



DATE OF MEETING: March 26, 2024  
TO: Saturna Island Local Trust Committee  
FROM: Brad Smith, Island Planner  
Victoria Office  
SUBJECT: SA-RZ-2023.2 (Thachuk) – Bylaw No. 140 and No. 141 – Post Public Hearing

## 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 third 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 third time.
3. That the Saturna Island Local Trust Committee proposed Bylaw No. 140 and No. 141 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
4. That the Saturna Island Local Trust Committee proposed Bylaw No. 140 be forwarded to the Ministry of Municipal Affairs for Ministerial approval after Executive Committee approval.

## REPORT SUMMARY

Proposed bylaw No. 140 and No. 141 would amend the Saturna Island Land Use Bylaw No. 119, 2018 (LUB), and the Saturna Island Official Community Plan No. 70 (OCP), by rezoning the parcel at 100/101 Payne Road to permit an additional dwelling density. The density will transfer from 201 Harris Road through a private agreement between the property owners, along with the donation of three additional densities from the Harris Road property to the Community Amenity Density Reserve (CADR).

The recommendations above are supported as:

- All statutory requirements have been completed including the required notification and holding of a public hearing consistent with the *Local Government Act*;
- There have been no significant public, government agency or First Nation concerns raised with the proposed rezoning and the community will benefit from the transfer of densities into the CADR;
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption; and,
- In this case, as there is an OCP amendment, there is the requirement for Ministerial approval.

## BACKGROUND

Proposed bylaw No. 140 and No. 141 would amend the LUB and the OCP by rezoning the subject 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 ‘owned’ by separate families.

The proposed additional density will be transferred from the subject parcel located at 201 Harris Road. Three additional densities are also being donated by the Harris Road property owner to the CADR, to be used for future property acquisition for conservation purposes.

Proposed Bylaw No. 140 and No. 141 were given first reading on October 19, 2023, and second reading on February 15, 2024.

A public hearing is scheduled for March 26, 2024, to be held electronically. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Third Reading.
2. Forwarding of the bylaw to Executive Committee for approval.
3. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

In this case, as there is an OCP amendment, there is the requirement for Ministerial approval. If the Executive Committee approves bylaw No. 140 and No. 141, staff will then forward bylaw No 141 to the Ministry.

## **ALTERNATIVES**

### **1. Make amendments to the bylaws.**

The LTC may amend the bylaws.

Resolution:

That Saturna Island Local Trust Committee proposed Bylaw No. 140, cited as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2023" be amended as follows:

That Saturna Island Local Trust Committee proposed Bylaw No. 140, cited as "Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 2, 2023" be amended as follows: \_\_\_\_\_

### **2. Receive for information**

The LTC may receive the report for information.

### **3. Proceed no further with the bylaw.**

The LTC may decide to proceed no further with Bylaw No. 140 and No. 141.

Resolution:

*That the Saturna Island Local Trust Committee proceed no further with Bylaw No. 140 and No. 141.*

**NEXT STEPS**

Upon direction from LTC, staff will send proposed Bylaw No. 140 and No. 141 to the Islands Trust Executive Committee for approval, and then Bylaw No. 140 to the Ministry of Municipal Affairs for approval.

|               |   |                |
|---------------|---|----------------|
| Submitted By: | Brad Smith, Island Planner<br>Southern Team | March 14, 2024 |
| Concurrence:  | Robert Kojima, Regional Planning Manager    | March 14, 2024 |

**ATTACHMENTS**

1. Proposed Bylaw No. 140
2. Proposed Bylaw No. 141

# PROPOSED

## SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 140

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

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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 <sup>TH</sup> | DAY OF | OCTOBER  | 2023.  |
| READ A SECOND TIME THIS                                       | 15 <sup>TH</sup> | DAY OF | FEBRUARY | 2024.  |
| PUBLIC HEARING HELD 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

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

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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,<br>Saturna Island,<br>Cowichan District,<br>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).<br>(8) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have a minimum average lot area of at least 0.84 hectares (2.08 hectares). |
|-------|--|--|

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

|       |  |  |
|-------|--|--|
| RG(g) | Lot 1, Section 5,<br>Saturna Island,<br>Cowichan District,<br>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).<br>(10) Despite Subsections 4.2.4 - 4.2.6, the maximum density is one (1) residence. |
|-------|--|--|

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

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

3. SEVERABILITY

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

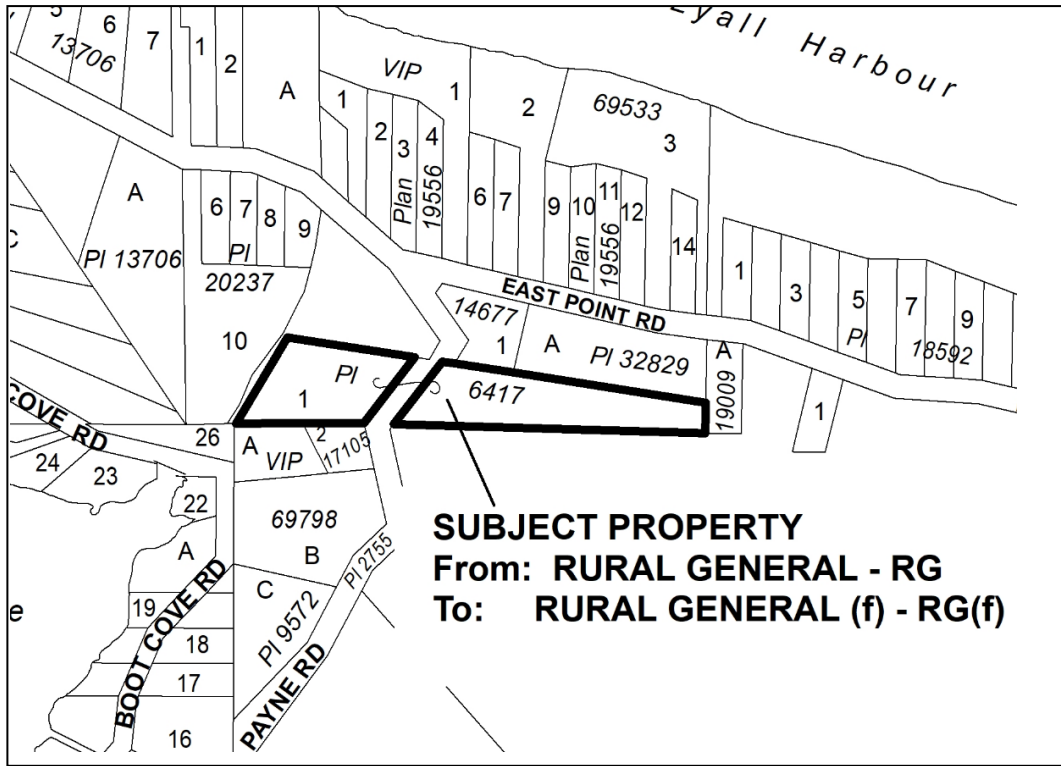
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| ADOPTED THIS  | _____            | DAY OF | _____    | 20____ |

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 141

Plan No. 1





SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 141

Plan No. 2

