

AGENDA

SALT SPRING ISLAND AGRICULTURAL ADVISORY PLANNING COMMISSION

Date: Thursday, August 12, 2021
Time: 3:00 PM
Location: Electronic Online

1. AGENDA

1.1 Approval of Agenda

2. MINUTES OF PREVIOUS MEETINGS

Please propose amendments to the draft minutes as worded resolutions in writing to be presented at the meeting.

2.1 Draft Minutes of the May 13, 2021 AAPC Meeting – *For Adoption*

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3. BUSINESS ITEMS

3.1 Election of Chair

3.2 SS-RZ-2020.2 - Peter Hunt / Meghan Carr - 125 Churchill Road
Staff Memorandum

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3.3 SS-RZ-2017.2 - Fernando & Tammy Dos Santos - 221 Drake Road, SSI
Staff Memorandum

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4. OTHER BUSINESS

4.1 Future Meetings

5. ADJOURNMENT



Salt Spring Island Agricultural Advisory Planning Commission

Minutes of a Regular Meeting

Date of Meeting: Thursday, May 13, 2021

Location: Electronic Meeting

Members Present: Bree Eagle, Chair
Jan Steinman, Vice Chair
Ken Byron, Commissioner
Brent Brochu-Ingram, Commissioner

Regrets: Zack Hemstreet, Commissioner
Conrad Pilon, Commissioner

Absent: Ruth Waldick, Commissioner

Staff Present: Louisa Garbo, Island Planner
Geordie Gordon, Planner 2
Kristine Mayes, Planner 1
Sarah Shugar, Recorder

Media and Others Present: Peter Grove, Local Trustee
Laura Patrick, Local Trustee
Doug Pepper, Ministry of Agriculture
One member of the Public

These minutes follow the order of the agenda although the sequence may have varied.

Planner Mayes called the meeting to order at 3:18 p.m.

1. APPROVAL OF AGENDA

The following additional item was presented for inclusion in the agenda:

3.2 Ganges Village Planning Project and Housing Action Program Project

By **general consent** the agenda was adopted as amended.

2. MINUTES OF PREVIOUS MEETING

2.1 Draft Minutes of the March 5, 2020 AAPC Meeting

It was **MOVED** and **SECONDED**,

that the minutes of the March 5, 2020 Salt Spring Island Agricultural Advisory Planning Commission meeting be adopted.

CARRIED

3. BUSINESS ITEMS

3.1 Election of Chair

Planner Mayes announced the election procedures.

Planner Mayes called for nominations for Chair. Commissioner Eagle was nominated and accepted the nomination. Planner Mayes called three times for further nominations. Hearing none, she declared the nominations closed. Commissioner Eagle was elected Chair by acclamation.

Planner Mayes called for nominations for Vice Chair. Commissioner Byron was nominated and declined the nomination. Commissioner Steinman was nominated and accepted the nomination. Planner Mayes called three times for further nominations. Hearing none, she declared the nominations closed. Commissioner Steinman was elected Vice Chair by acclamation.

3.2 SS-ALR-2020.4 – 2101 Fulford-Ganges Road (D. Miller)

Planner Mayes presented a memorandum dated May 3, 2021 regarding an application for non-farm use and subdivision in the Agricultural Land Reserve (ALR).

In discussion the following comments and questions were noted:

- Concern was expressed regarding the impacts of the proposed 20-metre wide common property access route including the road allowance area would no longer be available for farming. Planner Mayes reported the proposed 20-metre wide common property access route would include the road, drainage ditches and utility services. Planner Mayes reported the applicant does not intend to increase the existing single-track road although the approving officer may require additional works.
- Concern was expressed that increased traffic could negatively impact livestock and could decrease farming capability.
- Concern was expressed regarding access to a land locked parcel (PID: 009-727-884) that is located south of the subject property.
- There was a question regarding whether the entire property is within the Agricultural Land Reserve. Planner Mayes reported the subject property is split zoned Agriculture and Rural.
- There was a question regarding the portion of the property adjacent to Fulford-Ganges Road. Planner Mayes reported Fulford Creek runs through the southwest portion of the subject property and is protected by a covenant.
- Concern was expressed that the subject property has been subdivided in previous years and each subdivision reduced the farming capability.
- Concern was expressed that the proposed subdivision would not improve agricultural capability.
- It was noted Bill 52 proposed changes to the Agricultural Land Reserve Act and Agricultural Land Reserve Regulations, which may allow a second residence on a parcel in the Agricultural Land Reserve subject to Local Government regulations.
- Chair Eagle presented the following comments that were received from Commissioner Pilon prior to the meeting: "The proposed additional density on this lot does not provide clear evidence of corresponding increase in agricultural/farming output. This condition supported by the Official Community Plan and the priorities of the Salt Spring Island Area Farm Plan should continue to guide the LTC in their assessment of this application. Changes to

farmland use should be supported when they provide a clear plan to increase food production. This additional step would also improve chances of approval by the Agricultural Land Commission. Should the Local Trust Committee decide to forward this application to the Agricultural Land Commission for approval, the Local Trust Committee may consider recommending that the applicant seek the assistance from a professional(s) with a background in agronomy/horticulture to develop a plan to improve/increase food production on the lot.”

It was MOVED and SECONDED

That the Salt Spring Island Agricultural Advisory Planning Commission recommend the Salt Spring Island Local Trust Committee does not forward application SS-ALR-2020.4 to the Agricultural Land Commission for the following reasons:

- The current proposal as it stands does not embody a strategy for maintaining or expanding agriculture on the ALR lands; and
- The proposed 20-metre wide common property access route could disrupt the modest agriculture that is currently taking place in the ALR portion of the property (2101 Fulford-Ganges Road).

CARRIED

3.2 Ganges Village Planning Project and Housing Action Program Project

Planner Garbo presented a verbal presentation regarding the Ganges Village Planning Project and the Housing Action Program Project. Planner Garbo reported there would be ongoing consultation with the AAPC as part of the referral and consultation process.

In discussion the following comments were noted:

- It was noted additional information regarding the projects are available on the Islands Trust website at <https://islandstrust.bc.ca/island-planning/salt-spring/projects/>
- Support was expressed for staff to consult with the farming community regarding the projects.
- Support was expressed to prioritize farm worker housing and equitable access to farmland for farmers.
- Support was expressed to prioritize agriculture and food production.
- Concern was expressed that farmworker housing has been an issue for 25 years with little progress.
- It was noted that additional residential housing could be an important revenue stream for farms.

4. OTHER BUSINESS

4.1 Advisory Planning Commission Bylaw No. 467

The Advisory Planning Commission Bylaw No. 467 was presented for information.

4.2 Advisory Planning Commission Terms of Reference

The Advisory Planning Commission Terms of Reference were presented for information.

5. ADJOURNMENT

By general consent the meeting adjourned at 4:15 p.m.

Bree Eagle, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder

DRAFT



DATE OF MEETING: August 12, 2021
TO: Salt Spring Island Agricultural Advisory Planning Commission
FROM: Kristine Mayes, Planner 1, Salt Spring Island Team
SUBJECT: Referral: Proposed Bylaw Nos. 523 & 524

PURPOSE

The Salt Spring Island Local Trust Committee (SS LTC) has referred proposed Bylaw No. 523 (cited as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2021") and proposed Bylaw No. 524 (cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2021") to the Agricultural Advisory Planning Commission (AAPC).

BACKGROUND

At the SS LTC meeting of June 29, 2021, the LTC passed the following resolution:

SS-2021-134

It was **MOVED** and **SECONDED**,

That the Salt Spring Island Local Trust Committee request staff refer Proposed Bylaws No. 523 and 524 to agencies, organizations and First Nations, as identified in this staff report dated June 15, 2021 (SS-RZ- 2020.2, 125 Churchill Road).

CARRIED

The community need memorandum, preliminary staff report including site context, photos, and correspondence can be found on the Salt Spring Island Current Applications webpage: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications>

NEXT STEPS

Once the AAPC has deliberated on the proposed bylaws, the following draft resolutions have been provided for consideration:

1. If the AAPC wishes to recommend proceeding with the bylaw:

That the Salt Spring Island Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw Nos. 523 and 524 proceed for the following reasons:

- *[list reasons]...*

2. If the AAPC wishes to recommend proceeding with the subject to conditions:

That the Salt Spring Island Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw Nos. 523 and 524 proceed, subject to the following recommendations:

- *[list recommendations]...*

3. If the AAPC wishes to recommend not proceeding with the bylaw:

That the Salt Spring Island Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw Nos. 523 and 524 not proceed for the following reasons:

- *[list reasons]...*

Submitted By:	Kristine Mayes, Planner 1	July 29, 2021
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ATTACHMENTS

1. Staff Report from the June 29, 2021 Meeting Agenda Package



File No.: SS-RZ-2020.2

X-ref: SS-BP-2019.89 & SS-BE-2019.68

DATE OF MEETING: June 29, 2021
TO: Salt Spring Island Local Trust Committee
FROM: Kristine Mayes, Planner 1, Salt Spring Island Team
COPY: Stefan Cermak, Regional Planning Manager, Salt Spring Island Team
SUBJECT: Rezoning (Bylaw Amendment) from Residential 7 (R7) to Commercial 4 Variant
Applicant: P. Hunt & M. Carr
Location: 125 Churchill Road, Salt Spring Island (PID: 017-873-134)

RECOMMENDATION

1. That Salt Spring Island Local Trust Committee Bylaw No. 523, cited as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2021", be read a first time (SS-RZ-2020.2, 125 Churchill Road).
2. That Salt Spring Island Local Trust Committee Bylaw No. 524, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2021", be read a first time (SS-RZ-2020.2, 125 Churchill Road).
3. That the Salt Spring Island Local Trust Committee request staff refer Proposed Bylaw Nos. 523 and 524 to agencies, organizations and First Nations, as identified in this staff report dated June 15, 2021 (SS-RZ-2020.2, 125 Churchill Road).

REPORT SUMMARY

This staff report proposes amendments to the [Salt Spring Island Land Use Bylaw No. 355](#) and the [Salt Spring Island Official Community Plan No. 434](#) (OCP) to make lawful a restaurant and two commercial accommodation units. Staff recommend the Salt Spring Island Local Trust Committee (LTC) consider first reading of the draft bylaws (Appendix No. 1 & 2), and direct staff to refer them to agencies and First Nations.

BACKGROUND

This report follows a preliminary staff report to the February 16, 2021 meeting of the LTC where the following resolutions were passed (the community need memorandum, preliminary staff report including site context, photos, and correspondence can be found on the [Salt Spring Island Current Applications webpage](#)):

SS-2021-038

It was **MOVED** and **SECONDED**,

That the Salt Spring Island Local Trust Committee direct staff to draft amendments to the Salt Spring Island Land Use Bylaw No. 355 to permit the following additional uses:

- a) Indoor retail sales;
- b) Indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items for *retail* or *wholesale* sales, provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 litres/day;
- c) One restaurant not to exceed the size of the current restaurant; and
- d) Two *Commercial guest accommodation units* in *cabins* not exceeding 25 square metres each.
- e) Requires a *vegetation screen* to be maintained within the *buffer area* along any property line that abuts property not zoned for commercial use.

CARRIED

SS-2021-039**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee direct staff to draft amendments to the Salt Spring Island Official Community Plan No. 434 to amend the land use designation, Development Permit Area boundaries, and other policies to support land use bylaw amendments.

CARRIED**SS-2021-040****It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee direct staff to report back regarding alternative definitions for restaurants to include for example cafés and bakeries.

CARRIED

The applicant has also provided a Parking Plan (Appendix No. 3) and Septic Report (Appendix No. 4).

ANALYSIS**Policy/Regulatory**

The LTC is unfettered in its consideration of an OCP amendment and rezoning and may choose to request more information, proceed more incrementally, or defer the application.

Islands Trust Policy Statement:

An assessment of the proposed application relative to the Islands Trust Policy Statement will be undertaken following first reading of a draft bylaw.

Issues and Opportunities**Parking & Septic Report**

Staff explored the issue of parking in the preliminary staff report, noting the number of parking spaces required for the uses occurring and on the subject property (13 automobile parking spaces – 1 which must be designed for use by the disabled – and 2 bicycle parking spaces), as well as the use of the Ministry of Transportation and Infrastructure (MoTI) right of way along Churchill Road (adjacent to agricultural lands) as overflow parking during hours of operation. In accordance with the [Salt Spring Island Local Trust Committee Development Approval Information Bylaw No. 175](#) (DAI Bylaw), staff required the applicant to provide a Parking Study to address parking on the subject property and requested the professional *determine recommendations for improving the parking area if applicable*. The architect noted “...given that we have provided a parking plan with the least amount of disturbance to the natural environment (no tree removal req’d[sic]) and met the bylaw requirements I do not consider additional recommendations to improve the parking area applicable.” The applicant supplied a Parking Plan (Appendix No. 3) and advised works have been undertaken to alter the parking lot in accordance with the submitted plan to supply the required parking spaces per the [Salt Spring Island Land Use Bylaw No. 355](#) (LUB). The applicant has noted that the covered bicycle parking has not yet been installed. Notwithstanding, parking along the highway right of way has been observed as a common occurrence during operating hours. Staff note the parking plan addresses the parking regulations of LUB but does not account for outdoor seating – commercial zoned properties permitting restaurants on Salt Spring Island generally do not encompass large volumes of outdoor space and as such, outdoor seating is limited. An unintended consequence of the inclusion of the word “indoor” within Table 3 of the parking regulations for restaurants is that outdoor seats do not require parking spaces. The subject property, measuring 0.89-hectares, enjoys an abundance of unenclosed space including an outdoor gallery for patrons to enjoy. Presently the hours of operation for the business are Saturdays, Sundays and Tuesdays but will likely increase and its popularity with locals may be a contributing factor to higher instances of single occupancy of vehicles. In consideration of the forgoing, staff consider this issue unsatisfactorily addressed as the subject property could contain any number of outdoor seats without requiring additional parking. As such, staff have included a regulation in the draft LUB amendment (Appendix No. 2) stipulating the maximum number of indoor and outdoor seats as 38 to mirror the volume the septic treatment system has been designed for in accordance with OCP Policy C.4.2.3.1 (Appendix No. 4). The applicant noted they have implemented several [mitigation measures](#) to address the parking issue including installation of signage to limit parking along 100 metres

(approximately 14 parallel parking spaces using LUB standards for automobile spaces) of the MoTI right of way (constituting usurpation of public space), offering delivery to Ganges and the North End, and offering discounts to pedestrians and cyclists. Staff note that upon adoption of the bylaw as drafted, the maximum number of seats could be varied should the applicant wish to upgrade their septic system and expand their parking facilities in the future. It should be noted that use of the MoTI right of way to supplement parking for a commercial use may require a [Highway Use Permit](#) or Licence of Occupation as “highway users have certain rights of safe and efficient travel” (MoTI is included as a referral public agency in the below table in the consultation section of this staff report). The LTC could also consider requesting a Traffic Impact Study to determine if more parking spaces are required and if so, how many as well as other improvements to the property (such as widening of the driveway and removal of trees).

Proposed Expansion to Bakery Building

LTC resolution SS-2021-038 specified the draft amendment to the LUB should include “One restaurant not to exceed the size of the current restaurant”. The applicant’s rationale for applying for a bylaw amendment versus a Temporary Use Permit was the intent to expand the current building (approximately 75 square metres) to include additional storage space and an accessible washroom at the rear of the building (Figure No. 1 & 2). Staff have included the proposed addition measuring approximately 30 square meters in the total floor area calculation (110 square metres) within the draft LUB amendment.

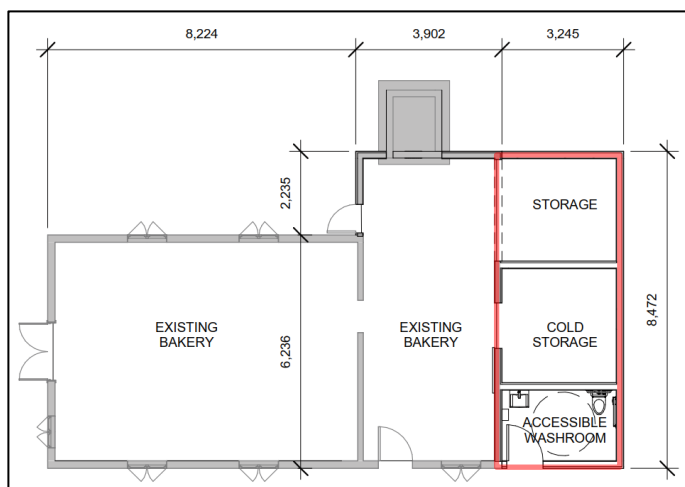


Figure 1: Proposed Future Addition to Bakery Building (in Red)



Figure 2: Location of Proposed Future Addition to Bakery Building

Alternative Definitions for “Restaurant”

At the direction of the LTC, staff reviewed land use regulations across the Islands Trust area, communities in British Columbia, as well as select jurisdictions outside of British Columbia (Alberta and the West Coast of the United States of America) that share some of the hallmarks of Salt Spring Island’s unique rural character. Staff have extracted definitions and regulations of note from twenty-two jurisdictions (Appendix No. 5). Observations in reviewing various bylaws noted common themes such as the limitation of use of only indoor floor area for home-based businesses (also referenced as “home occupations” or “cottage industries”). Notably, Salt Spring Island’s home-based businesses regulations, by design, are more permissive in respect to occupations that may be conducted, number of employees and floor area. Across these jurisdictions, restaurants (or bakeries, cafes, or eating establishments) are permitted primarily in commercial zones and in some cases, specifically prohibited as a home occupation. Staff caution that creating a new definition to address the use occurring specifically at the subject property as this may have unintended consequences and as such, recommend that the designation of the use remain a “restaurant”. Notwithstanding, the LTC could consider defining the use occurring on the property to prohibit the service of alcoholic beverages, establish hours of operation, or limit the number of seats, however staff note that adding definitions which are narrow in scope may require future bylaw amendments if any component of the business were to change.

Implications of Rezoning

The draft LUB amendment proposes to amend the zoning to commercial to make lawful activities occurring on the subject property. The removal of this property from the R7 zone removes uses from the subject property including:

- *Elementary schools, pre-schools and child day care centres;*
- *Hospitals and public health care facilities;*
- *Community halls*
- Non-commercial outdoor active recreation;
- Churches; and
- Agriculture, excluding intensive agriculture.
- Home-based businesses, subject to Section 3.13

The proposed C4 variant zone permits 'offices' which parallels "dental and medical offices". Notwithstanding, Subsection 3.21.1 prohibits the construction or occupancy of a single-family dwelling with a public school, public hospital, community hall, or emergency response facility – as the subject property contains a single-family dwelling (and secondary suite), the above uses in italics would have been prohibited regardless. Staff note the intent of this application is to make lawful commercial uses that exceed or contravene home-based business regulations and it is unlikely the property would have the capacity to sustain a commercial agricultural operation outside of a personal garden. Accordingly, the gain of the property in respect to the proposed zoning far outweighs the uses to be removed upon adoption of the draft LUB amendment.

Ganges Village Planning Project

A review of relevant OCP policies and objectives (Appendix No. 6) indicates the proposed bylaw amendments are in substantial compliance with the OCP, but are at variance with the following:

Policy B.2.3.2.3 Village containment boundaries for Ganges, Fulford and Channel Ridge Village are identified by the Village Designations on Map 1. The intent of village containment boundaries is to keep village development compact, and prevent 'leap frog' development, reduce the need for additional infrastructure and services, minimize the loss of rural lands, and minimize impacts on sensitive ecosystems and other *environmentally sensitive areas*. The Local Trust Committee should not approve rezoning applications that would allow large new commercial, institutional or multifamily development outside Village Designations. Exceptions should be made for new village or hamlet applications, for applications to provide *affordable housing*, for neighbourhood convenience stores and for home based businesses as outlined in Section B.3.2. Expansion or extension of containment boundaries should only be considered where there are no available sites within the containment boundaries. Any such expansion or extension should incorporate land next to an existing boundary, lands which do not contain sensitive ecosystems, lands which do not exhibit geo-technical or other hazards, lands that are along existing transportation routes, and lands which can provide efficient access to potable water and other services.

Staff Comments: The zoning amendment proposes "leap frog" development in rural lands.

Policy B.2.4.2.2 Zones within the Residential Neighbourhoods Designation will continue to accommodate the *medium density residential uses* and the other compatible land uses allowed in the existing bylaw. Existing commercial, *general employment* and multi-family zones will also remain, but zoning changes should not be made to locate more of these zones on additional lands in this Designation, with the exception of multiple-family *affordable housing* projects.

Staff Comments: The zoning amendment proposes to rezone the subject property from R7 to a C4 variant.

Objective B.5.1.1.3 To encourage the commercial viability of island villages and to retain traditional village functions.

Staff Comments: The zoning amendment proposes commercial uses outside village designations.

Policy B.5.1.2.3 To protect the economic vitality of island villages, the Local Trust Committee should not consider rezoning applications that would result in large new retail stores, restaurants, office complexes and multi-family developments outside Village Designations. Exceptions are: *home-based businesses* and industries, neighbourhood convenience stores, campgrounds, the commercial uses specifically allowed in other Designations and the potential development of a new village as outlined in Policy B.2.3.2.2.

Staff Comments: The zoning amendment proposes a restaurant and offices outside village designations.

The LTC directed staff in October 2020 to develop a [Ganges Village Area Plan](#) "to ensure development occurs in a coordinated, sustainable, and resilient manner in order to address the issues impacting the social, economic, cultural, and environment sustainability of Ganges Village". The [project charter](#) notes the potential inclusion or exclusion of areas within Ganges Village or Upper Ganges Village Designation within Phase 2 of the project. It is unknown whether the LTC may consider expanding the boundaries of the village to include the subject property. In consideration of a broader discussion in the community, staff have declined to recommend an amendment to the land use designation, only recommending inclusion of the subject property within DPA2.

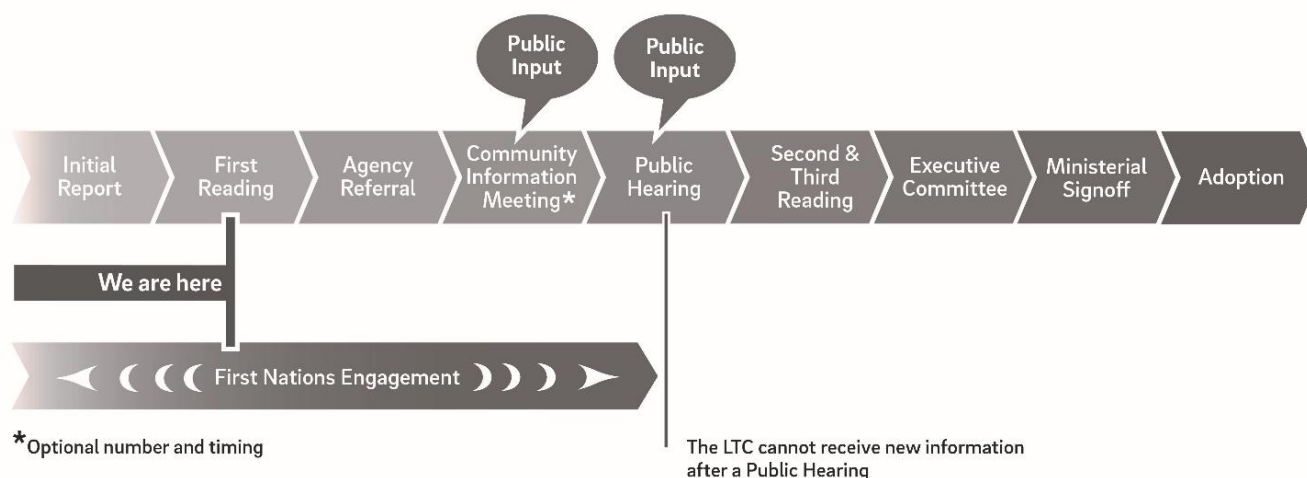
Consultation

At time of this report, no referrals have been conducted. Referrals of rezoning bylaws to agencies, organizations and First Nations typically occur at time of first reading. As the application also involves an OCP amendment, the LTC is required by [Section 475](#) of the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. In light of this requirement, the LTC may consider if it wishes to undertake additional consultation beyond the below groups identified in this report and direct staff accordingly.

<i>Public Agencies</i>	<i>Community Agencies/Groups</i>	<i>Local Trust Committees</i>	<i>First Nations</i>
- Ministry of Transportation and Infrastructure - Ministry of Agriculture, Food and Fisheries - Agricultural Land Commission - Vancouver Island Health Authority - Salt Spring Island Fire Protection District - BC Assessment Authority - BC Transit - CRD Building Inspection	- North Salt Spring Waterworks District - Salt Spring Island Transportation Commission (SSITC) - CRD Parks and Recreation Commission - CRD Economic Development Commission - Chamber of Commerce - Island Pathways - Salt Spring Island Advisory Planning Commission - Salt Spring Island Agricultural Advisory Planning Commission - Salt Spring Island Agricultural Alliance	- North Pender Island Local Trust Committee - Galiano Island Local Trust Committee - Thetis Island Local Trust Committee - Mayne Island Local Trust Committee - Cowichan Valley Regional District	- Cowichan Tribes - Halalt First Nation - Lake Cowichan First Nation - Lyackson First Nation - Penelakut Tribe - Stz'uminus First Nation - Malahat First Nation - Pauquachin First Nation - Tsartlip First Nation - Tsawout First Nation - Tseycum First Nation - Semiahmoo First Nation - Tsawwassen First Nation - Hul'qumi'num Treaty Group (<i>for information only</i>) - Te'Mexw Treaty Association (<i>for information only</i>)

Statutory notification of the proposed rezoning will be made in accordance with [Section 466](#) of the *Local Government Act* and the [Salt Spring Island Development Procedures Bylaw No. 304](#) at time of public hearing. Staff recommend that all neighbours fronting or directly abutting Churchill Road be notified of the proposed bylaw amendment as increased traffic is an identified issue for this application.

Timeline



Agencies

No referrals have been conducted to date. Staff have provided a list of agencies, organizations and First Nations for referral in the Consultation section of this staff report. In accordance with Section B.2 of the [Islands Trust Local Trust Committee Bylaws Checklist Policy 5.7.1](#), staff will forward the bylaw to referral agencies after the bylaw has received first reading.

First Nations

Staff referred this application to the Islands Trust Senior Intergovernmental Policy Advisor who reviewed the application and preliminary staff report. It was noted that as the subject property is in proximity to Shiya'hwt (Ganges Village), prior to excavation the applicant should contact the BC Archaeology Branch and obtain a permit if required. A list of First Nations to be engaged during the referral has been developed in consultation with the Islands Trust Senior Governmental Policy Advisor.

Rationale for Recommendation

In respect to the three recommendations noted above, staff note the following:

1. *That Salt Spring Island Local Trust Committee Bylaw No. 523, cited as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2021", be read a first time.*

In consideration the Ganges Village Area Project and in anticipation of a broader conversation in the community regarding potential expansion of the village containment boundaries, staff have declined to recommend an amendment to the land use designation for the subject property but have instead opted to include it within the boundaries of DPA2. This ensures some certainty for the neighbourhood that should future development occur on the property (triggering the requirement for a Development Permit) this would be addressed via an assessment of the associated guidelines under this Development Permit Area.

2. *That Salt Spring Island Local Trust Committee Bylaw No. 524, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2021", be read a first time.*

The applicant is seeking to make lawful uses occurring on the subject property – a bakery (with plans for limited expansion) and two commercial guest accommodation units. OCP policies and objectives are generally supportive of this amendment but it should be noted there are unresolved issues in respect to the use of the MoTI right of way by patrons for parking and capacity limits for proposed infrastructure (septic). In consideration of the forgoing, staff recommend first reading of a draft LUB amendment that specifies a seat limit for the property in addition to the limitation of total floor area for the restaurant use.

3. *That the Salt Spring Island Local Trust Committee request staff refer Proposed Bylaw No. 524 to agencies, organizations and First Nations, as identified in this staff report dated June 15, 2021.*

Subsequent to first reading, staff recommend referral of the draft LUB amendment to various agencies, organizations and first nations including the Advisory Planning Commission and Agricultural Advisory Planning Commission. Once the referral period has concluded staff will have the opportunity to collate the responses for consideration by the LTC.

ALTERNATIVES

The Local Trust Committee may consider the following alternatives to the staff recommendation:

1. Amend the Draft Bylaw No. 524

The LTC may wish to amend the draft LUB. If selecting this alternative, the LTC should describe the specific amendment. Recommended wording for resolution:

That Salt Spring Island Local Trust Committee Bylaw No. 524, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2021", be amended as follows: [list amendments] (SS-RZ-2020.2, 125 Churchill Road).

That Salt Spring Island Local Trust Committee Bylaw No. 524, cited as ""Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2021", be read a first time, as amended (SS-RZ-2020.2, 125 Churchill Road).

2. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are increased processing time and potentially increased costs to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust a [specify type of report], completed by a Professional [specify professional] which identifies the specific [identify concerns] (SS-RZ-2020.2, 125 Churchill Road).

3. Proceed no further

The LTC may decide to proceed no further with the application. Staff advise that the implication of this alternative is that the file would be closed and Bylaw Compliance and Enforcement will be informed of the outcome. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee deny application SS-RZ-2020.2 (125 Churchill Road) for the following reasons: [list reasons e.g. application represents an increased intensity of use that is incompatible with surrounding land uses; the Official Community Plan contains policies that direct the LTC to not increase intensity of use in areas with known water quantity and quality issues; and/or the applicant has not demonstrated that a sufficient alternative appropriately zoned site is not available].

NEXT STEPS

If the recommended resolutions are accepted, the draft bylaws will be given first reading and sent to agencies, organizations and First Nations. The application will return to the LTC for their consideration once the referral period has concluded.

Submitted By:	Kristine Mayes, Planner 1	June 15, 2021
Concurrence:	Stefan Cermak, Regional Planning Manager	June 16, 2021

APPENDICES

1. Draft Bylaw No. 523 (OCP)
2. Draft Bylaw No. 524 (LUB)
3. Parking Plan dated February 24, 2021
4. Septic Report dated May 23, 2021
5. Alternative Restaurant Definitions
6. OCP Policies

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 523

A BYLAW TO AMEND SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 434, 2008

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

1. Citation

This bylaw may be cited for all purposes as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2021".

2. Salt Spring Island Local Trust Committee Bylaw No. 434, cited as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008," is amended as shown on Schedule Nos. 1 and 2 attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

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____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

DRAFT

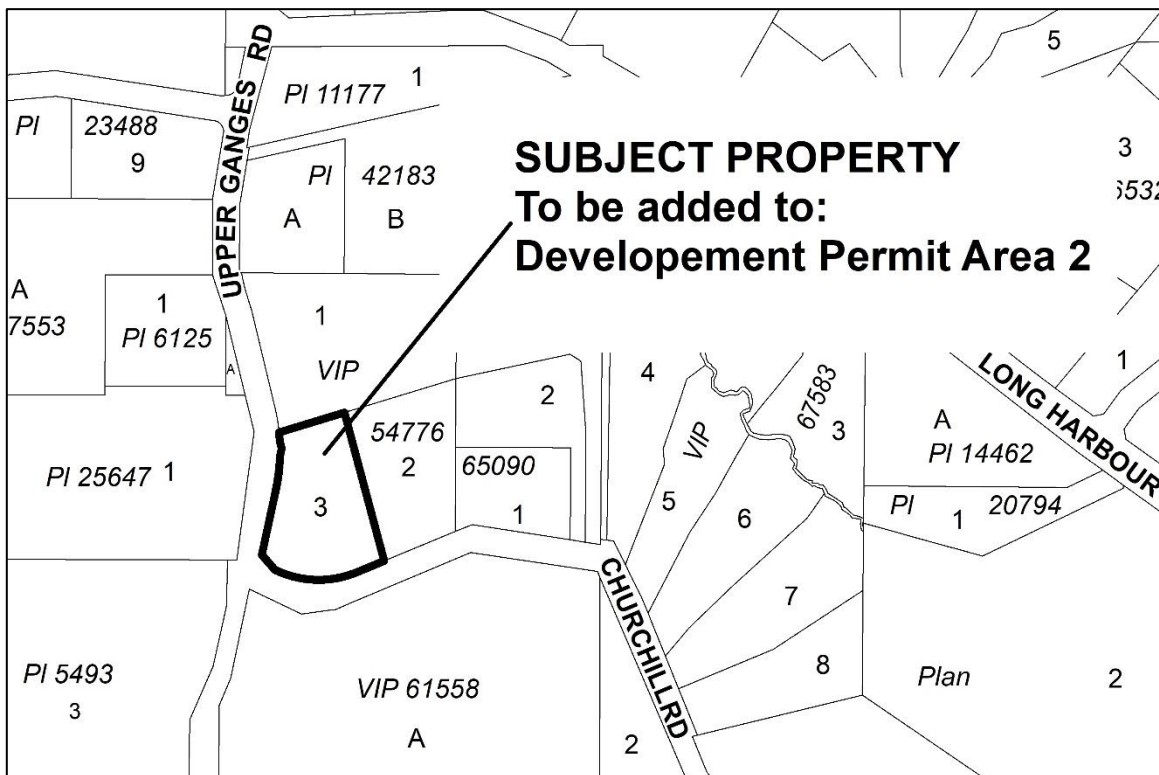
SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 523

SCHEDULE NO. 1

1. Schedule "A", Volume 2 is amended as follows:

- 2.1 Map 19 – Development Permit Area 2 Non-Village Commercial and General Employment is amended by including Lot 3, Sections 3 and 4, Range 4 East, North Salt Spring Island, Cowichan District, Plan VIP54776 as shown on Plan No. 1 of this bylaw.

PLAN NO. 1



DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 524

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2021”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

2.1 By inserting in Subsection 9.2.4 – Exceptions in Particular Locations – the following new Commercial 4 Zone Variation (b) – C4(b) after Zone Variation C4(a):

“Zone Variation – C4(b)

(18) The following additional *uses* are permitted:

- (a) *Indoor Retail Sales.*
- (b) *Indoor* production of food and drink items, clothing, crafts, artwork, jewellery and similar items for *retail* or *wholesale sales*, provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 litres/day;
- (c) One restaurant not to exceed a total *floor area* of 110 square metres with a maximum number of 38 of *indoor* and *outdoor* seats; and
- (d) Two *Commercial guest accommodation units* in *cabins* not to exceed a total *floor area* of 25 square metres each.

(19) A *vegetation screen* must be provided and maintained within the *buffer area* along any property line that abuts property not *zoned* for *commercial use* in accordance with Section 3.4.

(20) Despite Subsection 9.2.3, the minimum average area of *lots* in a *subdivision* is 1 ha.

And by making consequential numbering alterations to effect this change.

2.2 By changing the zoning classification of Lot 3, Sections 3 and 4, Range 4 East, North Salt Spring Island, Cowichan District, Plan VIP54776 from Residential 7 – (R7) to Commercial 4 Zone Variation (b) – C4(b), as shown on Plan No. 1 attached to and

forming part of this bylaw, and by making such alterations to Schedule “A” of Bylaw No. 355 as are required to effect this change.

READ A FIRST TIME THIS DAY OF 20

READ A SECOND TIME THIS DAY OF 20

PUBLIC HEARING HELD THIS DAY OF 20

READ A THIRD TIME THIS DAY OF 20

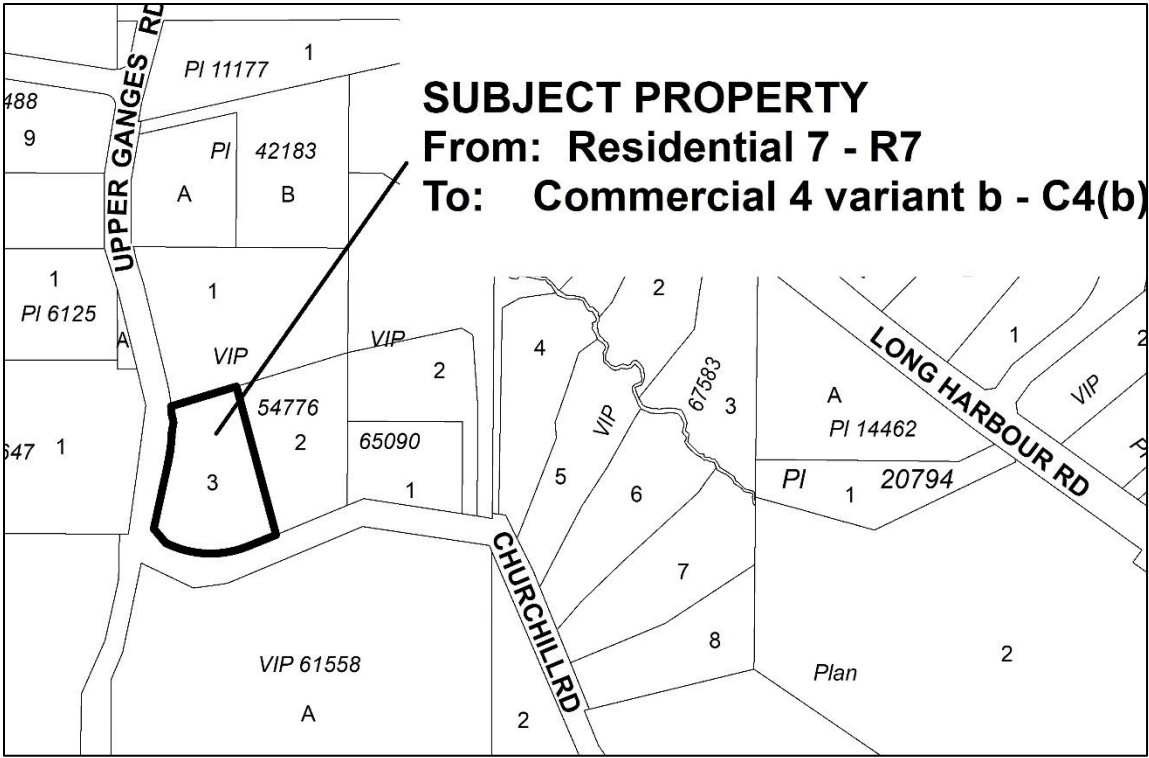
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
 DAY OF 20

ADOPTED THIS DAY OF 20

Chair

Secretary

Plan No. 1





W O V E N
ARCHITECTURE AND DESIGN

**642 Vesuvius Bay Rd
Salt Spring Island, BC
Canada, V8K 1H5**
T: 250.931.7169
E: info@wovenarchitecturedesign.com
W: wovenarchitecturedesign.com



TRUE NORTH

ISSUES	DATE
1 ISSUED FOR REZONING APPLICATION	2021-02-15
2 RE-ISSUED FOR REZONING APP.	2021-02-24
3	
4	
5	
6	
7	

PROJECT NUMBER	FRANCIS
DRAWN BY	JC
SCALE	1/16"=1'-0"

CONSULTANT

PROJECT

125 CHURCHILL RD

SALT SPRING ISLAND
BRITISH COLUMBIA

DRAWING TITLE

PARKING PLAN

DRAWING No.

A1.01

May 23rd/2021

To Whom It May Concern,

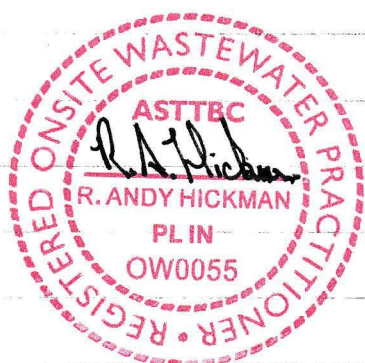
I am writing this letter to inform you that we have carried out the soil testing and site exploration required by the B.C. Ministry of Health guidelines in order to design a Sewerage System for the property located at 125 Churchill Road.

As per Owner's instructions, we have designed a treatment protocol that will service a restaurant/bakery of up to 38 seats and is in the category of fast food and/or takeaway with paper service, as described in the ASTTBC Standard Practice Manual Vol.3, Table III.

Our test results show suitable soil types for the dispersal of effluent, and enough space on the property for the installation of a Fats, Oil and Grease trap system, two septic tanks in series, an Aeration treatment plant and a pump chamber which will forward treated effluent under pressure to the septic field location.

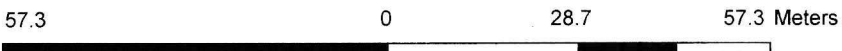
Should you require additional information regarding soil type, tank volumes etc. please contact me by phone at 250-537-6609 or by e mail at hatterbox47@gmail.com.

Yours Truly,
R. Andy Hickman
R.O.W.P. #OW0055





P.I.D: 017 873 134
Folio: ~~764~~ 007 38040



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Islands Trust

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Islands Trust makes no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



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May 7, 2021

Salt Spring Island Agricultural Advisory Planning Commission
August 12, 2021

Page 21 of 50

ATTACHMENT 5 – ALTERNATIVE RESTAURANT DEFINITIONS

Galiano Island Land Use Bylaw No. 127	3.7 No restaurant, cafe, commercial water bottling enterprise, boarding kennel, fur farm, feed lot or manure-based mushroom growing enterprise is permitted as a home occupation.
Mayne Island Bylaw No. 146	"Restaurant" means the use of a building for the serving of meals and alcoholic beverages, and with a food-primary license. (cafes not defined but referenced)
North Pender Land Use Bylaw No. 103	"restaurant" includes the use of a building for the serving of alcoholic beverages with meals; "cafe" means a restaurant in which the service of alcoholic beverages is not provided.
Gabriola Island Land Use Bylaw No. 177	restaurant an eating establishment providing for the sale of prepared foods and beverages to be consumed on or off the premises, and many include café, delicatessen, and take-out restaurant, but specifically excludes neighbourhood pub, drive-in and drive-thru establishment; (cafes and bakeries not defined but referenced)
Hornby Island Land Use Bylaw No. 150	restaurant means an establishment providing primarily for the preparation and sale of food for eating in the establishment or taking out, and may include the serving of alcoholic beverages in conjunction with food. food processing and catering in regards to a home occupation means the creation of food products for consumption off-site and excludes take-out restaurants, cafes or similar food service facilities. Bakery permitted as a permitted use in Commercial 2 – Limited Commercial (C2) Zone
Denman Island Land Use Bylaw No. 186	food processing in regards to a home occupation means the creation of packaged food products intended for consumption off-site and excludes take-out restaurants, cafes or similar food service facilities;
Cowichan Valley Regional District Bylaw No. 1015	"Bakery" means a building within which baked goods are produced and sold at retail, and which may include a café; "Café" means the use of a building or structure for the service to customers of coffee, tea and light refreshments, including service of pre-prepared or rapidly prepared food directly to customers at a walk-up counter, for consumption on or off the premises;
City of Nanaimo Bylaw No. 4500	"Production Bakery" - means the use of a building for a large scale bakery for the purposes of production of baked goods for retail or wholesale to the final consumer or other retailers. 6.20.5 specifically prohibits restaurants / retail sales of items other than those manufactured by HBB
Regional District of Nanaimo Bylaw No. 500	"Restaurant" means an eating establishment providing for the sale of prepared foods and beverages to be consumed on or off the premises, and may include café, delicatessen, and take-out restaurant, but specifically excludes neighbourhood pub, drive-in and drive-thru establishment; 3.13(b) Despite Section 3.3.12 a), the following activities are prohibited as a home based business: xxv) sale of food and/or beverages for immediate consumption on or off the premises by an individual or household, and specifically including fast food outlets, neighbourhood pubs and restaurants, but not including breakfast served by a bed and breakfast to the traveling public who have been provided with overnight accommodation;
City of Parksville Zoning and Development Bylaw No. 2000	food catering facility means a business which, in return for consideration, serves prepared food to the public for consumption on or off the premises, including a coffee shop, delicatessen, restaurant, drive-through restaurant, mobile food cart or food concession vehicle but specifically excludes a neighborhood pub but specifically excludes the sale or preparation of foods or beverages containing cannabis; restaurant means an eating establishment where food is sold to the public for immediate consumption within the premises or delivered to other premises, but excludes a drive-in restaurant or a fast food outlet but specifically excludes the sale or preparation of foods or beverages containing cannabis;

Comox Valley Regional District "Rural Comox Valley Zoning Bylaw No. 520"	"Restaurant" means an eating establishment providing for the sale of prepared foods and beverages to be primarily consumed on the premises, but may include establishments providing take-out food only. Restaurant does not include premises where food is sold but to which minors are not allowed entry. "Open space" means the gross area of the subject lot less the gross area of all buildings, exterior areas dedicated to parking, and other hard-surfaced facilities. Open space includes roadways, trails and paths, tennis courts, and public areas such as patios associated with a restaurant.
District of Tofino Zoning Bylaw No. 770	CAFE means a restaurant facility which is limited to a maximum of 12 seats only. RESTAURANT means a permanent and fixed premises in which food is prepared, cooked and served to the public in exchange for money for service or to which the public have access for the purpose of purchasing prepared food for human consumption on the premises. Bakeries a permitted use in the Service Commercial District (C3)
Strathcona Regional District Campbell River Area Zoning Bylaw No. 1404	RESTAURANT means an eating establishment providing for the sale of prepared foods and beverages to be consumed on the premises, but specifically excludes neighbourhood pubs. 'Café' – not defined but zoning bylaw specifies number of required parking spaces depending on whether there are indoor seats, drive-in, or take-out only.
District of Kent (Agassiz) Zoning Bylaw No. 1219	restaurant use means a commercial use where meals and/or refreshments are prepared for consumption on or off the premises, and may include associated equipment; includes cafes; excludes cabaret use; Non-Permitted home occupations (Table 7.12.7(b)): restaurants, ice cream parlours, coffee and beverage facilities; "wholesale bakery" a permitted home occupation (Table 7.12.6(c)) in specific zones conducted within dwelling/1 accessory building (and may require registration of a S.219 covenant).
Village of Pemberton Zoning Bylaw No. 832	Restaurant means an eating establishment where food is prepared and served, in a building on the same lot, for sale to the public for consumption primarily at tables within the building or on a patio on the same lot Bistros & Cafes are undefined but specifically excluded as an Agri-tourism Activity.
City of Penticton Zoning Bylaw No. 2017-08	RESTAURANT means a location where prepared food and beverages are offered for sale to the public. BAKERY means any building or structure or part of a building or structure where bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, are manufactured for sale and/or consumption on or off premises
District of Summerland Zoning Bylaw No. 2000-450	Eating & Drinking Establishment means a Use where food and/or beverages are offered to the public for consumption within the Premises or off site. Typical Uses include, but are not limited to, restaurants, dairy bars, coffee shops, delicatessens, and licensed drinking establishments. Home Occupation means an occupation, Business, or professional practice conducted for remuneration and contained entirely within a Dwelling or its Accessory Buildings which is clearly subordinate to the Principal Use as a Dwelling and where the proprietor is also a resident of the Dwelling where the Home Occupation occurs. This does not include Uses such as Automotive & Equipment Repair Shops, Autobody Repair Shops, Eating & Drinking Establishments, Commercial Kennels, Veterinary Clinics, Animal Shelters (Major and Minor), Group Homes, Child Care Centres, Health Services, Retail Cannabis Sales, and Cannabis Production. Specific Use Regulations for Home Occupations are in Section 7.644 .
Regional District of Central Okanagan Zoning Bylaw No. 871	RESTAURANT includes take-out restaurants and drive-through restaurants. RESTAURANT, DRIVE-THROUGH means premises where food or beverages are prepared and sold to customers in motor vehicles, regardless of whether or not it also serves prepared food or beverages to customers who are not in motor vehicles, for consumption either on or off the premises. RESTAURANT, TAKE-OUT means premises where food or beverages are prepared and sold and picked up by customers for consumption off the premises. DINING ROOM means that part of a restaurant or other building, which is used for the consumption of food by persons seated at booths, counters, tables or a combination thereof.

FOOD PRIMARY ESTABLISHMENT, means development where prepared food and beverages are offered for sale to the public. Typical uses include but are not limited to licensed restaurants, theatre restaurants, banquet facilities, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants. Licensed restaurants may serve any kind of liquor, even to customers who do not order food. However a full range of appetizers and main courses must be available whenever liquor is available. Restaurants may remain open 24 hours a day but may only serve liquor between 9:00 a.m. and 4:00 a.m. daily. This definition includes drive-in food services unless otherwise stipulated in development regulations for specific zones. These establishments may be holders of a Food Primary License.

FOOD PRIMARY LICENSE means liquor license issued by the Province of British Columbia Liquor Control and Licensing Branch for a business in the hospitality, entertainment or beverage industry including restaurants where the service of food rather than the service of liquor is the primary focus of the business.

MARKET RESTAURANT AND CAFÉ means premises where prepared food and beverages are sold and consumed. The Market Restaurant and Café use shall support the use of ingredients produced in BC and may be holders of a Food Primary License, where the alcoholic beverages offered for sale feature BC products. The maximum person capacity for any Market Café shall be 20 patrons. The maximum person capacity for any Market Restaurant shall be 100 patrons and may hold a Food Primary License, where the majority of alcoholic beverages offered for sale are sourced and produced in British Columbia.

RETAIL STORE, SERVICE COMMERCIAL means premises where goods, merchandise or other materials are offered for sale at retail to the general public and require extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical uses include but are not limited to sales of automotive parts, and bakeries and butchers that process on site. This use does not include the retail sale or dispensing of cannabis.

(AB) [Town of Banff Land Use Bylaw](#)

Eating and Drinking Establishment means the sale to the public of prepared foods and beverages for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, ice cream shops, tea rooms, lunchrooms and take-out restaurants. It does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services. An eating & drinking establishment may include fast-food delivery as an ancillary use.

(WA) [San Juan County Unified Development Code](#)

“Cottage enterprise” means a commercial or manufacturing activity conducted in whole or in part in either the resident's single-family dwelling unit or in an accessory building, but is of a scale larger than a home occupation.

(OR) [Tillamook County Land Use Ordinance](#)

COTTAGE INDUSTRY: A business or business-related activity that is carried on within either a dwelling or a building accessory to that dwelling, which employs no more than two non-family members, and which has limited impacts on the surrounding properties. Deliveries and customer visitations are limited to the hours between 8:00 a.m. and 6:00 p.m. Outdoor storage is allowed if it is similar to what legally occurs in the neighborhood, and accessory structures conform to the character of the neighborhood.

ATTACHMENT 6 – POLICIES

OFFICIAL COMMUNITY PLAN No. 434

OCP Objective/Policy	Complies	Planner Comments
Objective A.4.3.3 To reflect the finite nature of islands by identifying limits to residential, commercial and institutional growth tailored to the community's land base and ecological carrying capacity. Special attention should be paid to ensuring that the human use of potable water can be sustained without negative impact on other values and uses for natural water bodies.	yes	The zoning amendment proposes a moderate increase of potable water volume.
Objective A.4.4.2 To recognize the importance of our island community's traditional sense of cohesiveness, self-reliance and interconnectedness. To enhance and celebrate these values through the support of community-building events, activities and land uses.	yes	The zoning amendment proposes to make lawful a bakery, which has received a large volume of public correspondence in support of the application.
Objective A.4.6.1 To recognize the important role that varied livelihoods and a vibrant economy play in our community's unique character.	yes	The zoning amendment proposes to make lawful a bakery, which has received a large volume of public correspondence in support of the application.
Objective A.4.6.2 To maintain and encourage a diverse and creative community by providing a wide range of opportunities and locations for earning a living that are compatible with and can take advantage of the protection and preservation of the island's beauty and character. In particular, to encourage small, locally owned businesses whose revenues remain on the island, especially those which expand local production and consumption to meet the needs of islanders.	yes	The zoning amendment proposes to make lawful a small locally owned bakery business.
Objective A.4.6.3 To encourage living-wage, meaningful, year-round employment and income-generating opportunities that especially enable young people and families to remain on the island.	yes	The bakery is operated by young people and operates year round (providing year-round employment for 4 employees)
Policy A.6.6.2 The Local Trust Committee will consider the energy efficiency attributes and climate change adaptation and mitigation impacts in all rezoning applications that propose an increase in density or significant change of use.	maybe	The applicant has advised they intend to add to current water catchments to capture rainwater to use to water plans and grass for water conservation purposes.
Objective B.2.3.1.3 To create future settlement patterns that reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and public transit.	yes	The bakery is within walking distance to Ganges Village and is located along a bus route and pedestrian trail.
Policy B.2.3.2.3 Village containment boundaries for Ganges, Fulford and Channel Ridge Village are identified by the Village Designations on Map 1. The intent of village containment boundaries is to keep village development compact, and prevent 'leap frog' development, reduce the need for additional infrastructure and services, minimize the loss of rural lands, and minimize impacts on sensitive ecosystems and other <i>environmentally sensitive areas</i> . The Local Trust Committee should not approve rezoning applications that would allow large new commercial, institutional or multifamily development outside Village Designations. Exceptions should be made for new village or hamlet applications, for applications to provide <i>affordable housing</i> , for neighbourhood convenience stores and for home based businesses as outlined in Section B.3.2. Expansion or extension of containment boundaries should only be considered where there are no available sites within the containment boundaries. Any such expansion or extension should incorporate land next to an existing boundary, lands which do not contain sensitive ecosystems, lands which do not exhibit geo-technical or other hazards, lands that are along existing transportation routes, and lands which can provide efficient access to potable water and other services.	no	The zoning amendment proposes "leap frog" development in rural lands.

Policy B.2.4.2.2 Zones within the Residential Neighbourhoods Designation will continue to accommodate the <i>medium density residential uses</i> and the other compatible land uses allowed in the existing bylaw. Existing commercial, <i>general employment</i> and multi-family zones will also remain, but zoning changes should not be made to locate more of these zones on additional lands in this Designation, with the exception of multiple-family <i>affordable housing</i> projects.	no	The zoning amendment proposes to rezone the subject property from R7 to a C4 variant.
Objective B.3.1.1.2 To allow visitor accommodation to develop in a way that will best retain and distribute the resulting economic benefits and reduce any negative impacts; to avoid concentrating benefits and impacts in only a few locations.	yes	The zoning amendment proposes to make lawful two commercial guest accommodation units operated by the property owners.
Objective B.3.1.1.5 To encourage tourism that blends well with the community and complements the rural, peaceful nature of the island, and to avoid the development of tourist attractions that are unrelated to the island's natural environment, social base or cultural heritage.	yes	The zoning amendment proposes to make lawful a bakery and two commercial guest accommodation units.
Policy B.3.1.2.2 <i>Bed and Breakfast</i> operations will continue to be allowed as home based businesses in residential areas.	N/A	Bed and breakfasts are permitted in the R7 zone – the CA4 zone variant would not permit home-based businesses.
Policy B.3.1.2.3 The Local Trust Committee will not support the operation of transient accommodation units in residential zones unless they are operated as home based businesses.	yes	The 2 commercial guest accommodation units are operated by the owners of the subject property.
Policy B.3.1.2.7 No additional properties on Salt Spring Island should be zoned for resorts, hotels or motels until the percentage of built units has reached at least 80 per cent of the current (2008) development potential. Future levels of development around lakes and streams should be restricted if there would be negative impacts on the supply or quality of freshwater resources.	yes	The draft bylaw proposes to make lawful two commercial guest accommodation units under 25m ² .
Policy B.3.1.2.8 To manage the impact of commercial tourist accommodation zones located in residential areas, the Local Trust Committee could consider retaining zoning to: a. limit the maximum number of tourist accommodation units in any one operation to 50 units. b. establish an appropriate total floor area for tourist operations and for the accessory uses currently allowed in commercial tourism accommodation zones. c. establish standards for vegetation screening next to residential property. d. establish density and standards for campgrounds.	yes	a. the draft bylaw proposes to limit the tourist accommodation units to 2; b. the draft bylaw proposes floor area limits for each cabin (25 square metres); c. the draft bylaw proposes standards for vegetation screening; d. No campground permitted.
Objective B.5.1.1.3 To encourage the commercial viability of island villages and to retain traditional village functions.	no	The zoning amendment proposes commercial uses outside village designations.
Objective B.5.1.1.5 To avoid the development of commercial strips along roads leading into island villages.	yes	The zoning amendment proposes a potential commercial strip (as a nearby property along Upper Ganges Road is also undergoing a rezoning to General Employment and Commercial Services).
Policy B.5.1.2.3 To protect the economic vitality of island villages, the Local Trust Committee should not consider rezoning applications that would result in large new retail stores, restaurants, office complexes and multi-family developments outside Village Designations. Exceptions are: <i>home-based businesses</i> and industries, neighbourhood convenience stores, campgrounds, the commercial uses specifically allowed in other Designations and the potential development of a new village as outlined in Policy B. 2.3.2.2.	no	The zoning amendment proposes a restaurant and offices outside village designations.
Policy B.5.1.2.4 To retain the traditional function of island villages, the Local Trust Committee should not consider rezoning applications that would result in the following land uses outside the Village Designations: post offices, banks and credit unions, liquor stores, and libraries.	yes	This application proposed to rezone a Residential 7 property to a Commercial 4 variant.
Policy B.5.1.2.9 The Local Trust Committee may consider making changes to zoning to establish maximum floor area limits on commercial and <i>general employment</i> uses.	yes	The draft bylaw proposes a floor area limit for the restaurant and commercial guest accommodation units.

Policy B.5.1.2.10 When considering rezoning applications, the Local Trust Committee should ensure that zoning boundaries between residential and non-residential uses are primarily created along rear parcel lines, as opposed to public roads. Non-residential uses should be well screened from residential uses.	yes	The zoning amendment is proposed along two highways, a rear lot line and an interior side lot line. The non-residential uses are generally well screened from residential uses with the exception of one of the commercial guest accommodation units (Glamp) which overlooks the neighbouring property. The draft bylaw proposes standards for vegetation screening.
Policy B.6.2.2.17 When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure the availability of water for farming would not be reduced because of a zoning change. If a rezoning application would result in an increase in water use, the Local Trust Committee will ask the Agricultural Advisory Committee for advice about the potential impacts on farming.	maybe	Staff recommend the LTC refer the zoning amendment to the Agricultural Advisory Planning Commission.
Policy B.6.2.2.19 When it considers rezoning applications for land that borders or drains into <i>agricultural land</i> , the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming. For example, the Committee could require that a vegetation buffer be maintained on land that is being rezoned next to farm land, if the proposed use could result in conflicts with a farming operation. The Committee should also ensure that a zoning change would not result in detrimental changes to natural drainage or pollution of water supplies. The Agricultural Advisory Committee will be asked for advice about rezoning applications on land that borders or drains into <i>agricultural land</i> .	maybe	The draft bylaw proposes standards for vegetation screening. Staff recommend the LTC refer the zoning amendment to the Agricultural Advisory Planning Commission.
Policy C.2.2.2.15 When considering rezoning applications, the Local Trust Committee should ensure that the proposed zoning change supports the development of <i>non-automotive</i> transportation and public transit service.	yes	The bakery is within walking distance to Ganges Village and is located along a bus route and pedestrian trail.
Policy C.2.3.2.6 The form and character of large new commercial and <i>general employment parking lots</i> will be managed through the Development Permit process.	maybe	The draft bylaw proposes to add the subject property into DPA2.
Objective C.3.2.1.1 To ensure that the potential water demand of development within community water systems does not exceed the licensed capacity, or the amount of water that can be safely withdrawn from each system's water source.	maybe	Staff recommend the LTC refer the zoning amendment to the North Salt Spring Waterworks District.
Objective C.3.2.1.2 To reduce, delay or avoid the impacts of withdrawing additional water from surface water bodies.	maybe	Staff recommend the LTC refer the zoning amendment to the North Salt Spring Waterworks District.
Objective C.3.2.1.3 To ensure that zoning changes in the North Salt Spring Waterworks District do not result in such a level of development that water cannot be supplied to needed public facilities or would not be available for firefighting purposes. In particular, to ensure that water remains available for hospital and school expansion, and <i>affordable housing</i> .	maybe	Staff recommend the LTC refer the zoning amendment to the North Salt Spring Waterworks District.
Objective C.3.2.1.4 To encourage a variety of <i>conservation</i> methods in all community water systems	maybe	The applicant has advised they intend to add to current water catchments to capture rainwater to use to water plans and grass for water conservation purposes.
Objective C.3.2.1.5 To ensure that zoning changes within the boundaries of water systems do not result in such a level of demand on island water sources that agricultural activities cannot obtain water.	maybe	Staff recommend the LTC refer the zoning amendment to the North Salt Spring Waterworks District and the Agricultural Advisory Planning Commission.

Policy C.3.2.2.1 When the Local Trust Committee receives rezoning applications for land inside the boundaries of a community water system, it will refer the application to the operators of the affected system. They will be asked if water could be supplied to the proposed new development, considering the needs of their existing customers and the provision of water for firefighting, and any properties already zoned for further development. When it considers zoning changes within a community water system, the Local Trust Committee will also consider the amount and percentage of any remaining supply capacity that would be used by the proposed new use. The Committee will not make zoning changes within a community water system if the change would mean water could not be supplied (under the existing license) to existing customers. It should not normally make zoning changes if the change would mean water could not also be supplied to vacant or under-developed properties already zoned for further development. Should such zoning changes be proposed, the applicant could be encouraged to suggest other water supplies so that the application could be considered. Examples are rainwater catchment, groundwater use or a water <i>conservation</i> program. The Local Trust Committee could make an exception to the above policy within the North Salt Spring Waterworks District to allow community facilities or <i>affordable housing</i> projects to proceed. However such changes should only be made if the Committee is satisfied that the District is likely to receive a sufficiently larger water license.	maybe	Staff recommend the LTC refer the zoning amendment to the North Salt Spring Waterworks District.
Policy C.3.2.2.2 In addition to policy C.3.2.2.1, the Local Trust Committee should not make zoning changes within the North Salt Spring Waterworks District that could mean that water will not be available (under the District's existing license) for the following projects (in order of priority): - essential services such as hospitals and schools needed within the district to serve the island's projected population. - special needs and <i>affordable housing</i> needed by the community. The Local Trust Committee could make an exception to this policy so that one of the above projects could proceed before another of higher priority. However, it must be satisfied that the District will receive a sufficiently larger water license in time to serve the higher priority project when it is needed.	maybe	Staff recommend the LTC refer the zoning amendment to the North Salt Spring Waterworks District. The proposed uses are not priority projects identified within this policy.
Policy C.3.2.2.5 The Local Trust Committee will continue to cooperate with community water system operators to ensure water supply issues are considered before zoning changes are made. The Committee should also continue to assist in the development of better estimates of projected water demands and supply potential. The Committee could consider zoning changes that would limit land uses with a high water demand. The Committee particularly recognizes that this Plan could critically affect the North Salt Spring Waterworks District's ability to meet future needs and will cooperate with the District to address this issue.	maybe	Staff recommend the LTC refer the zoning amendment to the North Salt Spring Waterworks District.
Policy C.3.2.2.6 The Local Trust Committee will continue to encourage water <i>conservation</i> through guidelines for xeriscape landscaping of commercial, <i>general employment</i> and multi-family developments in island villages.	maybe	No guidelines for xeriscape landscaping of commercial developments are available (and the subject property is located just outside of the boundaries of Ganges Village)
Policy C.3.2.2.11 When the Local Trust Committee receives applications for zoning changes within a water system's boundaries, and the zoning change would increase the demand for water, the Committee will consider the impacts on agriculture, as further outlined in Section B.6.2.	maybe	Staff recommend the LTC refer the zoning amendment to the North Salt Spring Waterworks District and the Agricultural Advisory Planning Commission.
Policy C.4.2.3.1 When the Local Trust Committee receives rezoning applications for land without community sewer service, it should ask for evidence that the expected amount of sewage can be treated on site and effluent disposed of on-site without it reaching the surface of the land, discharging into a body of water, or contaminating a supply of potable water.	yes	The applicant has supplied a septic report for 38 seats. The draft bylaw proposes this limit to the number of indoor and outdoor seats.



DATE OF MEETING: August 12, 2021
TO: Salt Spring Island Agricultural Advisory Planning Commission
FROM: Geordie Gordon, Planner 2, Salt Spring Island Team
SUBJECT: Referral: Proposed Bylaw No. 505

PURPOSE

The Salt Spring Island Local Trust Committee (SS LTC) has referred the amended proposed Bylaw No. 505 (cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 4, 2017") to the Agricultural Advisory Planning Commission (AAPC).

BACKGROUND

At their meeting on July 27, 2021 the SS LTC passed the following resolutions:

SS-2021-151

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee rescind first reading of Bylaw No. 505, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2017".

CARRIED

SS-2021-152

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee amend Bylaw No. 505, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2017" as presented in appendix 1 of the staff report dated July 27, 2021.

CARRIED

SS-2021-153

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee Bylaw No. 505, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2017" as amended, be read a first time.

CARRIED

SS-2021-154

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to refer Bylaw No. 505 to agencies, organizations and First Nations, as identified in the staff report dated July 27, 2021.

CARRIED

The AAPC was referred a previous version of the proposed bylaw, which was rescinded by the SS LTC. An amended version of the bylaw has been referred to the AAPC. Staff reports including site context, photos, and correspondence can be found on the Salt Spring Island Current Applications webpage: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications>

NEXT STEPS

Once the AAPC has deliberated on the proposed bylaws, the following draft resolutions have been provided for consideration:

1. If the AAPC wishes to recommend proceeding with the bylaw:

That the Salt Spring Island Agricultural Advisory Planning Commission recommends that the Salt Spring Island Local Trust Committee proceed with proposed Bylaw No. 505 for the following reasons:

- *[list reasons]...*

2. If the AAPC wishes to recommend proceeding with the subject to conditions:

That the Salt Spring Island Agricultural Advisory Planning Commission recommends that the Salt Spring Island Local Trust Committee proceed with proposed Bylaw No. 505, subject to the following recommendations:

- *[list recommendations]...*

3. If the AAPC wishes to recommend not proceeding with the bylaw:

That the Salt Spring Island Agricultural Advisory Planning Commission recommends that the Salt Spring Island Local Trust Committee not proceed with proposed Bylaw No. 505 for the following reasons:

- *[list reasons]...*

Submitted By:	Geordie Gordon, Planner 2	July 29, 2021
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ATTACHMENTS

1. Staff Report from the July 27, 2021 Meeting Agenda Package

DATE OF MEETING: July 27, 2021

TO: Salt Spring Island Local Trust Committee

FROM: Geordie Gordon, Planner 2
Salt Spring Island Team

COPY: Stefan Cermak, Regional Planning Manager

SUBJECT: Rezoning and Official Community Plan amendment to permit 30 affordable housing units.
Applicant: Fernando Dos Santos
Location: 221 Drake Road

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee rescind first reading of Bylaw No. 505, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2017".
2. That the Salt Spring Island Local Trust Committee amend Bylaw No. 505, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2017" as presented in appendix 1 of the staff report dated July 27, 2021.
3. That the Salt Spring Island Local Trust Committee Bylaw No. 505, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2017" as amended, be read a first time.
4. That the Salt Spring Island Local Trust Committee request staff refer Bylaw No. 505 to agencies, organizations and First Nations, as identified in the staff report dated July 27, 2021.
5. That the Salt Spring Island Local Trust Committee has reviewed the Directives Only Policy Checklist and determined that proposed Draft Bylaw No. 505 is not contrary to or at variance with the Islands Trust Policy Statement.
6. That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust a water management report prepared by a Professional Engineer or Geoscientist providing:
 - a. Identification of all proposed water sources (e.g. well water, greywater, rainwater);
 - b. Identification of how each type of water use (e.g. in-house, irrigation, fire) will be serviced;
 - c. Identification of water quality analysis and treatment options (if required);
 - d. Identification of small water systems operator for water supply system;
 - e. An estimate of the total number of occupants the available groundwater will support based on the sustainable yield of the well (as approved in the water license) and use of supplementary water sources (e.g., greywater, rainwater);

- f. An estimate of how many dwelling units the proposed water supply system would service based on occupancy rates consistent with the provincial *Design Guidelines for Rural Residential Community Water Systems* or the BC census, and;
 - g. A continuous monitoring plan for the water levels in the source groundwater well and an observation well.
7. That the Salt Spring Island Local Trust Committee endorse staff entering into a Cost Recovery Agreement with the applicant for file SS-RZ-2017.2, pursuant to Trust Council policy and Salt Spring Island Local Trust Committee Bylaw No. 428, required for Island Trust legal review of all covenants related to the subject application.

REPORT SUMMARY

This report brings forward an update on an existing rezoning application to permit 30 affordable housing units on the subject property at 221 Drake Road. The applicant has revised the mechanism by which they plan to achieve the proposed densities; instead of a bare land subdivision, the applicant is seeking the increased density at time of rezoning and plan to register a building strata without the involvement or approval of the Islands Trust prior to unit occupancy.

This report brings forward staff recommendations to advance the application: an amended land use bylaw (Bylaw No. 505), a request for a water management plan, entering into a cost recovery agreement for covenant review, and Salt Spring Island Local Trust Committee (SS LTC) referral of the amended bylaw to agencies, organizations and First Nations.

The report also brings forward discussion of issues and opportunities related to the application as they relate to servicing, covenants, land use, and infrastructure.

Proposed Bylaw 504, which amends the Official Community Plan's land use designation from Rural to Residential in order to support the rezoning application, received first reading on October 5, 2017 and requires no further amendment at this time. Both Proposed Bylaws 504 and 505 will return to the SS LTC for consideration of second reading at the same time if the SS LTC resolves to proceed.

BACKGROUND

The applicant is pursuing bylaw amendments for the subject property to permit 30 affordable housing units. The bylaw amendment application was initiated in 2017 and at that time, the proposed was for a reduction in the minimum lot size required for subdivision, with the intent to follow a successful rezoning with a bare land or fee simple subdivision.

The Salt Spring Island Local Trust Committee previously considered this application on: July 20, 2017, October 5, 2017 and February 8, 2018. Previous staff reports can be viewed here:

July 2017: <https://islandstrust.bc.ca/document/salt-spring-ltc-regular-meeting-agenda-2017-07-20/>

October 2017: <https://islandstrust.bc.ca/document/salt-spring-ltc-regular-meeting-agenda-2017-10-05/>

February 2018: <https://islandstrust.bc.ca/document/salt-spring-ltc-regular-meeting-agenda-2018-02-08/>

The SS LTC has passed the following resolutions related to this proposal:

SS-2017-114

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee direct staff to prepare draft bylaws for the review and consideration of the Local Trust Committee.

CARRIED

SS-2017-145

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee has reviewed the Directives Only Policy Checklist and determined that proposed Draft Bylaw Nos. 504 and 505 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SS-2017-146

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee Bylaw No. 504, cited as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 4, 2017", be read a first time.

CARRIED

SS-2017-147

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee Bylaw No. 505, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2017", be read a first time.

CARRIED

SS-2017-148

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee directs staff to refer Bylaw Nos. 504 and 505 per Attachment 4 of the Staff Report dated August 10, 2017.

CARRIED

SS-2018-35

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee endorse staff entering into a Cost Recovery Agreement with Fernando and Tammy Dos Santos for Islands Trust legal review for a housing agreement required for affordable housing application SS-RZ-2017.2.

CARRIED

The applicant has obtained a water licence from the province (see appendix 3) and is seeking to revise the proposal to permit 30 affordable housing units in a mix of single family dwellings and duplexes at time of rezoning with a building strata to be registered at time of building construction.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Staff have re-assessed the Islands Trust Policy Statement (ITPS) Directives Only Checklist as a result of the proposed revisions to Bylaw No. 505, amending Salt Spring Island Land Use Bylaw No. 355. Staff analysis found that the application is not in significant conflict with any applicable ITPS policies. Staff highlight the following ITPS policies for comment:

Policy	Planner Comments
4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.	The subject property is within an area (NSSWD Service Area) with a known water quantity issue. However, the increase in density is site specific and does not draw its water from the source of NSSWD. The applicant has a provincially licenced water source.
5.2.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.	The increase in density is being proposed without a reference to overall growth rate – that analysis may be beyond the scope of individual rezoning applications such as this one.

A full ITPS checklist is attached in appendix 2.

Official Community Plan:

Staff have not revised the previous Salt Spring Island Official Community Plan No. 434 (OCP) analysis or recommended changes to Bylaw No. 504 amending the OCP.

Land Use Bylaw:

Staff have amended the proposed Bylaw No. 505, which would amend the Salt Spring Island Land Use Bylaw No 355. The changes reflect the change in approach to the rezoning, and would permit 30 densities as opposed to reducing the minimum lot size for subdivision. Among the proposed changes to Land Use Bylaw No. 355 are:

For lands zoned R4(a) – the subject property:

- The only permitted principal uses are affordable dwelling units in single family dwellings and duplexes;
- The maximum number of affordable dwelling units is 30;
- The types of home-based businesses are restricted to those that have minimal on-site impact and do not require substantial amounts of potable water;
- A common house with two guest bedrooms, two full bathrooms, and a kitchen is permitted as an accessory use.

See appendix 1 for a full amended proposed Bylaw No. 505.

Issues and Opportunities

Water

The applicant has obtained a conditional water licence from Water Authorizations (Ministry of Forests, Lands, Natural Resource Operations and Rural Development – FLNRORD) to supply the proposed increased density, as required under the *Water Sustainability Act*. The conditional licence permits the withdrawal of 48 cubic metres per day (48,000 l/day), up to a maximum of 8,760 cubic metres per year (8,760,000 l/year).

The licence permits the withdrawal of enough water on a **daily** basis to supply 1,600 l/day ($48,000/30 = 1,600$). However, the annual limit means that, spread over the year the daily supply is really only half this number – 800 l/day ($8,760,000/30 = 292,000/365 = 800$).

The applicant has indicated that some additional non-potable water uses (such as irrigation) could be provided through other means, such as rain water collection and storage.

The applicant has also indicated that they are in early conversation with North Salt Spring Waterworks District (NSSWD) about the possibility of involvement with operation of the water system.

Given the approval of the water licence, but the relative uncertainty about other details, staff have recommended that the applicant provide a water management plan which, among other information, would provide details on the following:

Item	Planner Rationale
Identification of all proposed water sources (e.g. well water, greywater, and rainwater).	The applicant has obtained a water licence for ground water use. Other sources (e.g. rain water) have been informally proposed. This water management plan would provide the details necessary to factor other water sources into the decision making process.
Identification of how each type of water use (e.g. in-house, irrigation, fire) will be serviced.	The subject property will require water uses beyond domestic (e.g. irrigation and firefighting). These uses, and how they will be provided, should be identified prior to finalizing the rezoning. This will require

	identification of amounts needed for each use (e.g. confirming with Salt Spring Island Fire Rescue what their water needs will be to fight a fire on the subject property and where this water can/will be drawn from).
Identification of water quality analysis and treatment options (if required).	All water intended for potable use should be demonstrated to be potable or can be made potable through a system customarily used for residential use.
Identification of small water systems operator for water supply system.	The applicant has indicated that they are in conversation with NSSWD around the operation of the water supply system. While the operation of the system is under the purview of other agencies (e.g. VIHA), staff consider that details about the operator to be relevant to the proposal prior to finalizing the rezoning.
An estimate of the total number of occupants the available groundwater will support based on the sustainable yield of the well (as approved in the water license) and use of supplementary water sources (e.g., greywater, rainwater).	The only domestic water sources identified thus far is the conditional ground water licence. Staff recommend evidence of the sustainable use of this water source (800 l/day) and the intended occupancy of the development. This analysis may expose the requirement for further domestic uses (e.g. grey water for toilet flushing, or treated rainwater for potable uses). This estimate should also include servicing of the proposed common building (kitchen and bathrooms).
An estimate of how many dwelling units the proposed water supply system would service based on occupancy rates consistent with the provincial Design Guidelines for Rural Residential Community Water Systems or the BC census, and;	This recommendation is closely tied to that above, but provides a reference for guiding proposed occupancy based on a provincial document.
A continuous monitoring plan for the water levels in the source groundwater well and an observation well	Continuous monitoring will help determine aquifer health and is ultimately to the benefit of the water users – future occupants of the development.

Building Strata

The applicant is planning to stratify ownership of the proposed dwellings through the registration of a building strata plan prior to occupancy of the buildings. This represents a departure from the previous plan to subdivide the subject property through a bare land strata.

Building strata plans apply only to previously unoccupied buildings (requiring a surveyor's declaration that they are all unoccupied) and cannot be prepared until the structures are under construction – at the framing stage at minimum. Building permits must therefore be issued prior to the preparation of a building strata plan, but the preparation and registration of a building strata plan does not require approval by the local government (Islands

Trust) or the Ministry of Transportation and Infrastructure (MoTI) Provincial Approving Officer – unless the plan also includes a previously occupied building (not relevant to this application). This lack of referral allowed by legislation would seem to be based on the idea that if the density is permitted by the zoning (i.e. 30 dwellings are permitted and building permits have been issued), that the local government has limited authority in regulating ownership or tenure type.

The legislative intent of building strata plans was likely to stratify ownership of a single building – as building strata plans refer to the mid points of walls, floors, and ceilings to delineate strata units. This would be common in condominium buildings to divvy up ownership of a single building into individual units with common areas (lobbies, grounds, etc.).

Despite this apparent legislative intent to allow division of a single building, it has proven possible (and perhaps even become common) to utilize building strata plans to assign separate ownership to individual buildings on a parent parcel by referring to building strata lots as the exterior surfaces of the buildings and assigning the remaining areas as common property. The issue with this approach is that building strata plans have been utilized in some cases where they are in effect a bare land strata plan. This is significant, as bare land strata plans require approval of the local government and the approving officer. The incentive for a developer to characterize what would otherwise be a bare land strata as a building strata is simple – in doing so they forgo significant time and cost associated with local government and approving officer requirements. Acceptance by the Land Title Office of a building strata plan that is in fact a bare land strata represents a significant and problematic side step of local government authority related to the regulation of land use. What's more, the local government often has no knowledge of building strata plans as no referral is required. The earliest point at which a local government might become aware of the change is when property mapping is updated by the Land Title and Survey Authority (LTSA).

While the registration of a building strata has at times been considered a loophole that circumvents the intention of legislation requiring approval of subdivisions by the local government and the approving officer, building strata plans are nonetheless permitted if prepared properly. As long as the building strata plan follows the Strata Property Act and the Land Title Act it will be registered by the Land Title Office.

Staff have no substantive concern with proceeding in this manner for the application under consideration, as the intent to create a building strata is known. However, servicing (e.g. water, sewer) and infrastructure (e.g. road upgrades) must be dealt with at time of rezoning, as they will not be addressed through any further subdivision process if the bylaw amendments as proposed are approved.

Road Condition

At time of this staff report, there has not been formal consideration of the potential upgrades that might be required to Drake Road as a result of the increased density and traffic along the road. As previous versions of the bylaw were to reduce the minimum lot size required for subdivision, agencies that might have concern or involvement over infrastructure upgrades (e.g. MoTI) indicated that these issues could be dealt with at time of subdivision. As indicated above, the planned building strata will not require Islands Trust or MoTI review or approval. Therefore, road upgrades should be considered at time of rezoning. Staff have recommended that the draft bylaw be referred to the Salt Spring Island Transportation Commission and MoTI. Comments made by the Transportation Commission and MoTI will need to be addressed by the applicant at a future date.

Land Uses

The applicant has proposed some land uses for a common house that are inconsistent with the definitions for accessory buildings under Salt Spring Island Land Use Bylaw No. 355. Specifically, the applicant is proposing to

include a common house that contains: two guest bedrooms and bathrooms with a shower enclosure and/or bathtub, a kitchen, and more than three separate rooms.

Staff consider this to be a reasonable use in theory – that the bedrooms will be available only for guests of permanent residents for use on a short term basis. Given the focus on cost-effective and efficient, compact building, providing a guest room for occasional use in every dwelling is not the best use of resources. However, servicing of these bathrooms will need to be accounted for in the water management plan.

The proposal for the accessory common house to contain a kitchen is considered reasonable, given the likelihood of the use of the building for communal functions such as community gatherings, birthday parties, etc.

Given the proposed uses outlined above, it would not be reasonable for an accessory building to be limited to three rooms.

Given the proposed uses outlined above, there is the significant potential for the common house to be used as additional long-term dwelling units – in effect a 250 m² dwelling unit. Clear, strong, and enforceable boundaries governing the use as temporary for guests of residents only will need to be included in the housing agreement and covenant documents.

Covenants

As noted in a previous staff report (February 2018), the provision of affordable housing on the subject property is to be controlled through a housing agreement. While the SS LTC has previously endorsed the entering into a cost recovery agreement, it is perhaps necessary to do so again, as legal review of the previous document was halted and the funds required for further review were returned at the applicant's request.

The nature of the housing agreement has changed as well, as all unit are proposed to be affordable ownership with no rental units.

The applicant has been provided with a template housing agreement. Subsequent to the completion of a draft housing agreement, legal review by Islands Trust is required.

The legal review is an extraordinary processing service as per Islands Trust [Policy 5.6.1](#). The cost of the review is to be borne by the applicant, subject to a cost recovery agreement endorsed by the Salt Spring Island Local Trust Committee.

Development Permit Area

The subject property contains areas subject to Development Permit Area 7 – Riparian Areas. The majority of development is proposed to occur outside this Development Permit Area (DPA). However, some works, such as driveway upgrades, will likely require a Development Permit. The applicant has obtained a report completed by a Registered Professional Biologist, but a permit has not been applied for. Staff consider that at some point, approval of the rezoning may be conditional upon obtaining the necessary permits. Building Permits cannot be issued without first issuing Development Permits.

Consultation

At time of this staff report, previous draft bylaws Nos. 504 and 505 had been given first reading and were referred out for comment. Comments received were minimal – the most substantive being a recommendation for parkland dedication by the CRD as a requirement of subdivision. Staff note that as the substance of the proposed bylaw has

changed, further referral might result in greater comments and the need for further consultation – particularly as it relates to First Nations interests.

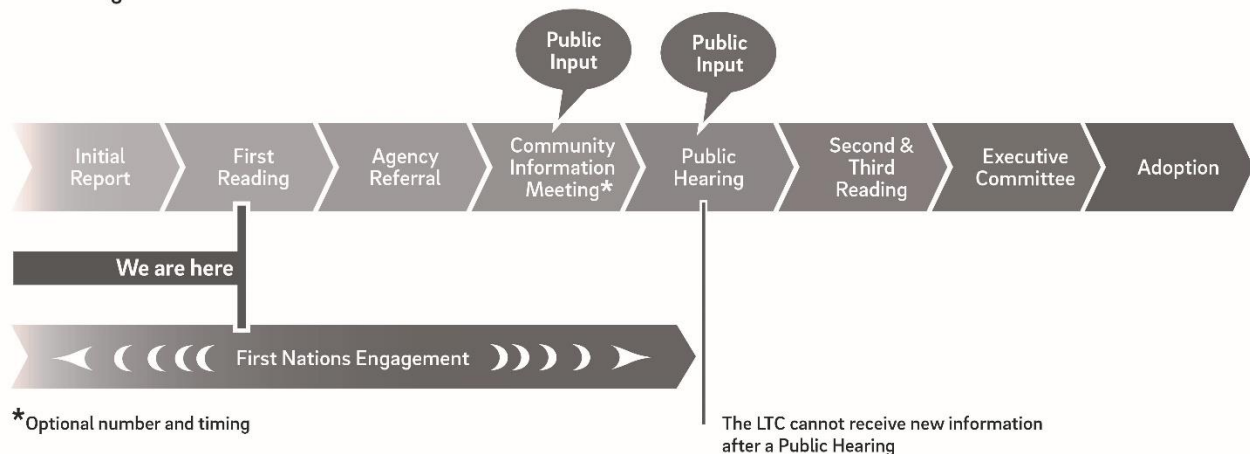
Referrals of rezoning bylaws to agencies, organizations and First Nations typically occur at time of first reading. Staff have recommended that this referral be conducted again if first reading of the amended bylaw is given. As the application also involves an OCP amendment, the SS LTC is required by [Section 475](#) of the Local Government Act to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The SS LTC may consider if it wishes to undertake additional consultation beyond the below groups identified in this report and direct staff accordingly. As the bylaw amending the OCP, No. 504, was given first reading and referred out, staff do not recommend further action on Bylaw No. 504 at this time.

Staff have recommended rescinding first reading of Bylaw No. 505. If given first reading, staff recommend the amended bylaw be referred to the following:

Provincial Agencies	▪ Agricultural Land Commission ▪ Ministry of Agriculture ▪ BC Assessment Authority ▪ Ministry of Municipal Affairs ▪ Ministry of Transportation & Infrastructure ▪ Ministry of Forest Lands, Natural Resource Operations and Rural Development Water Authorizations ▪ BC Transit ▪ Front Counter BC
Regional Agencies	▪ CRD – All Referrals & K. Campbell (SSI Senior Manager) ▪ CRD – SSI Economic Development Commission ▪ CRD – SSI Parks and Recreation ▪ CRD – SSI Building Inspection ▪ CRD – SSI Director ▪ CRD – SSI Transportation Commission ▪ CRD – Environmental Eng. Division ▪ CRD – Housing Secretariat ▪ CRD – Parks & Community Services ▪ CRD – Ganges Sewer Commission ▪ CRD – SSI Liquid Waste Disposal Local Service Commission ▪ Vancouver Island Health Authority ▪ Islands Trust Bylaw Enforcement and Compliance ▪ SSI Advisory Planning Commission ▪ SSI Agricultural Advisory Planning Commission
Non-Agencies/Groups	▪ BC Ambulance Service ▪ North Salt Spring Waterworks District ▪ RCMP ▪ School District No. 64 ▪ SSI Chamber of Commerce ▪ SSI Fire-Rescue ▪ Island Pathways
Adjacent Local Trust Committees and Municipalities	▪ Galiano Island Local Trust Committee ▪ Mayne Island Local Trust Committee ▪ North Pender Island Local Trust Committee ▪ Thetis Island Local Trust Committee ▪ Cowichan Valley Regional District
First Nations	▪ Cowichan Tribes ▪ Halalt First Nation ▪ Lake Cowichan First Nation

	▪ Lyackson First Nation ▪ Penelakut Tribe ▪ Stz'uminus First Nation ▪ Malahat First Nation ▪ Pauquachin First Nation ▪ Tsartlip First Nation ▪ Tsawout First Nation ▪ Tseycum First Nation ▪ Semiahmoo First Nation ▪ Tsawwassen First Nation ▪ Hul'qumi'num Treaty Group (for information only) ▪ Te'Mexw Treaty Association (for information only)
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Timeline



No further correspondence has been received at the time of preparing this report, but may be received before or during the LTC meeting. Correspondence may be sent to ssiiinfo@islandstrust.bc.ca.

Protocols

Staff have not identified any Islands Trust, [Islands Trust Conservancy](#) or Local Trust Committee agreements as relevant to the consultation/engagement process (i.e. protocols, MOUs, LOAs).

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation.

Staff expect that further First Nations consultation will likely be required as a result of referral.

Rationale for Recommendation

Staff have recommended a number of resolutions to advance the application. The recommend resolutions are required in order to seek comment on the proposed bylaw (as amended), seek additional information from the applicant, and develop required covenant(s).

ALTERNATIVES

The SSI LTC may wish to consider the following alternatives to the staff recommendations:

1. Request further information

The SS LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are increased processing time and potentially increase cost to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust [insert information requested], completed by a [insert professional certification], which identifies [insert impact, e.g. the potential impacts of the proposed development on local pedestrian and vehicular transportation routes and patterns.]

2. Deny the application

The SS LTC may deny the application. Staff advise that the implications of this alternative are that the application will be closed. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee proceed no further with application SS-RZ-2017.2 for the following reasons [insert reasons, e.g. the proposal is contrary to Official Community Plan objectives and policies.

NEXT STEPS

If the Local Trust Committee accepts staff's recommendation, the draft bylaw will be referred to identified agencies and groups. Staff will also work with the applicant to review the housing agreement template. The applicant will be required to supply a water management plan prior to advancing the application further.

Submitted By:	Geordie Gordon, Planner 2	July 12, 2021
Concurrence:	Stefan Cermak, Regional Planning Manager	July 15, 2021

ATTACHMENTS

1. Draft Land Use Bylaw
2. ITPS Directives Only Checklist
3. Water Licence

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 505

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW, 1999

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

1. Citation

This bylaw may be cited for all purposes as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2017".

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "Salt Spring Island Land Use Bylaw, 1999," is amended as shown on Schedule Nos. 1 and 2 attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

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____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 505**

SCHEDULE NO. 1

1. Bylaw No. 355 is amended as follows:

- 1.1 Section 9.9 – RESIDENTIAL ZONES , Sub-section 9.9.4 - “Exceptions in Particular Locations” is amended by adding a new R4(a) zone variation as follows:
“Zone Variation – R4(a)

- (17) Despite all other regulations of this bylaw, the only principal uses permitted within lands zoned R4(a) are:
- (a) Affordable housing units in single family dwelling units,
 - (b) Affordable housing units in Duplexes,
- (18) Despite subsection 9.9.2 Size, Siting and Density of Permitted Uses, Buildings and Structures:
- (a) The maximum number of affordable housing dwelling units is 30.
- (19) Despite all other regulations of this bylaw, the following accessory structure is permitted within lands zoned R4(a):
- (a) a common building with a maximum floor area of 250m² and containing:
 - (i) a maximum of two bedrooms;
 - (ii) a maximum of two bathrooms including a shower enclosure and/or bathtub;
 - (iii) a kitchen;
 - (iv) more than three separate rooms.
- (20) Home-based businesses are permitted as an accessory use. Despite Section 3.13, only the following occupations may be conducted as a home-based business within lands zoned R4(a):
- (a) Sales of products manufactured elsewhere, provided persons employed in the home-based business carry out all distribution of such products offsite.
 - (b) Business and professional offices where in-person services are conducted off-site.
 - (c) Child day care, limited to a maximum of two children, exclusive of the operators' children.

- 1.2 And by making such alterations to Bylaw No. 355 as are required to effect these changes.

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 505**

SCHEDULE NO. 2

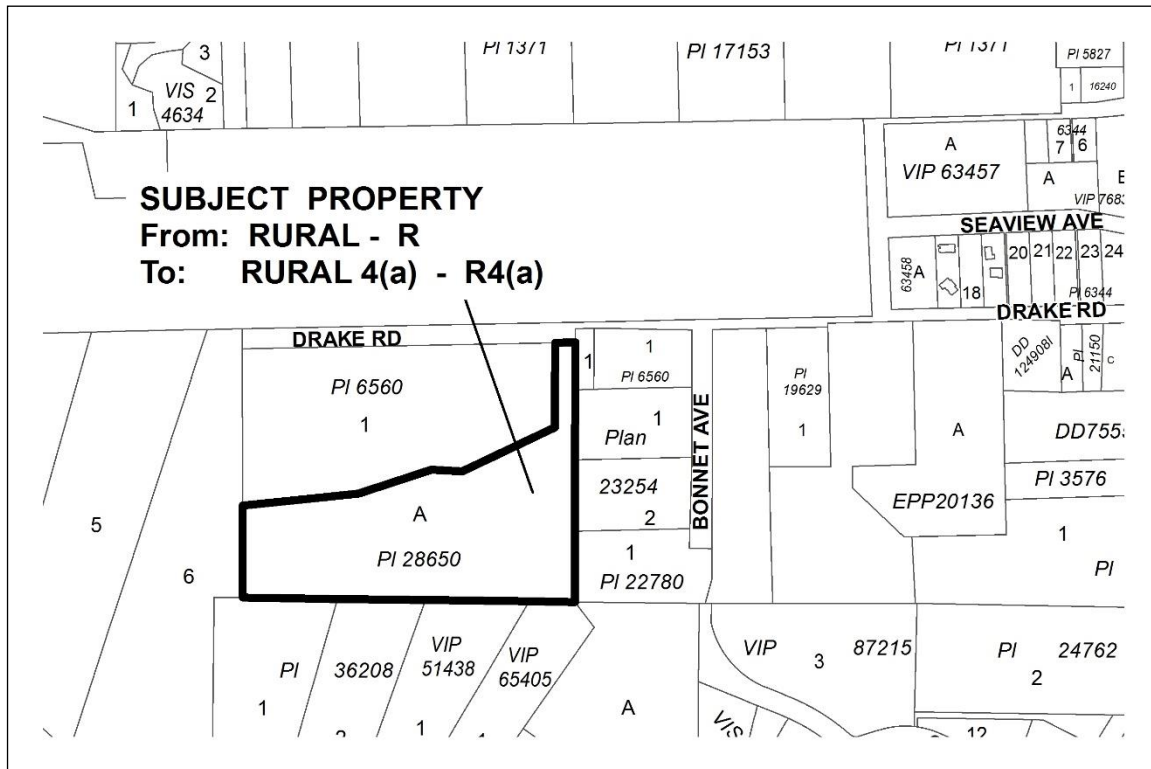
2. Bylaw No. 355 is amended as follows:

- 1.1 **SCHEDULE "A" – ZONING MAP** is amended by changing the zoning classification of Lot A, Section 20, Range 3 East, North Salt Spring Island, Cowichan District (PID 001-751-581, 221 Drake Road), from Rural to Residential 4 (R4(a)) as shown on Plan 1.

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 505

PLAN NO. 1





Islands Trust

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
n/a	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
n/a	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
n/a	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
n/a	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.2	Forests
✓	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wetlands

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
n/a	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
✓	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
✓	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
n/a	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
n/a	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>



Province of British Columbia

Water Sustainability Act

CONDITIONAL WATER LICENCE

The owner(s) of the land to which this licence is appurtenant is/are hereby authorized to divert and use water as follows:

- a) The aquifer on which the rights are granted is 722.
- b) The points of well diversion are located as shown on the attached plan.
- c) The date from which this licence shall have precedence is August 11, 2017.
- d) The purpose for which this licence is issued is waterworks (other than local provider).
- e) The maximum quantity of water which may be diverted is 48 cubic metres per day, provided the maximum annual diversion does not exceed 8,760 cubic metres.
- f) The period of the year during which the water may be used is the whole year.
- g) The land upon which the water is to be used and to which this licence is appurtenant is Lot A, Section 20, Range 3 East, North Salt Spring Island, Cowichan District, Plan 28650.
- h) The authorized works are two wells, pump, tank, pipe, and treatment facility, which shall be located approximately as shown on the attached plan.
- i) The construction of the said works shall be completed and the water shall be beneficially used prior to December 31, 2026. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) The licensee shall use a measuring device and/or a method of calculation to measure and record the volume of water diverted under the licence, to the satisfaction of an Engineer or Water Manager under the *Water Sustainability Act*.
- k) The licensee shall retain records of the water volume diverted under this licence for inspection upon request by an Engineer or Water Manager under the *Water Sustainability Act*.

Cali Melnechenko
Water Manager