

## SATURNA ISLAND TRUSTEE REPORT JUNE 2014

### ARE WE AMENABLE TO AMENITIES?

By Paul Brent

Warning: Dry Reading Ahead

As most Scribbler readers may be aware, your Local Trust Committee is working on a couple of areas this term – those being legalizing secondary suites, broadening the terms under which short-term vacation rentals might operate and putting some densities in the Community Amenity Density reserve. This will focus on the last item and in particular the term “amenity”. In the Trust’s fact sheet on the subject, “amenity refers generally to something that is considered desirable or of value to the community.

In Saturna’s OCP it is further defined as a conservation value that furthers the Object of the Islands Trust. Saturna’s OCP in its preamble says this: The object of the Trust is to preserve and protect the Trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” (sec.3 Islands Trust Act). The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. The challenge is how to employ the available planning powers of the Local Government Act to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Saturna Island community.

The strength and obligation of the Trust mandate has been more clearly defined by the Court in the Galiano Island vs. McMillan Bloedel case. The BC Court of Appeal found that when a Local Trust Committee exercises its powers “to preserve and protect” an amenity, it is not acting in bad faith, but carrying out its assigned duty under the Islands Trust Act. So now we have a number of references to “amenities”, that we should preserve and protect them and that they are considered desirable and valuable to the community, and that we should employ our powers to protect the rural nature, health, natural environment and vitality of the community.

So how do we interpret “amenity”. Some have suggested the term “amenity” refers to our beautiful vistas, seascapes, forests, parks, bluffs and wildlife, that must be preserved and protected from human intervention. And there are those who maintain they refer not to the natural environment (which is already noted in the Trust Object) but to the unique characteristics of the community, its people, its developed places, its traditions, its vitality, its sustainability and its spirit, and those things that encourage those characteristics to flourish. There are those who wish to tightly define and constrain the meaning of amenity, and those who wish a broader meaning, so as not to fetter future decisions. What interpretation is correct? We can look to law for guidance, that being the Interpretation Act of BC, which states in Article 8: “Every enactment must be construed as being remedial, and must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects”.

The words fair, large and liberal do not suggest tight constraint. Insofar as Saturna’s use of amenity in its Community Amenity Density Reserve, a fair, large and liberal interpretation, while

still furthering the Object of the Trust, is one that seems to make sense. Why? Well, the density in the reserve would be available for those contributing an appropriate amenity. The process for the allocation of the amenity for a density would go through a public process, allowing the public (Saturna Community) to wade in as to the desirability and value to the community of the amenity.

So what do we value? Well, that the community will tell us, and it may change over time. It may be affordable and/or seniors housing, or funding towards their construction. It could be a proposal for an island-friendly commercial enterprise that brings employment for young people. Or land for a marine research centre and school. Having the ability to change and adapt will make employing powers to protect the rural nature, health, natural environment and vitality of the community far more effective than narrow constructs that limit creativity.

Our next local Trust meeting is on June 5 where we'll discuss this and other items relating to our work program, and even a staff report on the Federal regulations governing medical marijuana! And we also have Trust Council coming to Saturna on June 18 and 19. A couple of interesting presentations are scheduled, one regarding Aquaculture and another pertaining to Coastal Douglas Fir Conservation. And we'll also find out whether yet another Saturna resident is awarded a Community Stewardship Award, as Brian Hollingshead has been nominated for the stellar work he has done keeping BC Ferries apprised of their customer's needs and how to best deliver to them.