

AGENDA

SALT SPRING ISLAND AGRICULTURAL ADVISORY PLANNING COMMISSION

Date: Thursday, February 3, 2022

Time: 3:00 PM

Location: Salt Spring Island Baptist Church - Lower Hall, 520 Lower Ganges Road

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 October 21, 2021 AAPC Meeting – For Adoption Page 2

2.2. Meetings Notes of the November 25, 2021 AAPC Meeting – For Information Page 5

3. BUSINESS ITEMS

3.1. SS-ALR-2021.5 - K. Young - 181 Beddis Road, SSI Staff Memorandum Page 6

3.2. SS-ALR-2021.6 – N. Fraser and M. Fraser – 240 Atkins Road, SSI Staff Memorandum Page 28

3.3. Draft Bylaw No. 527 – Fees Bylaw Staff Memorandum Page 96

4. OTHER BUSINESS

4.1. 2022 AAPC Meeting Schedule For Information Page 124

5. ADJOURNMENT



Salt Spring Island Agricultural Advisory Planning Commission

Minutes of a Regular Meeting

Date of Meeting: Thursday, October 21, 2021

Location: Baptist Church, Lower Level Meeting Room
520 Lower Ganges Road, Salt Spring Island

Members Present: Bree Eagle, Chair
Brent Brochu-Ingram, Vice Chair
Ken Byron, Commissioner
Conrad Pilon, Commissioner
Nathan Roberson, Commissioner

Regrets: Zack Hemstreet, Commissioner
Jan Steinman, Commissioner

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

Media and Others Present: Peter Grove, Local Trustee
Applicant Scott Antonik
Applicant Dennis Miller

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

Chair Eagle called the meeting to order at 3:00 p.m.

1. APPROVAL OF AGENDA

The following item was presented for inclusion in the agenda:

4.2 Changes to Residential Permissions in the Agricultural Land Reserve – Follow Up Discussion

By general consent the agenda was adopted as amended.

2. MINUTES OF PREVIOUS MEETING

2.1 Draft Minutes of the September 16, 2021 AAPC Meeting

By general consent, the minutes of the September 16, 2021 Salt Spring Island Agricultural Advisory Planning Commission meeting were adopted.

3. BUSINESS ITEMS

3.1 SS-ALR-2021.3 - S. Antonik - 427 Fulford-Ganges Road, SSI

Planner Gordon presented a memorandum dated October 7, 2021 regarding a non-farm use application to permit General Employment uses.

Applicant Scott Antonik spoke to the application.

In discussion the following comments and questions were noted:

- There was a question regarding whether there is a history of agricultural activity on the property. The applicant reported the subject property has not been used for agriculture. There was a sawmill on the adjacent property that is currently the Windsor Plywood yard which has been removed from the Agricultural Land Reserve (ALR).
- There was a question regarding why the property was designated ALR as it does not appear to have agriculture value.
- There was a comment that the area was used as a sawmill and a gravel pit in the 1970s.
- There was a comment that there is a nearby property that is operated as an apple farm.
- There was a comment that Windsor Plywood yard property was removed from the ALR in 2003-2004.
- It was noted the site has been an ongoing industrial use site and has not been used for agriculture.
- It was noted the most recent prior use was automotive repair.
- There was a suggestion to develop a site plan for micro-agricultural use such as fruit trees. The applicant reported soil suitability would be a challenge for agriculture. The site has primarily been used as a fill dumpsite and there is no soil on the property. The site is gravel, boulders and a steep decline of clay.
- There were several comments that agricultural capability on the subject property would be low.

It was MOVED and SECONDED,

That the Salt Spring Island Agricultural Advisory Planning Commission recommend that Salt Spring Island Local Trust Committee forward application SS-ALR-2021.3 to the Agricultural Land Commission with support for the following reasons:

- a. The subject property is zoned for General Employment use under Salt Spring Island Land Use Bylaw No. 355;
- b. The subject property is designated for General Employment use in Salt Spring Island Official Community Plan Bylaw No. 434;
- c. The subject property has a history of industrial uses; and
- d. The subject property has limited potential for agriculture.

CARRIED

Commissioner Brochu-Ingram OPPOSED

Applicant S. Antonik left the meeting at 3:19 p.m.

Commissioner Roberson left the meeting at 3:19 p.m. due to conflict of interest with item 3.2

3.2 SS-ALR-2020.4 – D. Miller – 2101 Fulford-Ganges Road, SSI

Planner Mayes presented a memorandum dated October 7, 2021 regarding an application for non-farm use and subdivision in the Agricultural Land Reserve.

Applicant D. Miller spoke to the application.

In discussion the following comments and questions were noted:

- A Commissioner thanked the applicant for the farm plan.
- There was a comment that the reduced road width significantly increases the agricultural use.

It was MOVED and SECONDED,

That the Salt Spring Island Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that application SS-ALR-2020.4 (2101 Fulford-Ganges Road) be approved for the following reasons:

- a. There is an excellent farm plan in place; and
- b. The road width will be as per the amended proposed subdivision plan.

CARRIED

Commissioner Roberson returned to the meeting at 3:34 p.m.

4. OTHER BUSINESS

4.1 Ex-Officio Member for the APC

Commissioner Brochu-Ingram volunteered to be appointed as an ex-officio member to the Advisory Planning Commission (APC) starting in December 2021.

By general consent, the Salt Spring Island Agricultural Advisory Planning Commission appointed Commissioner Brochu-Ingram to be an ex-officio member for the Advisory Planning Commission.

4.2 Changes to Residential Permissions in the Agricultural Land Reserve – Follow Up Discussion

There was discussion regarding reconsideration of the Changes to Residential Permissions in the Agricultural Land Reserve staff report considered at the September 16, 2021 Agricultural Advisory Planning Commission (AAPC) meeting. Planner Mayes reported there is a Special Business Meeting of the Salt Spring Island Local Trust Committee on Nov 18, 2021 with the AAPC and Agricultural Alliance regarding Changes to Residential Permissions in the Agricultural Land Reserve.

5. ADJOURNMENT

By general consent the meeting adjourned at 3:47 p.m.

Bree Eagle, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder



Salt Spring Island Agricultural Advisory Planning Commission

Meeting Notes

Date of Meeting: Thursday, November 25, 2021

Location: Baptist Church, Lower Level Meeting Room
520 Lower Ganges Road, Salt Spring Island

Members Present: Conrad Pilon, Commissioner

Regrets: Bree Eagle, Chair
Brent Brochu-Ingram, Vice Chair

Absent: Ken Byron, Commissioner
Zack Hemstreet, Commissioner
Nathan Roberson, Commissioner

Staff Present: Stefan Cermak, Regional Planning Manager (RPM)
Kristine Mayes, Planner 1
Sarah Shugar, Recorder

Media and Others Present: Laura Patrick, Local Trustee

At 3:20 p.m. it was determined quorum was not met and the meeting did not proceed.

The next meeting of the Commission is scheduled for Thursday January 6, 2022 from 3:00 p.m. – 5:00 p.m. at the Baptist Church Lower Hall, 520 Lower Ganges Road.



DATE OF MEETING: January 6, 2022
TO: Salt Spring Island Agricultural Advisory Planning Commission
FROM: Geordie Gordon, Planner 2, Salt Spring Island Team
SUBJECT: Referral: Non farm use application to permit parking of automobiles.
(181 Beddis Rd.)

PURPOSE

The Salt Spring Island Local Trust Committee (SS LTC) has referred the above noted non-farm use application to the Agricultural Advisory Planning Commission (AAPC) for comment.

BACKGROUND

At the SS LTC meeting of December 14, 2021, the LTC passed the following resolution:

SS-2021-245

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee refer application SS-ALR-2021.5 to the Agricultural Advisory Planning Commission for comment on the application generally as well as specifically on the following aspects:

- a. Existing and future agricultural use and/or potential of the subject property;
- b. The zoning of the property and intended use;
- c. The surrounding land uses of the subject property;
- d. Whether the Salt Spring Local Trust Committee should support the non-farm use application.

CARRIED

The preliminary staff report including site context, photos and ALC application is attached as Appendix 1.

NEXT STEPS

Once the AAPC has deliberated on the non-farm use application, the following draft resolutions have been provided for consideration:

1. If the AAPC wishes to recommend supporting the non-farm use application:

That the Salt Spring Island Agricultural Advisory Planning Commission recommends that Salt Spring Island Local Trust Committee forward application SS-ALR-2021.5 to the Agricultural Land Commission with support 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 Salt Spring Island Local Trust Committee forward application SS-ALR-2021.5 to the Agricultural Land Commission with support 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 Salt Spring Island Local Trust Committee not forward application SS-ALR-2021.5 to the Agricultural Land Commission with support for the following reasons:

- *[list reasons]*

Submitted By:	Geordie Gordon, Planner 2	December 20, 2021
---------------	---------------------------	-------------------

ATTACHMENTS

1. Staff Report from the December 14, 2021 Meeting Agenda Package



File No.: SS-ALR-2021.5

X-Ref.: SS-BE-2008.46

DATE OF MEETING: December 14, 2021

TO: Salt Spring Island Local Trust Committee

FROM: Geordie Gordon, Planner 2
Salt Spring Island Team

COPY: Stefan Cermak, Regional Planning Manager

SUBJECT: Non-farm use to permit temporary parking of vehicles on agricultural land
Applicant: Kimberly Young and Erik Lundstrom
Location: 181 Beddis Rd (Beddis Road Garage)

RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee refer application SS-ALR-2021.5 to the Agricultural Advisory Planning Commission for comment on the application generally as well as specifically on the following aspects:**
 - a. Existing and future agricultural use and/or potential of the subject property;
 - b. The zoning of the property and intended use;
 - c. The surrounding land uses of the subject property;
 - d. Whether the Salt Spring Local Trust Committee should support the non-farm use application.

REPORT SUMMARY

This report brings forward a Non-farm use application to permit the use of Agricultural Land Reserve (ALR) land for vehicle parking in support of an automotive repair shop. The use is not consistent with the Salt Spring Island Land Use Bylaw, Salt Spring Island Official Community Plan, nor with Agricultural Land Commission Regulations. Referral to the Agricultural Advisory Planning Commission (AAPC) could indicate support, or not, from representatives of the agricultural community for the non-farm use.

BACKGROUND

The application is proceeding in an attempt to address a long-standing Bylaw Compliance and Enforcement (BCE) action on parking of vehicles in the Ministry of Transportation and Infrastructure (MoTI) Right of Way (RoW). The applicant recently cleared a substantial portion (approx. 172 ft. x 44 ft. or 0.17 acres) of agricultural land to park vehicles in an attempt to alleviate the issue with vehicles in the RoW. The clearing activity was undertaken after conversation with Islands Trust BCE staff, though there appears to have been a significant misunderstanding as to the extent of the area to be cleared and the number of vehicles to be stored. If the non-farm use application is successful, the applicant will still be required to submit a Temporary Use Permit or a Rezoning application to allow the use under Salt Spring Island Land Use Bylaw No.355.



Figure 1: Location of subject property.



Figure 2: Orthophoto of subject property (2017 data).



Figure 3: Approximate area of parking on agricultural land (parking area outlined in blue and all within the ALR).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following Islands Trust Policy Statement policies are relevant to this application:

- 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.
- 4.16 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.

Agricultural Land Reserve

Review of ALR regulations indicates that the use of agricultural land for parking in the manner proposed is not permitted. Moreover, the placement of fill on the subject property likely required, at minimum, notification to the ALC by the applicant.

Official Community Plan:

The subject property is split designated General Employment (GE) and Agricultural (A) under Salt Spring Island Official Community Plan Bylaw No. 434:



For clarity, the non-farm use that is the subject of this application is occurring on the Agricultural portion of the subject property.

The following OCP policies are particularly relevant to this proposal (See appendix 3 for a full assessment of OCP policies):

- B.6.2.2.1 The Local Trust Committee should maintain an Agricultural Advisory Committee to:
- provide community advice about bylaw changes, applications for rezoning or subdivision, and applications to the Agricultural Land Commission.
 - help in developing and interpreting local policies about farming.
 - identify other ways that the Local Trust Committee can encourage and support farming in the community.
- B.6.2.2.16 The Local Trust Committee could support applications to the Agricultural Land Commission for non-farm use or exclusion of land within the Agricultural Land Reserve in some situations where local farming or the greater community would benefit. Support for such applications should only be considered if the application has been referred to the Agricultural Advisory Committee and falls into one of the following categories:
- the proposed non-farm use or exclusion would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property.
 - the proposed non-farm use or exclusion is consistent with local zoning or a land use designation or policy in this Plan, including policies B.3.3.2.10 and B.7.2.2.7.
 - in the instance of a proposed exclusion, the Local Trust Committee may consider an application that would result in inclusion of existing non-ALR farmland into the ALR.
 - the non-farm use or exclusion of property for essential community services, if the location of the service is limited by engineering constraints, or by strategic considerations such as those that determine the best location for an emergency response station, and the proponent has demonstrated that there is no suitable alternate, non-ALR property

Land Use Bylaw:

The subject property is split zoned General Employment 2 (f) (GE2(f)) and Agriculture 1 (A1):



The following uses permitted in the GE2(f) zone are relevant to this proposal (see appendix 1 for a full list of permitted uses in each zone):

	GE2
Principal Uses, Buildings and Structures	
Rental, repair, sales, and <i>service</i> of equipment, machinery, boats, and vehicles	◆
Storage of goods and vehicles, with the exception of <i>outdoor</i> storage of derelict vehicles or equipment, or waste materials	◆

Zone Variation – GE2(f)

- (13) In addition to the *principal uses* permitted in the GE2 zone the following *uses* are also permitted:
- (a) *Outdoor* storage of derelict vehicles;
 - (b) Storage (*indoor* or *outdoor*) of waste materials directly related to *principal* permitted uses.

Agriculture 1 zoning does not allow for vehicle repair or storage (see appendix 1).

Parking requirements for the General Employment use under Land Use Bylaw No. 355 are minimal and would amount to 1 per employee.

Motor Vehicle Act

Section 153.1 of the Motor Vehicle Act is relevant to this proposal, as it relates to the Bylaw Compliance and Enforcement Action:

Designated use highway

- 153.1 If a highway or part of a highway is a designated use highway, a person must not drive, operate, stand or park a motor vehicle on that highway or part of a highway except as authorized by a regulation under section 209.1 or a bylaw or resolution of the council of a municipality under section 124.2.

Issues and Opportunities

Bylaw Enforcement/Right of Way

The application is proceeding as a result of long-standing enforcement action, both by Islands Trust BCE staff and MoTI staff, to compel the applicant to cease utilizing the Beddis Road Right of Way for parking related to the operation of the automotive repair business. The applicant has undertaken the land clearing activities in an attempt to resolve the issue once and for all.

The applicant has indicated to planning staff that they informed BCE staff of the expansion of the parking area on the property – though there was no formal indication by the applicant of the area to be cleared, nor was it apparent to BCE staff that the cleared area was to be on agricultural land – nor the extent of clearing to be undertaken. The

result of the action is the area cleared was substantial and extended mainly onto a portion of the subject property where the use is not permitted by the Land Use Bylaw or by the Agricultural Land Commission regulations.



Figure 5: Parking area looking east.

Staff note that even if the non-farm use application is successful, the use (vehicle parking) will still not be permitted by the Salt Spring Island Land Use Bylaw and will require additional applications to permit – via either a Temporary Use Permit or Rezoning.

General Employment Land and Adjacent Uses

Staff note that there is a lack of appropriately zoned vacant land for some General Employment uses on Salt Spring Island, as established by both informal conversations with contractors and the industrial land needs assessment prepared by Urbanics Consultants in August of 2013. The assessment found that in order to accommodate the forecasted employment growth through 2036, Salt Spring Island would need to add an average of 0.67 acres of industrial zoned-land per year. The assessment also found, in general, the inventory of industrial-zoned land was insufficient to accommodate current or forecasted demand. The assessment found that the greatest challenge is faced by General Employment operations seeking to expand operations due to a lack of suitable spaces. In response to the report and other work in the Industrial Land Use program, the SS LTC adopted OCP policies (Bylaw

488) to direct future General Employment lands in certain areas: the area near the corner of Atkins Road and Rainbow Road, the area near the corner of Long Harbour Road and Upper Ganges Road, and the area near Fulford-Ganges Road and Beaver Point Road – the subject property is not one of those identified in the OCP.

The applicant has suggested that the recent closure of several Salt Spring Island automotive repair businesses has likely caused an uptick in the number of vehicles that are required to be accommodated on the subject property and increased the need for additional parking.

Staff observed that the portion of the subject property that is zoned GE2(f) may be under utilized in support of the automotive business, as the observed number of derelict vehicles on the lower, GE2(f)-zoned portion is approximately the same as the number observed on the new parking area – roughly thirty. However, staff also note that the GE2(f) portion is permitted *Outdoor* storage of derelict vehicles – there is no bylaw regulation to compel the applicant to utilize the GE2(f) zoned portion for parking of vehicles that are actively being repaired, as the current use is permitted. At time of site visit, staff also noted a number of vehicles in the new parking area were without license plates or registration and surmise that likelihood of storage of vehicles in the new area appears to be high.

In assessing the subject property in the context of surrounding land uses, staff observe that several properties – primarily to the south and west – that are zoned for General Employment uses in such a way that the A1 portion of the subject property is effectively surrounded by GE properties.

Agricultural Land Use

The non-farm use for vehicle storage may have an impact on the future potential of farm use of the subject property due to soil contamination as a result of oil or other automotive fluid leaks. The non-farm use does not benefit agriculture.

Staff note that none of the Islands Trust or ALC regulations are supportive of the proposed non-farm use.

Consultation

Agricultural Land Reserve non-farm use applications do not require notification or referral; none has been undertaken.

Protocols

No Islands Trust, [Islands Trust Conservancy](#) or Local Trust Committee agreements have been determined to be relevant to the consultation/engagement process (i.e. protocols, MOUs, LOAs).

Agencies

The application as not be identified as requiring additional agency referral, though the Ministry of Transportation and Infrastructure may be advised of the outcome.

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. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

Referral of non-farm use applications to the AAPC is consistent with OCP policies and can provide advice to the SS LTC input on how to proceed with this application.

ALTERNATIVES

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

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. 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 a [report] completed by a [professional] in order to ...[identify]

2. Proceed No Further

The SS LTC may decide to not forward the application to the ALC. Staff advise that the implications of this alternative are the removal of the cars from the noted area and resumed bylaw enforcement action. If this alternative is selected, the SS LTC should state the reasons for not forwarding the non-farm use application. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee deny forwarding application SS-ALR-2021.5 to the Agricultural Land Commission for the following reasons: the non-farm use is contrary to Islands Trust Policy Statement Policies, Salt Spring Island Official Community Plan Policies and Salt Spring Island Land Use Bylaw regulations.

NEXT STEPS

If the SS LTC accepts staff's recommendation, the application will be referred to the AAPC at the next scheduled AAPC meeting.

Submitted By:	Geordie Gordon, Planner 2	December 1, 2021
Concurrence:	Stefan Cermak, Regional Planning Manager	December 2, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. OCP Policies

ATTACHMENT #1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTION 18, RANGE 4 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 47303
PID	011-948-841
Civic Address	181 BEDDIS RD

LAND USE

Current Land Use	Automotive repair, vehicle storage, residential.
Surrounding Land Use	North – Agricultural/Residential East - Agricultural/Residential South – General Employment West – General Employment

HISTORICAL ACTIVITY

File No.	Purpose
n/a	

POLICY/REGULATORY

Official Community Plan Designations	Agriculture and General Employment DPA2: 
--------------------------------------	--

Land Use Bylaw	General Employment 2 (f)	
		GE 2
	Principal Uses, Buildings and Structures	
	<i>Agriculture</i>	◆
	Boat <i>building</i> , servicing and repairs	◆
	Car wash	◆
	Car wash <i>accessory</i> to vehicle and equipment sales, rental and repair	◆
	Collection of recyclable materials, excluding <i>outdoor</i> sorting and storage	◆
	<i>Commercial composting facility</i>	◆
	<i>Contractor's shop</i>	◆
	<i>Creative industry</i>	◆
	<i>Farm-related light industry</i>	◆
	Food processing, including off-farm storage and processing	◆
	<i>Funeral homes</i>	◆
	<i>Indoor storage</i>	◆
	<i>Light industry</i>	◆
	<i>Public service uses</i>	◆
	<i>Public utility uses</i>	◆
	Rental, repair, sales, and <i>service</i> of equipment, machinery, boats, and vehicles	◆
	Sales of <i>building</i> supplies, appliances and furniture, including <i>outdoor</i> sales and storage	◆
	Veterinarian clinics and animal hospitals	◆
	<i>Wholesale sales</i>	◆
	<i>Abattoir</i>	◆
	Cement factory	
	Heavy equipment rental, sales, and <i>service</i>	◆
	Storage of goods and vehicles, with the exception of <i>outdoor</i> storage of derelict vehicles or equipment, or waste materials	◆
	Accessory Uses	
	<i>Retail sales accessory</i> to a permitted <i>principal use</i>	◆

	One dwelling unit accessory to a permitted principal use	◆
	Office use accessory to a permitted principal use	◆

Zone Variation – GE2(f)

(13) In addition to the principal uses permitted in the GE2 zone the following uses are also permitted:

- (a) Outdoor storage of derelict vehicles;
- (b) Storage (indoor or outdoor) of waste materials directly related to principal permitted uses.

Agriculture 1 (A1):

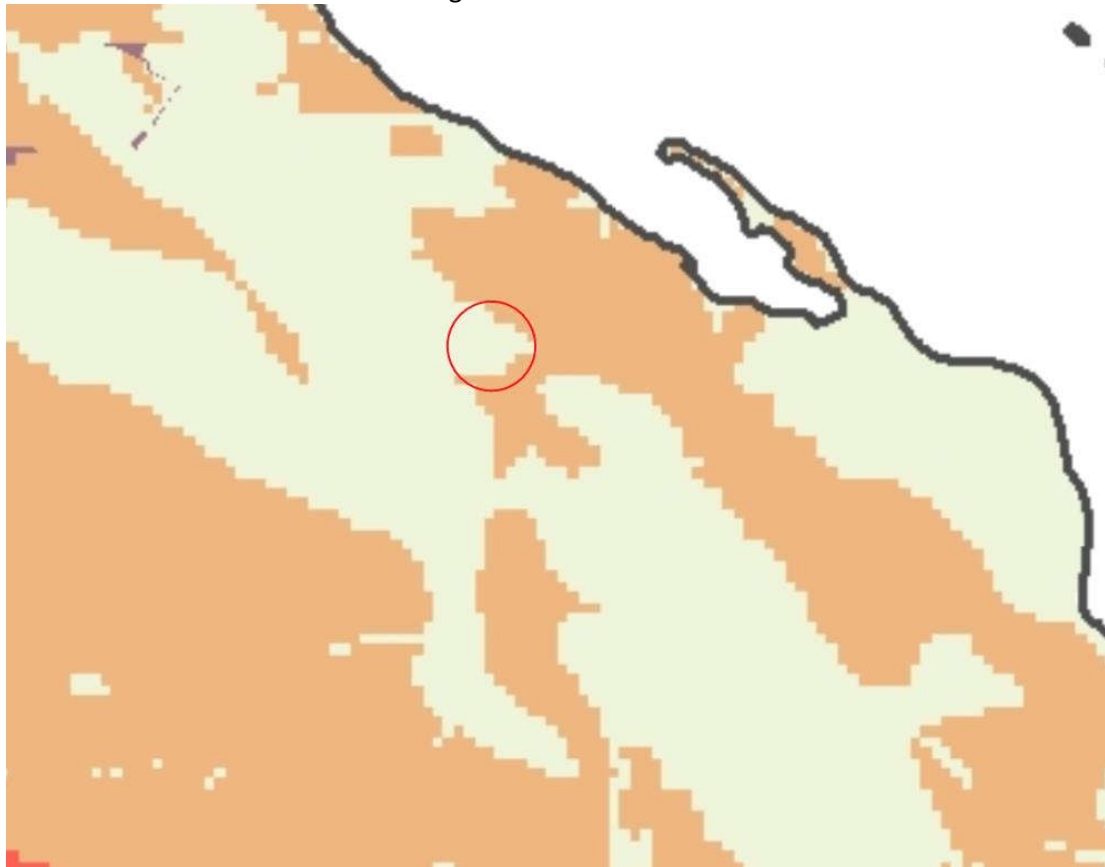
		A1
Principal Uses, Buildings and Structures		
Agriculture, farm buildings and structures		◆
Information Note:	By definition, “agriculture” includes the processing, storage, sale of farm products produced on the same lot, or on another lot that is part of the same farm business.	
Single-family dwellings		◆

Accessory Uses		
One additional dwelling unit provided that it:		◆
is a mobile home for immediate family consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or		
is a secondary suite that is consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or		
is a farmworkers’ dwelling unit that has been specifically approved through a Non-Farm Use application to the Agricultural Land Commission.		

	<i>Information Note:</i> <i>General Order #1622/83 of the B.C. Land Reserve Commission permits one additional dwelling unit in the form of a temporary mobile home to house family members or farm help, with specific conditions. Policy #043/98 of the B.C. Land Reserve Commission permits one secondary suite as part of the main dwelling unit provided it meets specific conditions. Where the construction of a permanent detached farm worker's dwelling unit is proposed, this bylaw requires that an application be made to the B.C. Land Reserve Commission, through the Salt Spring Island Local Trust Committee. The need for additional farm workers to be housed on the property in a permanent detached second dwelling unit will be evaluated in the context of criteria developed by the Ministry of Agriculture and Food and the B.C. Land Reserve Commission.</i>	
	Processing of the <i>farm products</i> of another farm located within the Salt Spring Island Local Trust Area. <i>Information Note:</i> <i>This use requires the written permission of the Land Reserve Commission.</i>	◆
	Sale of the <i>farm products</i> of another farm, provided that the <i>floor area</i> used for the storage and display of the products from another farm may not exceed 5 square metres or one third of the total <i>floor area</i> on a <i>lot</i> that is occupied by <i>farm product</i> storage and display.	◆
	<i>Home-based business use</i> subject to Section 3.13	◆
	<i>Commercial guest accommodation</i> in a <i>campground</i> accessory to a <i>commercial farm business</i>, subject to Schedule "F", provided that no more than 10 per cent of <i>campsites</i> are designed to accommodate self-contained recreational vehicles. <i>Information Note:</i> <i>In the ALR, this use must also be applied for and approved in writing by the B.C. Land Reserve Commission.</i>	◆
	<i>Seasonal cottages</i> subject to Section 3.14 <i>Information Note:</i> <i>A seasonal cottage is considered a "non-farm use" by the B.C. Land Reserve Commission. Permission to construct a seasonal</i>	◆

		<i>cottage must also be applied for and approved in writing by the Commission.</i>	
Other Regulations	Subject to ALR Regulations: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/30_2019 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/30_2019		
Covenants	ED30881 – restrictive covenant (buffer along Fulford Ganges Rd) J31948 – Easement		
Bylaw Enforcement	SS-BE-2008.46 – on-going issues related to parking on the Ministry of Transportation and Infrastructure.		

SITE INFLUENCES

Islands Trust Conservancy	No referral/process requirements: Policy 3.3.ii		
Regional Conservation Strategy	The area is identified as low in the Regional Conservation Plan: 		
Species at Risk	No known mapped.		
Sensitive Ecosystems	None mapped.		

Hazard Areas	Areas of Low and Moderate risk identified: 
Archaeological Sites	No known potential or sites mapped. By copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No increase in GHG emissions over current level is expected as a result of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT #2 – MAPS + PHOTOGRAPHS

2.1 SITE PLAN

181 (A) Beddis Road RE: Garage Parking Area; Solution

PID 011-948-841 – 1.132 HA / 2.83 acres

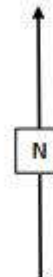
Legal Desc. Lot 1, Section 18, Range 4 East, North Salt Spring Island, Cowichan District, Plan 47303



Subject Property

Adjacent Properties:

Parking Area Solution * top soil removed to clay, placed in berm around area.



2.2 Photographs



Photo 1: Extent of parking area looking West



Photo 2: Parking area access to Beddis Rd looking East.

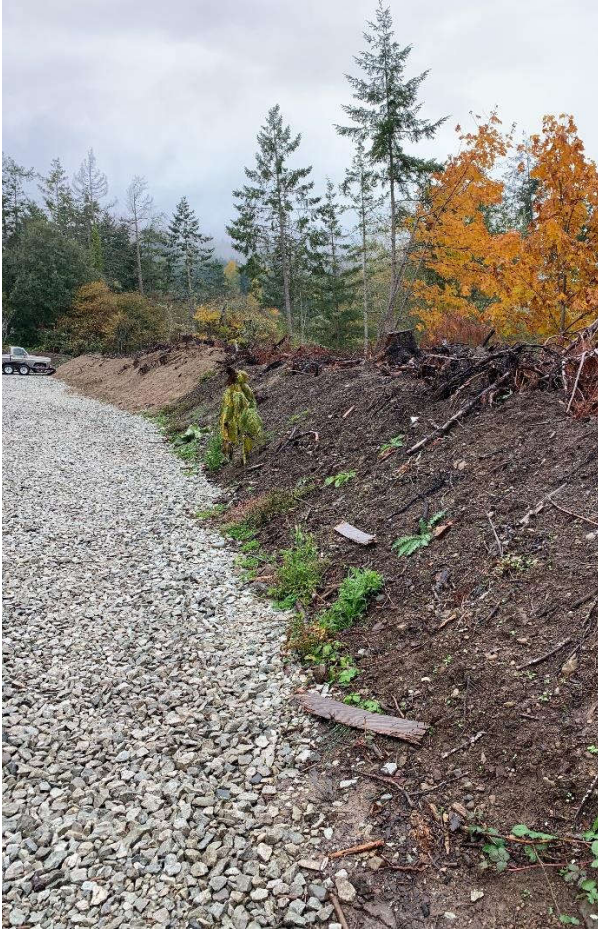


Photo 3: Berming of soil on Northern boundary of parking area.



Photo 4: Berming of soil on Southern boundary of parking area.



Photo 5: View of parking area looking east.

ATTACHMENT #3– OCP POLICIES

SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 434

OCP Objective/Policy		Complies	Planner Comments
B.6.2.1.2	To maintain and protect the long term potential for farming and agro-forestry on Salt Spring Island; to preserve <i>agricultural land</i> and necessary water supplies.	No	Approved use diminishes the likelihood of long term or potential for farming.
B.6.2.1.3	To incorporate the spirit and intent of the provincial <i>Agricultural Land Commission Act, the Agricultural Land Reserve Use, Subdivision And Procedure Regulation, and the Farm Practices Protection ("Right to Farm") Act</i> into local land use policies and bylaws.	No	Referenced legislation does not support non-farm use.
B.6.2.1.4	To limit the non-farm use of <i>agricultural land</i> .	No	Application is to allow non-farm use application.
B.6.2.2.1	The Local Trust Committee should maintain an Agricultural Advisory Committee to: a. provide community advice about bylaw changes, applications for rezoning or subdivision, and applications to the Agricultural Land Commission. b. help in developing and interpreting local policies about farming. c. identify other ways that the Local Trust Committee can encourage and support farming in the community.	Yes	Recommendation consistent with AAPC policies.
B.6.2.2.4	Zoning within the Agriculture and Watershed-Agriculture Designations will continue to allow the land uses, structures and densities allowed by existing zoning and subdivision bylaws. Where existing zoning allows general employment and commercial uses, these will remain as permitted uses unless the property owner applies for a zoning change.	No	Use not permitted by zoning.
B.6.2.2.16	The Local Trust Committee could support applications to the Agricultural Land Commission for non-farm use or exclusion of land within the Agricultural Land Reserve in some situations where local farming or the greater community would benefit. Support for such applications should only be considered if	No	No conditions of support for a non-farm use are met. Area is not one of those identified as possible for future expanded General Employment Area.

	the application has been referred to the Agricultural Advisory Committee and falls into one of the following categories: a. the proposed non-farm use or exclusion would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property. b. the proposed non-farm use or exclusion is consistent with local zoning or a land use designation or policy in this Plan, including policies B.3.3.2.10 and B.7.2.2.7. c. in the instance of a proposed exclusion, the Local Trust Committee may consider an application that would result in inclusion of existing non-ALR farmland into the ALR. d. the non-farm use or exclusion of property for essential community services, if the location of the service is limited by engineering constraints, or by strategic considerations such as those that determine the best location for an emergency response station, and the proponent has demonstrated that there is no suitable alternate, non-ALR property.		
--	---	--	--



DATE OF MEETING: February 3, 2022
TO: Salt Spring Island Agricultural Advisory Planning Commission
FROM: Geordie Gordon, Planner 2, Salt Spring Island Team
SUBJECT: Referral: Non farm use application on agricultural land
(240 Atkins Rd Rd.)

PURPOSE

The Salt Spring Island Local Trust Committee (SS LTC) has referred the above noted non-farm use application to the Agricultural Advisory Planning Commission (AAPC) for comment.

BACKGROUND

At the SS LTC meeting of January 18, 2022, the LTC passed the following resolution:

SS-2022-008

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

That the Salt Spring Island Local Trust Committee refer application SS-ALR-2021.6 (240 Atkins Rd) to the Agricultural Advisory Planning Commission for comment on the application generally as well as specifically on the following aspects:

- a. Existing and future agricultural use and/or potential of the subject property;
- b. The zoning of the property and intended use;
- c. The surrounding land uses of the subject property;
- d. Whether the Salt Spring Local Trust Committee should support the non-farm use application.

CARRIED

The preliminary staff report including site context, photos and ALC application is attached as Appendix 1.

NEXT STEPS

Once the AAPC has deliberated on the non-farm use application, the following draft resolutions have been provided for consideration:

1. If the AAPC wishes to recommend supporting the non-farm use application:

That the Salt Spring Island Agricultural Advisory Planning Commission recommends that Salt Spring Island Local Trust Committee forward application SS-ALR-2021.6 to the Agricultural Land Commission with support 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 Salt Spring Island Local Trust Committee forward application SS-ALR-2021.6 to the Agricultural Land Commission with support 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 Salt Spring Island Local Trust Committee not forward application SS-ALR-2021.6 to the Agricultural Land Commission with support for the following reasons:

- *[list reasons]*

Submitted By:	Geordie Gordon, Planner 2	January 20, 2022
---------------	---------------------------	------------------

ATTACHMENTS

1. Staff Report from the January 18, 2022 Meeting Agenda Package

DATE OF MEETING: January 18, 2022

TO: Salt Spring Island Local Trust Committee

FROM: Geordie Gordon, Planner 2
Salt Spring Island Team

COPY: Stefan Cermak, Regional Planning Manager

SUBJECT: Non-farm use on agricultural land
Applicant: Noella and Michael Fraser
Location: 240 Atkins Road

RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee refer application SS-ALR-2021.6 to the Agricultural Advisory Planning Commission for comment on the application generally as well as specifically on the following aspects:**
 - a. Existing and future agricultural use and/or potential of the subject property;
 - b. The zoning of the property and intended use;
 - c. The surrounding land uses of the subject property;
 - d. Whether the Salt Spring Local Trust Committee should support the non-farm use application.

REPORT SUMMARY

This report brings forward a non-farm use application to permit the use of land within the Agricultural Land Reserve (ALR) for an automotive repair shop. The use is not consistent with the Salt Spring Island Land Use Bylaw or Agricultural Land Commission Regulations, though the use has supportive policies within the Salt Spring Island Official Community Plan. Referral to the Agricultural Advisory Planning Commission (AAPC) could indicate support, or not, from representatives of the agricultural community for the non-farm use.

BACKGROUND

The application is proceeding in an attempt by the owner to permit the continued use of an automotive repair business (Gulf Island Automotive Ltd.) that has occurred on the southern end of the property since approximately 1996. The owner has previously sought to permit this use through ALR exclusion applications. The SS LTC supported a 2011 exclusion application, though the Agricultural Land Commission denied the application primarily on the basis that it had not been demonstrated that existing industrial land on Salt Spring Island is being fully utilized and that the automotive repair use could not be accommodated on appropriately zoned land outside of the ALR. The Salt Spring Island Official Community Plan (OCP) contains policies that are intended to direct the location of future General Employment land through the rezoning process - the corner of Atkins and Rainbow Roads is one of those locations identified.

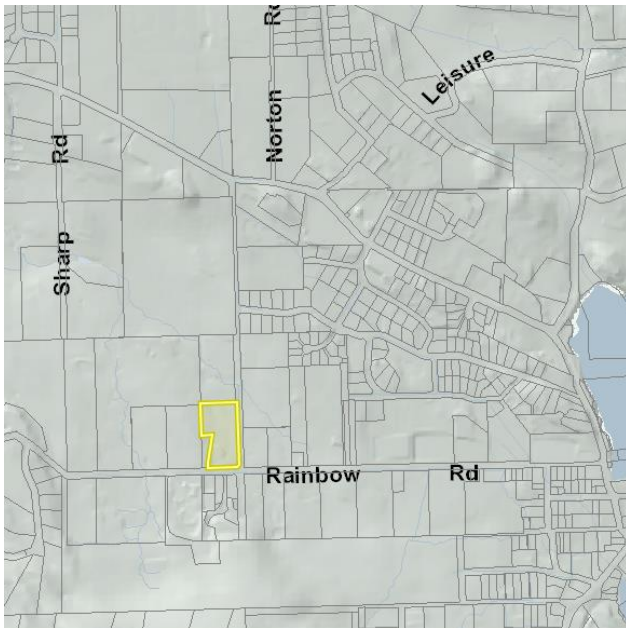


Figure 1: Location of subject property.



Figure 2: Orthophoto of subject property (2017 data).

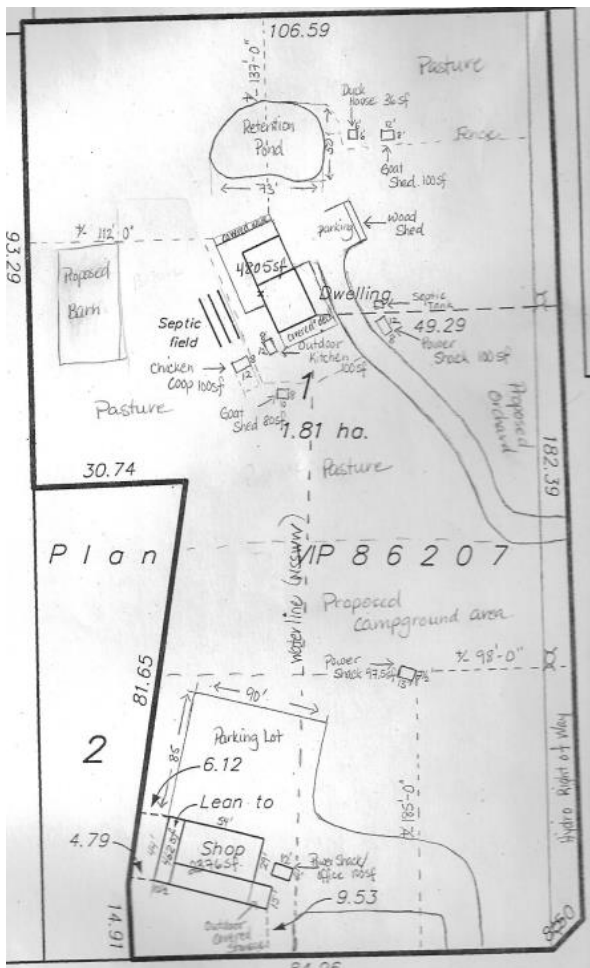


Figure 3: Proposed farm plan

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following Islands Trust Policy Statement policies are relevant to this application:

- 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.
- 4.16 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.

Agricultural Land Reserve

Review of ALR regulations indicates that the use of agricultural land for an automotive repair business is not a permitted use.

Official Community Plan:

The subject property is designated Agricultural (A) under Salt Spring Island Official Community Plan Bylaw No. 434.

The following OCP policies are particularly relevant to this proposal:

- B.6.2.2.1 The Local Trust Committee should maintain an Agricultural Advisory Committee to:
 - a. provide community advice about bylaw changes, applications for rezoning or subdivision, and applications to the Agricultural Land Commission.
 - b. help in developing and interpreting local policies about farming.
 - c. identify other ways that the Local Trust Committee can encourage and support farming in the community.
- B.6.2.2.16 The Local Trust Committee could support applications to the Agricultural Land Commission for non-farm use or exclusion of land within the Agricultural Land Reserve in some situations where local farming or the greater community would benefit. Support for such applications should only be considered if the application has been referred to the Agricultural Advisory Committee and falls into one of the following categories:
 - a. the proposed non-farm use or exclusion would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property.
 - b. the proposed non-farm use or exclusion is consistent with local zoning or a land use designation or policy in this Plan, including policies B.3.3.2.10 and B.7.2.2.7.
 - c. in the instance of a proposed exclusion, the Local Trust Committee may consider an application that would result in inclusion of existing non-ALR farmland into the ALR.
 - d. the non-farm use or exclusion of property for essential community services, if the location of the service is limited by engineering constraints, or by strategic considerations such as those that determine the best location for an emergency response station, and the proponent has demonstrated that there is no suitable alternate, non-ALR property
- B.3.3.2.10 If additional land is required for general employment uses necessary for the community, the Local Trust Committee could consider rezoning applications for properties near the junction of Rainbow and

Atkins roads, near the junction of Long Harbour and Upper Ganges roads, and near the junction of Fulford-Ganges and Beaver Point roads.

B.3.3.2.11 Removal of up to 2 hectares from the Agricultural Land Reserve to create land zoned for general employment uses in the locations identified in Article B.3.3.2.10 could be supported, consistent with policy B.6 RESOURCE LAND USE OBJECTIVES AND POLICIES, Article B.6.2.2.15. In reviewing such applications, the Committee should consider whether:

- a. The site has limited agricultural potential.
- b. Existing general employment and commercial service lands have been developed to about 80 per cent of their practical development potential.
- c. The rezoning application applies to land that is next to or across a road from existing general employment land.
- d. The proposed development would be well buffered from adjacent non-general employment land.
- e. There are adequate water supplies and a satisfactory means of sewage disposal.

Land Use Bylaw:

The subject property is zoned Agriculture 1 (A1) under Salt Spring Island Land Use Bylaw No. 355. Agriculture 1 zoning permits the following uses:

	A1
Principal Uses, Buildings and Structures	
<i>Agriculture, farm buildings and structures</i>	◆
<i>Single-family dwellings</i>	◆
Accessory Uses	
One additional <i>dwelling unit</i> provided that it:	
a) is a <i>mobile home</i> for immediate family consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or b) is a <i>secondary suite</i> that is consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or c) is a <i>farmworkers' dwelling unit</i> that has been specifically approved through a Non-Farm Use application to the Agricultural Land Commission.	◆
Processing of the <i>farm products</i> of another farm located within the Salt Spring Island Local Trust Area.	◆
Sale of the <i>farm products</i> of another farm, provided that the <i>floor area</i> used for the storage and display of the products from another farm may not exceed 5 square metres or one third of the total <i>floor area</i> on a <i>lot</i> that is occupied by <i>farm product</i> storage and display.	◆
<i>Home-based business use</i> subject to Section 3.13	◆
<i>Commercial guest accommodation</i> in a <i>campground</i> accessory to a <i>commercial farm business</i> , subject to Schedule "F", provided that no more than 10 per cent of <i>campsites</i> are designed to accommodate self-contained recreational vehicles.	◆
<i>Seasonal cottages</i> subject to Section 3.14	◆

Issues and Opportunities

Automotive Uses

Staff note that even if the non-farm use application is successful, the automotive repair business use will still not be permitted by the Salt Spring Island Land Use Bylaw and may require additional applications to allow the use to continue – via either a Temporary Use Permit or rezoning.

The applicant may be able to avoid further permission from Islands Trust, as the Land Use Bylaw does allow automotive repair as a permitted home based business:

3.13.6 Only the following occupations may be conducted as a home-based business:

- (k) Repair of automobiles, excluding auto body repair and provided such repair takes place on a property greater than 2 ha in area that is not in the Agriculture 2, Rural Watershed 1, Rural Watershed 2, Rural Islet or Forestry 2 zones, is screened from view and is limited to one enclosed service bay not exceeding 25 square metres in floor area and provided not more than two vehicles may be parked outside, exclusive of the residents own licensed vehicles.

The following conditions must also be met:

3.13.2 The total floor area used for home-based business use on any lot must not exceed 50 per cent of the total floor area of dwelling and permitted residential accessory buildings on the lot, up to a maximum of 70 square metres for lots that are 1.2 ha or less in area and 150 square metres for lots that are greater than 1.2 ha in area.

3.13.3 A home-based business must be operated by a person permanently residing on the premises in which the home-based business is conducted. Not more than three additional persons (or full-time equivalency) not residing in the dwelling unit may be employed in home-based business uses on any lots that are 1.2 ha or less in area and not more than four additional persons (or full-time equivalency) for lots that are greater than 1.2 ha in area.

Given the existing scope of operations, the automotive repair business would likely need to be significantly scaled down in order to be considered a home-based business.

General Employment Land and Adjacent Uses

Staff note that there is a lack of appropriately zoned *vacant* land for some General Employment uses on Salt Spring Island, as established by both informal conversations with contractors and the industrial land needs assessment prepared by Urbanics Consultants in August of 2013. The assessment found that in order to accommodate the forecasted employment growth through 2036, Salt Spring Island would need to add an average of 0.67 acres of industrial zoned-land per year. The assessment also found, in general, the inventory of industrial-zoned land was insufficient to accommodate current or forecasted demand. The assessment found that the greatest challenge is faced by General Employment operations seeking to expand operations due to a lack of suitable spaces.

The OCP contains policies to direct future General Employment lands in certain areas – the subject property is one of those identified in the OCP. As noted in the Background section of this report, the SS LTC has previously supported an ALC exclusion application for this property on the basis of this OCP policy – though the application was not successful at the ALC level, based primarily on the ALC determining that point (b) of policy B.3.3.2.11 was not satisfied.

Agricultural Land Use

The automotive repair business likely has had an impact on the future potential of farm use on that portion of the subject property due to soil impacts and contamination as a result of inadvertent oil or other automotive fluid leaks. The non-farm use does not benefit agriculture, other than for the potential repair of farm vehicles.

The applicant has provided an Agriculture Land Capability Assessment (see appendix 3) that indicates limitations on the agricultural potential of the subject property are caused by soil typology – specifically class 4: “gravelly soils hinder tillage, planting, and/or harvesting”, as well as sloping land, depth to solid bedrock and soil moisture deficiency. The assessment found that over half of the property (53 per cent or 0.97 ha) has poor soil quality, though over one-quarter (28 percent or 0.49 ha) has fair soil quality. As a result of soil quality, it was determined that the best agricultural use of the land is likely pasture or tree crops.

The area that is best suited for agricultural activity is removed from the automotive repair area and is on the northern portion of the property:



Figure 4: Soil classification from 2017 report. The auto repair business is visible on the southern extent

The applicant has submitted a farm plan with some existing minor elements (e.g. chicken coop and goat areas – see appendix 2) and some major proposed elements (e.g. barn and orchard). Staff note that there is little information provided as to the long-term farming plan for this property beyond the sketched plan. In their application to the ALR, the applicant noted that more detailed business plan for the farm is being prepared. If the SS LTC would like to obtain this information prior to making a decision or referring the application to the AAPC, an alternative resolution has been provided.

Consultation

Agricultural Land Reserve non-farm use applications do not require notification or referral; none has been undertaken.

Protocols

No Islands Trust, [Islands Trust Conservancy](#) or Local Trust Committee agreements have been determined to be relevant to the consultation/engagement process (i.e. protocols, MOUs, LOAs).

Agencies

The application as not be identified as requiring additional agency referral.

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. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

Referral of non-farm use applications to the AAPC is consistent with OCP policies and can provide advice to the SS LTC input on how to proceed with this application.

ALTERNATIVES

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

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. 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 a detailed farm plan.

2. Proceed No Further

The SS LTC may decide to not forward the application to the ALC. Staff advise that the implications of this alternative are that the automotive repair business will not be permitted to operate. If this alternative is selected, the SS LTC should state the reasons for not forwarding the non-farm use application. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee deny forwarding application SS-ALR-2021.6 to the Agricultural Land Commission for the following reasons: the non-farm use is contrary to

NEXT STEPS

If the SS LTC accepts staff's recommendation, the application will be referred to the AAPC at the next meeting, scheduled for February 3, 2022.

Submitted By:	Geordie Gordon, Planner 2	January 5, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	January 10, 2022

ATTACHMENTS

1. Site Context
2. Photographs
3. Agricultural Land Capability Assessment
4. ALC Application

ATTACHMENT #1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1 SECTION 2 RANGE 2 EAST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN VIP86207
PID	027-799-409
Civic Address	240 ATKINS RD

LAND USE

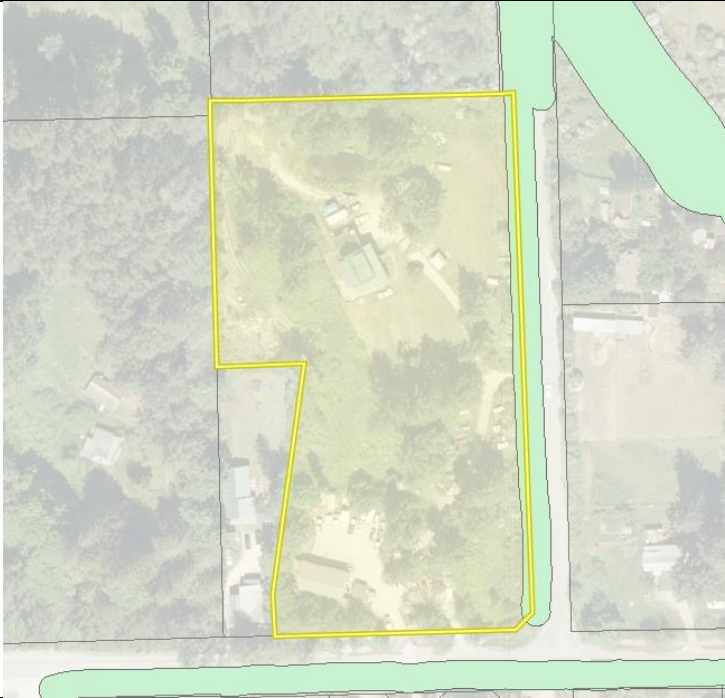
Current Land Use	Residential Automotive Repair
Surrounding Land Use	North – Residential, agricultural, BC Hydro substation East – Residential, agricultural, CRD pool South – General Employment (including cement plant) and agricultural (Farmer's Institute). East – Agricultural, residential

HISTORICAL ACTIVITY

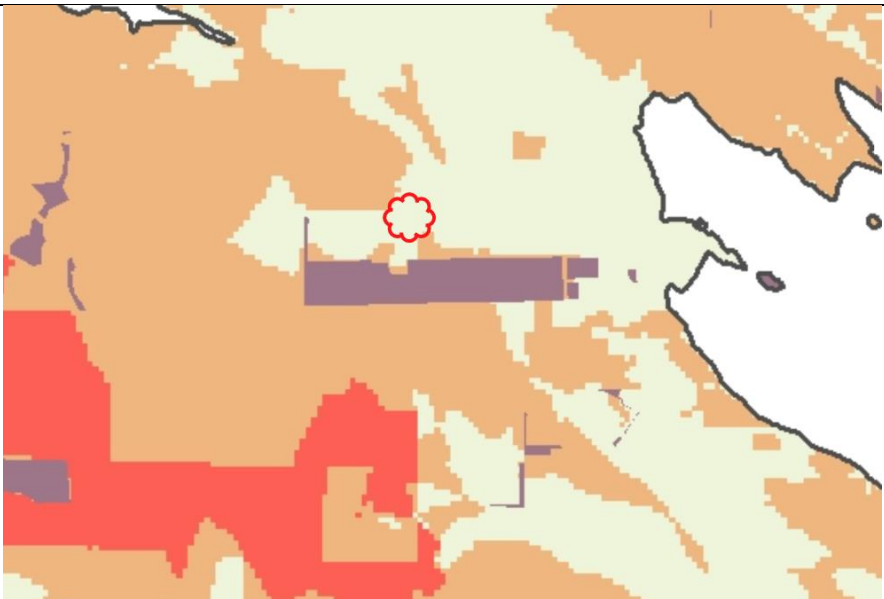
File No.	Purpose
SS-ALR-1994.5	Boundary adjustment – supported by LTC, not by ALC.
SS-ALR-1995.3	Unknown.
SS-ALR-2006.8	Subdivision (boundary adjustment) in the ALR at the intersection of Rainbow and Atkins Road. Approved.
SS-ALR-2011.1	To exclude property from the ALR for development of a business park for light industrial and commercial uses. Denied by ALC.
SS-ALR-2016.1	ALR exclusion. Application closed before decision.
SS-BOV-1996.2	Lot line relaxation. Approved.
SS-BP-2018.82	To construct a Single Family Dwelling
SS-DVP-2008.3	To vary the minimum lot size requirements for a boundary adjustment on a already non-conforming lot. Approved by LTC.
SS-SUB-2006.16	Boundary Adjustment between two properties at south western corner (with adjacent property). Approved.

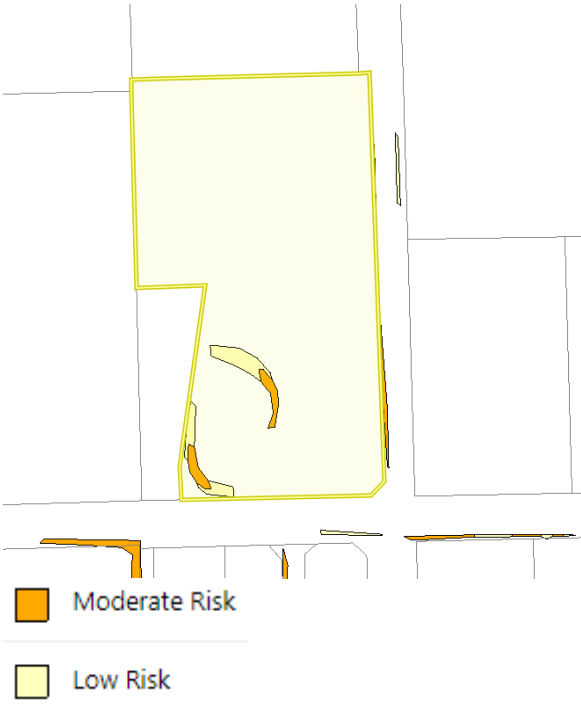
POLICY/REGULATORY

Official Community Plan Designations	Agriculture (A) DPA 7 – Riparian Areas
--------------------------------------	---

	
Land Use Bylaw	Agriculture 1 (A1)
Other Regulations	Within ALR
Covenants	None
Bylaw Enforcement	2011 – Soil. 2019 – Unenclosed derelict vehicles, automotive uses.

SITE INFLUENCES

Islands Trust Conservancy	No referral/process requirements noted per Policy 3.1.ii
Regional Conservation Strategy	 Rated as low relative value in RCP.

Species at Risk	 Western Painted Turtle Pacific Coast population https://www.canada.ca/en/environment-climate-change/services/species-risk-education-centre/your-responsibility/your-responsability-guide.html
Sensitive Ecosystems	None mapped.
Hazard Areas	 Moderate Risk Low Risk
Archaeological Sites	Areas of archeological potential. By copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the

	<i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Minimal potential GHG emission changes resulting from approval and potential impacts on proposed development from anticipated or possible climate change induced hazards, eg sea level rise unknown.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT #2 – PHOTOGRAPHS



Photo 1: Driveway access to automotive repair area off Rainbow Rd.



Photo 2: Automotive repair parking area.



Photo 3: Automotive repair shop.



Photo 4: Goat pen area on northern portion of property



Photo 5: Storage of travel trailers. Proposed orchard area in foreground.



Photo 6: Dwelling and outbuildings. Chicken coop and run visible in background.



Photo 7: Chicken coop and run on western portion of property.



Photo 8: Goat pen next to chicken coop.



Photo 9: Proposed barn area.



Photo 10: Portion of area proposed for campground.



Photo 11: Area leading north from automotive repair shop towards area of existing/proposed agricultural activity.



LAND CAPABILITY FOR AGRICULTURE

Fraser Property 240 Atkins Road, Salt Spring Island, BC

FOR:

**Mike and Noella Fraser
240 Atkins Road
Salt Spring Island, BC
V8K 2R5**

BY:

**Harry Williams MSc PAg RPBio
MADRONE ENVIRONMENTAL SERVICES LTD**

**Thomas R. Elliot, PhD PGeo PAg
MADRONE ENVIRONMENTAL SERVICES LTD**

February 2, 2017

MADRONE ENVIRONMENTAL SERVICES LTD.

1081 CANADA AVENUE • DUNCAN • BC • V9L 1V2

TEL 250.746.5545 • FAX 250.746.5850 • WWW.MADRONE.CA

DOSSIER: 17.0003

Executive Summary

Mike and Noella Fraser retained Madrone Environmental Services Ltd to conduct a land capability assessment to determine potential agricultural use of their Atkins Road property on Salt Spring Island [PID 027799409].

The undersigned, Harry Williams, MSc, PAg, RPBio and Thomas R Elliot, PhD, PGeo, PAg conducted the assessment as qualified professionals and concluded the following:

- The primary limitations to agriculture on this property are:
 - Stoniness at a Class 4 (Subclass P): gravelly soils hinder tillage, planting, and/or harvesting.
- The secondary limitations include:
 - Topography at Class 3 (Subclass T): sloping land has implications for the use of machinery, may decrease the uniformity of growth and maturity of crops, and increases the potential for water erosion.
 - Depth to solid bedrock and rockiness at Class 4 (Subclass R): presence of bedrock outcrops or rock covered with less than 10 cm of soil restricts agricultural use and hinders root growth and soil tillage).
- Other limitations include:
 - Soil Moisture Deficiency at Class 4 (Subclass A): irrigation is required in summer months due to coarse-textured soils.

It is our professional opinion that the agricultural potential of the property is restricted by the primary ubiquitous 4P stoniness and secondary, limited areal extent 4R rockiness limitations. Stoniness and Rockiness limitations are not practically improvable due to limited improvement options.

There is some ability to improve the secondary topography limitation, which the current owner has engaged in through land-leveling – however large scale earthworks would be necessary to improve the 3T limitation to 2T for the Property. The aridity limitation due

to summer moisture deficiency can be readily addressed with irrigation. The climate of Salt Spring Island is favorable to growing a large variety of agricultural crops. The agricultural land capability ratings for the property are summarized in Table 1. The majority of the property (53%) is rated as Poor; 28% of the property is rated as Fair; and permanent structures take up 18% of the property (land unavailable for agriculture).

Table 1. Agricultural Capability ratings for the property¹

Agricultural Land Capability	ha	Percent
Good (Class 2, or Class 3 improvable to Class 2 or better)	0	0
Fair (Class 3, or Class 4 improvable to Class 3 or better)	0.49	28%
Poor (Class 4, or Class 5 improvable to Class 4 or better)	0.97	53%
Very Poor (Class 5 to 7, not practically improvable)	0.00	0%
Permanent structures on the property	0.30	18%
Total	1.78	100%

¹Due to rounding, the numbers may not add up to total amount

Considering these factors, the best use of this agricultural land is likely pasture or tree crops – activities where annual tilling is not required.

TABLE OF CONTENTS

1	INTRODUCTION	1
2	AREA DESCRIPTION AND FIELD ASSESSMENT.....	1
2.1	LOCATION AND SITE DESCRIPTION	1
2.2	ZONING AND ADJACENT LAND USE.....	3
2.3	LANDFORM AND TOPOGRAPHY	5
2.4	REVIEW OF EXISTING SOILS MAPS AND INFORMATION	5
2.5	CLIMATE	6
2.6	MAPPED LAND CAPABILITY FOR AGRICULTURE	7
2.7	FIELD ASSESSMENT.....	7
3	OBSERVATIONS.....	8
4	CONCLUSIONS	9
4.1	LAND CAPABILITY FOR AGRICULTURE.....	9
4.2	IMPROVEMENT OF EXISTING LIMITATIONS.....	10
4.3	LAND CAPABILITY MAPPING FOR THE PROPERTY	11
5	RECOMMENDATIONS.....	14
6	LIMITATIONS	16

LIST OF APPENDICES

APPENDIX A.....	SOIL PROFILE DESCRIPTIONS
APPENDIX B.....	2012 SOIL PIT LOCATIONS AND PHOTOS
APPENDIX C.....	SITE PHOTOS
APPENDIX D	LAND CAPABILITY CLASSIFICATION FOR AGRICULTURE OVERVIEW

LIST OF FIGURES

FIGURE 1. PROPERTY LOCATION	2
FIGURE 2. LAND USES OF ADJACENT PROPERTIES—.....	4
FIGURE 3. AGRICULTURAL LAND CAPABILITY FOR THE PROPERTY—.....	13

LIST OF TABLES

TABLE 1. AGRICULTURAL CAPABILITY RATINGS FOR THE PROPERTY ¹	II
TABLE 2. ADJACENT LAND USES	3
TABLE 3. DESCRIPTION OF MAPPED SOILS ON THE PROPERTY*	5
TABLE 4. 1981 – 2010 CLIMATE NORMALS*	6
TABLE 5. OBSERVED SOIL CHARACTERISTICS.....	9
TABLE 6. AGRICULTURAL LAND CAPABILITY FOR THE PROPERTY.....	12

LAND CAPABILITY ASSESSMENT

Fraser Property 240 Atkins Road, Salt Spring Island [PID 027799409]

1 Introduction

Madrone Environmental Services Ltd. (Madrone) was retained by Mike and Noella Fraser to conduct a Land Capability Assessment (LCA) for their property located at 240 Atkins Road, Salt Spring Island (the 'Property' or 'Site'), which is within the jurisdiction of both the Islands Trust and Capital Regional District (CRD) (see Figure 1).

The intended outcome of this LCA is to evaluate the agricultural capability of the Site, and to identify agricultural land uses which would be suited to the Property.

2 Area Description and Field Assessment

2.1 Location and Site Description

The 1.8 hectare (4 acre) property is located at 240 Atkins Road, approximately 1.1 km west of Ganges, Salt Spring Island (Figure 1). The Property is rectangular in shape and is located in an area that is mostly zoned A-1 agriculture (see Section 2.2). A single family residence in the northern half of the property is accessed from Atkins Road, and a three-bay auto repair shop in the southern part of the property is accessed from Rainbow Road. Approximately 40 vehicles are stored on the property. Site photos are found in Appendix C.



PROJECT:
Land Capability Assessment: 240 Atkins Road

ASSESSED BY:
Harry Williams MSc., P.Ag., RPBio.

LOCATION:
Salt Spring Island, BC

MAP SCALE:
1:30,000

CLIENT:
Mike & Noella Fraser

MAPPING DATE:
February 1, 2017

DOSSIER NO:
17.0003

DRAWN BY:
Anna Jeffries



FIGURE 1: Project Area Overview



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

2.2 Zoning and Adjacent Land Use

The Property is in the provincial Agricultural Land Reserve and zoned A-1 Agricultural in the Islands Trust. The adjacent land uses and zoning are listed in Table 2 and displayed Figure 2. Satellite imagery (Google Earth) shows one possibly active farm to the north-west of the subject property. Other adjacent lots north of Rainbow Road are single family residential, with two of these having horses. The properties on the opposite (south) side of Rainbow Road have light industrial and commercial activities.

Table 2. Adjacent land uses

PID*	Ownership	Apparent land-use	Zoning**	Location relative to subject property
008768846	BC Hydro	BC Hydro sub-station	A-1 agriculture	North
003889611	Private	Cleared-land; has been used in the past for raising cattle	A-1 agriculture	North-west
00608540	Private	Single family residence	A-1 agriculture	West
027799425	Private	Single family residence	A-1 agriculture	South-west
005759447	Private	Cement plant	ln4 - industrial	South side of Rainbow Rd.
024113123; 0023327251; 024113131	Private	Light industrial, commercial	C6 - Commercial	South side of Rainbow Rd.
000868302	Private	Plant nursery and campground	A-1 agriculture	South side of Rainbow Rd.
007823304	Private	Single-family home, horse pasture	A-1 agriculture	East – on opposite side of Atkins Road
002394961	Private	Single-family home, horse pasture	A-1 agriculture	East – on opposite side of Atkins Road

*Source: tsa.ca/practice-information/online-cadastre

**Source: islandstrust.bc.ca/media/341910/sheet_2.pdf



PROJECT:
Land Capability Assessment: 240 Atkins Road
ASSESSED BY:
Harry Williams MSc., P.Ag., RPBio.

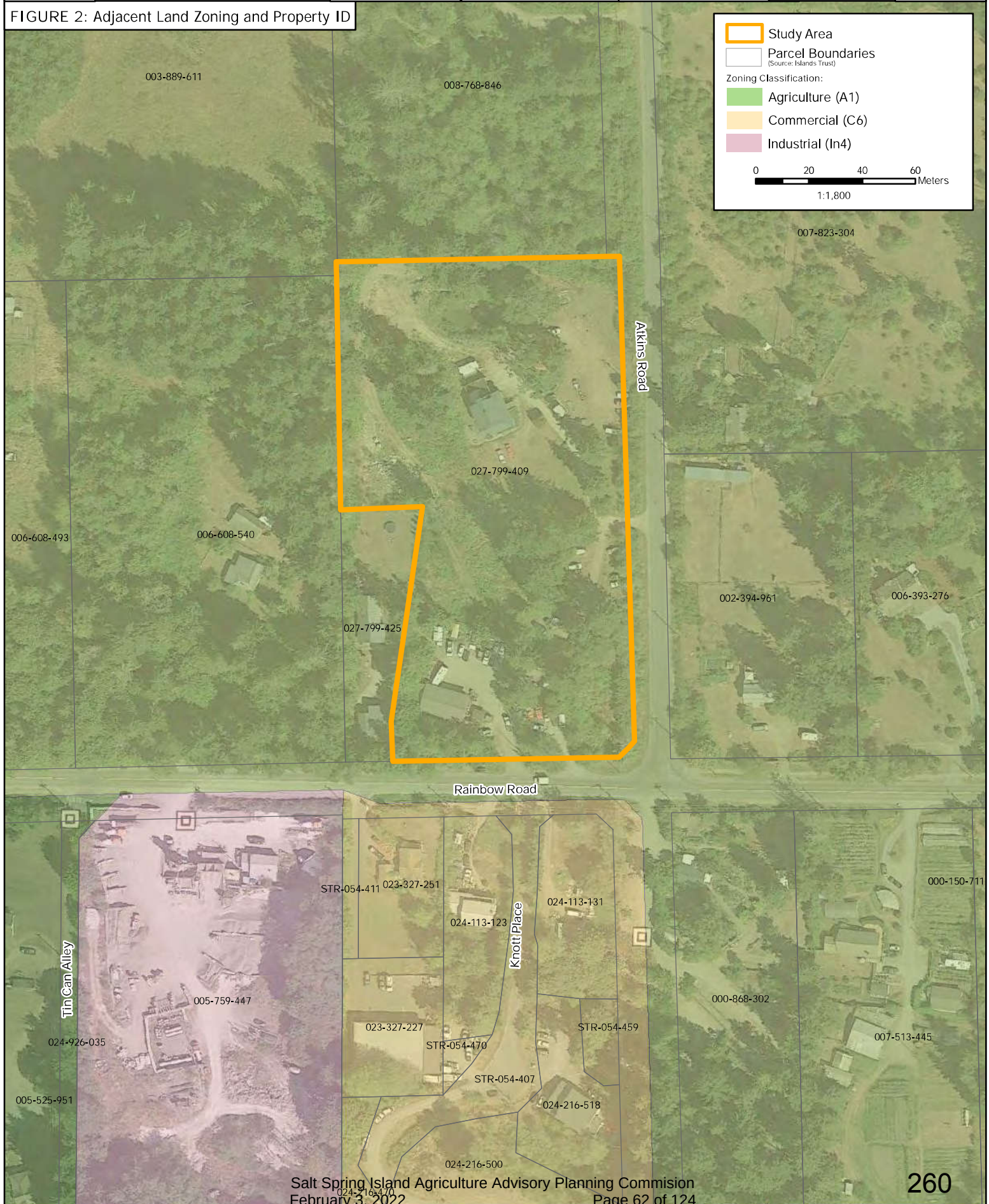
LOCATION:
Salt Spring Island, BC
FIELD DATE:
January 17, 2017
MAP SCALE:
1:1,800

CLIENT:
Mike & Noella Fraser
MAPPING DATE:
February 1, 2017

DOSSIER NO:
17.0003
DRAWN BY:
Anna Jeffries



FIGURE 2: Adjacent Land Zoning and Property ID



2.3 Landform and Topography

The Property is gently sloping to the north with slopes between 8 and 12%. About one-quarter of the property has been leveled, particularly around the primary residence. Other small leveled areas are used for vehicle storage. The lowest elevation on the property is the NE corner (17 m), and the highest point is the SW corner (36.5 m). The NW corner is 24 m and the SE corner of the property is 30 m. The center of the Property has an elevation of 25 m (Google Earth Pro).

The area surficial geology is mapped as morainal till, with at least 100 cm to bedrock (Van Vliet et al 1987). The bedrock geology is composed of the Nanaimo Group, which are sedimentary rocks including cobble and pebble conglomerate, coarse to fine sandstone, siltstone, and shale¹.

2.4 Review of Existing Soils Maps and Information

The soils on Salt Spring Island have been mapped at a scale of 1:20,000 (Van Vliet et al 1987), and the Property lies within a polygon containing Mexicana Soils. These mapped soils are described in Table 3. In 2012 a planner from the Islands Trust (Kelly Gessnar) dug 8 soil pits on the Property. Detailed soil descriptions of these pits have not been located, except for the fact that the soils were classified as Mexicana soils, which corresponds to the existing 1987 soil map. The 2012 soil pit locations and photos are presented in Appendix B.

Table 3. Description of Mapped Soils on the Property*

Soil Unit	Parent Material	Texture & Drainage	Topography	Predominant Soil Classification	Limitations to agriculture	LCA rating (unimproved)
Mexicana	Morainal till	Gravelly sandy loam to gravelly loam soil textures; coarse fragment content between 15–25%; Moderately well-drained.	Slopes ranging from 5–15%	Orthic Dystric Brunisols (O.DYB)	Topography, summer drought; stoniness	4T

¹ <http://www.env.gov.bc.ca/van-island/pa/programs.html>

2.5 Climate

The nearest Government of Canada weather station is SaltSpring - St. Mary's Lake (ID 1016995). This weather station has an elevation of 46 m and is located at Latitude 48 53' 17" and Longitude 123 32' 47" – about 4.4 km to the north-west of the Property on the west shore of St. Mary's Lake. This weather station reports the following (Table 4):

Table 4. 1981 – 2010 Climate Normals*

Parameter	1981 – 2010 Climate Normals
Annual precipitation (mm)	987 mm
Seasonal precipitation (May-September inclusive - mm)	164.7 mm
Frost Free Period (FFP, Days)	224 days**
Growing Degree Days (GDD, base temperature >5°C)	2,228
Effective Growing Degree Days (EGDD, base temperature >5°C)	1064**
Growing Degree Days (Base temperature 10°C)	1015
Daily yearly average temperature (°C)	10.7°
Days of precipitation (days in the year with >5mm rain)	62 days

*http://climate.weather.gc.ca/climate_normals/index_e.html#1981

** from Ministry of Agriculture and Lands 2010 (page 2)

Based on the above information, Salt Spring Island has been mapped² as Climate Capability Class³ 1d 4A (1):

- Class 1 definition – frost free period greater than 150 days; effective growing degree days (EGDD) above 5°C are greater than 825, and growing degree days accumulated above 5°C are greater than 2225 (Min. of Environment 1981).
- Moisture class 4A (1) definition – limitation due to lack of moisture (A) between May 1st and September 30. With the sandy-loam texture of the Mexicana soils (Table 3), the summer moisture deficit (SMD) on the property is estimated to be about 20 cm⁴. The improved (irrigated) capability rating is moisture Class 1.

² BC Climatic Capability for Agriculture map sheet 92C/NE K17-1093 (MoE/Coligado 1981) at 1:100,000 scale

³ Climatic Capability Class is a shorthand ranking of specific limitations denoted by letters and preceded by numbers between the ideal (ranking of 1) and untenable (ranking of 7) indicating the severity of the limitation (Min. of Env. 1981).

⁴ Based on the BC System for calculating SMD as indicated in Kenk (1983) and the BC Climatic Capability for Agriculture.

According to this classification, Salt Spring Island is capable of growing a wide variety of fruits, berries, vegetables, nuts, cereal grains, and forage crops.

2.6 Mapped Land Capability for Agriculture

The BC Land Capability Classification was developed for BC to provide consistent guidelines for assessing the agricultural capability of land (Kenk 1983). This interpretive classification groups mineral soils into seven classes according to the potentials and limitations of agriculture. Class 1 lands are those with no limitations to agriculture, and Class 7 lands are those where agriculture is not possible. In addition to these 7 classes, 12 subclasses for mineral soils have been developed which classify lands with similar kinds but varying intensities of limitations and hazards. Appendix D describes the LCA rating classes and subclasses for mineral soils in more detail.

According to existing Land Capability Mapping⁵, the Property has a Land Capability for Agriculture rating of Class 4T / 3T. This first part of this symbol indicates that the Property has a Land Capability Class of 4, with the primary limitation being Topography (sloping land). The second part of the symbol (3T) indicates that the land is capable of being improved to a Land Capability Class of 3 through local-scale modification of complex slopes or re-grading of simple slopes. Class 4 lands are described as those with limitations that may affect timing and ease of tillage, planting or harvesting, and methods of soil conservation (Appendix D).

We note that the broad interpretation of soils and agricultural capability recorded on the 1:50,000 maps do not take precedence over the site specific assessment in this report.

2.7 Field Assessment

A field visit was made to the Property on January 17, 2017. The weather was cool, small patches of snow were present, the ground was frozen in many places, and recent rains had occurred. The intention was to locate, excavate, and describe the original eight soil pits that were dug in 2012 (Figure 3) to correspond with the photographic record. Of the eight soil pits, two were found where the other 6 pits were either covered with newly added fill (from on-site as an effort to improve the topographic limitation to agriculture), or were covered in thick blackberries. The two pits (2012 soil pits 3 & 8) were re-excavated and described (Appendix A). Due to frozen ground, and photographic record of the six previously excavated pits exhibiting a degree of homogeneity, no other soil pits were dug.

⁵ Canada Department of Agriculture [M10-4228 1982 92B 6/11 Land Capability for Agriculture 1:50,000 scale]

The soil profiles for the two located pits were described and marked by GPS. The soil data collected for each pit includes:

- surficial material
- humus form
- rooting depth
- root restricting layer
- water source
- drainage
- soil horizon classification and thickness
- soil colour
- soil texture
- coarse fragment content
- soil structure
- presence or absence of gleying or mottling
- comments

Additional surface observations were made in areas adjacent to the test pits and elsewhere across the property. Full soil descriptions including photos are found in Appendix A.

3 Observations

The property is generally sloping to the north but has a leveled lawn area surrounding the principal residence. There are two main structures on the property – a single family residence in the north and an auto repair shop in the south. Most of the Property has been cleared, however a number of mature (>80 years) Douglas-fir trees remain and are sparsely scattered around the perimeter and central portion of the property in areas with sufficient soil depth. An 80 – 100 year old western red-cedar tree is found close to the northern boundary. Unused portions of the land are covered in brush for the most part. Fill taken from on-site has been used for landscaping and leveling areas – particularly in the north-west corner of the Property where complex slopes due to bedrock protrusions were present. Coarse fill (coarse gravel to cobble) has been used on some of the driveways.

Based on observation of soil profiles, which are summarized in Appendix A, the soil type on the property are Mexicana soils. This corroborates with the Soils of Salt Spring Island (Van Vliet et al 1987) which also indicate Mexicana soils in this area. The soil classification for both described soil pits were Orthic Dystric Brunisols (O.DYB). Judging by the photos (Appendix C), the 2012 pits also appear to have similar soils (O.DYB).

The soils present were generally coarse-textured and well to moderately drained (Table 5). The photos of the 2012 soil pits appear to show soils with a similar soil texture and drainage. Soil seepage was present at depth, but this is mostly because the soils were sampled in the winter when soils are saturated. There was no evidence of gleying or mottles in the soil pits that were described.

Table 5. Observed Soil Characteristics

Soil association % of property	Soil classification (Subgroup)	Texture and coarse fragment content distribution	Soil depth, slope & drainage	LCA rating un-improved (improved6)
Mexicana 100%	O.DYB	Loam to sandy loam soil textures; coarse fragment content between 20–25%	Majority of soil on property is > 60 cm deep; however about 10% of the property area has thin soils over bedrock; about 70% of the property has simple slopes between 6 – 12%; soils are well to moderately well drained.	3T (2T)

4 Conclusions

4.1 Land Capability for Agriculture

Using soil profile descriptions, existing soils mapping, existing photographic record of previous soil pits, evaluation of moisture regime, and local climate, the following limitations to agriculture on the property have been identified:

Primary limitation:

- Stoniness (Subclass P) at a Class 4 level:
 - Cobbles and stones in the soil would hinder tillage, planting, and/or harvesting. Field data has identified 20-25% coarse fragment content in the soil, with approximately 8% occupied by cobbles and stones.

Secondary limitations

- Topography (Subclass T) at a Class 3 level:
 - Simply sloping ground between 6 – 12% on the Property may hinder the use of machinery, can decrease the uniformity of growth and maturity of crops, and can increase the potential for water erosion.
- Depth to solid bedrock and / or rockiness (Subclass R) at a Class 4 level:
 - For 10% of the Property, the presence of bedrock within 50 cm of surface restricts rooting depth and tillage; and generally restricts agricultural use. Furthermore, bedrock protrusions are spaced 25 to 50 m apart on the property.

Other limitations:

- Soil Moisture Deficiency (Subclass A) at a Class 4 level:
 - Any crops on this land would require irrigation in the summer months.

The above limitations put the majority of the property in Land Capability Class 4P. Class 4 is defined as: an area of land with limitations which make it suitable for a limited number of crops, or soil conditions are such that special development and management practices are required. The subclass P (Stoniness) is defined as a terrain with sufficient coarse fragments to significantly hinder tillage, planting, and/or harvesting operations or otherwise impact agricultural practices (Appendix D).

4.2 Improvement of Existing Limitations

The primary limitation of Stoniness at Class 4 due to the presence of coarse gravel, cobbles and stones is not practically improvable. While stones and cobbles can be picked by hand or mechanical means, the presence of coarse gravel within the soil limits the utility of removing the larger coarse fragments, which – when taken into account with the Depth to Bedrock (4R) limitation – results in the Property being a terrain limited by composition of surficial material that has limited improvability.

The secondary limitations (Section 4.1) of depth to bedrock (4R) and topography (3T) can be improvable through land-leveling using on-site soil and importation of suitable agricultural fill to increase depth to bedrock and further level the simple-slope topography. Through importation of fill, the stoniness limitation may also be improved by effectively burying the current soil profile at depth – however, this approach to soil importation is not standard and would require a qualified professional to develop a specific

soil importation plan that would need to be approved by the local municipality and Agricultural Land Commission.

The other prominent aridity limitation (Class 4A) is improvable through timed irrigation to match seasonal deficiency. The well-drained coarse-textured soils will dry considerably in summer months, and an estimated 20 cm summer moisture deficit will occur in most years (Section 2.5). However if the soils were irrigated, the improved Aridity class for the property would be rated as Class 1.

4.3 Land Capability Mapping for the Property

All of the soils on the property are adequately described by the Mexicana soil unit. However the soils on the Property do differ from the 1987 Mexicana soil description (Table 3) in the following ways [1987 Mapped value]:

- varying topography (slope gradient) at 6 – 12% [5 – 15%];
- depth to bedrock greater than 60 cm, with ~10% less than 50 cm [not mapped] and bedrock protrusion spacing at 50 m [not mapped];
- amount of coarse fragments 20 – 25%, with ~8% cobbles and stones [15 – 25%];

To quantify these factors the property was mapped into 6 polygons (Figure 3). Two of these polygons represent permanent structures on the property (the house and automotive repair shop). The other four polygons represent areas with different soil features and different soil capability classes. Each of the map polygons has been given the following attributes (Table 6):

- Land Capability Class
- description
- area (hectares)
- percent (%) cover of total property area (1.78 ha)

The largest polygon (1) represents the sloping areas with deeper soils in the southern half of the property. It is 0.77 ha in size, and covers 43% of the property. This polygon generally has gravelly soils with coarse sandy loam to loam soil textures. The amount of coarse fragments (gravel and cobbles) in the soil may vary between 20-25%. The land capability is rated as Class 4P (poor).

Polygon 2 represents the leveled areas surrounding the residence (Figure 3). It is 0.49 ha in size, and covers 28% of the property. Mexicana soils are represented here, but soil horizons have been altered by leveling. The leveled area makes it more suitable for agriculture as it has improved the topography limitation and amended the soil to reduce the coarse fragment content to 15 – 20%, and the land capability is rated as Class 3P (fair).

Polygons 4 & 5 represent the two areas with bedrock at or close to the surface – the sandstone outcrops along the western boundary, and the shale bedrock close to the surface in the north-east corner of the Property. Together these two polygons cover 0.20 ha, or 10% of the property area. Both of these polygons have a land capability rating of Class 4R (poor).

Polygons 3 & 6 represent the two permanent structures on the property – the residence and the automotive shop. Together these buildings and adjacent driveways cover 0.30 ha, or 17% of the property.

In summary, polygons one and two are the areas most suited for agricultural activities – together covering 1.26 ha, or 71% of the area. Polygons 4 & 5 could only be feasibly used for pasture, covering 0.20 ha, 10% of the area, and polygons 3 & 6 (permanent structures), cover 0.30 ha, or 17% of the area.

Table 6. Agricultural Land Capability for the Property

Polygon #	Land Capability Class	Description	Area (ha)	% of total area ²
1	Class 4P (poor)	6 – 12% Sloping areas with soil > 60 cm deep, 20 – 25% coarse gravel with stones and cobble soil	0.77	43%
2	Class 3P (fair)	Level areas surrounding house with 15 – 20% coarse gravel soil	0.49	28%
3	Permanent structure	Automotive repair facility	0.23	13%
4	Class 4R (poor)	Thin soil over bedrock (sandstone)	0.11	6%
5	Class 4R (poor)	Thin soil over bedrock (shale)	0.09	4%
6	Permanent structure	Residence	0.07	4%
		Total area	1.78	100%

¹ The improved LCA Class ratings account for improvements that do not involve importation of fill or soil amendments.

² Due to rounding, the totals may not add up to 100



PROJECT:
Land Capability Assessment: 240 Atkins Road

ASSESSED BY:
Harry Williams MSc., P.Ag., RPBio.

FIELD DATE:
January 17, 2017

LOCATION:
Salt Spring Island, BC

MAP SCALE:
1:1,000

CLIENT:
Mike & Noella Fraser

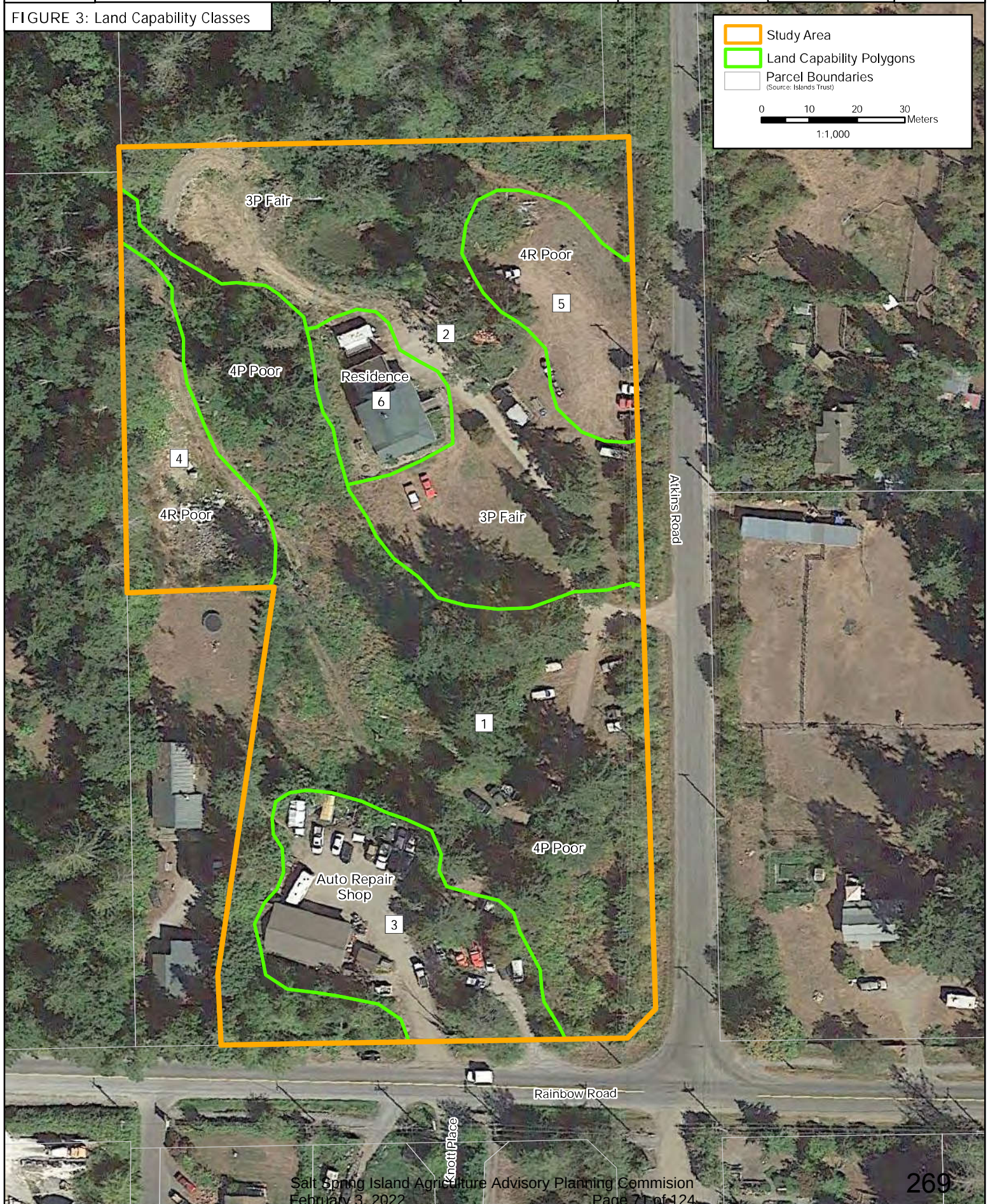
MAPPING DATE:
February 1, 2017

DOSSIER NO:
17.0003

DRAWN BY:
Anna Jeffries



FIGURE 3: Land Capability Classes



5 Recommendations

The majority of the property (70%) has an Agricultural Land Capability rating of Class 4P, Class 4 (R), or has permanent structures. The remaining 30% of the property, specifically leveled areas around the residence, has a Land Capability rating of Class 3P. Due to the heterogeneity of the Property due to topography, we separated the property into soil polygons that have one or several of the following limitations: sloping ground (T), coarse-textured soil (P), soil rockiness (R), and summer moisture deficiency (A) – with the primary limitation to each described in Table 5.

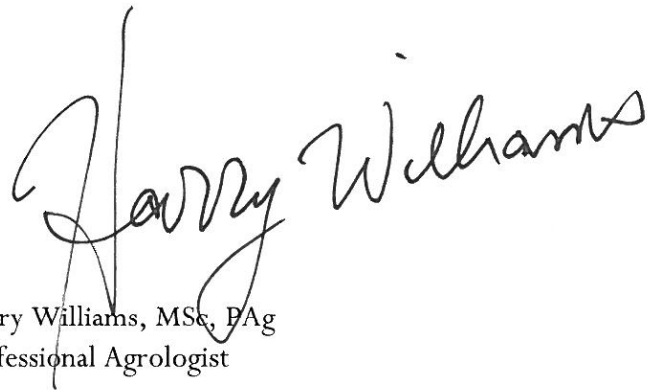
The climate on Salt Spring Island is amenable to growing a significant range of products, however, on this property the soil texture and the low amount of summer rainfall result in a moisture deficiency during the growing season.

Given these conditions the land is currently best suited for tree crops (fruit or nut trees) that don't require annual tillage, or pasture land. Much of the area of Mexican soils on Salt Spring Island is currently used for pasture (Van Vliet 1987), including some of the neighbouring properties. A portion of the property close to the house could be used for domestic vegetable and fruit production.

Sincerely,
MADRONE ENVIRONMENTAL SERVICES LTD.



Thomas R. Elliot PhD, PAg, PGeo
Professional Agrologist



Harry Williams, MSc, PAg
Professional Agrologist

6 Limitations

The evaluations contained in this report are based on professional judgment, calculations, and experience. They are inherently imprecise. Soil, agricultural and drainage conditions other than those indicated above may exist on the site. If such conditions are observed, Madrone should be contacted so that this report may be reviewed and amended accordingly.

The recommendations contained in this report pertain only to the site conditions observed by Madrone at the time of the inspection. This report was prepared considering circumstances applying specifically to the client. It is intended only for internal use by the client for the purposes for which it was commissioned and for use by government agencies regulating the specific activities to which it pertains. It is not reasonable for other parties to rely on the observations or conclusions contained herein.

References

BC Ministry of Agriculture and Lands. 2010. Salt Spring Island Land Use Inventory Report. Strengthening Farming Program. Sustainable Agriculture Management Branch. Victoria BC

BC Ministry of Environment, Climatology Division. (1981). Climatic Capability Classification for Agriculture in British Columbia, APD Technical Paper 4, Victoria, BC.

BC Ministry of Environment, Lands, and Parks and BC Ministry of Forests. (1998). Field Manual for Describing Terrestrial Ecosystems Land Management, Handbook Number 25.

Van Vliet, L., A.Green, and E.Kenney.1987. Soils of the Gulf Islands. Vol.1. Soils of Salt Spring Island. Report No. 43 of the BC Soil Survey. Soil Survey Unit, Land Resource Research Centre. Vancouver, BC.

Kenk, E. (1983) Land Capability Classification for Agriculture in British Columbia, MOE Manual 1, Ministry of Environment and Ministry of Agriculture, Kelowna.

Soil Classification Working Group (1998) The Canadian System of Soil Classification 3rd ed. Research Branch. Agriculture and Agri-Food Canada, Ottawa, ON. Publ. 1646.

Websites consulted:

For information on adjacent properties: <https://ltsa.ca/practice-information/online-cadastre>; accessed January 2017.

For information on local weather

http://climate.weather.gc.ca/climate_normals/index_e.html#1981, accessed January 2017.



APPENDIX A

Soil Profile Descriptions

Soil Pit 3 – Soil Profile Description (soil pit originally dug in 2012)

GPS coordinates: 462184E, 5411405N

HORIZON	DEPTH (CM)	DESCRIPTION
LFH	1 - 0	Very thin humus layer; mull humus form; worm castings seen
Ah	0 - 8	Friable; loam soil texture (L); 15% rounded coarse gravel; plentiful fine roots; Munsell colour 10 YR 2/2; worm castings
Bm	8 - 32	Friable; sandy loam texture (SL); 25% rounded coarse gravel and 6% rounded cobbles; medium subangular blocky soil structure; Munsell colour 10YR 3/2



PHOTO 1: ORTHIC DYSTRIC BRUNISOL (O.DYB).

The main rooting depth is at 30 cm and depth to seepage is 32 cm. This soil pit was re-excavated in January - a winter month when soils are particularly wet.

Soil Pit 8 – Soil Profile Description (soil pit originally dug in 2012)

GPS coordinates: 462211E; 5411403N

HORIZON	DEPTH (CM)	DESCRIPTION
LFH	1 - 0	Very thin humus layer; mull humus form; worm castings seen.
Ah	0 - 19	Friable; loam soil texture (L); 5% rounded coarse gravel; 15% rounded cobbles; plentiful fine roots; Munsell colour 10 YR 2/2; worm castings; soil frozen at time of sampling
Bf	19 - 28	Friable; sandy loam soil texture (SL); 5% rounded coarse gravel; 35% rounded cobbles; few fine roots; Munsell colour 5 YR 4/6; burnt layer, charcoal seen, rusty orange soil colour
Bm2	28 - 45	Friable; sandy loam soil texture (SL); 15% rounded coarse gravel; few fine roots; massive platy soil structure Munsell colour 5 YR 3/3; charcoal present
C	45+	Friable; loam soil texture (L); no coarse fragments; no roots; massive platy soil structure, Munsell colour 2.5 YR 5/4; charcoal present



PHOTO 2: 0.DYB.

Note the orange-coloured Bf horizon resulting from fire. Note that this is not a Podzolic B horizon because it is less than 10 cm thick. Charcoal was seen in the B horizons; the Ah layer was frozen at the time of sampling.

APPENDIX B

2012 Soil Pit Locations and Photos

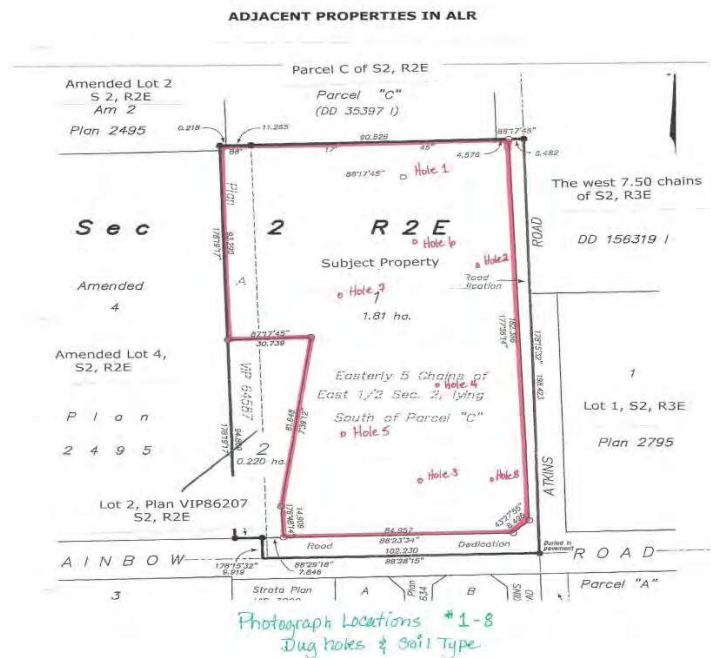


IMAGE OF 2012 SOIL PIT LOCATIONS.

Of the 8 soil pits dug in 2012, only two were found – soil pits 3 & 8. These two holes were re-excavated and described (Appendix A). This image was supplied by the client and is from a 2012 re-zoning application.

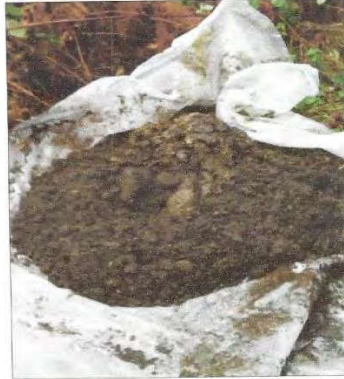


PHOTO 3: 2012 SOIL PITS 1 AND 2 LOCATED IN NORTH-EAST CORNER OF THE PROPERTY (FIGURE 3).

These pits were dug and classified by staff from the Islands Trust. Note high gravel content. These soils were classified as Mexicana soils (Van Vliet *et al* 1987).



Hole #3



Hole #4

**PHOTO 4: 2012 SOIL PITS 3 AND 4 LOCATED IN THE SOUTH-EAST QUADRANT OF THE PROPERTY.**

Soil pit 3 was re-excavated in 2017 and is described in Appendix A. These pits were originally dug and classified as Mexicana soils by staff from the Islands Trust. Note the high gravel content.

**PHOTO 5: 2012 SOIL PITS 5 AND 6.**

Soil pit 5 was located on the sloping portion of the property just north of the auto-repair facility, and soil pit 6 was located close to the principal residence (Figure 3). Neither of these two pits was found. These pits were originally dug and classified as Mexicana soils by staff from the Islands Trust. Both pits appear to have up to 20-25% gravel.



Hole #7



Hole #8

PHOTO 6: 2012 SOIL PITS 7 AND 8 DUG AND CLASSIFIED AS MEXICANA SOILS BY STAFF FROM THE ISLANDS TRUST.

Soil pit 8 was re-excavated in 2017 and is described in Appendix A. Soil pit 7 was located close to the principal residence and soil pit 8 was located in the south-west corner of the Property (Figure 3). Neither of these two pits was found. Soil pit 7 appears to have a low coarse-fragment content (<10% gravel) whereas soil pit 8 has up to 30% coarse-fragments (gravel and cobbles).



APPENDIX C

Site Photos



PHOTO 7: TAKEN ON JANUARY 17, 2017 FROM AN AREA WHERE SHALE BEDROCK IS VERY CLOSE TO THE SURFACE.
Looking south across the property from the north-east corner. The lawn area is the largest cleared and level portion of the property. The primary residence is on the right.



PHOTO 8: BEDROCK OUTCROP CLOSE TO THE FENCE LINE ALONG THE WESTERN PROPERTY BOUNDARY.



PHOTO 9: LOOKING SOUTH ALONG THE WESTERN BOUNDARY.
Note the rocky soil with bedrock close to the surface.



PHOTO 10: NORTH-EAST CORNER OF THE PROPERTY LOOKING SOUTH.
Note exposed shale bedrock in the foreground.



PHOTO 11: AREAS OF ROUNDED EXPOSED GRAVEL WERE SEEN ON THE PROPERTY.

The size of these coarse fragment ranged from gravels (<7.5 cm long) to cobbles (>7.5 cm). Some stones were also seen (> 25 cm long).



PHOTO 12: DEEPER SOILS WITH FEWER COARSE FRAGMENTS WERE ALSO SEEN.

This photo was taken along the southern edge of the property next to the auto-repair facility.

APPENDIX D

Land Capability Classification for Agriculture Overview

Land Capability for Agriculture Overview

Land Capability for Agriculture (LCA) in BC (Kenk 1983) is a classification system that groups agricultural land into classes that reflect potential and limitations to agriculture. The classes are differentiated based on soil properties and climate conditions. The system considers the range of possible crops and the type and intensity of management practices required to maintain soil resources but it does not consider suitability of land for specific crops, crop productivity, specific management inputs or the feasibility of implementing improvements.

There are two land capability hierarchies, one for mineral soils and one for organic soils. Each hierarchy groups the land into seven classes that describe the range of suited crops and required management inputs. The organic soil class definitions are equivalent in relative capabilities and limitations for agricultural use to those defined for mineral soils.

The range of suited crops decreases from Class 1 to Class 7 and/or the management inputs increase from Class 1 to Class 7. For example, Class 1 lands can support the broadest range of crops with minimal management units.

Lands in Classes 1 to 4 are considered capable of sustained agricultural production of common crops. Class 5 lands are considered good for perennial forage or specially-adapted crops. Class 6 lands are good for grazing livestock and Class 7 lands are not considered capable of supporting agricultural production.

LCA Classes are subdivided into subclasses based on the degree and kind of limitation to agriculture. Subclasses indicate the type and intensity of management input required to maintain sustained agricultural production and specify the limitation. For example, lands rated Class 2W have an excess water limitation that can be improved by managing water on the site. There are fewer subclasses for organic soils than for mineral soils (see below).

Most lands are rated for unimproved and improved conditions. Unimproved ratings are calculated based on site conditions at the time of the assessments, without irrigation. Past improvements are assessed as part of the unimproved rating. Forested lands are assessed assuming they are cleared. Improved ratings are assigned assuming that existing limitations have been alleviated. Generally, improvement practices taken into account are drainage, irrigation, diking, stone removal, salinity alleviation, intensive fertilization and adding soil amendments.

LCA Classes and Characteristics for Mineral Soils.

Class	Description	Characteristics
1	no or very slight limitations that restrict agricultural use	- level or nearly level - deep soils are well to imperfectly drained and hold moisture well - managed and cropped easily - productive
2	minor limitations that require ongoing management or slightly restrict the range of crops, or both	- require minor continuous management - have lower crop yields or support a slightly smaller range of crops than Class 1 lands - deep soils that hold moisture well - managed and cropped easily
3	limitations that require moderately intensive management practices or moderately restrict the range of crops, or both	- more severe limitations than Class 2 land - management practices more difficult to apply and maintain - limitations may: - restrict choice of suitable crops - affect timing and ease of tilling, planting or harvesting - affect methods of soil conservation
4	limitations that require special management practices or severely restrict the range of crops, or both	- may be suitable for only a few crops or may have low yield or a high risk of crop failure - soil conditions are such that special development and management conditions are required - limitations may: - affect timing and ease of tilling, planting or harvesting - affect methods of soil conservation
5	limitations that restrict capability to produce perennial forage crops or other specially adapted crops (e.g. cranberries)	- can be cultivated, provided intensive management is employed or crop is adapted to the particular conditions of the land - cultivated crops may be grown where adverse climate is the main limitation, crop failure can be expected under average conditions
6	not arable, but capable of producing native and/or uncultivated perennial forage crops	- provides sustained natural grazing for domestic livestock - not arable in present condition - limitations include severe climate, unsuitable terrain or poor soil - difficult to improve, although draining, dyking and/or irrigation can remove some limitations
7	no capability for arable culture or sustained natural grazing	- all lands not in Class 1 to 6 - includes rocky, mountainous land, non-soil areas, small water-bodies

Land Capability Subclasses for Mineral Soils (for more details see Kenk (1983))

SubClass	Description	Characteristics
A	Soil moisture deficiency	crops are adversely affected by drought lands subject to soil moisture deficits during growing season
C	Adverse climate	thermal limitations to agriculture including adverse effect on plant growth during growing season by cold temperatures / insufficient heat
D	Undesirable soil structure and / or low perviousness	difficult soils to till, and requiring special management for seedbed preparation, and trafficability problems for common farm implements
E	Erosion	soils on which past damage from erosion limits agricultural use of the land
F	Fertility	soils limited by fertility characteristics that may be difficult to correct in a feasible way soils may have a lack of available nutrients or have a low nutrient holding capacity, or other issues
I	Inundation	soils where overflow from streams, lakes or marine tides causes crop damage or restricts agricultural use
N	Salinity	soils adversely affected by soluble salts which reduce crop growth or restricts the range of crops that may be grown
P	Stoniness	soils with sufficient coarse fragments to significantly hinder tillage, planting, and/or harvesting
R	Rockiness	soils where the presence of bedrock near the surface restricts rooting depth and tillage, and generally restricts agricultural practices
T	Topography	soils where the amount of slope limits the use of farm machinery, increases the risk of water erosion, and limits agricultural activities
W	Excess water	soils where excess free water occurs (other than from Inundation - I) excess water occurs because of poor drainage due to high water tables, seepage, or run-off from surrounding areas
Z	Permafrost	the presence of a permanently frozen layer is a severe limitation to agricultural production

Date Received: 30-Nov-2021

Receipt No. EFT

Application ID: 62456

**Provincial Agricultural Land Commission -
Applicant Submission****Application ID:** 62456**Application Status:** Under LG Review**Applicant:** Noella Fraser , Michael Fraser**Local Government:** Islands Trust Regional District**Local Government Date of Receipt:** 11/08/2021**ALC Date of Receipt:** This application has not been submitted to ALC yet.**Proposal Type:** Non-Farm Use

Proposal: Automotive repair shop - established on property in 1996; it is a viable essential service to the community of Salt Spring Island. The area was designated in the Official community plan in 1996, to be the area of growth for future commercial and industrial development. An application for exclusion was submitted in 2008? and eventually turned down due to lack of information provided by Island Trust. This came about from Industrial Lands Needs assessment and Agriculture Land Needs assessment taking over 1 year to produce findings, therefore application timed out. The purpose of this proposal is to maintain the current shop and automotive service to the community. The area would require approximately 0.2 Hectares (a measured area of 140' x 200') on the south end of the property, flanking Rainbow Road, currently a predominately commercial area. If at all possible, we would like consideration to exclude this area of the property, from the ALR.

We would also like to develop a small campground and B&B for Agro tourism; campground to consist of 7 sites maximum and 3 rooms located in primary residence. Agriculture education program to be offered in conjunction with stay as well as promotion to schools in vicinity. The campground area would require approximately 0.6 Hectares. The remainder, 1.01 hectares would be for housing and farming.

Mailing Address:**Primary Phone:****Mobile Phone:****Email:****Parcel Information****Parcel(s) Under Application**1. **Ownership Type:** Fee Simple**Parcel Identifier:** 027-799-409**Legal Description:** LOT 1 SECTION 2 RANGE 2 EAST NORTH SALT SPRING ISLAND
COWICHAN DISTRICT PLAN VIP86207**Parcel Area:** 1.8 ha**Civic Address:** 240 ATKINS ROAD**Date of Purchase:** 08/01/1995**Farm Classification:** No**Owners**1. **Name:** Noella Fraser**Address:**

[Redacted]
[Redacted]
[Redacted]
[Redacted]
Phone: [Redacted]
Cell: [Redacted]
Email: [Redacted]

2. **Name:** Michael Fraser

Address:
[Redacted]
[Redacted]
[Redacted]
[Redacted]
Phone: [Redacted]
Email: [Redacted]

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

*Currently farming approximately 3 acres - Livestock - goats, chickens, ducks, quail, rabbits
Small orchard, garden and pigs planned for future*

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

*Farm buildings - livestock buildings
Soil improvement and water retention pond
Property has multiple soil types including shale bed, sandstone, clay beds. An agrologic report is attached.*

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Automotive repair shop built in 1996; square footage as per the ALC home occupation regulations, provided by Gordon Bednard. Shop uses approximately .5 acres of land

Adjacent Land Uses

North

Land Use Type: Transportation/Utilities
Specify Activity: Bc hydro sub station

East

Land Use Type: Agricultural/Farm
Specify Activity: Horse farm

South

Land Use Type: Commercial / Retail
Specify Activity: Mini storage, rental business, auto repair shop, medical manufacture, cement plant

West

Land Use Type: Residential

Specify Activity: Single family dwelling

Proposal

1. How many hectares are proposed for non-farm use?

0.8 ha

2. What is the purpose of the proposal?

Automotive repair shop - established on property in 1996; it is a viable essential service to the community of Salt Spring Island. The area was designated in the Official community plan in 1996, to be the area of growth for future commercial and industrial development. An application for exclusion was submitted in 2008? and eventually turned down due to lack of information provided by Island Trust. This came about from Industrial Lands Needs assessment and Agriculture Land Needs assessment taking over 1 year to produce findings, therefore application timed out. The purpose of this proposal is to maintain the current shop and automotive service to the community. The area would require approximately 0.2 Hectares (a measured area of 140' x 200') on the south end of the property, flanking Rainbow Road, currently a predominately commercial area. If at all possible, we would like consideration to exclude this area of the property, from the ALR.

We would also like to develop a small campground and B&B for Agro tourism; campground to consist of 7 sites maximum and 3 rooms located in primary residence. Agriculture education program to be offered in conjunction with stay as well as promotion to schools in vicinity. The campground area would require approximately 0.6 Hectares. The remainder, 1.01 hectares would be for housing and farming.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

Obviously, this proposal could be accommodated outside ALR, if property could be located/purchased, on Salt Spring, in the vicinity of the village of Ganges, however, most property surrounding Ganges is in the ALR.

According to the Industrial needs assessment, for Salt Spring Island, the community has inadequate amounts and locations of commercial/industrial lands and those with any zoning are considered used up or unusable.

Unlike agriculture, in which land can be improved for agriculture purposes, industrial is limited areas with zoning. The location of the property was designated by the islands trust as a future development area for commercial/industrial. The shop currently services government vehicles, such as BC Hydro, CRD, and BC Transit.

There is a lack of services for automotive repair, on Salt Spring Island, due to 3 shops closing down. Two of the three properties have been sold and will not be accommodating auto repair shop in the future.

4. Does the proposal support agriculture in the short or long term? Please explain.

The proposal does actually support agriculture both short and long terms by offering repair service to farm vehicles and equipment, as well as general repair to others.

The campground proposal definitely offers support to agriculture by way of education of farming practices on small parcels. A business plan is currently being written, which includes a small orchard, a market garden as well as raising poultry and livestock for meat. A marketing plan is also in the works in order to market goods raised or grown on the property, using a roadside stand or possibly a small 100 sf "store", if permitted.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

No

Applicant Attachments

- Professional Report-Agrologic Report

- Proposal Sketch-62456
- Professional Report-Industrial Lands Needs Assessment
- Certificate of Title-027-799-409

ALC Attachments

None.

Decisions

None.

MEMORANDUM

File No.: 3900-03: LPS Admin Bylaw
(SS-BL-527)

DATE OF MEETING: November 25, 2021

TO: Salt Spring Island Advisory Planning Commissions (APC, AAPC, Ganges Village Task Force and Housing Action Program Task Force)

FROM: Stefan Cermak, Regional Planning Manager
Salt Spring Island Team

SUBJECT: Referral of Draft Fees Bylaw – Consideration of Community Benefit

PURPOSE

At their November 9, 2021 meeting, the Salt Spring Island Local Trust Committee (SS LTC) considered draft Bylaw No. 527 which is an amendment to the Salt Spring Islands Local Trust Committee fees bylaw (Bylaw No. 428). After refining the bylaw, the SS LTC requested staff to refer Bylaw 527 to their four advisory planning commissions (Advisory Planning Commission, Agricultural Advisory Planning Commission, Ganges Village Planning Task Force, and Housing Action Program Task Force). Specifically, the SS LTC requested input regarding community benefits. The draft resolution is as follows:

SS-2021-210

It was MOVED and SECONDED

That the Salt Spring Island Local Trust Committee request the staff report regarding New Fees Bylaw as per Trust Council Policy 5.6.1. be referred to the Advisory Planning Commissions and Task Forces and request specific input be considered regarding community benefits.

CARRIED

The amended bylaw No. 527 is attached in Appendix 1 (note this is a “red-lined” version showing the most recent approved changes).

BACKGROUND

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy (5.6.1) that includes a model fee bylaw. Trust Council requested all local trust committees to consider adoption of a new application processing fees bylaw based on the model fees bylaw attached to the newly adopted policy. At their October 5, 2021 meeting, the SS LTC received the request and subsequently requested staff to draft a new fees bylaw based on the model fees bylaw attached to the Trust Council Policy 5.6.1. (Appendix 2.)

As noted above, at its November 9, 2021, the SS LTC received draft Bylaw No. 527 (Appendix 3 with staff report). The SS LTC made some amendments and referred it to the Advisory Planning Commissions for comment on community benefits.

Key points:

- Bylaw No. 527 is, and must be, in harmony with Policy 5.6.1 (see Appendix 2 for policy).
- Bylaw No. 527 – includes the following regarding “Community Benefit”:
 - “Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community amenity (i.e. Section H.3 of Bylaw No. 434).”
 - “Community Benefits” is in relation to temporary use permits for a use under a specified size that provides a community benefit. Specifically, Temporary Use Permit for residential uses or commercial uses under 95 square metres that provide community benefit.
 - The fee for a TUP that provides a community benefit is reduced from \$2,150 to \$1,000 and from \$700 to \$350 for a renewal.
- The SS LTC may define community benefit based on its official community plan (OCP) definition of community benefit. There is no specific definition for community amenity in the OCP. Instead, a brief review of the OCP identifies the following items listed as community amenities:

OCP Reference	Community Amenity
A.5.2.3	The protection of Environmentally Sensitive Areas or High Biodiversity..
A.6.2.10	Energy efficient building design features exceeding the BC Building Code..
A.8.2.6	The restoration and heritage designation of buildings...
A.8.2.16	The permanent formal protection of an archaeological site or other site of significance to First Nations peoples...
B.2.2.2.5	Land for affordable housing...
B.4.4.2.6	...Land provided...to relocate the Ganges Firehall site...
B.4.5.2.3	Land and facilities for community cultural purposes...
B.6.2.2.12	...community owned farmland or land for community farm product processing or storage facilities...
B.7.2.2.6	Public park and recreation lands or recreational facilities (or money to purchase them)...
C.2.2.2.6	The construction of walking and bicycle pathways for transportation or recreation ...
The above are also referenced in Appendix 3 (Section H) with the addition of a community woodlot:	
H.3.2.1	a the dedication of intact Environmentally Sensitive Areas to a public or private conservation body, or protection through conservation covenant.

	b. land for, or construction of, affordable or special needs housing. c. the dedication of public park and recreation lands, or of funds to be held in trust for their purchase, to the Capital Regional District. d. land that is acceptable to the Salt Spring Fire District for the location of a fire station, if provided to the District at no charge and it results in public ownership of the Ganges Firehall site. e. land for community-owned farmland or land for community agricultural processing or storage facilities provided to the Salt Spring Farmers' Institute or a community farmland trust organization. f. the provision and construction of bicycle lanes, pedestrian and bicycle pathways or trails that add to or support links in the island trail network. g. the dedication of alignment and construction of a Ganges Alternate Route. h. protection, restoration and designation of heritage property. i. suitable, productive forest land donated to a community organization for the operation of a community owned and managed woodlot. j. implementation of energy efficient building design criteria that exceeds that required by the B.C. Building Code or other regulations. k. land or facilities for community cultural or recreational purposes. l. the permanent formal protection of an archaeological site or other site of significance to First Nations peoples.
--	---

- The Fees Bylaw is an administrative bylaw, not a project, thus there are no resources for engagement or further staff time for analysis (this occurred during development of the Trust Council policy and model fees bylaw).
- This is not an opportunity to amend the OCP. However, it may be an opportunity to recommend OCP amendments for the future – in other words, respective advisory planning commissions may recommend that the Salt Spring Island Local Trust Committee add [list items] as community amenities within the Official Community Plan.

NEXT STEPS

The respective Advisory Planning Commissions may make recommendations to the SS LTC regarding community benefits. The SS LTC will consider the recommendation. The SS LTC may give three readings to an administrative bylaw in one meeting. The SS LTC must then refer it to the Executive Committee for their approval and then give final reading for adoption of the bylaw. The trust wide goal is to have each local trust committee adopt a new fees bylaw by March 2022 – before the start of the next fiscal period. Therefore, the SS LTC should consider first three readings no later than January 2022.

ATTACHMENTS

1. Bylaw No. 527 (as amended Nov. 9, 2021)
2. Request For Decision for the meeting of October 5, 2021
3. Staff Report dated November 9, 2021

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 527

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Salt Spring Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "Salt Spring Island Local Trust Committee Fees Bylaw, No. 527".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Salt Spring Island Local Trust Committee Development Procedures Bylaw No. 304, 1993 to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;
- 2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community amenity (i.e. Section H.3 of Bylaw No. 434).

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or OCP)	\$7,800
2. Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000 <u>\$1,200</u>
2. Protection of Development from Hazardous Conditions	\$1,000 <u>\$1,200</u>
3. Protection of Farming	\$1,000 <u>\$1,200</u>
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000 <u>\$1,200</u>
6. Objectives to Promote Water Conservation	\$1,000 <u>\$1,200</u>
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000 <u>\$1,200</u>
8. Development Permit Amendment	\$1,000
Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses or commercial uses under 95 square metres that provide community benefit.	\$1000
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal (Community Benefit)	\$350
Other Permits	
15. Siting and Use Permit	\$250
16. <u>15.</u> Heritage Alteration Permit	\$1,700
Combination Applications	
17. <u>16.</u> Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. <u>17.</u> Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000 \$1,200
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

Note: Agricultural Land Commission (ALC) Application Fees are determined by the ALC.

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rated in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.

- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Salt Spring Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 "Salt Spring Island Local Trust Committee Fees Bylaw No. **428**" is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 20__

READ A SECOND TIME THIS _____ DAY OF _____, 20__

READ A THIRD TIME THIS _____ DAY OF _____, 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____, 20__

ADOPTED THIS _____ DAY OF _____, 20__

CHAIR

SECRETARY



REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** October 5, 2021

From: David Marlor, Director, Local Planning Services **Date Prepared:** September 15, 2021

SUBJECT: New Fee bylaws

RECOMMENDATION:

That the Salt Spring Island Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

DIRECTOR COMMENTS:

The recommendation will allow staff to draft a fee bylaw specific to each local trust committee’s needs based on the model fee bylaw adopted by Trust Council.

1 PURPOSE: To update all local trust committee fee bylaws to be consistent with the new Application Processing Services policy.

2 BACKGROUND:

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. Trust Council also passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new application processing fees bylaw based on the model fees bylaw attached to Policy 5.6.1 “Application Processing Services”.

The Trust Council application processing services policy has been amended to:

1. clarify more specifically the activities covered by the application fee to remove ambiguity;
2. remove the need for planners to determine the work required at the start of the process, which has been identified as practically impossible to implement;
3. establish an objective of 80 per cent of the average processing cost for cost recovery;
4. add more clarity around when cost recovery agreements are required, and what are considered extraordinary cost charges; and
5. add a model fees bylaw to the policy as an attachment.

A new model fees bylaw has been developed that:

1. has updated fees that better reflect the actual average cost of processing the various types of applications, designed to include the staff costs and the fixed costs, such as meeting expenses and advertising;
2. adds consideration for recovery of costs associated with First Nation site visits if required;
3. adds more robust fee refund policy to improve fairness;
4. adds an annual automatic increase of fees of two percent to reflect the estimated actual cost increases due to inflation and collective agreement increases for staff;
5. retains ability of local trust committees to reduce fees by up to 20 percent, intended to allow flexibility recognizing local factors affecting cost of application processing;
6. adds flexibility to allow for reduced temporary use permits fees for community benefits as defined by the local trust committee in its official community plan; and
7. adds a 20 per cent higher fee for applications where development began without a permit or permission to reflect the higher cost of processing such an application.

Each local trust committee has been asked by Trust Council to update its fee bylaw to be consistent with the model fee bylaw approved by Trust Council. If a local trust committee wishes to adjust fees in accordance with items 5 and 6 above, the local trust committee should include this request in the resolution to develop a draft fee bylaw. While a local trust committee is under no legislative obligation to amend its fees bylaw, Trust Council has developed the model fee bylaw to assist in assuring the fees charged better reflect the cost of processing applications using shared resources throughout the Islands Trust Area.

Please note that fees charged are to recover the average cost of processing that type of application. Fees cannot be used to be punitive, or to raise funds above the average cost of processing an application. Local trust committees cannot charge fees for building permit referrals or Crown land referrals as there is no authority provided to do so.

Local trust committees are authorized to charge fees for different types of applications as follows:

- **Section 462 of the *Local Government Act*** provides that a local government may, by bylaw, impose fees related to applications and inspections to recover the average costs of processing official community plan amendments, land use bylaw amendments, subdivisions bylaw amendments, heritage conservation bylaw amendments, issuance of a development permit, development variance permit, temporary use permit, heritage alteration permit, land use contract amendments, heritage revitalisation agreement amendments, board of variance orders, and inspection of works and services related to applications and permits, and subdivision applications;
- **Section 31(2)(b) of the *Islands Trust Act*** provides that a local trust committee may impose fees to recover the cost of processing siting and use permits;
- **Section 41 of the *Liquor Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing liquor and liquor licensing referrals; and
- **Section 35 of the *Cannabis Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing a referral for a license under that Act.

Section 462 of the *Local Government Act* also states that local governments must not impose a fee, charge a tax or require works or services to be provided unless authorized by this Act or any other Act. For this reason, fees are not charged for processing of building permit and Crown land referrals, as there is no authorization in any Act for local trust committees to recover these costs.

Fee bylaws are administrative bylaws. There is no requirement for public input. The local trust committee may consider first, second and third readings all at one meeting. The Executive Committee must approve the bylaw before the local trust committee can consider adoption.

Ideally, all local trust committees will have considered updating their bylaws by March 2022 so that the assumptions on revenue can be included in the next fiscal year budget process.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Staff will draft a fee bylaw based on the model fee bylaw and bring back to a future local trust committee meeting for consideration.

FINANCIAL:

No financial implication from the recommendation.

POLICY:

Updating the Fee bylaw will be consistent with Trust Council Policy 5.6.1 Application Processing Services.

IMPLEMENTATION/COMMUNICATIONS:

Local planning staff assigned to the local trust committee will draft fee bylaw for local trust committee consideration.

FIRST NATIONS:

No First Nations implications from the recommendations.

OTHER:

No other implications from the recommendations.

4 RELEVANT POLICY(S):

Trust Council Policy 5.6.1 Application Servicing Process

5 ATTACHMENT(S):

Trust Council Policy 5.6.1 Application Processing Services

RESPONSE OPTIONS

Recommendation:

That the Salt Spring Island Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

Alternative:

That the Salt Spring Island Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services” with the following modifications: [list modifications].

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Julia Mobbs, Director, Administrative Services/Aug 2021



Policy:	5.6.1
Approved By:	Trust Council
Approval Date:	June 9, 2021 Repeals policies 5.6.1, 5.6.2 and 5.6.3
Amendment Dates:	
Policy Holder:	Director of Local Planning Services

APPLICATION PROCESSING SERVICES POLICY

Purpose

This policy is intended:

- to identify the services provided by Islands Trust and the different levels of costs associated with these services;
- to provide direction for the preparation of Fees Bylaws and Schedules by Local Trust Committees (LTCs);
- to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a LTC;
- to recover from applicants 100 per cent of the average cost of processing the development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

A. Definitions

1. Application Processing Services include:

- 1.1 Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws;
- 1.2 Development Application Requests for:
 - 1.2.1 Development Permits,
 - 1.2.2 Development Variance Permits,
 - 1.2.3 Temporary Use Permits,
 - 1.2.4 Soil Removal and Deposit Permits,
 - 1.2.5 Heritage Alteration Permits,
 - 1.2.6 Board of Variance Orders,
 - 1.2.7 Liquor Licensing Permits,
 - 1.2.8 Cannabis Licensing Permits,
 - 1.2.9 Siting & Use Permits,
 - 1.2.10 Land Use Contracts;
- 1.3 Agency Referral Responses and Comments on applications referred from other agencies.

2. Service Levels include:

- 2.1 Information Service that involves providing information to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
 - 2.2 Standard Application Processing Service that involves providing a specific service to applicants as a direct response to an application, whether directly to Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant.
 - 2.3 Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service, with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement.
3. Costs:
- 3.1 General Service Costs includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.
 - 3.2 Estimated Direct Costs include advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, and staff travel to attend public hearings and community information meetings.
 - 3.3 Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant, and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.
4. Community Benefit:
- 4.1 Community benefit is the provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit or amenity.

B. Policy

1. Standard Application Processing Services

Applicants are responsible for paying different rates based on the level of service. The details involved in each level of a standard application processing service are identified below.

1.1 Information Service – No Fee Required

Information services are considered a public service and include:

- 1.1.1 ***providing information*** on application process requirements including a meeting with staff;
- 1.1.2 ***providing assistance*** to complete an application;
- 1.1.3 ***determination*** of applicable fees;

1.1.4 **identification** of readily identifiable issues to be addressed.

1.2 Application and Processing Service – Included in Application Fee

For rezoning applications, temporary use permit applications, development variances, development permits, liquor and cannabis retail license applications, and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment including site visit where required;
- 1.2.2 staff reports;
- 1.2.3 discussion between planners and applicant throughout process;
- 1.2.4 review of archaeological data;
- 1.2.5 staff referral to other agencies, advisory planning commissions, and analysis of their comments;
- 1.2.6 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
- 1.2.7 staff report with recommendation for Local Trust Committee (LTC) approval consideration;
- 1.2.8 processing bylaws through Executive Committee for approval consideration, if necessary;
- 1.2.9 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary;
- 1.2.10 adoption of all bylaws or issuing of permits as required.

1.3 Public Hearing – Included in Application Fee

Services related to a Public Hearing that will be provided to an applicant who has paid an application fee include:

- 1.3.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, and delivery of notices when needed).

1.4 Community Information Meeting – Included in Application Fee

Services related to a Community Information Meeting that will be provided to an applicant who has paid an application fee include:

- 1.4.1 conducting one community information meeting with staff present (includes staff time, staff travel costs, and estimated direct costs such as meeting place rental and delivery of notices when needed).

2. Extraordinary Processing Services – additional fees required

Extraordinary Processing Services are services provided to the applicant that are beyond the standard processing services identified in 1.1- 1.4. Applicants are responsible for paying additional fees for extraordinary processing services.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

- 2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:
 - 2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,
 - 2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,
 - 2.1.1.3 the processing requirements include First Nations site visit(s).
- 2.1.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.
- 2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

2.2 Provision of Extraordinary Processing Services

- 2.2.1 Extraordinary processing services can be provided by Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- 2.2.2 A resolution of the LTC following the recommendation of the Regional Planning Manager is required to proceed.
- 2.2.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant and a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

3. Extraordinary Services Cost Recovery Agreements

3.1 Extraordinary Services Cost Recovery – Principles

- 3.1.1 Cost Recovery Agreements reflect a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Cost Recovery Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC Fees Bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the Cost Recovery Agreement.
- 3.1.6 The Cost Recovery Agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 staff time required for covenant development;
- 3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;
- 3.2.3 technical assessments or studies as required by the local trust committee;
- 3.2.4 retaining special technical assistance required by the local trust committee;
- 3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;
- 3.2.6 process agreement negotiation;
- 3.2.7 First Nations site visits;
- 3.2.8 other resources and/or services required by the local trust committee to process the application not covered by the Fees Bylaw.

4. Funding Basis and Fee Adjustments

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committees should adopt a Fees Bylaw consistent with the model Fees Bylaw in Attachment 1.
- 4.2 Standard fees in Fees Bylaws are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 31(2)(b) of the *Islands Trust Act*, Section 41 of the *Liquor Control and Licensing Act*, and Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances of up to 20% below what is indicated in the Trust Council's Model Fees Bylaw when adopting a LTC Fees Bylaw. The following criteria must be considered when evaluating a fee variance:
 - 4.3.1 the level of community/environmental benefit offered by the type of application;
 - 4.3.2 variances in direct costs (e.g. hall rental); and,
 - 4.3.3 an amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a Fees Bylaw must be adopted by bylaw amendment. All LTC Fees Bylaws and Fees Bylaw amendments must be approved by the Executive Committee before adoption by a LTC.
- 4.5 Where the model fees bylaw permits reduced fees for temporary use permits that have a community benefit and are small scale, the local trust committee fees bylaw must specify the actual community benefit to which the fee applies, and should be supported by policies in the official community plan on what are considered amenities to the community.
- 4.6 Applications for development that begin without a permit or bylaw authorisation are subject to a 20 per cent surcharge to recover the additional cost in processing these types of applications.

5. Application Fee Sponsorship

- 5.1 If eligible, as identified in [Trust Council Policy 4.1.13 Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications](#), the applicant may apply for development application fee sponsorship.

6. Development Approval Information

- 6.1 The Development Approval Information (DAI) Bylaw provides a mechanism to ensure that the LTC receives appropriate reports and documentation (such as reports from engineers, biologists, hydrogeologists, and geotechnical specialists) from applicants to support rezoning, temporary use permit, and development permit applications.
- 6.2 DAI bylaws reduce operational costs by ensuring that applications are complete and the information provided is appropriate.
- 6.3 Local trust committees should adopt a development approval information bylaw.
- 6.4 The Regional Planning Committee should develop a model Development Approval Information bylaw for addition as Attachment 2 to this policy.

C. Legislated References

Local Government Act, S.462

Local Government Act, S.486

Liquor Control and Licensing Act, S.41

Cannabis Control and Licensing Act, S.35

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- 1. Model Fees Bylaw

[INSERT LTC NAME] LOCAL TRUST COMMITTEE

BYLAW NO. [XX]

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications. Model fees reflect the cost recovery for application processing.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act, **[DENMAN AND HORNBY ONLY and Section 31(2)(b) of the Islands Trust Act provides that a local trust committee may impose a fees to recover the cost of processing siting and use permits]** ;

NOW THEREFORE the **[Insert LTC Name]** Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the **[Insert LTC Name]** Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "[Insert LTC Name] Local Trust Committee Fees Bylaw, No. [XX]".

Interpretation

2.1 In this bylaw:

"Applicant" means:

2.1.1 the person authorized under the _____ Island Local Trust Committee Procedures Bylaw No. ____, _____ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit.

[NOTE: This is in relation to temporary use permits for a use under a specified size that provides a community benefit. The local trust committee would define community benefit here based on its official community plan definition of community benefit]

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or land use designation)	\$7,800
2. Minor (e.g. policy change without changing density or land use designation not requiring an OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000

Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses and commercial uses under 95 square metres that provide community benefit..	\$1000
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal (Community Benefit)	\$350
Other Permits	
15. Siting and Use Permit	\$250
16. Heritage Alteration Permit	\$1,700
Combination Applications	
17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rated in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The (Insert LTC Name) will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “[Insert LTC Name] Local Trust Committee Fees Bylaw No. [XX]” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME this st day of , 20

READ A SECOND TIME this st day of , 20

READ A THIRD TIME this st day of , 20

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this th day of , 20

ADOPTED this th day of , 20

Chair

Deputy Secretary



Islands Trust

STAFF REPORT

File No.: 3900-03: LPS Admin Bylaw
(SSI Fees Bylaw)

DATE OF MEETING: November 9, 2021
 TO: Salt Spring Island Local Trust Committee
 FROM: Stefan Cermak, Regional Planning Manager
 Salt Spring Island Team
 COPY: David Marlor, Director of Local Planning Services
 SUBJECT: New Fee Bylaw as per Trust Council Policy 5.6.1

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee Bylaw No. 527, cited as “Salt Spring Island Local Trust Committee Fees Bylaw, 2021”, be given first, second, and third reading.
2. That the Salt Spring Island Local Committee Bylaw No. 527, cited as “Salt Spring Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The purpose of this report is for the Salt Spring Island Local Trust Committee (SS LTC) to consider adoption of Bylaw No. 527 which would replace Bylaw No. 428 (SSI LTC Fees Bylaw) to include:

- An expanded Interpretation section.
- Fee changes for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

BACKGROUND

At the October 5, 2021 Salt Spring Island Local Trust Committee regular business meeting, the SS LTC passed the following resolution:

SS-2021-197

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

CARRIED

Rationale for Recommendation

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council requested all local trust committees to adopt the new fees bylaw. On October 5, 2021, the SS LTC requested staff to draft a new Fee Bylaw based on the model fee bylaw. Draft Bylaw No. 527 is attached.

Submitted By:	Stefan Cermak Regional Planning Manager	October 27, 2021
---------------	--	------------------

ATTACHMENTS

1. Draft Bylaw No. 527 (see Appendix 1 of memo to APCs)



Islands Trust

ADVISORY COMMITTEES 2022 RESERVED MEETING DATES

The Local Trust Committee may refer matters to the Advisory Committees as required. Advisory Committee meetings would then normally be scheduled two weeks after a regular meeting of the Salt Spring Island Local Trust Committee.

The proposed 2022 Advisory Committees meeting reserved dates are as follows:

DATE		APC TIME*	AAPC TIME*	TENTATIVE LOCATION	2022 LTC Schedule FOR INFORMATION ONLY
Thursday	February 3	1:00 PM	3:00 PM	Baptist Church	January 18
Thursday	March 3	1:00 PM	3:00 PM	Baptist Church	February 15
Thursday	April 7	1:00 PM	3:00 PM	Baptist Church	March 22
Thursday	May 5	1:00 PM	3:00 PM	Baptist Church	April 19
Thursday	June 2	1:00 PM	3:00 PM	Baptist Church	May 17
Thursday	June 30	1:00 PM	3:00 PM	Baptist Church	June 14
Thursday	July 28	1:00 PM	3:00 PM	Baptist Church	July 12
Thursday	August 25	1:00 PM	3:00 PM	Baptist Church	August 9
Thursday	September 22	1:00 PM	3:00 PM	Baptist Church	September 6
Thursday	October 27	1:00 PM	3:00 PM	Baptist Church	October 11
Thursday	December 1	1:00 PM	3:00 PM	Baptist Church	November 15
Thursday	January 5	1:00 PM	3:00 PM	Baptist Church	December 13

**Note meeting times for Advisory Committees times may be subject to change*

Advisory Committee members will be advised if a meeting is required, approximately two weeks prior to the reserved meeting date.

An agenda package will normally follow approximately one week before the scheduled meeting.