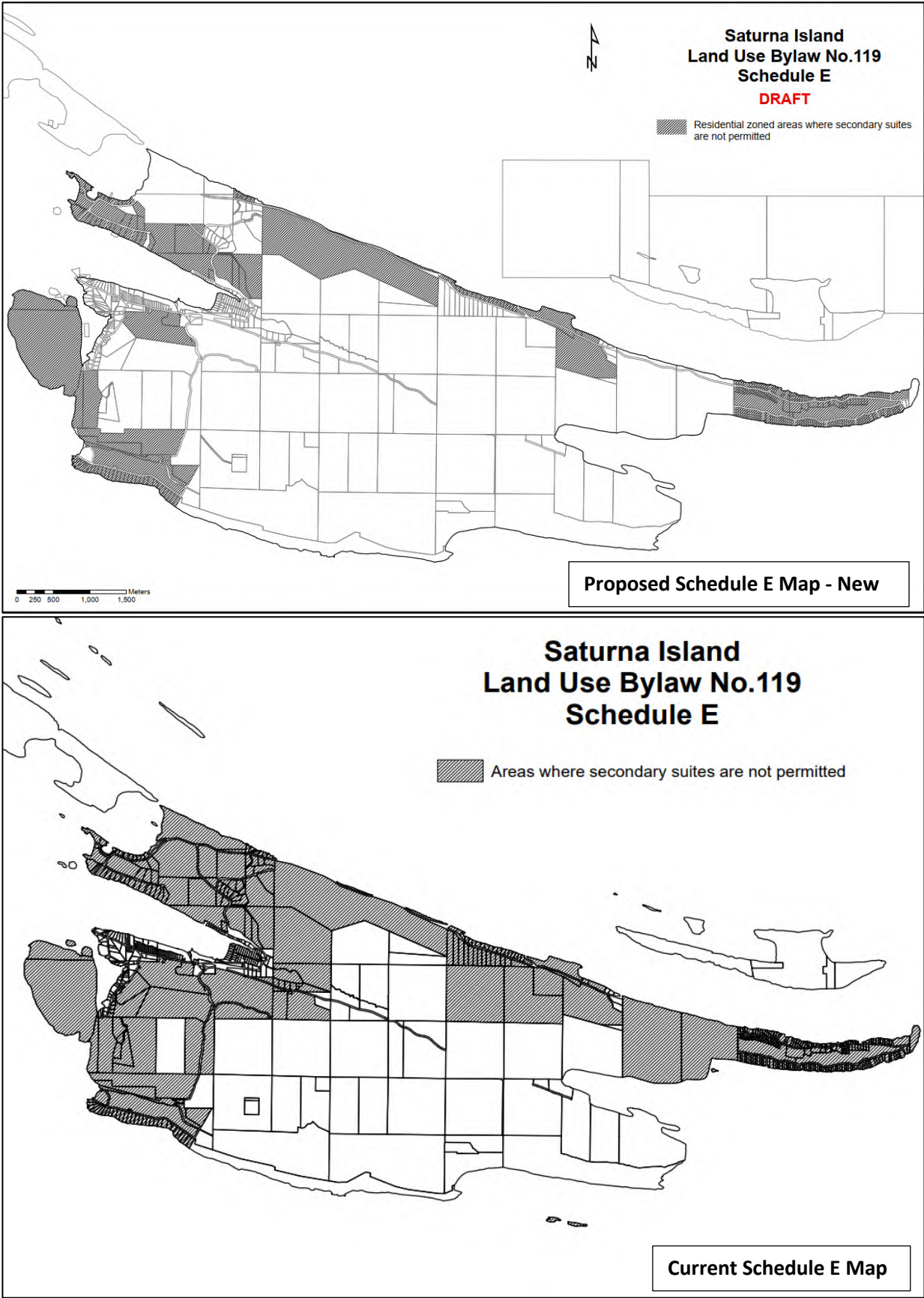
As such, the amended Schedule E map (Figure 3) includes a total of 61 additional parcels where secondary suites would now be permitted (ie. All of the parcels in red in Figure 2 other than those located in the East Point Water Management Area or the Saturna Beach Strata Corporation).

For clarity, staff have also adjusted the map legend to only include residential zoned properties where secondary suites are not permitted and subsequently removed the cross-hatching from all designated parks and First Nation reserves.

At this time, the LTC could direct staff to make any changes or amendments to the map or bylaw provisions, both in respect of cistern requirements and secondary suites.

Note: Currently, the Schedule E map depicts areas where suites are not permitted. Staff are of the view that this information may present itself better if the map were to show areas where secondary suites are permitted, rather than not. If the LTC is interested in this alternative approach, staff will bring revised maps forward at the next meeting for consideration. This work would not impact timing of bylaw referrals as there would be no changes to the underlying data, only how it is being presented.

Figure 3. Proposed New Schedule E Map and Current Map for Comparison



Islands Trust Policy Statement

Staff are of the view that draft Bylaw No. 143 is 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 freshwater resources, and growth and development.

If the LTC decides to proceed, the ITPS policy checklist will be presented to LTC for review and consideration in a future staff report when the draft bylaws are presented for 1st reading following completion of referrals.

Official Community Plan

The proposed amendments initiated by draft Bylaw No. 143 are generally consistent with or not in conflict with the policies of the OCP, including natural environment, residential and water supply policies.

Options for Flexible Zoning

While the initial scope of the project was to review MFR zoning only, community and LTC discussion has led to a broader consideration of potential zoning amendments to increase housing flexibility. The Islands Trust toolkit is well developed and provides a good starting point for exploring those options. Work underway in other LTAs, based on the Housing Toolkit framework, are also well advanced and could help inform the LTC of potential options that could be applied to Saturna Island.

As such, staff are recommending that the LTC direct staff to prepare a report that provides potential options for bylaw amendments to increase zoning flexibility for housing on Saturna Island, based on the framework of the Islands Trust Housing Toolkit and similar approaches being taken in other Local Trust Areas.

Consultation

First Nations Engagement

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

Should LTC proceed with draft Bylaw No. 143, bylaw referrals will be sent the same group of First Nations.

Agency Referrals

With direction from the LTC, staff will refer draft Bylaw No. 143 to the following:

- CRD, Planning and Protective Services
- CRD, Building Inspection
- CRD Water Quality Division (in respect of Lyall Harbour-Boot Cove Water System)
- Island Health
- Ministry of Water, Land and Resource Stewardship – Water Management Branch
- Mayne Island Local Trust Committee
- South Pender Island Local Trust Committee
- North Pender Island Local Trust Committee

The LTC could direct staff to complete additional referrals not on this list.

Statutory Requirements

In this case, as there are no OCP amendments, and consistent with *Local Government Act* s. 464 (2), the LTC could decide to not hold a public hearing on BL 143. However, notice would need to be given prior to first reading.

If the LTC decides to hold a public hearing, this would occur after draft bylaws have received at least first reading. Public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing.

At this time, staff recommend that a final draft bylaw be brought back to the LTC at the July 2025 meeting following completion of bylaw referrals, and the LTC can then decide whether to hold a public hearing or not. If the LTC decides to not hold a public hearing, staff will give notice of first reading for the October meeting. At that October meeting, the LTC could then give first, second and third readings and send to Executive Committee for approval prior to final adoption.

Rationale for Recommendation

The recommendations on page 1 are supported as:

- Significant effort and investment has already been made on the Minor Housing project and changing course at this point in the LTC term may not allow a subdivision regulation review project to be completed prior to the next election;
- Proceeding with draft bylaw No. 143 will facilitate First Nations and agency referrals and further public input to identify any issues or concerns prior to consideration of first reading;
- A report on potential options for bylaw amendments to increase zoning flexibility for housing will provide the LTC with some structure for moving forward with consideration of potential bylaw changes; and,
- A review of subdivision regulations including the development of potable water standards would be a worthwhile project to take on as a future LTC priority.

ALTERNATIVES

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

1. Request further information

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

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

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

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

3. Not Proceed with the Project

The LTC may decide to not proceed any further with the project.

4. Receive for information

The LTC may receive the report for information.

NEXT STEPS

With direction from LTC, staff will initiate bylaw referrals and prepare a staff report with options for more flexible zoning in relation to housing.

Submitted By:	Brad Smith, Island Planner	April 16, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	April 16, 2025

ATTACHMENTS

1. Draft Bylaw No. 143

DRAFT

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 143

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. 1, 2024”.

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

2.1 Section 2.17 – Water Storage, is amended by:

- i) deleting the words “in the water management area depicted on Schedule C”;
- ii) replacing the word “rainwater” with the word “freshwater”.

2.2 Section 2.18 – Secondary Suites, Subsection 2.18.5 is amended by deleting the words “as having moderate to high aquifer vulnerability depicted”.

2.3 Section 15.1, Subsection 15.1.13 “floor area” is amended by replacing the word “rainwater” with the word “freshwater”.

2.3 Schedule “C” – Eastpoint Water Management Area, is deleted in its entirety and replaced with ‘Reserved’.

2.4 Schedule “E” – Secondary Suites Map, is deleted in its entirety and replaced by Schedule “E” - Secondary Suites Map dated **INSERT DATE**, 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____

*[public hearing date should be consistent with chronology and can be after first or second reading;
If two public hearings, only indicate the date of the last one]*

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____

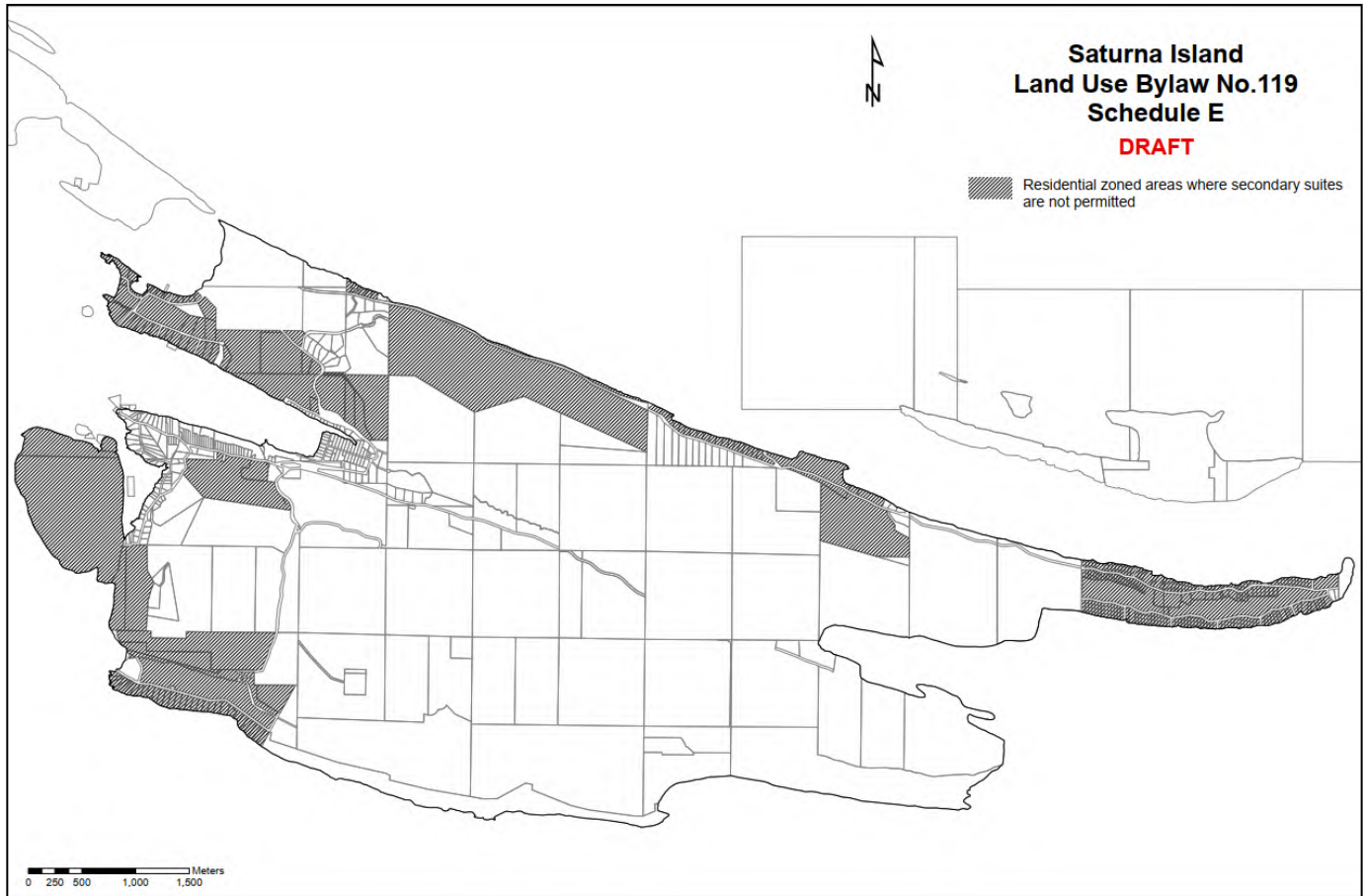
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 143**

Schedule E - Secondary Suites Map



Active Projects Report

Saturna Island

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

Responsible

Dates

Activity:

Brad Smith
Robert Kojima

Rec'd: 23-May-2024

Future Projects Report

Saturna Island

1. *Groundwater Sustainability Project*

Responsible

Date Received

Phase 1 report pending completed

LTC direction to defer proceeding with consideration of implementation

2. *Shoreline policy review*

Responsible

Date Received

23-May-2024



Saturna Local Trust Committee Open Applications Report

Print Date: April 16, 2025

Development Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDP20250087	Jordan Litke	2/20/2025	201 HARRIS RD, SATURNA, BC V0	This application is in follow up to the referral letter sent to MoTT, for a two lot subdivision of 201 Harris Road, Saturna Island. This is a subdivision to create a large parcel to be gifted to the Nature Trust of BC for conservation. A DP for the Bluffs DPA is required to meet IT requirements.
Planner		Status		Most Recent Completed Activity
Brad Smith		Local Trust Committee		Assign to LTC Meeting

Development Variance Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20250121	Jordan Litke	3/15/2025	101 PAYNE RD, SATURNA, BC V0N	This application is in support of a two-lot subdivision application for the subject property, PLSUB20240248. As part of the subdivision, a variance is required for Lot B as it exceeds the lot length/width ratio specified in the LUB. The LUB requires that a lot's width cannot be less than 1/3 it's depth. In this case, the width is a little less than 1/6 of the depth. There is ample room for Lot B to be used for residential purposes, evidenced by the current land use, which includes an existing house, driveway, and septic field.
Planner		Status		Most Recent Completed Activity
Brad Smith		Local Trust Committee		Generate LTC Public Notice

Saturna

Subdivision

Application Number	Applicant Name	Date Received	Address	Purpose
SA-SUB-2022.1	John Gaines	2/1/2022	0 EAST POINT RD, SATURNA, BC	Application for a proposed eleven lot subdivision.

Planner	Status	Most Recent Completed Activity
Brad Smith	Administrative Approval	Record and File PLR

Application Number	Applicant Name	Date Received	Address	Purpose
PLSUB20240248	Jordan Litke	10/1/2024	101 PAYNE RD, SATURNA, BC V0N	Referral of a subdivision application for 2 lots

Planner	Status	Most Recent Completed Activity
Brad Smith	Administrative Approval	Generate and Send Referral Response Form

Application Number	Applicant Name	Date Received	Address	Purpose
SA-SUB-2024.1	Jordan Litke	3/15/2024	201 HARRIS RD, SATURNA, BC V0	201 HARRIS RD: Referral of subdivision application for 2 new lots.

Planner	Status	Most Recent Completed Activity
Brad Smith	Administrative Approval	Generate and Send Referral Response Form

Islands Trust
LTC EXP SUMMARY REPORT F2025
Invoices posted to Month ending February 2025

660 Saturna	Invoices posted to Month ending February 2025	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-660	LTC "Trustee Expenses"	100.00	161.84	-61.84
LTC Local				
65200-660	LTC - Local Exp - LTC Meeting Expenses	<u>790.00</u>	<u>1,471.09</u>	<u>-681.09</u>
TOTAL LTC Local Expense		<u>790.00</u>	<u>1,471.09</u>	<u>-681.09</u>
Projects				
73001-660-4135	Saturna Minor Housing Review	<u>2,000.00</u>	<u>250.00</u>	<u>1,750.00</u>
TOTAL Project Expenses		<u>2,000.00</u>	<u>250.00</u>	<u>1,750.00</u>

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2024-015 (Standing)	Carried	15-Feb-2024
Southern Resident Killer Whale Management Measures Review - Supported That Saturna Island Local Trust Committee fully supports the implementation of the following measures for the recovery of Southern Resident killer whales in the waters of the Saturna Island Local Trust Area: a) that commercial whale watching boats be regulated and or licensed to mirror the regulatory regime established in the adjacent waters of Washington State. b) the continuation of annual interim measures by the Government of Canada including recreational and commercial salmon fishing closures, interim sanctuary and speed restricted zones, and avoidance requirements whereby vessels are prohibited from approaching any killer whale at a distance of less than 400-metres, or impeding the path of an individual or group; c) efforts by the Government of Canada to develop longer-term and permanent measures, and integrate the annual interim measures into existing management processes; and, d) large commercial vessel speed reduction initiatives as part of the Southern Resident killer whale 2019 conservation agreement signed between Canada and shipping industry stakeholders.		

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2023-008 (Standing)	Carried	16-Feb-2023
16.5 Bylaw notification requirements on Saturna that it be resolved that Clause 2 in Saturna Local Trust Committee Bylaw 30 - A Bylaw to Authorize Inspection of Alleged Infractions Against Regulations - is replaced on an interim basis with the wording of Clause 14.1 from Saturna Local Trust Committee Bylaw 119 - Land Use Bylaws amalgamated. This clause reads 'The Island Trust Bylaw Enforcement Officer or any other person designated by the Saturna Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time and after having given two-weeks prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.' This Standing Resolution will remain in place until such time a review of Bylaw No. 30 and Bylaw No. 119 Section 1.4 'Inspection and Enforcement' can be reviewed and re-enacted through public process embodying Bylaw Enforcement Best Practices outlined in the 2022 Ombudsperson of British Columbia report concerning Local Government Bylaw Enforcement Policy and Practice. Amended on February 15, 2024 (15.4) - Amend standing resolution 2023-008 by replacing changing all references of '24 hours' to 'two-weeks'.		
2021-007 (Standing)	Carried	21-Oct-2021
14.4 Potable rain water catchment systems That the Saturna LTC endorses the use of potable rain water catchment systems as proof of adequate potable water for residential subdivision, subject to the withholding of temporary or final occupancy permits until such catchment systems are in place.		
2019-036 (Standing)	Carried	09-May-2019
13.2 Unlawful Short-Term Vacation Rental Enforcement Policy - Staff Report that the Saturna Island Local Trust Committee only authorize enforcement against unlawful short term vacation rentals, unless one of the following circumstances exists: 1. There is more than one complainant from the immediate neighbourhood; 2. The complaint is made by a representative of an improvement district and it concerns overuse of water; 3. The complaint concerns use of a common driveway servicing at least two separate lots; 4. There is a written complaint by owners or residents in the immediate neighbourhood about bona fide nuisance issues such as noise or parking congestion related to the STVR.		

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2019-017 (Standing) 7.1 Follow-up Action List Dated May 2019 that Saturna Local Trust Committee no longer wishes to receive bylaw referrals from adjacent local trust committee areas unless the planner deems it in the interest of the LTC to review and comment on a specific referral.	Carried	09-May-2019
2019-011 (Standing) 13.2 Unlawful Dwelling Policy that the Saturna Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: There is a complaint from an immediate neighbour; or there is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Saturna Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	17-Jan-2019

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2018-050 (Standing)	Carried	04-Oct-2018
- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.		
2012-011 (Standing)	Carried	09-Feb-2012
It was Moved and Seconded that where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Saturna Island Land Use Bylaw No. 78, 2002 permits public assembly uses, such as halls, recreation facilities or restaurants, and where there have been no issues related to parking or past complaints for the preceding three years, planning staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration		

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
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2011-000 (Standing)

Carried

22-Jun-2011

It was Moved and Seconded that the Saturna Island Local Trust Committee adopt a Standing Resolution to direct staff to place the in camera minutes on the agenda when there is a need to close the meeting or at least once a year.

2009-009 (Standing)

Carried

25-Feb-2009

It was Moved and Seconded that the Saturna Island Local Trust Committee draft minutes be adopted by Resolution without meeting within 30 days of the meeting and posted to the website.

2007-016 (Standing)

Carried

16-May-2007

Travel Trailer or Camper

It was Moved and Seconded that staff be directed to not take enforcement action against property owners when a travel trailer or camper is located on a lot when:

- The travel trailer or camper is being used for recreational purposes by the owners of the lot and;
- The travel trailer or camper is being used intermittently and for short periods not exceeding two months.

Notwithstanding this direction, staff is to take action to prevent the recreational use of travel trailers or campers on inappropriately zoned land if:

- The travel trailer or camper is being used as a second residence or;
- The trailer or camper is situated within the setbacks for a structure or;
- There are serious safety issues, unsightliness, noise, or health problems related to the use or;
- A complaint based on the above three items is received from a person who owns neighboring property.

Nothing in this direction should be interpreted by a property owner as giving permission to violate the Land Use Bylaw and the Saturna Island Trust Committee may change this policy at any time and may give direction to enforce the Bylaw at any time.



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JANUARY 21st, 2025 BOARD MEETING

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

1. ORGANIZATION UPDATES/TEAM

- An election for Chair and Vice Chair was held. Trustee Gauvreau was elected Chair of the ITC Board. Trustee Timothy was elected Vice Chair.

2. STRATEGIC PLANNING/ADMINISTRATION

- Acting Manager Stewart provided an overview of the 2025-26 Annual ITC Work Plan items for the ITC team.
- The ITC Board approved the letter of support for Raincoast Conservation Foundation's application to Intact Insurance's Climate Resilience Grant and directed staff to provide it on behalf of the ITC Board.
- The ITC Board passed a resolution to provide an updated 2025/26 budget request to the Financial Planning Committee and Trust Council that addresses the changes and comments made by the Board.
- Trustee Elliott provided the Executive Committee update to the ITC Board by email. There was no Governance Committee update provided as the Governance Committee has not met since the last ITC Board meeting.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved spending up to \$2,000 from existing budgets towards the cost of an Ecological Gifts Program appraisal for a Natural Area Protection Tax Exemption Program (NAPTEP) covenant on Gabriola Island.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board approved Part II of the Sallas' invasive plant management plan for Burnt Snag (ES65741), Dragonfly Pond (ES065747), Kingfisher Pond (ES065749), and Woodpecker Pond (ES65743) covenant areas, and issued a temporary waiver of covenant terms 3.2(d) and 3.2(k) subject to terms and conditions, consistent with the approved Forest Restoration Strategy of the Sidney Island Ecosystem Restoration Plan.
- The ITC Board discussed updating the Ruby Alton process in the ITC Annual Work Plan by hiring a demolition company that completes all work on the house as one package, including an estimate, hazmat analysis, permits, demolition, and removal of the house and all structures.



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

- The ITC Board accepted the third-party 2024 monitoring report for Owl's Call NAPTEP Covenant, Salt Spring Island, and directed staff to add a summary of this report to the 2024 ITC NAPTEP Covenant Monitoring Report as an addendum.
- The ITC Board approved the request by the Galiano Conservancy Association to include Vanilla Leaf Land Nature Reserve, Galiano Island, in Galiano Conservancy Association's application for a Section 11 Change Approval under the Water Sustainability Act. Any work to be done in Vanilla Leaf Land Nature Reserve will be subject to further information and approval by the ITC Board if and when the application is approved.
- The ITC Board directed staff to draft a letter to the Bowen Municipality regarding Referral BO-DP-2024-0196 including their comments to ensure the project will not negatively impact the David Otter Nature Reserve.
- The ITC Board directed staff to respond to the Bowen Island Municipal Council referral regarding bylaw 671 and 672 with their comments.

5. COMMUNICATIONS AND OUTREACH

- Staff are considering the creation of a Priority Acquisitions Fund that would act as a source of funds for ITC to use if a priority acquisition arises that ITC may wish to acquire.
- Staff are in communication with the McRae NAPTEP Covenant (Gabriola Island) Holder regarding off-leash dogs, and are pursuing an article for the local newspaper.

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

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

REQUEST FOR DECISION

To: Saturna Island LTC **For the Meeting of:** April 24, 2025
From: Trust Area Services **Date Prepared:** March 28, 2025
SUBJECT: 2024/25 ANNUAL REPORT – APPROVAL OF SATURNA ISLAND SECTION

RECOMMENDATION: That the Saturna Island Local Trust Committee approves the attached text for inclusion in the 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

- 1 PURPOSE:** Local Trust Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2025 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.1](#). The Executive Committee approved the format and outline of the 2024/25 Annual Report at its meeting on February 5, 2025.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 2025 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and then Trust Council consideration of approval in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Housing and Municipal Affairs and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: Information about First Nations relations may be included within committee reports.

OTHER: None.

- 3 RELEVANT POLICY(S):** Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

- 4 ATTACHMENT(S):** Saturna Island LTC input to Annual Report (draft)

RESPONSE OPTIONS

Recommendation: That the Saturna Island Local Trust Committee approves the attached text for inclusion in the 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

Alternative: That the Saturna Island Local Trust Committee approves the attached text for inclusion in the 2024/25 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Housing and Municipal Affairs.

Prepared By: Morgana van Niekerk, Communications Specialist

Reviewed By/Date:

Saturna Island Local Trust Committee

The Saturna Island Local Trust Committee (SA LTC) held four regular business meetings in the 2024/25 fiscal year, as well as two Community Information Meetings.

Work for this period focused on advancing the SAL TC priority to increase housing affordability.

The SA LTC advanced this priority through the following key project:

1. Housing Amendments Review project, which will review current cistern requirements, secondary suite areas and Multiple Family Residential zoning

From April 1, 2024 to March 31, 2025, the SALTC adopted the following bylaws:

1. Bylaws No. 140 and 141 that amended zoning on a site-specific property
2. Bylaw No. 142 that updated the LTC fee bylaw

From April 1, 2024 to March 31, 2025, the SA LTC received and considered applications for one development variance permit, one development permit, and one bylaw amendment application.

During the same time period, staff also reviewed 14 building permit referrals, and two subdivision referrals.

Another initiative of the SA LTC for this period was to support efforts to protect several significant lots through transfer to conservancies.

DATE OF MEETING: April 24, 2025
TO: Saturna Island Local Trust Committee
FROM: Warren Dingman, Manager of Bylaw Compliance and Enforcement
Southern Team
SUBJECT: Bylaw Compliance and Enforcement Policy

RECOMMENDATION

1. That the Saturna Island Local Trust Committee adopt the proposed Saturna Island Bylaw Compliance and Enforcement Policy.

REPORT SUMMARY

The purpose of this report is to present an LTC Bylaw Compliance Enforcement Policy document for consideration by the Local Trust Committee (LTC). The proposal is to incorporate all current standing resolutions for compliance and enforcement into a single document, to provide clarity on current procedures, and to establish priorities for enforcement.

BACKGROUND

There have been concerns expressed about the conduct of bylaw staff and the manner in which properties are accessed for inspection and how requests for compliance are proceeding. Currently, bylaw staff follow adopted Trust Council policies for compliance and enforcement (Policy 5.5.1 – currently under review), and they receive direction from Local Trust Committees in the form of standing resolutions regarding specific bylaw contraventions where the Local Trust Committee wants either proactive enforcement or deferral of enforcement.

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

Local Trust Committees can adopt policies to address specific issues and procedures regarding compliance and enforcement that are consistent with legislation and the LTC's bylaws, and which would supplement Trust Council's Bylaw Enforcement Policy.

The legislated authority for Bylaw Officers to inspect property stems from Section 419 of the *Local Government Act*, via section 24(2) of the *Islands Trust Act*, and permits an LTC, by bylaw, to authorize staff to enter, at all reasonable times, on any property, to inspect and determine whether regulations are being met. However, local governments can exercise their discretion and adopt bylaws or policies that establish specificity, including what

that local government considers “reasonable times” and to require notice to property owners or those subject to enforcement.

The Saturna Island Local Trust Committee has adopted an *Infraction Investigations Bylaw* (Bylaw 30) which repeats the legislative authority, authorizing a Bylaw Officer to “enter, at all reasonable times, on any property to ascertain whether bylaws adopted by the Saturna Island Local Trust Committee and/or the terms of permits issued by the [LTC] are being observed.”

The Saturna Island Land Use Bylaw, in Section 1.4, authorizes site inspections after having given 24 hours notice. This is not consistent with Bylaw 30, nor with the proposed LTC enforcement policy which would require 30 days notice (with exceptions). Other Islands Trust LUBs that contain a similar provision repeat the legislation authorizing entry at all reasonable times. Staff are recommending that when the opportunity to amend the LUB arises, the 24 hours notice provision should be removed from the LUB. This would more clearly support the LTC using policy to establish what it considers “reasonable times”, notification periods, what exceptions there should be to the notification period, and to revise the policy when warranted. This has been added to the document tracking potential technical amendments.

PROPOSED LTC ENFORCEMENT POLICY

The proposed compliance and enforcement policy contains specific policies that would address the following:

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

The LTC has determined that more notice of inspections is required in the context of the Saturna Island. The proposed policy would establish a minimum 30 days notice of inspection for almost all site inspections. There would be exceptions for short-term vacation rentals under certain criteria, health and safety issues, issued TUPs, and work causing environmental damage. Those matters are either a priority, or urgent depending on the circumstances, and a delay in a site inspection would jeopardize enforcement efforts or public safety.

The policy would defer enforcement on STVRs and unlawful dwellings, both with exceptions.

The policy would specify that where a contravention has been confirmed, in most circumstances a respondent will be provided with a minimum of 90 days to comply before any further enforcement action is commenced, and that a bylaw officer may use discretion to consider up to one year to comply.

Finally, the policy would establish that enforcement files may be closed by the Manager for minor structures with only one complaint, for circumstances where it is unreasonable for a Respondent to comply, or for frivolous, repeat or vexatious complaints.

The proposed policy document is an opportunity to ensure that those issues are addressed in an open and transparent manner, and to allow the Local Trust Committee the opportunity to provide additional direction to staff on how to conduct bylaw enforcement

RATIONALE FOR RECOMMENDATION

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

ALTERNATIVES

1. That the Saturna Island Local Trust Committee direct staff to report back with further revisions to the draft policy.
2. That the Saturna Island Local Trust Committee direct staff to proceed no further with work on the policy document.

Submitted By:	Warren Dingman, Manager of Bylaw Compliance and Enforcement	January 7, 2025
Reviewed By:	Robert Kojima, Regional Planning Manager	April 8, 2025

Attachments

1. Proposed Saturna Island Bylaw Compliance and Enforcement Policy

PROPOSED

Saturna Island Local Trust Committee Bylaw Compliance & Enforcement Policy

Bylaw Compliance & Enforcement Policy No. 1, effective ____XXX_____, 2025.

Version No. 1

Purpose

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

PART A

1.0 Application

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

2.0 Definitions & Abbreviations

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

LUB – Land Use Bylaw

LTC – Local Trust Committee

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

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

STVR – short-term vacation rental

3.0 References

Islands Trust Act section 28:

Enforcement of bylaws

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

Saturna Island Land Use Bylaw No. 119 Section 1.4.1

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

Trust Council Policy 5.5.1

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

4.0 Priorities

- 4.1** The Islands Trust Act grants the LTC the power and authority to enforce its bylaws and the LTC also has discretion to adopt priorities for enforcement or to defer enforcement.
- 4.2** There will be no enforcement against unlawful short term vacation rentals except in the following circumstances:
 - 4.2.1 There is no resident owner or operator on the property;
 - 4.2.2 There are non-permitted dwellings used for the STVR without a resident owner being present on the property;
 - 4.2.3 There is a complaint made by a representative of an improvement district and it concerns overuse of water;
 - 4.2.4 There is a written complaint by owners or residents in the immediate neighbourhood about bona fide nuisance issues such as noise or parking congestion related to the STVR;
 - 4.2.5 There is evidence that the STVR is causing an overuse of the septic system.
- 4.3** There will be no enforcement against unlawful dwellings unless one of the following circumstances exists:
 - 4.3.1 There is a complaint from an immediate neighbour;
 - 4.3.2 Or there is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.

5.0 Inspection

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

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

6.0 Enforcement Procedures

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

7.0 Closing Files

In addition to the procedures established in Trust Council Policy 5.5.1, the Manager of Compliance and Enforcement may also close a file if:

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

- 7.5** If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the file can be closed unless there is work in a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns.

8.0 Frivolous, Repeat or Vexatious Complaints

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

9.0 Communications

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

10.0 Reporting

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

