



File No.: 6500-20 (Secondary Suites)

DATE OF MEETING: July 28, 2018
TO: Saturna Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Victoria Office
SUBJECT: Proposed Bylaws 122 and 123 – Secondary Suites for the Saturna Island Local Trust Area
Applicant: Saturna LTC Project
Location: Saturna Island Local Trust Area

1. That the Saturna Island Local Trust Committee Proposed Bylaw No. 122 cited as “Saturna Island Official Community Plan Bylaw 70, 2000, Amendment No.2, 2018” be read a Second time.
2. That the Saturna Island Local Trust Committee Proposed Bylaw No. 122 cited as “Saturna Island Official Community Plan Bylaw 70, 2000, Amendment No.2, 2018” be read a Third time.
3. That the Saturna Island Local Trust Committee Proposed Bylaw No. 122 cited as “Saturna Island Official Community Plan Bylaw 70, 2000, Amendment No.2, 2018” be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
4. That the Saturna Island Local Trust Committee Proposed Bylaw No. 122 cited as “Saturna Island Official Community Plan Bylaw 70, 20007, Amendment No.2, 2018” be forwarded to the Minister of Municipal Affairs and Housing.
5. That the Saturna Island Local Trust Committee Proposed Bylaw No. 123 cited as “Land Use Bylaw No. 78, 2002, Amendment No.2, 2018” be read a Second time.
6. That the Saturna Island Local Trust Committee Proposed Bylaw No. 123 cited as “Land Use Bylaw No. 78, 2002, Amendment No.2, 2018” be read a Third time.
7. That the Saturna Island Local Trust Committee Proposed Bylaw No. 123 cited as “Land Use Bylaw No. 78, 2002, Amendment No.2, 2018” be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

REPORT SUMMARY

Proposed Bylaws 122 (OCP) and 123(LUB) amends the Saturna Island OCP and LUB by allowing secondary suites in most areas that permit residences within the Saturna Island Local Trust area. This report recommends steps to be taken following public hearing.

BACKGROUND

The Local Trust Committee is considering amending the OCP and LUB to allow secondary suites in residences within most of the Saturna Island Local Trust Area. Areas that are known to have water quality or quantity issues have been excluded from the amendment.

There have been various staff reports prepared (available on the Saturna Island LTC webpage).

Statutory notification has been carried out and no comments have been received as a result of the notification.

A public hearing is scheduled for July 28, 2018.

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 Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding to the Minister of Municipal Affairs and Housing for approval (OCP Bylaws only).
5. 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.

Rationale for Recommendation:

- The community has had to opportunity to comment on this project and the proposed bylaw.
- Due to the small size of the secondary suites and due to them being constructed within the footprint of an existing dwelling they should not impact the aesthetic, environmental and social balance on the island beyond what an existing residence would do.
- Allowing secondary suites could assist the community in addressing its perceived housing diversity and affordability issues.
- The housing can be created without public expenditures or the involvement of community organizations.
- First Nations and Agencies have been consulted.

- Statutory notification has been carried out and as of the date of this report no comments had been received as a result of the notification.
- A Public Hearing has been held.

NEXT STEPS

- Forward the proposed bylaws to the Executive Committee of the Islands Trust for approval.
- Forward Bylaw 122 to the Minister of Municipal Affairs and Housing for approval.
- Place on future LTC agenda for adoption.

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|---------------|---------------------------------|---------------|
| Submitted By: | Gary Richardson, Island Planner | July 19, 2018 |
| | | |

ATTACHMENTS

1. Proposed Bylaws 122 and 123

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 122

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2018”.

2. SCHEDULES

Saturna Island Official Community Plan 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 | 14 TH | DAY OF | JUNE | 2018 |
| 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 COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS | _____ | DAY OF | _____ | 20__ |
| ADOPTED THIS | _____ | DAY OF | _____ | 20__ |

Chair

Secretary

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 122**

SCHEDULE 1

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

1. Amending subsection C.1.3 by inserting the following as the last sentence in the subsection: "Secondary suites are not considered as residential density for the purposes of calculating overall residential density within the Saturna Island Local Trust Area."

2. Amending section D.1 Rural by adding a new section j) immediately following section i) as follows:

"j) Secondary suites may be permitted in designations that permit residential use."

3. Amending subsection D.1.R Rural Residential by adding a new article D.1.R.7 immediately following article D.1.R.6 as follows:

"D.1.R.7 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence."

4. Amending subsection D.1.G Rural General by adding a new article D.1.G.6 immediately following article D.1.G.5 as follows:

"D.1.G.6 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence."

5. Amending subsection D.1.C Rural Comprehensive by adding a new article D.1.C.5 immediately following article D.1.C.4 as follows:

"D.1.C.5 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence."

6. Amending section D.2 Farmland by adding a new subsection D.2.10 immediately following subsection D.2.9 as follows and renumbering the remaining subsections accordingly:

"D.2.10 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence."

7. Amending section D.4 Forest by adding a new subsection D.4.14 immediately following subsection D.4.13 as follows and renumbering the remaining sections accordingly:

“D.4.14 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence.”

8. Amending section D.4 Forest by adding a new subsection D.4.20 immediately following subsection D.4.19 as follows and renumbering the remaining subsections accordingly:

“D.4.20 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence on Forest Residential zoned land.”

9. Amending section D.5 Heritage Forest by adding a new subsection D.5.6 immediately following subsection D.5.5 as follows:

“D.5.6 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence.”

10. Amending section D.6 Wilderness Reserve by adding a new subsection D.6.5 immediately following subsection D.6.4 as follows and renumbering the remaining sections accordingly:

11. “D.6.5 One secondary suite, limited in size, contained within a primary residence may be permitted per primary residence.”

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 123

A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW 78, 2002

The Saturna Island Local Trust Committee, being the 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 78, 2002, Amendment No. 2, 2018”.

2. Saturna Island Local Trust Committee Bylaw No. 78, cited as “Saturna Island Land Use Bylaw 78, 2002,” is amended as follows:

1. Part 2 General Regulations is amended by inserting the following as a new section 2.19:

“2.19 Secondary Suites

(1) The secondary suite must be contained within the walls of the building that contains the principal residence.

(2) The entrance to a secondary suite from the exterior of the building must be separate from the entrance to the principal residence.

(3) A building permit shall not be issued for a secondary suite until the building is serviced by an adequate supply of potable water.

(4) The floor area of the secondary suite shall not exceed 90 m² (968 ft²) nor shall it exceed 40 per cent of the floor area of the principal residence. A secondary suite must not be subdivided from the principal residence under the Land Title Act or the Strata Property Act.

(5) Secondary suites are not permitted in the areas depicted on Schedule D.”

2. By adding a new subsection immediately following subsection 4.1.4 as follows:

“ 4.1.5 One secondary suite is permitted per residence subject to section 2.19.” and renumbering the following sections accordingly;

3. By adding a new subsection immediately following subsection 4.2.6 as follows:

“ 4.2.7 One secondary suite is permitted per residence subject to section 2.19.” and renumbering the following sections accordingly;

4. By adding a new subsection immediately following subsection 4.4.4 as follows:
 “ 4.4.5 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
5. By adding a new subsection immediately following subsection 7.1.3 as follows:
 “ 7.1.4 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
6. By adding a new subsection immediately following subsection 7.3.4 as follows:
 “ 7.3.5 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
7. By adding a new subsection immediately following subsection 9.2.4 as follows:
 “ 9.2.5 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
8. By adding a new subsection immediately following subsection 9.3.6 as follows:
 “ 9.3.7 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
9. By adding a new subsection immediately following subsection 10.1.3 as follows:
 “10.1.4 One secondary suite is permitted per residence subject to section 2.19.”
 and renumbering the following sections accordingly;
10. By adding a new parking requirement “k” to Part 14, Table 1: Off street parking requirements, following “(j)” as follows:

| Table 1: Off street parking requirements | | |
|--|-----------------|--|
| | Use | Minimum Number of Off street parking Spaces Required |
| (k) | Secondary Suite | 1 per secondary suite |

11. By adding a new definition to Part 15. Interpretation immediately after subsection 15.1.40 as follows:
 “15.1.41 “**secondary suite**” means an accessory, self-contained residential unit, located within a building that otherwise contains a residential unit, and having a lesser floor area than the principal residential unit.”;
 and renumbering the following sections accordingly.
12. By adding a new ‘Schedule D’ immediately following ‘Schedule C’ as shown on Plan No. 1 which is attached to 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 14TH DAY OF JUNE 2018
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

