

AGENDA

SALT SPRING ISLAND ADVISORY PLANNING COMMISSION

Date: Thursday, September 16, 2021
Time: 1:00 PM
Location: Electronic

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 August 12, 2020 APC Meeting – *For Adoption*

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3. BUSINESS ITEMS

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

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

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4. OTHER BUSINESS

5. ADJOURNMENT



Salt Spring Island Advisory Planning Commission

Minutes of a Regular Meeting

Date of Meeting: Thursday, August 12, 2021

Location: Electronic Meeting

Members Present: Jeff Thompson, Chair
Mairi Wellman, Vice Chair
Ron Cooke, Commissioner
Leigh Large, Commissioner
Stanley Shapiro, Commissioner

Regrets: Jean Brouard, Commissioner
Francine Carlin, Commissioner
Nancy Krieg, Commissioner

Absent: Neil Morie, Commissioner

Staff Present: Kristine Mayes, Planner 1
Louisa Garbo, Island Planner
Geordie Gordon, Planner 2
Rob Pingle, Planning Team Assistant
Sarah Shugar, Recorder

Media and Others Present: Peter Grove, Local Trustee
Laura Patrick, Local Trustee

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

Planner Mayes called the meeting to order at 1:02 p.m.

1. APPROVAL OF AGENDA

By general consent the agenda was adopted.

2. MINUTES OF PREVIOUS MEETING

2.1 Draft Minutes of the October 22, 2020 APC Meeting

By general consent, the minutes of the October 22, 2020 Salt Spring Island Advisory Planning Commission meeting were adopted.

3. BUSINESS ITEMS

3.1 Election of the Chair

Planner Mayes announced the election procedures.

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

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

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

Planner Mayes presented a memorandum dated July 29, 2021 regarding proposed amendments to the Salt Spring Island Land Use Bylaw No. 355 (LUB) and the Salt Spring Island Official Community Plan No. 434 (OCP) to make lawful a restaurant and two commercial accommodation units.

In discussion the following comments and questions were noted:

- There was a question regarding whether there have been complaints and/or concerns from the neighbours. Planner Mayes reported the rezoning application was triggered by a building permit review for a change of use from accessory to commercial, as a commercial use is not permitted on the subject property.
- There was a comment that the rezoning application addresses the septic capacity and the issues identified in the staff report are traffic and parking. There was a question regarding further clarification of authority over traffic and parking concerns. Planner Mayes reported the application is in the referral process including a referral to the Ministry of Transportation and Infrastructure (MOTI) and MOTI may require a commercial access to the property or street parking requirements. The Local Trust Committee has recognized that parking is a concern. The LUB does not require parking spaces for outdoor seats.
- There was a question regarding whether parking requirements and traffic impacts are within the Islands Trust jurisdiction. Planner Mayes reported impacts on the neighbourhood are considered as part of a rezoning application process. The applicants have provided a parking plan to meet parking requirements as per the LUB. The Islands Trust has the authority to require parking spaces for uses on a lot.
- There was a question regarding whether there are neighbourhood concerns regarding parking.
- There was a suggestion to increase the parking spaces on the property to reduce the demand for street parking.
- There was a question regarding regulation of septic capacity. The applicants have proposed a septic system with capacity for 38 seats.

It was MOVED and SECONDED,

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

- Request the Ministry of Transportation and Infrastructure (MOTI) to provide guidance regarding parking on the roadway;
- Suggest that the applicant consider providing additional parking on the property to relieve roadside parking; and
- Ensure that the septic capacity is adequate.

CARRIED

3.3 Ganges Village Area Planning Project

Planner Garbo introduced herself as project lead. Planner Gordon presented a PowerPoint presentation regarding the Ganges Village Area Planning Project. Planner Garbo reported a consultant has been engaged to lead the public engagement process.

In discussion the following comments and questions were noted:

- There was a suggestion to include economic development in the project objectives.
- There was a question regarding the selection process for the public engagement consultant. Planner Garbo reported the selection process for the consultant is not a public process.
- There was a question regarding whether this is the time to provide input regarding Ganges Village. Planner Garbo reported the APC would be consulted to provide input as part of the public engagement plan.

3.4 Salt Spring Housing Action Program Project

Planner Gordon presented a PowerPoint presentation regarding the Salt Spring Housing Action Program Project. Planner Garbo reported staff would lead the public engagement process.

In discussion the following comments and questions were noted:

- There was a question regarding whether there is a target completion date for this project. Planner Garbo reported the target completion date is 2-years and a detailed timeline document is available on the project page of the website.
- There was a question regarding Agricultural Land Reserve (ALR) within the Ganges Study Area.
- There was a comment regarding a past design proposal for a three-story building on the Ganges Marina property and a question regarding First Nation interests in the Ganges Marina area. Planner Garbo reported staff is working with Senior Intergovernmental Policy Advisor Lisa Wilcox on coordination and early and ongoing consultation with First Nations.

4. OTHER BUSINESS

4.1 Future Meetings

Planning Team Assistant Pingle reported in person meetings may be required on September 30, 2021.

5. ADJOURNMENT

By general consent the meeting adjourned at 2:30 p.m.

Jeff Thompson, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder

DRAFT



File No.: SS-DP-2021.3 & SS-DVP-2021.14

(Cross Ref. No. SS-BP-2018.105 & SS-BP-2021.20)

DATE OF MEETING: September 16, 2021
TO: Salt Spring Island Advisory Planning Commission
FROM: Kristine Mayes, Planner 1, Salt Spring Island Team
SUBJECT: **Development Permit** for Development of New Retail, General Employment or Commercial Space Greater than 185m² in Gross Floor Area that is Visible from Public Areas or Other Properties in DPA2 & **Development Variance Permit** to Make Lawful the Siting of a Retaining Wall Structure

PURPOSE

The Salt Spring Island Local Trust Committee (SS LTC) is requesting the Advisory Planning Commission to provide comments on specific Development Permit Area 2 - Non-Village Commercial and General Employment (DPA2) guidelines for the subject property.

BACKGROUND

At the SS LTC meeting of August 31, 2021, the SS LTC passed the following resolution:

SS-2021-169

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee direct staff to refer applications SS-DP-2021.3 and SS-DVP-2021.14 (317 Rainbow Road) to the Advisory Planning Commission for comment.

CARRIED

NEXT STEPS

Once the APC has deliberated on the DPA2 guidelines, the following draft resolutions have been provided for consideration:

1. If the APC wishes to recommend approval of the application:

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.

2. If the APC wishes to recommend approval of the application with conditions:

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 with the following recommendations:

- *In respect to guideline E.2.4.1...*
- *In respect to guideline... [see Table in Staff Report for complete list of guidelines]*

3. If the APC wishes to recommend the application be denied:

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 denied for the following reasons:

- *[list reasons]...*

Submitted By:	Kristine Mayes, Planner 1	August 31, 2021
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ATTACHMENTS

1. Staff Report from the August 31, 2021 Meeting Agenda Package



File No.: SS-DP-2021.3 & SS-DVP-2021.14
(Cross Ref. No. SS-BP-2018.105)
(Cross Ref. No. SS-BP-2021.20)

DATE OF MEETING: August 31, 2021
TO: Salt Spring Island Local Trust Committee
FROM: Kristine Mayes, Planner 1, Salt Spring Island Team
COPY: Stefan Cermak, Regional Planning Manager, Salt Spring Island Team
SUBJECT: **Development Permit** for Development of New Retail, General Employment or Commercial Space Greater than 185m² in Gross Floor Area that is Visible from Public Areas or Other Properties in DPA2 & **Development Variance Permit** to Make Lawful the Siting of a Retaining Wall Structure
Applicant: H. Hazenboom Construction Ltd (H. Hazenboom)
Location: 317 Rainbow Road, Salt Spring Island, BC (PID: 024-113-131)

RECOMMENDATIONS

1. That the Salt Spring Island Local Trust Committee direct staff to refer applications SS-DP-2021.3 and SS-DVP-2021.14 (317 Rainbow Road) to the Advisory Planning Commission for comment.

REPORT SUMMARY

This report addresses both a Development Permit (DP) and Development Variance Permit (DVP) resulting from analysis of a building permit referral. The DVP application seeks to vary the [Salt Spring Island Land Use Bylaw No. 355](#) (LUB) to make lawful the siting of a retaining wall within the rear, exterior side and interior side lot line setbacks. The concurrent DP application seeks to address development of new retail, general employment or commercial space greater than 185 square metres in gross floor area that is visible from public areas or other properties. Staff recommend referral of the DP and DVP to the Advisory Planning Commission (APC) for comment.

BACKGROUND

The subject property (Figure No. 1 & 2) is located in central Salt Spring Island, close to the boundaries of Ganges Village (Shiya'hwt/ SYOWT). The 0.2-hectare (0.49-acre) lot is zoned General Employment 1 variant b (GE1(b)). A comprehensive analysis of the subject property and surrounding area can be found in Appendix No. 2.

In December 2018, the Capital Regional District (CRD) Building Inspection office referred Building Permit BP004986 (SS-BP-2018.105) for a Commercial Container Mini-Storage to the Islands Trust. Staff reviewed the submission and noted the size of the development (14 sea cans) exceeded 185 square metres in floor area and advised the applicant that as proposed, the development would require a DP. The applicant submitted revised plans (Figure No. 4) reducing the number of sea cans to 12 (182.5 square metres in floor area) and the Building Permit referral was subsequently approved. In January 2021, a revision to the 2018 Building Permit was received from the applicant (SS-BP-2021.20) as the applicant amended the plans to remove the pitched roof (Figure No. 5). Upon review of the resubmission, staff observed the development had been constructed with the previously proposed configuration of 14 sea cans in accordance with the original submitted design (with a floor area of 212.6 square metres), triggering a requirement for a retroactive DP.

Following receipt of the Development Permit application and in accordance with the [Salt Spring Island Local Trust Committee Development Approval Information Bylaw No. 175](#) (DAI Bylaw). The official (planner) determined an amended site plan and a vegetation assessment were required. A revised site plan (Figure No. 3) and vegetation planting letter (Appendix No. 3) were received in March 2021.

On February 26, 2021, staff attended a site visit to the property where a retaining wall structure sited within rear, exterior side and interior side lot line setbacks was observed. The applicant was advised a DVP application would be required as well as a CRD building permit (as the retaining wall exceeded 1.2 metres in height) and Ministry of Transportation and Infrastructure (MoTI) encroachment permit (as the retaining wall was sited within 4.5 metres of the highway right of way). The applicant has subsequently obtained a MoTI encroachment permit (Appendix No. 4) and submitted a DVP application (July 2021).

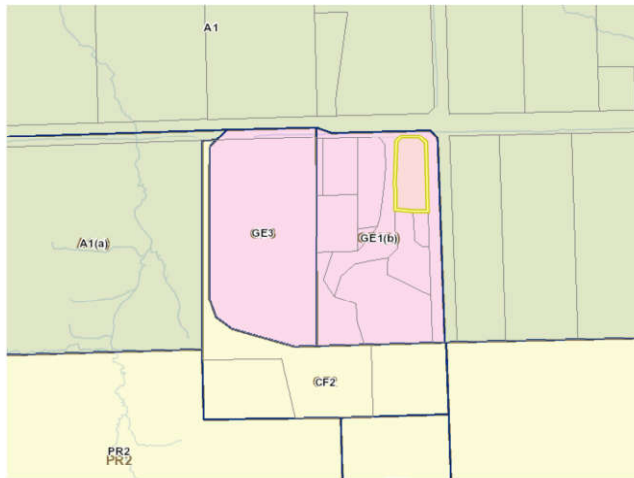


Figure 1: Zoning Map of Subject Property



Figure 2: 2017 Orthophoto of Subject Property

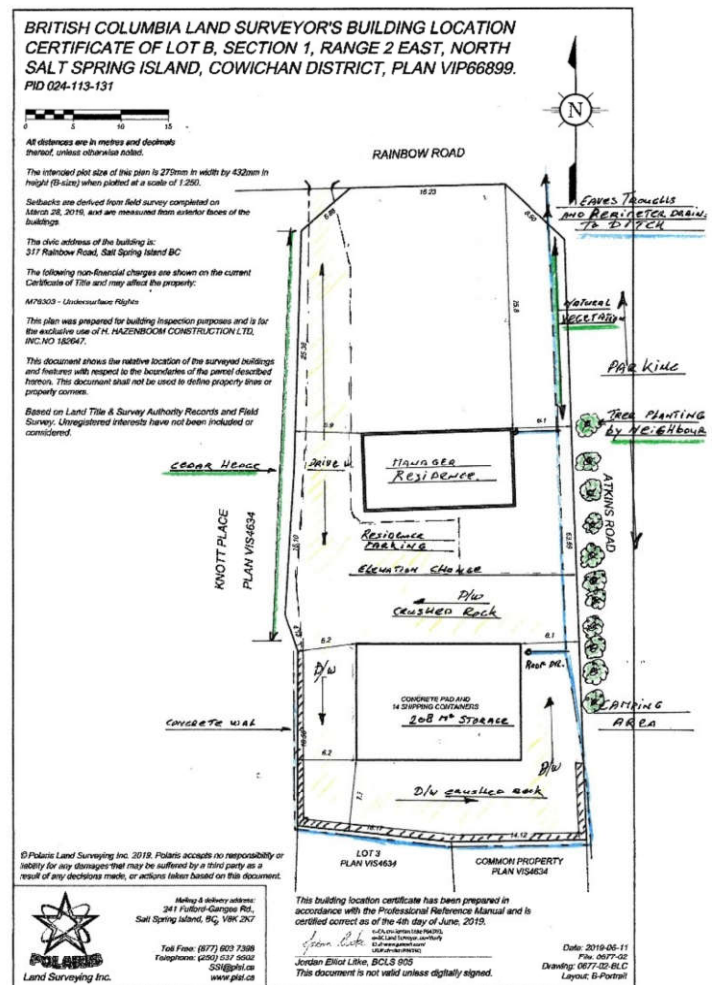


Figure 3: Site Plan for Subject Property

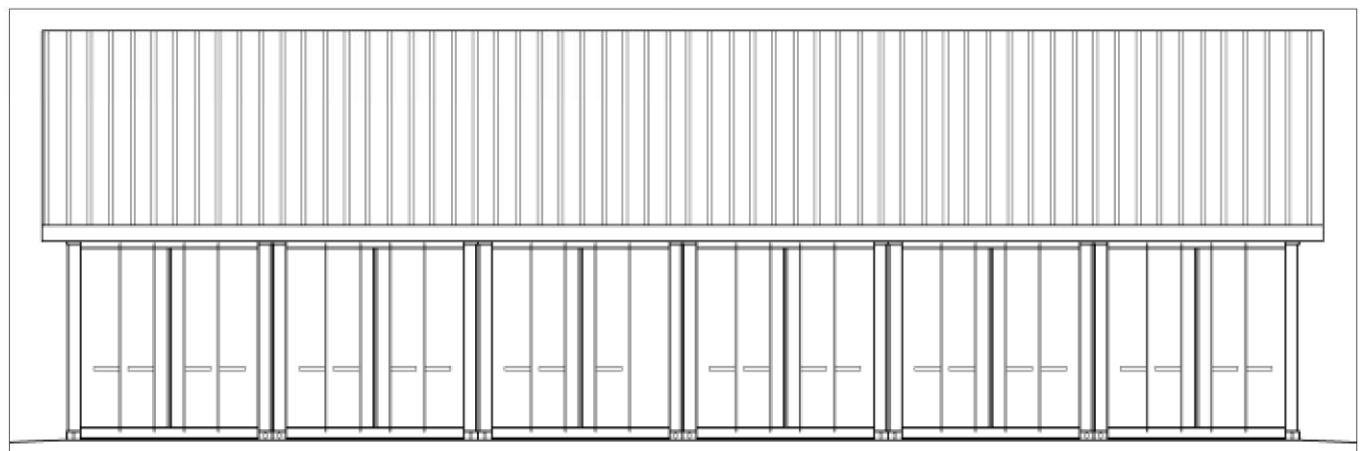


Figure 4: Approved Commercial Container Mini-Storage Front/Rear Elevation per SS-BP-2018.105 (12 seacans – 182.5 square metres)

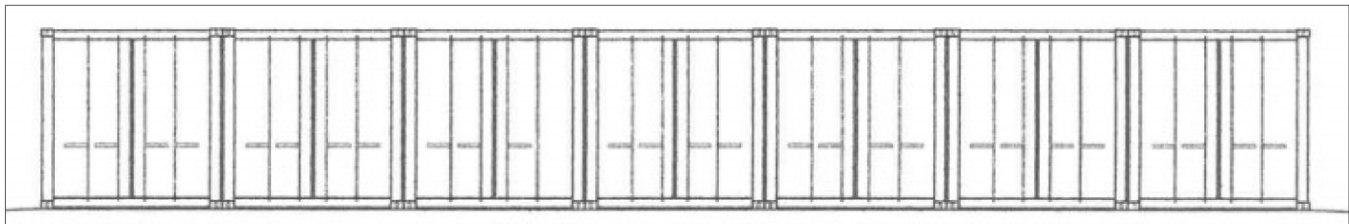


Figure 5: Revised Commercial Container Mini-Storage Front/Rear Elevation per SS-BP-2021.20 (14 seacans = 212.6 square metres)

ANALYSIS

Policy/Regulatory

Granting a variance does not set a precedent and the Salt Spring Island Local Trust Committee (SS LTC) is unfettered in its ability to grant or deny variances. However, the granting of variances regarding setbacks may create expectation in the community with regard to future applications. The DVP process enables property owners to relax minor land use bylaw regulations, while providing certainty for adjacent property owners and minimizing negative impacts on neighbours.

Official Community Plan:

The subject property is designated General Employment and Commercial Services (GE) in the [Salt Spring Island Official Community Plan No. 434](#) (OCP). The objectives for this designation are to continue to ensure that general employment uses are located in a way that reduces impacts on neighbouring properties and the natural environment and to allow for the development of affordable homes in combination with general employment land uses. See Appendix No. 5 for a full review of relevant OCP policies.

E.2 Development Permit Area 2 – Non-Village Commercial and General Employment

Development Permit Area 2 (DPA2) – Non-Village Commercial and General Employment is designated according to the Local Government Act to identify objectives and guidelines for the form and character of commercial and general employment development outside Village Designations and for the protection of farming on adjacent lands. The objectives of this DPA are “to ensure that the commercial and general employment businesses allowed in rural and residential neighbourhoods can develop with the least impact on neighbouring properties; to avoid a level of design regulation that could affect the viability of small commercial and industrial businesses; and to protect nearby agricultural lands (including their water supplies) and to reduce the potential for conflicts between agricultural activities and higher density settlement areas”. The application requires a DP under DPA2, pursuant to the following clauses in the OCP:

- E.2.1.2 All development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, except:
- d. development of new retail, general employment or commercial space greater than 185 m² in gross floor area that is visible from public areas or other properties.**

Appendix No. 1 contains a review of DPA2 guidelines. A total of 40 guidelines were considered for the proposed development. Of these, 18 of the guidelines are in full conformance with the proposal and 10 were deemed not applicable. Staff consider the proposed development at variance with 5 guidelines and may be potentially at variance with 7 guidelines:

	Guideline	Complies	Comments
E.2.4.1	Property line setbacks should not be varied from those allowed by local bylaws.	No	Staff Comments: the retaining walls (structures) in the rear of the property are sited within the rear and interior lot line setbacks in contravention of subsection 9.7.2 which requires a rear and interior side lot line setback of 3 metres and an exterior side lot line setback of 6 metres.
E.2.6.2	On sloping land, horizontal modulation (stepped buildings) should be used so buildings and structures conform to the site.	No	Staff Comments: the site topography was extensively altered and retaining walls constructed to create a flat area for the building. Applicant Comments: The site topography has been altered to fully utilize the commercial and residential operation as per C6 zoning at that time.

E.2.6.3	Existing site topography and landscape should not be altered and should be complemented by proposed structures.	No	Staff Comments: the site topography was extensively altered and retaining walls constructed to create a flat area for the building.
E.2.6.5	Large new structures should avoid long, homogenous facades. They should have a scale, size, massing, shape, roof line and exterior finish varied and articulated to reduce apparent mass.	No	Staff Comments: the building has a long and homogenous façade; however, for the most part it is screened from view. Applicant Comments: We believe that the facility is not a large structure.
E.2.6.6	Where practical, building roofs should be similar in design to those on neighbouring structures.	No	Staff Comments: surrounding roofs are pitched (whereas the roof on the storage units is flat).
E.2.5.2	Areas should be provided for the loading and unloading of delivery trucks. The site should allow delivery trucks to manoeuvre without having to block or back onto adjacent streets.	Maybe	Staff Comments: one way road system around building
E.2.5.3	Emergency vehicles should be able to readily reach all parts of the development	Maybe	Staff Comments: not enough information is available to determine compliance with this guideline.
E.2.8.1	Where large new commercial or <i>general employment</i> developments are visible from streets or other public areas, site landscaping should be installed before issuance of the <i>building</i> occupancy permit. A letter of credit should be deposited with the Local Trust Committee for an amount equal to 150% of the cost of the work to complete any landscaping that would be visible from public areas.	Maybe	Staff Comments: site landscaping is mostly in place and building occupancy has not yet been granted.
E.2.8.2	Where landscaping of large new commercial and <i>general employment</i> areas is visible from public areas, informal, natural landscaping with native species is encouraged as opposed to formal, decorative plantings.	Maybe	Staff Comments: site landscaping is mostly in place and consists of natural landscaping along the front lot line and a partial formal cedar hedge along the interior side lot line with informal grasses and blackberries on the remainder of the interior side and rear lot lines. The exterior side lot line is a mix of native and non-native species planted informally.
E.2.8.3	New plant materials should be chosen with a view to conserve water.	Maybe	Staff Comments: the applicant has supplied a vegetation planting letter from the neighbouring property indicating their intent to plant a hedge along the berm separating the two properties. Staff note the intended planting area is located in the MoTI ROW. Applicant Comments: We have been using drip irrigation on timers for new planting.
E.2.8.6	Fencing should be natural in appearance and coordinated with the design of the main building	Maybe	Staff Comments: the applicant intends to construct a wooden fence between the dwelling and general employment building.
E.2.12.3	Development should not result in the pollution of surface or groundwater supplies. Particular care should be taken to ensure that there are no detrimental impacts on <i>agricultural land</i> or fishbearing watercourses because of water pollution.	Maybe	Staff Comments: the development has a French drain emptying into a ditch alongside Knott Place, which leads into a RAR designated ditch. The RAR ditch travels east, past agricultural lands. The driveway surface is composed of semi-impermeable material (gravel). The development (storage) is unlikely to result in pollution of surface of groundwater supplies.

Land Use Bylaw:

The proposal meets LUB regulations with the exception of the following:

9.7.2 Size, Siting and Density of Permitted Uses, Buildings and Structures

Setbacks	GE1
Despite Subsection 4.3.1, the following <i>lot line</i> setbacks apply for the specific <i>zone</i> indicated:	

Minimum rear <i>lot line</i> setback abutting a lot in a <i>General Employment zone</i> (metres)	3
Minimum interior side <i>lot line</i> setback abutting a lot in a <i>General Employment zone</i> (metres)	3
Minimum exterior side <i>lot line</i> setback (metres)	6

Additionally, the following LUB regulation is pertinent to this report:

7.1 REQUIREMENTS FOR PARKING AND LOADING SPACES

TABLE 3: MINIMUM NUMBER OF PARKING SPACES FOR AUTOMOBILES, DISABLED PARKING AND BICYCLES			
LAND USE	Number of Automobile Parking Spaces Required	Number of required Automobile Parking Spaces which must be designed for use by the disabled	Number of Bicycle Parking Spaces Required
RESIDENTIAL			
<i>Single-family dwelling</i>	2 per unit	0	0
GENERAL EMPLOYMENT			
Storage	1 per employee	5%*	0

The following LUB regulations (prior to adoption of Bylaw No. 489 in July 2020) are pertinent to this report:

9.2.2 Size, Siting and Density of Permitted Uses, Buildings and Structures

	C6
Setbacks and Siting	
Despite Subsection 4.3.1, the following <i>lot line</i> setbacks apply in the specific <i>zone</i> indicated:	
Minimum <i>Rear lot line</i> setback abutting a <i>commercial</i> or <i>industrial zone</i> (metres)	6.1
Minimum <i>Interior side lot line</i> setback abutting <i>commercial</i> or <i>industrial zone</i> (metres)	6.1
Minimum <i>Exterior side lot line</i> setback (metres)	6.1

Issues and Opportunities

Visibility from Public Areas

Staff note the development, in its present configuration, is less visible from public properties or other properties than when initially constructed on the vacant lot as the siting and construction of the accessory dwelling unit subsequent to the installation of the Commercial Container Mini-Storage has greatly reduced the visibility of the development. However, staff note this reduction in visibility has been achieved by way of altering the existing site topography (which is at variance with DPA2 guidelines E.2.6.2 and E.2.6.3), not installing a peaked roof with similar design to neighbouring structures (which is at variance with DPA guidelines E.2.6.5 and E.2.6.6), and constructing an unlawful retaining wall (which is at variance with DPA2 guidelines E.2.4.1), . Retention of the vegetative buffer along the front lot line setback, partial vegetative buffer along the undeveloped portion of Atkins Road, and a cedar hedge along Knott Road by the interior side lot has also reduced visibility from the public road, pathway and other properties.



Figure 6: Subject Property Viewed from Rainbow Road

Vegetation Buffer in MoTI Right of Way

The LUB requires vegetation screens in a buffer area of any lot occupied by general employment uses where the lot adjoins non-general employment zones, which permit agriculture. Both the lots north and east of the subject

property zoned to permit agriculture (and are within the Agricultural Land Reserve) with primary use of the areas closest to the subject property utilized as an automotive garage and campground respectively. The subject property does not adjoin these properties as Rainbow Road and an undeveloped section of Atkins Road separate them. As such, Section 3.4 of the LUB does not apply, however, applicable DPA2 guidelines speak to landscaping for general employment areas visible from public areas (Section E.2.8). A portion of the general employment development is visible from the undeveloped portion of Atkins Road. The siting of the building, one-way road system around the development and retaining wall impedes the installation of landscaping on the subject property where the general employment use is taking place. The existing (and proposed) landscaping has been installed on the MoTI right of way by the neighbouring property (Figure No. 3, 7 & 8, Appendix No. 3). Staff corresponded with MoTI who advised “the Ministry would prefer to not have a vegetative buffer planted on the right of way and that it be planted within the property boundary”. Should MoTI develop this section of Atkins Road at a future time, the existing (and proposed) landscaping could be removed. The SS LTC could not include the vegetation buffer in the MoTI right of way or along Knott Place as conditions in the DP as this would be *ultra vires*. As such, the DP can only speak to landscaping on the subject property (Section 3.2 of Appendix No. 6).



Figure 7 & 8: Vegetative Buffer on Neighbouring Road Dedication to the East of the Subject Property

Access to the Subject Property

DPA2 guidelines E.2.5.2 & E.2.5.3 speak to maneuverability for trucks and access for emergency vehicles. The entrance to the subject property is narrow due to the siting of a BC hydro pole and fence forming part of the Ganges Village pathway network, which fronts Rainbow Road (Figure No. 6). The development is not accessible from Knott Place, which is directly adjacent to the subject property. MoTI has granted the applicant a permit, which authorizes “the installation, operation, and maintenance of a secondary access to allow delivery vehicles to exit the property within the Atkins Road dedication”. Notwithstanding, as the neighbouring property is using portions of the MoTI right of way, the commercial access granted by MoTI is unutilized. The SS LTC could consider requesting the applicant obtain a letter from emergency service operators such as Salt Spring Island Fire Rescue, the Royal Canadian Mounted Police, and/or BC Ambulance Service to determine whether DPA2 guideline E.2.5.3 has been satisfactorily met. Additionally, CRD Building Inspection has noted Building Permits require consideration for emergency access to commercial buildings. The SS LTC could also consider referring these applications to the Salt Spring Island Transportation Commission for comment per OCP Policy C.2.2.2.4 in respect to access to the subject property. Staff note the nature of the business (Commercial Container Mini-Storage) likely limits traffic to the 14 renters of the units and has likely supplied the required volume of parking on the subject property (3 required, 4 likely provided) in accordance with Table 3 under Section 7.1 of the LUB.

Industrial Land Uses Bylaw Adoption and Siting of the Retaining Wall

In July 2020, the associated bylaws of the Industrial Lands Project were adopted which, in part, amended Industrial and select Commercial zones to General Employment (GE) zones within the LUB on Salt Spring Island. The 2018 Building Permit referral was assessed against the subject property’s zoning at the time, which was Commercial 6 (C6). Staff have included a pre-adoption excerpt of the setbacks and siting section of Subsection 9.2.2 (Size, Siting and Density of Permitted Uses, Buildings and Structures [Commercial Zones]) in the “Land Use Bylaw” section. At time of development when the retaining wall was installed, a setback of 6.1 metres was required for the rear, exterior side and interior side lot lines (abutting a commercial or industrial zone). With the adoption of Bylaw No.

489, the setbacks were reduced to 3 metres for the rear and interior side lot line (abutting a general employment zone) and 6 metres for the exterior side lot line. Notwithstanding, the retaining wall was constructed along the lot line (a setback of 0 metres). Staff advised the applicant a reduction of a setback to the exterior side lot line (undeveloped section of Atkins Road) would require a MoTI encroachment permit. On April 28, 2021, MoTI granted permit 2021-02299 (Appendix No. 4) which permits “the construction of a structure, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow a partial retaining wall to be built within 4.5 meters of Atkins Road at 317 Rainbow Road, Spring Island, as shown on drawing 0677-02-BLC and per application dated March 18, 2021.” Staff note the requirement for a DVP to vary lot line setbacks is at variance with DPA2 guideline E.2.4.1 and is incidental to DPA2 applicability as the level area created by the retaining wall (which is at variance with DPA2 guideline E.2.6.3) encompasses the development under consideration.

Precedent Setting and Public Perception

The applicant was made aware by planning staff during the 2018 Building Permit submission that the original configuration of the Commercial Container Mini-Storage would have required a DP and the applicant amended the submission (from 14 sea cans to 12 sea cans) to reduce the total floor area. Notwithstanding, once approval was granted, the applicant reverted to the original configuration (14 sea cans), thereby requiring a retroactive DP. The SS LTC should note the discretion of local governments in the issuance of Development Permits is limited to evaluation of the application against the relevant DPA guidelines.

Consultation

In accordance with [Section 499\(3\)](#) of the *Local Government Act* and Section 8 of the [Salt Spring Island Development Procedures Bylaw No. 304](#), statutory notice of the proposed variance was mailed to all owners and tenants in occupation of properties within 100 metres of the subject property’s boundaries on August 16, 2021.

No correspondence has been received at time of submission of this report. Staff will verbally indicate if any correspondence has been received subsequent to submission of this report at the SS LTC meeting.

Agencies

This application does not require agency referrals. However, staff have worked closely with the CRD Building Inspection office in respect to the concurrent Building Permit review.

First Nations

This proposal does not require First Nations referral.

Rationale for Recommendation

The APC comprises of a panel of community members, which are generalists or experts in the fields of environment, design, or planning. Referring the application to the APC for their comment on the DPA2 guidelines, which the application is at variance with or may be at variance with would provide the SS LTC and staff with their invaluable insights into the nuances of the application prior to final consideration.

ALTERNATIVES

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

1. Approve the application

The SS LTC may approve the both the DP (Appendix No. 6) and the DVP (Appendix No. 7). Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DP-2021.3 (317 Rainbow Road).

That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit SS-DVP-2021.14 (317 Rainbow Road).

2. Deny the application

The SS LTC may deny one or both applications. Staff advise that the implication of this alternative is that the files would be closed and Bylaw Compliance and Enforcement would be informed of the outcome. The applicant could remove two of the sea cans as per the original approved 2018 Building Permit referral, which would remove the requirement for a DP (although the unlawful retaining wall would still require a DVP). The applicant could choose to make an application to the Board of Variance for the siting of the retaining wall if hardship can be demonstrated. If this alternative is selected, the SS LTC should state the reasons for denial. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee deny issuance of SS-DP-2021.3/SS-DVP-2021.14 for the following reasons: [list reasons] (317 Rainbow Road).

3. 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 increased costs to the applicant. If selecting this alternative, the SS LTC should describe the specific information needed and the rationale for this request. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust a [specify type of report], completed by a Professional [specify professional] which identifies the specific [identify concerns] (SS-DP-2021.3 & SS-DVP-2021.14, 317 Rainbow Road).

NEXT STEPS

If the recommended resolution is adopted, the application will be forwarded the APC for their review and comment and will return to the SS LTC for reconsideration at a future date.

Submitted By:	Kristine Mayes, Planner 1	August 17, 2021
Concurrence:	Stefan Cermak, Regional Planning Manager	August 18, 2021

APPENDICES

1. DPA2 Guidelines
2. Site Context & Photographs
3. Vegetation Planting Letter
4. MoTI Encroachment Permit
5. OCP Policies
6. Proposed Development Permit
7. Proposed Development Variance Permit

ATTACHMENT 1 – DEVELOPMENT PERMIT AREA GUIDELINES

DEVELOPMENT PERMIT AREA 2 – NON-VILLAGE COMMERCIAL AND INDUSTRIAL

E.2.3 Objectives of this Development Permit Area

- E.2.3.1** To ensure that the commercial and *general employment* businesses allowed in rural and residential neighbourhoods can develop with the least impact on neighbouring properties.
- E.2.3.1** To ensure that the commercial and *general employment* businesses allowed in rural and residential neighbourhoods can develop with the least impact on neighbouring properties.
- E.2.3.3** To protect nearby *agricultural lands* (including their water supplies) and to reduce the potential for conflicts between agricultural activities and higher density settlement areas.

Guideline	Complies	Comments
E.2.4 Guidelines for General Site Design, Building Location and Access		
E.2.4.1 Property line setbacks should not be varied from those allowed by local bylaws.	No	Staff Comments: the retaining walls (structures) in the rear of the property are sited within the rear and interior lot line setbacks in contravention of subsection 9.7.2 which requires a rear and interior side lot line setback of 3 metres and an exterior side lot line setback of 6 metres.
E.2.4.2 Site access to commercial and <i>general employment</i> properties should maintain the character of the surrounding neighbourhood as much as possible; there should ideally be only one access to a commercial or <i>general employment</i> property from the public street.	Yes	Staff Comments: there is one access to the property along Rainbow Road.
E.2.4.3 Sites should be designed to minimize impacts on neighbouring properties and public areas, including water surfaces. Particular attention should be paid to locating and screening loading <i>docks</i> , garbage and recycling containers and other service areas so that visual and noise impacts are minimal.	Yes	Staff Comments: the development is visible from the road and neighbouring properties and is partially obscured by the dwelling.
E.2.4.4 An effective vegetation screen, providing a visual barrier, noise abatement, and dust barrier, as required, should be maintained along any boundary with a non-commercial or non- <i>general employment</i> property.	Yes	Staff Comments: the subject property does not adjoin non-commercial and non-general employment properties. The subject property has a vegetative screen along the front lot line and partial screening along the interior side and rear lot line. There is some screening along the exterior side lot line with the neighbouring property planting along the edge of the MoTI Right of Way (ROW).
E.2.4.5 Developments adjoining <i>agricultural lands</i> should be designed to minimize conflicts with that land. The location of access roads, the siting of structures and the layout of subdivisions should follow the edge planning guidelines developed by the Ministry of Agriculture and Lands and the Agricultural Land Commission as a guide to implementing the <i>Farm Practices Protection (Right to Farm) Act</i> (MAFF, 1996). Site designs should allow for a vegetated buffer, as outlined in Guideline E.2.8.7.	Yes	Staff Comments: the subject property does not adjoin agricultural lands but is sited across the road from two agricultural properties - one operating a campground and the other a vehicle repair. There is a narrow vegetative buffer on the MoTI ROW between the subject property and agricultural property operating the campground.
E.2.4.6 Where the subject property adjoins <i>agricultural land</i> , building setbacks for <i>general employment</i> and commercial uses should be at least 15 m from the property line, to be consistent with the Guide to Edge Planning (2015), developed by the BC Ministry of Agriculture.	Yes	Staff Comments: the subject property is across the road from two agricultural properties, which serve as a minimum 15-meter buffer to those properties.

E.2.5 Guidelines for Offstreet Parking, Location and Design		
E.2.5.1 Commercial and <i>general employment parking</i> lots with more than 15 spaces should be screened from adjacent streets and homes. If this is not possible, the lot should be landscaped to break up large continuous parking areas.	N/A	Staff Comments: Not Applicable (15+ spaced not requires for development)
E.2.5.2 Areas should be provided for the loading and unloading of delivery trucks. The site should allow delivery trucks to manoeuvre without having to block or back onto adjacent streets.	maybe	Staff Comments: one way road system around building
E.2.5.3 Emergency vehicles should be able to readily reach all parts of the development	maybe	Staff Comments: not enough information is available to determine compliance with this guideline.
E.2.6 Guidelines for Building Form		
E.2.6.1 Building height should not exceed that permitted by local bylaws and should minimize the obstruction of views from neighbouring structures.	Yes	Staff Comments: the building does not exceed the permitted 7.6 metres.
E.2.6.2 On sloping land, horizontal modulation (stepped buildings) should be used so buildings and structures conform to the site.	No	Staff Comments: the site topography was extensively altered and retaining walls constructed to create a flat area for the building.
E.2.6.3 Existing site topography and landscape should not be altered and should be complemented by proposed structures.	No	Staff Comments: the site topography was extensively altered and retaining walls constructed to create a flat area for the building.
E.2.6.4 Where development is allowed along shorelines, it should be designed to conform to, rather than conceal the natural contours of the land that borders the shoreline.	N/A	Staff Comments: Not Applicable
E.2.6.5 Large new structures should avoid long, homogenous facades. They should have a scale, size, massing, shape, roof line and exterior finish varied and articulated to reduce apparent mass.	No	Staff Comments: the building has a long and homogenous façade; however, for the most part it is screened from view.
E.2.6.6 Where practical, building roofs should be similar in design to those on neighbouring structures.	No	Staff Comments: surrounding roofs are pitched (whereas the roof on the storage units is flat.
E.2.6.7 Roof-top mechanical equipment (satellite dishes, air-conditioning) should be screened from view.	N/A	Staff Comments: Not Applicable (flat roof)
E.2.6.8 Large areas of curtain-wall glazing should not be used.	Yes	
E.2.6.9 All portions of a building should be authentic, functional space - artificial or contrived architectural features should not be included in building designs.	Yes	
E.2.7 Guidelines for Building Exteriors		
E.2.7.1 Where a large new commercial service or <i>general employment building</i> is visible from public streets, an effort should be made to make it unobtrusive.	Yes	Staff Comments: the development is visible from the road however it is unobtrusive as the storage units are one story, are partially obscured by the dwelling and are grey in colour.
E.2.8 Guidelines for Landscaping and Parking Lot Surfaces		
E.2.8.1 Where large new commercial or <i>general employment</i> developments are visible from streets or other public areas, site landscaping should be installed before issuance of the <i>building</i> occupancy permit. A letter of credit should be deposited with the Local Trust Committee for an amount equal to 150% of the cost of the work to complete any landscaping that would be visible from public areas.	maybe	Staff Comments: site landscaping is mostly in place and building occupancy has not yet been granted.

E.2.8.2 Where landscaping of large new commercial and <i>general employment</i> areas is visible from public areas, informal, natural landscaping with native species is encouraged as opposed to formal, decorative plantings.	maybe	Staff Comments: site landscaping is mostly in place and consists of natural landscaping along the front lot line and a partial formal cedar hedge along the interior side lot line with informal grasses and blackberries on the remainder of the interior side and rear lot lines. The exterior side lot line is a mix of native and non-native species planted informally.
E.2.8.3 New plant materials should be chosen with a view to conserve water.	maybe	Staff Comments: the applicant has supplied a vegetation planting letter from the neighbouring property indicating their intent to plant a hedge along the berm separating the two properties. Staff note the intended planting area is located in the MoTI ROW.
E.2.8.4 Landscaping next to creeks and lakes should remain natural and wild to protect fish habitat. Plant species with a high water demand or that may require the use of pesticides or fertilizers should not be located in this area. Bark mulches and impermeable landscape fabric should not be used.	N/A	Staff Comments: the development is not next to creeks and lakes but is in somewhat close proximity to a RAR ditch.
E.2.8.5 Where practical, special care should be taken to retain existing vegetation and incorporate it into new development.	N/A	Staff Comments: development has already occurred.
E.2.8.6 Fencing should be natural in appearance and coordinated with the design of the main building	maybe	Staff Comments: the applicant intends to construct a wooden fence between the dwelling and general employment building.
E.2.8.7 Where the property being subdivided or developed adjoins a property zoned for residential or commercial guest accommodation uses, a vegetated buffer of at least 3 m is to be planted or retained. The buffer width should increase to at least 7.5 m where <i>general employment</i> or commercial uses (with the exception of a farm business) are not contained within a <i>building</i> .	Yes	Staff Comments: the subject property does not adjoin lands with a commercial guest accommodation use but is sited across the road from a campground, which serve as a minimum 3-meter buffer. There is a narrow vegetative buffer on the MoTI ROW between the subject property and agricultural property operating the campground.
E.2.9 Guidelines for Lighting		
E.2.9.1 Lighting should be kept to the minimum necessary for safety and visibility, to maintain a low level of light in the island's night time atmosphere.	Yes	Staff Comments: Not Applicable (no lights)
E.2.9.2 Light fixtures should be carefully chosen to focus light on the area to be illuminated.	Yes	Staff Comments: Not Applicable (no lights)
E.2.9.3 Incandescent fixtures are preferred.	Yes	Staff Comments: Not Applicable (no lights)
E.2.9.4 Flashing or strobe lights should not be used to attract attention to commercial uses. Neon lighting should not be used outside buildings.	Yes	Staff Comments: Not Applicable (no lights)
E.2.10 Guidelines for Signs		
E.2.10.1 Total sign area should not exceed that permitted by local bylaws.	Yes	Staff Comments: sign does not exceed LUB.
E.2.10.2 Signs should not be placed more than 5 m above the ground.	Yes	
E.2.10.3 Plastic, back lit signs should not to be used.	Yes	
E.2.10.4 Signs should not move or be audible. They should not incorporate lighting that moves or flashes or gives the impression of doing so.	Yes	

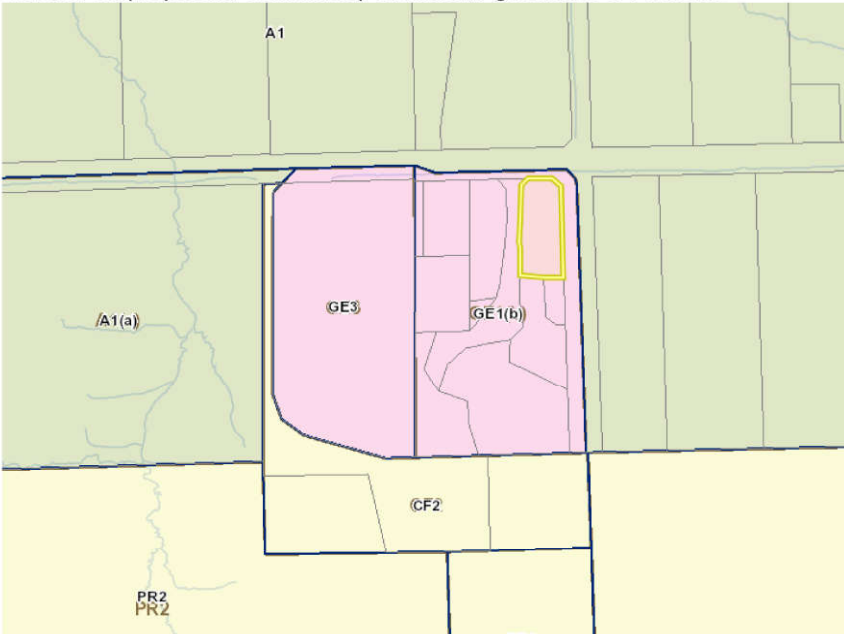
E.2.11 Guidelines for Subdivision		
E.2.11.1 Land in this Development Permit Area should not be subdivided so that parking becomes visible from public streets and neighbouring properties, if it had been screened to meet the guidelines of this Area.	N/A	Staff Comments: Not Applicable
E.2.11.2 When land that is zoned for <i>general employment</i> or commercial service use is subdivided, lot configuration should encourage the development of a single entrance from the public street. An internal circulation system should be developed that does not require vehicles to manoeuvre outside the property. New lot sizes and shapes should ensure that a vegetation buffer can be maintained along the border with neighbouring properties.	N/A	Staff Comments: Not Applicable
E.2.12 Guidelines regarding Stormwater Drainage and Water Pollution		
E.2.12.1 New commercial or <i>general employment</i> developments that will create more than 280 m ² of new impervious surfacing should include a report prepared by a Professional Engineer that determines the extent of changes to the natural drainage. It should identify any conditions that should be incorporated into the development permit to protect property from flooding, erosion or from other undesirable impacts as a result of changes to stormwater runoff. Particular attention should be paid to ensuring that drainage changes will not result in detrimental impacts such as flooding or reduced groundwater availability on <i>agricultural lands</i> or watercourses that either adjoin the development or are located in the same watershed.	N/A	Staff Comments: Not Applicable
E.2.12.2 Developments that would create less than 280 m ² of <i>impervious surface</i> area should not alter drainage in a way that would cause detrimental impacts on other properties, including <i>agricultural land</i> . The Local Trust Committee could request that a drainage plan be prepared by a Professional Engineer to assist in establishing development permit conditions related to drainage.	N/A	Staff Comments: Not Applicable
E.2.12.3 Development should not result in the pollution of surface or groundwater supplies. Particular care should be taken to ensure that there are no detrimental impacts on <i>agricultural land</i> or fishbearing watercourses because of water pollution.	maybe	Staff Comments: the development has a French drain emptying into a ditch alongside Knott Place, which leads into a RAR designated ditch. The RAR ditch travels east, past agricultural lands. The driveway surface is composed of semi-impermeable material (gravel). The development (storage) is unlikely to result in pollution of surface of groundwater supplies.
E.2.12 Guidelines regarding Stormwater Drainage and Water Pollution		
E.2.13.1 New commercial composting facilities, subject to the Capital Regional District Composting Facilities Regulation Bylaws, should be buffered from neighbouring uses in a manner consistent with the Compost Facility Requirements Guideline: How to Comply with Part 5 of the <i>Organic Matter Recycling Regulation</i> (Ministry of Water, Land and Air Protection, 2004).	N/A	Staff Comments: Not Applicable

ATTACHMENT 2 – SITE CONTEXT

LOCATION

Legal Description	Lot B Section 1 Range 2E North Salt Spring Island Cowichan District Plan VIP66899
PID	024-113-131
Civic Address	317 Rainbow Road, Salt Spring Island

LAND USE

Current Land Use	Residential – Storage Units & Dwelling Unit
Surrounding Land Use	General Employment, Community Facilities, Agriculture & Parkland  <i>Islands Trust Zoning Map (subject property indicated in yellow)</i>  <i>Islands Trust Orthophoto (subject property indicated in yellow)</i>

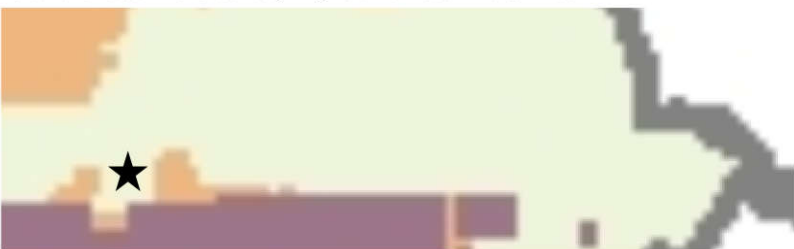
HISTORICAL ACTIVITY

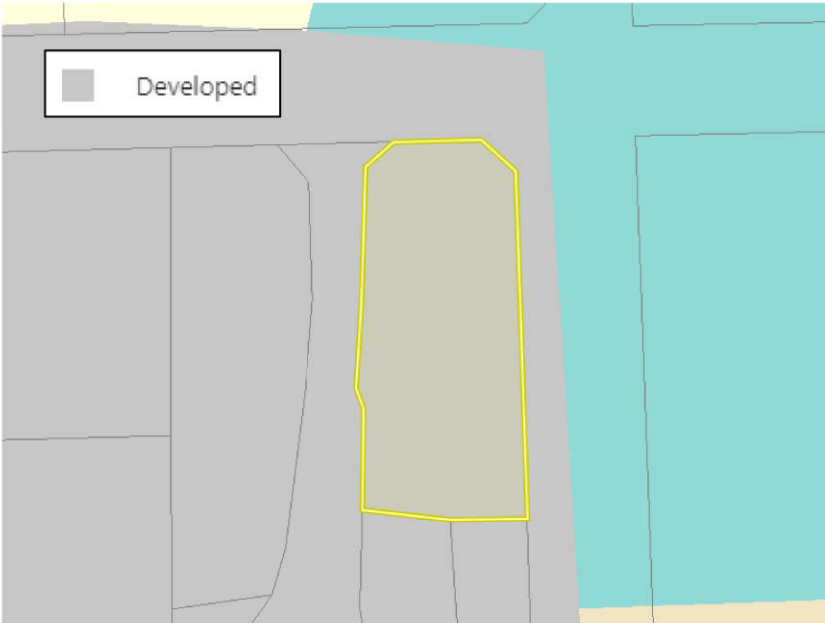
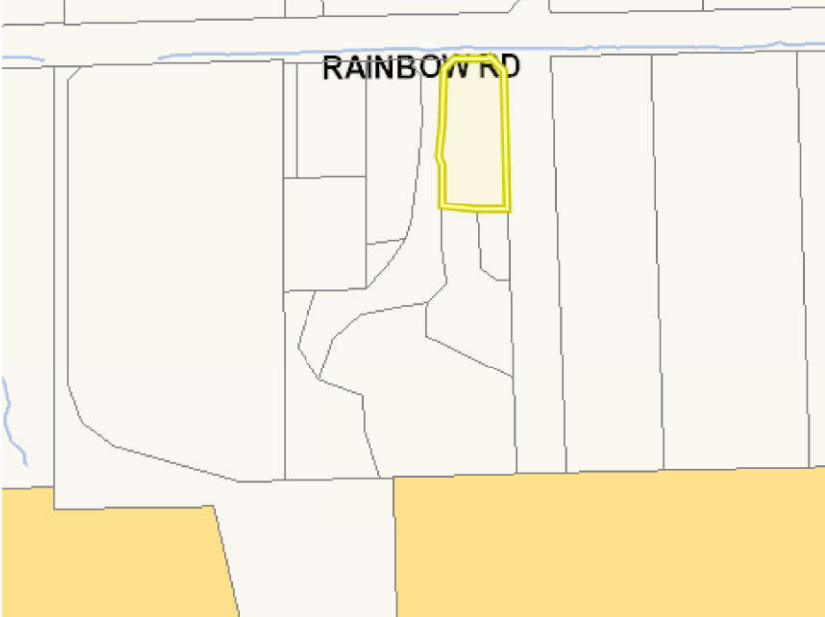
File No.	Purpose
SS-DP-2017.1	Commercial Kitchen Development with Storage (File Withdrawn)
SS-TUP-2017.1	Commercial Kitchen (File Withdrawn)
SS-BP-2018.105	Proposing to Construct Commercial Mini Storage
SS-BP-2019.15	Proposal to Construct Accessory (Single-Family) Dwelling Unit
SS-BP-2020.121	Proposal to Construct Deck attached to Single-Family Dwelling
SS-BP-2021.20	Concurrent Building Permit Review

POLICY/REGULATORY

Official Community Plan Designations	General Employment and Commercial Services (GE) - Development Permit Area 2 – Non-Village Commercial & Industrial - Development Permit Area 7 – Riparian Areas 
Land Use Bylaw	General Employment 1 variant b (GE1(b))
Other Regulations	None
Water Service Area	North Salt Spring Waterworks District
Title Charges	M76303: Undersurface Rights
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The Islands Trust Conservancy does not have an interest in any properties within 100 metres of the property subject of this application.
Regional Conservation Strategy	The subject property is primarily within the LOW relative value area for important natural areas in the Salt Spring Island Local Trust Area. 

Species at Risk	SAR (Public) Species: None Currently Mapped SAR (Public) Ecological Community: Grand Fir / Dull Oregon-grape
Sensitive Ecosystems	SEI: None Currently Mapped Heron Rookery/Raptor Nest/Sea Bird Colony: None Currently Mapped RAR Watercourse: Yes (along Rainbow Road) ITEM: Rural  <i>Islands Trust Ecosystem Mapping (ITEM)</i> Islands Trust Protected Areas mapping indicates the following mapped categories surrounding or in close proximity to the subject property: Community Parks 
Hazard Areas	None
Archaeological Sites/Potential	Remote Access to Archaeological Data (RAAD) mapping indicates the subject property is located within 100m of areas of archaeological potential. Notwithstanding the foregoing, and 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	The subject property ranges in elevation from approximately 31 metres to 41 metres above sea level and is located approximately 900m from the nearest bus route.
Shoreline Classification	<i>Not Applicable</i>
Shoreline Data in TAPIS	<i>Not Applicable</i>

PHOTOS



Commercial Mini Storage (and Retaining Wall) on Subject Property



Commercial Mini Storage (and Retaining Wall) on Subject Property



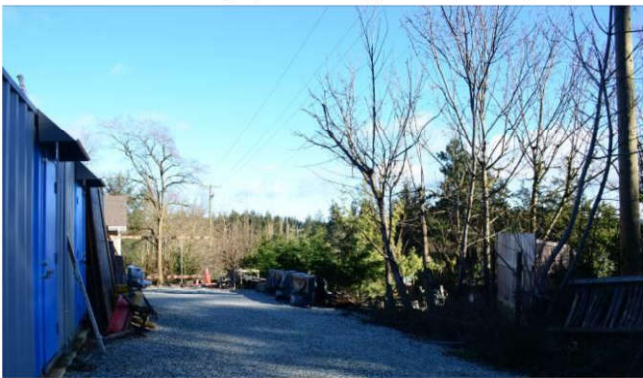
Ditch on Neighbouring Strata Property and West Vegetative Buffer



Vegetation on Neighbouring Strata Property



Commercial Mini Storage (and Parking) on Subject Property



East Vegetative Buffer on Neighbouring Road Dedication



North Vegetative Buffer Along Public Pathway



North Vegetative Buffer and Ditch Along Public Pathway



Signage, Vegetative Buffer and Public Pathway/Roadway



View of Subject Property from Public Pathway



Subject Property Viewed from Opposite Side of Rainbow Road



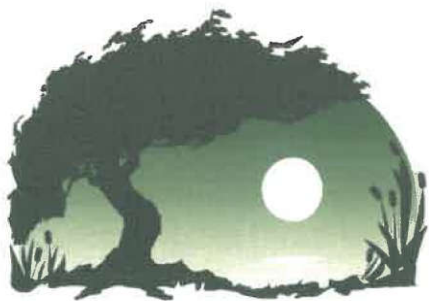
Subject Property Viewed from Corner of Rainbow & Atkins Roads



Subject Property Viewed from Opposite Side of Rainbow Road



Subject Property Viewed from Corner of Rainbow & Atkins Roads



GARDEN FAIRE

gallery & nursery
"WHERE IDEAS GROW"

305 Rainbow Road, Salt Spring Island, B.C. V8K 2M3 • Tel: (250) 537-4346 • Fax: (250) 537-1679

March 2, 2021

To whom it may concern,

This is to confirm our intention to plant a hedge along the berm that separates 321 Rainbow Road from the public parking area that lies to the east. Work to be done early March (2021) with additional interplanting to be done in Fall (2021).

Walter Davis & Shirley Taylor
Property owners at 305 Rainbow Road



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Saanich Area Office
240-4460 Chatterton Way
Victoria, British Columbia V8X 5J2
Canada

("The Minister")

AND:

H. Hazenboom Construction Ltd.
Box 374
Salt Spring Island, British Columbia V8K 2W1
Canada

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a structure, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow a partial retaining wall to be built within 4.5 meters of Atkins Road at 317 Rainbow Road, Spring Island, as shown on drawing 0677-02-BLC and per application dated March 18, 2021.

- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
4. The Permittee shall obtain and maintain Commercial General Liability insurance including non-owned automobile and contractual liability insurance in an amount of not less than \$2,000,000.00. The insurance shall comply with all terms and conditions of the Ministry Certificate of Insurance (H0111) and evidence of such insurance shall be given by way of a duly completed H0111. All insurance coverage shall be issued with insurers acceptable to the Ministry, and issued by companies



licensed to transact business in the Province of British Columbia and Canada.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Victoria, British Columbia, this 28 day of April, 2021

Halley Leech
On Behalf of the Minister

ATTACHMENT 5 – POLICIES

OFFICIAL COMMUNITY PLAN NO. 434

OCP Objective/Policy	Complies	Planner Comments
Policy A.7.2.2 The Local Trust Committee will continue to require applicants for large new commercial, <i>general employment</i> or multifamily developments in village areas to ensure their development does not increase flooding of downslope properties. Such effects will be managed through the Development Permit process or through Land Use Bylaw regulations.	yes	This is a combination DP/DVP application.
Objective B.3.3.1.1 To provide an adequate amount of land zoned for <i>general employment</i> use that is affordable, appropriately services and well located to accommodate local economic development.	yes	
Objective B.3.3.1.2 To accommodate additional commercial and <i>general employment</i> land uses where there is a community need, with a preference for those with a low demand for transportation and energy infrastructure requirements. To carefully consider the addition of other clustered sites for <i>general employment</i> operations, to keep needed businesses on the island or to attract needed businesses onto the island.	yes	
Objective B.3.3.1.3 To ensure that <i>general employment</i> uses are located in a way that reduces impacts on neighbouring properties and the natural environment.	maybe	Landscaping would reduce impacts on neighbouring properties and the natural environment
Objective B.3.3.1.5 To allow for the development of affordable homes in combination with <i>general employment</i> land uses.	yes	The subject property contains a dwelling unit.
Policy B.3.3.2.2 Zones within the General Employment and Commercial Services Designation will continue to allow a variety of <i>general employment</i> and commercial uses.	yes	
Objective C.2.1.1.4 To carefully consider the impacts of additional traffic and increased traffic flow when development choices are being made.	maybe	Access to the subject property is narrow due to the siting of a BC hydro pole and fence forming part of the Ganges Village pathway network.
Objective C.2.2.1.2 To preserve the scenic rural character of existing island roads.	maybe	Landscaping would preserve scenic rural character of existing roads.
Objective C.2.2.1.6 To give special attention to the creation of safe pedestrian footpaths and bicycle paths in all areas, particularly in or near village areas. To encourage responsible agencies ensure that roads and high speed traffic do not act as barriers to the social and business functions of villages.		The subject property is located along the Ganges Village pathway network with access to the property over the pathway.
Objective C.2.2.1.7 To support the safe delivery of emergency services to residents.	maybe	See DPA2 guideline E.2.5.3
Policy C.2.2.2.4 The Local Trust Committee will seek community advice regarding land transportation issues through the Salt Spring Island Transportation Commission.	maybe	The SS LTC could consider referral of these applications to the SSITC for comment in respect to access to the subject property.
Objective C.2.3.1.4 To reduce the visual, environmental and social impacts of automobile parking areas	maybe	Landscaping would reduce the visual, environmental and social impacts of automobile parking areas
Objective C.2.3.1.5 To provide off-street parking and loading spaces sufficient to provide for the needs of various land uses. To do so in a way that protects the safety of public roads and pedestrian routes.	maybe	Access to the subject property is narrow due to the siting of a BC hydro pole and fence forming part of the Ganges Village pathway network.

Policy C.2.2.2.8 The Local Trust Committee will support a review of the routing of and rationale for the development of an alternate route (Main Rural standard) around the Ganges Village Core, in consultation with the Ministry of Transportation and Infrastructure and the Salt Spring Island Transportation Commission. Such a route should only be developed where impacts on parks, the environment and lands within the Agricultural Land Reserve can be minimized. Zoning amendments which would increase the area of commercial or <i>general employment</i> development next to the route should be avoided. An exception could be light industrial or other <i>general employment</i> development near the intersection of Rainbow and Atkins roads.	unknown	The Rainbow Road/Atkins Road area could be
Policy C.2.2.2.11 The Development Permit process will continue to include objectives and guidelines to encourage new commercial, <i>general employment</i> and multi-family developments to support pedestrian and bicyclist use. Development permit area guidelines should include construction of safe pedestrian walkways to the nearest main road or pathway, in consultation with the Ministry of Transportation and Infrastructure and the Salt Spring Island Transportation Commission.	yes	The subject property is located along the Ganges Village pathway network with access to the property over the pathway.
Policy C.3.2.2.6 The Local Trust Committee will continue to encourage water <i>conservation</i> through guidelines for xeriscape landscaping of commercial, <i>general employment</i> and multi-family developments in island villages.	unknown	The site plan nor vegetation letter specifics this information. The subject property is outside the boundaries of but is in close proximity to Ganges Village.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT SS-DP-2021.3

TO: H. HAZENBOOM CONSTRUCTION LTD.

1. This Development Permit (the "Permit") applies to the land described below:
PID: 024-113-131
LEGAL DESCRIPTION: Lot B Section 1 Range 2E North Salt Spring Island Cowichan District Plan VIP66899
2. This Permit is authorized in accordance with the following schedules attached to and forming part of this permit as signed and dated by the Deputy Secretary of Islands Trust:

Plan No. 1	Site Plan
Plan No. 2	Building Elevations and Floor Plans
3. Development within Development Permit Area 2 (DPA2), as described and illustrated in the site plan and building plans is permitted in accordance with the following conditions:
 - 3.1 Site Plan**
 Development of general employment space greater than 185 square metres in gross floor area that is visible from public areas or other public areas on the subject property shall be in substantial accordance with Plan Nos. 1 and 2.
 - 3.2 Landscaping**
 Landscaping on the subject property shall be in substantial accordance with Plan No. 1.
4. The land described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any schedules, plans and specifications attached to this Permit, which shall form a part thereof.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Salt Spring Island Land Use Bylaw No. 355, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval from the Capital Regional District, Ministry of Transportation and Infrastructure, Ministry of Environment and Climate Change Strategy, and Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Archaeology Branch).
6. Any further development, redevelopment or changes to this permit including the siting of buildings, structures, and landscaping on this property may require a new Development Permit or a Development Permit Amendment.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT SS-DP-2021.3

AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE
THIS ____ DAY OF _____, 20____.

DEPUTY SECRETARY, ISLANDS TRUST

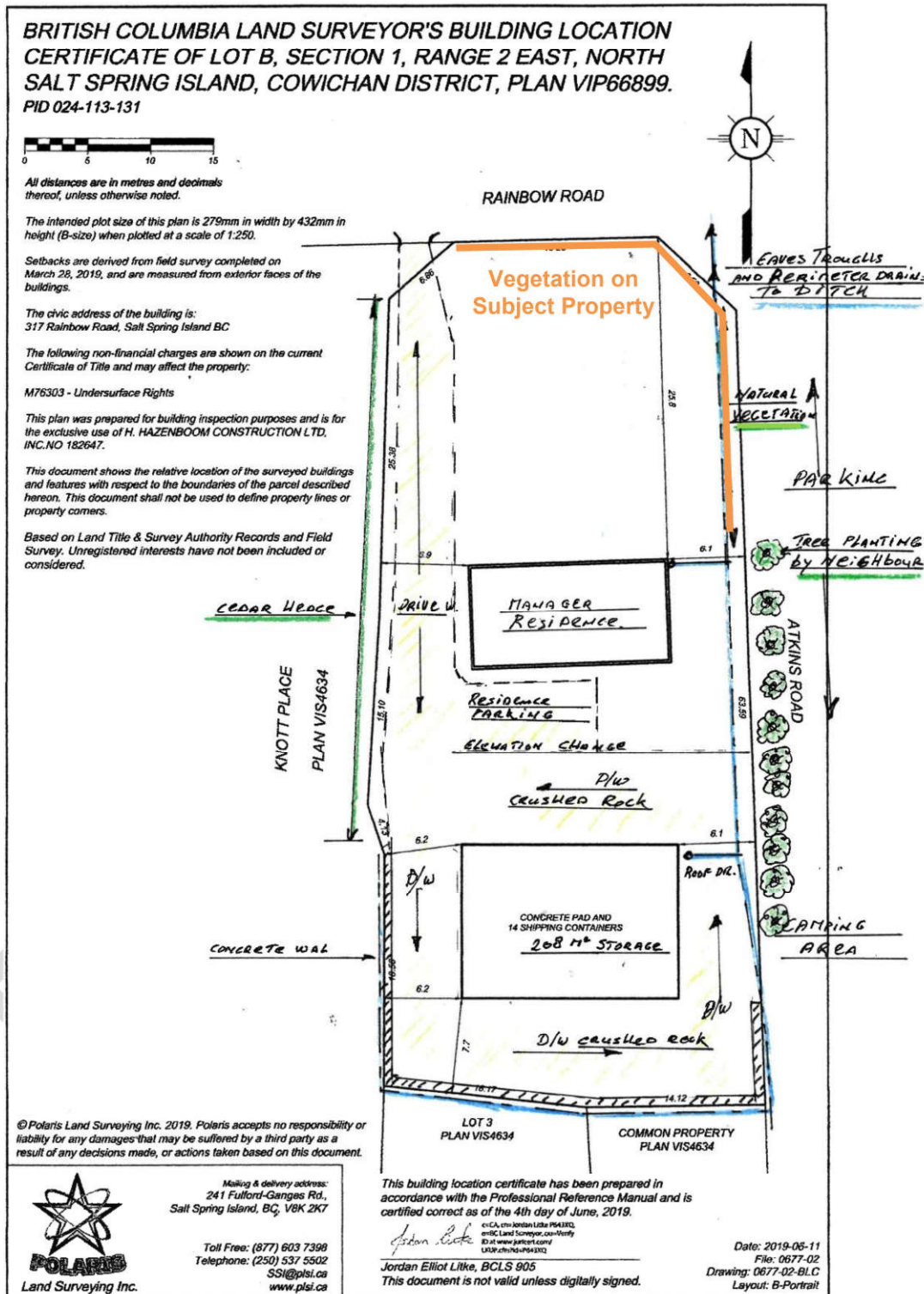
DATE OF ISSUANCE

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____,
20____, THIS PERMIT AUTOMATICALLY LAPSES.



**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT SS-DP-2021.3**

PLAN NO. 1: Site Plan

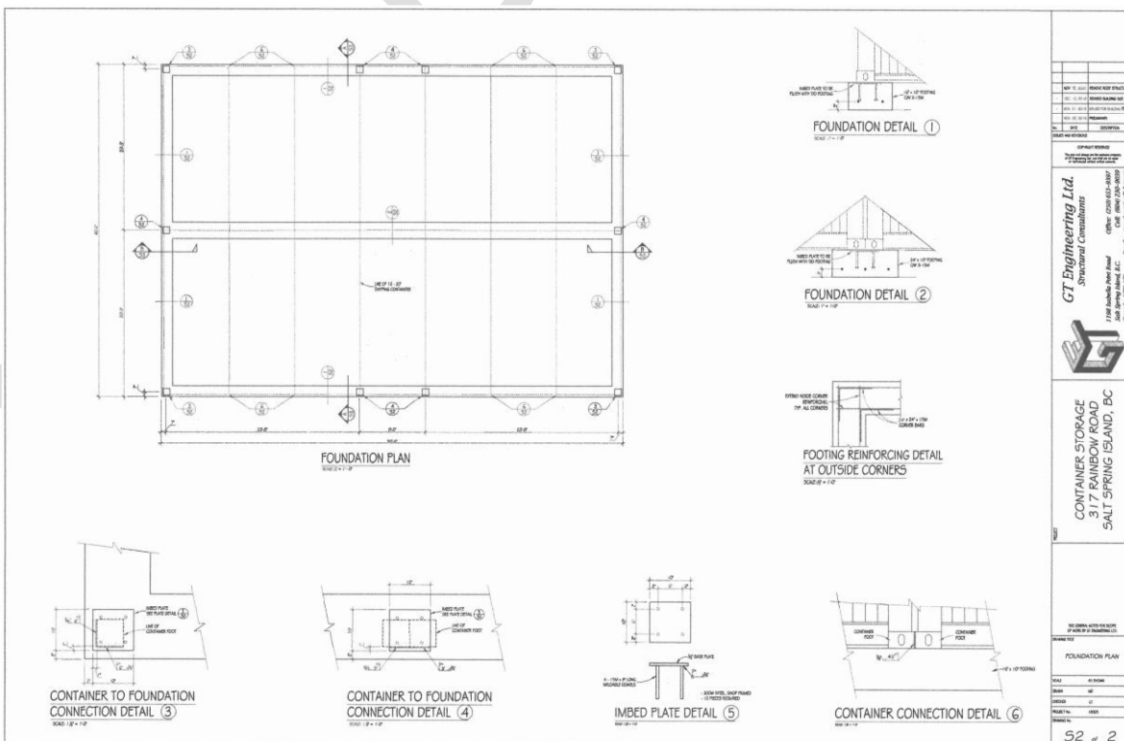
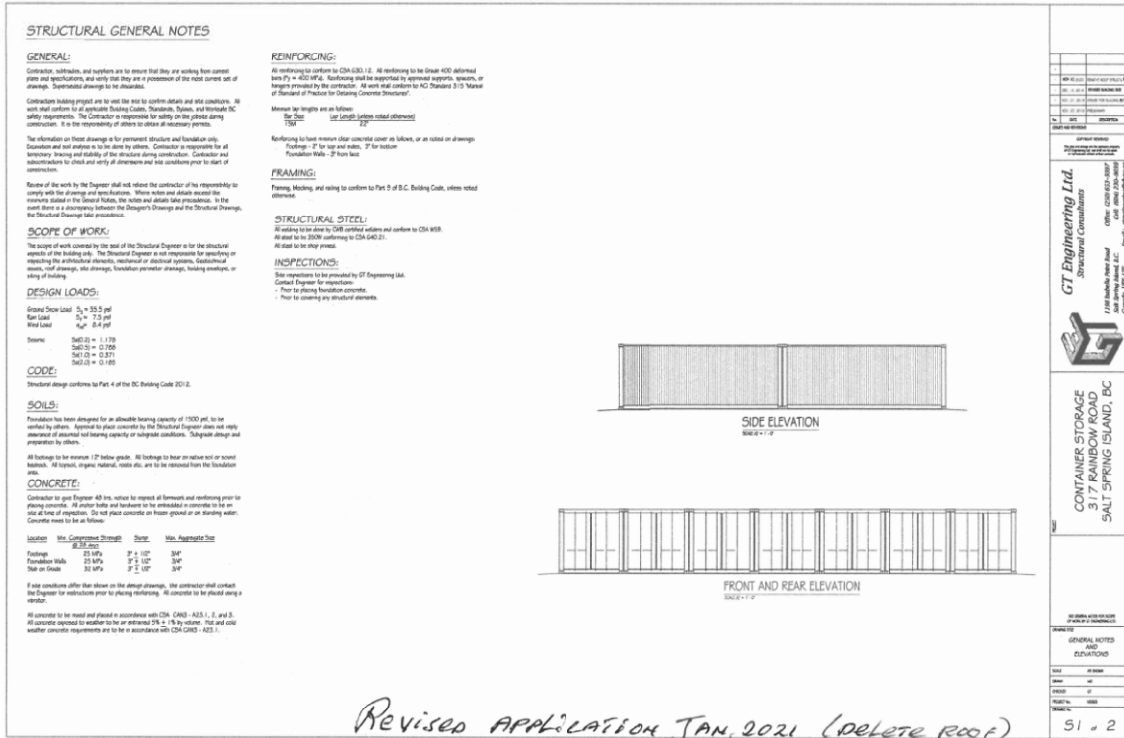


PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT SS-DP-2021.3

PLAN NO. 2: Building Elevations and Floor Plans



PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.14

TO: H. HAZENBOOM CONSTRUCTION LTD.

1. This Development Variance Permit (the "Permit") applies to the land described below:
PID: 024-113-131
LEGAL DESCRIPTION: Lot B Section 1 Range 2E North Salt Spring Island Cowichan District Plan VIP66899
2. This Permit is authorized in accordance with the following plan attached to and forming part of this permit as signed and dated by the Deputy Secretary of Islands Trust:
Plan No. 1 Site Plan, dated June 11, 2019
3. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "*Salt Spring Island Land Use Bylaw, 1999*" is varied as follows:

9.7 GENERAL EMPLOYMENT ZONES

9.7.2 Size, Siting and Density of Permitted Uses, Buildings and Structures

- (1) Subject to Part 4 General Regulations (Siting), *buildings* and *structures* in the General Employment zones must comply with the following regulations regarding size, siting and density:

	GE1
Setbacks	
Despite Subsection 4.3.1, the following <i>lot line</i> setbacks apply for the specific <i>zone</i> indicated:	
Minimum rear <i>lot line</i> setback abutting a lot in a <i>General Employment zone</i> (metres)	3
Minimum interior side <i>lot line</i> setback abutting a lot in a <i>General Employment zone</i> (metres)	3
Minimum exterior side <i>lot line</i> setback (metres)	6

The above article is varied to reduce the setback for an existing retaining wall *structure* as follows:

- a. within a *rear lot line* from 3.0 m to 0.0 m;
- b. within an *interior side lot line* from 3.0 m to 0.0 m; and
- c. within an exterior side lot like from 6.0 m to 0.0 m

in accordance with Plan No. 1 forming part of and attached to this permit.

4. The land described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any schedules, plans and specifications attached to this Permit, which shall form a part thereof.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.14

5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Salt Spring Island Land Use Bylaw No. 355, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval from the Capital Regional District, Ministry of Transportation and Infrastructure, Island Health, and Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Archaeology Branch).
6. Any further development, redevelopment, or any changes to this permit may require a new Development Variance Permit.

AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE

THIS ____ DAY OF _____, 20____.

DEPUTY SECRETARY, ISLANDS TRUST

DATE OF ISSUANCE

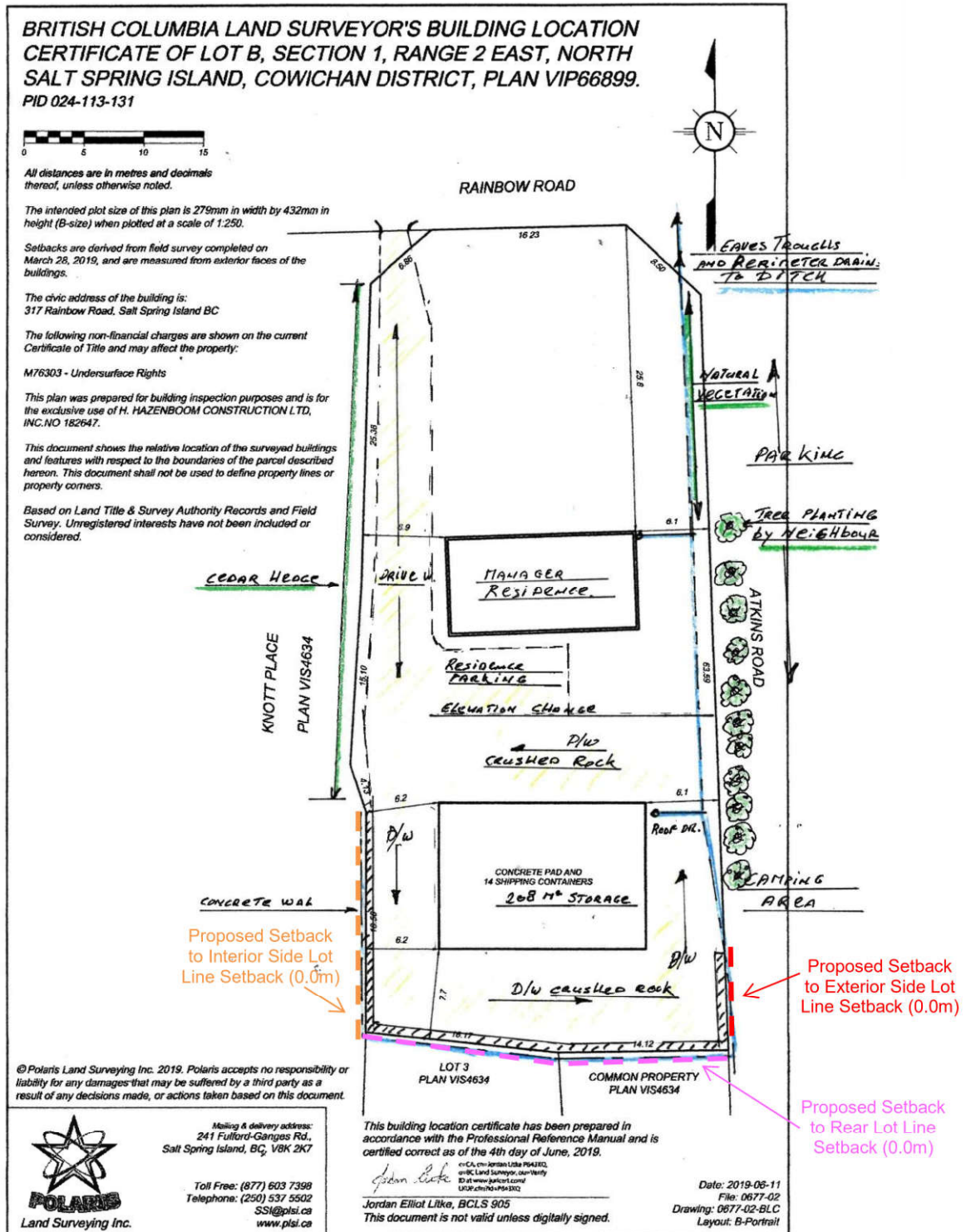
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____,
20____, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.14

PLAN NO. 1: Site Plan





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.

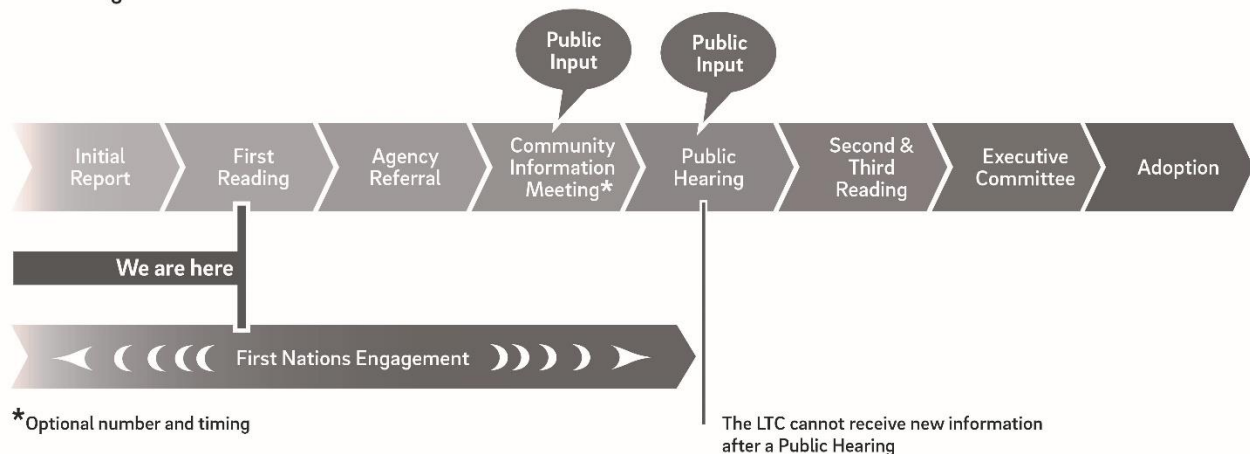
Referrals of rezoning bylaws to agencies, organizations and First Nations typically occur at time of first reading. Staff have recommended that this referral be conducted again if first reading of the amended bylaw is given. As the application also involves an OCP amendment, the SS LTC is required by [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.

Protocols

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

First Nations

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

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

Rationale for Recommendation

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

ALTERNATIVES

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

1. Request further information

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

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

2. Deny the application

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

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

NEXT STEPS

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

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

ATTACHMENTS

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

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 505

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

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

1. Citation

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

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

READ A FIRST TIME THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

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

SCHEDULE NO. 1

1. Bylaw No. 355 is amended as follows:

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

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

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

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

SCHEDULE NO. 2

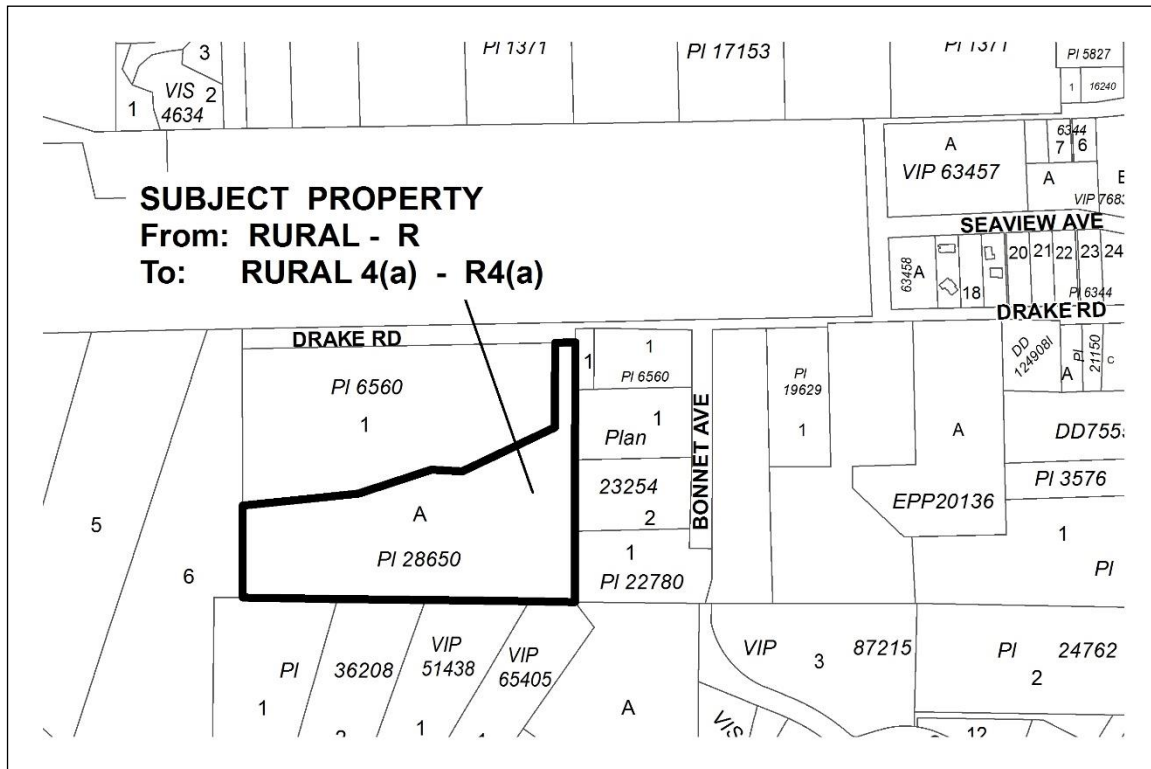
2. Bylaw No. 355 is amended as follows:

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

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 505

PLAN NO. 1





Islands Trust

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
n/a	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
✓	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.
CONSISTENT	No.	DIRECTIVE POLICY

	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