

AGENDA

SALT SPRING ISLAND ADVISORY PLANNING COMMISSION

Date: Thursday, October 21, 2021

Time: 1:00 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 Sep 16, 2020 APC Meeting – *For Adoption*

Page 2

3. BUSINESS ITEMS

3.1 Deferred Referral: Proposed Bylaw No. 505
SS-RZ-2017.2 - Fernando & Tammy Dos Santos - 221 Drake Road, SSI
Staff Memorandum

Page 5

4. OTHER BUSINESS

5. ADJOURNMENT



Salt Spring Island Advisory Planning Commission

Minutes of a Regular Meeting

Date of Meeting: Thursday, September 16, 2021

Location: Electronic Meeting

Members Present: Mairi Wellman, Vice Chair
Ron Cooke, Commissioner
Nancy Krieg, Commissioner
Leigh Large, Commissioner
Neil Morie, Commissioner

Regrets: Jean Brouard, Commissioner
Francine Carlin, Commissioner
Stanley Shapiro, Commissioner

Absent: Jeff Thompson, Chair

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

Media and Others Present: Peter Grove, Local Trustee
Applicant Fernando Dos Santos
Applicant Tami Dos Santos
Applicant Hans Hazenboom

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

Vice Chair Wellman called the meeting to order at 1:05 p.m.

1. APPROVAL OF AGENDA

By general consent the agenda was adopted.

2. MINUTES OF PREVIOUS MEETING

2.1 Draft Minutes of the August 12, 2021 APC Meeting

By general consent, the minutes of the August 12, 2020 Salt Spring Island Advisory Planning Commission meeting were adopted.

3. BUSINESS ITEMS

3.1 SS-DP-2021.3 & SS-DVP-2021.14 - H. Hazenboom Construction Ltd. - 317 Rainbow Road, SSI

Planner Mayes presented a staff memorandum dated August 31, 2021 regarding a development permit application for development of new retail, general employment or commercial space greater than 185 square metres in gross floor area in DPA2 (Non-Village Commercial and Industrial) and a development variance permit application to make lawful the siting of a retaining wall structure.

In discussion the following comments and questions were noted:

- There was a question regarding whether the application was referred to neighbours. Planner Mayes reported notification of the development variance permit was mailed to neighbours on August 16, 2021 and no responses have been received at this time.
- There was a question regarding the vegetative buffers. Planner Mayes reported the cedar hedge that borders Knott Place is located on the neighbouring strata common property, the vegetation that is adjacent to the front and part of the exterior side lot line is located on the subject property and there is a portion of vegetative buffer along the undeveloped portion of Atkins Road that is located on the Ministry of Transportation and Infrastructure (MOTI) right of way.
- There was a comment that there is one area of vegetative buffer that is on the subject property.
- There was a comment that the storage facility is out of sight and generally would have minimal impact on neighbouring properties.
- There was a question regarding whether the Garden Faire Gallery, Nursery & Campground provided any comments or concerns. Planner Mayes reported no comments or concerns were received from the campground although the Garden Faire Gallery, Nursery & Campground provided a letter regarding planting and maintaining a vegetative buffer located on the adjacent MoTI right of way.

It was MOVED and SECONDED,

That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that applications SS-DP-2021.3 and SS-DVP-2021.14 (317 Rainbow Road) be approved.

CARRIED

R. Cooke declared conflict of interest regarding Item 3.2 and left the meeting at 1:15 p.m. It was noted there was no longer a quorum of members present.

3.2 SS-RZ-2017.2 - Fernando & Tammy Dos Santos - 221 Drake Road, SSI – none

Item 3.2 was not considered due to a lack of quorum.

Vice Chair Wellman requested staff to schedule a special meeting to consider item 3.2 - SS-RZ-2017.2 (Fernando & Tammy Dos Santos, 221 Drake Road), in a timely manner.

4. OTHER BUSINESS - none

5. ADJOURNMENT

By general consent the meeting adjourned at 1:24 p.m.

Jeff Thompson, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder

DRAFT



DATE OF MEETING: September 16, 2021
TO: Salt Spring Island Advisory Planning Commission
FROM: Geordie Gordon, Planner 2, Salt Spring Island Team
SUBJECT: Referral: Proposed Bylaw No. 505

PURPOSE

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

BACKGROUND

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

SS-2021-151

It was MOVED and SECONDED,

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

CARRIED

SS-2021-152

It was MOVED and SECONDED,

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

CARRIED

SS-2021-153

It was MOVED and SECONDED,

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

CARRIED

SS-2021-154

It was MOVED and SECONDED,

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

CARRIED

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

NEXT STEPS

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

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

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

- *[list reasons]...*

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

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

- *[list recommendations]...*

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

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

- *[list reasons]...*

Submitted By:	Geordie Gordon, Planner 2	September 2, 2021
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ATTACHMENTS

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

DATE OF MEETING: July 27, 2021

TO: Salt Spring Island Local Trust Committee

FROM: Geordie Gordon, Planner 2
Salt Spring Island Team

COPY: Stefan Cermak, Regional Planning Manager

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

RECOMMENDATION

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

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

REPORT SUMMARY

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

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

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

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

BACKGROUND

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

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

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

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

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

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

SS-2017-114

It was MOVED and SECONDED,

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

CARRIED

SS-2017-145

It was MOVED and SECONDED,

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

CARRIED

SS-2017-146

It was MOVED and SECONDED,

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

CARRIED

SS-2017-147

It was MOVED and SECONDED,

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

CARRIED

SS-2017-148

It was MOVED and SECONDED,

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

CARRIED

SS-2018-35

It was MOVED and SECONDED,

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

CARRIED

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

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

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

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

A full ITPS checklist is attached in appendix 2.

Official Community Plan:

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

Land Use Bylaw:

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

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

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

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

Issues and Opportunities

Water

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

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

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

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

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

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

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

Building Strata

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

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

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

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

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

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

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

Road Condition

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

Land Uses

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

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

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

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

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

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

Covenants

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

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

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

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

Development Permit Area

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

Consultation

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

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

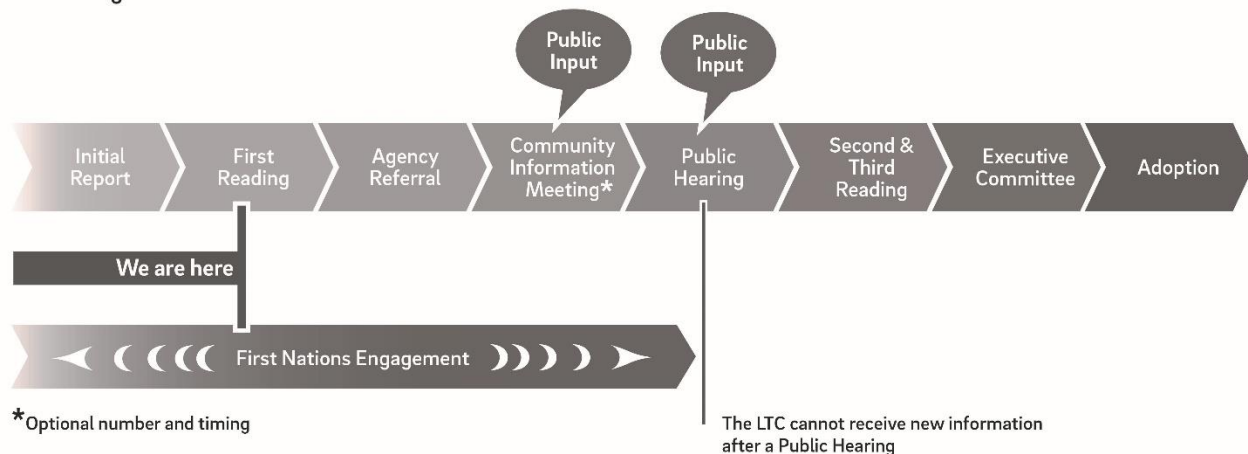
Referrals of rezoning bylaws to agencies, organizations and First Nations typically occur at time of first reading. Staff have recommended that this referral be conducted again if first reading of the amended bylaw is given. As the application also involves an OCP amendment, the SS LTC is required by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

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

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

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



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

Protocols

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

First Nations

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

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

Rationale for Recommendation

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

ALTERNATIVES

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

1. Request further information

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

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

2. Deny the application

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

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

NEXT STEPS

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

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

ATTACHMENTS

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

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 505

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

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

1. Citation

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

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

READ A FIRST TIME THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

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

SCHEDULE NO. 1

1. Bylaw No. 355 is amended as follows:

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

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

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

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

SCHEDULE NO. 2

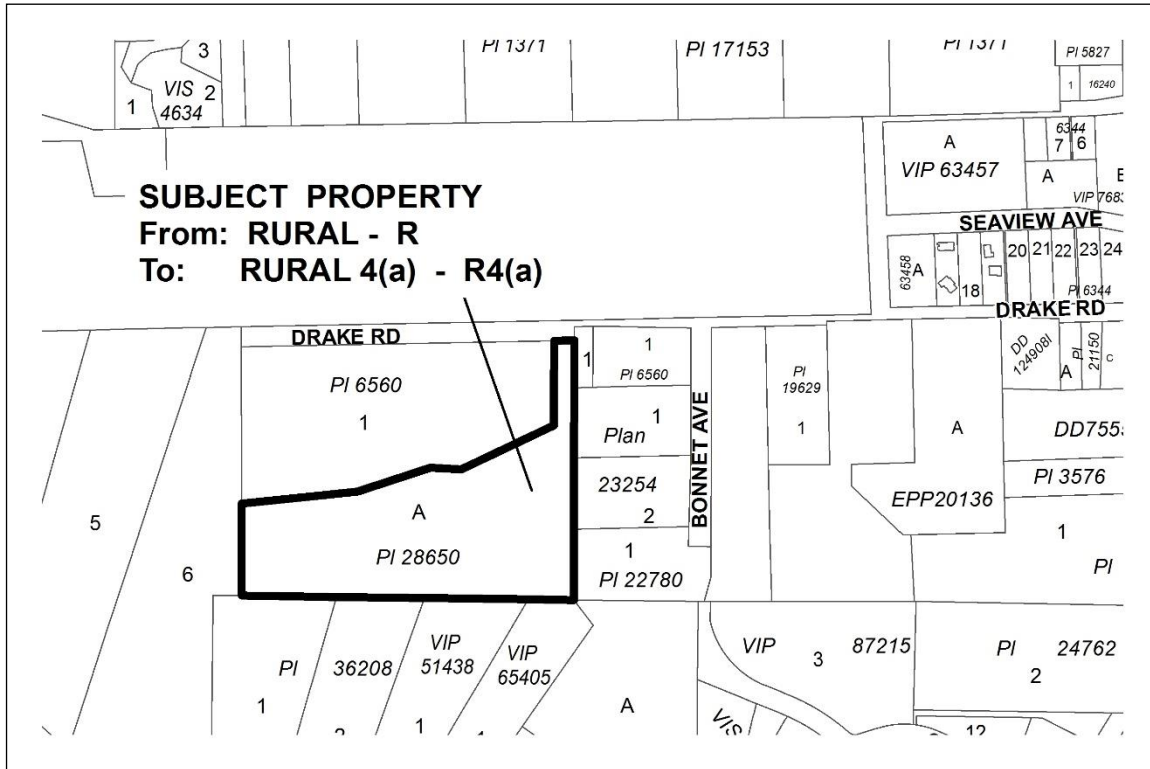
2. Bylaw No. 355 is amended as follows:

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

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 505

PLAN NO. 1





Islands Trust

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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



Province of British Columbia

Water Sustainability Act

CONDITIONAL WATER LICENCE

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

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

Cali Melnechenko
Water Manager