



DATE OF MEETING: February 15, 2024
TO: Saturna Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: 101 Payne Rd Rezoning Application – Proposed Bylaws No. 140 and 141
Applicants: Daniel Thachuk, Jean Morgan, Linda Cunningham, Beverly Lowsley, Judith Myers

RECOMMENDATION

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

REPORT SUMMARY

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

The above recommendations are supported as:

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

BACKGROUND

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

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

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

Staff have now completed bylaw referrals for proposed Bylaw No. 140 and No. 141 and are seeking direction from the LTC on next steps. Further information regarding the application is located here: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

ANALYSIS

Policy/Regulatory

Bylaw No. 140 - Official Community Plan

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

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

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

Land Use Bylaw

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

Islands Trust Policy Statement

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

Statutory Requirements

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

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

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

Agencies

Staff referred the proposed bylaws to the following agencies:

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

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

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

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

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

First Nations

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

No other responses were received from First Nations.

Rationale for Recommendation

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

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

ALTERNATIVES

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

1. Request further information

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

Resolution:

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

2. Deny the application

The LTC may deny the application.

Resolution:

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

3. Hold the application in abeyance

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

Resolution:

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

NEXT STEPS

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

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

ATTACHMENTS

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

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 140

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

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

1. CITATION

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

2. SCHEDULES

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

3. SEVERABILITY

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

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

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 141

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

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

1. Citation

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

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

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

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

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

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

3. SEVERABILITY

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

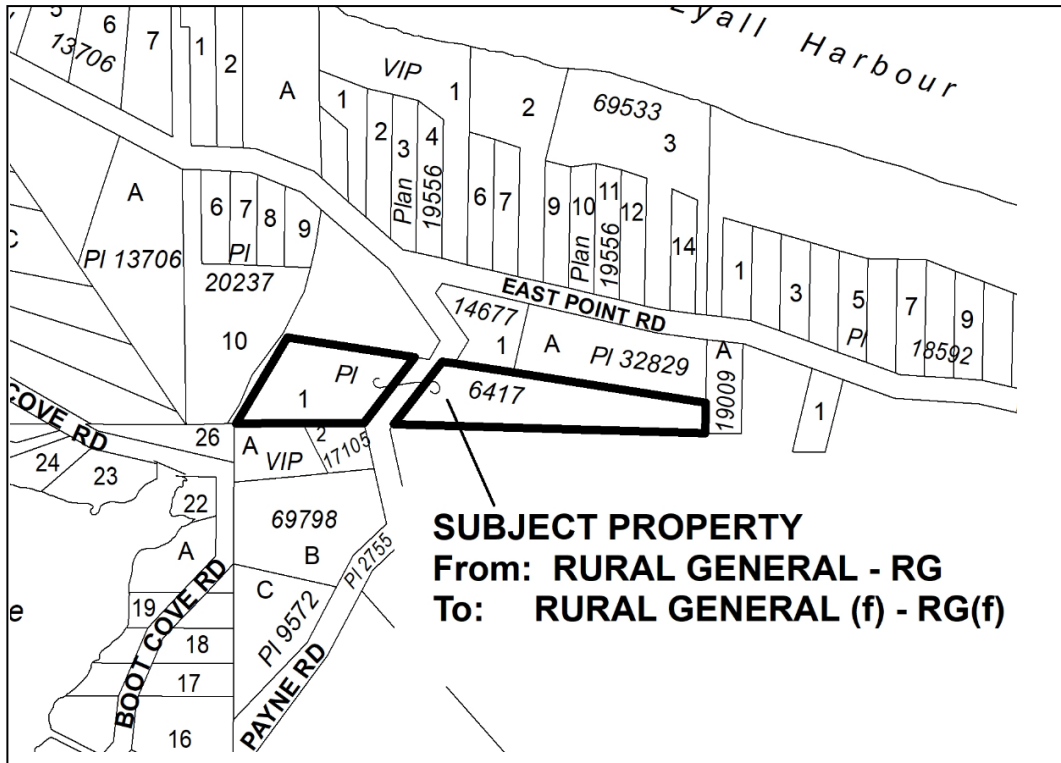
READ A FIRST TIME THIS	19 TH	DAY OF	OCTOBER	2023.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS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

CHAIR

SECRETARY

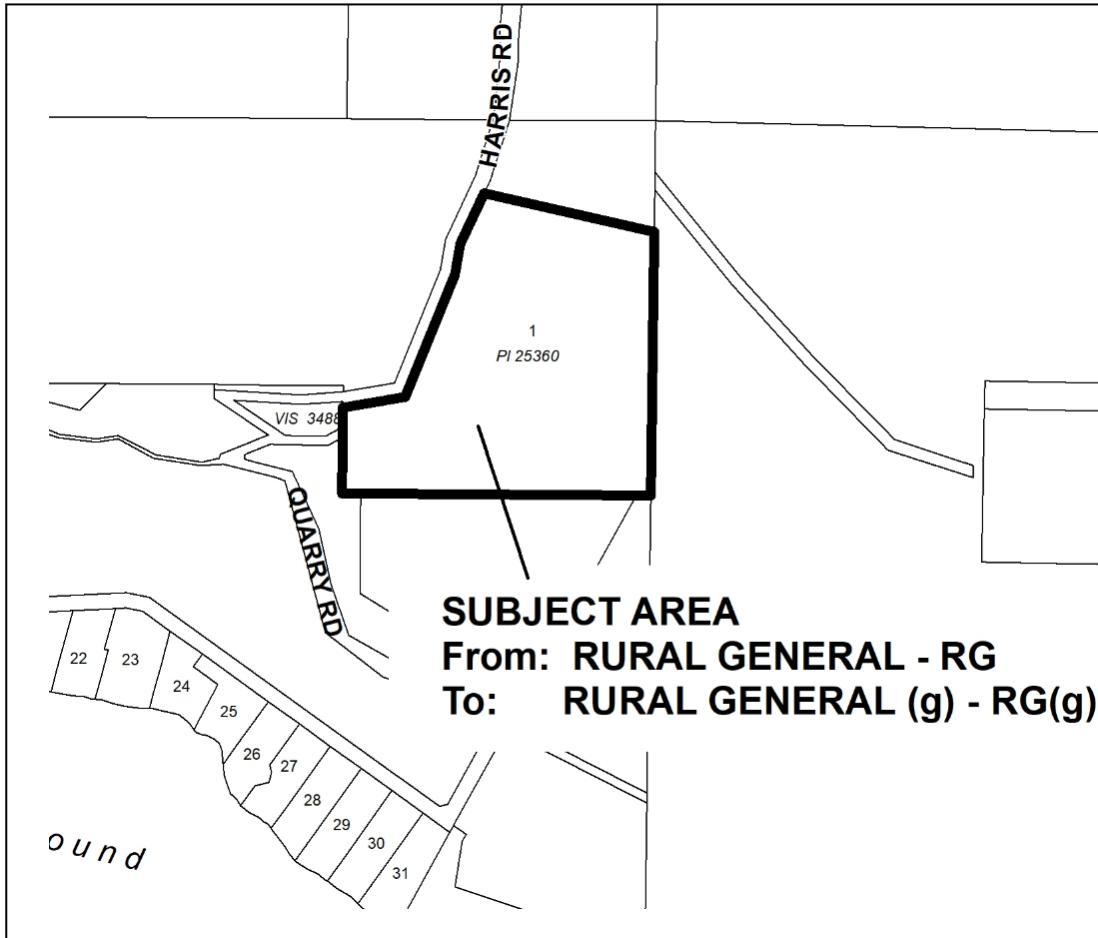
SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 141

Plan No. 1



SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 141

Plan No. 2



BYLAW REFERRAL FORM RESPONSE SUMMARY

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

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

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

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

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

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

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

Saturna Island Local Trust Area
(Island)

140/141
(Bylaw Number)

Hei Chih Chan
(Signature)

Hei Chih (Phoebe) Chan, Environmental Health Officer
(Name and Title)

November 20, 2023
(Date)

Island Health
(Agency)

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

Attachments:

ReferralResponse_CRD_IslandsTrust_Saturna_100_101PayneRd_201HarrisRoad.pdf

Hi Jas,

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

Regards,

Aggie Chan

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



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

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

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

Ok thank you for letting us know.

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

Good morning,

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

Regards,

Aggie Chan

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



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

From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Friday, October 27, 2023 2:50 PM
To: 'Gulf Info (PC)' <gulfinfo@pc.gc.ca>; 'Ryan.Pinches@gov.bc.ca' <Ryan.Pinches@gov.bc.ca>; Aggie Chan <AChan@crd.bc.ca>; Jessica Arnet <jarnet@crd.bc.ca>; 'Gateway_Office@islandhealth.ca' <Gateway_Office@islandhealth.ca>
Cc: Brad Smith <bsmith@islandstrust.bc.ca>
Subject: Saturna Island Local Trust Committee Proposed Bylaws 140/141 Referral - For Response

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

Hello Referral Coordinators:

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

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

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

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

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

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

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

Thank you for your time and attention to this matter.

Sincerely,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

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

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



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

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səilwətəʔ, SEMYOME, shishálh, Sḵwəwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SÁÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

This message is intended only for the use of the individual or entity named above, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately, and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. Thank you. Please consider the environment before printing this email.

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CRD Staff Referral Response Form

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

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

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

Hi Jas,

Thank you for the email.

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

hay čx^w qə

Thank you

Amelia Cooper, B.A., Cert.

Referrals Analyst

Treaty Rights and Title Department

Tsawwassen First Nation

1926 Tsawwassen Drive, Tsawwassen, BC V4M 4G4

C 604-619-6930



scəwəθən məsteyəx^w

TSAWWASSEN FIRST NATION

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

Hello Tsawwassen First Nation Referral Coordinator:

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

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

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

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

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Jas Chonk

Legislative Clerk

Islands Trust

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Ts'uubaa-asatx Nation

Project Name:

Saturna LTC Bylaws 140 and 141

FN Consultation ID:

Islands Trust

Consulting Org Contact:

Jas Chonk

Consulting Organization:

[Islands Trust](#)

Date Received:

Friday, November 3, 2023

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

November 3, 2023

Islands Trust
Attn: Jas Chonk

'Au Si'em:

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

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

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

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

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

'Uy' Skweyul,

Monty Horton

Hul'q'umi'num language terms:

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

'Uy' Skweyul: good day.
