



## Saturnalsland Local Trust Committee Special Meeting Agenda

Date: December 14, 2022  
Time: 11:30 am  
Location: Electronic Meeting

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Pages

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. COMMUNITY INFORMATION MEETING

3.1 SA-RZ-2022.1 (Bertolami and Crooks) - Proposed Bylaws 136 and 137

4. PUBLIC HEARING

4.1 SA-RZ-2022.1 (Bertolami and Crooks) - Proposed Bylaws 136 and 137

4.1.1 Recess for Public Hearing

4.1.2 Recall to Order

5. BUSINESS ITEMS

5.1 SA-RZ-2022.1 (Bertolami and Crooks) - Proposed Bylaws 136 and 137 - Post Public Hearing Staff Report (attached)

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6. ADJOURNMENT

File No.: SA-RZ-2022.1 (Bertolami & Crooks)

DATE OF MEETING: December 14, 2022  
TO: Saturna Island Local Trust Committee  
FROM: Brad Smith, Island Planner  
Victoria Office  
SUBJECT: SA-RZ-2022.1 (Bertolami & Crooks) – Bylaw No. 136 and 137 – Post Public Hearing

## RECOMMENDATION

1. That the Saturna Island Local Trust Committee proposed Bylaw No. 136, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2022”, be read a second time.
2. That the Saturna Island Local Trust Committee proposed Bylaw No. 136, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2022”, be read a third time.
3. That the Saturna Island Local Trust Committee proposed Bylaw No. 137 cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2022”, be read a second time.
4. That the Saturna Island Local Trust Committee proposed Bylaw No. 137 cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2022”, be read a third time.
5. That the Saturna Island Local Trust Committee proposed Bylaws No. 136 and 137 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
6. That the Saturna Island Local Trust Committee proposed Bylaw No. 136 be forwarded to the Minister of Municipal Affairs for approval.

## REPORT SUMMARY

The intent of proposed Bylaws No. 136 and 137 is to amend the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) and Saturna Island Official Community Plan No. 70, 2001 (OCP) to re-designate and rezone a portion of the subject parcel located at 104 Narvaez Bay Road currently designated Forest Land (F) and zoned Forest General (FG) to a designation of Rural (R) and a zoning of Rural General (RG). In addition, 10 subdivision densities would be removed from the subject parcel located at 119 Payne Road and transferred to the subject parcel located at 104 Narvaez Bay Road.

The recommendations above are supported as:

- There have been no public, agency or First Nation concerns raised regarding the proposed amendments prior to the public hearing;
- All statutory requirements have been completed including the required notification and holding of a public hearing consistent with the *Local Government Act*;
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption; and,

- All Islands Trust OCP amendments require the approval of the Minister of Municipal Affairs prior to the consideration of adoption.

## BACKGROUND

The Saturna Island Local Trust Committee (LTC) is considering Bylaws No. 136 and 137 that would amend the LUB and OCP to re-designate and rezone a portion of the subject parcel located at 104 Narvaez Bay Road currently designated Forest Land (F) and zoned Forest General (FG) to a designation of Rural (R) and a zoning of Rural General (RG). In addition, 10 subdivision densities would be removed from the subject parcel located at 119 Payne Road and transferred to the subject parcel located at 104 Narvaez Bay Road via a LUB amendment that would increase the subdivision density on the newly created Rural General zoned portion of 104 Narvaez Bay Road to a maximum of 12 new lots.

Proposed Bylaws No. 136 and No. 137 were given first reading on November 4, 2022 by Resolution without Meeting (RWM).

A public hearing is scheduled for December 14, 2022. 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 Second and 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.

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

## ALTERNATIVES

### 1. Make amendments to the bylaw(s).

The LTC may amend the bylaw(s).

Resolution:

*That Saturna Island Local Trust Committee proposed Bylaw No. 136, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2022” be amended as follows:*

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That Saturna Island Local Trust Committee proposed Bylaw No. 137, cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2022” 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. 136 and 137.

Resolution:

*That the Saturna Island Local Trust Committee proceed no further with Bylaw No. 136 and 137.*

**NEXT STEPS**

Upon direction from LTC, staff will send proposed Bylaw No. 136 and 137 to the Islands Trust Executive Committee and Minister of Municipal Affairs for approval.

Submitted By:	Brad Smith, Island Planner Southern Team	November 30, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	December 1, 2022

**ATTACHMENTS**

1. Proposed Bylaw No. 136
2. Proposed Bylaw No. 137

# PROPOSED

## SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 136

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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, 2022”.

#### 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	4 <sup>TH</sup>	DAY OF	NOVEMBER	2022.
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 MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 136**

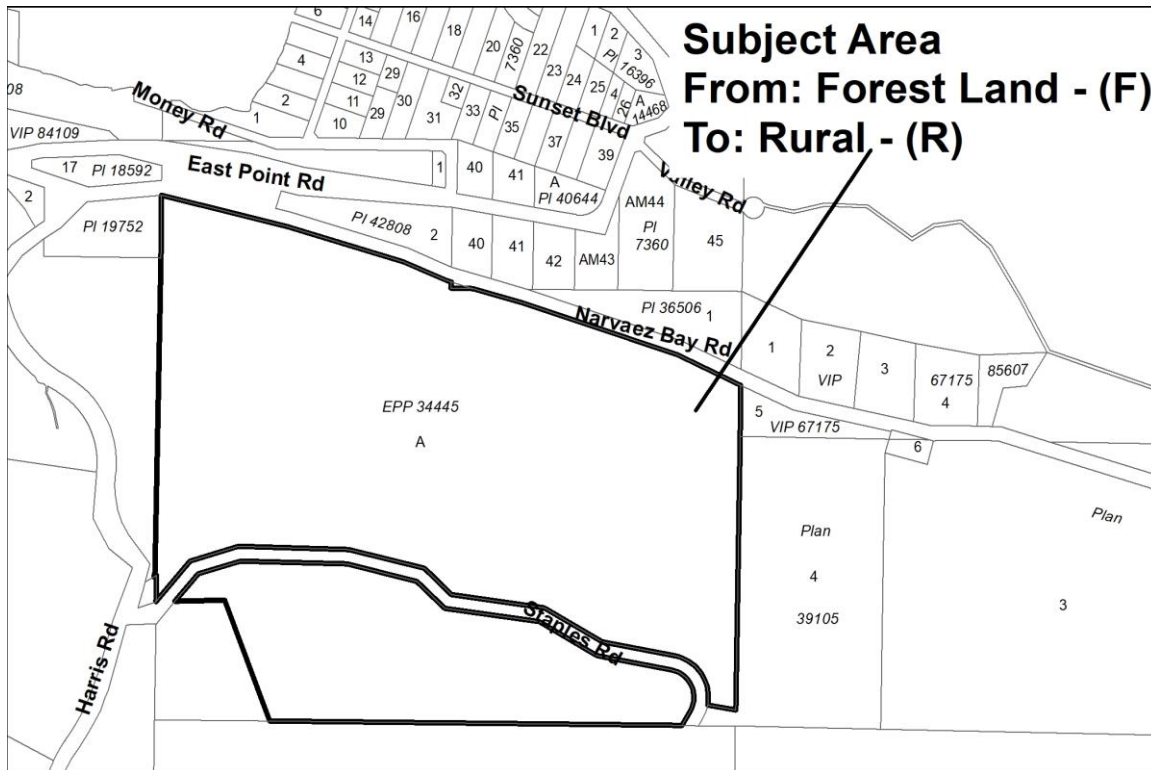
**SCHEDULE 1**

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

Schedule “B” – Land Use Designation Map, is amended by changing the land use designation of a portion of the land parcel legally described as *Lot A Sections 8 And 9 Saturna Island Cowichan District Plan EPP34445* from Forest Land (F) to Rural (R), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Land Use Bylaw No. 70 as are required to effect this change.

SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 136

Plan No. 1



# PROPOSED

## SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 137

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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. 1, 2022”.

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 Subsection 4.2.14 – Site Specific Regulations, Article 4.2.14 (1) is amended by:

- i. Deleting the word “Colum” and replacing it with the word “Column” in the first sentence of Article 4.2.14 (1).
- ii. Deleting the reference to subsection “4.2.12” and replacing it with the reference to subsection “4.2.13” in the RG(a) Row, Column 3, Item Number (1) of the Site Specific Regulations Table.
- iii. Deleting the reference to subsection “4.2.11” and replacing it with the reference to subsection “4.2.12” in the RG(b) Row, Column 3, Item Number (2) of the Site Specific Regulations Table.
- iv. Deleting the reference to subsection “4.2.12” and replacing it with the reference to subsection “4.2.13” in the RG(b) Row, Column 3, Item Number (3) of the Site Specific Regulations table.
- v. Inserting a new row in the Site Specific Regulations Table immediately following the row referencing RG(b) with the Site-Specific Zone Reference of “RG(c)”, such that it reads:

RG(c)	Lot A Sections 8 and 9 Saturna Island Cowichan District Plan EPP34445	(4) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 3.7 hectares (9.1 acres).
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- vi. Inserting a new row in the Site Specific Regulations Table immediately following the newly added row referencing RG(d) with the Site-Specific Zone Reference of “RG (d)”, such that it reads:

RG(d)	Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360	(5) Despite 4.2.13 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 6.0 hectares (14.8 acres).
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- 2.2 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Lot A Sections 8 and 9 Saturna Island Cowichan District Plan EPP34445 from Forest General (FG) to Rural General (c) [RG(c)], 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.
- 2.3 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of the lands legally described as Block A, Section 5, Saturna Island, Cowichan District, Except Part In Plan 25360 from Rural General to Rural General (d) [RG(d)], 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.

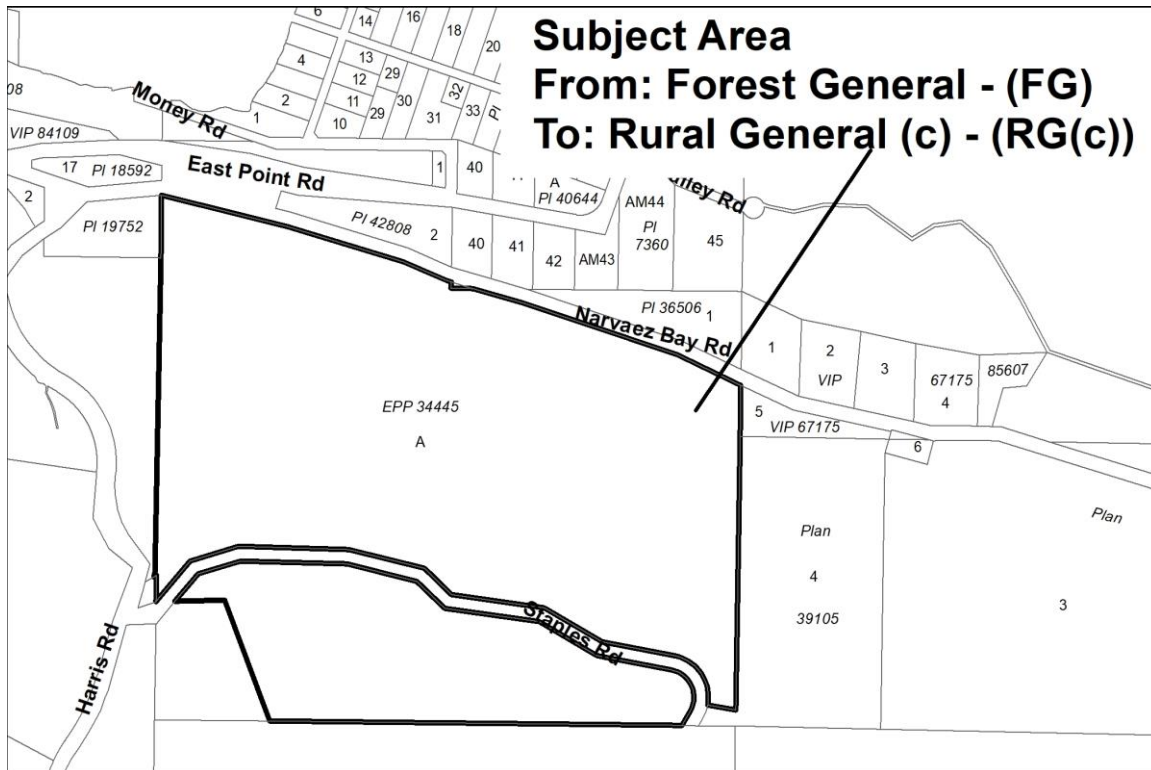
READ A FIRST TIME THIS	4 <sup>TH</sup>	DAY OF	NOVEMBER	2022.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 137

Plan No. 1



**SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 137**

**Plan No. 2**

