



Salt Spring Island Local Trust Committee

Regular Meeting Agenda

Date: Tuesday, December 13, 2022
Time: 9:30 a.m.
Location: Community Gospel Chapel
147 Vesuvius Bay Road, Salt Spring Island, BC

	Pages
1. CALL TO ORDER	9:30 AM - 9:30 AM
2. APPROVAL OF AGENDA	
3. PREVIOUS MEETINGS	9:30 AM - 9:35 AM
3.1 Draft Minutes of the Salt Spring Island Local Trust Committee - None	
3.2 Resolutions Without Meeting Report - None	
3.3 Draft Minutes of the Advisory Planning Commissions - None	
3.4 Local Trust Committee Public Hearing Record - None	
4. BUSINESS ARISING FROM MINUTES	9:35 AM - 9:40 AM
4.1 Follow-Up Action List	7
Report dated December 2022	
5. COMMUNITY INFORMATION MEETING - None	
6. PUBLIC HEARING - None	
7. REPORTS	
7.1 Policy and Standing Resolutions List	13
For Information	
7.2 Future Projects Report	24
Report dated December 2022	
7.3 Active Projects Report	26
Report dated December 2022	
7.4 Applications with Status Report	28

Report dated December 2022

7.5 Expense Report

7.5.1 Report dated August 2022 39

7.5.2 Report dated September 2022 40

7.5.3 Report dated October 2022 41

7.6 Islands Trust Conservancy Board Report 42

Report dated October 2022

7.7 Salt Spring Island Watershed Protection Alliance (SSIWPA) Coordinator's Report - None

8. LOCAL TRUST COMMITTEE PROJECTS - None

9. OTHER BUSINESS 9:40 AM - 11:00 AM

9.1 New Business

9.1.1 Salt Spring Island Local Trust Committee 2023 Regular Business Meeting Schedule 44

Staff Memorandum

9.1.2 Committee Appointments for 2022-2026 Salt Spring Island Local Trust Committee Term

For Consideration of Trustee Appointment to the following Committees:

Capital Regional District Ganges Harbour Walk Project Steering Committee

That the Salt Spring Island Local Trust Committee appoint Trustee _____ to be the Salt Spring Island Local Trust Committee representative for the Capital Regional District Ganges Harbour Walk Project Steering Committee.

Salt Spring Island Watershed Protection Alliance (SSIWPA)

That the Salt Spring Island Local Trust Committee appoint Trustee _____ to be the Salt Spring Island Local Trust Committee representative for the Salt Spring Island Watershed Protection Alliance (SSIWPA).

Salt Spring Island Ferry Advisory Committee

That the Salt Spring Island Local Trust Committee appoint Trustee

14. CORRESPONDENCE

12:20 PM - 12:25 PM

Please visit the Applications and Projects pages on the Islands Trust website for recent public submissions.

For Applications, go to: <http://www.islandstrust.bc.ca/SSIapplications>

For Projects, go to: <http://www.islandstrust.bc.ca/SSIprojects>

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|------|---|-----|
| 14.1 | L. Underwood, on behalf of the Summerside Strata Council to LTC - Dated October 11, 2022 - Concerning Summerside Development Resolution Follow-up | 111 |
| | For Consideration | |
| 14.2 | MLA Adam Olsen to F. Attorp, cc. LTC et al - Dated October 5, 2022 - Concerning Times Colonist article | 112 |
| | For Information | |
| 14.3 | F. Attorp to Minister of Municipal Affairs, cc: LTC et al - Dated October 5, 2022 - Concerning Times Colonist article | 113 |
| | For Information | |
| 14.4 | N. Roberson to LTC - Dated October 12, 2022 - Concerning resignation from the Agricultural Advisory Planning Commission | 117 |
| | For Information | |
| 14.5 | L. Whalen to LTC - Dated October 27, 2022 - Concerning Channel Ridge Cell Tower | 119 |
| | For Information | |
| 14.6 | O. McOuat to M. Rochon, Senior Director ISED, cc. LTC - Dated October 27, 2022 - Concerning Rogers Tower Proposal at Channel Ridge | 122 |
| | For Information | |
| 14.7 | P. Luckham, Chair on behalf of SS LTC to M. Krenz, Rogers Communications Inc. - Dated November 8, 2022 - Concerning Wireless Telecommunication Site at Channel Ridge | 130 |
| | For Information | |
| 14.8 | B. Crotty to CRD Director Holman, Emcon, MLA Olsen and LTC - Dated November 4-8, 2022 - Concerning Salt Spring Island Road Safety and Maintenance | 132 |
| | For Consideration | |
| 14.9 | M. Chandler to LTC - Dated November 29, 2022 - Concerning Housing Enforcement Eviction | 140 |
| | For Consideration | |

14.10	G. Holman, Capital Regional District Salt Spring Island Electoral Area Director to LTC - Dated December 1, 2022 - Concerning Channel Ridge Communication Tower		143
15.	DELEGATIONS		
15.1	J. Clark, Spokesperson for Concerned Residents of Canvasback Place - Concerning the Proposed Rogers Telecommunication Tower at Channel Ridge	12:25 PM - 12:30 PM	144
15.2	Dr. Ruth Waldick, on behalf of Transition Salt Spring - Concerning "Nature-based Solutions: Improving and Protecting Fresh Water while Increasing Fire Resistance and Restoring Ecosystem Vitality in the Maxwell Creek Watershed"	12:30 PM - 12:35 PM	145
15.3	D. Dunnison - Concerning IT Carbon Storage Myth	12:35 PM - 12:40 PM	147
16.	TOWN HALL AND QUESTIONS	12:40 PM - 12:55 PM	
17.	APPLICATIONS AND REFERRALS	12:55 PM - 3:00 PM	
17.1	SS-TUP-2022.4 - C. Leier, Gulf of Georgia Land & Timber Ltd. - 151 Lower Ganges Road, SSI		166
	Temporary Use Permit Renewal to continue the additional uses to the property - Staff Report		
17.2	SS-DVP-2022.20 - M. Bourns - 1486 Beaver Point Road, SSI		177
	Variance to permit an addition to a Single Family Dwelling within the rear lot line setback - Staff Report		
17.3	SS-DVP-2022.1 - D. Corcoran - Clamshell Islet		199
	Development Variance request to reduce the setback to the natural boundary of the sea for a retaining wall and septic field - Staff Report		
17.4	SS-DVP-2022.16 - E. Hansen - 124 Margaret Avenue, SSI		246
	Variance to permit an existing staircase, an existing shed and an existing dwelling within the various setbacks - Staff Report		
17.5	SS-DVP-2022.18 - L. Brown - 224 Park Drive, SSI		260
	Application to vary the rear lot line setback for an existing Single Family Dwelling - Staff Report		
17.6	SS-DVP-2022.19 - Fulford Community Hall Association - 2591 Fulford-Ganges Road, SSI		274
	Application to vary the maximum lot coverage permitted to facilitate the construction of two rainwater tanks - Staff Report		

18. UPCOMING MEETINGS

Please check the website at www.islandstrust.bc.ca for the 2023 Salt Spring Island Local Trust Committee Regular Business Meeting Schedule.

19. ADJOURNMENT

Follow Up Action Report

Salt Spring Island

11-Oct-2022

Activity	Responsibility	Dates	Status
<p>1 Draft Minutes of the September 6, 2022 SSI LTC Regular Meeting</p> <p>By general consent, the minutes of September 6 2022 Salt Spring Island Local Trust Committee Regular meeting were adopted.</p>	<p>Jennifer Baddeley Rob Pingle</p>		<p>Completed</p>
<p>2 Follow Up Action List dated October 2022</p> <p>By general consent, the Salt Spring Island Local Trust Committee agreed that Item 4 dated August 9, 2022 - "Budget Business Case for Salt Spring LTC Projects" should be renamed as "Ganges Village Area Advocacy" and request staff to forward the item to the Executive Committee.</p>	<p>Daniela Murphy Jennifer Baddeley Louisa Garbo</p>		<p>Completed</p>

Follow Up Action Report

Salt Spring Island

11-Oct-2022

Activity	Responsibility	Dates	Status
<p>3 Salt Spring Island Local Trust Committee Term Report</p>	<p>Chris Hutton Louisa Garbo</p>		<p>Completed</p>

By general consent, Trustees noted the following items are missing from the Salt Spring Island Local Trust Committee Term Report:

- The Water Sustainability Project should include "funded phase one of the groundwater recharge mapping project";
- The Temporary Use Permits for Secondary Suites and Cottages project should include "recreational vehicles";
- The Strategic Priority/OCP Review project should be two separate items;
- The Housing Action project should include the Housing Working Group and report;
- The Climate Action Plan and the Salt Spring Island Area Farm Plan are two major community initiatives that were completed.

Follow Up Action Report

Salt Spring Island

11-Oct-2022

Activity	Responsibility	Dates	Status
<p>4 Salt Spring Island Local Trust Committee Term Report</p> <p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee amend the projects list with the following addition: Review and Update of Development Permit Areas under Item 1 - OCP Amendments.</p> <p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as amended for further consideration by the incoming Local Trust Committee.</p>	<p>Chris Hutton Louisa Garbo</p>		<p>Completed</p>
<p>5 November Meeting Schedule</p> <p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee direct staff to cancel the November 15, 2022 Regular Business meeting as a result of the rescheduled Trust Council Meeting as well as to not proceed with arranging the quarterly Special Meeting in November with the Agricultural Advisory Planning Commission and the Salt Spring Island Agricultural Alliance, and to notify the public accordingly.</p>	<p>Chris Hutton Daniela Murphy Rob Pingle</p>		<p>Completed</p>

Follow Up Action Report

Salt Spring Island

11-Oct-2022

Activity	Responsibility	Dates	Status
<p>6 Proposed Bylaw No. 526 - Farmworker Housing</p> <p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee adopt Proposed Bylaw No. 526, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 3, 2021."</p>	<p>Daniela Murphy Louisa Garbo</p>		<p>Completed</p>
<p>7 North Salt Spring Waterworks District to Trustee Patrick - Dated September 22, 2022 - Concerning Motion passed at a North Salt Spring Waterworks District Trustee's Special Open Meeting</p> <p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee request staff to work with North Salt Spring Waterworks District Manager on opportunities to coordinate and report back to the LTC.</p>	<p>Chris Hutton</p>		<p>Completed</p>

Follow Up Action Report

Salt Spring Island

11-Oct-2022

Activity	Responsibility	Dates	Status
<p>8 Youth Parliament of British Columbia Alumni Society to LTC - Dated September 19, 2022 - Concerning British Columbia Youth Parliament, 94th Parliament</p> <p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee request staff to forward the correspondence received from the Youth Parliament of British Columbia Alumni Society dated September 19, 2022 to School District 64.</p>	<p>Rob Pingle</p>		<p>Completed</p>
<p>9 J. Clark, Spokesperson for Concerned Residents of Canvasback Place, concerning "Update re: September 26, 2022 Meeting with Concerned Residents of Canvasback Place and Innovation, Science and Economic Development Canada</p> <p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee request Chair Luckham to write a letter to Rogers concerning the LTC's rescindment of the tower siting concurrence decision.</p>	<p>Chris Hutton Jennifer Baddeley</p>		<p>Completed</p>

Follow Up Action Report

Salt Spring Island

11-Oct-2022

Activity	Responsibility	Dates	Status
<p>10 SS-DVP-2022.11 - P. Edgar - 227 Roland Road, SSI</p> <p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2022.11 (227 Roland Road).</p>	<p>Daniela Murphy Stephen Baugh</p>		<p>Completed</p>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2010-02-04	SSI-11-10	Bylaw Enforcement Reports	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee directs staff to provide quarterly in-camera and public reports on on-going and current bylaw enforcement investigations and actions in the Salt Spring Local Trust Area.</p> <p style="text-align: right;"><u>CARRIED</u></p>
2013-01-10	SSI-09-13	North Salt Spring Waterworks District Reporting	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee request the North Salt Spring Waterworks District to report back to the Local Trust Committee every two years from the date of adoption of Proposed Bylaw 461 on:</p> <ul style="list-style-type: none"> a) changes in water demand by the North Salt Spring Waterworks District customers with new secondary suites within the pilot area; b) total withdrawal from its system in relation to its licensed capacity; c) impacts on the Maxwell Lake, St. Mary Lake, and the district's water supply in general that can be attributed to the introduction of secondary suites within the pilot area. <p style="text-align: right;"><u>CARRIED</u></p> <p>*Bylaw 461 was adopted May 2, 2013</p>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2016-06-02	SS-2016-114	Grantville Neighbourhood lawful non-conforming sewage disposal field repair or replacement	<p>It was MOVED and SECONDED,</p> <p>that the Salt Spring Island Local Trust Committee adopt “Standing Resolution 2” as specified in Appendix 2 of the staff report dated May 25, 2016. (shown below):</p> <p>That the Salt Spring Island Local Trust Committee direct staff to administer and enforce Bylaw 484 according to the following policies:</p> <ol style="list-style-type: none"> 1. Where a sewage disposal field or septage pit is lawfully non-conforming with respect to Bylaw 484, and pursuant to Local Government Act Section 529, the Salt Spring Island Local Trust Committee considers that the following actions do not constitute maintenance, alteration, or extension, and therefore require a development variance permit application to the Salt Spring Island Local Trust Committee: <ol style="list-style-type: none"> a) Removal and replacement of the dispersal system in its entirety. 2. Where a sewage disposal field or septage pit is lawfully non-conforming with respect to Bylaw 484, and where a health hazard exists as defined under the B.C. Public Health Act, an Authorized Person may carry out immediate, temporary repairs of the system that result in a further contravention to Bylaw 484 than that existing at the time the repair or alteration was started to prevent or contain the hazard. Permanent repairs or alterations that result in a further contravention of Bylaw 484 than that existing at the time the repair or alteration was started, or 1(a) above, should be supervised by a Professional and will require a development variance permit application to the Salt Spring Island Local Trust Committee following resolution of the emergency. 3. “Authorized Person” and “Professional” have the same meaning as in the Sewerage System Regulation. <p style="text-align: right;"><u>CARRIED</u></p>



Islands Trust

SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2017-03-02	SS-2017-16	Quarterly Application Summary Staff Reports	It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee direct staff to provide a quarterly summary of application tracking. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2018-08-16	SS-2018-177	Cannabis Regulation	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> ○ Name of the applicant and a description of the proposal in general terms; ○ The location of the proposed establishment and the subject site; ○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; ○ How public comments may be submitted to the Local Trust Committee. <p style="text-align: right;"><u>CARRIED</u></p>



Islands Trust

SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2018-12-06	SS-2018-278	Cannabis – Processing of Notice to Local Authorities	<p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee adopt the following standing resolution: that the Salt Spring Island Local Trust Committee request that Notices of Intention to apply for a Federal Cannabis License be included in the Local Trust Committee Regular Meeting agenda package.</p> <p style="text-align: right;"><u>CARRIED</u></p>
2019-04-30	SS-2019-88	Families as Stakeholders	<p>It was MOVED and SECONDED, That the Salt Spring Island Local Committee direct staff to include families as stakeholders in Project Charters and to propose family oriented engagement techniques, or to explain why such inclusion is not appropriate.</p> <p style="text-align: right;"><u>CARRIED</u></p>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-08-27	SS-2019-153	STVR	<p>It was MOVED and SECONDED,</p> <p>that the Salt Spring Island Local Trust Committee rescind Resolution SS-2017-120 and adopt the following new short-term vacation rental enforcement policy:</p> <p>that given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short-Term Vacation Rentals (STVRs) that have one or more of the following characteristics will be subject to proactive enforcement:</p> <ol style="list-style-type: none"> 1. They are advertised on the Internet, newspapers or other media; 2. More than one dwelling on the lot is simultaneously made available for STVRs; 3. While the property is rented persons are staying in tents, trailers, or Recreational Vehicles; 4. There are issues related to health and safety; 5. There is a written complaint by owners or residents on nearby lots about bona fide nuisance issues such as noise or parking congestion related to the STVR; 6. The owner of the property uses more than one property on Salt Spring Island as an STVR; that a Short-Term Vacation Rental (STVR) is defined as rental of a dwelling, suite, or cottage in a residential zone for less than 30-day periods; <p>that a Short-Term Vacation Rental (STVR) is defined as the rental of a dwelling, suite, cottage, camping unit, accessory building or structure for a commercial guest accommodation use in a non commercial or commercial guest accommodation zone for less than a 30-day period;</p> <p>that nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Salt Spring Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.</p> <p style="text-align: right;"><u>CARRIED</u></p>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-11-26	SS-2019-253	Reconciliation	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <ul style="list-style-type: none"> a) Annually, write a letter to First Nations, (re) introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations’ cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations’ traditional territories within the Islands Trust Area. <p style="text-align: right;"><u>CARRIED</u></p>



Islands Trust

SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-12-17	SS-2019-275	Referral of Items to the Agricultural Advisory Planning Commission	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee refer Agricultural Land Commission applications directly to the Agricultural Advisory Planning Commission, prior to consideration by the Salt Spring Island Local Trust Committee when:</p> <ul style="list-style-type: none"> a) Applications demonstrate either that local farming or the greater community would benefit and conditions of Official Community Plan policy B.6.2.2.16 apply, or b) Applications are for public recreation use and are consistent with the Official Community Plan. <p style="text-align: right;"><u>CARRIED</u></p>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2020-04-28	SS-2020-045	Policy Options for Bylaw Enforcement Compliance on Unlawful Uses	<p>It was <u>MOVED</u> and <u>SECONDED</u>, that the Salt Spring Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <ul style="list-style-type: none"> a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, temporarily cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue. d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application. <p style="text-align: right;"><u>CARRIED</u></p>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2021-06-29 Amended 2021-11-09 Amended 2022-02-15	SS-2021-109 SS-2021-214 SS-2022-017	Unlawful Dwellings	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation to amend standing resolution SS-2021-109 to state that enforcement activities will be deferred for all existing unlawful dwellings being used for residential purposes until there are safe, secure appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances:</p> <ul style="list-style-type: none"> a. there are concerns regarding health and safety; b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings; d. there are concerns of possible contamination of wells or other drinking water sources; e. unlawful dwellings are in environmentally sensitive areas; f. there are non-permitted campgrounds; and, g. that the Salt Spring Island Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question. <p style="text-align: right;"><u>CARRIED</u></p>
2021-06-29	SS-2021-111	Bylaw Enforcement Policy on Portable Sawmills	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt the following enforcement policy: Enforcement on portable sawmills will be deferred while the Local Trust Committee considers amendments to the Land Use Bylaw.</p> <p style="text-align: right;"><u>CARRIED</u></p>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2021-11-09	SS-2021-213	Residential Use in Commercial Accommodations	<p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force’s recommendation to defer enforcement of residential use in commercial accommodations, such as cabins, hotels, guest houses, and motels that provide long-term (more than 30 days) residency in order to offer an interim solution to the housing needs on Salt Spring Island.</p> <p style="text-align: right;"><u>CARRIED</u></p>
2021-12-14	SS-2021-237	First Nations Consultation for Proposed Antenna Systems	<p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations consultation in accordance with the “Strategy for Antenna Systems” in the Local Trust Area:</p> <ol style="list-style-type: none"> a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders; b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites; c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the Heritage Conservation Act; d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site or cultural/sacred site identified by a First Nations cultural knowledge holder; and e. The proponent will provide written notice – including, if applicable, the Archeological Impact Assessment – sent by regular mail or hand delivered to all First Nations rights and title holders identified during the pre-consultation phase <p style="text-align: right;"><u>CARRIED</u></p>



Work Program Application

Salt Spring Island		Reports	
FUAL (49)	Future Projects (5)	In Camera FUAL (16)	Active Projects (4)
Add Record		Archive	

Received Date	Description	Responsibility
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06-Oct-2020	<p>Description: OCP Amendments</p> <p>Activity:</p> <ul style="list-style-type: none"> • First Nations Heritage and Cultural Site Protection (Jan. 2015) • Piers Island Bill 27 OCP Update (Dec. 2015) • Marine Environment Protection (Foreshore Audit) (June 2016) • Official Community Plan Review (Nov. 2017) • Development of a Music Strategy (June 2020) • Waste Transfer Stations (Waste Management Plan) (July 2020) • Add a map of the Salish Sea Trail (Oct. 2021) • Add public access to lake and marine shorelines as an eligible community amenity in Section H.3.2 of the Salt Spring Island Official Community Plan (Feb. 2022) 	
06-Oct-2020	<p>Description: Land Use Bylaw Amendments</p> <p>Activity:</p> <ul style="list-style-type: none"> • Outer Islands (Feb. 2015) • LUB Update: Affordable Housing (June 2015) • Accessory Buildings Without a Principle Use (Dec. 2016) • Technical and Minor Amendments (Mar. 2017) <ul style="list-style-type: none"> ◦ Limit fence height to 2.4m; increase dock width from 1.2m to 1.5m; culverts as structures in waterbody setbacks • Reduce Permitted Lot Coverage in Rural Upland Zones (Aug. 2018) • Ganges Village Planning - Harbourwalk (Oct. 2019) • Commercial Truck Parking and Storage (July 2020) • Regulate Cannabis Production (Sept. 2020) • Portable Sawmills (Nov. 2020) • Review of the residential zoning of islets (Jul. 2022) • Impacts of future lake levels of St. Mary Lake (Aug. 2022) 	
06-Oct-2020	<p>Description: Direct Bylaw Enforcement</p> <p>Activity:</p> <ul style="list-style-type: none"> • Bylaw Enforcement Policies (Feb. 2015) • Short Term Vacation Rentals (STVRs) (May 2017) 	
06-Oct-2020	<p>Description: Administrative Processes and Procedures</p> <p>Activity:</p> <ul style="list-style-type: none"> • Land Use Contracts (Feb. 2015) • Soil Removal Bylaw update (Feb. 2015) • Improving Communications (Mine permits for aggregate pits and quarries.) (Jan. 2020) 	

<p>Description: Advocate</p> <p>06-Oct-2020 Activity:</p> <ul style="list-style-type: none">• none listed



Work Program Application

Salt Spring Island		Reports	
FUAL (49)	Future Projects (5)	In Camera FUAL (16)	Active Projects (4)
Add Record		Archive	

Priority	Activity	Received Date	Target Date	Responsibility
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4th Priority Medium Level	<p>Description: Water Sustainability - coordinate multiple jurisdictions in planning for water sustainability and watershed protection.</p> <p>Activity: <u>Currently includes:</u> Coordination of SSIWPA; Development of Proof of Water Bylaw; Weston Lake Water Availability Study; Watershed Strategic Plan; Ongoing well-monitoring. Sept. 6, 2022: Draft Lake Weston Study recieved, referred to various agencies and organizations; and to coordinate a discussion with POLIS and other groups for Water Sustainability Act consideratons. April 2022: Draft Weston Lake Study being reviewed by staff; Contract issued for phase 2 of Watershed Strategic Plan; staff seeking LTC direction on reduced SSIWPA budget. Nov. 19, 2021: kick off meeting with Econics for phase 1 of Watershed Strategic Plan: a Situational Analysis July 15, 2021: Signed MOU submitted to CRD for Weston Lake Study. RFP posted (Nov. 2021) May 25, 2021: LTC approves project charter of Watershed Protection Plan April 27, 2021: MOU approved for Weston Lake Assessment March 11, 2021 - TC budget approve: \$75,500 special tax requisition for 2021/22 SSIWPA; up to \$80,000 from surplus funds to spend on a watershed strategic plan and Weston Lake Watershed Assessment Proof of Water for subdivision is in the work.</p>	07-Jun-2012	30-Dec-2022	
3rd Priority Medium Level	<p>Description: Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)</p> <p>Activity: November 30, 2022 - Ongoing work with Transition Salt Spring to conduct and facilitate a fire risk management workshop with funding as directed by the LTC at its Oct. 11 regular meeting. July, 2022 - Ongoing conversations with wildfire ecologists to consider direct award of contract June, 2022 - RFP for widlfire ecologist (unsuccessful) Oct. 5, 2021 - SSLTC endorse 2022/23 business case that includes: First Nations engagement, funds for a density bonus zoning appraisal report, a fire ecology analysis and workshop, and education and communication materials. Science Working Group Meetings: Nov. 18, 2020; April 12, 2021; June 15, 2021; July 13, 2021 April 27, 2021 - education materials received July 28, 2020 - Project Charter endorsed. Phase 1: Information gathering and analyzing, consultation, and education. Potentially develop a wildfire protection DPA</p>	17-Dec-2019	01-Dec-2022	
2nd Priority High Level	<p>Description: Ganges (Shiya'hwt/Syowt) Village Planning</p> <p>Activity:</p>	08-Jun-2020	31-Mar-2022	

March 26 & 27, 2022-AHNE facilitates a workshop with GVTF. Final Report of all engagement activities anticipated for April or May LTC meeting.
 Nov. 9, 2021 - Ahne Studio finalizes engagement plan with SS LTC and task force. Ahne and staff begin numerous engagement activities including: survey, ideas fair, walk shops, stakeholder virtual events, school engagement, pop-up engagement and community design charrette.
 Task Force Meetings are ongoing.
 March 11, 2021-TC approved \$97,000 project budget
 Nov. 10 2020 - Project Charter, Public Engagement Framework, and Task Force Terms of Reference adopted. Endorsed applying for C2C funding.
 Dec 14, 2022 - SS LTC endorsed funding for the Task Force to have a two-day workshop facilitated by Ahne Studio.
 April 19, 2022 - Ahne Studio presented the engagement summary to SS LTC.

Description:

Housing Action Program

Activity:

Feb. 3. 2022 - report to SS LTC includes secondary suites draft bylaw, advancing tiny homes pilot project, consideration of OCP amendments-LTC request amendments to focus on accessory dwelling units
 Nov. 18, 2021 - SS LTC meet with members of agricultural community - request staff to amend Bylaw 527 (housing in the ALC and large farming properties) and send out to referrals
 Nov. 9, 2021 - SSLTC pass numerous resolutions including: deferring enforcement for unpermitted residential use in specific circumstances, requesting RPC to consider expediting affordable housing applications, request potential bylaw amendments to permit accessory dwelling units (including secondary suites).
 April 27, 2021-12 persons appointed to Housing Task Force. Task Force Meetings ongoing.
 Jan. 22, 2021 - Project Charter. Adopted.
 Dec. 15, 2020 - LTC resolves that any further consideration of Bylaw No. 471 (TUPs for Residential use) take place in the context of LTC's 'Housing Challenges and Solutions' project.
 Feb 15, 2022 - SS LTC endorsed the Tiny Homes Village Pilot Project, amended the standing resolution SS-2021-109 as recommended by the Housing Action Task Force, and requested staff to amend proposed Bylaw 528 Secondary Suites to be broadened.
 April 19, 2022 - Proposed Bylaw 530 Accessory Dwelling Unit (ADU) was read for the first time.
 May 15, 2022 - RFP for the consultant to conduct public engagement was canceled due to a project budget cut.
 July 12, 2022 - Proposed Bylaw 526 Farmworkers Housing was read for the first and second time, and Proposed Bylaw 530 was read the second time.
 Aug 9, 2022 - SS LTC endorsed the business case for the major amendment to the SS OCP.
 Aug 18, 2022 - Public hearing for the Proposed Bylaws 526 and 530.
 Sept 6, 2022 - Proposed Bylaw was read for the third time, and Proposed Bylaw 530 was put on hold to address First Nations and the public's concerns.
 Review and Update of Development Permit Areas under Item 1 - OCP Amendments per LTC request.

1st
 Priority
 High
 Level

06-Oct-2020 01-Oct-2022



Board of Variance

File Number	Applicant Name	Date Received	Purpose
SS-BOV-2022.1	Robertson, Terrence	27-Jun-2022	Variances to lot coverage and natural boundary setback - 351 Mountain Park Dr, SSI

Planner: Phil Testemale

Planning Status

Status Date: 01-Nov-2022

Spoke with applicants counsel - indicated that we require a DVP (or rezoning) by November 15, 2022 or file to BE for ticketing and fines.

Status Date: 14-Oct-2022

E-mail from applicant proposing rezoning for seasonal cottage. Response: non-staff support and require a DVP or Rezoning application by October 31, 2022 or refer back to BE

Status Date: 11-Oct-2022

Spoke with Richard Margetts (Johns Southward - counsel for applicant) and forwarded e-mail information. He will respond within the week.

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2022.5	Polaris Land Surveying	04-May-2022	Permit to allow subdivision in DPA 7 - 536 Beaver Point Road, SSI

Planner: Phil Testemale

Planning Status

Status Date: 30-Aug-2022

E-mail to applicant required amendment to RAPR Assessment Report and request for schedule.

Status Date: 26-Aug-2022

File assigned to Planner Testemale

Status Date: 18-May-2022

File assigned to Planner Youmans



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
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SS-DP-2022.7 Polaris Land Surveying INC 10-Aug-2022 Dock in DPA3 - 250 Collins Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 23-Aug-2022

Planner Fotino assigned to file

File Number	Applicant Name	Date Received	Purpose
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SS-DP-2022.8 Robert Barnard Design LTD 31-Aug-2022 Development Permit for water service and road within DPA 4 & 6 - 701 Cranberry Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 08-Sep-2022

File assigned to Planner Fotino

File Number	Applicant Name	Date Received	Purpose
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SS-DP-2022.9 Whitten, David 16-Sep-2022 Development Permit Amendment to permit a cafe with indoor seating - 161 Fulford-Ganges Road

Planner: Anthony Fotino

Planning Status

Status Date: 27-Sep-2022

Planner Fotino assigned to file



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.22	UCG	09-Dec-2021	Setback Variance for Brewery and Retaining Wall - 270 Furness Road

Planner: Anthony Fotino

Planning Status

Status Date: 31-Aug-2022

File reassigned to Planner Fotino

Status Date: 25-Apr-2022

File reassigned to Jason Youmans.

Status Date: 13-Dec-2021

File forwarded to planner for review - SS-DVP-2021.22

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.23	Shalhaf, Sina	13-Dec-2021	Variance for structure setback to a water body - 150 Margolin Drive

Planner: Phil Testemale

Planning Status

Status Date: 18-May-2022

E-mail communication with applicant - QEP report submission for September.

Status Date: 25-Apr-2022

File reassigned to Planner Phil Testemale.

Status Date: 21-Mar-2022

Awaiting QEP report in support of variance application



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.24	Kirsten Reite Architecture	20-Dec-2021	Follows on expiry of pervious permit SS-DVP-2018.17. Proposed variance to permit: The siting of sewage system tanks, sewage disposal fields, commercial guest accommodation units; and a sub-electrical room. - 2621 & 2661 Fulford-Ganges Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 09-Aug-2022

LTC issued SS-DVP-2021.24 based on revised septic field siting plan

Status Date: 29-Jul-2022

Applicant revised site plan to site septic field 30 metres from all water bodies.

Status Date: 10-Mar-2022

See file SS-DP-2018.14 for updates as both files are moving in parallel.

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2022.1	Aurora Professional Group INC	06-Jan-2022	Variance regarding disposal field and setback to natural boundary of the sea - Clam Shell Island

Planner: Chris Hutton

Planning Status

Status Date: 20-Oct-2022

File re-assigned to RPM Hutton

Status Date: 12-Oct-2022

File assigned to Planner Fotino

Status Date: 05-Oct-2022

No update from Cowichan Tribes on whether they wish to participate in a site visit paid for by CRA with applicant. Next step is to follow up with Cowichan Tribes one more time and then advise LTC of their options for December meeting.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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SS-DVP-2022.12 Polaris Land Surveying 02-May-2022 Variances to allow a boundary adjustment - 744 Lower Ganges Road, SSI

Planner: Stephen Baugh

Planning Status

Status Date: 15-Aug-2022

File re-assigned to Planner Baugh

Status Date: 06-May-2022

Planner Youmans assigned to file - SS-DVP-2022.12

File Number	Applicant Name	Date Received	Purpose
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SS-DVP-2022.13 Polaris Land Surveying 04-May-2022 Variances to allow subdivision - 536 Beaver Point Road, SSI

Planner: Phil Testemale

Planning Status

Status Date: 26-Aug-2022

Planner Testemale assigned to file

Status Date: 18-May-2022

Planner Youmans assigned to file

File Number	Applicant Name	Date Received	Purpose
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SS-DVP-2022.16 Hausen, Ellen 05-Aug-2022 To allow a stair structure in the setback - 124 Margaret Ave, SSI

Planner: Charly Caproff

Planning Status

Status Date: 20-Oct-2022

Draft notice, permit, and staff report sent to RPM and Legislative Clerk for review

Status Date: 29-Sep-2022

Planner Caproff re-assigned to file

Status Date: 15-Sep-2022

Staff conducted a site visit regarding this application. Following up with the applicant regarding next steps and options.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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SS-DVP-2022.17 Wiebe, Jesse 22-Aug-2022 Setback variance for sewerage system - Lot A North End Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 25-Aug-2022

Planner Fotino assigned to file

File Number	Applicant Name	Date Received	Purpose
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SS-DVP-2022.18 Brown, Len 12-Sep-2022 Variance after the fact for a structure in the setback - 224 Park Drive, SSI

Planner: Rob Pingle

Planning Status

Status Date: 24-Nov-2022

Permit to be presented to the Dec LTC meeting

Status Date: 23-Sep-2022

Requesting professional survey showing current distance between house and rear lot line.

Status Date: 13-Sep-2022

File assigned to Planner Dougan

File Number	Applicant Name	Date Received	Purpose
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SS-DVP-2022.19 AloPluvia Integrated 04-Oct-2022 Variance to increase lot coverage to allow for water storage tanks - 2591

Water Resource
Management

Fulford-Ganges Road, SSI

Planner: Rob Pingle

Planning Status

Status Date: 24-Nov-2022

Permit to be presented to Dec LTC meeting

Status Date: 06-Oct-2022

Planner Dougan assigned to file



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2022.20	Bourns, Megumi	13-Oct-2022	Variance to permit addition to SFD within the rear lot line - 1486 Beaver Point Road, SSI

Planner: Phil Testemale

Planning Status

Status Date: 01-Nov-2022
December 13, 2022 agenda for consideration

Status Date: 01-Nov-2022
DVP drafted and sent to applicant for review. DS confirmed notification dates.

Status Date: 27-Oct-2022
Planner Testemale assigned to file

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
SS-LCB-2022.1	Thrive Advisors	06-Jul-2022	Tasting room expansion - 270 Furness Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 31-Aug-2022
File reassigned to Planner Fotino

Status Date: 11-Jul-2022
File assigned to Planner Youmans



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2022.1	Pilot Yellow Adventures Inc	26-Oct-2022	Rezoning property to allow for four SFD - Sec 50 Musgrave Road, SSI
Planner: Anthony Fotino			
Planning Status			
Status Date: 02-Nov-2022			
File assigned to Planner Fotino			

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2022.2	Gulf of Georgia Land & Timber LTD	29-Nov-2022	To address issues arising from the Temporary Use Permit - 151 Lower Ganges Road, SSI
Planner: Phil Testemale			
Planning Status			
Status Date:			

Soil Deposit and Removal

File Number	Applicant Name	Date Received	Purpose
SS-SDP-2022.2	Kerrigan, Neil	27-Jun-2022	Pond construction - 155 Alexander BLVD, SSI
Planner: Charly Caproff			
Planning Status			
Status Date: 12-Jul-2022			
File assigned to Planner Caproff			



Soil Deposit and Removal

File Number	Applicant Name	Date Received	Purpose
SS-SDP-2022.3	Diggin' It Excavating LTD	15-Jul-2022	Leveling property for development - 131 Knott PI, SSI
Planner: Charly Caproff			
Planning Status			
Status Date: 19-Jul-2022 Planner Caproff assigned to the file			

File Number	Applicant Name	Date Received	Purpose
SS-SDP-2022.4	Clayton, Greg	20-Sep-2022	Expansion of a dug pond - 90m3 soil removed and deposited - 521 Beaver Point Road, SSI
Planner: Anthony Fotino			
Planning Status			
Status Date: 27-Sep-2022 Planner Fotino assigned to file			

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2022.1	Polaris Land Surveying INC	10-Jun-2022	3 lot subdivision - 250 Collins Road
Planner: Anthony Fotino			
Planning Status			
Status Date: 24-Aug-2022 File transferred to Planner Fotino			
Status Date: 13-Jul-2022 File transferred to Planner Dougan			
Status Date: 04-Jul-2022 Planner Thomaidis assigned to file			



Subdivision

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2022.3	Polaris Land Surveying Inc	15-Jul-2022	3 lots Conventional Subdivision - 115 Lumley Road, SSI
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Planner: Charly Caproff

Planning Status

Status Date: 24-Aug-2022

Referral response sent to MOTI

Status Date: 12-Aug-2022

Submission will be a few days over the 30 day deadline. MOTI has been notified. Referral letter was originally sent on July 14 2022. Submission will likely be Wednesday August 17.

Status Date: 09-Aug-2022

Planner Caproff reassigned to file

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2022.4	Polaris Land Surveying Inc	14-Nov-2022	Proposed 2 lot conventional Subdivision, 373 Wright Road, Salt Spring Island
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Planner: Louisa Garbo

Planning Status

Status Date: 17-Nov-2022

File assigned to Planner Garbo



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
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SS-TUP-2022.4	Gulf of Georgia Land & Timber LTD	05-Oct-2022	Permit to add additional uses to the property - 151 Lower Ganges Road
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Planner: Phil Testemale

Planning Status

Status Date: 17-Nov-2022

Refund of \$1450 forwarded to applicant as it was determined that this is a renewal

Status Date: 13-Oct-2022

Email to applicant (intro and request for intentions re: rezoning)

Status Date: 06-Oct-2022

File assigned to Planner Testemale

Islands Trust

LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending August 2022

655 Salt Spring	Invoices posted to Month ending August 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-655	LTC "Trustee Expenses"	<u>1,744.00</u>	<u>155.88</u>	<u>1,588.12</u>
		<u>1,744.00</u>	<u>155.88</u>	<u>1,588.12</u>
LTC Local				
65200-655	LTC - Local Exp - LTC Meeting Expenses	5,465.00	775.00	4,690.00
65210-655	LTC - Local Exp - APC Meeting Expenses	999.00	150.00	849.00
65220-655	LTC - Local Exp - Communications	1,500.00	500.00	1,000.00
65230-655	LTC - Local Exp - Special Projects	<u>1,391.00</u>	<u>0.00</u>	<u>1,391.00</u>
TOTAL LTC Local Expense		<u>9,355.00</u>	<u>1,425.00</u>	<u>7,930.00</u>
Projects				
73001-655-4020	Salt Spring Ganges Village Area Planning	19,000.00	15,423.81	3,576.19
73001-655-4034	SSIWPA Coordinator Expense	60,000.00	21,730.00	38,270.00
73001-655-4035	SSIWPA Events & Communications Expense	0.00	965.00	-965.00
73001-655-4037	SSIWPA Project - Weston Lake	30,000.00	27,293.60	2,706.40
73001-655-4038	SSIWPA Project - Watershed Protection Plan	38,400.00	16,725.00	21,675.00
73001-655-4113	Salt Spring Protect CDF Ecosystem	32,000.00	0.00	32,000.00
73001-655-4119	Salt Spring Housing Challenges & Solutions	<u>25,000.00</u>	<u>3,521.75</u>	<u>21,478.25</u>
TOTAL Project Expenses		<u>204,400.00</u>	<u>85,659.16</u>	<u>118,740.84</u>

Islands Trust

LTC EXP SUMMARY REPORT F2023

Invoices posted to Month ending September 2022

655 Salt Spring	Invoices posted to Month ending September 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-655	LTC "Trustee Expenses"	<u>1,744.00</u>	<u>155.88</u>	<u>1,588.12</u>
		<u>1,744.00</u>	<u>155.88</u>	<u>1,588.12</u>
LTC Local				
65200-655	LTC - Local Exp - LTC Meeting Expenses	5,465.00	1,455.50	4,009.50
65210-655	LTC - Local Exp - APC Meeting Expenses	999.00	150.00	849.00
65220-655	LTC - Local Exp - Communications	1,500.00	500.00	1,000.00
65230-655	LTC - Local Exp - Special Projects	<u>1,391.00</u>	<u>0.00</u>	<u>1,391.00</u>
TOTAL LTC Local Expense		<u>9,355.00</u>	<u>2,105.50</u>	<u>7,249.50</u>
Projects				
73001-655-4020	Salt Spring Ganges Village Area Planning	19,000.00	15,423.81	3,576.19
73001-655-4034	SSIWPA Coordinator Expense	60,000.00	27,100.00	32,900.00
73001-655-4035	SSIWPA Events & Communications Expense	0.00	2,539.26	-2,539.26
73001-655-4036	SSIWPA Meetings Expense	0.00	82.64	-82.64
73001-655-4037	SSIWPA Project - Weston Lake	30,000.00	27,293.60	2,706.40
73001-655-4038	SSIWPA Project - Watershed Protection Plan	38,400.00	19,500.00	18,900.00
73001-655-4113	Salt Spring Protect CDF Ecosystem	32,000.00	0.00	32,000.00
73001-655-4119	Salt Spring Housing Challenges & Solutions	<u>25,000.00</u>	<u>3,569.75</u>	<u>21,430.25</u>
TOTAL Project Expenses		<u>204,400.00</u>	<u>95,509.06</u>	<u>108,890.94</u>

Islands Trust

LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending October 2022

655 Salt Spring	Invoices posted to Month ending October 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-655	LTC "Trustee Expenses"	<u>1,744.00</u>	<u>155.88</u>	<u>1,588.12</u>
		<u>1,744.00</u>	<u>155.88</u>	<u>1,588.12</u>
LTC Local				
65200-655	LTC - Local Exp - LTC Meeting Expenses	5,465.00	1,705.50	3,759.50
65210-655	LTC - Local Exp - APC Meeting Expenses	999.00	150.00	849.00
65220-655	LTC - Local Exp - Communications	1,500.00	500.00	1,000.00
65230-655	LTC - Local Exp - Special Projects	<u>1,391.00</u>	<u>0.00</u>	<u>1,391.00</u>
TOTAL LTC Local Expense		<u>9,355.00</u>	<u>2,355.50</u>	<u>6,999.50</u>
Projects				
73001-655-4020	Salt Spring Ganges Village Area Planning	19,000.00	15,423.81	3,576.19
73001-655-4034	SSIWPA Coordinator Expense	60,000.00	31,680.00	28,320.00
73001-655-4035	SSIWPA Events & Communications Expense	0.00	2,639.26	-2,639.26
73001-655-4036	SSIWPA Meetings Expense	0.00	82.64	-82.64
73001-655-4037	SSIWPA Project - Weston Lake	30,000.00	27,293.60	2,706.40
73001-655-4038	SSIWPA Project - Watershed Protection Plan	38,400.00	19,500.00	18,900.00
73001-655-4113	Salt Spring Protect CDF Ecosystem	32,000.00	0.00	32,000.00
73001-655-4119	Salt Spring Housing Challenges & Solutions	<u>25,000.00</u>	<u>3,569.75</u>	<u>21,430.25</u>
TOTAL Project Expenses		<u>204,400.00</u>	<u>100,189.06</u>	<u>104,210.94</u>



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY OCTOBER 6, 2022 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- ***This meeting was the last Islands Trust Conservancy (ITC) Board meeting prior to the Islands Trust elections. Up to three new Board members will be elected at the first Trust Council meeting. ITC Board members appointed by the Minister of Municipal Affairs will continue on the ITC Board and are unaffected by local government elections.***
- The ITC Manager provided an update on the local government election, noted ITC staff are preparing orientation materials for incoming trustees.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022 and the ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- ITC Board considered a proposed budget for the 2023/24 fiscal year. The proposed budget included an approximate 13% increase for ITC a. The increase is comparable to other Islands Trust departments and includes BCGEU tentative agreement salary increases and a business case for capacity funding for First Nations Engagement for development of a five-year ITC Plan (2026-2030). ITC Board approved the draft 2023/24 ITC Budget as presented and directed staff to provide it for inclusion in the Islands Trust draft 2023/24 budget.
- ITC Board received an update regarding the Trust Council meeting, including notice that Trust Council gave first, second and third reading to a revised Natural Area Protection Tax Exemption Program (NAPTEP) Fees Bylaw and Guidelines for Executive Committee sponsorship of NAPTEP application fees. **These guidelines and the revised bylaw will allow the ITC Board and NAPTEP applicants to apply to the Executive Committee for sponsorship (waiver) of NAPTEP fees.**

3. COVENANT AND PROPERTY ACQUISITIONS

- ITC Board approved a covenant over the Sandy Beach Nature Reserves (Keats Island) in favour of TLC The Land Conservancy of British Columbia and the Sunshine Coast Conservation Association.
- ITC Board approved and expansion for the Nighthawk Hill NAPTEP Covenant (North Pender Island), subject to receiving an updated Baseline Documentation Report that is acceptable to staff. Once the covenant is registered, staff will register a revised Natural Area Exemption Certificate on the land title.



ISLANDS TRUST CONSERVANCY

ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board approved a request for tree planting by the Pender Islands Parks and Recreation Commission in Enchanted Forest Covenant (South Pender Island).

5. COMMUNICATIONS AND OUTREACH

- Trustee Smith will attend the Conference of the Parties (COP) to the UN Convention on Biological Diversity December 7–19, 2022 and will highlight ITC work at COP15.
- A copy of the recent [Covenant Landholder Newsletter Fall 2022](#) was provided to the ITC Board. This is a newsletter for landholders of ITC conservation covenants.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board approved an Opportunity Fund Grant award of \$5,400 to the Thetis Island Nature Conservancy for delivery of their Nature Stewards Program on Thetis Island.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



STAFF MEMORANDUM

DATE OF MEETING: December 13, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Rob Pingle, Planning Team Assistant
Salt Spring Island Team
SUBJECT: Salt Spring Island Local Trust Committee 2023 Regular Meeting Schedule

PURPOSE

This memorandum proposes the Salt Spring Island Local Trust Committee Regular Meeting Schedule for the 2023 calendar year. Salt Spring Island Meeting Procedures Bylaw No. 391 stipulates that the Local Trust Committee shall establish a schedule of the date, time and place of regular Local Trust Committee meetings for the following calendar year, of which there shall be at least two, and that the schedule shall be posted on a bulletin board located at the Salt Spring Island Office of the Islands Trust.

The schedule has been coordinated with dependent schedules, including Executive Committee, Trust Council, and other Local Trust Committee meeting schedules.

RECOMMENDATION:

THAT the Salt Spring Island Local Trust Committee approve the proposed 2023 Regular Meeting schedule as presented in Appendix 1 to establish a meeting schedule as required by Salt Spring Island Meeting Procedures Bylaw No. 391.

Submitted By:	Rob Pingle, Planning Team Assistant	November 29, 2022
Concurrence:	Chris Hutton, Regional Planning Manager	November 29, 2022

ATTACHMENTS

1. 2023 Local Trust Committee Schedule (Proposed)



Islands Trust

2023 Regular Meetings of the Salt Spring Island Local Trust Committee

The Salt Spring Island Local Trust Committee will be meeting to consider various matters of general business such as applications received, bylaw reviews and meeting notes.

Regular Meetings on a 5 week schedule are scheduled for:

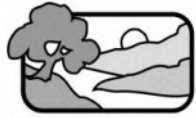
DATE		TIME	LOCATION
Thursday	January 26	9:30 AM	64 Learning Hub, 122 Rainbow Road (In-person)
Thursday	March 2	9:30 AM	64 Learning Hub, 122 Rainbow Road (In-person)
Thursday	April 13	9:30 AM	64 Learning Hub, 122 Rainbow Road (In-person)
Thursday	May 18	9:30 AM	64 Learning Hub, 122 Rainbow Road (In-person)
Thursday	June 22	9:30 AM	64 Learning Hub, 122 Rainbow Road (In-person)
Thursday	July 27	9:30 AM	64 Learning Hub, 122 Rainbow Road (In-person)
Thursday	September 7	9:30 AM	64 Learning Hub, 122 Rainbow Road (In-person)
Thursday	October 12	9:30 AM	64 Learning Hub, 122 Rainbow Road (In-person)
Thursday	November 16	9:30 AM	64 Learning Hub, 122 Rainbow Road (In-person)
Thursday	December 21	9:30 AM	64 Learning Hub, 122 Rainbow Road (In-person)

The proposed meeting agenda is usually available one week prior to the meeting and may be obtained at the Islands Trust office or on our website.

Please note that correspondence received from the public may become part of a meeting agenda that is published online.

VISIT OUR WEBSITE: <https://islandstrust.bc.ca/location/salt-spring/>

CONTACT US AT 250-537-9144 OR: ssiinfo@islandstrust.bc.ca



File No.: 3900-03-12
Permit Delegation
Administrative Bylaw

DATE OF MEETING: December 13, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Louisa Garbo, Island Planner
Salt Spring Island Team
SUBJECT: Delegation of Development Permits

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee Bylaw No. 534, cited as “Salt Spring Island Local Trust Committee Delegation Bylaw No. 534, 2022,” be read a first, second, and third time.
2. That the Salt Spring Island Local Trust Committee Bylaw No. 534, cited as “Salt Spring Island Local Trust Committee Delegation Bylaw No. 534, 2022,” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

In June 2022, Trust Council adopted a policy (Appendix 1) that guides local trust committees and staff in considering adoption of a delegation bylaw to delegate the issuance of development permits (DP) to staff. Staff reviewed the Salt Spring Island Local Trust Committee (SS LTC) development permit areas (DPA) based on the Trust Council policy criteria and recommended that the SS LTC consider a bylaw to delegate the issuance of specific development permits to staff. At their meeting on October 11, SS LTC requested staff to prepare a draft bylaw per the resolution below:

SS-2022-159

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to prepare a draft bylaw that would delegate the issuance of development permits to staff for the following development permit areas within the Salt Spring Island Official Community Plan Bylaw No. 434, 2008:

- a. *Development Permit Area 3 (Marine Shorelines), Development Permit Area 4 (Lakes, Streams and Wetlands), Development Permit Area 5 (Community Well Capture Zones), Development Permit Area 6 (Slope Stability and Soil Erosion Hazards), and Development Permit Area 7 (Riparian Areas).*

CARRIED

BACKGROUND

In response to the request from Trust Council, the Minister of Ministry of Municipal Affairs provided amendments to the [Islands Trust Regulation](#) to empower local trust committees to delegate the issuance of development permits to staff. This delegation of authority has long been provided to other local governments in British Columbia, and delegation was also a recommendation of the recent governance review of the Islands

Trust. Delegating the issuance of development permits to staff intends to improve process efficiency, reduce the size of LTC agendas, and provide greater certainty to the applicants.

Administrative approval or refusal will be based on adherence to guidelines outlined in the Salt Spring Island Local Trust Committee Official Community Plan (SS OCP), and supporting information in the form of reports. However, not all development permit areas are suitable for delegation; the Trust Council policy provides criteria for the consideration of appropriate delegation by local trust committees.

Analysis

For each Development Permit area, staff have reviewed the provisions in the Guidelines Section of the Official Community Plan (OCP) and the policy criteria, along with the typical DP applications in Salt Spring. Below is the summary of the analysis:

1. History of DPAs:

Local governments have the authority to designate DPAs. These areas identify locations that need special treatment for specific purposes, including the protection of the natural environment, protection of development from hazards, establishing objectives for form and character in specified circumstances, or revitalization of a commercial use area. DPs may require some form of security to ensure that conditions in the permit have been met. The guiding principles for DPs are found within the Local Government Act. There are currently 7 DPAs established in the SS OCP.

- a. DPAs 1 through 6 were all adopted prior to the current OCP. The guidelines were developed over two decades ago, but they still are considered objective.
- b. DPA 7 was adopted in 2015 to implement the Riparian Areas Regulation; this DPA remains consistent with provincial requirements.

2. Volume of DP applications:

- a. Ninety-three DP applications have been received over the past five years. This is approximately the same number of DVPs received for Salt Spring Island in the same period. These are broken down by DPA as follows:

Development Permit Area	Number of applications (2017 – 22)
DPA 1 and DPA 2 (Form and character for village and non-village multi-family, commercial and general employment)	28
DPA 3 (Marine Shorelines)	16
DPA 4 (Lakes, Streams and Wetlands)	10
DPA 5 (Community Well Capture Zones)	7
DPA 6 (Steep Slopes and Soil Erosion)	11
DPA 7 (Riparian Areas Protection)	19

Most DP applications are for environmental/natural hazard considerations (63 applications) rather than form and character (30 applications).

- b. Processing time for the DP applications has generally been between 4 and 16 weeks, from the moment a complete application is received until the LTC can first consider the application. The longer processing timelines are generally attributed to the lack of required information or reports from the applicants, the application changes mid-stream, or the application depends upon another approval. Notwithstanding those circumstances that impacted the processing

timeline, some DP applications are straightforward and supported by professional reports, and do not involve any variances. The processing times for these applications are impacted by the timing of the application that does not align with the SS LTC meetings or when there are exceptionally high volumes of applications during a specific timeframe. The delegation of issuances of these straightforward DP applications will help streamline processing times, which offers certainty to the applicants, and also help alleviate the administrative burden of advancing all DP applications to the SS LTC for consideration.

3. Development Approval Information (DAI) Bylaw:

Previously, professional reports were merely encouraged as part of the application submittal for DPs in Salt Spring Island; upon the adoption of the [Trust Council Bylaw No. 175](#) in March 2020, professional reports are required except for the Heritage Conservation Areas. The professional reports allow the Local Trust Committee to obtain information on the anticipated impact of proposed activities or development on the community. By delegating certain DPs to administrative approval may alleviate the burden on SS LTC to review all those technical reports.

Summary

DPA's relating to environmental protection and natural hazard lands can be delegated to administrative approval as these guidelines are comprehensive and relatively objective, in that they rely solely on reports from qualified environment professionals. These reports will address development permit guidelines as they relate to proposed developments by providing technical analysis and mitigation measures relating to potential adverse impacts on the community and the environment. Delegated DPs are assessed on how well the development complies with the development guidelines outlined in the OCP, the development standards in the Land Use Bylaw No. 355, and the recommendations from the professional reports.

Development Permits are used to ensure that development is designed and constructed in accordance with a set of guidelines to respond to the neighbourhood and the unique characteristics of a site, such as environmental conditions, the topography, or existing landscape. The environmental, riparian areas regulation, and geotechnical DPA provisions have generally proven to be comprehensive and objective. However, applications for the village and non-village multi-family, commercial and general employment form and character DPAs should continue to be considered by the SS LTC. For example, Guideline E.3.4.4 in DPA3¹ (established for form and character, as well as environmental protection) states:

*New roads and septic systems should not be located in this Development Permit Area. If such a location **cannot be avoided**, then the design and construction of the road or septic system should be supervised by a qualified professional to ensure that the objectives and guidelines of this Area are met.*

The term "cannot be avoided" is subjective, as there is no clear criteria to meet for avoidance. The guidelines for the Form and Character DPA are more often subjective and interpretation from staff, LTC, and members of the public can support the establishment of solutions to design problems, alongside recommendations from design professionals. While these guidelines are comprehensive, the more subjective interpretation of the design-based

¹ Found in Volume 2, page 25 of the OCP.

guidelines may not be appropriate. Form and character DP applications have made up one-third of DP applications over the last five years.

Rationale for Recommendation

Trust Council lobbied the Ministry of Municipal Affairs to amend the Islands Trust Regulation to empower Islands Trust Council the ability to delegate development permits issuance at an administratively level. Trust Council has subsequently adopted a policy to delegate development permits to staff and has requested local trust committees to consider adopting delegation bylaws. Delegation of DPs has also been recommended in the Islands Trust’s governance review report.

ALTERNATIVES

1. Request further information

The SS LTC may request further information prior to making a decision. If the SS LTC requests information that requires a significant amount of staff time in analysis or community consultation, the bylaw should be added to the LTC’s work program. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee requests that staff report back to the SS LTC with the following information:

2. Decline to Read the Bylaw

The SS LTC may decline to proceed with reading of the bylaw, as written and choose not to proceed with adopting a delegation bylaw, nor pursue development permit delegation at this time.

That the Salt Spring Island Local Trust Committee Bylaw No. 534, cited as “Salt Spring Island Local Trust Committee Delegation Bylaw No. 534, 2022,” not be read a first time.

NEXT STEPS

A delegation bylaw is an administrative bylaw requiring three readings, Executive Committee (EC) approval, and adoption by the SS LTC. All three readings may be given simultaneously for administrative bylaws. If the SS LTC gives the three readings as recommended by staff, staff will refer the Proposed Bylaw No. 534 to the EC. Upon approval by the EC, the SS LTC could adopt the bylaw at a subsequent meeting..

Submitted By:	Louisa Garbo, Island Planner	November 14, 2022
Concurrence:	Chris Hutton, Regional Planning Manager	November 28, 2022

ATTACHMENTS

1. Trust Council Policy – Delegation of Land Use Permit Authority
2. Draft Delegation Bylaw No. 534



Policy:	
Approved By:	
Approval Date:	
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

Delegation of Land Use Permits

Purpose

To provide policy for local trust committee consideration of the delegation of the power to issue certain land use permits to staff

Principles

1. Local trust committee delegation of the issuance of development permits to staff is intended to improve overall efficiency, reduce the number of items on local trust committee agendas and streamline processing of permits.
2. Delegation may be warranted as the scope of determining the approval or refusal of permits is determined by consistency with guidelines adopted by local trust committees.
3. Delegation of the power to issue development permits to staff has been recommended by external reviews, and amendments to the *Islands Trust Regulation* now provide local trust committees with the authority to delegate the issuance of development permits to staff.
4. The delegation of the issuance of development permits to staff by local trust committees should only be implemented where development permit area provisions are consistent with the criteria outlined in this policy.
5. The delegation of the power to issue minor development variance permits to staff may be considered by future amendment of this policy and amendment of delegation bylaws.

A. Definitions

B. Policy

1. Delegation by Bylaw

- 1.1 Delegation of the power to issue development permits may only be implemented by the adoption of a delegation bylaw by a local trust committee.
- 1.2 Delegation bylaws adopted by local trust committees should be substantially consistent with the bylaw template attached to this policy.
- 1.3 A delegation bylaw should only delegate the power to issue permits to staff for development permit areas (DPA) that meet the criteria outlined in this policy.

- 1.4 A delegation bylaw should only delegate the authority to issue permits to the Director and in his or her absence to Regional Planning Managers.
 - 1.5 The staff person reviewing the application shall not also approve or refuse the permit.
 - 1.6 A delegation bylaw should not delegate authority to issue form and character development permits except where a local trust committee considers the guidelines to be sufficiently objective.
 - 1.7 A delegation bylaw should not delegate permits requiring variances unless the local trust committee has also delegated the issuance of minor development variance permits to staff.
 - 1.8 The bylaw must include the opportunity for the owner of the land subject to the decision to have the local trust committee reconsider the decision.
- 2 Local trust committees should only consider delegation of issuance of permits to staff for development permit areas that meet the following criteria:
- 2.1 The development permit area provisions are relatively current.
 - 2.2 A development approval information bylaw has been adopted, or the application requirements are equivalent (e.g. a DPA enacted consistent with the *Riparian Area Protection Regulation* or geo-technical hazard area DPA).
 - 2.3 Professional reports can be required to provide an assessment of impacts and to recommend measures that can be included as conditions of a permit.
 - 2.4 Guidelines have been assessed by staff to be relatively thorough, clear, current and certain.
- 3 Local Planning Services staff should prioritize drafting of delegation bylaws for:
- 3.1 Local trust committees that have indicated support for delegation.
 - 3.2 Local trust committees that receive higher volumes of permit applications.
- 4 Local Planning Services shall implement the following procedures where delegation has been authorized by a local trust committee bylaw:
- 4.1 Checklists for compliance or non-compliance with guidelines for each DPA shall be prepared prior to implementing delegation.
 - 4.2 The local trust committee shall be provided with a copy of permit applications and copied on the decision to issue or to refuse a permit.

- 4.3 Where the planner reviewing the application determines that the application does not comply with one or more of the guidelines, applicants shall be provided with advice as to why the application does not comply and shall be given the opportunity to revise the application before a decision to issue or refuse the application is made.
- 4.4 The planner reviewing an application shall provide the checklist, draft permit and a written recommendation with reasons to the Director or Regional Planning Manager prior to the delegate making a decision to approve or refuse issuance of a permit.
- 4.5 Where the Director or Regional Planning Manager determines that an application is contrary to one or more of the guidelines, the application shall be refused unless the delegate is satisfied that the permit would be consistent with the overall objectives of the development permit area, that the non-compliance is minor, and that compliance with the guideline would result in the application being contrary to other, more relevant guidelines.
- 4.6 If issuance of a permit is refused, the owner of the subject property shall be provided written reasons for the refusal and informed of the opportunity to request a reconsideration by the local trust committee.
- 4.7 The Director may recommend that an applicant for a refused permit apply for reconsideration by the local trust committee.
- 4.8 Procedures for reconsideration, consistent with the bylaw, shall be established by the Director.

C. Legislated References

Local Government Act sections 229 [delegation of authority], 230 [bylaw required for delegation], 232 [reconsideration of delegate's decision] 490(5) [development permits: general authority] and 498.1 [delegation of power to issue development variance permit].

BC Reg 119/90 as amended by *B.C. Reg 275/21* [delegation of authority]

D. Attachments:

a. Delegation Bylaw Template

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE PROPOSED BYLAW NO. 534, 2022

A bylaw of the Salt Spring Island Local Trust Committee to Delegate the Power to Issue Certain Land Use Permits

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

SHORT TITLE

1. This bylaw may be cited as “Salt Spring Island Local Trust Committee Delegation Bylaw No. 534, 2022”.

DEFINITIONS

2. In this bylaw:

“**Act**” means the Local Government Act, RSBC 2015 Chapter 1, as amended.

“**Local Trust Committee**” means the Salt Spring Island Local Trust Committee.

“**Director**” means the Director of Local Planning Services.

“**Regional Planning Manager**” means the Manager assigned to the Local Trust Committee.

DELEGATION

3. The Local Trust Committee hereby delegates to the Director, or in their absence the Regional Planning Manager, the power to issue a development permit or a development permit amendment under Section 490 of the Act in respect of development permits issued within the following development permit areas as delineated in the Salt Spring Island Local Trust Committee Official Community Plan Bylaw No. 434, 2008:
 - a. Development Permit Area 3 (Marine Shorelines),
 - b. Development Permit Area 4 (Lakes, Streams and Wetlands),
 - c. Development Permit Area 5 (Community Well Capture Zones),
 - d. Development Permit Area 6 (Slope Stability and Soil Erosion Hazards); and
 - e. Development Permit Area 7 (Riparian Areas).
4. The delegation under Section 3 does not include the authority to vary or supplement a land use regulation or a subdivision regulation.
5. The Director, or in their absence the Regional Planning Manager, is also delegated the power to require an applicant to provide security in an amount stated in the Permit by way of an irrevocable letter of credit or the deposit of securities in a form satisfactory to the Director under Section 502 of the Act.

DRAFT

6. The amount of security to be provided under Section 502 of the Act, in relation to a development permit issued by the delegate, shall be 125% of the cost of site restoration, landscaping, remediation of damage to the natural environment or improvements including materials and installation, as determined by a professional landscape architect, a nursery person, a landscape contractor, a habitat biologist, or another person approved by the Director to provide.
7. For clarity, a person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

RECONSIDERATION

8. An applicant may have a decision of the delegate in relation to a permit reconsidered by the Local Trust Committee by submitting a written request for reconsideration to the Deputy Secretary within thirty (30) days after the decision is delivered to or made available to the applicant.
9. The request for reconsideration must include the following:
 - a. the applicant's address for receiving correspondence related to the request for reconsideration;
 - b. a copy of the written decision;
 - c. reasons why the applicant wishes the decision to be reconsidered by the Local Trust Committee;
 - d. the decision which the applicant requests be made by the Local Trust Committee;
 - e. reasons in support of the decision requested from the Local Trust Committee; and
 - f. a copy of any documents which support the applicant's request for reconsideration by the Local Trust Committee.
10. Each reconsideration request shall be placed on the agenda of a regular Local Trust Committee meeting and shall include a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered and any further materials delivered by the owner.
11. The Local Trust Committee may consider any presentations made by the applicant and may either:
 - a. confirm all or part of the delegate's decision,
 - b. set aside all or part of the delegate's decision; or
 - c. amend the delegate's decision or make a new decision.

DRAFT

SCOPE OF BYLAW

12. For clarity, subject to the *Act*, unless a power, duty or function of the Local Trust Committee has been expressly delegated by this Bylaw or another bylaw, all of the powers, duties and functions of the Local Trust Committee remain with the Local Trust Committee.

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

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

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

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

ADOPTED THIS _____TH DAY OF _____, 20__.

CHAIRPERSON

SECRETARY



BRIEFING

To: LTCs in W̱SÁNEĆ Territory **For the Meeting of:** Various
From: Trust Programs Committee **Date Prepared:** September 2, 2022
SUBJECT: Aug 4, 2022 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

PURPOSE: To provide, for information, a letter from W̱SÁNEĆ Leadership Council staff regarding draft 2021 Islands Trust Policy Statement amendments.

BACKGROUND: On August 26, 2022, Trust Programs Committee received a letter from the W̱SÁNEĆ Leadership Council (WLC) regarding WLC staff's response to draft 2021 Islands Trust Policy Statement Amendments.

Trust Programs Committee passed the following resolution:

that Trust Programs Committee forward the letter of August 4, 2022, from W̱SÁNEĆ Leadership Council staff to all local trust committees in their territory

This letter has also been shared with Trust Council and provincial staff.

WLC staff participated in both Phase 1 and Phase 2 of early and meaningful engagement related to the Policy Statement Amendment Project. Additional correspondence from W̱SÁNEĆ Leadership Council regarding the Policy Statement has been posted to the Islands 2050 webpage at <https://islandstrust.bc.ca/programs/islands-2050/>.

Staff will continue early and meaningful engagement with W̱SÁNEĆ Leadership Council on the Policy Statement Amendment Project and will provide a formal referral after first reading.

ATTACHMENT(S):

1. Aug 4, 2022 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

FOLLOW-UP: Staff will follow up as directed.

Prepared By: Clare Frater, Director, Trust Area Services



WLC Staff Response to 2021 Islands Trust Policy Statement Amendments August 4, 2022

Below is a staff level review of the 2021 Islands Trust Policy Statement Amendments. WLC staff have organized this document by outlining past WSÁNEĆ Technical Advisory Committee (WTAC) recommendations, noting where Islands Trust amendments have incorporated and satisfied WTAC recommendations, and providing feedback on how to move forward. WLC staff have divided our review of the Islands Trust Policy Statement by the headers provided in that document (*e.g.* Introduction, Present Context, *etc.*).

As a note, this review is at the staff level and, due to capacity issue, it has not been reviewed by the WSÁNEĆ Leadership Council Board of Directors or the WSÁNEĆ Technical Advisory Committee. WLC staff hope for future opportunities to provide input where these advisory committees and decision-makers can be included.

Introduction:

Past WTAC recommendation:

1. Include the story of ȚELEȚĂĆES (“Relatives of the Deep”/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why WSÁNEĆ want involvement in decisions regarding the Gulf Islands.

Feedback:

The story of ȚELEȚĂĆES is not in the Policy Statement document. The WLC would like to see the inclusion of the story of ȚELEȚĂĆES (“Relatives of the Deep”/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why First Nations want involvement in decisions regarding the Islands. If other First Nations have similar stories, Islands Trust should attach them also as an appendix to the Policy Statement.

Present Context:

Past WTAC recommendations:



1. Incorporate Bill c-15, an act respecting the United Nations Declaration on the Rights of Indigenous Peoples.
2. There is a need for cumulative impact studies to ensure responsible informed decision making. This work needs to incorporate First Nations values and be in collaboration with First Nations.
3. Support First Nations in the development of cultural overlay mapping, mapping for environmental and ecological systems, and heritage mapping.
4. Preserve environment to protect Douglas Treaty rights and ensure they can be exercised into the future.
5. Approach environmental issues in ways that further reconciliation with First Nations, the original and proper caretakers of the land.

2021 Policy Statement:

- Trust Council adopted a Reconciliation Declaration that speaks to UNDRIP and free, prior and informed consent
- notes the need to “effectively preserve the environment” and, that “decision making will need to be guided by the best possible science and Indigenous ways of knowing”.
- Protects the environment for the generations to come and for First Nations that wish to come home or have access to traditional uses.
- Official community plans and regulatory bylaws, identify, preserve and protect and support the restoration of indigenous cultivation and harvesting areas and coordinate with, and advocate to, other government agencies to regulate and monitor harvesting.
- Commits to consulting with FNs prior to decisions regarding hunting and to preserve traditional harvesting areas.

WLC Staff Feedback:

The Islands Trust has adopted a Reconciliation Declaration that utilizes UNDRIP, and within the Policy Statement the Islands Trust has created policy that aligns with the principles of UNDRIP. However, support for UNDRIP is not imbedded in the Policy Statement and the Reconciliation Declaration 2019-2022 is not permanent. The WLC advise that a commitment to implementing the principles of UNDRIP is embedded into the Policy Statement.

The Policy Statement does a good job in utilizing scientific studies, cultural knowledge, First Nations’ values and informed decision making, but it does not commit to additional impact



studies or cultural site identification and mapping. The gathering of this cultural data is an important project for the implementation of this Policy Statement as the data held by the Provincial databases regarding Indigenous cultural sites are wholly insufficient. The WLC would like to see a commitment to resourcing data-gathering projects, which may be an item that can be negotiated as part of a WSÁNEĆ MOU.

The Policy Statement has greatly increased the protection of the environment and it does acknowledge the harvesting rights of First Nations, it also recognizes the need to solve environmental issues in collaboration with First Nations and other organizations but it lacks a framework in which this will occur. This is discussed further in the feedback for Governance.

The Islands Trust Object and Its Meaning

Past WTAC recommendations:

1. Add information about First Nations and their history.
2. Mention First Nations rights and unceded title

2021 Policy Statement:

- Recognizes that it is in the homeland of 28,000 First Nations, that there is culturally significant species, archaeological sites and harvesting areas.
- First Nations have been here since time immemorial and are caretakers and stewards
- With creations stories, place names, laws and protocols
- Indigenous cultural heritage is a unique amenity of the Islands Trust.
- First Nations have been removed through colonization

WLC Staff Feedback:

Information regarding First Nations and their history were not added to the Object and its Meaning, possibly because the Object is stated in legislation and the Policy Statement is not intended to make a legislative change. However, Islands Trust did provide contextual information on First Nations through a statement that follows the Object and Its Meaning. Douglas Treaty rights and title, and Indigenous title is not specifically mentioned in this document. The WLC requests that Islands Trust recognizes its duty to uphold Douglas Treaty rights and title, and Indigenous title more generally.



Location of the Islands Trust Area

2021 Policy Statement:

Includes a map of the 13 major Islands.

WLC Feedback:

In this section, WLC staff recommend the inclusion of a map that demonstrates the locations of the First Nations that have been named in the Policy and a place names map in SENCOTEN and/or Hul'qumi'num.

Regional Governance:

Past WTAC recommendations:

1. First Nations should not be considered stakeholders. First Nations have a much stronger position that requires legal consultation than your typical stakeholder.
2. First Nations should be actively included in governance. First Nations involvement should not 'just' be as collaborators. WSÁNEĆ have responsibilities to the land and have been removed as caretakers.
3. There needs to be a more evidence based approach/whose information/ownership and controls. Not just 'evidence based' but based on best available science and social science and committed to indigenous ways of knowing."
4. We need a cooperation accord and information/data sharing agreements.

2021 Policy Statement:

- Trust Council recognizes that meaningful engagement/participation and cooperation with First Nations is critical and that First Nations play an integral role in governance and cooperative decision making in the Trust Area.
- Islands Trust commits to meaningful engagement/participation and cooperative/engagement mechanisms such as Protocol agreements, other cooperative arrangements and MOUs.
- The Islands Trust Policy Statement includes finding solutions using the best available area based mapping and indigenous ways of knowing.



WLC Staff Feedback:

In this policy statement, engagement and cooperation with First Nations is stated over 20 times. Engaging with First Nations is a priority of Islands Trust as they recognize that it is essential to the implementation of the Policy Statement. However, without an inclusive method of decision making, First Nations that do not have protocol agreements, or those that are in the process of making these agreements, will have no avenue of accountable engagement. Additionally, this method may limit tier one (First Nation to First Nation) collaboration and has the potential to reduce cooperation amongst First Nations. With that said, protocol agreements to clarify interests and establish commitments are essential and need to be created between the WSÁNEĆ Leadership Council, our constituent First Nations, and Islands Trust.

Ecosystem Preservation and Protection

Past WTAC recommendations:

1. The creation of protected areas, including areas that are 'off limits' and protected ecological networks that are intended to curb development.
2. Include active remediation projects.
3. All environmental preservation, protection, and mitigation projects should be established with First Nations as we need to ensure projects protect but do not alienate rights or block First Nations' economies.
4. When considering land acquisition, work with Local First Nations and land trusts
5. Reconnection of fragmented forest ecosystems.
6. Ecosystems Preservation and Protection.

2021 Policy Statement:

- approaches to protecting the environment are being put in place for First Nations that wish to come home or have access to traditional uses.
- official community plans and regulatory bylaws are to identify, preserve, protect and support the restoration of indigenous cultivation and harvesting areas.
- advocate to other government agencies to regulate and monitor harvesting
- consult with First Nations prior to decisions regarding hunting and to preserve First Nations traditional harvesting areas.
- retain large land holdings to enable sustainable forest harvesting and minimize the fragmentation of forests



- coordinate with, and advocate to, the provincial government to adopt legislation establishing sustainable forest harvesting.
- agricultural and development activity needs to be respectful of Indigenous harvesting, and should not adversely impact (and be directed away from) traditional harvesting areas, middens and other archeologically significant resources and areas.
- in cooperation with First Nations and the Conservancy Board, will advocate for acquisitions in order to protect natural areas.

WLC Staff Feedback:

This policy statement increases environmental protection policies and recognizes the need to include First Nations' rights to access land and natural resources. It speaks not only to protection of the environment but the remediation of the environment, which was an important element to the WSÁNEĆ Technical Advisory Committee.

Additionally, there are tools embedded in the Policy Statement to protect land from development and pollution, but the policy statement does not speak to the creation of protected areas. The WLC recommends a commitment to additional impact studies, and ecosystem mapping to assist in protection and remediation of the environment.

Further, WLC staff find it problematic that the Policy Statement does not commit resources to do pursue these goals. This may be tackled through a protocol agreement or an MOU with the WLC but should also be a priority of the Islands Trust outside of a protocol agreement. This protocol agreement could include dedicated funding for environmental remediation projects important to WSÁNEĆ peoples, studies to determine causes of shellfish pollution in the Islands Trust area, and commitments to funding for WSÁNEĆ monitoring programs.

Heritage Preservation and Protection

Past WTAC recommendation:

1. Protect and preserve First Nations history, cultural and archaeological, in collaboration with First Nations

2021 Policy Statement:

- recognizes heritage as a 'unique amenity' that is to be preserved and protected. This



includes, places, objects, knowledge, artistic impressions, natural landscapes, which includes Indigenous cultural heritage. This is not limited to areas that are utilized and occupied by indigenous peoples.

- First Nations have a right to identify, interpret and safeguard its value, outside of colonial frameworks.
- regional planning decisions should not have adverse impacts on Indigenous cultural heritage
- committees and island municipalities in their bylaws, need to identify, preserve, protect and support restoration of indigenous cultural heritage- in cooperation with First Nations.
- engage with Indigenous organizations/people to seek the best available archaeological data and provide educational materials and tools to help preserve and protect indigenous cultural heritage.

WLC Staff Feedback:

The additions that have been made to the policy statement in regards to the preservation and protection of heritage mostly cover the recommendations that were made by the WTAC. The concern of the WLC is the implementation of these policies and the inclusion of WLC in decision making on projects that may impact cultural heritage. The WLC staff recommend that Islands Trust make additional commitments to the WLC through protocol agreements and/or MOUs on this topic. Within these agreements, commitments could be made to further develop internal archaeological potential mapping at the Islands Trust; develop cultural heritage protocol for engagement, the use of WSÁNEĆ cultural workers, and other items of value to both parties; and, a role in decision making for WLC when Islands Trust contemplates Development Permits.

Housing

Past WTAC recommendation:

1. Promote First Nations housing opportunities that brings WSÁNEĆ people back out to the islands. That would be a real win.

2021 Policy Statement:

- The Islands Trust shall advocate to organizations to foster safe, secure and affordable housing for indigenous peoples.



WLC Staff Feedback:

The WLC staff recommends that Islands Trust enter into an MOU to explore housing opportunities for WSÁNEĆ community members.

Additional Recommendations:

- Islands Trust include a commitment to place name changes, the use of First Nations art in developments, installing signage related to First Nations history/culture, and specific targeted reconciliation policies.
- Islands Trust prioritize First Nations economic opportunities.

Conclusion:

After completing the review of the 2021 Islands Trust Policy Statement, it is clear that the Islands Trust team has made meaningful and important changes to the Policy Statement. As mentioned above, there are many instances throughout the document where WLC staff can see that our feedback has been incorporated. However, WLC staff are concerned about future amendments to this document which may alter the elements important to the WLC. There is a chance that some commitments to environmental and cultural protection and First Nations engagement will be taken out of the Policy Statement. The WLC would like to support the strong commitments that are made in this iteration of the Policy Statement to First Nations collaboration, the environmental, and to First Nations culture. WLC staff would like to thank the Islands Trust staff who have provided the opportunity to review the Policy Statement which will may impact the rights and title of the WSÁNEĆ People.

DATE OF MEETING: December 13, 2022

TO: Salt Spring Island Local Trust Committee

FROM: Chris Hutton, Regional Planning Manager
Salt Spring Island Team

SUBJECT: Report subject Crown Lease (Malahat Nation– DBA0716930)
Description: BC Land File # 0336205
Location: Malahat Nation Block A D.L. 30-G, together with unsurveyed Crown foreshore or land covered by water being part of the bed of Saanich Inlet, Malahat District and Cowichan District.

RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee receive Crown Lease (Malahat Nation – DBA0716930) (BC Land File # 00336205), and direct staff to respond to the referral, indicating that the interests of the Islands Trust are unaffected by this application.**
2. **That the Salt Spring Island Local Trust Committee recommend that:**
 - a. [inset recommendations here]

REPORT SUMMARY

To provide the opportunity for the Salt Spring Local Trust Committee to comment on a Crown Lease referral in Saanich Inlet, in consideration of Trust Council Policy No. 5.9.2.

BACKGROUND

Malahat First Nation, doing business as a numbered company identified above, has made application to the Crown to expand its current lease from 3.8 ha (~9.5 ac) to 15.46 ha (~38 ac) in Bamberton. Details of this application can be found in Attachment 1. The subject property of this referral is located in an area identified as being located in both:

- the Salt Spring Island Local Trust Area, and
- the Outer Boundary of the Islands Trust Area, in accordance with Trust Council Policy 5.9.2,

The Salt Spring Island Local Trust Committee (LTC) is encouraged to provide comments on the referral, if it so chooses by way of resolution.

The proposal will allow the Crown applicants to expand the existing lease to support continued industrial use of the area. Operations include the maintenance of existing infrastructure, loading and unloading of barge materials, storage of hydrocarbons in existing upland tanks, barge and vessel maintenance, and vessel moorage.

ANALYSIS

Outer Boundary of Islands Trust Area Policy

Trust Council Policy No. 5.9.2 – Planning, Regulation and Advocacy Initiatives: Outer Boundary of Islands Trust Area (OBP) (Attachment 2) is intended to provide a consistent approach to Trust activities. This includes advocacy and land use planning in areas in the Outer Boundary of the Islands Trust in a way that ensures that these activities and decisions are managed within the Object of the Trust, in consideration of legislated limitations of the Islands Trust. An important consideration of this policy is contained in Part 5, which reiterates that additional expenditures of resources must be attained by special tax requisition. As Local Planning Services administers bylaws and regulations of the Local Trust Area, and provides referral responses based on analysis based on those policies, no mechanism exists to undertake additional engagement or technical analysis of referrals in the Outer Boundary of the Islands Trust.

Governance of these lands, as it relates to referrals such as this is addressed in section 4.1 of the OBP. This section advises that local trust committees should be given the opportunity to provide advocacy comments only through the approval process of other agencies. Such advocacy recommendations should be based on the Islands Trust Object, the Islands Trust Policy Statement, or any relevant Official Community Plan.

This analysis is therefore limited to providing relevant aspects of the applicable policies which may form the basis of LTC's advocacy recommendations.

Islands Trust Object

The Object of the Trust is contained in s. 3 of the *Islands Trust Act*:

The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.

Islands Trust Policy Statement

The following policies address the treatment of marine industrial development and moorage in the Islands Trust Area according to the *Islands*

3.4. Coastal and Marine Ecosystems

- 3.4.2 It is Trust Council's policy that marine areas be protected and coastal zone management principles be defined in consultation with agents of the government of British Columbia, the government of Canada, Crown corporations, municipalities, regional districts, non-government organizations, property owners and occupiers.

4.5 Coastal Areas and Marine Shorelands

- 4.5.3 It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.
- 4.5.4 It is the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.

4.5.5 It is Trust Council’s policy that development should be directed to sites away from:

- areas of environmental sensitivity, and
- areas of naturally occurring stocks of clams or oysters.

Non-Applicable Policies

The subject area is not within the jurisdiction of any Islands Trust Official Community Plan, or Land Use Bylaw.

Shoreline

Islands Trust shoreline mapping does not cover the area in question.

Notification and Consultation:

While notification has not been circulated by Islands Trust, as a referral in the Outer Boundary of the Islands Trust, notification or consultation is neither required or recommended, in keeping with the OBP.

RECOMMENDATIONS:

3. That the Salt Spring Island Local Trust Committee receive Crown Lease (Malahat Nation – DBA0716930) (BC Land File # 00336205), and direct staff to respond to the referral, indicating that the interests of the Islands Trust are unaffected by this application.
4. That the Salt Spring Island Local Trust Committee recommend that:
 - a. [inset recommendations here]

NEXT STEPS

If the LTC receives the referral for information, with or without advocacy recommendations, a response to the referral will be provided, with the resolution attached.

Submitted By:	Chris Hutton, RPP, MCIP, Regional Planning Manager	December 1, 2022
---------------	--	------------------

ATTACHMENTS

1. Crown Referral
2. Outer Boundaries Policy



Crown Land Tenure Application

Tracking Number: 100363681

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization

What is your relationship to the company/organization? Agent

APPLICANT COMPANY/ORGANIZATION CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit/Tenure/Licence will be issued, if approved.

Name: Malahat Nation
Doing Business As: Developer DBA 0716930 BC Ltd.
Phone: 250-743-3231
Fax: 250-743-3251
Email: robert.sagmeister@malahatnation.com
BC Incorporation Number:
Extra Provincial Inc. No:
Society Number:
GST Registration Number:
Contact Name: Tristan Gale
Mailing Address: - redacted -

REFERRAL / PUBLIC COMMENT CONTACT INFORMATION

Company / Organization: Pacificus Biological Services Ltd.
Contact Name: Marissa Miles
Contact Address: 670 Island Highway
 Campbell River, BC
 V9W 2C3
Contact Phone: 250-286-0005
Contact Email: mmiles@pacificus.ca

AGENT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Pacificus Biological Services Ltd.
Doing Business As: Pacificus Biological Services Ltd
Phone: 250-949-9450
Fax: 250-949-7656
Email: info@pacificus.ca
BC Incorporation Number: BC0630701
Extra Provincial Inc. No: Port Hardy
Society Number:
GST Registration Number: 869803411
Contact Name: Marissa Miles
Mailing Address: 6990 Market Street
 Port Hardy BC V0N 2P0
Letter(s) Attached: Yes (Malahat FN - Letter of Agency.pdf)

CORRESPONDENCE E-MAIL ADDRESS

If you would like to receive correspondence at a different email address than shown above, please provide the correspondence email address here. If left blank, all correspondence will be sent to the above given email address.

Email: mmiles@pacificus.ca
Contact Name: Marissa Miles

ELIGIBILITY

Question

Answer Warning

Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below? Yes

Applicants and/or co-applicants who are Individuals must:

1. Be 19 years of age or older and
2. Must be Canadian Citizens or permanent residents of Canada (Except if you are applying for an aquatic tenure adjacent to privately owned upland)

Applicants and/or co-applicants who are Organizations must either:

1. Be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

EXISTING TENURE DETAILS

Do you hold another Crown Land Tenure? Yes
Please specify your file number: 0336205
If you have several file numbers, please make a note of at least one of them above. Example numbers: 1234567, 153245, others

ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program, please see the operational policy. If you have further questions, please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

In some situations, such as short-term, low-impact use of Crown land or docks/moorage that meet specific criteria, Crown land use is allowed without needing to apply for authorization. Some examples are uses listed within the Land Use Policy - Permissions and, for docks/moorage, within the Private Moorage policy.

For all application types, you should review the Land Use Policy that describes your intended use of Crown land to determine if your activity is permissible under the Land Act.

Purpose	Tenure	Period
Commercial General Year-round Operation	Lease	Ten to thirty years

ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road: The D.L. 30-G Water Lot in Saanich Inlet can be accessed by the Highway 1 (Trans-Canada Highway) from Victoria, or by boat, helicopter, and/or floatplane.

COMMERCIAL GENERAL

Applies to all general commercial uses of Crown upland and aquatic land not covered under more specific land use policies, including policy for filming, marinas and golf courses.

Specific Purpose: Year-round Operation
Period: Ten to thirty years
Tenure: Lease

TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

Please specify the area: 16.2 hectares

ALL SEASONS RESORT

If your activities include more than one million dollars in Recreational Infrastructure and more than 100 Commercial Bed Units, your activities may fall under the All Seasons Resort Policy.

Are you applying to build an all season resort as defined under the All Seasons Resort Policy, including more than one million dollars in Recreational Infrastructure and more than 100 Commercial Bed Units? No

IMPORTANT CONSIDERATIONS

Are you intending to use the land as a shooting range or shooting club for discharge of firearms? No

ADDITIONAL QUESTIONS

In many cases, you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction, please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia? No

Are you planning to cut timber on the Crown Land you are applying for? No

Are you planning to use an open fire to burn timber or other materials? No

Do you want to transport heavy equipment or materials on an existing forest road? No

Are you planning to work in or around water? Yes

1. If you will be working in or around fresh water, you will require a Water Sustainability Act Change Approval or Notification from the Province.
2. The federal Department of Fisheries and Oceans might need to review your project.
3. Review the Transport Canada website if the Navigation Protection Act applies.

Does your operation fall within a park area? No

LOCATION INFORMATION**LAND DETAILS****DRAWINGS**

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

I will upload a PDF, JPG or other digital file(s)

MAP FILES

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
Shape file with proposed amended boundaries.	Polygon.dbf	Commercial General
Shape file with proposed amended boundaries.	Polygon.shx	Commercial General
Shape file with proposed amended boundaries.	Polygon.shp	Commercial General
Shape file with proposed amended boundaries.	Polygon.prj	Commercial General

ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	Location overview for File 0336205.	File 0336205 - Location Ove...
Management Plan	Updated Management Plan for the renewal/expansion of File 0336205.	File 0336205 - Malahat Mana...
Other	Overview of infill and boundary amendment .	File 0336205 - Infill & Bou...
Other	Ruskin lease extension document.	Signed Lease Ext. WF 02.09....
Other	Site photos of File 0336205 taken in summer of 2021.	File 0336205 - Site Photos.pdf
Other	Sublease agreement	Bamberton PDF Option to Lea...
Other	Sublease agreement	Ruskin Industrial Lease_201...
Other	Sublease agreement.	HMM - Lease Renewal 2019.pdf
Other	Updated proposed boundary amendment map for File 0336205.	File 0336205 - Proposed Bou...
Site Plan	Updated site plan for File 0336205.	File 0336205 - Site Plan V2...

PRIVACY DECLARATION

Check here to indicate that you have read and agree to the privacy declaration stated above.

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

By submitting this application form, I, declare that the information contained on this form is complete and accurate.

OTHER INFORMATION

Is there any other information you would like us to know?

Attention: PJ Sandhu, Authorizations Officer, West Coast Natural Resource Region

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$250.00	GST @ 5%: \$12.50	\$262.50	\$0.00

OFFICE

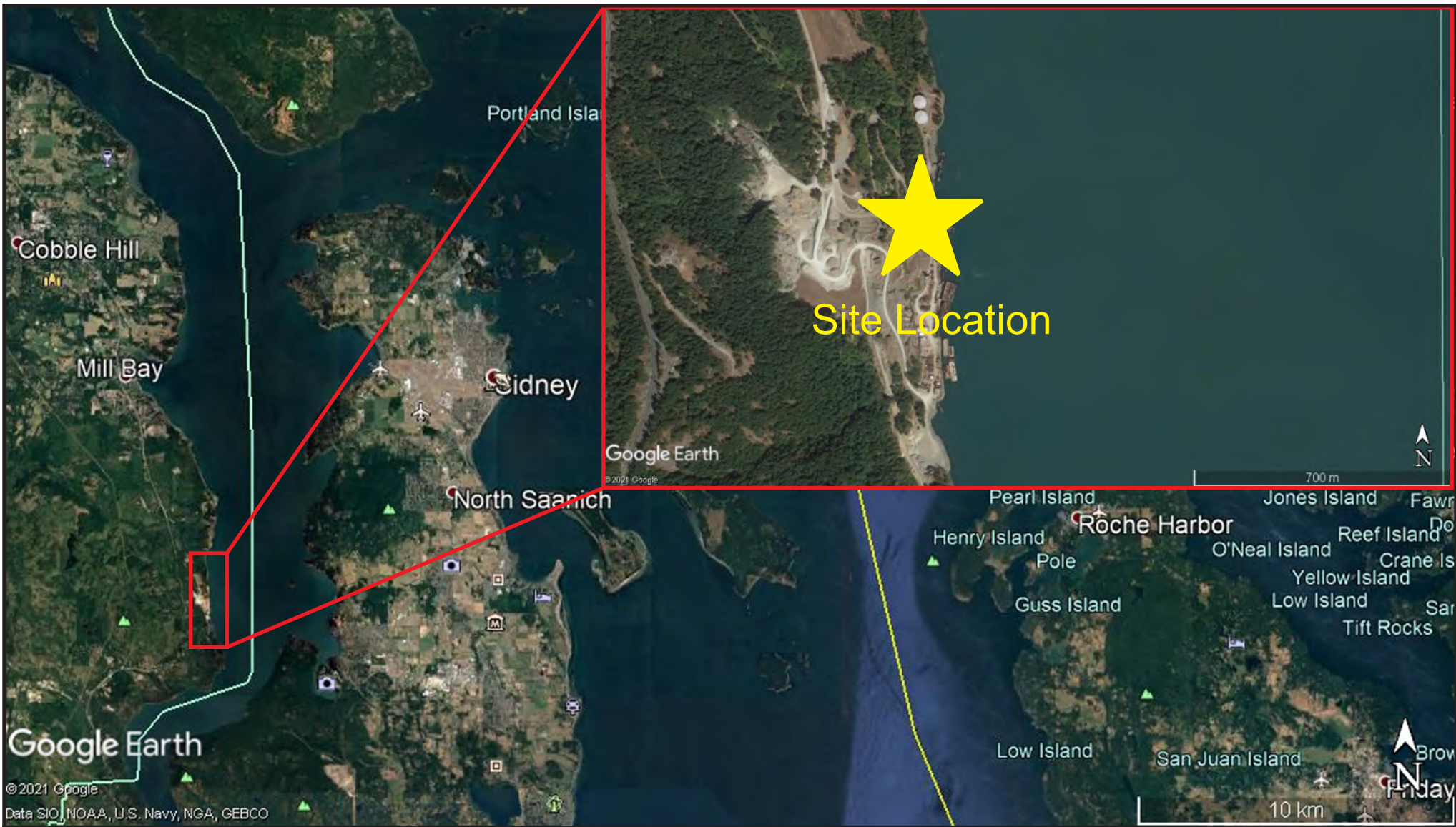
Office to submit application to: Nanaimo

PROJECT INFORMATION

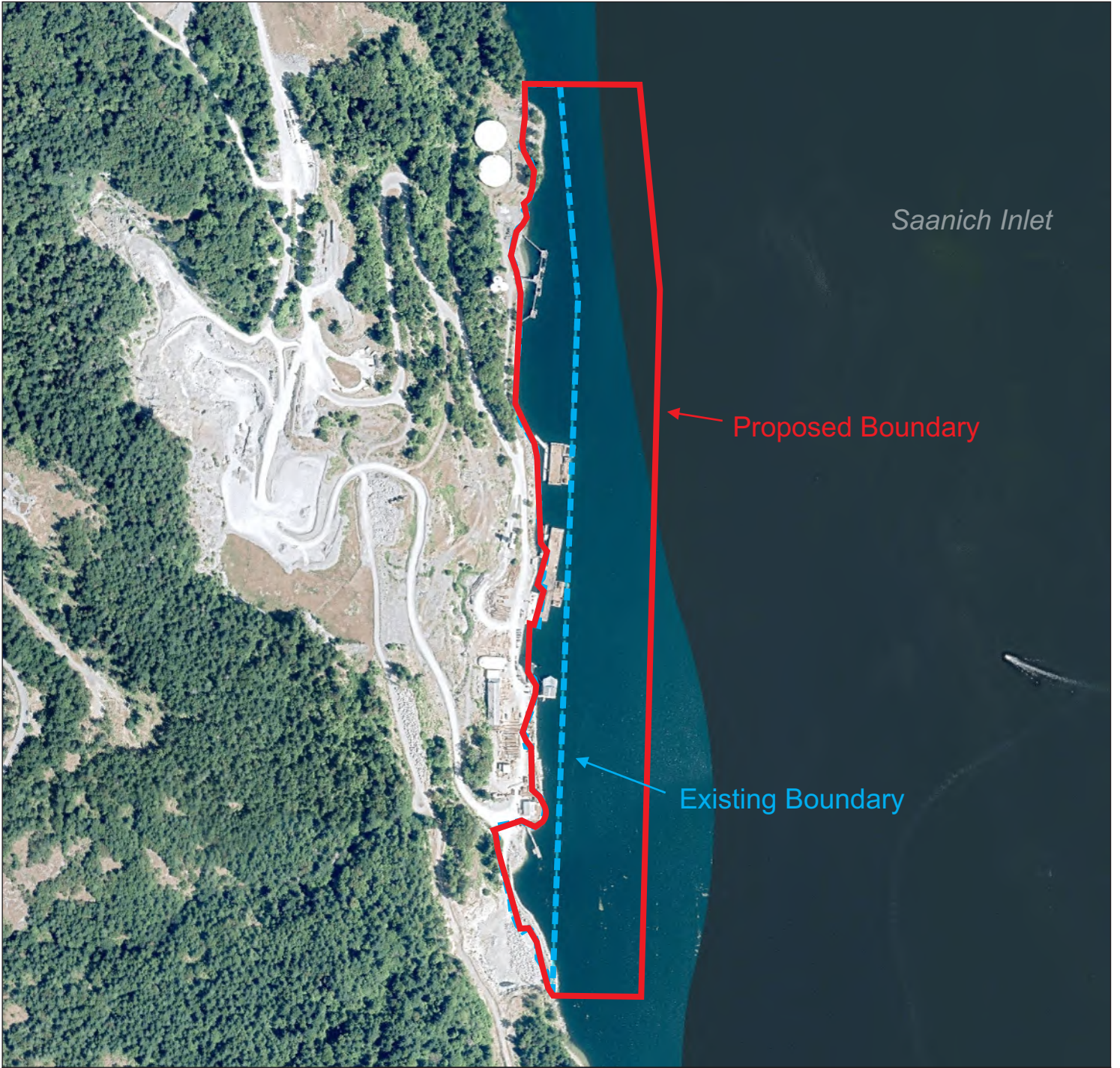
Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY

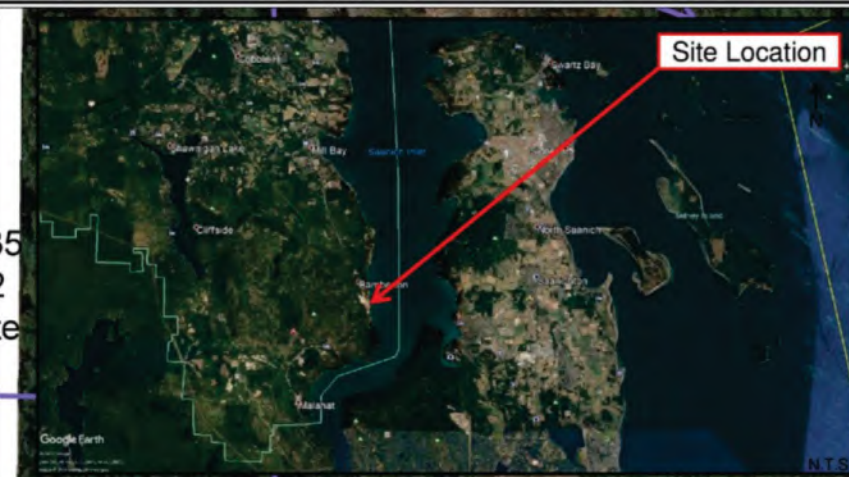
Office Nanaimo	File Number	0336205	Project Number	617152
	Disposition ID	943814	Client Number	227061



Crown Lands File 0336205
 Malahat Nation Block A D.L. 30-G
 Proposed Tenure Amendment
 November 23, 2021



Crown Lands File 0336205
Malahat Nation D.L. 30-G
Proposed Tenure Amendment
November 19, 2021



Description	Color
Water Lot	Black
Property Lines	Purple
High Water Mark	Blue
Infill	Green

Reference #	Improvement
1	Two Large tanks (upland)
2	Three Large silos (upland)
3	Barge containing cement powder and wooden pier
4	Access Road (Upland)
5	Five steel pilings and floating dock
6	Floating dock
7	Concrete platform with metal supports
8	Metal grated ramp
9	Row of metal pilings
10	Barge ramp
11	Dock/ ramp with four metal piling supports
12	Gravel boat launch
13	Rip rap/ concrete armouring along entire shoreline
14	Area of infill



Date	25 Jun 2021	Notes & Assumptions: High water mark data from Canadian Hydrographic Service Infill between Block A lot and high water mark = 19,156 m ²	Project	Bamerton Quarry		Title	Water Lot Lease	
				Drawn By: Sean Tammen	Scale		1:1500	Revision
			File Name: Bamerton Quarry Mine Plan-Rev3.duf					75

**MANAGEMENT PLAN FOR THE AMENDMENT OF THE
BLOCK A, D.L. 30-G AQUATIC LEASE IN
SAANICH INLET, BRITISH COLUMBIA**

MALAHAT FIRST NATION

CROWN LANDS FILE NO. 0336205



**July 2021
(Updated November 2021)**



T: 250-949-9450 F:250-949-7656 PO Box 2760 Port Hardy, BC V0N 2P0
info@pacificus.ca www.pacificus.ca

**MANAGEMENT PLAN FOR THE RENEWAL OF THE DISTRICT LOT 30-G
AQUATIC LEASE IN SAANICH INLET, BRITISH COLUMBIA**

MALAHAT FIRST NATION

LANDS FILE NO. 0336205

Prepared for:

Tristan Gale
Executive Director
Malahat First Nation
110 Thunder Road
Mill Bay, BC
V0R 2P4

Prepared by:

Ben Matthews, BSc
&
Serena Johnston, BSc, BIT

Reviewed by:

Marissa Miles, RPBio

Date:

July 12th, 2021
(Updated November 22nd, 2021)

PACIFICUS BIOLOGICAL SERVICES LTD.

P.O. Box 2760
Port Hardy, B.C.
V0N 2P0



Management Plan Submitted by:
Marissa Miles, RPBio

Signature:



Date:
November 22nd, 2021

Management Plan Received by:

Signature:

Date:

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1.0 BACKGROUND & PROJECT DESCRIPTION

1.1 Project Overview & Description

Saanich Inlet is located on south Vancouver Island, British Columbia. As a multi-use waterway, it hosts a variety of recreational, commercial, and industrial activities. Currently, the Malahat First Nation (MFN) holds an existing aquatic Crown foreshore lease for Block A D.L. 30-G (Lands File No. 0336205) on the western shore of Saanich Inlet (Figure 1; 48°35'7.94"N 123°31'17.77"W). This aquatic foreshore lease has been in place since 1989. To support continued industrial use of the area, MFN has proposed to renew the tenure of Block A D.L. 30-G for an additional 30-year term. However, to ensure sufficient space for current and future uses of the site, an expansion to the current boundary has been proposed. Proposed uses for the tenure are as follows:

- Load and unload barges of contaminated soils, creosote piles, cement powder, scrap metal, aggregate, and fuels;
- Store hydrocarbons in the existing upland tanks;
- Maintain piles, dolphins, and shoreline armouring;
- Conduct barge and vessel maintenance;
- Moor vessels associated with the upland activities.

As part of the tenure application process, MFN is required to submit an updated management plan for the Block A D.L. 30-G water lot, as requested by the Province of British Columbia. Pacificus Biological Services Ltd. (Pacificus) was retained as an agent to assist with the preparation and submission of the Management Plan for the Block A D.L. 30-G aquatic lease amendment.

1.2 Investigative Work

Investigative work has been extensively conducted in the vicinity of the water lot since the 1990's. This includes investigative work such as site characterization and remediation, environmental liability site assessments, review of hydrogeological settings, environmental studies, and transportation and infrastructure studies. Details of the most recent biological assessment¹ and remediation plan² are provided in Table 1.

Table 1. Recent investigative work conducted within or adjacent to Block A D.L. 30-G.

Activity	Brief Description of Activity	Status (complete, incomplete, ongoing)	Comments/ Milestones
<ul style="list-style-type: none"> Biological Assessment for the marine access road (Seacor 2005) 	<ul style="list-style-type: none"> Assessment of foreshore habitat and development of a habitat compensation plan. 	<ul style="list-style-type: none"> Complete 	<ul style="list-style-type: none"> Recommendations for habitat enhancement were developed.
<ul style="list-style-type: none"> Remediation Plan (Seacor 2007) 	<ul style="list-style-type: none"> Identification of areas of potential environmental concern, confirmatory sampling of soil pre-and post-remediation. Proposed monitoring program for surface and ground water relating to soil storage facility. 	<ul style="list-style-type: none"> Complete 	<ul style="list-style-type: none"> Certificate of Compliance was received.

¹ Seacor Environmental Inc. December 1, 2005. Biological Assessment and Compensation Plan, South Landfill Access Road, Bamberton Lands, Mill Bay, BC.

² Seacor Environmental Inc. May 16, 2007. Remediation Plan, District Lot 73 and Block B of Lot 30-G, Bamberton Lands, Mill Bay, BC.

1.3 First Nation Consultation

Redacted

2.0 LOCATION

2.1 Description

District Lot 30-G is located within BC's South Coast Region, along the western shore of Saanich Inlet, Vancouver Island. The site is approximately 7.4 km south of Mill Bay, BC. The water lot can be accessed off of Highway 1 and/or from Saanich Inlet via float place / helicopter / vessel.

³ BC Contacts for First Nation Consultation Areas. <<https://maps.gov.bc.ca/ess/hm/cadb/>> Accessed July 1, 2021.

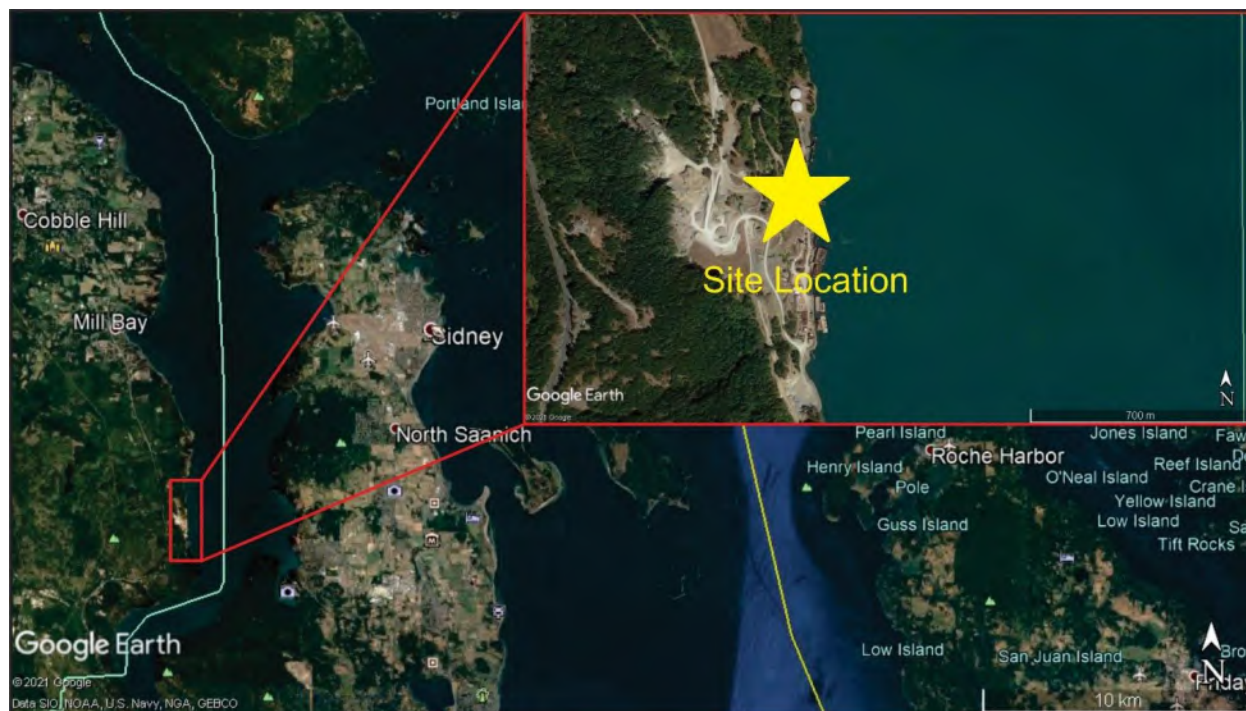


Figure 1: General location of the foreshore lease at D.L. 30-G, located along the western shore of Saanich Inlet, on Vancouver Island. The site is approximately 7.4km south of Mill Bay, BC.

2.2 Location Justification

The MFN currently holds a tenure for the subject water lot and is seeking to expand the existing tenure to encompass the entire area required for the continuation of operations. The site is currently used for industrial activities due to its proximity to a multi-use waterway and economic feasibility. The Block A D.L. 30-G water lot is an active site, with several sub-leased parcels of land for a variety of industrial uses (see Table 2). As Block A D.L. 30-G is currently active, existing industrial infrastructure within the tenure is present. This site is highly developed with multiple industrial uses and activities being conducted on the premises.

Table 2. List of Tenants of Block A DL 30-G and industrial uses of sub-lease areas.

Tenant	Industrial Use
Lehigh Hanson Materials Ltd.	Store and distribute marine construction materials and purposes reasonably incidental to such use
Heavy Metal Marine Ltd.	Store and distribute construction materials and aggregate
Ruskin Construction Ltd.	Store and distribute marine construction materials and purposes reasonably incidental to such use

2.3 Seasonal Expectations of Use

Usage of the industrial infrastructure within Block A D.L. 30-G will continue to occur year-round. Operations include the maintenance of existing infrastructure, loading and unloading of barge materials, storage of hydrocarbons in existing upland tanks, barge and vessel maintenance, and vessel moorage (Table 3). Improvements to the existing facilities are likely to occur in the future but depend on several factors, including economic benefits and environmental impacts. Over the short-term, however, the only improvement proposed is the repair of four aging pilings. Variations in usage of the facility will be dictated based on works scheduled.

Table 3. Description of activity and expected schedule of all phases of construction and operation of the Block A D. L. 30-G Facility.

Project Phase (Construction / Operations)	Brief Description of Activity / Works	Schedule
Maintenance of existing infrastructure	<ul style="list-style-type: none"> Routine maintenance of existing infrastructure, including, but not limited to, piles, dolphins, barge ramps, and shoreline armoring. 	<p>Maintenance: Annually, as required.</p> <p>All works will be conducted within appropriate federal and provincial fish windows, pending approvals.</p>
Loading and unloading barges of materials	<ul style="list-style-type: none"> Transportation and movement of contaminated soils, creosote piles, cement powder, scrap metal, aggregate, and hydrocarbon fuels (Note: storage of these materials will occur at appropriate upland locations, not within Block A D.L. 30-G). 	Year-round
Hydrocarbon storage	<ul style="list-style-type: none"> Fueling and hydrocarbon storage occurs in tanks in the upland portion of the tenure area. 	Year-round
Barge and vessel maintenance	<ul style="list-style-type: none"> Repairs and maintenance of industrial watercraft will be conducted as required. 	Year-round
Moorage of industrial vessels	<ul style="list-style-type: none"> Industrial vessels associated with upland activities at the site will be moored in the marine area of the lease 	Year-round

<p>Repair of pilings</p>	<ul style="list-style-type: none"> • Repairs to four steel pilings situated west of the metal grated ramp. 	<p>Works will aim to be minimally invasive and will involve reinforcing the existing pilings, if possible. Driving of new pilings directly adjacent to the existing pilings may be required if repair is not possible. If pile driving is required, Best Management Practices will be followed and all appropriate DFO notifications/approvals will be completed/acquired prior to the start of works.</p>
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3.0 INFRASTRUCTURE AND IMPROVEMENTS

3.1 Facilities and Infrastructure

The upland facility contains an access road along the shoreline. Two large tanks are located on the upland property at the northern end of the tenure. These tanks are currently empty, and the proponent intends to use these to store water in the future. Three silos are located near the northern end of the upland area and used to store concrete powder. Improvements within the water lot currently consist of:

- A wooden pier to provide access to a barge,
- Three floating docks with metal and/or wooden piling supports,
- A concrete platform with metal supports accessed via a grated metal ramp,
- Ten metal pilings along the shoreline,
- A barge access ramp supported by metal pilings,
- A grated metal ramp, and
- A gravel boat launch.

In addition to the above improvements, portions of the shoreline along the entire water lot have been reinforced with rip rap and/or concrete. Approximately 19,156m² of the lot has been

infilled over time, between the lot boundary and the highwater mark. A list of improvements to the water lot and approximate locations of each are provided in Table 4 and Figure 2 below. The location of infill and the proposed boundary expansion is outlined in Figure 3.

As the facility is currently active, routine maintenance is required for the continued industrial usage of Block A D.L. 30-G. Over the short-term, the repair of four pilings is proposed. Tenants (sub-leasers) within the water lot have proposed to conduct the following activities within the lease tenure:

- Load and unload barges of contaminated soils, creosote piles, cement powder, scrap metal, aggregate, and fuels;
- Store hydrocarbons in the existing upland tanks;
- Maintain piles, dolphins, and shoreline armouring;
- Conduct barge and vessel maintenance;
- Moor vessels associated with the upland activities.

Table 4. Summary of improvements and approximate location of infrastructure at Block A D.L. 30-G.

Site Plan Reference #	Improvement	Status	Location	Approximate Size	Comments
1	Two Large tanks	Existing	Upland (48.59035°, 123.52191°)	33m wide	Located on upland area; currently unused.
2	Three Large silos	Existing	Upland (48.58894°, 123.52169°)	13m in diameter	Located on upland area; contains concrete powder.
3	Barge containing cement powder and wooden pier	Existing	Blk A D.L 30-G (48.58911°, 123.52122°)	Pier: 80m x 7m	Three access points from the shore connected to a wooden walkway and pilings. Wooden pier extends approximately 25m from the highwater mark.
4	Access Road	Existing	Upland (48.59088°, 123.52182°)	980m long	Gravel and paved.
5	Five steel pilings and floating dock	Existing	Blk A D.L 30-G (48.58721°, 123.52129°)	Dock: 40m x 5m Barge: 54m x 18m	Dock constructed of wood and five steel pilings.
6	Floating dock	Existing	Blk A D.L 30-G (48.58640°, 123.52121)	39m x 5m	Floating wood dock Eight wood pilings

7	Concrete platform with metal supports	Existing	Blk A D.L 30-G (48.58604°, 123.52102°)	65m x 55m	Large concrete float.
8	Metal grated ramp	Existing	Blk A D.L 30-G (48.58486°, 123.52143°)	6m x 23m	Ramp with two metal dolphin pilings.
9	Row of steel pilings	Existing	Blk A D.L 30-G (48.58444°, 123.52129°)	Pilings span ~72m along shoreline	Eight steel pilings parallel to shore.
10	Barge ramp	Existing	Blk A D.L 30-G (48.58377°, 123.52115°)	5m x 5m	Ramp with steel piling support and two metal pilings parallel to shore.
11	Dock/ ramp with four metal piling supports	Existing	Blk A D.L 30-G (48.58328°, 123.52144°)	Dock: 13m x 5m Gangway: 3mx 25m	Metal gangway and ramp, with floating wooden dock
12	Gravel boat launch	Existing	Blk A D.L 30-G (48.58308°, 123.52158°)	8m wide	Boat launch toward western extent of lease area.
14	Shoreline infill	Existing	Blk A D.L 30-G (48.581601°, 123.521083°)	Infill footprint: 19,156m ²	Approximately 19,156m ² of infill between the Block A lot and the highwater mark.

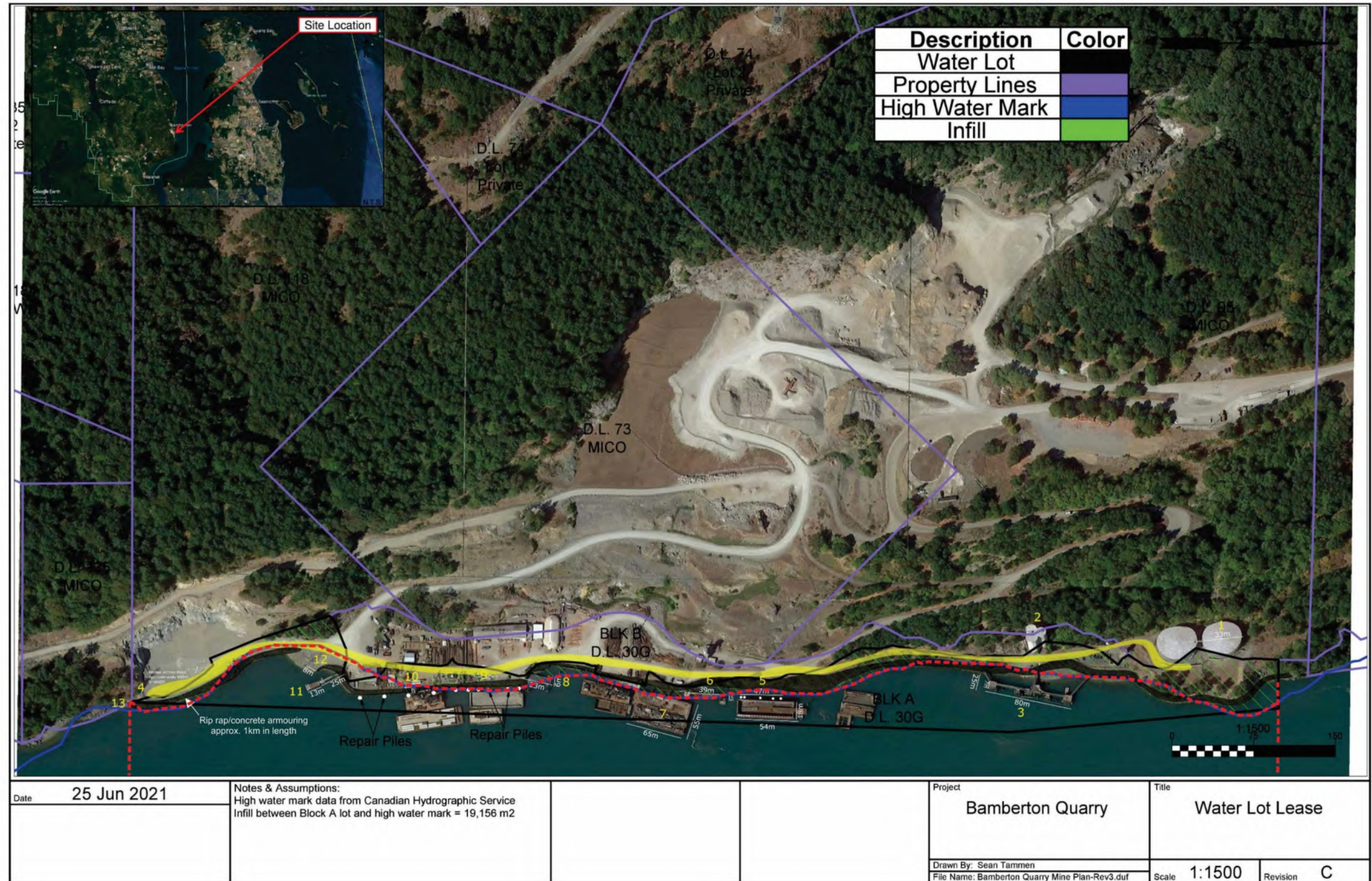


Figure 2: Site characteristics and facility diagram for Block A D.L. 30-G. Improvements within and adjacent to the lot are numbered as per Table 4.

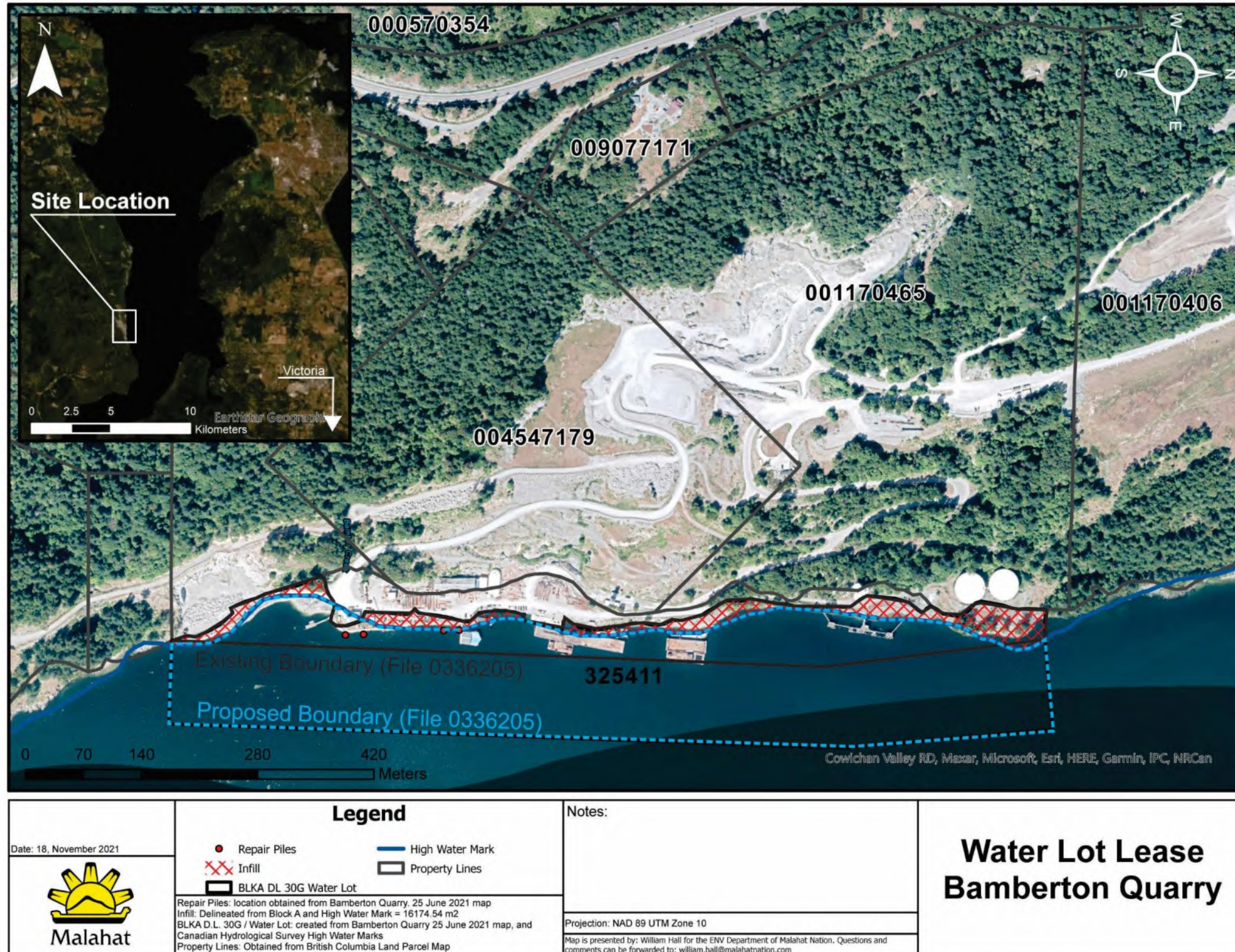


Figure 3: Proposed boundary expansion of Crown Lands File 0336205 (Block A D.L. 30-G) near Bamberton, BC.

3.2 Access Plans

The D.L. 30-G Water Lot in Saanich Inlet can be accessed via Highway 1 (Trans-Canada Highway) from Victoria, or by boat, helicopter, and/or floatplane.

3.3 Utility Requirements and Sources

No utilities will be required during the continued operation of the site.

3.4 Water Supply

No water supply is required within the Block A D.L. 30-G water lot. Water supply to the existing upland facilities is currently in place. All water on site comes from Oliphant Lake and is untreated and non-potable. Water is supplied via a water intake and gravity-fed pipeline that supplies water to the Bamberton Lands (pers. comm. Tristan Gale to Marissa Miles June 30, 2021)

3.5 Waste Collection Treatment and Disposal

Waste generated during operation of the water lot lease will be removed and disposed of at appropriate upland waste disposal facilities. Upland sewage disposal methods are currently in place and include use of a septic system and/or collection and pump out of holding tanks or portable toilets. No septic is required within Block A D.L. 30-G, and no sewer outfalls are associated with the water lot (pers. comm. Tristan Gale to Marissa Miles, June 30, 2021).

3.6 FireSmart BC

All industrial activities that occur within the lease area will be conducted in accordance with recommendations made by FireSmart BC to prevent and reduce risk of wildfire occurrence from the continued operation of this facility.

4.0 ENVIRONMENTAL CONSIDERATIONS

4.1 Land Impacts

4.1.1 Vegetation Removal

As Block A D.L. 30-G is an active industrial area, no vegetation removal is anticipated to occur from the continued operation of the site and/or expansion of the tenure area.

4.1.2 Soil Disturbance

Soil disturbance is not anticipated to occur as a result of the continued operation of the Block A D.L. 30-G water lot and/or expansion of the tenure area.

4.1.3 Riparian Encroachment

The Block A D.L. 30-G water lot is located within the marine environment and, as a previously disturbed site, continued use of the tenure will not require the removal of any functional marine riparian vegetation. No riparian encroachment is anticipated to occur from continued use of the site and/or expansion of the tenure area.

4.1.4 Pesticides and Herbicides

There will be no use of pesticides or herbicides during operation and/or maintenance of the site.

4.1.5 Visual Impacts

The Block A D.L. 30-G lease has been used for industrial purposes for over 30 years. The existing visual impacts associated with industrial activities at this site are not anticipated to change as a result of continued operation of the lease area and/or expansion of the tenure area.

4.1.6 Archeological Sites

Redacted

4.1.7 Construction Methods and Materials

Construction required within the marine environment and the application area will be limited, as the facility is currently operational and only minor improvements (i.e., piling repair) are proposed at this time. Appropriate mitigation measures will be in effect during all construction activities and operation of the site to prevent *death of fish* or *harmful alteration, disruption or destruction* of fish habitat. Repairs to the pilings indicated on the site plan (see Figure 2 for locations) will involve reinforcing the existing pilings. If repair is not possible, driving of new pilings directly adjacent to the existing pilings. If pile driving is required, relevant best management practices will be followed and appropriate DFO notifications/approvals will be completed/acquired prior to the start of works. A qualified environmental professional (QEP) will be engaged, as necessary, to provide advice regarding works in and around water.

4.2 Atmospheric Impacts

4.2.1 Sounds, Odor, Gas or Fuel Emissions

Expansion and continued operation of the site is not anticipated to cause any additional sound, odor, gas, and/or fuel emissions that will disturb wildlife in the area.

⁴ Bamberton Binder. Environmental Studies. Section. 6.5.2 – 6.5.4.

⁵ Malahat Investment Corporation. (2015) Bamberton Quarry Archaeological Monitoring and Chance Encounter Protocol (DRAFT).

4.3 Water and Land Covered by Water Impacts

4.3.1 Drainage Effects

The expansion and continued use of the site is not anticipated to result in changes to land drainage.

4.3.2 Public Access

The expansion and continued use of the site is not anticipated to result in changes to public access.

4.3.3 Flood Potential

The expansion and continued use of the site is not anticipated to increase flooding potential.

4.4 Fish and Wildlife Habitat Impacts

4.4.1 Disturbance to Wildlife and Wildlife Habitat

A biological assessment in the vicinity of the site was last conducted in 2005 by Seacor Environmental Inc.⁶ The biological assessment and compensation plan was conducted prior to the construction of an access road for remedial excavation of contaminated areas of the Bamberton Lands. As the general use of the site is not changing, continued use of the site is considered low risk and is not anticipated to cause any additional impacts to fish or fish habitat.

Although the construction and operation phases of the project will occur around the marine environment, the proposed landing and dock sites are not expected to result in any additional impacts to wildlife or wildlife habitat. As proposed works are not anticipated to change, no increase in erosion or sedimentation is anticipated to occur as a result of the project, and no water diversion will be required throughout any of the development phases. In addition, continued operation of the site is not likely to threaten or endanger any species at risk in the area.

⁶ Seacor Environmental Inc. December 1, 2005. Biological Assessment and Compensation Plan, South Landfill Access Road, Bamberton Lands, Mill Bay, BC.

5.0 SOCIO-COMMUNITY

5.1 Land Use

Several areas within the Block A D.L. 30-G lease are subleased to multiple industrial tenants. Tenants that currently hold a sublease and are operating within the Block A D.L. 30-G lease area include Ruskin Construction Ltd., Heavy Metal Marine Ltd., Lehigh Hanson Materials Ltd., and Hall Construction Corporation. As such, the areas within and adjacent to the Block A D.L. 30-G tenure is highly developed and no significant changes to land use are expected to occur over the short-term. Similarly, with respect to the marine areas adjacent to the site, use is primarily for industrial purposes; expansion of the tenure area is proposed to encompass all areas currently being used and is therefore not anticipated to result in any significant impacts to fish or fish habitat. The closest community setting to D.L. 30-G is Mill Bay, located approximately 7.4 km north of the site.

5.1.1 Land Management Plans and Regional Growth Strategies

Saanich Inlet is subject to the management guidelines and objectives outlined in the *Vancouver Island Land Use Plan*⁷. Specifically, Saanich Inlet is located within *Special Management Zone 16 (SMZ-16)*⁸. The listed *Primary Values and Location* of SMZ-16 include marine water quality, waterfowl habitat areas, estuarine habitat, and recreational values and opportunities. Additionally, the west coast of Saanich Inlet lies within the *Biodiversity Emphasis Option – Shawnigan Zone*⁹. The biodiversity emphasis within the Shawnigan Landscape Unit is classified as “Lower”¹⁰. As the site historically contains industrial activity and no changes in activities is proposed, it is not anticipated that the continued use of this site will conflict with the management guidelines and objectives outlined in the *Vancouver Island Land Use Plan*.

⁷ Vancouver Island Summary Land Use Plan. 2000. Government of British Columbia.

⁸ Table 5. Management Regimes for Individual SMZ Units in Vancouver Island Land Use Plan. 2000. Government of British Columbia

⁹ iMap BC. 2018. Province of British Columbia.

<https://www2.gov.bc.ca/gov/content/data/geographic-data-services/web-based-mapping/imapbc> - accessed May 31st, 2021.

¹⁰ Table A. Vancouver Island Summary Land Use Plan Appendices. 2000. Province of British Columbia.

As a result of historic industrial activity in D.L. 30-G, environmental covenants have been created between the lease holders of the lot and the federal government. A compensation plan was developed by SEACOR Environmental Inc. (SEACOR) on behalf of Three Point Properties Ltd. (TPP) in 2006 to help compensate for anticipated habitat loss caused by the construction of the south landfill marine access road in D.L. 30-G¹¹ (DFO Reference File: 05 HPAC PA3 000 000175). Additionally, SEACOR has previously prepared a remediation plan on behalf of TPP for D.L. 30-G to help offset and mitigate against deleterious environmental effects caused by industrial activity within the lot¹².

5.2 Socio-Community Conditions

5.2.1 Adjacent Users or Communities

The Block A D.L. 30-G water lot is located within a First Nation Treaty Area (Lands File No. 1414778) belonging to the Malahat First Nation. As MFN is the tenure holder for the Block A D.L. 30-G lease, expansion of the tenure and continued operations at the site is not anticipated to restrict public access, or the ability of adjacent landowners or tenure holders to access their properties or tenures.

5.2.2 Existing Services

No predicted increases to the demand on fire protection or other health facilities and emergency services are anticipated to result from the continued use of the site.

¹¹ SEACOR Environmental Inc. 2005. Biological Assessment and Compensation Plan for South Landfill Access Road. Bamberton Lands, Mill Bay, BC. Three Point Properties Ltd. Vancouver, BC.

¹² SEACOR Environmental Inc. Remediation Plan, District Lot 73 & Block B of Lot 30-G. Bamberton Lands, Mill Bay, BC. Three Point Properties Ltd. Vancouver, BC.



Policy:	5.9.2
Approved By:	Trust Council
Approval Date:	September 10, 2014
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

PLANNING, REGULATION AND ADVOCACY INITIATIVES:

OUTER BOUNDARY OF ISLANDS TRUST AREA

Purpose

1. To provide for a consistent approach to potential Islands Trust Council advocacy initiatives along the outer boundary of the Islands Trust Area.
2. To provide for a consistent approach to potential local trust committee initiatives for land use planning, regulation and advocacy along the outer boundary of the Islands Trust Area.
3. To manage the financial resources that the Islands Trust Council devotes to local trust committee initiatives for land use planning, regulation, and advocacy initiatives along the outer boundary of the Islands Trust Area in a manner that is fair and equitable to all local trust committees.
4. To identify those areas that the Islands Trust Council considers the priority geographical areas within each local trust area for the land use planning and regulatory functions of local trust committees.

A. Definitions

‘advocacy’ is the act of influencing and/or seeking cooperation with other agencies and decision-makers about laws, regulations, policies, programs, budgets, priorities, and other decisions relevant to the Islands Trust mandate.

‘Islands Trust Area’ has the same meaning as is given in the *Islands Trust Act*.

‘Local Trust Area’ has the same meaning as is given in the *Islands Trust Regulation*.

‘Outer boundary of the Islands Trust Area’ means the boundary of the Islands Trust Area that is adjacent to Vancouver Island and the British Columbia mainland.

‘new land use planning and regulatory initiatives of local trust committees’ means initiatives that begin after the adoption date of this policy.

B. Background

1. Boundary of the Islands Trust Area

- 1.1 Schedule A to the *Islands Trust Act* defines the boundary of the Islands Trust Area through a ‘metes and bounds’ description. Generally, it includes all of the islands and waters that lie between the BC mainland and Vancouver Island, starting at the Canada-USA boundary in the south and extending to a line that runs north of Denman, Hornby and Lasqueti Islands.

The precise metes and bounds description, and other legislative references are provided in Attachment A.

- 1.2 The metes and bounds description of the Islands Trust Area indicates that the boundary begins and ends at the high water mark on Vancouver Island, and follows the international boundary where it exists. While the description does not specify where the boundary begins and ends on the British Columbia mainland, the Islands Trust Area map attached as Schedule A to the *Islands Trust Regulation* has insets that suggest the boundary may begin and end at the high water mark.
- 1.3 The metes and bounds description of the Islands Trust Area specifically excludes land within reserves defined in the federal *Indian Act* and land within the boundaries of the municipalities of Vancouver, Nanaimo, Delta and Richmond. It does not specifically exclude other adjacent municipalities whose boundaries include part of the foreshore.

2. Boundary of Local Trust Areas

- 2.1 Boundaries of local trust areas are defined by a map included as Schedule A to the *Islands Trust Regulation* (BC Reg 119/90).
- 2.2 The definition of a local trust area in the *Islands Trust Act* refers to 'island', which the *Islands Trust Act* defines as 'all of the land that makes up an island, and includes surrounding land attached to and extending from an island, whether or not water flows over or under it.
- 2.3 Local trust areas exclude any land that is in a municipality, all or part of which is in the Islands Trust Area.
- 2.4 Within a local trust area, the *Islands Trust Act* provides a local trust committee with most of the powers and authorities of a regional district for the purposes of land use planning and regulation as are provided by the *Local Government Act*. A local trust committee does not have jurisdiction over matters that fall within federal or provincial jurisdiction, such as resource extraction, navigation or water quality.
- 2.5 Section 32 of the *Islands Trust Act* indicates that a person must not begin construction on land in a local trust area that is not covered by a zoning bylaw unless the construction is approved by the local trust committee. Section 4 of the *Islands Trust Regulation* (BC Reg 119/90) indicates that Section 32 of the *Islands Trust Act* does not apply, on a parcel of land within a local trust area, to the construction of: a dwelling unit, (unless a dwelling unit already exists on the parcel), a recreational cottage not exceeding 400 square feet in floor area, unless a recreational cottage already exists on the parcel, and to any structure accessory to a dwelling unit or recreational cottage.
- 2.6 Local trust areas with boundaries adjacent to Vancouver Island or the British Columbia Lower Mainland are: Executive Committee (Ballenas-Winchelsea), Denman, Gabriola, Gambier, North Pender, Salt Spring and Thetis.
- 2.7 Legislative references related to the boundaries of local trust area are provided in Attachment B and the Islands Trust Area map is included in Attachment C.

3. Boundaries of Regional Districts

3.1 The boundaries of regional districts that are situated within the Islands Trust Area are illustrated in Attachment D.

4. Elected Representation

4.1 Pursuant to s. 23 of the *Islands Trust Act*, a local trust committee is comprised of the two local trustees for the local trust area and a member of the Executive Committee appointed by the Islands Trust Chair.

4.2 Pursuant to s. 6 of the *Islands Trust Act*, two local trustees are elected to represent the electors of each local trust area.

4.3 Electors of a local trust area consist of residents and non-resident property owners, who are otherwise eligible as electors under the *Local Government Act*. Property owners and residents living adjacent to the high water mark on Vancouver Island and the BC mainland (or on reserves defined in the *Indian Act*) elect representatives to Regional Districts and are not eligible to vote in Islands Trust elections, unless they also own property within the Islands Trust Area.

5. Recovery of Costs for Islands Trust Operations

5.1 Pursuant to section 47 of the *Islands Trust Act*, the majority of the costs of the operations of the Islands Trust are recovered by the requisition of taxes from within the Islands Trust Area.

5.2 Pursuant to sections 14(3)(c)(ii) and 47(2)(a)(ii) of the *Islands Trust Act*, the Islands Trust Council must identify expenditures relating to the 'general' operations of all local trust committees in its annual budget and may recover such costs through the requisition of taxes from within the entire Islands Trust Area, with the exception of island municipalities.

5.3 Pursuant to section 14(3)(c)(iii) of the *Islands Trust Act*, the Islands Trust Council's annual budget may also identify expenditures related to 'additional' operations of one or more of the local trust committees. If the annual budget identifies expenditures related to 'additional' operations of a local trust committee, section 47(5) of the *Islands Trust Act* allows for a special requisition to be made from the relevant local trust area to recover the costs. The Islands Trust Council has adopted *Islands Trust Council Policy 6.3.2 – Special Property Tax Requisition* to guide the use of special property tax requisitions.

6. Mapping and Information Resources

6.1 The Islands Trust Council routinely funds the collection of planning information and map data relevant to the islands within the Islands Trust Area, but does not routinely fund the collection of such information in regards to the outer boundary of the Islands Trust Area.

C. Policy

1. Priority Areas for Local Trust Committee Land Use Planning and Regulatory Initiatives

- 1.1 The Islands Trust Council identifies the following areas as its priority areas for funding new land use planning and regulatory initiatives of local trust committees:
- 1.1.1 the land and freshwater areas on the individual islands within each local trust area
 - 1.1.2 the tidal waters that extend from individual islands, provided they are:
 - 1.1.2.1 within 300 m of the high water mark of an island within the local trust area and
 - 1.1.2.2 no further from an island within the local trust area than the mid-point between that island and the nearest point on either Vancouver Island, the British Columbia mainland or a municipal boundary, or
 - 1.1.2.3 already zoned by a local trust committee on the date of adoption of this policy.

The Islands Trust Council could consider the expenditures related to such initiatives for funding in its annual budget as 'general' operations of a local trust committee pursuant to s. 14(3)(c)(ii) of the *Islands Trust Act*.

- 1.2 For clarity, a sample zoning map that illustrates the definition provided in C.1.1 is provided in Attachment E.
- 1.3 Unless it considers that the interests of the Islands Trust Area are significantly affected, the Islands Trust Council will normally consider that new land use planning and regulatory initiatives of local trust committees outside the area identified in C.1.1. are 'additional' operations of a local trust committee. The Islands Trust Council could consider recovering the costs of expenditures related to such initiatives through a special property tax requisition within the relevant local trust area, upon request of the local trust committee and in accordance with the process described in *Islands Trust Council Policy 6.3.2 – Special Property Tax Requisition*. Where a local trust committee has requested funding for such expenditures, the Islands Trust Council will consider legal advice regarding the local trust committee's authority in the area of the proposed initiative before making a decision regarding the request.
- 1.4 Where the Islands Trust Council's annual budget provides for a local trust committee's land use planning and regulatory initiatives within the area identified in C.1.1, the local trust committee may not use the funds for initiatives outside that area.

2. Resolutions Pursuant to s. 32 of the *Islands Trust Act*

- 2.1 Should a local trust committee become aware of or receive an application pursuant to s. 32 of the *Islands Trust Act* (unzoned areas) that is not within the area identified in C.1.1, the Islands Trust Council encourages local trust committees to provide advocacy comments only through the approval processes of other agencies. Such advocacy comments should be based on the Islands Trust object, the *Islands Trust Policy Statement* and any relevant Official Community Plan.
- 2.2 Should Islands Trust planning staff receive enquiries about proposed construction pursuant to s. 32 of the *Islands Trust Act* (unzoned areas) that is not within the area identified in C.1.1, they should advise that the local trust committee may wish to comment on the proposal in accordance with the Islands Trust object, the *Islands Trust Policy Statement* and any relevant Official Community Plan.

3. Priority Areas for Local Trust Committee Bylaw Enforcement Initiatives

- 3.1 The Islands Trust Executive, acting in its capacity under *Islands Trust Council Policy 5.5.1 – Bylaw Compliance and Enforcement*, will not approve the funding of legal action related to bylaw enforcement initiatives of a local trust committee outside the area described in C.1.1.
- 3.2 A local trust committee that wishes to undertake bylaw enforcement outside the area described in C.1.1 may request support from the Islands Trust Council for funding of any related costs.
- 3.3 The Islands Trust Council should not normally support legal action related to bylaw enforcement outside the area described in C.1.1 unless the matter is considered of significance to the entire Islands Trust Area and it has considered legal advice. The Islands Trust Council may recover the costs of such enforcement through a special requisition within the relevant local trust area.

4. Local Trust Committee Responses to Referrals

- 4.1 Should a local trust committee or Islands Trust planning staff receive a referral from another agency that is relevant to an area outside that described in C.1.1, they are encouraged to provide or recommend advocacy comments, in accordance with the Islands Trust object, the *Islands Trust Policy Statement* and any relevant official community plan. Proposed uses that would conflict with existing zoning should be identified. Related staff reports should make reference to this policy.

5. Communications

- 5.1 Should the Islands Trust Council, a local trust committee or Islands Trust planning staff receive enquiries or requests for land use planning and regulatory initiatives or bylaw enforcement relevant to an area outside that described in C.1.1, reference to this policy should be included in the response.

6. Advocacy Initiatives

- 6.1 Should an Islands Trust body propose an advocacy or other initiative that is relevant to an area outside that described in C.1.1, it is encouraged to base its initiative primarily on the Islands Trust object or the *Islands Trust Policy Statement*, or advocacy policies in an official community plan as appropriate, rather than on the potential exercise of land use planning or regulatory authority.

D. Implementation

1. Chief Administrative Officer

- 1.1 The Chief Administrative Officer will ensure that reference to this policy is included in materials provided to trustees during their orientation at the beginning of each term.
- 1.2 The Chief Administrative Officer will ensure that reference to this policy is included in the materials provided to all members of the management team during their orientation at the beginning of their employment.

2. Director of Local Planning Services

- 2.1 The Director of Local Planning Services will ensure that reference to this policy is included in the materials provided to all staff in the Local Planning Services Unit during their orientation at the beginning of their employment.
- 2.2 The Director of Local Planning Services will take steps to ensure that this policy is reflected in staff reports and advice to local trust committees (e.g. by amendment to planning report templates, bylaw enforcement report templates or other items to ensure they reflect this policy).

3. Regional Planning Managers

- 3.1 Regional Planning Managers will ensure that staff reports and budget requests related to local trust committee work on the outer boundary of the Islands Trust Area make reference to this policy.

4. Director of Trust Area Services

- 4.1 The Director of Trust Area Services will ensure that reference to this policy is included in the materials provided to all staff in the Trust Area Services Unit during their orientation at the beginning of their employment.
- 4.2 The Director of Trust Area Services will take steps to ensure that this policy is considered in any communications or advocacy initiatives relevant to the outer boundary of the Islands Trust Area.

E. Legislated References

Legislation

Islands Trust Act

Islands Trust Regulation (BC Reg. 119/90)

Islands Trust Policy

Islands Trust Policy Statement

Islands Trust Council Policy 2.4.4 – Executive Committee Legislative Role

Islands Trust Council Policy 5.5.1 – Bylaw Compliance and Enforcement

Islands Trust Council Policy 5.9.1 – Best Management Practices for Delivery of Local Planning Services to Local Trust Committees

Islands Trust Council Policy 6.3.2 – Special Property Tax Requisition

Islands Trust Council Policy 6.10.3 – Advocacy Policy

F. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a

ATTACHMENT A
ISLANDS TRUST AREA BOUNDARY
LEGISLATIVE REFERENCES

Islands Trust Act Section 1: 'trust area' means the land located within the boundaries described in Schedule A.

Islands Trust Act Schedule A:

"All the land, except land situated within a reserve as defined in the *Indian Act* (Canada), on all the islands situated in the Strait of Georgia, Howe Sound and Haro Strait lying to the South of a line commencing at the most easterly corner of Lot 140, Comox District, being a point on the high water mark on the easterly shore of Vancouver Island; thence South 70° East in a straight line to the point of intersection with the middle line of Sabine Channel; then in a general south-easterly direction along the middle line and passing to the northeast of Jervis, Paul and Jedediah Islands and continuing south-easterly along the south-easterly prolongation of the middle line of Sabine Channel to the point of intersection with a straight line drawn from the most southerly extremity of Young Point (Lasqueti Island) to the most southerly southwest corner of Lot 6274, Group 1, New Westminster District; then north-easterly along the line to the most southerly southwest corner of Lot 6274 and North of a line commencing at the northwest corner of Section 74A, Lake District, being a point on the high water mark on the easterly shore of the Saanich Peninsula; then East to the point of intersection with the easterly boundary of the Province of British Columbia, excepting from the above described area those islands lying within the boundaries of the City of Vancouver, the City of Nanaimo and the District Municipalities of Delta and Richmond."

Community Charter (Schedule – Definitions and Rules of Interpretation)

"land"

- (a) for the purposes of assessment and taxation, means land as defined in the Assessment Act, and
- (b) for other purposes, includes the surface of water, but does not include
 - (i) improvements,
 - (ii) mines or minerals belonging to the Crown, or
 - (iii) mines or minerals for which title in fee simple has been registered in the land title office;

Local Government Act

5.1 Unless a term is otherwise defined in this Act or a contrary intention appears in this Act, the definitions in the ***Community Charter*** apply to this Act.

Interpretation Act

40 (1) So far as the terms defined can be applied, the definitions established by or applicable under

(a) the schedule to the *Community Charter*, and

(b) section 5 of the *Local Government Act*

extend to all enactments relating to municipal and regional district matters.

ATTACHMENT B

LOCAL TRUST AREA BOUNDARIES

LEGISLATIVE REFERENCES

Islands Trust Act Section 1:

‘island’ means all of the land that makes up an island, and includes surrounding land attached to and extending from an island, whether or not water flows over or under it;

‘local trust area’ means

‘(a) an island designated in Schedule B, or

(b) an island or group of islands in the trust area that is designated as a local trust area by regulation,

and includes those islands, if any, within boundaries surrounding an island or group of islands referred to in paragraphs (a) and (b) that may be specified by regulation, but does not include land in a municipality, all or part of which is in the trust area.’

Islands Trust Act Schedule B:

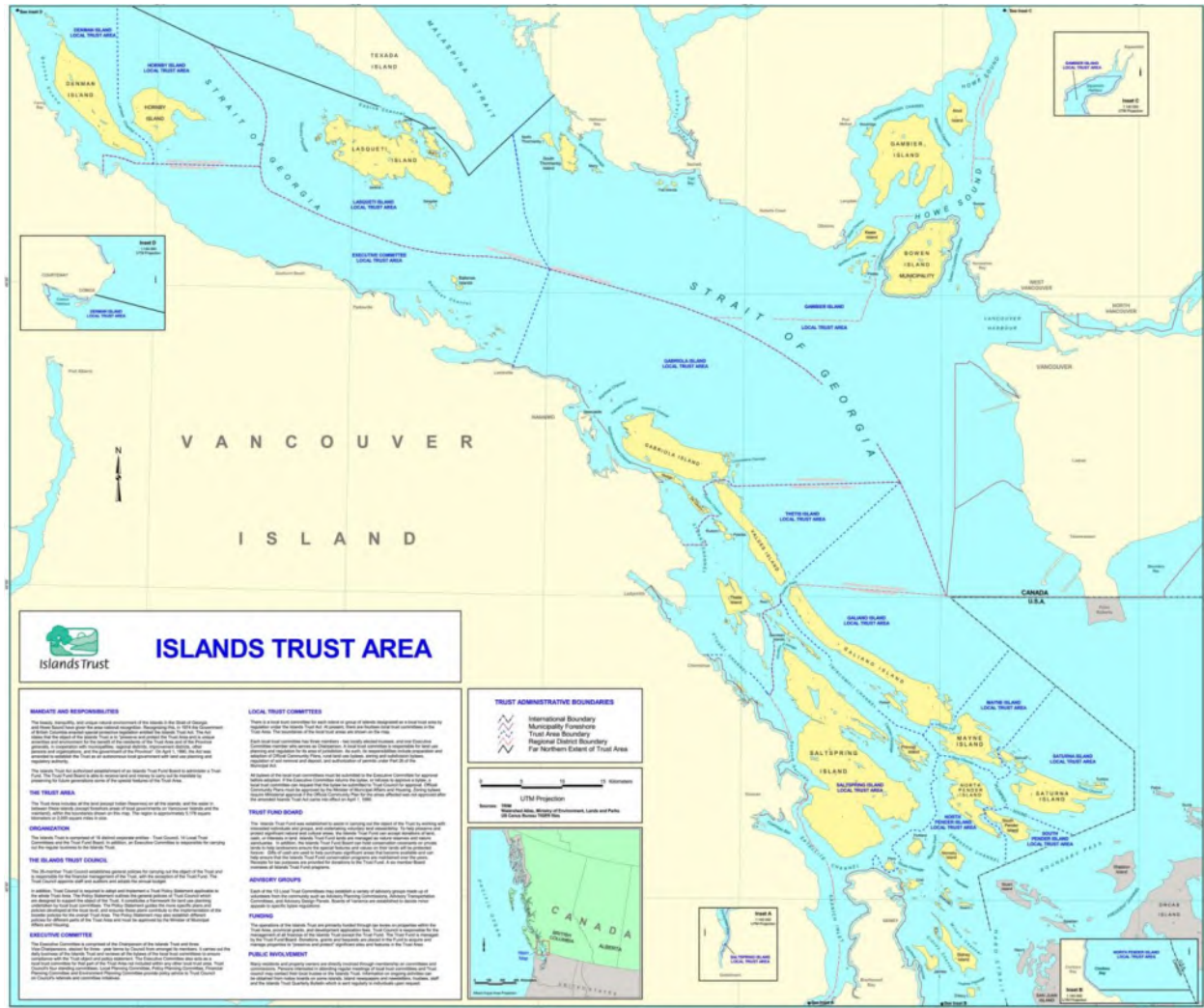
Names the following islands in reference to Section 1(a) of the *Islands Trust Act*: Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, North Pender, Saltspring, Saturna, South Pender and Thetis

Islands Trust Regulation (BC Reg 119/90) Section 3:

For the purposes of the Act, the boundaries of each local trust area are show on the map in Schedule A to the *Islands Trust Regulation*.

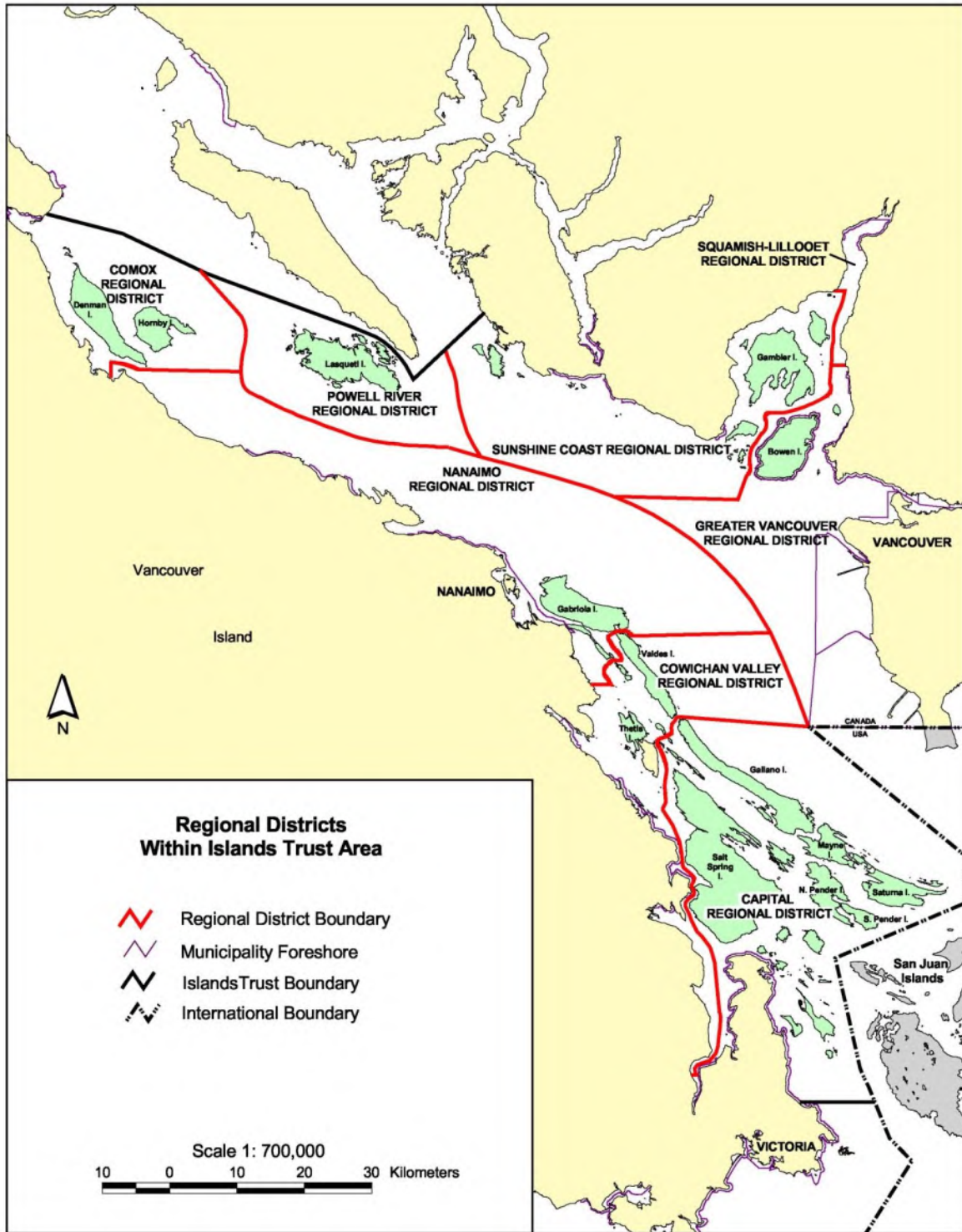
ATTACHMENT C

ISLANDS TRUST AREA



ATTACHMENT D

REGIONAL DISTRICTS WITHIN THE ISLANDS TRUST AREA



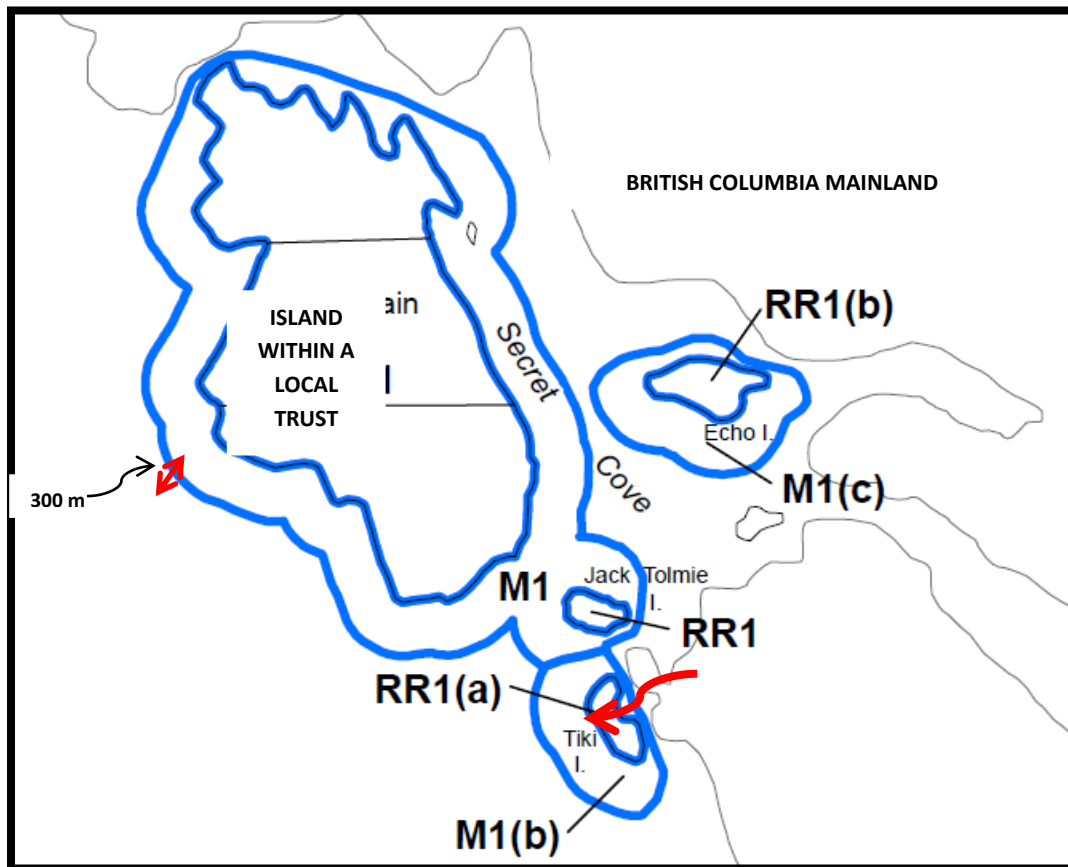
ATTACHMENT E

SAMPLE MAP ILLUSTRATING THE ISLANDS TRUST COUNCIL'S

PRIORITY AREAS FOR FUNDING LOCAL TRUST COMMITTEE

LAND USE PLANNING AND REGULATORY INITIATIVES

(SAMPLE PRIORITY AREAS REFERRED TO IN SECTION C.1.1 ARE INSIDE BLUE LINES)



From: Linda Underwood <[REDACTED]>
Sent: Tuesday, October 11, 2022 10:08 AM
To: Laura Patrick <lpatrick@islandstrust.bc.ca>; Peter Grove <pgrove@islandstrust.bc.ca>
Cc: Rob Pingle <rpingle@islandstrust.bc.ca>; Don James <[REDACTED]>
Subject: Summerside Development Resolution Follow Up

Hello Laura and Peter,

I am following up on resolution **SS-2022-145** related to the new development at Summerside townhouses that was passed at the [September 6th](#) LTC meeting. *"That the Salt Spring Island Local Trust Committee request staff to look into issues raised at the meeting of Sept 6, 2022 regarding the Summerside townhouse strata development specifically the lighting and the lock block wall."*

We appreciate that this is a busy time for trustees and staff, but we would appreciate an update when possible.

Regards,
Linda Underwood
for Summerside Strata Council

p.s. There has been no building activity on the site since [August 26th](#). The development company has informed us that "we are currently in the process of refinancing our Summerside project and it is a process that is taking much longer than anticipated". We have observed what appears to be a shutting down of the site, and rumours of the construction supervisor being sent back to Alberta and liens on the title. The current development permit expires in [January 2023](#). The strata takes an interest in the renewal process for development permits and will make inquires of staff as the we approach the new year.

From: Olsen.MLA, Adam <Adam.Olsen.MLA@leg.bc.ca>
Sent: Wednesday, October 5, 2022 6:34 PM
To: Frants Attorp; MAH.Minister@gov.bc.ca
Cc: OfficeofthePremier, Office PREM:EX; elizabeth.may@parl.gc.ca; Russ Hotsenpiller; Stefan Cermak; Cullen.MLA, Nathan; SSIInfo; Executive Admin
Subject: RE: In today's Times Colonist - For the public record

Hello Frants,

Thank you for sharing this editorial you published.
This is indeed an important moment for the Southern Gulf Islands.

Sincerely,

Adam Olsen (he/him)
Member of the Legislative Assembly
Saanich North and the Islands
BC Green Party Caucus
[Website](#) | [Facebook](#) | [Twitter](#)

Constituency Office
9828 Fourth St., Sidney, BC V8L 2Z3
Phone: 250-655-5600 | Fax: (250) 655-7398

Legislative Office
Room 101 Parliament Buildings
Victoria, BC V8V 1X4
Phone: (250) 387-8347 | Fax: (250) 387-8338

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From: Frants Attorp <[REDACTED]>
Sent: October 5, 2022 9:15 AM
To: MAH.Minister@gov.bc.ca
Cc: Olsen.MLA, Adam <Adam.Olsen.MLA@leg.bc.ca>; OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>; elizabeth.may@parl.gc.ca; Russ Hotsenpiller <rhotsenpiller@islandstrust.bc.ca>; Stefan Cermak <scermak@islandstrust.bc.ca>; Cullen.MLA, Nathan <Nathan.Cullen.MLA@leg.bc.ca>; SSIInfo <ssiinfo@islandstrust.bc.ca>; execadmin@islandstrust.bc.ca
Subject: In today's Times Colonist - For the public record

[Comment: The election is an existential moment for the Gulf Islands - Victoria Times Colonist](#)

From: Frants Attorp <[REDACTED]>
Sent: Wednesday, October 5, 2022 9:15 AM
To: MAH.Minister@gov.bc.ca
Cc: Olsen.MLA, Adam; premier@gov.bc.ca; elizabeth.may@parl.gc.ca;
Russ Hotsenpiller; Stefan Cermak; nathan.cullen.MLA@leg.bc.ca;
SSIInfo; Executive Admin
Subject: In today's Times Colonist - For the public record

[Comment: The election is an existential moment for the Gulf Islands - Victoria Times Colonist](#)



Comment: The election is an existential moment for the Gulf Islands

A commentary by a Salt Spring resident who has written for several Gulf Islands publications.

Frants Attorp
about 13 hours ago



A B.C. Ferries vessel approaches Fulford Harbour on Salt Spring Island. An influx of new residents has caused increasing pressure on Salt Spring's limited water supplies, and voters need to keep the Islands Trust's original mandate in mind when choosing candidates, Frants Attorp writes. DARREN STONE, TIMES COLONIST



Listen to this article
00:04:47

As the drought deepens — about three months now with only scant traces of rain — my wife and I do as always: flush the toilet as few times as possible, take navy showers, and hand-water the garden.

Unlike those living in surrounding urban centres, Gulf Islanders cannot rely on distant watersheds. They must make do with whatever precipitation falls on their little piece of terrain.

Water scarcity is a major reason the islands cannot be developed like any other area.

Another consideration is legislative. The Islands Trust Act was passed by the provincial government in 1974 to protect the Gulf Islands' fragile ecosystems from overdevelopment. It created the Islands Trust with a mandate to "preserve and protect the Trust Area and its unique amenities and environment for the benefit of residents of the Trust Area and the province generally."

In 1974, the spirit and intent of those words was probably clear to everyone. But today, as people pressure mounts, the interpretation is being challenged by those who want fewer restrictions.

They argue that "environment" refers not just to the natural environment, but also the one



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- 4129 Letters Oct. 4: A drawback of wearing masks; how can we preserve Canada's health care?
- 4076 Bear attacks family in B.C., then guards two gravely injured women from rescue: RCMP



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created by humans, and that "unique amenities" covers everything from shops and ferries to subdivisions.

Last year, trustees from all 13 major islands voted 17-8 against a motion to prioritize environmental protection in the new draft policy statement, the umbrella document that will shape the future of the islands.

This happened despite many months of public consultation showing the vast majority of respondents valued the natural beauty of the islands above all.

Then, in yet another blow to the environment, they passed a separate motion extending the Trust's mandate to the "protection of healthy and inclusive communities including, but not limited to, housing and transportation."

In that moment, everything became a priority and the Islands Trust lost its special conservation-oriented focus.

Trust council hoped to adopt a new policy statement this term, but the public consultation process was prolonged amid ongoing controversies about restrictions, and time ran out. This means the wording of the new document — and the fate of the islands — will be determined by trustees elected on Oct. 15.



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The Trust's identity crisis was confirmed by a recent governance review report. It described how trustees can't agree on the meaning of the mandate, and noted "there is no comprehensive analysis of the Trust Area's capacity to sustain current population and activity, or its ability to accommodate more growth and development, especially in light of climate change and other considerations."

The freedom afforded trustees to pick and choose priorities was revealed by the recent approval of a major tourist resort at Fulford Harbour on Salt Spring.

The Local Trust Committee, which includes Peter Luckham, chair of Trust Council, and Laura Patrick, who has campaigned to keep interpretation of the mandate "as broad as possible," approved the development permit despite repeated warnings from their own experts that the project, between two fish-bearing streams, could pollute the marine environment.

Trustees dismissed a hydrologist report labelling the site "coastal flood hazard land" unsuitable for a septic system, and didn't even discuss the Trust's Climate Emergency

Declaration passed in 2019.

Then came proposed Bylaw 530 to blanket rezone most of Salt Spring to allow for thousands more suites and full-time cottages. The bylaw has been widely criticized for violating basic principles of the Official Community Plan, and having long-term deleterious effects while providing few benefits in terms of affordable housing.

Trust lawyers said the bylaw requires an OCP amendment, but trustees decided to skip that crucial step – one that would have triggered a broader discussion about carrying capacity, settlement patterns, strategies for dealing with a never-ending housing crisis, and Islands Trust responsibilities. Only a letter of concern from Tsawout First Nations put the bylaw on pause.

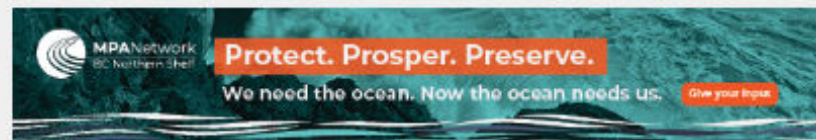
Adam Olsen, MLA for Saanich North and the Islands, says the provincial speculation and vacancy tax should be extended to Salt Spring to help alleviate the housing crisis, and that increasing densities on the island should be strictly limited because of water scarcity.

The future of the islands should not be left to the devices of individual trustees. It's up to the province to decide if the Gulf Islands are a provincial treasure that needs to be protected in perpetuity, and if so, to tighten the wording of the act and ensure the mandate is properly implemented.

On Oct. 15, voters in the Trust Area must go to the polls with one question in mind: Who will help save the Islands Trust?

>>> To comment on this article, write a letter to the editor: letters@timescolonist.com

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From: Nathan Roberson <[REDACTED]>
Sent: Wednesday, October 12, 2022 9:11 AM
To: Rob Pingle
Subject: Re: Salt Spring Agricultural Advisory Planning Committee meetings

Hi Rob -

Thank you for your message.

I am actually going to be leaving the island imminently, therefore I need to respectfully resign from my position on the committee.

Thanks for following up.

Be well!

On Wed, Oct 12, 2022 at 8:56 AM Rob Pingle <rpingle@islandstrust.bc.ca> wrote:

Hello,

At the Salt Spring Local Trust Committee meeting no referrals were made to your committee. The LTC also canceled their November meeting so the committee will not have another possible meeting until January 5. I will send a notice after the Dec 13 LTC meeting regarding that.

You may also recall a special meeting between the LTC, AAPC and Ag Alliance was also scheduled to occur in November but due to the election cycle that will not be going ahead.

Let me know if you have any questions.

Take care, rob

Rob Pingle

Planning Team Assistant

Islands Trust

1-500 Lower Ganges Road | Salt Spring Island, BC V8K 2N8

Phone: 250-538-5600 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək̓'wəḡən, Lyackson, MÁLEXEE, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəx̣ʷ, Scia'new, səlilwətəʔl, SEMYOME, shíshálh, Sḵwəxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, STÁUTW, Stz'uminus, łaʔəmen, toq qaymíx̣ʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLEEP, WSIKEM, Xeláltxw, Xwémalhkwu/ʔop qaymíx̣ʷ, and x̣ʷməθḳʷəỵəm.

--

Nathan D. Roberson, PhD

From: Lindsay Whalen <[REDACTED]>
Sent: Thursday, October 27, 2022 10:02 AM
To: SSIIInfo
Cc: Peter Grove; Peter Luckham; Laura Patrick
Subject: RWith All Due Respect!

To the Salt Spring Island Trustees **servng this community!**
October 26 - 2022

This is a link to the **EMF Academy** which specifically outlines, among other details, the hazards and health and welfare threats to humans, animals and our environment of 5G towers (and WiFi). Call me audacious, I can wear that mantle. However, in reading the latest update (October 11 - 2022) where comments and concerns by the 'Island's Trust' regarding the threat of a 5G tower on **Channel Ridge** were expressed, I thought a deeper clarification may be appropriate.

Why?

Because of widely held assumptions mentioned in your comments that 400 ft. is safe from EMF.

The main link - throughly, detailed reseach

[REDACTED]

Details about 5G towers, specifically re: WiFi

[REDACTED]

This diagram example is the 'tip of the proverbial iceberg' of studies that have been done regarding 5G towers, which were carried out in France, but are applicable wherever they are erected. Cancers, **brain tumours** and a **myriad of other health**

issues are part of the bigger picture.....refer to document links below!!!

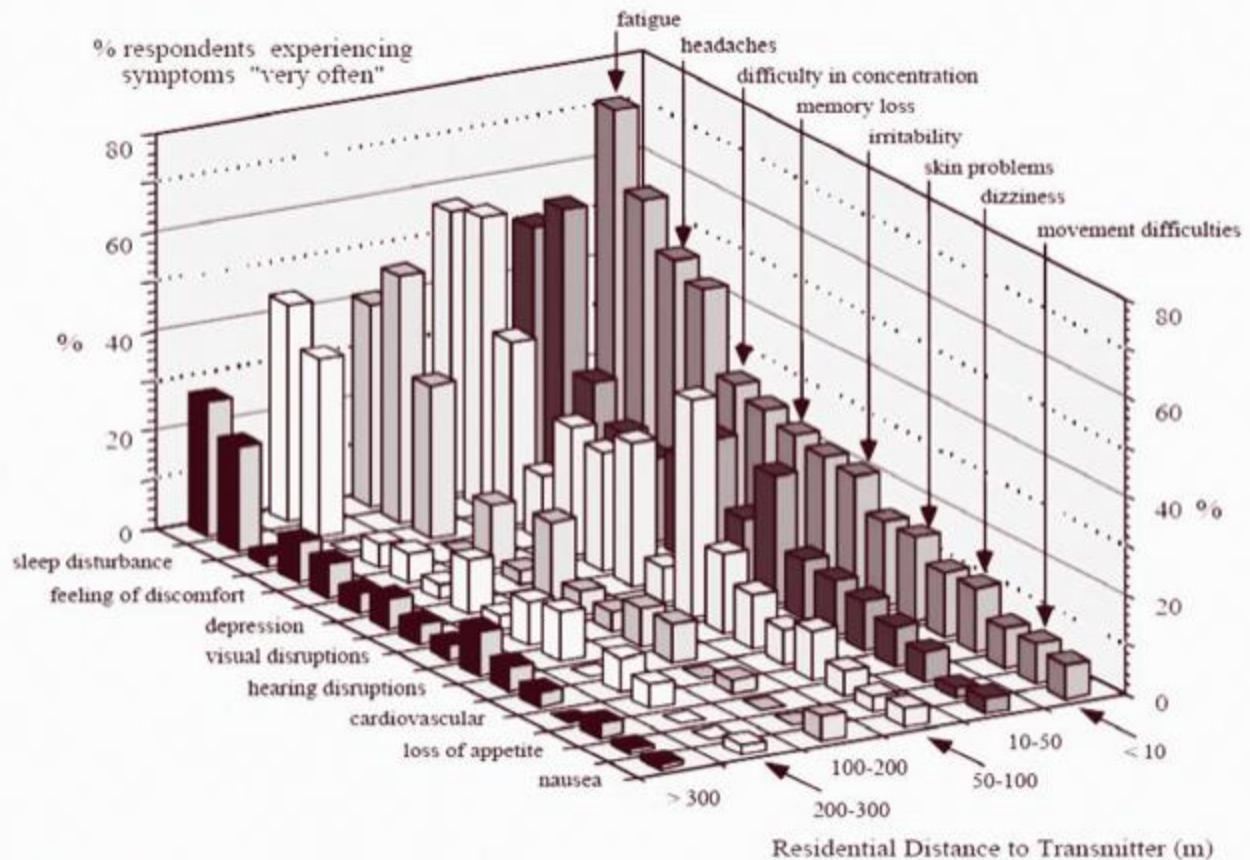


Figure 9. Response of residents living in the vicinity of a cellular phone base station in France.

More Specifically:

RE: Innovation, Science and Economic Development (ISED)

I am commenting regarding Canada Gazette, Part I, Volume 156, Number 25, June 18, 2022, Notice No. SPB-001-22: Consultation on a Policy and Licensing Framework for Spectrum in the 26, 28 and 38 GHz Bands.

Please understand that until the health and safety of Canadians and of the environment is ensured I am strongly opposed to 5G expansion. **Please** place a moratorium on the 5G idea and all future auctions and releases.

Please see the following links for how and why this should be done.

I fully support this Joint Statement:

[Redacted]

Reasons for my opposition include:

[Redacted]

Six reasons for a moratorium:

1. **There has been no research** on the long-term health effects of mmWaves.

2. **There is strong scientific evidence** that radiation from current (pre-5G) wireless technologies causes serious adverse effects (5G will worsen the existing problems).

3. **Health Canada's exposure guidelines (*Safety Code 6*) do not protect Canadians.**

4. Industry, Science and Economic Development Canada (ISED) **is neither monitoring exposures nor enforcing industry compliance** with emissions standards.

5. 5G wireless networks will also **increase risks to privacy and cybersecurity**, interfere with critical satellite data **setting weather forecasting accuracy back 40 years**; contribute significantly to **climate change and pollution**; and **increase economic burdens** as a consequence of higher healthcare costs, lost productivity, security and privacy breaches, and agricultural and environmental damage.

6. Releasing the mmWave spectrum and encouraging the deployment of 5G technologies **contravenes principles of *Canada's Digital Charter***.

A very serious and conscious effort needs to be exerted for the safety, well being and health of all Canadians.

Please consider this wisely.

Thank-you for your time and consideration,

Lindsay Whalen (Salt Spring Is. resident)

From: Oona McOuat <[REDACTED]>
Sent: Thursday, October 27, 2022 8:24 PM
To: STS DGSO / DGOGS SST (IC)
Cc: ELizabeth May; Elizabeth - M.P. May; Elizabeth - M.P. May; Peter Luckham; Laura Patrick; SSInfo; francois-philippe.champagne@parl.gc.ca; simon.kennedy@ised-isde.gc.ca; Gail Sjuberg
Subject: Re: Rogers Communication Inc. (Rogers) tower proposal W2716 at Channel Ridge, Salt Spring Island

Dear M. Rochon,

Thank you for today's reply to my letter of September 8th, 2022.

In your letter, found below, you state the:

" ... (CPC-2-0-03) requires proponents to first contact the municipality to determine the local consultation requirements when they intend to propose a new tower structure."

and

"...the Salt Spring Island Land Trust Committee (SSLTC), as the land-use authority, directed Cypress Land Services (Cypress), an agent of Rogers, to use the ISED default public consultation process listed in CPC 2-0-03."

As you are aware, the CPC-2-0-03 requires proponents to contact LUA's:

"to determine the local consultation requirements and to discuss local preferences regarding antenna system siting."

Given that Salt Spring's 2001 antenna siting protocol was in effect at the time of the Channel Ridge tower application, the land use preferences and stipulations it contains were *required* to be followed by both the LUA and Rogers, the proponent, which did not occur.

By not enforcing this protocol, which they had put in place by resolution, the Salt Spring Local Trust Committee (LTC) made a serious procedural mistake. Further, the LTC erroneously believed that ISED had the authority to and had in fact revoked this 2001 policy. Plus, both the LTC and Rogers stated they were following the "Model Strategy for Antenna Systems" (called the "Islands Trust draft Model Public Consultation Protocol for Local trust Areas" by Rogers) for this siting, a policy which had not yet been passed by resolution by the LTC.

There has been quite a quagmire of inaccuracies and misinformation in this siting process, with nothing in the public record pointing to ISED's default policy being the appropriate or agreed upon protocol for this application.

Clearly, the procedural errors noted above offer the validation for rescindment the LTC was directed to provide by ISED's *Regional Spectrum Management & Telecommunications branch* in their letter of October 13, 2021:

"Good day Kristine. Rescinding a letter of concurrence is not typical in situations such as this. If you believe that the LTC based its decision on inaccurate or incomplete information then you may be able to consider this action,..."

The 2001 siting protocol which was in effect on Salt Spring at the time of this siting application contained very specific requirements for antennas proposed within 500 meters of places with continuous human activity. These requirements were not followed in this Rogers Channel Ridge residential neighbourhood siting.

Even if the proponent was guided by the LTC to adhere to the default public consultation process contained in the CPC 2-0-03, the *land use related contents* of the 2001 policy should have been followed.

M. Rochon - could you please provide written documentation which supports your claim that the LUA directed Rogers to use the ISED default public consultation and land use process contained in the CPC 2-0-03 for this siting?

As noted above, this assertion contradicts what can be found in the public record.

The July 27, 2021 Salt Spring Trust Staff report states:

In preliminary discussions with staff, the proponent was advised the SS LTC has not adopted a telecommunications policy following ISED's revoking of the 2001 Procedure for Cellular Phone Antenna Proposals and Letter of Understanding (due to dated procedural guidelines). Staff advised the applicant a Model Strategy for Antenna Systems is presently under consideration by the SS LTC and could serve as a guiding document.

Rogers May 31, 2021 application says:

Please be advised that ROGERS and CREST have completed the public consultation process, following Islands Trust draft Model Public Consultation Protocol for Local trust Areas, as it relates to the proposed wireless antenna installations in the above noted subject line.

I look forward to your prompt reply,

Warmly,
Oona McQuat

Oona McQuat

[Redacted signature block]

[REDACTED]

[REDACTED]

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On Thursday, October 27, 2022 at 10:52:08 a.m. PDT, STS DGSO / DGOGS SST (IC) <ic.stsdgso-dgogsst.ic@ised-isde.gc.ca> wrote:

Dear Oona McOuat:

On behalf of Susan Hart, Director General of the Spectrum Management Operations Branch, Spectrum and Telecommunications Sector, I am writing in response to your email of September 8, 2022 regarding the Rogers Communication Inc. (Rogers) tower proposal W2716 at Channel Ridge, Salt Spring Island, British Columbia.

Innovation, Science and Economic Development (ISED) recognizes that land-use authorities such as municipalities are directly impacted by towers and therefore have a key role to play regarding the location of these structures. Therefore, our collaborative and consultative policy "[CPC-2-0-03 Radiocommunication and Broadcasting Antenna Systems](#)" (CPC-2-0-03) requires proponents to first contact the municipality to determine the local consultation requirements when they intend to propose a new tower structure.

In the case of this tower proposal, the Salt Spring Island Land Trust Committee (SSLTC), as the land-use authority, directed Cypress Land Services (Cypress), an agent of Rogers, to use the ISED default public consultation process listed in CPC 2-0-03. ISED reviewed the public consultation process conducted by Cypress and found that the consultation process was properly administered and conducted in compliance with the CPC-2-0-03. Since the regulatory processes were properly followed, ISED will not intervene further and considers this matter closed.

Thank you for taking the time to follow-up with the Department.

Yours sincerely,

Marc-André Rochon,

Senior Director, Spectrum Management Operations Branch

Spectrum and Telecommunications Sector

From: Oona McOuat <[REDACTED]>

Sent: September 8, 2022 2:16 PM

To: STS DGSO / DGOGS SST (IC) <ic.stsdgso-dgogssst.ic@ised-isde.gc.ca>

Cc: SSIInfo <ssiinfo@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; Peter Grove Islands Trust <pgrove@islandstrust.bc.ca>; Peter Luckham <pluckham@islandstrust.bc.ca>; David Marlor <dmarlor@islandstrust.bc.ca>; Stefan Cermak <scermak@islandstrust.bc.ca>; Gail Sjuberg <gsjuberg@gulfislandsdriftwood.com>; Elizabeth - M.P. May <elizabeth.may.c1@parl.gc.ca>; Elizabeth - M.P. May <elizabeth.may@parl.gc.ca>; Kennedy, Simon (he, him, his | il, le, lui) (ISED/ISDE) <Simon.Kennedy@ised-isde.gc.ca>; francois-philippe.champagne@parl.gc.ca

Subject: Re: Rogers Communication Inc. (Rogers) tower proposal W2716 at Channel Ridge, Salt Spring Island

Attention: Susan Hart, Executive Director General, Spectrum Management Operations Branch, Spectrum and Telecommunications Sector

Dear Ms. Hart,

Thank you for your letter of August 30th, 2022, found below.

In regards to the Rogers-Channel Ridge, Salt Spring cell tower application, in it you say:

"ISED also confirmed with the Salt Spring Island Land Trust Committee (SSLTC), as the land-use authority, that they deemed their 2001 Cellular Antennae Proposal Form and Procedural Guideline to be obsolete at the time."

This statement is troubling, to say the least, as a Salt Spring Local Trust Committee (SS LTC) staff report contained in the agenda package for the July 27, 2021 LTC meeting states:

"In preliminary discussions with staff, the proponent was advised the SS LTC has not adopted a telecommunications policy following ISED's revoking of the 2001 Procedure for Cellular Phone Antenna Proposals and Letter of Understanding (due to dated procedural guidelines).

Clearly either ISED and/or the SS LTC made the decision to disregard the Cellular Antennae Procedural Guideline which the SSI LTC had voted by resolution to adopt on April 26, 2001. Given that it has been confirmed to me by David Marlor, the Director of Local Planning Services for the Islands Trust, that no further resolution either amending or revoking the 2001 policy had been passed at the time the Rogers Channel Ridge application was processed, it is evident the 2001 protocol was the policy that should have been followed for this Rogers-Channel Ridge siting.

That said - there were several requirements contained within that 2001 policy that were not met by the SS LTC or by Rogers, the proponent in this siting. These points can be provided in detail upon your request.

Further, if indeed somehow Section 122 (4) of BC's Community Charter could be overridden in this matter, and this 2001 policy could have been cast aside by either ISED or the SS LTC with no formal or documented process having taken place to do so, as communicated to you in detail by my colleague Julian Clark in his email message of September 5, 2022, the other two procedural documents that could have been used in this siting, the "Islands Trust Draft Model Protocol" and ISED's CPC-2-0-03, were not followed either.

Although a letter of concurrence is an agreement between a proponent and a local government and ISED does not generally permit citizens to intervene in antenna siting matters, clearly, public servants and elected officials are required by law and by an unspoken code of ethics to listen and respond to, and act upon, irregularities reported to you by citizens.

I trust you and those with the authority to rectify this situation will do so, thus ensuring that the public retains confidence in those we elect and hire to serve us and the public good,

All the Best,

Oona McOuat

Oona McOuat

[Redacted]

[Redacted]

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On Tuesday, August 30, 2022 at 06:07:29 a.m. PDT, STS DGSO / DGOGS SST (IC) <ic.stsdgso-dgogssst.ic@ised-isde.gc.ca> wrote:

Dear Oona McOuat:

On behalf of the Honourable François-Philippe Champagne, Minister of Innovation, Science and Industry, I would like to thank you for taking the time to share your concerns with us in your email of August 11, 2022 regarding the Rogers Communication Inc. (Rogers) tower proposal W2716 at Channel Ridge, Salt Spring Island, British Columbia.

Innovation, Science and Economic Development (ISED) Canada recognizes the need to have a collaborative and consultative policy with respect to antenna-supporting

structures. To facilitate this, our document entitled “[CPC-2-0-03 Radiocommunication and Broadcasting Antenna Systems](#)” (CPC-2-0-03) was established to set out the procedures to be followed by all radiocommunication operators, including providers of cell phone services, broadcasters and public utilities. These procedures include the requirement for the proponent of an antenna system to respond to all reasonable and relevant concerns received during the public consultation process.

CPC-2-0-03 requires that proponents consult with municipalities and notify local residents before an antenna structure is installed. The consultation process provides the opportunity for municipalities to make an informed decision regarding providing their concurrence for the proposed antenna structure. ISED does not become involved in the process unless requested by the land-use authority (LUA) or the proponent.

In regards to the Rogers tower proposal at Channel Ridge, Salt Spring Island, Rogers conducted a public consultation process through its agent, Cypress Land Services (Cypress), using the ISED default public consultation process as outlined in CPC-2-0-03. ISED also confirmed with the Salt Spring Island Land Trust Committee (SSLTC), as the land-use authority, that they deemed their 2001 Cellular Antennae Proposal Form and Procedural Guideline to be obsolete at the time. As such, the SSLTC instructed Rogers to proceed with the ISED default consultation process, as per CPC-2-0-03, but with some additional elements to meet SSLTC’s new requirements. On August 19, 2021, the SSLTC provided concurrence regarding this tower proposal.

Since then, ISED has reviewed the public consultation process conducted by Cypress and found that the process was properly administered and conducted in compliance with the CPC-2-0-03. ISED has also determined that Cypress and Rogers took measures which exceeded our requirements. As such, ISED determined that the regulatory processes have been properly followed.

I encourage you to remain engaged in the process and communicate any further concerns to the SSLTC or Rogers.

Thank you for taking the time to share your concerns with the Department.

Sincerely,

Susan Hart

Executive Director General, Spectrum Management Operations Branch

Spectrum and Telecommunications Sector



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700 North Road
Gabriola Island, BC V0R 1X3
Ph: 250-247-2063
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PENDER, SATURNA, SOUTH
PENDER

Salt Spring Office
1 – 500 Lower-Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
SALT SPRING

08 November 2022

IT File: SS-CELLA 2020.1

Rogers Communications Inc.
c/o Michael Krenz

[Delivered via email to Michael.Krenz@rci.rogers.ca]

Dear Michael Krenz,

Re: Wireless Telecommunication Site at Channel Ridge (W2716 - North Saltspring Island)
PID: 000-638-391
Legal: SECTION 13, RANGE 2 WEST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT EXCEPT PARCEL A (DD 100250-I), PLAN VIP61967, VIP68921, VIP73646, VIP76155, VIP83807 AND EPP16666

This letter is to advise you that the following resolution was passed by the Salt Spring Island Local Committee at their meeting of October 11, 2022:

SS-2022-167

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request Chair Luckham to write a letter to Rogers concerning the Salt Spring Island Local Trust Committee's rescindment of the tower siting concurrence decision.

CARRIED

In accordance with the above and previous resolutions, please be advised that the LTC stands by its decision to rescind concurrence, and that any development activities associated with the construction of the wireless telecommunication site at Channel Ridge should be suspended. If Rogers wishes to proceed with the antenna siting, we advise you to begin a dispute resolution process through ITSD as permitted through the application process. Please acknowledge receipt of this confirmation of the LTC's position and request.

I further reiterate that the LTC does not concur with the Rogers tower siting in Channel Ridge, and that we have advised that you reconsider siting any future antenna system with consideration for the Salt Spring Island Local Trust Committee Antenna System Siting & Consultation Protocol.

Please do not hesitate to contact the Salt Spring Islands Trust office at (250) 537-9144 should you have any questions.

Regards,

A handwritten signature in black ink, appearing to read 'P Luckham', written in a cursive style.

Peter Luckham
Chair, Salt Spring Island Local Trust Committee

Cc: Ken Pugente, ISED Canada
Samuel Sugita, Rogers Communications Inc.
Gordon Horth, CREST Emergency Communications

From: Chris Hutton <chutton@islandstrust.bc.ca>
Sent: Tuesday, November 8, 2022 12:13 PM
To: [REDACTED]
Subject: RE: Salt Spring Island Road Safety and Maintenance

Hello Bernard,

Per our conversation, the new Local Trust Committee for Salt Spring should be in place November 20, 2022.

I am not sure how long it will take for our [Salt Spring Island LTC website](#) to be updated, but if you scroll down, you can see our current Local Trust Committee and contact info. You will be able to see the new in the same place sometime in late November/early December.

I will forward this correspondence for inclusion on the next LTC Meeting agenda.

Chris Hutton, RPP, MCIP (he/him)
Regional Planning Manager
Islands Trust | 250-538-5608

From: bernard crotty <[REDACTED]>
Sent: Sunday, November 6, 2022 1:45 PM
To: SSIInfo <ssiinfo@islandstrust.bc.ca>
Subject: Fw: Salt Spring Island Road Safety and Maintenance

Hi, Adam Olsen, MLA requested that I forward the below Island Trust Trustees and planning/development staff.

Our discussion relates to my reach out with respect to maintenance and improvements to Morningside Road

I am not sure who this involves given the election etc and I am wondering if you can assist.

Thx

Bernard Crotty
[REDACTED]

----- Forwarded Message -----

From: Olsen.MLA, Adam <adam.olsen.mla@leg.bc.ca>
To: bernard crotty <[REDACTED]>
Sent: Sunday, November 6, 2022 at 01:20:31 PM EST
Subject: RE: Salt Spring Island Road Safety and Maintenance

Hello Bernard,

Please forward this to both the Islands Trustees and the staff in the planning and development departments. Owen is correct that most of the new infrastructure is a result of applications.

I recognize the contribution that you and other residents make through your property taxes. Unfortunately, much of the resources goes to maintenance rather than new builds but we have seen the new construction funds in recent years get sucked up by the project to build the new highway out to Sooke.

I will raise this the next time I meet with Ministry staff.

Regards,

Adam Olsen (he/him)

Member of the Legislative Assembly

Saanich North and the Islands

BC Green Party Caucus

[Website](#) | [Facebook](#) | [Twitter](#)

Constituency Office

9828 Fourth St., Sidney, BC V8L 2Z3

Phone: 250-655-5600 | Fax: (250) 655-7398

Legislative Office

Room 101 Parliament Buildings

Victoria, BC V8V 1X4

Phone: (250) 387-8347 | Fax: (250) 387-8338

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From: bernard crotty <[REDACTED]>
Sent: November 6, 2022 9:48 AM
To: Olsen.MLA, Adam <Adam.Olsen.MLA@leg.bc.ca>
Subject: Re: Salt Spring Island Road Safety and Maintenance


Thanks for quick response

Couple of questions:

1. Who would you suggest I forward this to at Islands Trust? Is it the Trustees or staff or both?
2. How do we move this up the list of priorities? I find a pay a huge property tax here and receive very little or no services. Seems like a complete disconnect to me.

Would appreciate your thoughts on how to respectfully advance the dialogue.

Bernard Crotty



On Sunday, November 6, 2022 at 12:10:09 PM EST, Olsen.MLA, Adam <adam.olsen.mla@leg.bc.ca> wrote:

Hello Bernard,

Thank you for your email.

Please forward your correspondence to the Islands Trust to ensure they understand and acknowledge the advice that Owen has provided regarding subdivision.

Unfortunately, I do not have an immediate remedy here. The MoTI budget for the South Island region is very limited, a challenge we have been struggling with for years now.

I will raise this issue with Owen the next time we connect to ensure it remains on his list of priorities.

Sincerely,

Adam Olsen (he/him)

Member of the Legislative Assembly

Saanich North and the Islands

BC Green Party Caucus

[Website](#) | [Facebook](#) | [Twitter](#)

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From: bernard crotty <[REDACTED]>
Sent: November 4, 2022 11:49 AM
To: Olsen.MLA, Adam <Adam.Olsen.MLA@leg.bc.ca>
Subject: Salt Spring Island Road Safety and Maintenance

Hi Mr Olsen, [REDACTED] and I own a property at [REDACTED] on Salt Spring Island.

I reached out to the Provincial Ministry re safety issues on Morningside Road including lack of an exit off of Morningside due to ferry traffic, other blockages due to accidents and weather on Morningside and the very high risk of failure of Morningside Road at Weston Creek.

I received the below response which for which I am grateful, and I certainly understand the need to prioritize and time initiatives appropriately.

This being said this is a disaster waiting to happen where everyone on Morningside Road is going to wake up one day and be trapped in their homes. I would very much appreciate your thoughts and help on this issue.

Thank you for your consideration.

Page, Owen TRAN:EX <owen.page@gov.bc.ca>

To:bernard crotty

Cc:directorssi

Thu, Nov 3 at 7:24 PM

Hi Bernard,

Thank you for bringing this to the Ministry's attention.

While I can appreciate the frustration you and your neighbors must experience when trying to reach your community with all the congestion at the ferry terminal, the Ministry does not typically build new road. These days land developers are tasked with new road construction as a condition of subdivisions that the Ministry approves and the Ministry takes the new road into the inventory to own and maintain. The property between Sunnyside Dr. and S. Ridge Dr. is subdividable and the existing layout of road dedication suggests that a future road connection may become a requirement of a future subdivision.

Regarding the culvert at Weston Creek, the Ministry prioritizes replacement based on the condition of the culvert and potential risk to the road. Many of the culverts on SSI are nearing the end of their lifespan so we are actively replacing them with larger culverts to account for increased rainfall due to climate change. However, with limited funding and nearly 1,000 culverts in the Ministry's inventory on Salt Spring Island

alone, only the most high-risk culverts can be replaced annually. I can't speak to exactly where on this list the Weston Creek culvert is, but the next time I visit the island I will ensure to take time to stop for an inspection.

Best Regards,

Owen Page

Roads Area Manager SA1

Ministry of Transportation and Infrastructure

Vancouver Island District

Ph: 236-478-1552



From: Andrew Gaetz <AGaetz@emconservices.ca>
Sent: October 25, 2022 10:56 AM
To: bernard crotty <[REDACTED]>; directorssi <directorssi@crd.bc.ca>
Cc: Page, Owen TRAN:EX <Owen.Page@gov.bc.ca>
Subject: RE: Contact Us - Submission

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi Bernard,

Thank you for better identifying the issue.

Unfortunately, I must report that this issue is beyond the scope of our maintenance agreement and would be better suited as a topic for discussion with Ministry of Transportation and Infrastructure (MoTI).

I have cc'd the MoTI road area manager for Salt Spring Island in this email.

Regards,

Andrew Gaetz

Operations Manager

South Island Division



Ph: 778-698-3582 ext. 357

Check out our website: www.emconservices.ca

Click below to follow our socials:



From: bernard crotty <[REDACTED]>
Sent: October 25, 2022 10:06 AM
To: directorssi <directorssi@crd.bc.ca>; Andrew Gaetz <AGaetz@emconservices.ca>
Subject: Re: Contact Us - Submission

Our issue is broad.

We are concerned about bottlenecks on Morningside particularly at the ferry and think that there should be another exit on Sunnyside to connect out to S Ridge Drive.

Morningside at Weston Creek subject to flooding last year and a couple of times in recent year.

We think improvements and better resiliency needed and want to start the discussion. I know others on Morningside think the same.

The jurisdictional issue is very confusing so looking for help.

Thx

Bernard Crotty
[REDACTED]

On Monday, October 24, 2022 at 09:33:42 PM EDT, Andrew Gaetz <agaetz@emconservices.ca> wrote:

Hi Bernard,

Yes, we (Emcon) are responsible for maintenance on Morningside road and Sunnyside road.

How can I help?

Andrew Gaetz

Operations Manager - Area 1

Emcon Services -South Island Division

686 Ark Road - Malahat, BC

P: 778.698.3582 ext. 357

24 Hr Emergency - 1.866.353.3136

----- Original message -----

From: directorssi <directorssi@crd.bc.ca>

Date: 2022-10-24 5:43 p.m. (GMT-08:00)

To: [REDACTED]

Cc: Andrew Gaetz <AGaetz@emconservices.ca>

Subject: Re: Contact Us - Submission

Hi Bernard, I'm forwarding your request to Andrew Gaetz at Emcon which has the road maintenance contract on SSI. Let me know the outcome.

Regards, Gary

Sent from my iPhone

On Oct 24, 2022, at 1:37 PM, "[REDACTED]" > wrote:

The following message was received through the form at '<https://www.crd.bc.ca/contact-us?r=gary-holman>'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
Bernard Crotty

Your Email Address:

[Redacted]

Message:

Wondering if you can point me in the right direction re road maintenance and improvement with respect to Morningside Road and Sunnyside Road. Assume it is the Province but not sure where to go.

Submitted at:10/24/2022 1:37:39 PM

Submitted via:<https://www.crd.bc.ca/contact-us?r=gary-holman>

User Agent:Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/106.0.0.0 Safari/537.36
User Host Address:24.69.243.40

Contact Us

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-
-
-
-

Bernard Crotty

[Redacted]

From: Mielle Chandler <[REDACTED]>

Sent: Tuesday, November 29, 2022 5:27 PM

To: Chris Hutton <chutton@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; Jamie Harris <jharris@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; SSIInfo <ssiinfo@islandstrust.bc.ca>; Stefan Cermak <scermak@islandstrust.bc.ca>; Russ Hotsenpiller <rhotsenpiller@islandstrust.bc.ca>

Subject: Re: FW: Housing enforcement eviction

Dear Trustees Laura Patrick, Jamie Harris, and Timothy Peterson,

I am writing to request your intervention in a housing crisis issue.

Thank you for wisely passed legislation protecting citizens from bylaw enforcement evictions during this housing crisis while you work on good housing solutions.

With no appointment or warning, and a month before Christmas, a Capital Regional District (CRD) Enforcement Officer has put a notice on my tenant's beautiful low-impact tiny house, which is parked on our large under-used acreage. The notice says that it is illegal for my tenant to occupy his house.

As the property owner I face up to \$10,000 in fines, up to six months in prison, and jeopardize my relationship with the CRD Building Inspections Office if I don't follow the rules.

I have no choice but to evict my tenant.

[REDACTED] beautiful locally hand-crafted tiny house has provided [REDACTED] a quiet retreat during studies to be a [REDACTED] at the [REDACTED]. The charm of the tiny house has made the land here even more lovely. People smile when they drive by and see it.

This action by the CRD may force my tenant to leave Salt Spring, robbing our community of a valuable member.

Why has my tenant's tiny house been targeted by CRD Enforcement? There are no health or safety issues—I have permits for the electrical and have installed a new septic system.

The CRD notice stipulates that the tiny house on wheels must not be occupied without a permit...yet the CRD does not offer occupancy permits for tiny houses on wheels. How is it that a government can request a citizen obtain a permit which does not exist?

The lack of transparency for citizens issued enforcement notices makes it impossible to know what is really going on or how to prevent future enforcement action. During the height of Covid, Islands Trust Enforcement Officers effectively evicted me, (the new owner), along with two the [REDACTED] who were helping to start a farm on this large rural acreage, for the "unlawful land use" of sleeping in trailers (where else were we supposed to sleep?). This time my trailer has been left alone, and a notice of effective eviction has been placed on the entrance to my tenant's tiny house.

Please look into how the complaint which led to this CRD notice was made. Did it originate from a community member, or did it originate internally from Islands Trust? I have learned that the Islands Trust Bylaw Manager attended my property a couple of weeks ago (I have not been informed of the date) with a CRD officer. As you are all aware, enforcement action against my property has been attempted by Islands Trust at least once a year since I moved here five years ago.

In order to comply with this CRD bylaw notice, I have had to give my tenant notice to vacate.

Please intervene, as this is unfair and not in the interests of keeping good citizens housed.

Thank you,

Mielle Chandler



CAPITAL REGIONAL DISTRICT
BUILDING INSPECTION DIVISION
625 Fisgard Street
PO Box 1000 Victoria BC V8W 2S6
(250) 360-3230
1-866-475-1581

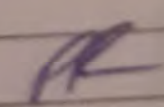
DO NOT OCCUPY NOTICE

IN CONJUNCTION WITH C.R.D. BYLAW #2990 THIS
BUILDING MUST **NOT** BE OCCUPIED UNTIL A
CERTIFICATE OF OCCUPANCY
HAS BEEN ISSUED BY THE CAPITAL REGIONAL DISTRICT
BUILDING INSPECTION DIVISION

Address: [REDACTED]

Permit #: NONE

Date: 24 Nov 2022


Building Inspector

-----Original Message-----

From: directorssi <directorssi@crd.bc.ca>

Sent: Thursday, December 1, 2022 3:54 PM

To: Timothy Peterson <tpeterson@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>;

Jamie Harris <jharris@islandstrust.bc.ca>

Cc: ghorth@crest.ca; Chris Hutton <chutton@islandstrust.bc.ca>; SSI Emergency Coordinator <SSIEPC@crd.bc.ca>

Subject: Channel Ridge Communications Tower

Dear Trustees, I'm writing to suggest that the proposed Rogers Channel Ridge Communications tower be located further away from the residential area.

As you know, I along with other emergency responders on Salt Spring, have supported the Rogers tower on which the CREST emergency telecommunications equipment would be co-located. However, after discussions with some of the residents regarding their concerns, and CREST staff (Executive Director Gordon Horth, copied on this email), I believe that re-location of the tower would be a reasonable compromise that would achieve the same benefits for cell users and emergency responders.

I understand that moving the tower will result in some additional costs to Rogers and possibly CREST, but would allow the project to move forward from what appears to be an intractable stalemate with residents and Islands Trust at present. I also realize that the landowner, Onni, would have to agree to a re-location, but feel that such a gesture on their part would only serve them well in future discussions with the community regarding their development plans.

I will be attending the Local Trust Committee (LTC) town hall on December 13 and will speak to this issue then. I hope that the LTC would consider passing a resolution supporting re-location of the tower at that time. I would be happy to participate in any further discussions with Rogers, CREST and Onni if it would be helpful in resolving this issue.

Regards to all,
Gary Holman
CRD Director, Salt Spring Island

Sent from my iPad

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Please consider the environment before printing this email.

From: Julian Clark <[REDACTED]>

Sent: Monday, November 28, 2022 1:34 PM

To: SSIInfo <ssiinfo@islandstrust.bc.ca>

Cc: Timothy Peterson <tpeterson@islandstrust.bc.ca>; Jamie Harris <jharris@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>

Subject: Request Delegation at December 13, 2022 Regular Meeting

As the spokesperson for the Concerned Residents of Canvasback (CROC), I respectfully request a delegation presentation at the next regular SSI LTC meeting on December 13th. The intent of this delegation would be to:

1. Bring the two new Trustees up to speed on the Rogers cell tower antenna siting proposal, Rogers actions to date and the LTC response
2. Review Past Chair Luckham's letter to Rogers dated November 8, 2022 and review the risks in once again not providing the reasons why the SSI LTC rescinded their original concurrence agreement
3. Request SSI LTC to pursue an injunction preventing Rogers from developing the tower, explain why this is important, review the legal requirements necessary to obtain an injunction and show that the LTC case would meet those requirements.

I look forward to hearing from you as to whether this delegation request has been accepted.

Kind regards,

Julian Clark

On behalf of the Concerned Residents of Canvasback

26 November 2022

To the Members of the Salt Spring Island LTC

Re: Support for Staff Time to support TSS Proposed Project

Dear Trustees Peterson, Harris and Patrick:

I am writing on behalf of the board of Transition Salt Spring in support of the motion passed by the Salt Spring Island Watershed Protection Alliance (SSIWPA) Steering Committee on November 25, 2022, to request that the Islands Trust allocates staff resources to explore a watershed hydrology project at Lake Maxwell.

This request arises from a meeting that TSS Director Dr. Ruth Waldick had with members of the SSIWPA Technical Working Group (TWG) in November. At the meeting, Dr. Waldick outlined the proposal being submitted to the EcoAction Community Funding Program (Environment and Climate Change Canada) to develop nature-based solutions to the chronic and worsening erosion and sedimentation problems caused by legacy ditching which continues to undermine the current Mount Maxwell Road and the Maxwell Lake under heavy rainfall conditions.

Erosion around the road, the ditches and the culvert are resulting in sedimentation into the Rippon Creek, which feeds Lake Maxwell, a water source for 3000 people. North Salt Spring Waterworks District has an interest in the project due to year-on-year exceedances of Public Health water quality thresholds, caused by this sedimentation and contaminants from road runoff.

TSS is asking for assistance from Islands Trust staff and members of the TWG for hydrological and environmental project planning regarding the necessary sediment buffering to protect the water supply. Specifically, we are requesting professionally-guided assistance on the design of a series of stepped water retention areas and wetlands to mitigate erosion and damage from flash flooding into Rippon

and No-name Creeks. Assistance from a senior freshwater specialist, with professional expertise in watershed hydrology needs to be an integral supporting component of the project should TSS receive funding starting summer 2023.

The focus of TSS's work is on GHG emissions reduction and adapting our community to climate change. In Salt Spring forested watersheds this means decreasing risks of wildfire, addressing water supply, contamination, and the increasing stormwater impacts on our natural environment and built infrastructure, particularly our roads and potable water assets. This work will also inform actions needed in other forested areas in the Gulf Islands, where the interface of risk with human habitation is great.

We welcome any questions at Dr. Waldick's upcoming LTC delegation on December 13th in support of the staff motion. Wishing you all a collaborative and productive term together as our community wrestles with several intersecting issues including climate change, environmental degradation and housing access for people with modest means.

Sincerely,



Bryan Young, Board Chair

The Islands Trust Area Carbon Storage Myth

(Caution: Math Ahead)

Delegation to Salt Spring Local Trust Council

David Dunnison

December 2022

Background

“Islands Trust carbon sequestration and storage statistics were derived in 2014 through a contract between a UBC Grad student, Richard Schuster, and the Islands Trust Conservancy”

Source: Frater et al. (Dec 2019). State of the Islands Indicator Project: Final Report. Islands Trust

https://islandstrust.bc.ca/wp-content/uploads/2020/05/TAS_2020-01-22_StateOfTheIsland_FinalReport-with-Survey.pdf

- This was not a research project
- This was not ground-truthed and involved no in-field measurements
- This was not independent research
- This was not peer reviewed nor published in a scientific journal
- There was no overseeing scientific advisor nor any UBC researchers involved
- There was no assessment/comparison of non-CDF zone areas

All Exhibits clearly state, “Produced by Richard Schuster on Behalf of the Islands Trust Fund”

Author Does Not Claim Otherwise

Richard Schuster CV, Carleton University

https://carleton.ca/biology/wp-content/uploads/Richard-Schuster-CV-18_10_10.pdf

“PROFESSIONAL HISTORY

Service Contractor ... 2014 ... Independent contractor

...

- Carbon and biodiversity mapping for the Islands Trust area as well as cost effectiveness analysis of land protection in the Islands Trust area compared with the larger region. (Islands Trust) ...”

Stated Report Conclusions

Stated Conclusion:

“...there is 82% more standing carbon and 43% higher carbon sequestration potential in the IT area than in non IT parts of the CDF...”

Albeit:

“...(data) was not available for areas in the CDF on the Lower Mainland...”

“an adjustment of ... calculations was beyond the scope of this report ... which will most likely over-estimate carbon values”

Source: Schuster, Richard (23 Mar 2014). Carbon and Biodiversity Mapping and Assessment for the Islands Trust Area. Islands Trust Fund. <https://islandstrust.bc.ca/document/carbon-and-biodiversity-mapping-and-assessment-for-the-islands-trust-area/>

Expanding Island Trust Claims

2015: Overstated authorship

“Researchers from the University of British Columbia’s Department of Forest and Conservation Sciences released a report...”
Source: [The Heron. Winter 2014-2015.](#)

2016: Overstated capability and importance

“The forests of the Islands Trust Area have a high carbon storage capacity, with the potential to act as a major sink for carbon produced in the region...” Source: [Islands Trust. Climate Action Revenue Incentive \(CARIP\) Public Report for 2016.](#)

2019: Best in BC

“The forests in the Trust Area actually store and sequester more carbon per hectare than the rest of BC ... the Trust Area islands stand out as exceptional. Trust Area forests sequester unusually high levels of carbon.” Source: [Busheiken, Laura \(2019\). Trustee Notebook.](#)

2020: Best in Canada ... and the world?

“British Columbia ecosystems have some of the highest carbon stores in Canada... Coastal Douglas-fir forests within the Islands Trust Area store and sequester more carbon per hectare than the rest of British Columbia.” Source: [Islands Trust. Protecting the Coastal Douglas Fir Zone, An Islands Trust Toolkit.](#)

Key Rationale for New Policy Statement

“The Trust Area also plays an important role in provincial and national efforts to reduce greenhouse gas emissions by capturing and storing carbon in natural areas...”

Source: Islands Trust (15 July 2021). Islands Trust Council DRAFT Bylaw No. 183 ISLANDS TRUST POLICY STATEMENT BYLAW, 2021.

<https://islandstrust.bc.ca/wp-content/uploads/2021/07/New-Draft-Policy-Statement-Colour-Coded.pdf>

Key Lobbying Claims

“...coastal Douglas-fir ecosystems within the Islands Trust Area store 82 per cent more carbon and have 43 per cent higher carbon sequestration potential than other parts of the region... The most recent Trust Council meeting demonstrated a pervasive hesitancy... Time is running out”

Source: Doll, Shauna and Genoali, Chris; Raincoast Conservation Foundation (2021). Trust must act on climate emergency declaration. Gulf Islands Driftwood. 8 November 2022.

<https://www.gulfislandsdriftwood.com/trust-must-act-on-climate-emergency-declaration/>

“When ranked for... carbon storage capability... the Coastal Douglas-fir is the most important BC ecosystem... carbon sequestration in the Islands Trust area is an average of 82% higher per hectare than in CDF areas elsewhere.”

Source: Law Student Andrew Spear, Articled Student Ruben Tillman, Supervising Lawyer Calvin Sandborn (2020). Legal Measures to Protect the Gulf Islands Coastal Douglas-fir Zone. Environmental Law Centre Clinic Report prepared for Raincoast Conservation Foundation.

<https://elc.uvic.ca/publications/coastal-douglas-fir-forests/>

Unfortunately, the Report Has a Major Error

Calculations in the report adjusted for total area of the Islands Trust Area versus the total area of the Non-IT area (i.e. pro rata by overall area)

- Parking lots, roadways, airports, shopping malls, offices, suburbs, factories, city halls, hotels, lakes, rivers, and other non-forested areas were all factored in as 'forest'
- No direct comparison of actual forest to actual forest
- Results and subsequent conclusions were fundamentally distorted by a simple math relationship error

Data in Schuster's Table 1 Should Leap Out at Reader

The relationship is this simple

- Non-IT Area has 11% more Standing Carbon
- Non-IT Area Sequesters 41% more Carbon

Source: Schuster, Richard (23 Mar 2014). Carbon and Biodiversity Mapping and Assessment for the Islands Trust Area. Islands Trust Fund. Table 1. P 3.

<https://islandstrust.bc.ca/document/carbon-and-biodiversity-mapping-and-assessment-for-the-islands-trust-area/>

Item	CDF	Non Isl. Trust Area	Islands Trust Area	% total in IT
Standing Carbon [t]	24,314,351	12,806,439 Bigger	11,507,913 Smaller	47.3%
Sequestration Potential [t/yr]	459,934	269,355 Much Bigger	190,578 Much Smaller	41.4%

The Math: Non-IT Area Is Superior

Annual Storage Potential Formula:

Sequestration Potential ÷ Standing Carbon = Annual Storage Increment %

Non-IT Area: 269,355 (t/yr) ÷ 12,806,439 (t) = 2.10% increase per year

IT Area: 190,578 (t/yr) ÷ 11,507,913 (t) = 1.66% increase per year

Non-IT Area has a 27% advantage (2.1% vs 1.66%) in Carbon Sequestration

Schuster (2014) data illustrates Non-IT Area is superior at sequestering carbon, both in absolute terms (41%) and in proportional terms (27%)

Sample Island Trust Statements

Starke, Justine (2020). Protecting the Coastal Douglas-fir Zone & Associated Ecosystems An Islands Trust Toolkit. Islands Trust. <https://islandstrust.bc.ca/wp-content/uploads/2020/11/cdf-toolkit-final-web.pdf> “British Columbia ecosystems have some of the highest carbon stores in Canada... Coastal Douglas-fir forests within the Islands Trust Area store and sequester more carbon per hectare than the rest of British Columbia.”

Shelest, Cindy (1 June 2016). Climate Action Revenue Incentive (CARIP) Public Report for 2015. Islands Trust. <https://islandstrust.bc.ca/wp-content/uploads/2021/02/carip2015publicreport.pdf> “The forests of the Islands Trust Area have been identified as having a high carbon storage capacity, with the potential to act as a major sink for carbon produced in the region”

Shelest, Cindy (31 May 2017). Climate Action Revenue Incentive (CARIP) Public Report for 2016. Islands Trust. <https://islandstrust.bc.ca/document/carip-report-for-2016/> “The forests of the Islands Trust Area have a high carbon storage capacity, with the potential to act as a major sink for carbon produced in the region”

Mobbs, Julia (31 May 2018). Climate Action Revenue Incentive (CARIP) Public Report for 2017. Islands Trust. <https://islandstrust.bc.ca/document/carip-report-for-2017/> “The forests of the Islands Trust Area have a high carbon storage capacity, with the potential to act as a major sink for carbon produced in the region”

Mobbs, Julia (1 June 2019). Climate Action Revenue Incentive (CARIP) Public Report for 2018. Islands Trust. https://islandstrust.bc.ca/wp-content/uploads/2020/05/2018_carip_survey_islands-trust.pdf “The forests of the Islands Trust Area have a high carbon storage capacity, with the potential to act as a major sink for carbon produced in the region”

UBC Study: Islands Trust Area Forests are Significant Carbon Sinks. The Heron. Winter 2014-2015 <https://islandstrust.bc.ca/wp-content/uploads/2020/05/itf-heron-winter-2014-2015.pdf> “Researchers from the University of British Columbia’s Department of Forest and Conservation Sciences released a report ... the forests of the Islands Trust area store and sequester more carbon than CDF forests outside the Trust area.”

More Sample Islands Trust Statements

Islands Trust (15 July 2021). Islands Trust Council DRAFT Bylaw No. 183 ISLANDS TRUST POLICY STATEMENT BYLAW, 2021. <https://islandstrust.bc.ca/wp-content/uploads/2021/07/New-Draft-Policy-Statement-Colour-Coded.pdf> “The Trust Area also plays an important role in provincial and national efforts to reduce greenhouse gas emissions by capturing and storing carbon in natural areas...”

Busheiken, Laura (2019). Trustee Notebook. <https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/denman/Trustee%20Articles/2019-08%20Denman's%20Forests%20Climate%20Superstars.pdf> “The forests in the Trust Area actually store and sequester more carbon per hectare than the rest of BC...”

Islands Trust (2021). Islands Trust Annual Report 2019/20. <https://islandstrust.bc.ca/wp-content/uploads/2021/02/islandstrust-2020-annual-report-web.pdf> “The forests of the Islands Trust Area have a high carbon storage capacity, with the potential to act as a major sink for carbon produced in the region”

Islands Trust (2021). Trust Programs Committee Agenda. https://islandstrust.bc.ca/wp-content/uploads/2021/06/TPC_2021-06-15_SM_AGD-PKG_FINAL.pdf “The Trust Area also plays an important role in provincial and national efforts to reduce greenhouse gas emissions by capturing and storing carbon in natural areas”

Islands Trust/Gabriola Housing Working Group (January 2021). Forest Ecosystems, Protected Land, and Groundwater on Gabriola. https://islandstrust.bc.ca/wp-content/uploads/2021/04/gb_2021-04-01-hapc_agd-pkg.pdf “The Coastal Douglas-Fir zone of which Gabriola is part has the highest rate of carbon sequestration of all biogeoclimate zones in BC”

What About Other Research?

There is no other supportive research for these statements

All of these statements about superior carbon sequestration in the IT Area are based solely on the Schuster (2014) report

As confirmed by the Islands Trust, this is literally the case:

“Islands Trust carbon sequestration and storage statistics were derived in 2014 through a contract between a UBC Grad student, Richard Schuster, and the Islands Trust Conservancy”

Source: Frater et al. (Dec 2019). State of the Islands Indicator Project: Final Report. Islands Trust

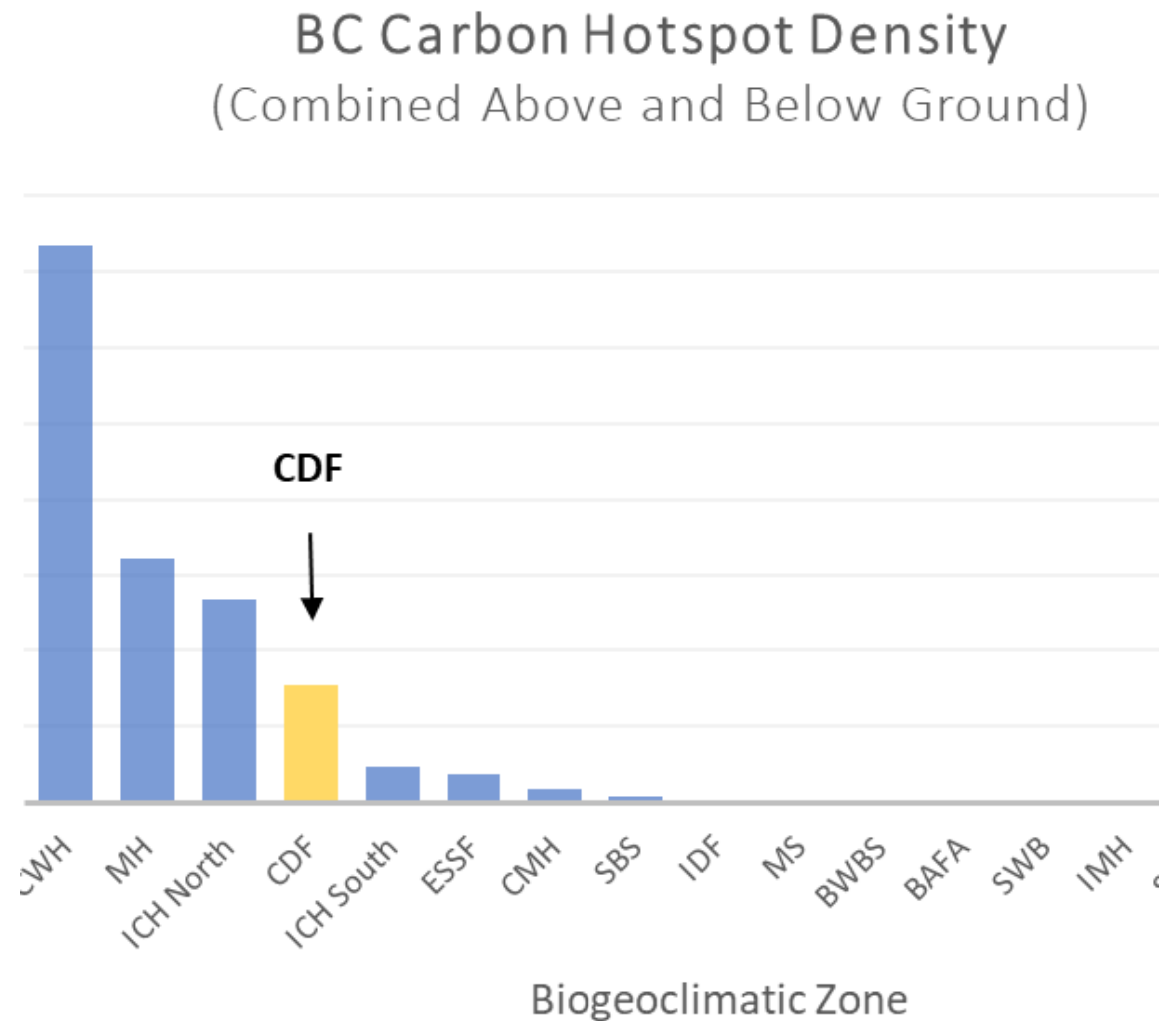
https://islandstrust.bc.ca/wp-content/uploads/2020/05/TAS_2020-01-22_StateOfTheIsland_FinalReport-with-Survey.pdf

CDF Lags In Terms of BC Carbon Hotspot Density

The CDF zone has one-third the carbon hotspot density of the CWH zone, and about one-half that of the Coastal Mountain Hemlock (MH) zone

Source: Ecosystem Services Assessment for British Columbia's Interior Temperate Rainforest, Upper Columbia Region, and Southern Mountain Caribou Populations

<https://130ncw3ap53r1mtmx23gorrc-wpengine.netdna-ssl.com/wp-content/uploads/sites/69/2021/03/10.2020-ecosystem-services.pdf>

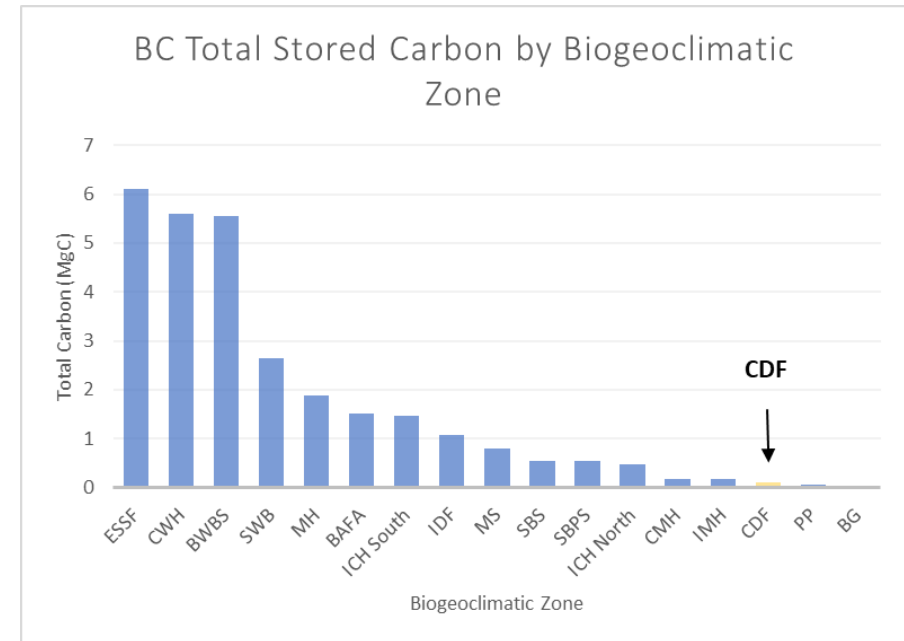


CDF Carbon Storage a Non-Factor

The CDF zone is insignificant in terms of total stored carbon with ~0.3% of BC's total

Source: Ecosystem Services Assessment for British Columbia's Interior Temperate Rainforest, Upper Columbia Region, and Southern Mountain Caribou Populations

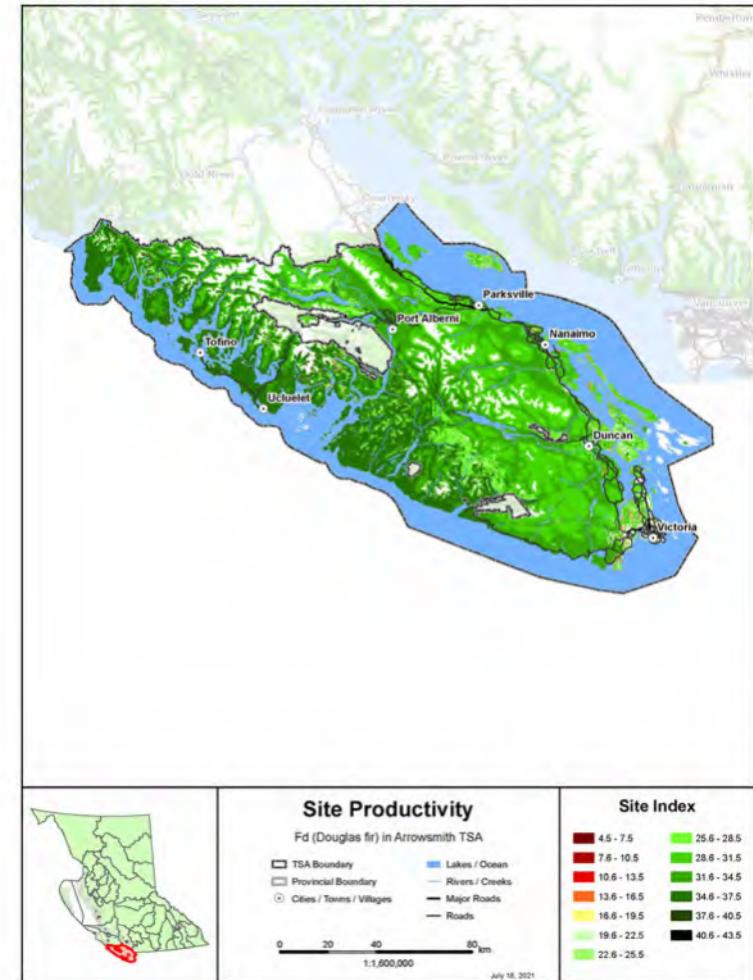
<https://130ncw3ap53r1mtmx23gorrc-wpengine.netdna-ssl.com/wp-content/uploads/sites/69/2021/03/10.2020-ecosystem-services.pdf>



IT Area Has Lowest Forest Productivity in Region

Carbon Storage capability is directly related to Site Productivity/Site Index

Source: BC Ministry of Forests. PM/TEM Data for Site Productivity Layer, Version 8 (2021-07-23).
<https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/forest-inventory/site-productivity/provincial-site-productivity-layer>



CDF Carbon Storage Limited by Available Water

“(In BC Douglas-fir forests) total ecosystem C (Carbon), C stored aboveground (sum of live and dead trees of all sizes, downed woody debris, stumps, vegetation), and C stored belowground (sum of roots, forest floor, mineral soil) all significantly increased with increasing mean annual precipitation and decreasing aridity.”

“As aridity (dryness) increased... Douglas-fir site index declined from 30 to 15 m, and ecosystem carbon storage decreased from 565 to 222 Mg/ha”

The Schuster (2014) data, illustrating that the Non-IT Area is superior to the IT Area, is consistent with this research

Source: Winnifred Jean Roach, **Suzanne Simard**, Camille Defrenne, Brian Pickles, Les M. Javkulich and Teresa Ryan (2021). Tree Diversity, Site Index, and Carbon Storage Decrease With Aridity in Douglas-Fir Forests in Western Canada. *Front. For. Glob. Change*. Vol 4.

<https://www.frontiersin.org/articles/10.3389/ffgc.2021.682076/full>

Yes, That Suzanne Simard



FINDING THE MOTHER TREE

Discovering the
Wisdom of the Forest

SUZANNE SIMARD

IT Carbon Storage Myth: Summary

- A math relationship mistake was made in a 2014 study conducted for the Islands Trust
- The stated conclusions were in error
- Those errant conclusions have been embellished ever since
- Integrity and honour are pillars of the Islands Trust's [Standards of Conduct](#)
- We need to stop spreading this misinformation
- We should exercise caution when lobbyists amplify the mistake

File No.: SS-TUP-2022.4
X-Ref: SS-RZ-2022.2
SS-TUP-2019.6
SS-TUP-2016.1

DATE OF MEETING: December 13, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
SUBJECT: Renewal of Temporary Use Permit
Applicant: Chris Leier c/o Gulf of Georgia Land and Timber Co.
Location: 151 Lower Ganges Road

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of Temporary Use Permit renewal SS-TUP-2022.4 for a period of three (3) years (151 Lower Ganges Road).

REPORT SUMMARY

The purpose of this report is to present a Temporary Use Permit (TUP) renewal application for a range of commercial uses on the subject property and adjacent (filled) public foreshore that were authorized under SS-TUP-2019.6.

Staff concurs with the 2019 recommendation to deny issuing the TUP and would apply the same assessment to the current application. However, as a rezoning application has now been submitted, the above recommendation would permit the uses to continue while providing an adequate timeframe for that process to complete; or, if the rezoning is unsuccessful, for the owner to transition the uses on the property to comply with current zoning.

BACKGROUND

Temporary Use Permits - General

A temporary use permit is a mechanism that allows a use(s) not permitted by zoning, to specify conditions under which the use(s) may be carried on such as hours of operation, parking, pedestrian circulation, etc., and to regulate the siting of buildings or structures. A TUP can serve the purpose of facilitating a short term use, either a use that is intended to be ephemeral, or, in this case, allowing uses to be initiated while determining their compatibility for the property through the rezoning process.

TUPs are issued at the discretion of the Local Trust Committee (LTC) under the *Local Government Act (LGA)*. They can be issued for a maximum of three (3) years and renewed once without notification to neighbours for a further three (3) years¹.

With TUP renewal applications the LTC can opt to renew or deny a permit, however, they cannot change any condition(s) without notification to neighbouring properties. The one option the LTC has is to assign the valid period of the renewal permit for up to three (3) years.

TUPs are not intended to be used to indefinitely continue land use(s) through a series of application, renewal and reapplication. Doing so can result in those uses becoming established and entrenched without a comprehensive rezoning process of reporting, review, analysis, and statutory consultation. As such, the expectation is that a rezoning application should be made within in a reasonable time frame in order to use the permit's valid period to legalize uses.

Specific Application

The current TUP application was reviewed and approved for issuance for three (3) years at the November 26, 2019 LTC Regular Meeting. For background and context, and given the scope the property's land use issues and the local planning context, the full staff report ('2019 staff report') and attachments have been posted online here: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/>

The uses permitted with the current TUP² were structured to be generally consistent with those permitted with the Commercial 1 (C1) zone and the Industrial 1 (I 1) zone that was in place at the time. The specific uses and their locations are shown on Figure 2 and are as follows:

- *Indoor and outdoor retail sales and rentals*
- *Indoor retail services*
- *Indoor production of food and drink items, clothing, crafts, artwork, jewelry, and similar items for retail and wholesale sales, on or off the premises*
- *Offices*
- *Restaurants*
- *Storage and rental of kayaks*
- *Sales of shipping containers*
- *Storage in shipping containers*
- *Artisan use and sales in shipping containers*

The applicant is a new owner of the property and has applied in order to continue to comply with land use regulations, afford the time to provide a comprehensive plan for the property and the adjacent marine (water licence) area. He has confirmed that there has been no change in use in the past three years and they are not requesting any further changes with this renewal application.

¹ TUP Guidelines in the Official Community Plan 434, 2008, specify a maximum of two (2) years, with one renewal of two (2) years.

² The minutes from the November 26, 2019 meeting indicate that the proposed TUP was amended by the LTC to remove the 'food and drink truck' use before being approved for issuance.

The property and adjacent foreshore ('property') has a lengthy history with the incremental addition of uses permitted through a series of TUPs and renewals that extend back over twenty years. The current and previous owner/applicant maintain that the current zoning of the existing building does not reflect the uses that have occurred there for the past several decades, and that the Shoreline 6 zone on the filled foreshore area is not appropriate since the water area is now effectively land, not sea. The land use planning context is further complicated given current policies, past and continuing Island Trust and CRD projects, First Nations interests and past actions on the property (see 'Issues and Opportunities' - below).

Staff is of the opinion that a rezoning application is required as a condition of support for the renewal application in order to ensure land use issues are legalized through the appropriate, comprehensive rezoning process.

A rezoning application for the upland and adjacent water lease area was received by the Islands Trust on November 28, 2022.

The proposed renewal TUP is Attachment 1.

Staff conducted a site inspection on November 24, 2022.

Figure 1: Subject Property (Orthophoto 2021)



ANALYSIS

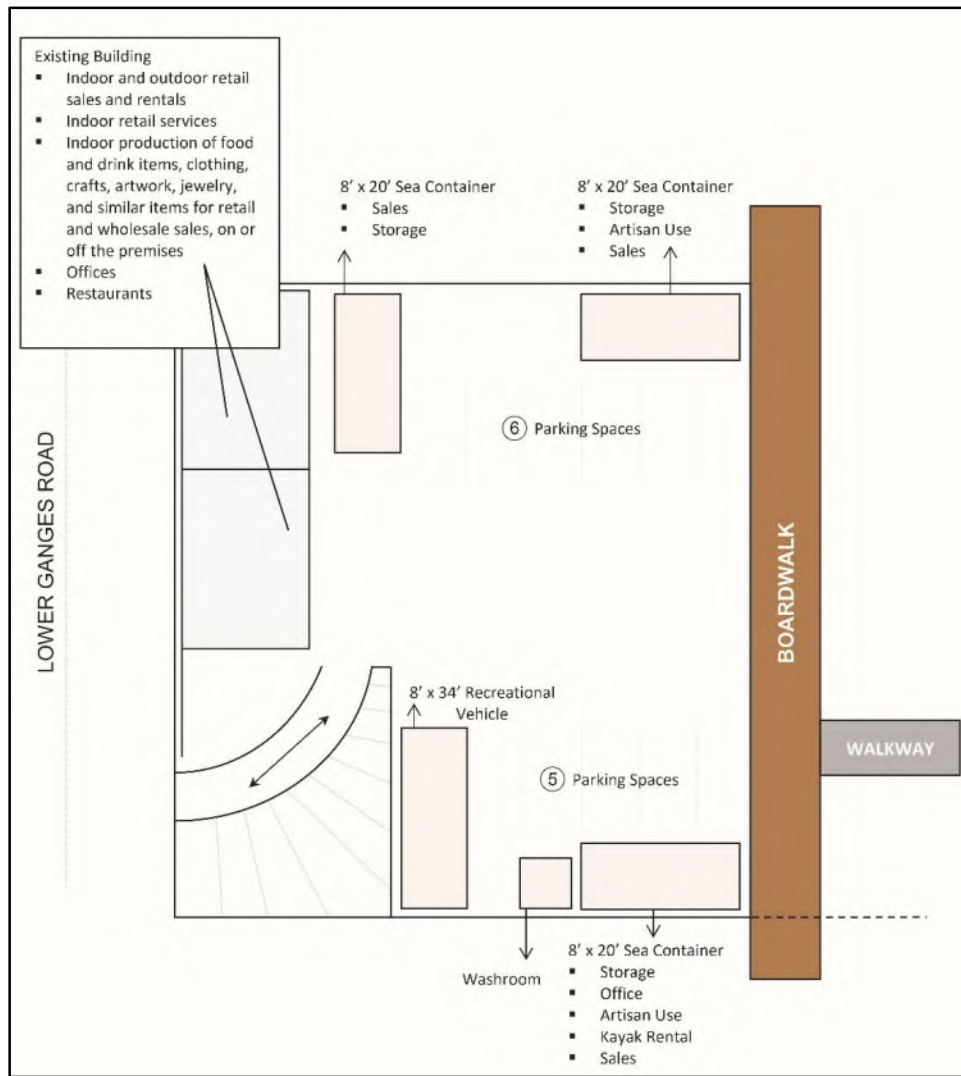
Official Community Plan:

The upland portion of the lot is designated **Ganges Village Core (GVC)**. The filled shoreline portion of the lot is designated **Marine Other (MO)**.

The GVC designation is intended to ensure that Ganges remains the commercial, social, cultural and institutional hub of the island, and that it does so in a pedestrian- and bicycle-friendly way that respects the Island's heritage. This designation has the objective to make the village attractive to visitors and residents.

The MO designation is generally consistent with zoning adjacent to residential properties that would permit construction of a dock for residential, but not commercial, use of the adjacent property.

Figure 2 – Site Plan



Temporary Use Permit Guidelines

Appendix 6 of the 2019 staff report provides an assessment of proposal relative to the OCP’s guidelines for TUPs. In summary, the TUP as issued is not consistent with several guidelines.

Development Permit Areas (DPAs)

The SS-TUP-2019.6 and this renewal application do not require a development permit application. However, the 2019 staff report highlighted the OCP’s Temporary Use Permit guideline G.1.3.2 which states that “Permit conditions should be generally consistent with applicable Development Permit Area guidelines.” As in the Appendices 7 and 8, of the 2019 staff report the application, is not consistent with the guidelines.

Development permit (SS-89-23) for the form and character of the boardwalk construction was issued in 1989, and references Crown Land authorization to fill the shoreline. The current TUP does not comply with the one DP condition that the fill area “... be seeded with rye grass and clover.”

Land Use Bylaw:

The subject property is split zoned (Figure 1). The upland portion of the lot is zoned **General Employment 1 (GE1)**. The filled portion is zoned **Shoreline 6 (S6)** as is the adjacent water area. Attachment 2 provides a comparison table for the uses permitted by the TUP, to those with the former In2 and new G2 (adopted in 2020 - see below) and the S6 zone. The *food retail* use of the building has legal-non-conforming status³.

The commercial use of the moorage facility is not legal in the S6 zone and is not part of the TUP. It is undetermined whether that use has legal non-conforming status, a matter which should be addressed through the rezoning application.

Issues and Opportunities

Applicant's Rationale

The stated rationale for the proposed renewal is to comply with land use regulation, and to afford a reasonable timeframe to provide a comprehensive plan for the property and the adjacent marine (water licence) area, and to bring forward any necessary land use applications.

Staff considers the rationale as reasonable, particularly as a rezoning application has been received.

Compliance with issued TUP

Staff contacted the applicants requesting confirmation that all uses are consistent with those permitted and that all conditions have been complied with over the three year period of the TUP. The applicant has confirmed in writing that they have adhered to all the foregoing.

Rezoning Application

The rezoning application (SS-RZ-2022.2) will facilitate the proper review, analysis, and agency, community and First Nations input. That application will also be informed by local area planning initiatives and projects (below). The recommended renewal period of three (3) years exceeds the OCP TUP guideline of a maximum two (2) years, however a longer timeframe is recommended to ensure that a rezoning to be concluded and/or for uses to otherwise be brought in to compliance.

³ The owners possess a letter from a former Salt Spring Island Regional Planning Manager stating that retail sales in the existing building is deemed to be a lawfully non-conforming use under Sec. 528 of the *Local Government Act*. As such, without a valid TUP or rezoning, the use would be permitted so long as it is not discontinued for a period of six months or more. This would permit food retail (such as *The Fishery*), but not such uses as restaurants or food production.

Specific Land Use Issues /Current Policy and Regulation

As above, the 2019 staff report identifies and expands upon numerous issues and summarized as follows:

- Site design and landscaping are inconsistent with applicable development permit area guidelines and the current development permit for the property;
- The uses are inconsistent with several Temporary Use Permit guidelines;
- Parking is insufficient to satisfy LUB requirements
- Structures and uses on the filled foreshore authorized by the permit are accessory to marine uses that are inconsistent with zoning.

Local Area Planning Initiatives

Numerous local area planning initiatives were identified in the 2019 staff report. Those will provide context and clarify policy direction on the rezoning application and are updated and/or summarized as follows:

- The Ganges Village Plan project was a comprehensive local area plan initiative. The plan has not been finalized.
- Ganges Boardwalk Planning The subject property is a pivotal link in the Ganges Village Boardwalk project. It is the only private property where the boardwalk has been installed and maintained. The boardwalk on the property sits within a three-metre-wide statutory right-of-way held by the Capital Regional District (CRD). That project is reportedly being advanced by the CRD to fund the design phase of the project, and the applicant is in discussion with CRD Parks staff.
- The Industrial Land Uses Project was completed in 2020 and the upland portion of the subject property was rezoned from Industrial 1 (In1) to General Employment 1 (GE1). Many of the uses permitted by the TUP are not included in the GE2 zone, and particularly, *retail sales* are not permitted as a principal use.

Consultation

Statutory Requirements

There is no statutory notification required for TUP renewal applications as the permit conditions are unchanged from the original.

First Nations

Renewal of TUPs do not generally trigger First Nations referrals. The LTC is aware of the demonstrated value of the Ganges Harbour water and upland areas to First Nations for whom Salt Spring Island within their traditional territory. Again, the rezoning application will require referral and consultation for those interests to be acknowledged and addressed.

Rationale for Recommendation

- The renewal TUP does not conform to numerous policies and regulations, however, the receipt of a rezoning application would ensure that the long-standing land use issues are comprehensively addressed; and,
- A three -year period is reasonable to permit the uses to continue while the aforementioned rezoning application is concluded.

ALTERNATIVES

1. Request additional information

The LTC may determine that it has insufficient information to make a decision at the present time, or would like the applicant to address shortcomings within the application. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request the applicant to provide to the Islands Trust . . .

2. Deny the application

The LTC may deny the application and proceed no further. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee deny Temporary Use Permit application SS-TUP-2022.4.

NEXT STEPS

- If the LTC opts to issue the TUP renewal, the permit will be issued and those uses authorized with the rezoning application can reasonably be expected to conclude before a further TUP application would be required.
- If the renewal is denied, the applicants could continue uses established as legal non-conforming, but would otherwise be required to cease all non-conforming uses on the property. Provided a rezoning application that addresses any non-conformance matter, any enforcement action would be suspended pending the outcome of that process.

Submitted By:	Phil Testemale, Planner 2	November 24, 2022
Concurrence:	Chris Hutton, Regional Planning Manager	November 30, 2022

ATTACHMENTS

1. Proposed Permit SS-TUP-2022.4
2. Comparison Land Uses – TUP and Zoning



PROPOSED
SALT SPRING ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
SS-TUP-2022.4
Renewal of SS-TUP-2019.6

TO: Gulf of Georgia Land & Timber Ltd.

1. This Permit applies to the land described below:

Legal Description: Lot A, Section 2, Range 4 East, North Salt Spring Island and District Lot 689, Cowichan District, Plan VIP65932

PID: 023-882-921

2. This Permit is issued to allow the following:

Commercial uses consisting of:

- a) Indoor and outdoor retail sales and sales and rentals;
- b) Indoor retail services;
- c) Indoor production of food and drink items, clothing, crafts, artwork, jewelry, and similar items for retail and wholesale sales, on or off the premises;
- d) Offices;
- e) Restaurants;
- f) Storage and rental of kayaks;
- g) Sales of shipping containers;
- h) Storage in shipping containers;
- i) Artisan use of shipping containers, including retail sales;

3. This Permit is valid for a period of three (3) years from the date of issuance. The uses may be carried out subject to the following conditions:

3.1 Site Layout

- 3.1.1 The buildings, landscaping, parking, and general site layout shall be in accordance with Schedule No. 1.
- 3.1.2 The permitted uses shall be carried out exclusively in the locations and structures identified for those uses on Schedule No. 1 of this permit.
- 3.1.3 This permit does not extend to the boardwalk, ramp, docks or waters adjacent to the subject property.

3.2 Shipping Containers

- 3.2.1 Shipping containers must not be stacked.



PROPOSED
SALT SPRING ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
SS-TUP-2022.4
Renewal of SS-TUP-2019.6

3.2.2 All shipping containers must be removed pending expiry of this permit, unless permit renewal is authorized by Salt Spring Island Local Trust Committee.

3.3 Signs

3.3.1 Any and all signs shall be in accordance with *Salt Spring Island Local Trust Committee Land Use Bylaw No. 355* and Section E.1.9 of *Salt Spring Island Official Community Plan Bylaw No. 434*.

3.4 Islands Trust staff may enter the subject property at any time during business hours to ensure compliance with the Temporary Use Permit.

All in accordance with Schedule No. 1, attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.

4. This Permit does not relieve the Permittee from the need to secure all other approvals necessary for the proposed uses.

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

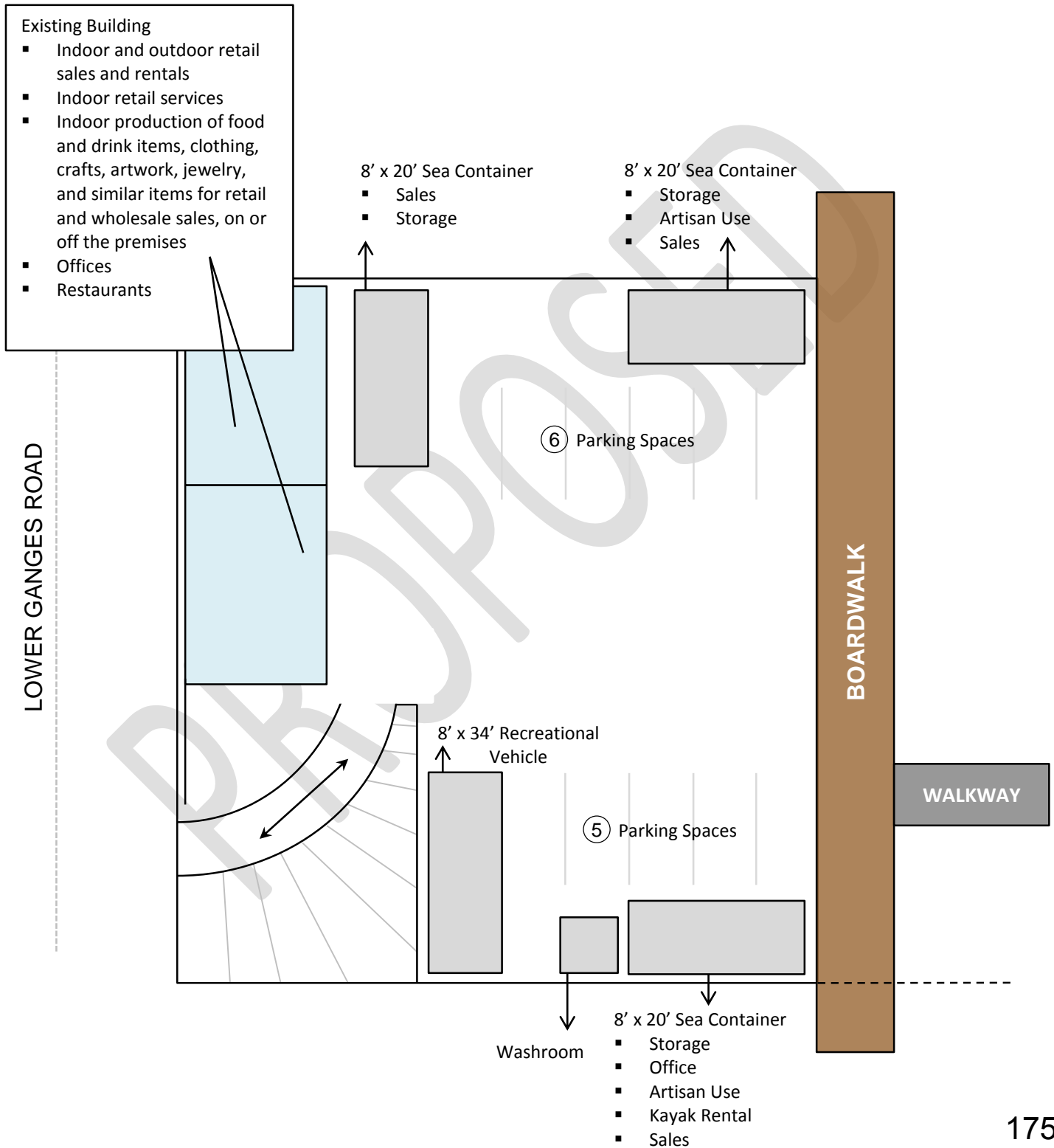
Deputy Secretary

Date Issued



PROPOSED
SALT SPRING ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
SS-TUP-2022.4
Renewal of SS-TUP-2019.6

Schedule No. 1



TUP VS PERMITTED USES ON SUBJECT PROPERTY/WATER AREA			
SS-TUP-2022-04 (Renewal of SS-TUP-2019.6)	Permitted (Upper)		Permitted (Lower – S6 zone)
	(Former In1 zone)	Current GE2 Zone)	
<ul style="list-style-type: none"> • <i>Indoor and outdoor retail sales and rentals</i> • <i>Indoor retail services</i> • <i>Indoor production of food and drink items, clothing, crafts, artwork, jewelry, and similar items for retail and wholesale sales, on or off the premises</i> • <i>Offices</i> • <i>Restaurants</i> • <i>Storage and rental of kayaks</i> • <i>Sales of shipping containers</i> • <i>Storage in shipping containers</i> • <i>Artisan use and sales in shipping containers</i> • <i>Food and drink wagons¹</i> 	<ul style="list-style-type: none"> • <i>Light industry</i> • <i>Farm-related light industry</i> • <i>Indoor commercial, art and vocational schools</i> • <i>Funeral homes</i> • <i>Indoor sales of building supplies, appliances and furniture, with accessory outdoor sales and storage</i> • <i>Storage, with the exception of outdoor storage of derelict vehicles and equipment, commercially licensed trucks, bulk fuel products, or waste materials</i> • <i>Indoor service and repairs to vehicles, equipment, machinery and boats</i> • <i>Indoor wholesale sales</i> • <i>Veterinarian clinics and animal hospitals</i> • <i>Collection of recyclable materials, excluding outdoor sorting and storage</i> • <i>Public service uses</i> • <i>Retail sales accessory to a permitted principal use</i> • <i>One dwelling unit accessory to industrial use</i> 	<ul style="list-style-type: none"> • <i>Agriculture</i> • <i>Boat building, servicing and repairs</i> • <i>Car wash accessory to vehicle and equipment sales, rental and repair</i> • <i>Collection of recyclable materials, excluding outdoor sorting and storage</i> • <i>Commercial composting facility</i> • <i>Contractor's shop</i> • <i>Creative industry</i> • <i>Farm-related light industry</i> • <i>Food processing, including off-farm storage and processing</i> • <i>Funeral homes</i> • <i>Indoor storage</i> • <i>Light Industry</i> • <i>Public service uses</i> • <i>Public utility uses</i> • <i>Rental, repair sales and service of equipment, machinery, boats and vehicles</i> • <i>Sales of building supplies, appliances and furniture, including outdoor sales and storage</i> • <i>Veterinarian clinics and animal hospitals</i> • <i>Wholesale sales</i> 	<ul style="list-style-type: none"> • <i>Navigational uses</i> • <i>Geothermal heating equipment in tidal waters only</i> • <i>Private floats and buoys for non-commercial boat moorage</i> • <i>Private docks and floats for non-commercial boat wharfage accessory to a permitted use on the adjacent upland</i>

¹ Removed by amendment prior to approval for issuance in 2019

DATE OF MEETING: December 13, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Chris Hutton, Regional Planning Manager
Salt Spring Team
SUBJECT: Development Variance Permit Application
Applicant: Megumi and Thomas Bourns
Location: 1486 Beaver Point Road

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit application SS-DVP-2022.20 (1486 Beaver Point Road).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit (DVP) for the setback to a rear lot line for the siting of an addition to an existing building (dwelling).

RATIONALE FOR VARIANCE

Granting the variance will permit the addition to be constructed in the most feasible and cost effective location without potential tree removal or damage.

BACKGROUND

Referencing Figures 2, 3 and 4 (below), the specific proposal is to vary the Salt Spring Island Land Use Bylaw No. 355 (LUB) as follows:

- a) Article 4.3.1 (2) which states that the minimum *rear lot line* setback for *buildings, structures and uses* is 7.5 metres is varied to permit an addition to an existing building (dwelling) within 4.75 metres of a rear lot line.

The variance would permit a 65 m² (700 ft² - approx.), two (2) storey addition to an existing 127.3 m² (1370 ft²) principal dwelling configured and located on the subject property as shown on Figures 2, 3 and 4. There is also an 18 m² (193 ft² - approx.) ground level deck that is part of the proposal. The purpose of the proposed addition is to provide an additional bedroom, two bathrooms and expand the kitchen to make the dwelling more suitable for a family of five (5).

The applicants have the alternative to site the dwelling addition to conform to the setback regulation. However, other locations would be, in the applicant's words, 'problematic' and more costly (Attachment 2). The location was selected to integrate with the existing room program and rooflines, thereby minimizing interior structural alterations to the dwelling and utilizing the established location of electrical and plumbing services. Additionally, placing the addition fully on the east side to conform to setbacks could potentially damage a mature Arbutus tree they wish to protect.

The property was purchased by the current owner/applicants in 2019, and is a split ('hooked') lot that is 2.29 ha (5.66 acres) in size located at **1486 Beaver Point Road**. The topography of the main portion of the property rises to the south from approximately 90 m at Beaver Point Road to a 104 m high knoll formation in the south where the principal dwelling is located. This portion was largely cleared by the previous owner with a few mature trees remaining in the centre of the property. There is a pond on the lower portion close to the roadway.

In addition to the principal dwelling, the property contains:

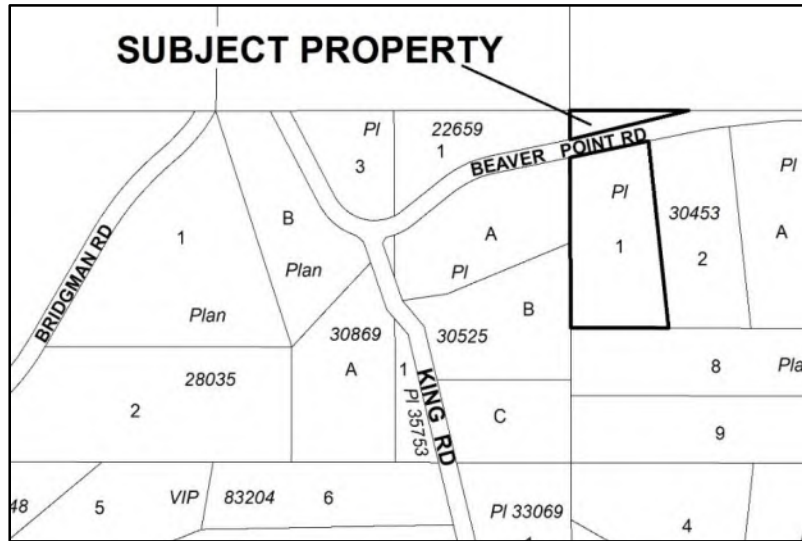
- a seasonal cottage 56 m² 597 ft² (under construction -north of the roadway);
- a 702 ft² accessory building with open sides (garage – workshop - currently used as storage) in the centre of the main property; and,
- an accessory building (office/studio - 32m²/344 ft²) to the west of the dwelling, currently being used as a temporary dwelling.

A site visit was conducted by staff on November 9th and that highlighted two land use issues, namely the current use of the accessory building for a (temporary) dwelling, and the prior use of a school bus as a dwelling. Upon request from staff, the applicants submitted an e-mail that confirms that they plan to cease to occupy the accessory building once the principal dwelling has been renovated, and that the bus will not be used in the future for habitation. Upon the required review of the CRD Building Permit application staff will also request that the Building Inspector require that the accessory building be rendered uninhabitable as a condition of Final Occupancy. More information and detail on the property is provided in Attachment 1.

If the application is denied, the owners have the option to apply to the Board of Variance, or relocate the addition to conform to the bylaw regulation.

A copy of the Notice and proposed permit SS-DVP-2022.20 are Attachments 3 & 4.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated **RL – Rural Neighbourhoods** in the Salt Spring Island Official Community Plan No. 144, 2007 (OCP).

There are no Development Permit Areas designated on the subject property.

Land Use Bylaw:

The property is zoned as **Rural (R)** in the Salt Spring Island Land Use Bylaw No. 355 (LUB). The proposed addition conforms to all provisions in the LUB.

Issues and Opportunities

Impact Assessment

The potential impacts of the proposed variance if granted are assessed as minimal on neighbouring properties and the larger public realm. Properties to the west, south and east are similar in size to the subject property and are in the R zone, and the closest dwelling is over 100 metres to the southeast of the location of the subject dwelling. The two storey addition is modest in size and integrates well with the dwelling's current massing and roof lines. Placing the addition on any of the other three sides would not substantively diminish any potential impacts to neighbouring properties. Additionally, placing the addition fully on the southeast side of the house could potentially damage or require removal of a mature Arbutus (Attachment 1 – 'Photographs').

The applicants have spoken with their immediate neighbours and report that they have no objections to the variance.

Overall, the variance application is a reasonable and will optimize the expansion of the dwelling in the most efficient manner.

The Intent of the Regulation being Varied

The overall purpose of siting regulations are to minimize impacts on adjacent properties and the public realm related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within the local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to development by maintaining consistent height and siting regulations.

Figure 2 – Detailed Site Plan

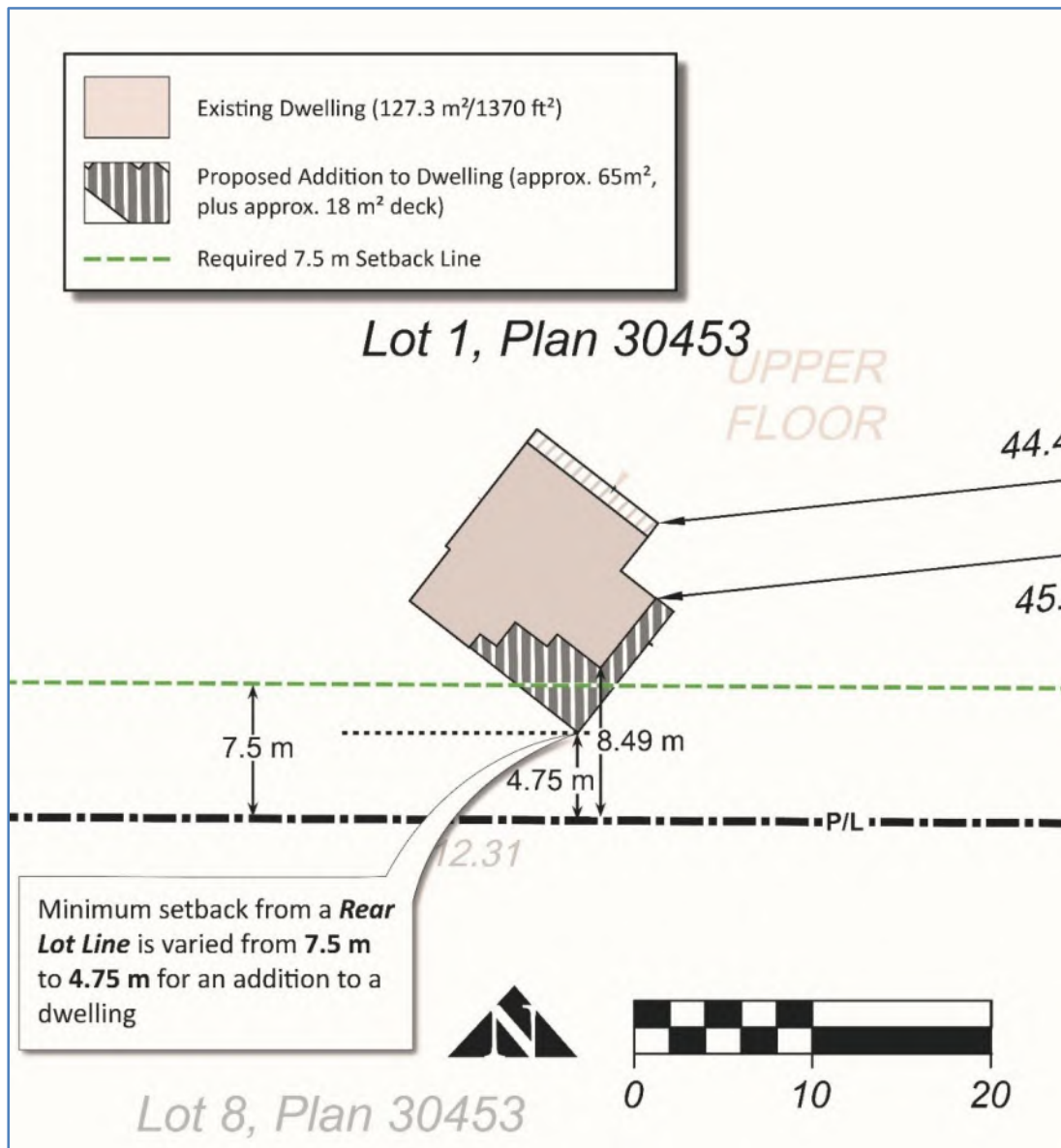
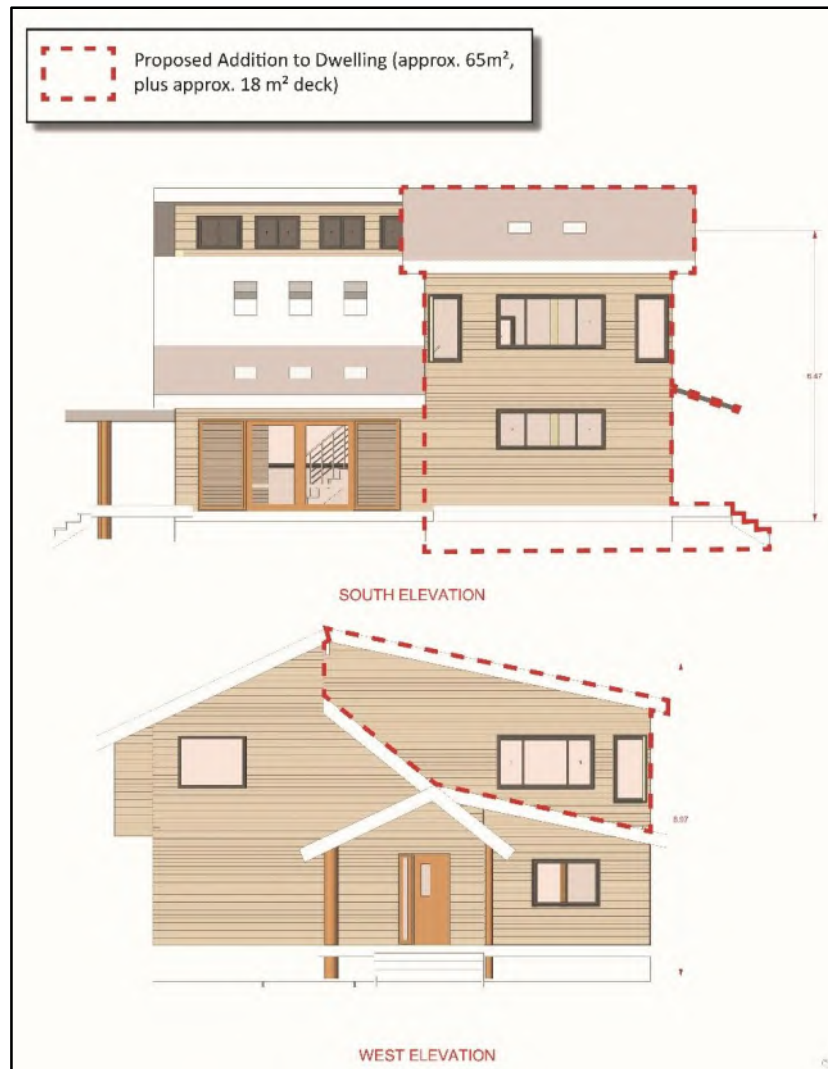


Figure 3 – Elevation Plans (South and West)



Potential Impacts of Granting the Variance

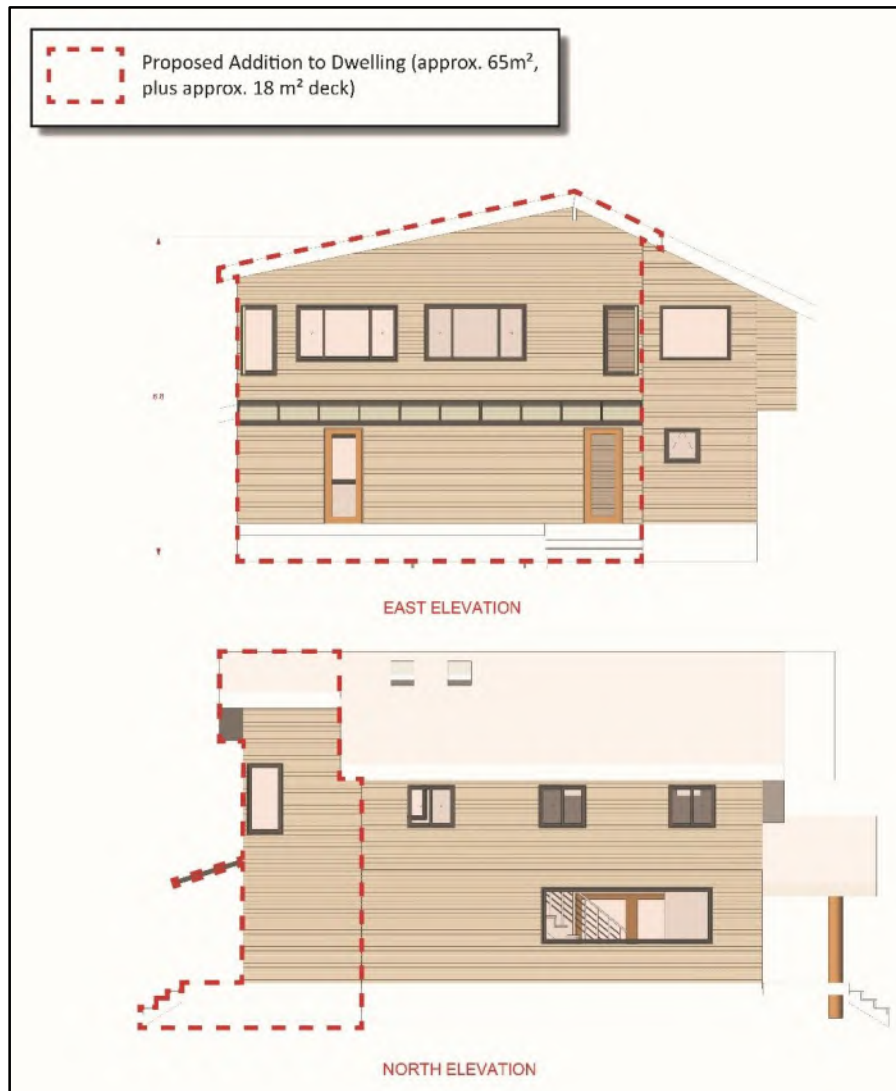
Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ends at 4:30 p.m. on Monday, December 12, 2022. Any submissions in response to notification will be made available to the LTC.

At the time of writing, one e-mail in support from the neighbour to the south has been received and forwarded to the LTC.

Figure 4 – Elevation Plans (North and East)



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 DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Further, the applicants have contacted the Archaeology Branch and received confirmation that there are no known sites or high potential on the property. Staff will forward the Islands Trust Chance Find Protocol

Rationale for Recommendation

Staff is recommending that the resolution on page 1 be supported for the following reasons:

- The rationale for the variance is reasonable;
- the potential impacts of granting the variance are assessed as minor;

- the proposed variance does not challenge the intent of the regulation; and
- the variance would allow for the completion of a modest addition to a dwelling in the most feasible and cost effective location.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. This should be debated in a regular meeting.

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_____.

2. Deny the application

The LTC may deny the application. 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 deny application SS-DVP-2022.20 for the follows reasons _____.

Submitted By:	Phil Testemale, Planner 2	November 22, 2022
Concurrence:	Chris Hutton, Regional Planning Manager	November 29, 2022

ATTACHMENTS


1. Site Context
2. Application Letter from applicant
3. Notice
4. Proposed Development Variance Permit SS-DVP-2022.20

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1 SECTION 55 SOUTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN 30453
PID	001-246-534
Civic Address	1486 Beaver Point Road


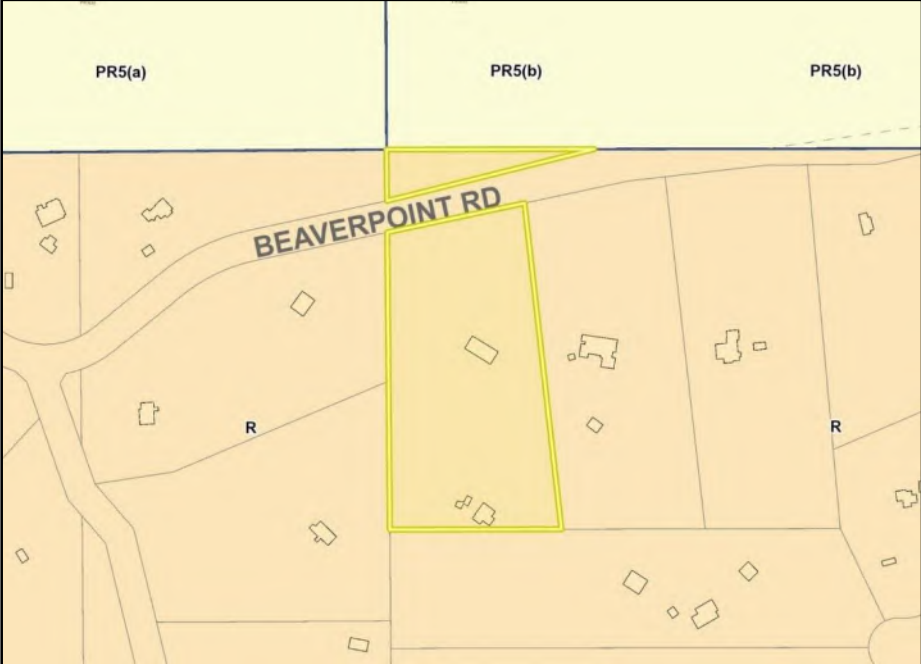
LAND USE

Current Land Use	<p>Rural:</p>  <p><i>Orthophoto</i></p>
Surrounding Land Use	<p>East/West/South: Rural North: Park</p>

HISTORICAL ACTIVITY



File No.	Purpose
SS-BP-2022.161	Seasonal Cottage

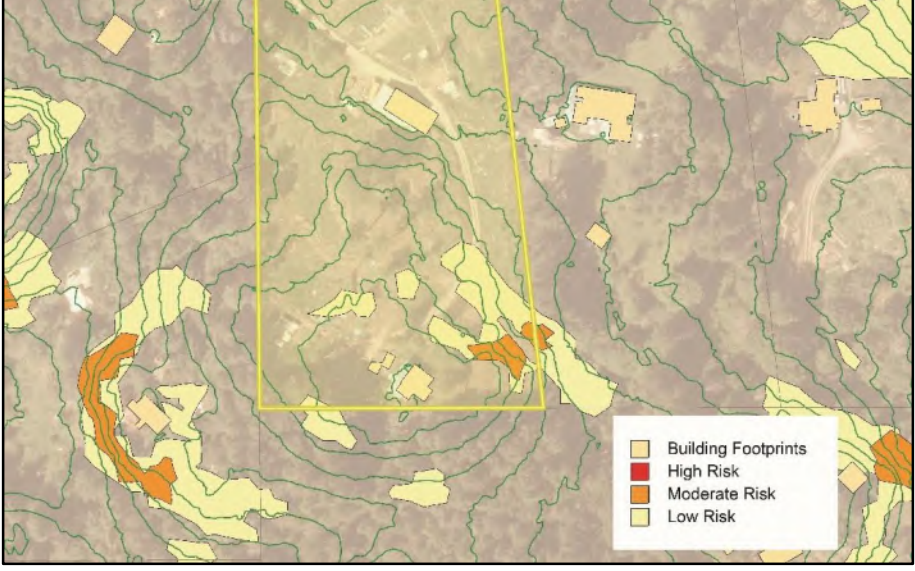
POLICY/REGULATORY

<p>Official Community Plan Designations</p>	<p>The property is designated RL – Rural Neighbourhoods in the Salt Spring Island Official Community Plan No. 144, 2007 (OCP).</p> <p>There are no Development Permit Areas designated on the subject properties:</p>  <p><i>Development Permit Areas Mapping</i></p>
<p>Land Use Bylaw</p>	<p>The property is zoned as Rural (R) in the Salt Spring Island Land Use Bylaw No. 355 (LUB)</p>  <p><i>Zoning Map</i></p>

Other Regulations	
Covenants	Statutory Building Scheme N/A
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	<p>The proposal does not impact the objectives and priorities of the Islands Trust Conservancy Regional Conservation Strategy.</p>  <p><i>Protected Areas Mapping</i></p>
Species at Risk	None on TAPIS Mapping
Sensitive Ecosystems	 <p><i>Sensitive Ecosystem Mapping</i></p>
Hazard Areas	

	 <p><i>Steep Slope and 2m Contour Mapping</i></p>
Archaeological Sites	<p>Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites on the property, however, Ruckle Park (Adjacent to the North) is a registered site. The proposed addition is over 200 metres to the northern property boundary and 150 metres to mapped areas of high archaeological potential. Notwithstanding, 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.</p>
Climate Change Adaptation and Mitigation	<p>Impacts from the proposed variance will have minor impacts on GHG Emissions limited to the addition to the dwelling. The subject property ranges in elevation from approximately 90 metres to 104 metres above sea level.</p>

PHOTOS



West Side of Principal Dwelling



South Side of Dwelling



East Side of Dwelling



View East

PHOTOS (CONT'D)



View West at Rear of Dwelling



Accessory Building Used as a Temporary Dwelling



Accessory Building Used as a Temporary Dwelling



Seasonal Cottage Under Construction (North of Beaver Point Road)

PHOTOS (CONT'D)



Accessory Building (Workshop/Storage)



Accessory Building (Workshop/Storage)



Grounded Bus (Used as a Dwelling by Previous Owners)



View North of Pond (Close to Beaver Point Rd.)

October 12, 2022

Megumi and Thomas Bourns
[REDACTED]

Re: Development variance application – 1486 Beaver Point Rd, Salt Spring Island

To Islands Trust staff and local trust committee:

We would like to build an addition to the existing 1300 square foot house to add another bedroom to accommodate [REDACTED]. We are a family [REDACTED] and the house currently has three very small bedrooms. The proposed addition would add a bedroom, two bathrooms and expand the kitchen.

The proposed addition encroaches on the rear setback by about 6 ft. However, the footprint within the setback would only be about 30 square feet as it is the corner of the addition that would encroach. The house is set at an angle to the rear lot line.

The rear lot line backs onto forest and the adjoining neighbour's home is about 300 ft away. We have spoken with the neighbours and they have no concern with our proposed addition. Both of our properties are over 5 acres. The house was sited on the property very close to the rear lot line, as it is the highest and flattest point of land on a rocky and hilly property.

The house is 1300 square feet and the proposed addition would add another 700 square feet by extending the second floor into the vaulted ceiling space and expanding the footprint by about 200 square feet to the south east.

Other options to expand the house in other directions are problematic. There is a large arbutus tree and the well (abutting the house) to the east. The shape of the house (overhang) and roofline make it very difficult and costly to extend to the north. The west side of the house is the front entrance (adjacent to the driveway) and is not conducive to an addition because it would require costly rebuilding of the existing dining room (previous addition by previous owners) in order to add a second floor. It would also require substantial reworking and more square footage in order to create a practical layout for the house. Existing plumbing and electrical is in the south east corner where the addition is proposed. The most logical and practical option is to extend to the south east.

Kind regards,

Megumi and Thomas Bourns



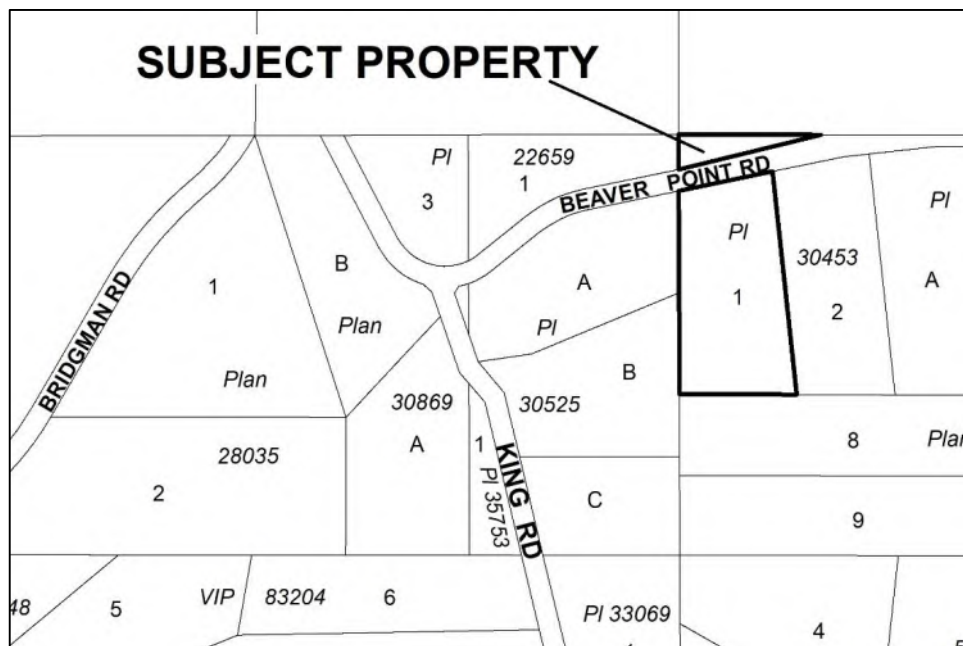
NOTICE
SS-DVP-2022.20
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Salt Spring Island Land Use Bylaw No.355 by:

- Reducing the 7.5 metre rear lot line setback 4.75 metres for a proposed addition to a dwelling.

The property is located at 1486 Beaver Point Road and is legally described as Lot 1 Section 55 South Salt Spring Island Cowichan District Plan 30453 (PID: 001-246-534).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit is attached. The permit may be inspected at the Islands Trust Office, 1-500 Lower Ganges Road, Salt Spring Island between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **Monday, November 28, 2022** and continuing up to and including **Monday, December 12, 2022**. It is also on the Islands Trust website on the Current Applications page: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by email to: ssiinfo@islandstrust.bc.ca before 4:30 pm, **Monday, December 12, 2022**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **9:30 a.m.** on **Tuesday, December 13, 2022**. Typically applications are considered after 12 noon. Please refer to the agenda on the Salt Spring Island Meeting Calendar webpage published December 2, 2022 or later. **Go to:** https://islandstrust.bc.ca/whats-happening/meetings-and-events/?_sft_jurisdiction=salt-spring

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.20

TO: T. BOURNS AND M. BOURNS

1. This Development Variance Permit (the "Permit") applies to the land described below:

PID: 001-246-534

LEGAL DESCRIPTION: LOT 1 SECTION 55 SOUTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN 30453

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	Detail of Plan No. 1
Plan No. 3	Elevation Plans 1 of 2
Plan No. 4	Elevation Plans 2 of 2

3. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "*Salt Spring Island Land Use Bylaw, 1999*" is varied as follows:

- a) Article 4.3.1 (2) which states that the minimum *rear lot line* setback for *buildings, structures* and *uses* is 7.5 metres is varied to permit an addition to an existing building (dwelling) within 4.75 metres of a rear lot line in accordance with Plans No. 1 , No. 2, No. 3 and No. 4, 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.

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 Ministry of Transportation and Infrastructure, Island Health.

6. Any further development, redevelopment, or any changes to this permit may require a new Development Variance Permit.



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.20

AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE
THIS ___TH DAY OF [MONTH], 20___.

DEPUTY SECRETARY, ISLANDS TRUST

DATE OF ISSUANCE

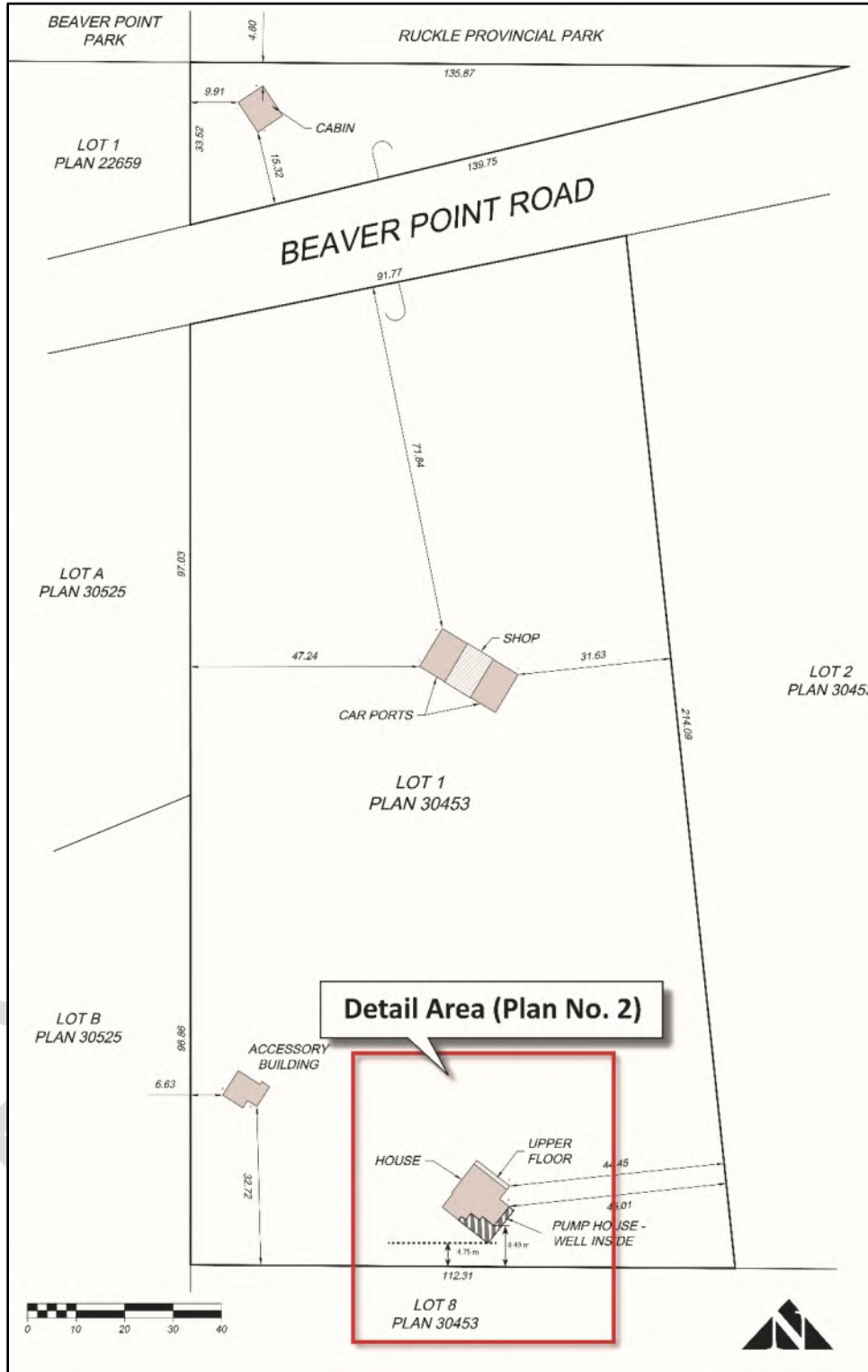
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ___TH DAY OF [MONTH],
20___, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

PROPOSED

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.20**

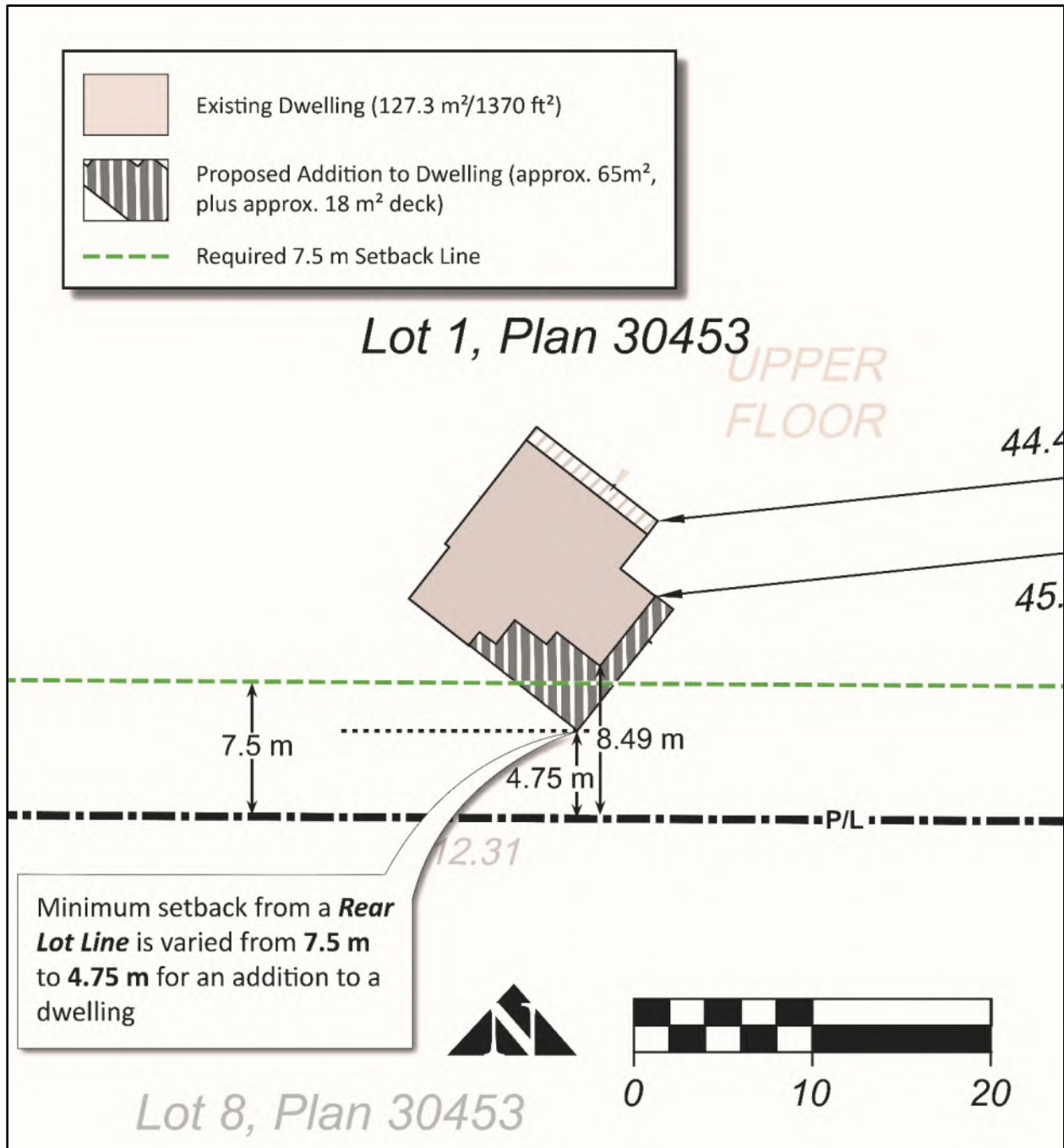
PLAN NO. 1: Site Plan



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.20


PLAN NO. 2: Detail of PLAN NO.1



PROPOSED

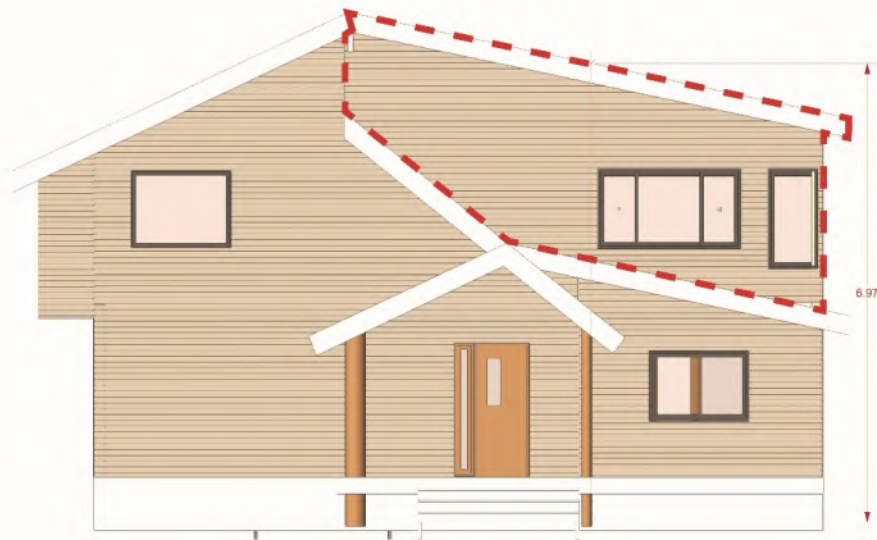
SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.20

PLAN NO. 3: Elevation Plans (1 of 2)

 Proposed Addition to Dwelling (approx. 65m², plus approx. 18 m² deck)



SOUTH ELEVATION



WEST ELEVATION

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.20

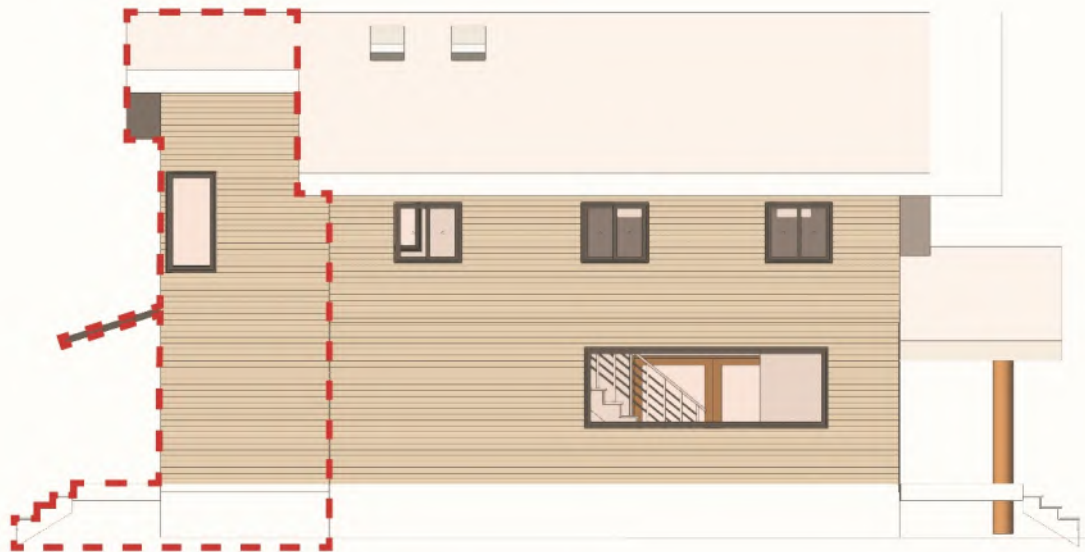
PLAN NO. 4: Elevation Plans (2 of 2)



Proposed Addition to Dwelling (approx. 65m², plus approx. 18 m² deck)



EAST ELEVATION



NORTH ELEVATION

File No.: SS-DVP-2022.1
X-Ref.: SS-BE-2021.121

DATE OF MEETING: December 13, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Louisa Garbo Island Planner
Salt Spring Island Team
COPY: Chris Hutton, Regional Planning Manager
Salt Spring Island Team
SUBJECT: Development Variance Permit to reduce the setback to the natural boundary of the sea for a retaining wall and septic field
Applicant: Dinny Corcoran
Location: Clamshell Islet

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee deny issuance of Development Variance Permit SS-DVP-2022.1 (Clamshell Islet).

REPORT SUMMARY

The Salt Spring Island Local Trust Committee (SS LTC) first considered the issuance of the proposed permit (Attachment 1) at their regular business meeting on Tuesday, March 22, 2022. Following review of the report from Planner Gordon (Attachment 2), the SS LTC resolved:

SS-2022-051

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

That the Salt Spring Island Local Trust Committee refer application SS-DVP-2022.1 to First Nations who may have interest and request Senior Inter Governmental Policy Advisor for insights and advice (Clamshell Islet).

CARRIED

At their meeting on July 12, 2022, upon further report from Planner Gordon (Attachment 3), and on the recommendation to deny the DVP and discussion with the applicant, the SS LTC passed the resolution below for staff to facilitate a First Nations site visit. Staff have since received comments from Cowichan Tribes and Lyackson First Nation declining the site visits and continued to oppose to the proposed variance. Ts'uubaa-asatx Nation has also responded, indicating a qualified statement of no comment. These responses can be found in Attachment 4.

SS-2022-112

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

That the Salt Spring Island Local Trust Committee request staff to enter into a cost recovery agreement with the applicant to facilitate a visit to the subject site by First Nations and defer the application to a future meeting.

CARRIED

SS-2022-113

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee place a review of the residential zoning on islets on the projects list under Item 2 Land Use Bylaw.

CARRIED

ANALYSIS

DRIPA and Reconciliation

Staff reiterate previous staff technical analysis on Article 26 of the United Nations Declarations on the Rights of Indigenous Peoples (UNDRIP), and the Islands Trust Council's Reconciliation Declaration, which can be reviewed in the previous staff reports mentioned above.

Rationale for Recommendation

The SS LTC has requested First Nations to comment and received a clear refusal of the proposed variance from First Nations. The SS LTC subsequently requested staff to enter into a cost recovery agreement with the applicant to facilitate a visit to the subject site by First Nations, which the First Nations subsequently declined. Since the applicant has already pursued an alternative option to eliminate the need for a variance, staff recommends that the variance be denied.

CONSULTATION

The original date of notification for the public meeting was posted on March 2, 2022, and with written submission accepted until Monday, March 21, 2022.

ALTERNATIVES

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

1. Approve the request

The SS LTC may choose to approve the DVP; however, staff advises that this could have negative impact on the Islands Trust Council's commitment to the Reconciliation Declaration. Recommended wording for the resolution to approve the DVP (see proposed permit on Appendix 2) is as follows:

That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2022.1, as amended.

2. Request further information

The SS LTC may request further information prior to making a decision. Staff advises that the implications of this alternative are increased processing time and potentially increased cost 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 the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust an Assessment Report, completed by a Registered Professional Biologist, which identifies the potential contamination impacts of the septic field reduction.

NEXT STEPS

If the SS LTC accepts staff's recommendation, the permit will not be issued and the file will be closed.

Submitted By:	Louisa Garbo, Island Planner	November 14, 2022
Concurrence:	Chris Hutton, Regional Planning Manager	December 1, 2022

ATTACHMENTS

1. Proposed Development Variance Permit SS-DVP-2022.1
2. Report to Salt Spring Local Trust Committee, dated March 22, 2022
3. Report to Salt Spring Island Local Trust Committee, dated July 12, 2022
4. Responses from Lyackson First Nation, Cowichan Tribes, and Ts'uubaa-asatx Nation received since July 12, 2022.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1

TO: D. CORCORAN

1. This Development Variance Permit (the "Permit") applies to the land described below:
PID: 001-375-458
LEGAL DESCRIPTION: LOT 222, COWICHAN DISTRICT, CONTAINING 1.10 ACRES MORE OR LESS
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	Survey, dated February 03, 2022, by Jordan Litke, B.C.L.S.
Plan No. 2	Site Plan, dated February 6, 2022 by Dinny Corcoran
Schedule No. 1	Onsite Wastewater Treatment System Site Capability Assessment Report, dated October 31, 2020, by Bradley Fossen, P. Eng.
3. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "*Salt Spring Island Land Use Bylaw, 1999*" is varied as follows:

3.1 4.4 SETBACKS FROM WATER BODIES

4.4.1 No *building* or *structure* except a fence, *pumphouse* or *boathouse* may be sited within 15 m of the *natural boundary* of any *water body*.

The above article is varied to reduce the setback for an existing rock retaining wall structure within the setback to the natural boundary of the sea from 15.0 m to 0.0 m in accordance with Plan No. 2 attached to and forming part of this permit.

3.2 4.5 SETBACKS FROM WATER BODIES – WATER QUALITY PROTECTION

4.5.1 No sewage *disposal* field or septage pit may be located within:
(1) 30 m of the *natural boundary* of the sea;

The above subsection is varied to reduce the setback for a sewage disposal field and associated retaining wall from 30.0 m to 10.0 m in accordance with Plan No. 1, Plan No. 2 and Schedule No. 1 attached to and forming part of 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-2022.1

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, Island Health, Ministry of Environment and Climate Change Strategy, and Ministry of Forests, Lands, Natural Resource Operations and Rural Development.
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-2022.1

PLAN NO. 1: Survey

SKETCH PLAN OF PROPOSED
HOUSE LOCATION ON DISTRICT
LOT 222, COWICHAN DISTRICT.
(CLAMSHELL ISLET)



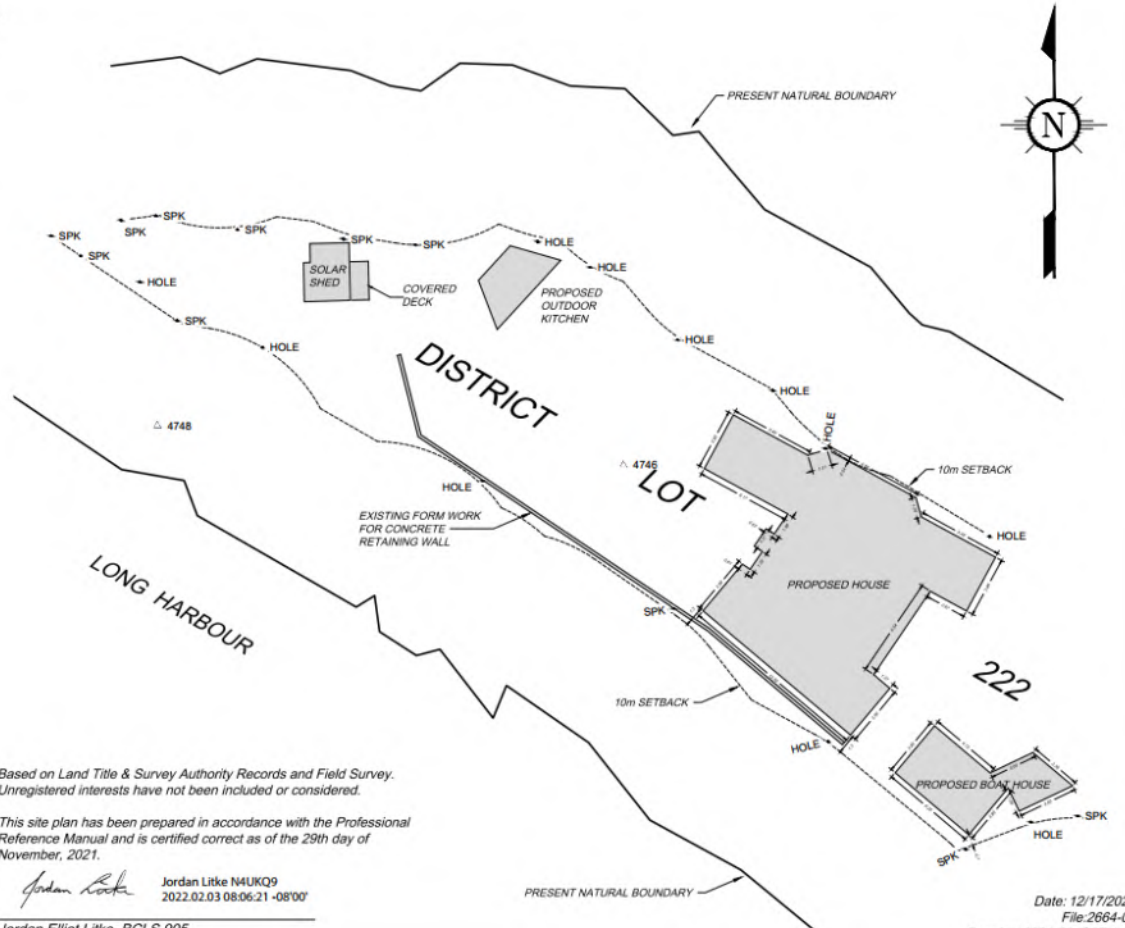
The intended plot size of this plan is 432mm in width by 279mm in height (B-size) when plotted at a scale of 1:250.

All distances are in metres and decimals thereof, unless otherwise noted.

LEGEND

- △ denotes Traverse Hub placed
- ▲ denotes Spike placed or hole drilled

Proposed building locations are shown to exterior face of concrete footing.



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Based on Land Title & Survey Authority Records and Field Survey. Unregistered interests have not been included or considered.

This site plan has been prepared in accordance with the Professional Reference Manual and is certified correct as of the 29th day of November, 2021.

Jordan Litke Jordan Litke N4UKQ9
2022.02.03 08:06:21 -08'00'

Jordan Elliot Litke, BCLS 905
This document is not valid unless digitally signed.



Mailing & delivery address:
204 - 149 Fullford-Ganges Road,
Salt Spring Island, BC, V8K 2K9

Toll Free: (877) 603 7398
Telephone: (250) 537 5502
SSI@plsi.ca
www.plsi.ca

Date: 12/17/2021
File: 2664-01
Drawing: 2664-01_C3D.dwg
Layout: B-Landscape

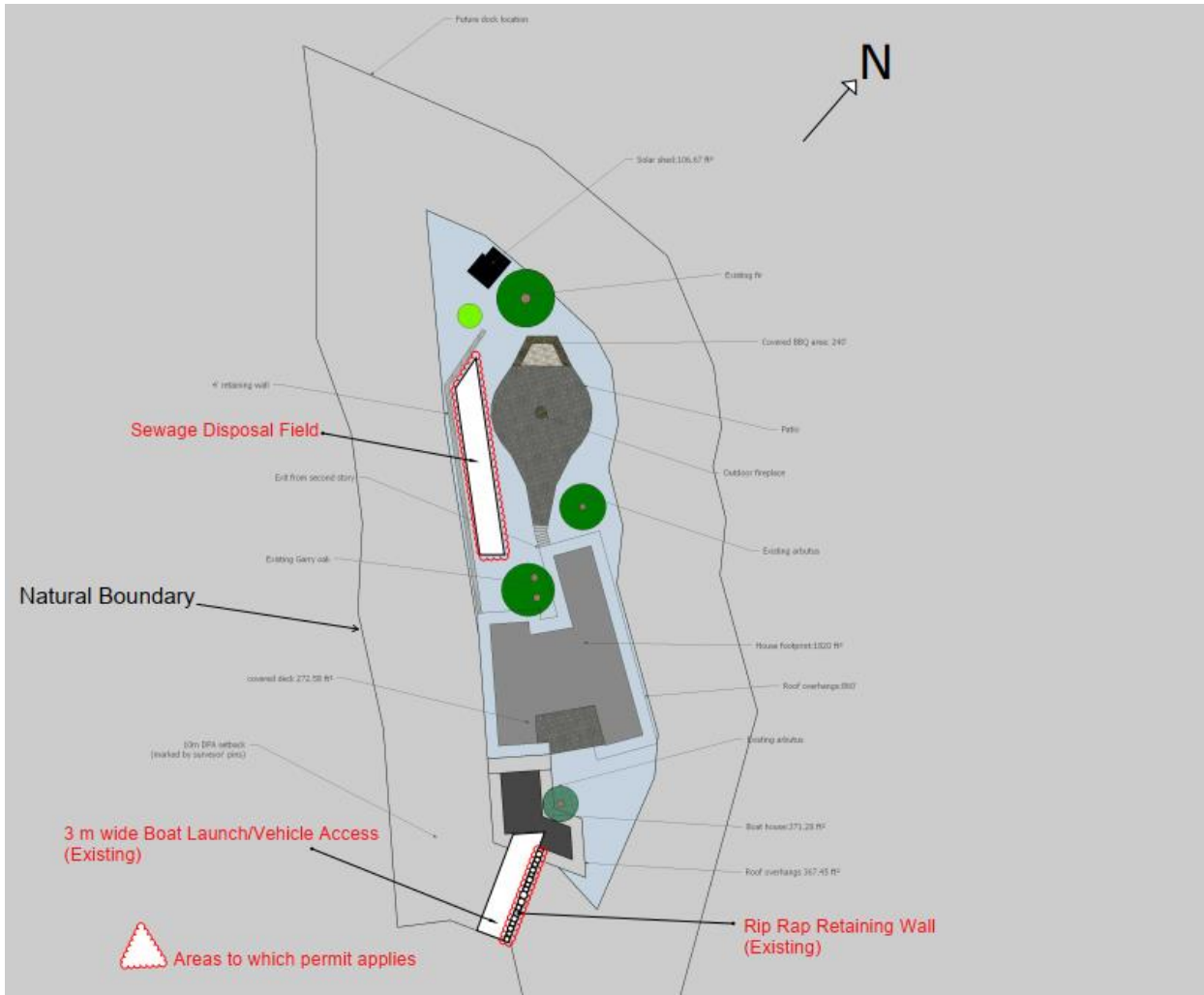
PK

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1

PLAN NO. 2: Site Plan

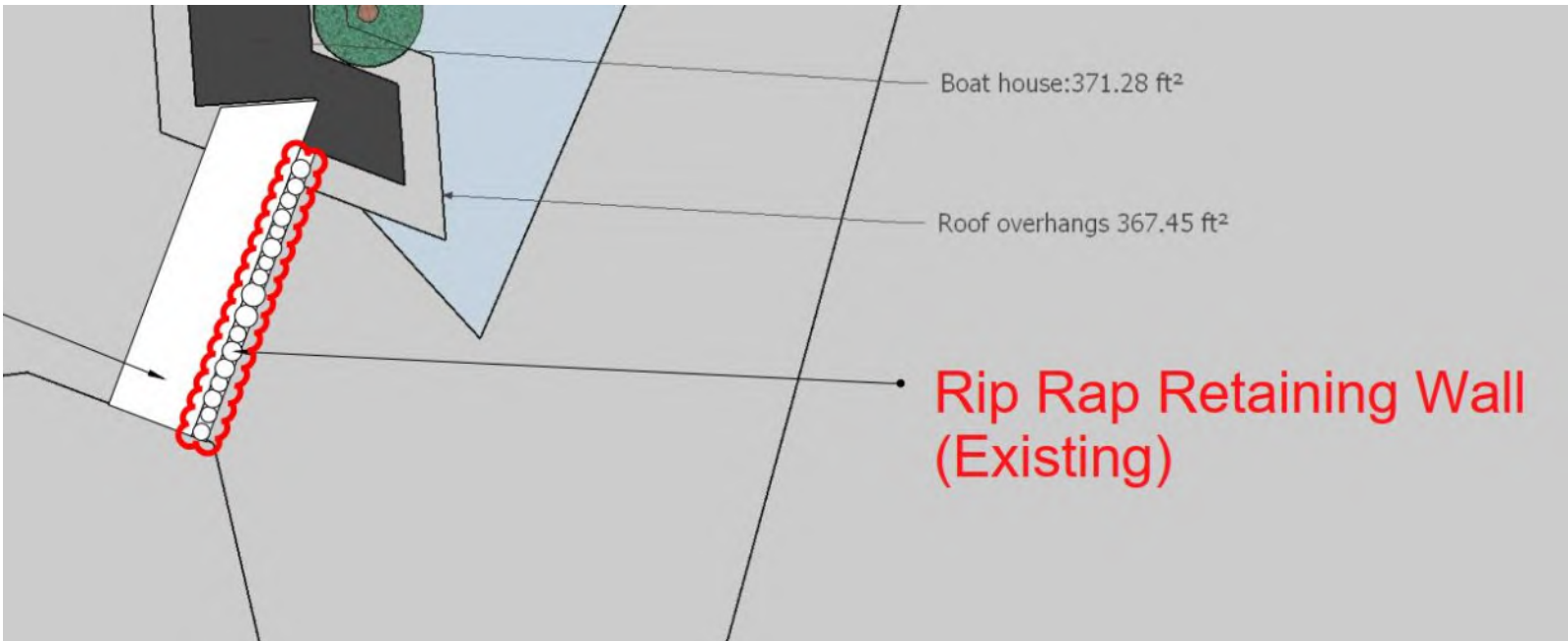


PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1

PLAN NO. 2: Site Plan continued (detail)



PROPOSED

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1

PLAN NO. 2: Site Plan (detail)



PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1

SCHEDULE NO. 1: OSWTS Site Capability Assessment



OSWT Site Capability Assessment

LONG FORM

PROJECT No: 2021.90

PROJECT NAME: CLAMSHELL ISLET

DOCUMENT No.: 2021.90-16-EFR-001

FORM No. APG-40-FRM-007

1: Form Revision Log

Revision #	Date	By	Description
0	31-Oct-2020	BF	Issued for Use

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1


 Aurora PROFESSIONAL GROUP INC.	OSWT Site Capability Assessment	Project: 2021.90
Form No.: APG-40-FRM-007	Doc No.: 2021.90-16-EFR-001	Revision: R.0

Table 1: Summary Information

Project No.	2021.90	Project Name:	Clamshell Islet
Site Type:	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Replacement <input type="checkbox"/> Repair / Alteration	Prepared by:	Bradley Fossen
Owners / Client:	Dinny Corcoran	Jurisdiction:	Islands Trust / VIHA
Legal Description	District Lot 222, Cowichan Land District, Portion SM ISLE IN LONG HBR	PID # (Parcel Identifier Number)	001-375-458
Common Address	TBC	Folio. # (Tax Assessment Roll #)	01-764-12063.000
Engineer of Record	Bradley Fossen	Project Stage:	Design
Owner Declaration Completed:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Required Daily Design Flow:	TBC in detailed design
Influent Type	<input checked="" type="checkbox"/> Typical Residential <input checked="" type="checkbox"/> Other: Greywater, Composting Toilet	Water Source:	TBD
Equipment Used	<input type="checkbox"/> Auger (7 cm) <input checked="" type="checkbox"/> Clinometer <input checked="" type="checkbox"/> Compass <input type="checkbox"/> Engineer's Tape <input type="checkbox"/> Excavator <input type="checkbox"/> Field Soils Kit <input type="checkbox"/> Infrared Camera <input type="checkbox"/> Line Locator <input type="checkbox"/> Pipe camera	<input type="checkbox"/> Permeameter (Pask, 101.6 mm) <input type="checkbox"/> Range Finder <input type="checkbox"/> Rotary Laser <input type="checkbox"/> Sampling Kit <input type="checkbox"/> Scale <input type="checkbox"/> Sieve (10 mesh) <input type="checkbox"/> Shovel and Hand Tools <input type="checkbox"/> Soil Probe (4 ft)	
Purpose of Report:	<ul style="list-style-type: none"> • Provide guidance on regulations and bylaws that may affect onsite wastewater treatment system (OSWTS) design and siting. • Complete a Site Assessment as defined under the Sewerage System Regulation.¹ • Recommend a location and type of onsite sewerage system. • Provide a report in support of land use application. 		

Document Revision #	Date	By	Description
0	02-Jan-2022	BJGF	Issued for Land Use Application

1 SUMMARY


The subject property is a difficult site due to topography, geometry, and proximity to the ocean. It is an islet, with a natural boundary to the sea (Long Harbour) around its entire perimeter. The islet is constrained by geometry, being roughly 50 m wide and 160 m long. The surface is predominantly bedrock with some depressions containing sparing, naturally deposited soils.

¹ Sewerage System Regulation, Pub. L. No. B.C. Reg. 326/2004 (2018).
https://www.bc.ca/civix/document/id/complete/statreg/326_2004/

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1

 Aurora PROFESSIONAL GROUP INC.	OSWT Site Capability Assessment	Project: 2021.90
Form No.: APG-40-FRM-007	Doc No.: 2021.90-16-EFR-001	Revision: R.0

Between the area of development and the natural boundary of the sea, the subject property consists primarily of sea cliffs, coastal banks/bluffs, and low rock/boulders. The nearby ocean ecosystem is not reported to have any sensitive ecosystems.² The islet is subject to one development permit area – DPA-03 (Shoreline – Foreshore), though this does not impede an OSWTS.

The subject property is undeveloped, and a six-bedroom residence is currently in the planning and design phase. Potable water supply will either need to be provided via water storage or by rainwater catchment. In either case, water conservation will be required. And with no traditional areas for sewerage ground dispersal, the options for wastewater disposal are limited.

Wastewater options in this situation are limited to either a) a holding tank or b) manufacturing a suitable soil base for ground dispersal. As the isle is predominantly bedrock and a holding tank for a six-bedroom household would be prohibitively large (and holding tank approvals are at the discretion of Vancouver Island Health Authority), the latter option b) is most suitable.

OSWT systems constructed in the absence of a suitable depth and type of soils require departing from the BC Ministry of Health Standard Practice Manual (SPM)³. As such, a suitable OSWTS should be designed by a professional and meet the requirements of a "Performance-Based Design" as defined in the EGBC Professional Practice Guideline for Onsite Sewerage Systems (PPGOSS)⁴ to be compliant with the BC Sewerage System Regulation.

Given the constraints, a suitable OSWTS concept design for the parcel is as follows:

- 1) Composting toilets for the main residence, meeting the requirements of the BC Ministry of Health Manual of Composting Toilet and Greywater Practice (MCTGP)⁵. Solid waste is to be treated and managed either onsite or safely removed to a suitable facility. Liquid waste is to be diverted to an onsite greywater system.
- 2) Influent, consisting of greywater, urine, and composting toilet leachate, is to be treated onsite and disposed of via an all-season dispersal system, which is in effect, a sewerage ground disposal system.
 - a. The ground disposal system performance is to meet the requirements of PPGOSS Table A-3 "Guideline Performance Objective at Compliance Boundaries"⁶. As such, monitoring of groundwater is required and should meet the performance objective of "Ocean water, with swimming but no shellfish harvesting." The groundwater should be sampled downslope of the ground disposal system, no less than 3m from the boundary of the sea. Water sample testing shall confirm water quality objectives of:
 - i. Coliform Bacteria (Median < 200 CFU/100 ml)
 - ii. Nitrate Nitrogen (Median < 20 mg/L)

² As reported within the Islands Trust "MapIT" tool. <http://mapit.islandstrust.bc.ca/>. Accessed December 21, 2021.

³ Ralston, I., Payne, M., & ASTTBC. (2014). Sewerage System Standard Practice Manual. BC Ministry of Health (Version 3). Government of British Columbia.

⁴ EGBC. (2018). Onsite Sewerage Systems. In EGBC Professional Practice Guidelines - Civil and Transportation Infrastructure (Version 1.).


⁵ BC Ministry of Health, & Ralston, I. (2016). Manual of Composting Toilet and Greywater Practice (Version 1). BC Ministry of Health.

⁶ EGBC (2018). Table A-3, Page 71.

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SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1

 Aurora PROFESSIONAL GROUP INC.	OSWT Site Capability Assessment	Project: 2021.90
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- iii. Ammonia Nitrogen (Median <3.5 mg/L)
- iv. Total Phosphorous (No requirement)
- b. Water sampling at points determined by the professional shall be completed at the time of commissioning and at a regular frequency as determined by the professional within the certified maintenance plan.
- c. The OSWTS design is to be based on the standard practice of the SPM, MCTGP, EGBC (2018), and potentially others in order to meet this performance objective. The design basis is as follows:
 - i. The disposal system will be installed within the constructed landscaping of the developed area, upslope of a 4' retaining wall.
 - ii. Treatment of the influent will be performed either by septic tank or a Type 2 system; the treatment requirements will be determined during detailed design.
 - iii. The system will rely on a suitable depth of specified sand for the soils-based treatment of effluent in order to meet performance requirements.
 - iv. The size of the dispersal system will be determined during detailed design.
 - v. An impermeable barrier shall be installed such that effluent is restricted from entering the residence perimeter drain.
 - vi. The retaining wall perimeter drain and building perimeter drain will be the "compliance boundaries" from which water will be sampled to confirm performance objectives.
 - vii. The siting of any related sewerage tankage may be limited to within the building footings, which is a departure from SPM guidelines. The detailed design shall take into account and mitigate the proximity of tanks to potable water sources, as well as other factors to ensure safe operation (venting, secondary containment, access for maintenance, etc.).

The detailed design shall note any departures from the SPM standards and guidelines within a filing to the Health Authority. At this time, the SPM departures are generally understood to be:

- i. Reducing the required setback of a dispersal system from a marine water body, which is 15m⁷ to 10m.
- ii. Reducing the required setback of a dispersal system from a house perimeter drain, which is 7.5m⁸ to 1m.
- iii. Reducing the required setback of a dispersal system from a downslope drain (retaining wall drain), which is 7.5m⁹ to 0m.
- iv. Reducing the required setback of a watertight treatment or pump tank from a house perimeter drain, which is 0m¹⁰ to less than 0m.

⁷ Ralston, I., Payne, M., & ASTTBC. (2014). Sewerage System Standard Practice Manual. In BC Ministry of Health (Version 3). Government of British Columbia. Table II-19 (p. II-31 ("From Dispersal System" & "Marine water body").

⁸ Ibid. ("From Dispersal System" & "Break-out point or downslope drain").


⁹ Ibid. ("From Dispersal System" & "Break-out point or downslope drain").

¹⁰ Ibid. ("From Watertight Treatment or Pump Tank" & "Break-out point or downslope drain").

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SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1

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With the above concept design, it is possible to meet the requirements of the BC SSR and not create a health hazard, provided the system is operated and maintained per a certified maintenance plan. However, to do so will require a land-use variance relating to setback distances.

- i) The setback distance of a disposal system from the natural boundary of the sea would require varying from 30 m to 10m¹¹.

Though not requiring a land-use bylaw variance, the setback distance of tanks, along with the proposed building structures, will need to meet the requirements of 4.4.2, in order to be placed less than 15m from the natural boundary of the sea, but no closer than 10m to the natural boundary of the sea.¹²


¹¹ Islands Trust, & Salt Spring Island Local Trust Committee. (2019). Bylaw No. 355 Salt Spring Island Land Use Bylaw (Consolidated September 2020). Section 4.5.1.

¹² Ibid. Section 4.4.2.

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SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1

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2 GENERAL OBSERVATIONS AND ASSESSMENTS


Table 2: General Observations and Assessments, by Element

Element	Assessment	Constraints & Potential Departures
Previous Professional Reviews	Ryzuk memo 10851-1, dated November 09, 2021.	With Geotech certification, structures can be placed no closer than 10m from the natural boundary of the sea, provided the shoreline has confirmed as non-erodible, per Bylaw No. 355 4.4.2.
Site and System History	The site is undeveloped.	
Future Site Development	The Owner has planned a six-bedroom, six-person occupancy residence. A boathouse has also been planned, though it will not contain any plumbing fixtures.	
Neighbouring Property Features	Not Applicable.	
Title and Land Data	There are no land title issues that would impede an OSWTS.	
Zoning & building use bylaw	Salt Spring Island Local Trust Committee Land Use Bylaw No. 355 (consolidated) was reviewed for zoning and building use considerations. Zoning falls under the Islands Trust. This property is zoned as "Ri – Rural Islet" and "S8 – Shoreline 8." Section 4.4 addresses setbacks from water bodies. A structure, such as a septic tank, may not be sited within 15m of the natural boundary of any water body. However, per Section 4.4.2, the 15m setback can be reduced to 10m, with Geotech approval. Section 4.5 addresses setbacks from water bodies. A "sewage disposal field" or "seepage pit" is not to be located within 30m of the natural boundary of the sea.	Departing from Section 4.5.1(1) will require an approved bylaw variance (land use application).
Protected Areas	Protected Areas potential was reviewed via the Islands Trust 'MapIT' service. There are no Protected Areas designated on or near the subject property.	
Development Permit Areas	Development Permit Area potential was reviewed via the Islands Trust 'MapIT' service. The subject property is within one development permit area, per Islands Trust Official Community Plan Bylaw No. 434: Development Permit Area No. 03, Shoreline, Foreshore portion. This does not influence the location of an OSWTS.	

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Element	Assessment	Constraints & Potential Departures
Climate Considerations	Climate is classified as Warm-Summer Mediterranean ¹³ . Marine weather conditions exist, with warm summers and periods of high rainfall and occasional freezing.	Significant cold weather freeze protection is not required, though OSWTS components should be covered.
Well Registry	BC Water Resources was consulted to confirm whether any registered water wells were in the area. There are no wells within 30m of the subject property.	
Well Survey	A survey of nearby areas did not note any unregistered water wells.	
Riparian Areas	Riparian areas have not been noted by the Islands Trust MapIT tool. No inland water bodies or watercourses that would provide fish habitat were observed on the subject property at the time of our assessment.	
Nitrogen and Phosphorous Reduction	There are no downgrade wells, water bodies at risk of eutrophication, or short-distance upgrade wells within a short distance from the proposed dispersal area. However, there is a high likelihood that the shoreline will be utilized for swimming.	System to meet performance boundary water quality objectives of EGBC Professional Practice Guideline for Onsite Sewerage Systems, Table A-3, "Ocean water, with swimming but no shellfish harvesting."
Buried Infrastructure	There are no existing underground service lines near the proposed dispersal area. However, due to space limitations, sewerage components may be installed near potable water components.	Ensure 3m setback between sewerage components and potable water components. If that setback cannot be maintained, install an impermeable barrier and/or sleeve potable water piping and apply other mitigations as prescribed by the engineer.
Boundary Conditions, Exposure Pathways, and Breakout Risks	There are two primary breakout conditions, which will form the boundary conditions for the performance-based design: <ul style="list-style-type: none"> Retaining wall perimeter drain. Building perimeter drain. 	Include sampling and monitoring as part of a certified maintenance plan for a performance-based design.
Vegetation	There is little to no vegetation within the proposed dispersal area and sparing soil.	Provide suitable plants varieties for the Owner's landscaping plan.

¹³ Canada Open Government Portal. "Climatic Regions." Atlas of Canada, 3rd Edition. 1957. <https://open.canada.ca/data/en/dataset/09ffaeb5-ec8f-5bb5-bdcb-3436ccf26f58>.

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2.1 PROPOSED EFFLUENT DISPERSAL AREA GEOMETRY AND CONDITION

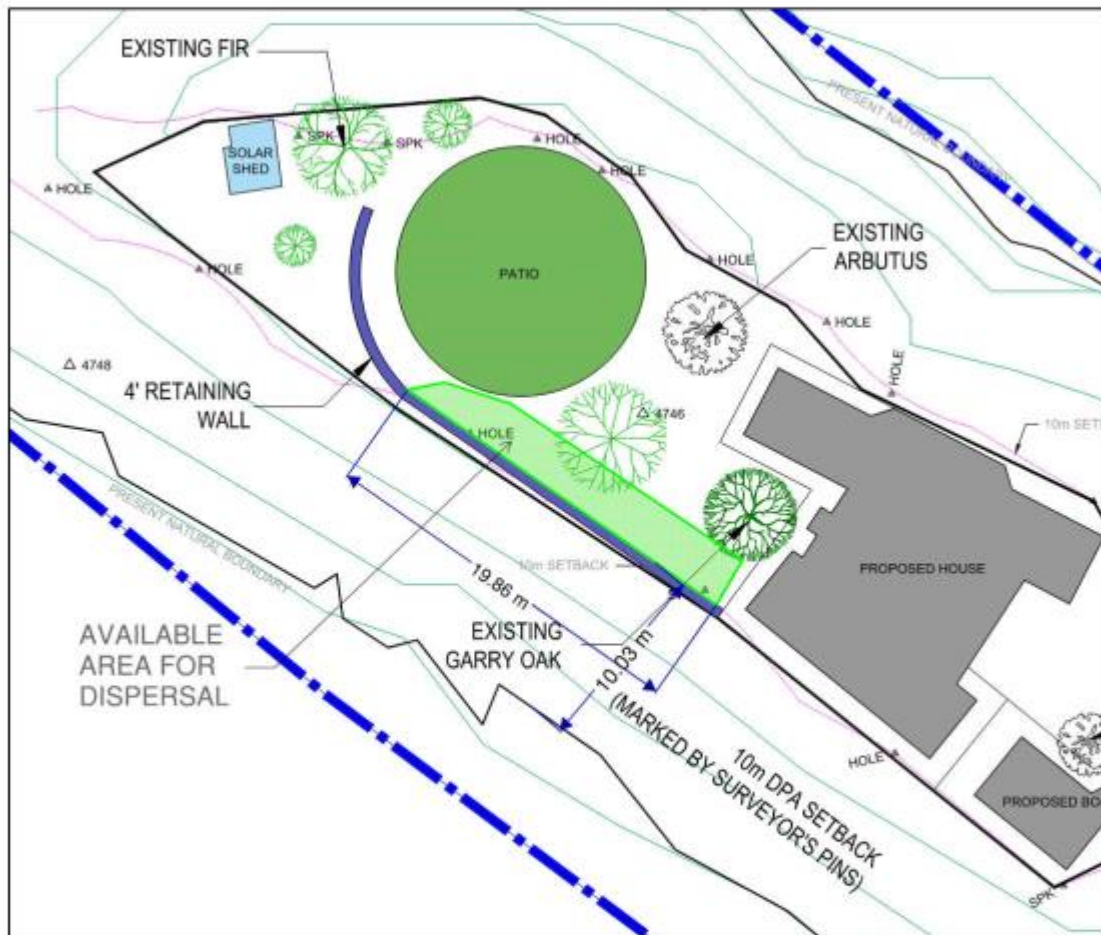


Figure 1: Proposed Effluent Dispersal Area. Scaled as drawn. North to top of page. For illustration only. Refer to 2021.90-46-LAY-001 for actual development plan


The proposed dispersal area upslope of the site retaining wall and within the 15m ocean setback outlined by the BC Ministry of Health Standard Practice Manual¹⁴. The area is primarily bedrock and would require manufacturing a soil base out of specified sands.

¹⁴ See footnote 2.

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SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1

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2.2 OTHER AVAILABLE AREAS FOR EFFLUENT DISPERSAL

There are no other suitable areas for effluent dispersal. One potential option would be a Ministry of Environment outfall to the ocean. However, that process could be prohibitive, both from a cost and schedule perspective.

3 SOILS ASSESSMENTS

Soils assessments for this subject parcel are not applicable, as there are sparing soils available for soils-based treatment.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1


 Aurora PROFESSIONAL GROUP INC.	OSWT Site Capability Assessment	Project: 2021.90
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Table 3: General Site Soil Assessment¹⁵

Site Slope <i>(Suunto 360PC/360R +/- 2%)</i>	Percent: ~60% Downsloping: SWbS Linear Up/Down Linear Across	Proposed Dispersal Area Slope	Percent: ~60% Downsloping: SWbS Linear Up/Down Linear Across
Geology and Terrain	Pacific Border Province: Puget Trough (Nanaimo Lowland) // The subject property is an islet, with a natural boundary to the sea (Long Harbour) around its entire perimeter. The islet is constrained by geometry, being roughly 44 m wide and 149 m long. The surface is predominantly bedrock with some depressions containing sparing, naturally deposited soils. Between the area of development and the natural boundary of the sea, the subject property consists primarily of sea cliffs, coastal banks/bluffs, and low rock/boulders. General soils categorization are not applicable; SIFT ID = N/A.		
Surface Water	Surface water is inferred to collect in pockets of bedrock in different areas of the subject property, though not within the available dispersal area.		
Seepage, springs	Description of water sources: None Water State¹⁶: N/A		
Direction of Shallow Groundwater Flow	It is estimated that shallow groundwater flows with the natural grade of the available dispersal area, SWbS.		
Drainage¹⁷	Excessively Drained	Drains	Side slope building drain and downslope retaining wall drain.
Slope Condition	Erosion Condition: Refer to Geotech report.		
	Stability Condition: Refer to Geotech report.		
Vegetation <i>(Common name)</i>	General: Barren / Grassland / Treed	Dispersal: Sparing shrubs and mosses.	
Cover	General: Tree (>25% canopy cover)	Dispersal: Barren (<5%)	

¹⁵ Nomenclature and descriptions per National Soil Survey Center, US Department of Agriculture, P. J. Schoeneberger, D. A. Wysocki, and E. C. Benham. 2012. Field Book for Describing and Sampling Soils. NRCS Publications.

¹⁶ **Water State:** Wet: Non-satiated (no free water), Wet: Satiated (free water easily visible)

¹⁷ **Drainage:** Subaqueous Drainage (free water above soil), Very Poorly Drained (Water is at or near the soil surface during much of the growing season), Poorly Drained (The soil is wet at shallow depths periodically during the growing season or remains wet for long periods), Somewhat Poorly Drained (The soil is wet at a shallow depth for significant periods during the growing season), Moderately Well Drained (Water is removed from the soil somewhat slowly during some periods of the year), Well Drained (Water is removed from the soil readily but not rapidly), Somewhat Excessively Drained (Water is removed from the soil rapidly), Excessively Drained (Water is removed from the soil very rapidly)

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Table 4: Summary of Soil Assessment Field Program

Date	Activity Type	Quantity	Completed By	Comments
26-Nov-2021	Site Visit	1	Bradley Fossen	Soils assessments not applicable.

Table 5: Notes from Field Program Activities

Soils assessments are not applicable, as there are sparing native soils for ground dispersal. The dispersal system will need to be manufactured from specified sands and other materials.

Table 6: Comments on Water Table and Seasonal High-Water Table

The available dispersal area is primarily bedrock; a seasonal high water table does not exist. Shallow groundwater flow is inferred to be in the direction of the topography and of a high velocity owing to the significant slope and lack of soils.

Table 7: Comments on Receiving Area¹⁸

A receiving area does not exist. For that reason, water deposited from the dispersal system must meet boundary condition requirements prior to draining to the shoreline.

4 SYSTEM ADVISORY

The system design shall meet EGBC requirements¹⁹. Solid sewerage waste will be managed via a composting toilet system. Influent, consisting of greywater, urine, and composting toilet leachate, is to be treated onsite and disposed of via an all-season dispersal system.

The detailed design shall consider solids loading, organic influent loading, and water use in order to prescribe a suitable system design meeting the requirements of the SSR. Further design requirements have already been described in Section 1, Summary.

A suitable alternative is a traditional OSWTS, without composting toilets, so long as it meets the guideline performance objectives at compliance boundaries, as noted in Section 1, Summary.


¹⁸ For OSWTS, the Receiving Area is typically in reference to the area 7.5m downslope from the infiltrative surface.

¹⁹ EGBC. (2018). Onsite Sewerage Systems. In EGBC Professional Practice Guidelines - Civil and Transportation Infrastructure (Version 1.3).

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 Form No.: APG-40-FRM-007	OSWT Site Capability Assessment Doc No.: 2021.90-16-EFR-001	Project: 2021.90 Revision: R.0
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5 ATTACHMENTS

Include in Owner Report	Include with Report
A. <input type="checkbox"/> Site Evaluation Worksheets	<input type="checkbox"/>
B. <input checked="" type="checkbox"/> Aurora Professional Group Inc. General Conditions	<input type="checkbox"/>
C. <input type="checkbox"/> Aurora Professional Group Inc. OQM	<input type="checkbox"/>
D. <input type="checkbox"/> Archeological Potential Map	<input type="checkbox"/>
E. <input checked="" type="checkbox"/> Contours Map	<input checked="" type="checkbox"/>
F. <input checked="" type="checkbox"/> Development Permit Areas Map	<input checked="" type="checkbox"/>
G. <input type="checkbox"/> Health Orders	<input type="checkbox"/>
H. <input type="checkbox"/> Infrared Camera Report	<input type="checkbox"/>
I. <input checked="" type="checkbox"/> Parcel Map	<input checked="" type="checkbox"/>
J. <input type="checkbox"/> Photo Log	<input type="checkbox"/>
K. <input type="checkbox"/> Pipe Camera Report	<input type="checkbox"/>
L. <input type="checkbox"/> Previous Sewerage System Filings	<input type="checkbox"/>
M. <input type="checkbox"/> Proximate Wells Map	<input type="checkbox"/>
N. <input type="checkbox"/> Sampling Records	<input type="checkbox"/>
O. <input checked="" type="checkbox"/> Satellite Map Choose an item.	<input checked="" type="checkbox"/>
P. <input type="checkbox"/> Proposed System - Sketch	<input type="checkbox"/>
Q. <input checked="" type="checkbox"/> Third Party Reports	<input checked="" type="checkbox"/>
R. <input type="checkbox"/> Well Records	<input type="checkbox"/>
S. <input type="checkbox"/> Land Title Records	<input checked="" type="checkbox"/>

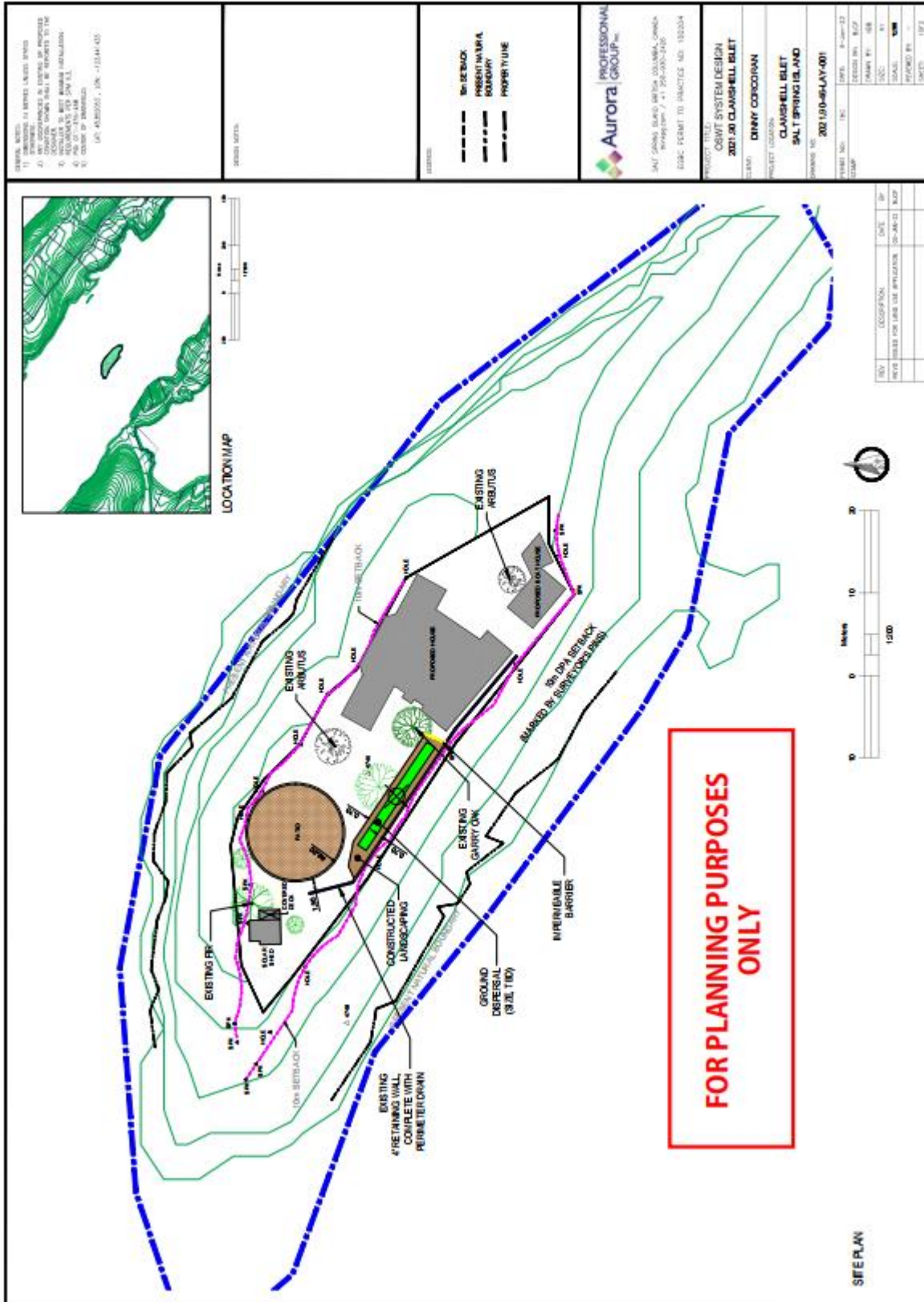
6 SIGN-OFF

Engineer of Record	BRADLEY FOSSEN <small>Name</small>	 <small>Sign</small>
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PROPOSED



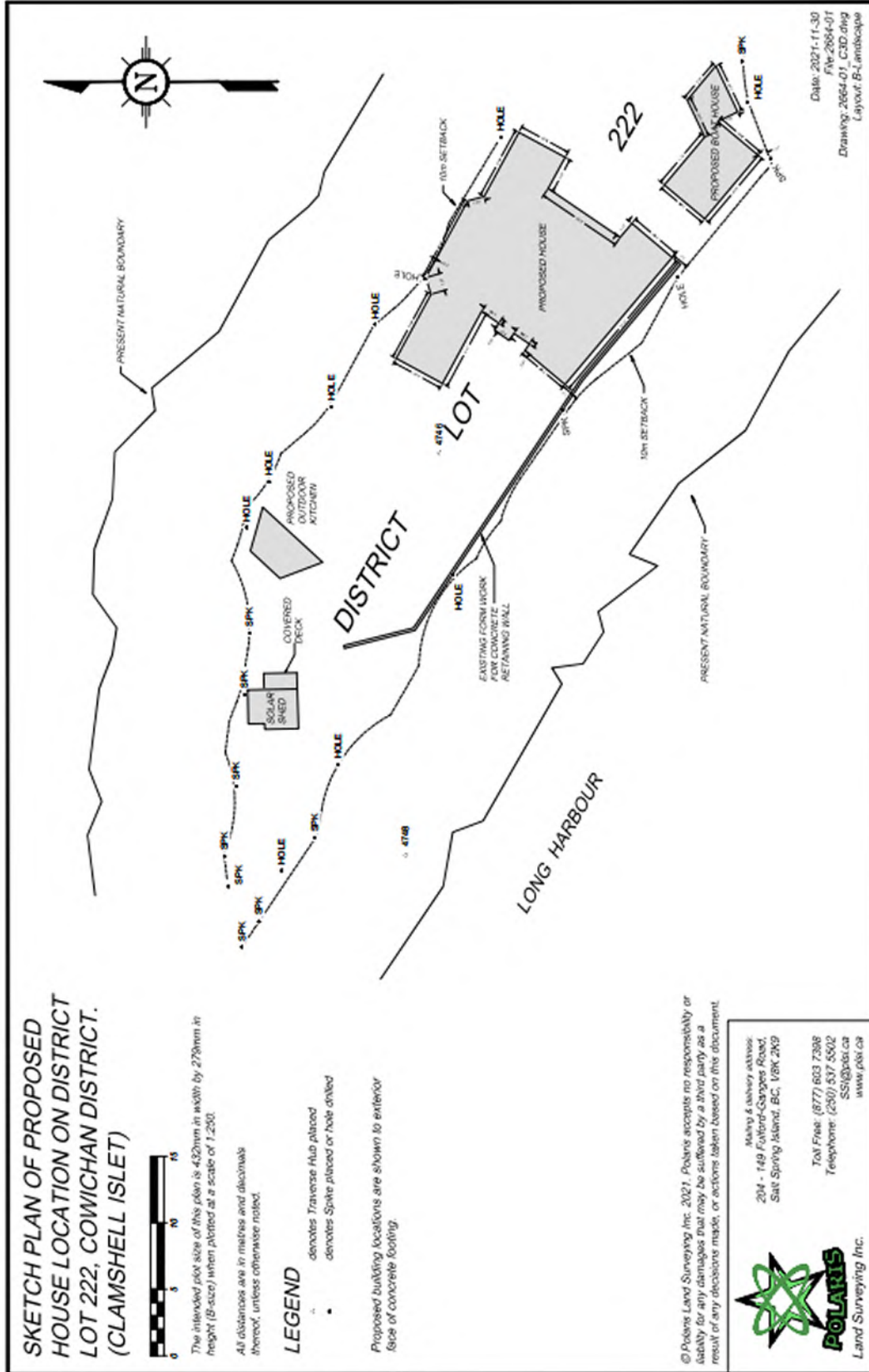
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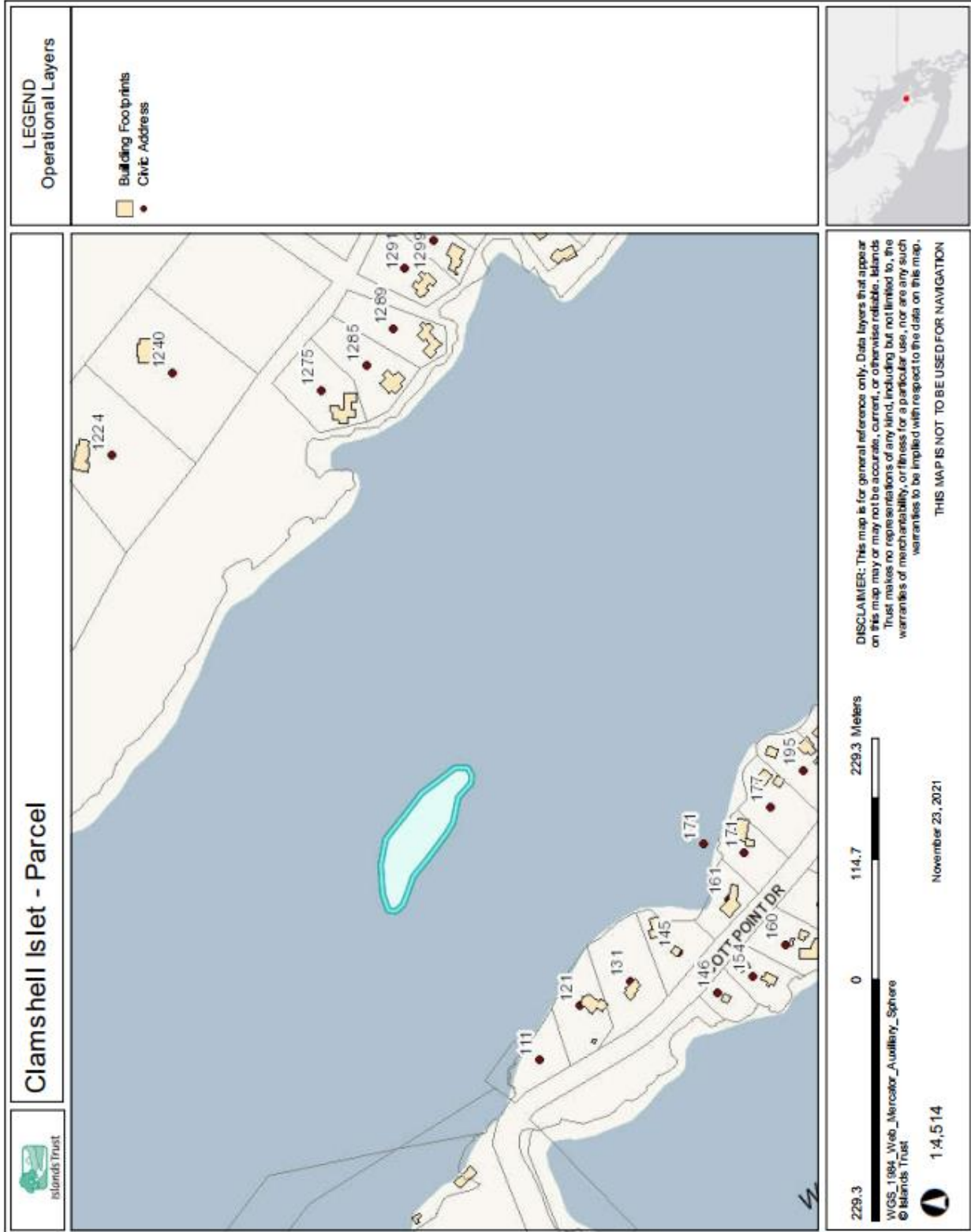
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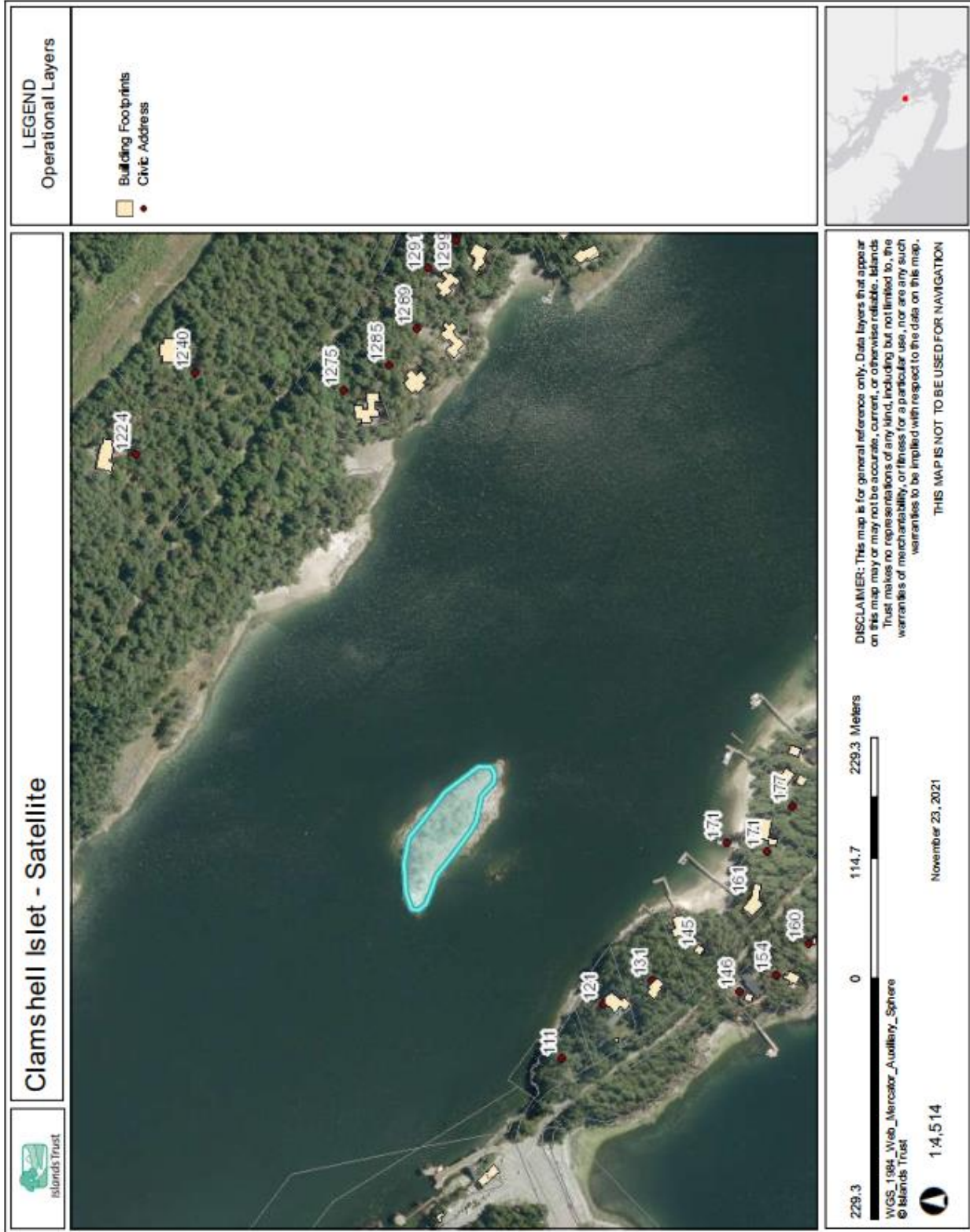
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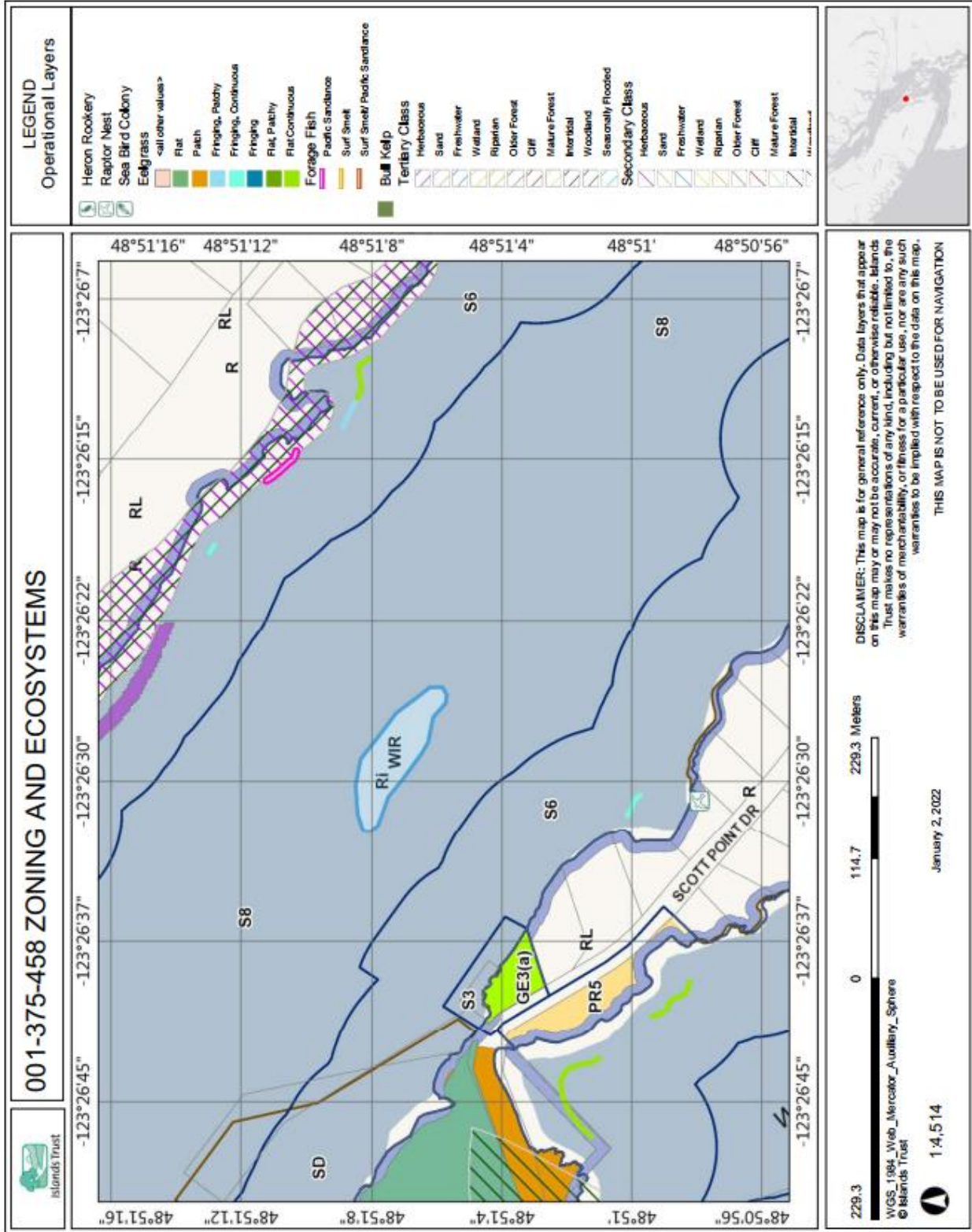
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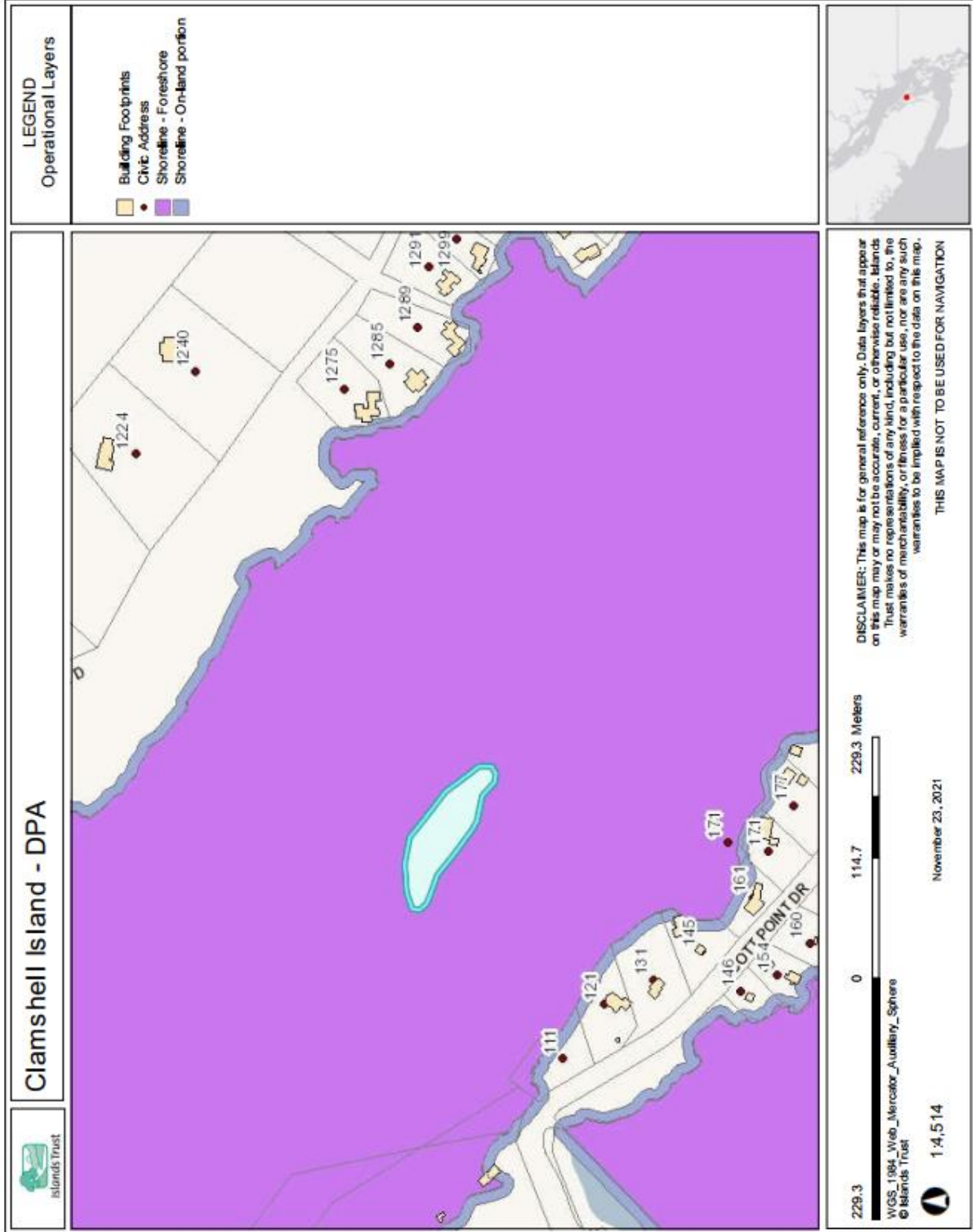
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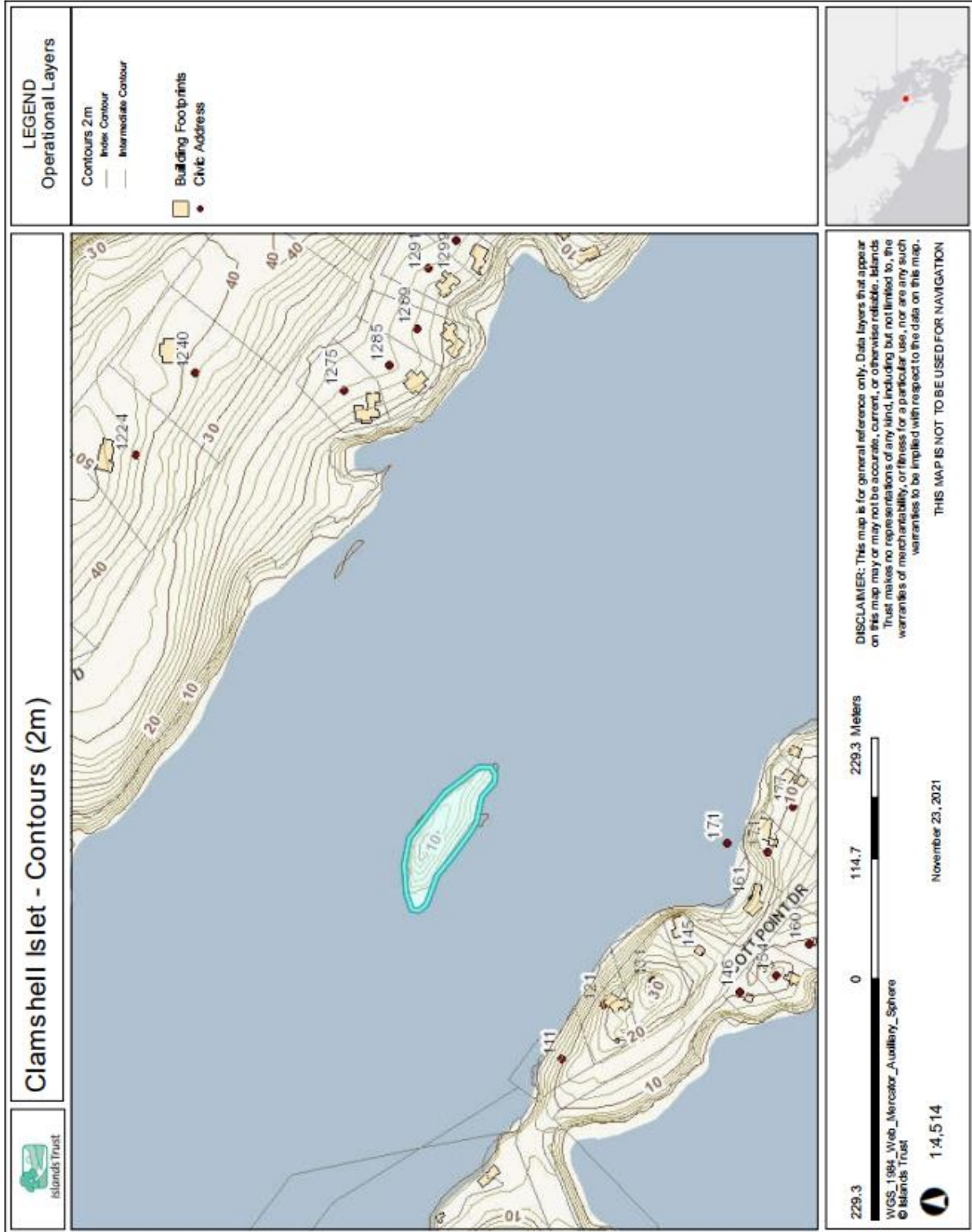
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PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.1





STAFF REPORT

File No.: SS-DVP-2022.1
X-Ref.: SS-BE-2021.121

DATE OF MEETING: March 22, 2022

TO: Salt Spring Island Local Trust Committee

FROM: Geordie Gordon, Planner 2
Salt Spring Island Team

COPY: Stefan Cermak, Regional Planning Manager

SUBJECT: Development Variance Permit to reduce the setback to the natural boundary of the sea for a retaining wall and septic field
Applicant: Dinny Corcoran
Location: Clamshell Islet

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee amend proposed permit SS-DVP-2022.1 by removing Section 3.1.
2. That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2022.1, as amended.
3. That the Salt Spring Island Local Trust Committee request the applicant submit a Soil Deposit Permit application to address all soil deposit and removal work done to date.

REPORT SUMMARY

This report brings forward a request to the Salt Spring Island Local Trust Committee (SS LTC) for two variances on the subject property, one for a proposed sewage disposal field to service a future single family dwelling, and another to allow an existing rock retaining wall to remain in place. Both require relaxation of the setback to the natural boundary of the sea. Staff find that the variance for the sewage disposal field is reasonable, necessary, and supported by a Professional Engineer's report. The setback to for the retaining wall is not supported by any professional reporting, and given the likelihood of additional work in this area of the subject property, staff recommend that a variance not be issued at this time, and that the applicant address this issue through a Soil Deposit Permit and future Development Variance Permit (DVP) if required.

BACKGROUND

The application is proceeding as a result of two conditions: one that the applicant is developing the subject property with a single family dwelling and cannot achieve the required sewage disposal field setback, and two, that the applicant has undertaken substantial site preparation work without the necessary permits despite extensive discussions with agencies before development. The site preparation work has resulted in the opening of a Bylaw Compliance and Enforcement (BCE) file, and a need to address that work by applying for the necessary permits.



Figure 1: Location of Subject property



Figure 2: air photo of subject property (2021 data)

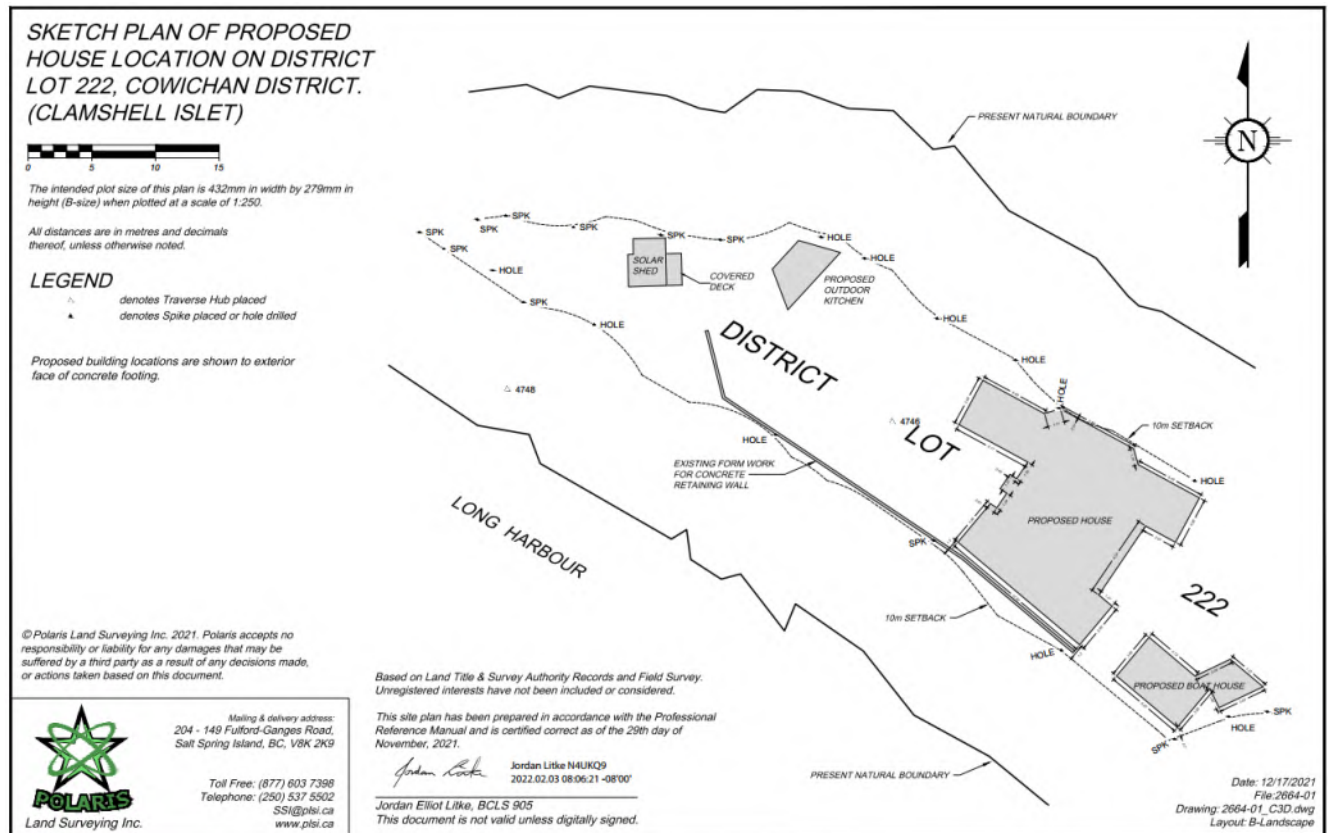


Figure 3: Survey of subject property (2021 data)

ANALYSIS

Policy/Regulatory

Official Community Plan:

The subject property is designated Islet Residential under Salt Spring Island Official Community Plan Bylaw No. 434. The following Conservation Land Use Objective is relevant to this proposal:

- B.8.1.1.3 To identify small islets in the Plan area zoned for residential use, but with fragile and sensitive natural environments.

Land Use Bylaw:

The subject property is zoned Rural Islet (Ri) under Salt Spring Island Land Use Bylaw No. 355. Uses permitted in the Ri zone are included in appendix one, but notably includes single family dwellings.

The following Land Use Bylaw setback requirements are also relevant to this proposal:

- 4.4.1 No *building or structure* except a fence, *pumphouse* or *boathouse* may be sited within 15 m of the *natural boundary* of any *water body*.
- 4.4.2 Despite Subsection 4.4.1, the setback from the *natural boundary* of the sea may be reduced to 10 m where an *engineer* has certified that the *natural boundary* is located on non-erodible material.
- 4.5.1 No sewage *disposal* field or septage pit may be located within:
 - (1) 30 m of the *natural boundary* of the sea;

Issues and Opportunities

Site zoning

The subject property is zoned Rural Islet under the Salt Spring Island Land Use Bylaw. There may be some misconceptions that due to the size and location of Rural Islets that no development can occur. While development can be challenging due to servicing constraints and the lot size, there are a limited number of zoning permissions that exist as-of-right (i.e. without need for additional permission from the SS LTC), most notably single family dwellings and associated accessory buildings.

If the SS LTC wishes to address zoning on Rural Islets, it may consider adding the changes to the Work Program Projects list under Land Use Bylaw Amendments. As staff project resources are fully allocated, no work will be done on this item until such time that resources are available and the SS LTC elevates Land Use Bylaw amendments to a Top Priority.

Also at issue on the subject property is the construction of at least one accessory building (the ‘Solar Shed’) prior to construction of principal dwelling or establishment of a principal use, which is not permitted by zoning. Addressing accessory buildings without a principal use has been on the SS LTC Projects list since 2016, but no work has been done. The applicant has not been required to address the construction of the accessory building, as the only mechanism to do so is a re-zoning.

Sewage Disposal Setback

Under Salt Spring Island Land Use Bylaw, sewage disposal fields are required to be set back from the natural boundary of the sea 30 m. Given the size of the subject property (approximately 45 m at the widest point), achieving this setback is impossible. This then creates a tension with the zoning permission that allows a single family dwelling, but not the infrastructure (in this case, the sewage disposal field) necessary to service the dwelling. The applicant is therefore required to seek to vary this requirement from 30 m, in this case down to 10 m.

In support of this setback reduction, the applicant has supplied an Onsite Wastewater Treatment System Site Capability Assessment Report (OSWTS) prepared by a Professional Engineer. As noted in the report, “waste water options in this situation are limited to either a) a holding tank or b) manufacturing a suitable soil base for ground dispersal.” The report also notes that, as a six bedroom house is planned, that the size holding tank required would be “prohibitively large” and recommends that a ground dispersal field be used.

From the OSWTS capability assessment, the dwelling is intended to be equipped with composting toilets with solid waste treated on site or sent to a suitable facility. This means that influent consisting of greywater, urine, and composting toilet leachate will be dealt with through the sewage disposal field. Placement of the sewage field within 30 m of the natural boundary of the sea is supported in the OSWTS subject to monitoring of ground water to ensure that performance objectives are met, as they relate to coliform bacteria, nitrate nitrogen, ammonia nitrogen, and total phosphorus. As the report makes up part of the proposed DVP, these conditions will need to be met in order for the permit to remain valid. Failure to comply with permit conditions would result in BCE enforcement.

If the SS LTC were to refuse this variance request, the applicant would be required to seek an alternative option for influent, likely a holding tank. Due to size requirements, the applicant may be required to reduce the size of the dwelling, though staff are unclear as to the relationship of dwelling size to holding tank size. The applicant could also seek a variance on the basis of hardship from the Board of Variance (BOV).

Retaining Wall Setback

As noted above, the applicant has undertaken site preparation and development work prior to issuance of a building permit and without a Soil Deposit Permit despite staff informing him of these requirements. This work includes land clearing, construction of an accessory building, deposit of fill within 15 m of the natural boundary of the sea, and construction of a retaining wall within 15 m of the natural boundary of the sea.

Based on the requirements of the Salt Spring Island Land Use Bylaw and the Soil Removal Bylaw (No.418), likely none of these activities would be permitted without some combination of a rezoning, a DVP, a building permit, or a Soil Deposit permit. At issue in this application is the need for a variance for the retaining wall that has been constructed down to a 0 m setback to the natural boundary of the sea (see attached photos in Appendix 2). Given the sensitive nature of the Islet’s ecosystem (see section below), and the likelihood of further work in the area of the existing retaining wall to facilitate house construction, staff recommend that the applicant be requested to submit further documentation that provides for a holistic approach to further site development, minimizes the impacts of development and vehicle access to the shoreline, and preserves a sensitive ecosystem to the greatest extent possible.

Sensitive Ecosystem

Clamshell Islet is designated as a woodland ecosystem under Islands Trust Sensitive Ecosystem Inventory (SEI). As noted in the Islands Trust Conservancy [Sensitive Ecosystem Guide](#), woodland ecosystems “are dry and open forests dominated by a mix of deciduous and coniferous tree species. Arbutus, Douglas-fir and Garry oak dominated woodlands are among the most sensitive and biologically diverse woodland ecosystems in the islands Trust Area.” The importance in maintaining woodland ecosystems is critical, as they “support a high number of at-risk species, the loss of each woodland ecosystem has devastating effects on the Province’s biodiversity and may affect the ability of our area to adapt to climate change.” Recommendations to protect woodland ecosystems applicable to this property include: limiting access and avoiding development to prevent vegetation damage, control invasive species, and prevent livestock grazing to avoid soil compaction and erosion. In consideration of the sensitive nature of the subject property, staff recommend that a more comprehensive plan, prepared by the appropriate professional such as an R. P. Bio., be provided for variances not essential to uses permitted by zoning.

Consultation

Section 499(3) the Local Government Act requires that notice must be mailed or otherwise delivered to owners and any tenants in occupation of all parcels within a distance specified by bylaw at least 10 days before adoption of the resolution to issue the permit. Salt Spring Island Development Procedures Bylaw No. 304 establishes that all owners and tenants of all properties within 100 metres of the property boundaries of the land that is subject to the application shall be notified. These requirements were fulfilled, as statutory notice was mailed to all owners of properties within 100 metres of the subject property's boundaries on March 7, 2022 and notice was delivered or mailed to all tenants of properties within 100 metres of the subject property's boundaries on March 7, 2022.

Due to the location of the subject property, the number of adjacent properties captured within 100 m was extremely limited.

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

Protocols

No relevant protocols have been identified.

Agencies

No agency referrals have been deemed necessary for this proposal.

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

Rationale for Recommendation

Locating the infrastructure necessary to service a permitted dwelling requires setback to the natural boundary of the sea, as locating it according to the Land Use Bylaw requirements is not possible. The variance is a reasonable and necessary request to carry out a permitted use and is supported by a report from a Professional Engineer. For these reasons, staff recommend issuance of the variance for the sewage disposal field. The rationale for the existing retaining wall has not been provided, and staff recommend that a more comprehensive plan for site access and development be provided to support further site development. The applicant is also required to submit a Soil Deposit Permit, per BCE direction.

ALTERNATIVES

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

1. Approve the proposed development permit without amendment.

The SS LTC may approve the proposed DVP without the amendment recommended by staff. Staff advise that the implications of this alternative are that the application will be permitted to proceed as proposed. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2022.1.

2. 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 cost 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 the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust an Assessment Report, completed by a Registered Professional Biologist, which identifies the potential impacts of the soil and fill deposit on the shoreline of the subject property.

3. Deny the application

The SS LTC may deny the application. Staff advise that the implications of this alternative are that the sewage field will not be permitted to be located in the proposed area. As subject property is permitted a single family dwelling, alternative wastewater treatment options will likely be pursued by the applicant. The required setback cannot be achieved, so treatment options will likely be limited to domestic waste water treatment plant options. If this alternative is selected, the SS LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee deny issuance of SS-DVP-2022.1 for the following reasons [insert reasons].

NEXT STEPS

If the SS LTC accepts staff’s recommendation, the permit will be issued as amended. The applicant will be requested to address the existing soil deposit through additional applications such a Soil Deposit Permit and potentially another variance as required.

Submitted By:	Geordie Gordon, Planner 2	March 7, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	March 9, 2022

ATTACHMENTS

Not included in December 13, 2022 SS LTC Agenda Package

1. Site Context
2. Photographs
3. Draft Development Variance Permit
4. Notice



Islands Trust

STAFF REPORT

File No.: SS-DVP-2022.1

X-Ref.: SS-BE-2021.121

DATE OF MEETING: July 12, 2022

TO: Salt Spring Island Local Trust Committee

FROM: Geordie Gordon, Acting Island Planner
Salt Spring Island Team

COPY: Louisa Garbo, Acting Regional Planning Manager
Salt Spring Island Team

SUBJECT: Development Variance Permit to reduce the setback to the natural boundary of the sea
for a retaining wall and septic field
Applicant: Dinny Corcoran
Location: Clamshell Islet

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee deny issuance of SS-DVP-2022.1.

REPORT SUMMARY

This report brings forward the results of the Salt Spring Island Local Trust Committee (SS LTC) referral to First Nations of two variances on the subject property - one for a proposed sewage disposal field to service a future single family dwelling, and another to allow an existing rock retaining wall to remain in place. Both require relaxation of the setback to the natural boundary of the sea.

As responses received from First Nations indicate a lack of support for the variance, staff recommend that the variance be denied.

BACKGROUND

The SS LTC considered the subject DVP at their meeting March 22, 2022, when the following resolution was passed:

SS-2022-051

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

That the Salt Spring Island Local Trust Committee refer application SS-DVP-2022.1 to First Nations who may have interest and request Senior Inter Governmental Policy Advisor for insights and advice (Clamshell Islet).

CARRIED

The previous staff report can be found here:

Staff report: <https://islandstrust.bc.ca/document/salt-spring-ltc-regular-meeting-agenda-7/> (page 201)

Minutes: <https://islandstrust.bc.ca/document/salt-spring-ltc-regular-meeting-minutes-10/> (page 9)

In accordance with this resolution, Islands Trust staff referred the proposed DVP to the thirteen First Nations with territorial interest on Salt Spring Island. Staff received responses from three nations: Malahat Nation, Cowichan Tribes, and Lyackson First Nation with Lyackson First Nation providing a written response to the proposed application (appendix 1).

Following SS LTC review at the March SS LTC meeting, the applicant revised the building permit application (see appendix 2) to remove the need for a septic field by using storage tanks for grey water collection. Due to the revision of the building permit, the review was completed by Islands Trust staff and forwarded to Capital Regional District (CRD) Building Inspection.

The applicant has submitted a Soil Deposit Permit to cover already deposited material. This permit application has not yet been processed by Local Planning Staff.

The applicant has also provided a letter with further detail on the proposed system design, which will only collect grey water from sinks, showers, and other fixtures that do not collect human waste (see appendix 3).

ANALYSIS

DRIPA and Reconciliation

Article 26 of the [United Nations Declarations on the Rights of Indigenous Peoples \(UNDRIP\)](#) states:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned

Section 3 of the *Declaration on the Rights of Indigenous Peoples Act (Declaration Act)* requires B.C. to align its laws with UNDRIP. In their response, Lyackson First Nations has referenced this above section of UNDRIP to support their interest in recommending refusal of the proposed variance.

In 2019, Islands Trust Council adopted the Reconciliation Declaration which states, in part:

“Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home...Islands Trust Council will strive to create opportunities for knowledge-sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea.”

Consultation

Section 499(3) the Local Government Act requires that notice must be mailed or otherwise delivered to owners and any tenants in occupation of all parcels within a distance specified by bylaw at least 10 days before adoption of the resolution to issue the permit. Salt Spring Island Development Procedures Bylaw No. 304 establishes that all owners and tenants of all properties within 100 metres of the property boundaries of the land that is subject to the application shall be notified. These requirements were fulfilled, as statutory notice was mailed to all owners of properties within 100 metres of the subject property's boundaries on March 7, 2022 and notice was delivered or mailed to all tenants of properties within 100 metres of the subject property's boundaries on March 7, 2022.

Due to the location of the subject property, the number of adjacent properties captured within 100 m was extremely limited.

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

First Nations

The SS LTC referred the proposed variance to First Nations with territorial interests on Salt Spring Island, where First Nations indicated their opposition to the variance citing concerns not only with the level of development on islets around Salt Spring Island (in Ganges Harbour), but also with the cumulative impact that development in harbours has on "culturally important harvesting areas and sites, such as shoreline and intertidal zones."

In accordance with DRIPA and the Islands Trust Reconciliation Declaration, the SS LTC should take the comments received from First Nations into account when considering whether or not to refuse this variance request.

Rationale for Recommendation

The SS LTC has requested First Nations to comment and received a clear refusal of the proposed variance. The applicant has already pursued an alternative option to eliminate the need for a variance. Staff recommend that the variance be denied.

ALTERNATIVES

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

1. Approve the proposed development permit.

The SS LTC may approve the proposed DVP. Staff advise that the implications of this alternative are that the application will be permitted to proceed as proposed. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2022.1.

2. 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 cost 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 the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust an Assessment Report, completed by a Registered Professional Biologist, which identifies the potential contamination impacts of the septic field reduction.

NEXT STEPS

If the SS LTC accepts staff's recommendation, the permit will be issued denied and the application will be closed.

Submitted By:	Geordie Gordon, Acting Island Planner	June 24, 2022
Concurrence:	Louisa Garbo, Acting Regional Planning Manager	June 27, 2022

ATTACHMENTS

- 1. First Nations Referral Response.
- 2. Revised building permit
- 3. Engineering Letter

Attachments not included in December 13, 2022 Salt Spring Island Local Trust Committee Agenda Package

From: Louisa Garbo
Sent: Monday, November 7, 2022 8:52 AM
To: Jennifer Baddeley
Subject: FW: Salt Spring Island Local Trust Committee - Referral of Clamshell Islet Development Variance Permit

From: Karyn Scott <consultations@Lyackson.bc.ca>
Sent: October 26, 2022 3:00 PM
To: Louisa Garbo
Cc: Referrals; Tracy Fleming; Clare Frater
Subject: RE: Salt Spring Island Local Trust Committee - Referral of Clamshell Islet Development Variance Permit

Hi Louisa,

Thank you for your email. Once again we are disappointed that our Quw'utsun Nation communities' concerns were ignored in your decision-making processes. I am not sure what purpose a site visit would have. Does the LTC suppose we are interested in witnessing the ongoing desecration and destruction of culturally significant places? As a point of information, we typically avoid directly engaging in discussions with homeowners as we have found they can be quite aggressive and disrespectful (I could point to our site visit to Powder Islet as a recent unfortunate example where our team was subjected to lateral violence and racism) and the Duty to Consult is with the Crown, not the public.

I was by the islet in the summer, it would be ridiculous to allow this development there and I reiterate Lyackson's non-consent. Please advise as to the accommodation being provided for the destruction of this habitat.

Huy ch q'u,

Karyn

Karyn Scott, Consultations

Lyackson First Nation

8017 Chemainus Road

Chemainus BC V0R 1K5

Email: consultations@lyackson.bc.ca

Cellular: 778-700-8110



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IMAGE.jpeg



From: Louisa Garbo
Sent: Monday, November 7, 2022 8:51 AM
To: Jennifer Baddeley
Subject: FW: Salt Spring Island Local Trust Committee - Referral of Clamshell Islet Development Variance Permit

From: Tracy Fleming <Tracy.Fleming@cowichantribes.com>
Sent: Friday, October 28, 2022 11:19 AM
To: Louisa Garbo <lgarbo@islandstrust.bc.ca>; consultations@lyackson.bc.ca
Cc: Bethany Coulthard <Bethany.Coulthard@cowichantribes.com>; Clare Frater <cfrater@islandstrust.bc.ca>; referrals@lyackson.bc.ca
Subject: Re: Salt Spring Island Local Trust Committee - Referral of Clamshell Islet Development Variance Permit

Hi Louisa,

I must admit that my reaction to the news of the LTC not denying this application outright was similar to Lyackson's. Also I'm not sure that having Cowichan Tribes' representatives visit Clamshell Islet will provide any additional information, except to see in person what we saw in the referral photos, that there are shell deposits in the disturbed soils (broken shell = midden = archaeological concerns). In general, all islets in the Gulf Islands have potential archaeological deposits along with cultural sensitivities. Clamshell Islet being within Long Harbour has an additional level of concern for Cowichan Tribes because our harvesting site for clam depuration is also within Long Harbour. Cowichan Tribes absolutely does not support additional development within and in the vicinity of Long Harbour.

We look forward to hearing of the LTC's opposition to this development.

Tracy

Tracy Fleming, M.Sc.
Lead Referrals Coordinator
Lands and Self-Governance ~ Lulumexun
Cowichan Tribes
5762 Allenby Road
Duncan, BC V9L 5J1
1-236-800-4023 (x 6019)

Note that due to COVID-19 pandemic I will be working from home indefinitely, as a result there may be delays in responses.

Mukuw' stem 'i' utunu tumuhw, 'o' huliitun tst, mukw' stem 'i' utunu tumuhw 'o' shiilhukw 'ul
Everything on this Earth is what sustains us, everything on this Earth is connected together.
(*Qw'utsun* Teaching)

Please consider the environment before printing this message.

PRIVILEGE & CONFIDENTIALITY NOTICE: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient, it may be unlawful for you to read, copy, disclose or otherwise use the information on this communication. If you received this transmittal in error, please contact the sender and delete the material immediately.

From: no-reply-ts-fn@knowledgekeeper.ca
Sent: Tuesday, November 29, 2022 9:15 AM
To: Daniela Murphy; akjerulf@islandstrust.bc.ca
Subject: Decision regarding consultation: Salt Spring Island Development
Variance Permit SS-DVP-2022.1
Attachments: consultation-response-3224-20221129-0914.pdf

Please see attached PDF.



Ts'uubaa-asatx Nation

Project Name:

Salt Spring Island Development Variance Permit SS-DVP-2022.1

Consulting Org Contact:

Daniela Murphy

Consulting Organization:

[Islands Trust Conservancy](#)

Date Received:

Monday, April 11, 2022

Ts'uubaa-asatx Nation
313B Deer Lake Road
Lake Cowichan, British Columbia
V0R 2G0
Phone: 250-749-3301
Fax: 250-749-4286

November 29, 2022

Islands Trust Conservancy
Attn: Daniela Murphy

Au Si'em:

Proposed Decision: No Issues

Project Name: Salt Spring Island Development Variance Permit SS-DVP-2022.1

Date Received: 2022-04-11T00:00:00

To whom it may concern,

Ts'uubaa-asatx Nation is in receipt of the referral for: Islands Trust Salt Spring Office

This application is located within the Ts'uubaa-asatx Nation statement of intent area; it is the interest of the Ts'uubaa-asatx Nation to respectfully maintain our rights and access to the lands and resources throughout our territory.

Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this "no comment" response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory.

Furthermore, we may choose in the future to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen. Should you require any further information, please do not hesitate to contact our office.

Uy shkweyul'tst ,

Monty Horton

Hul'q'umi'num language terms:

Au Si'em: a term denoting high respect.

Uy shkweyul'tst: Have a good day.

DATE OF MEETING: December 13, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Charly Caproff, Planner Technician
Southern Team
COPY: Chris Hutton, Regional Planning Manager
SUBJECT: SS-DVP-2022.16
Applicant: Ellen Hansen
Location: 124 Margaret Ave Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2022.16

REPORT SUMMARY

This Development Variance Permit (DVP) application seeks to vary the Salt Spring Island Land Use Bylaw No. 355 (LUB) to make lawful the siting of an existing staircase, dwelling, and shed. The recommendation is to approve the DVP (Attachment 6) as the variance being sought is relatively minor, the dwelling and shed have been in place for many years, the dwelling was issued a building permit at time of construction, and there is a letter of support from the neighbours adjacent to the constructed staircase. To this date there have been no community concerns raised with the proposed variance application.

RATIONALE FOR VARIANCE

The applicant provided a written statement that she had been misinformed by her contractor regarding the need for a permit for a structure (staircase) and unaware that development of the parking pullout was sited beyond her property line on the highway. The staircase was built by a landscaper and the design is intended to stabilize the slope by reducing water run-off. The applicant also states that the landscaper was informed by building inspection that no permit was required. The staircase is adjacent to her neighbour's property, and they have also provided a letter of support. The applicant believes that the shed was built at the same time that the dwelling was renovated by the previous owners in the early 1990s. The applicant stated that she was unaware of the setback encroachments for the dwelling and shed, this was not discussed when the property was purchased in September 2020.

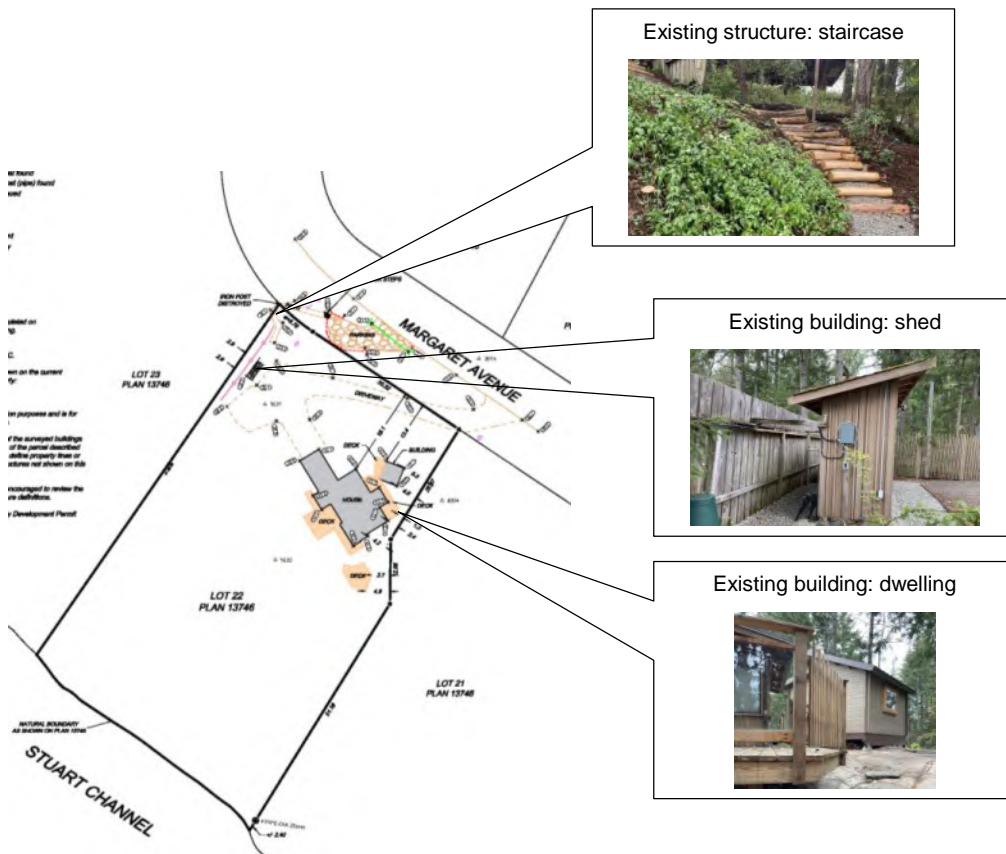
BACKGROUND

The owner has applied for a development variance permit (DVP). A DVP is a land use permit that can relax siting, size or dimension regulations, but cannot vary use or density. A DVP is considered on a case by case basis and on its own merits. Typically variances are for things like minor encroachments into setbacks. The LTC has discretion to approve or refuse a DVP, however usually the LTC will consider factors like the applicant's

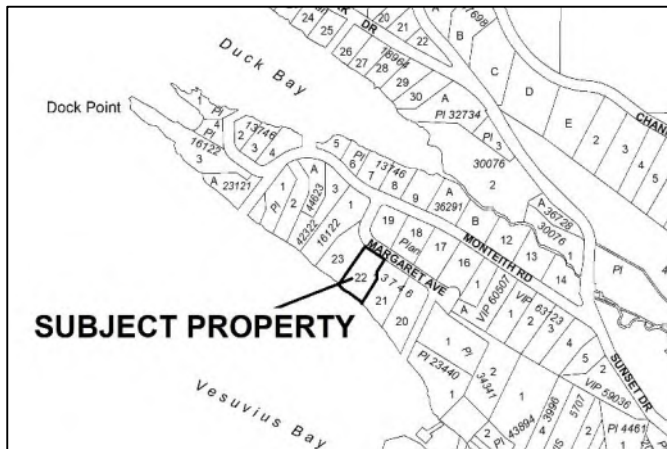
rationale, that there is a unique circumstance specific to this property, the impacts that approving the variance may have on the environment or neighbours, any comments of neighbours, and the staff analysis.

The subject property is located at 124 Margaret Ave in north Salt Spring Island. The subject property is zoned Residential 8 (R8). Further property details can be found in Attachment 1. The application is proceeding as a result of Bylaw Compliance Enforcement (BCE) on the subject property that has been ongoing since April 7, 2022. The complaint pertained to a pullout parking area and rock wall constructed on the highway. Upon site inspection and review of the site plan, it was determined that a staircase leading from the pullout parking area (see Attachment 4 for reference) is within the front and interior lot line setbacks, and that the dwelling and accessory building are within the interior lot line setbacks. Regarding the staircase, the adjacent neighbour has provided a letter of support for this variance application and there have been no complaints pertaining to the minor building encroachments.

Map 1: Site Context with Existing Buildings Identified



Map 2: Property Location



Map 3: Ortho Photo



ANALYSIS

Intent of Regulations Being Varied

The purpose of setback regulations is to minimize impacts to adjacent neighbours, provide for greenspace and provide emergency access. Given the encroachment of the dwelling and shed are relatively minor, and a letter of support was provided by the adjacent neighbour for the staircase, the overall intent of the setback requirement would not be compromised.

Potential impacts of Granting a Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits. In this case, the variances are relatively minor. Deconstructing the stairs would result in access issues, and moving or removing the existing buildings would be unreasonably costly and time-consuming.

Consultation

DVP Notices were circulated to surrounding property owners and residents on Wednesday, November 23, 2022. The notification period will end on Monday, December 12, 2022. The property owner received a letter of support from an adjacent neighbour prior to the notice being sent. This was included with their application.

No submissions have been received to date (i.e. at the time of writing this report prior to the agenda deadline). Any submissions received after the agenda deadline but prior to the LTC meeting will be forwarded to Trustees and the applicant and will be reported at the meeting.

First Nations

There are no known First Nations interests or potential impacts related to this application.

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

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

Rationale for Recommendation

It is recommended that the proposed variance be approved to bring two existing buildings and the stair structure into compliance. Adjacent neighbours have indicated that they are not negatively impacted by the existing structure and there have been no complaints regarding the building encroachments. The encroachments are relatively minor and re-siting and deconstruction would create hardship for the property owners. For example, the geotechnical report provided by Ryzuk Geotechnical states that ‘removal of the stairs may lead to the preferential flow of stormwater down the slope in the pathway left after removal.’

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. 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

2. Deny the application

The LTC may deny the application. If the application is refused the owner may apply to the Board of Variance. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee refuse application SS-DVP-2022.16.

Submitted By:	Charly Caproff, Planner Technician	November 25, 2022
Concurrence:	Chris Hutton, Regional Planning Manager	November 30, 2022

ATTACHMENTS

- 1. Written Statement
- 2. Consultant Report
- 3. Site Context
- 4. Maps, Plans, Photographs
- 5. Notice
- 6. Draft Development Variance Permit

July 24-2022

To whom it may concern,

This is a letter to accompany my enclosed application.

To recap, I wanted to add some parking space on my property, as the existing space was not sufficient for our family. The property is benched and the only space that made sense was a small natural bench parallel to the road. My contractors advised me that I will not need a permit of any kind, and we started to construct a small pullout parallel to the road. To stabilize the slope, we started two rows of stacked rocks, aka "retaining wall". Since then, a written complaint was sent to the Island and has led to the Island Trust and the Building Department contacting me. I was ordered to stop construction and get surveys (property lines and geotechnical) to determine the needed permits and how to proceed.

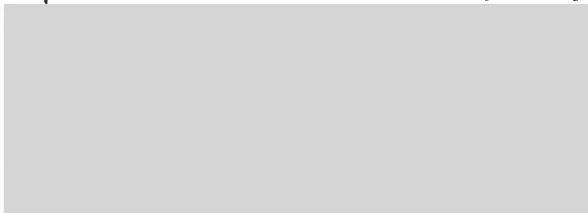
I have been in contact with Mr. Warren Dingman, Mr. Brenndan Given, Mr. Geordie Gordon and Mr. Rob Pingle of the Island Trust and Mr. Vahamaki as the local building inspector.

We have finally received written reports of both the geotechnical engineer and the surveyor. As the attached site plan shows, I have not only received bad advice, but also, we have totally misjudged the property line locations in relation to the road. Mr. Dingman advised, that since it is not on my property; it is not within the jurisdiction of the Island Trust regarding DP6 and I will also not have to apply for a development permit or variance for that part of the construction. He did request to remove the retaining wall, as the land use Bylaw asks for any accessory structures to be located on my lot. He also asked that I contact the MoTI about the parking lot to see, how they want to proceed. I managed to secure a contractor that is on stand-by and will do the work requested, once we have clarified it with MoTI (the original contractor left [redacted]).

The steps we built to navigate the slope from the parking area to my house unfortunately ended up right on the lot line [redacted]. They have been supportive of the build, as we stabilized the slope and fixed their broken fence in the process and improved the area in question with our work. However, the steps count as a "structure" and as such they should not be located within the setback. Mr. Dingman advised that I either must take out the steps (which will destabilize the slope and create an unnecessary mess) or apply for a development permit and variance. Please find attached the application. I have attached a letter of support from the McLennans to my application The steps have been built by a landscaper who used the same methods as BC parks uses in wilderness area. He claims that when the inspector did his site visit, he was told we do not need a permit. They are self-supporting, semi permeable to allow soil penetration in case of precipitation (made of untreated natural wood, backfilled with existing soil and gravel). The design mitigates water run-off to avoid erosion and helps stabilize the slope against erosion, allowing safe access from the lower area by the road to the upper lot.

I hope we will get the permit and variance approved, so we can keep the stairs as is. Thank you for your consideration, and please do not hesitate to contact me with further questions or requests.

Best, Ellen Hansen




**RYZUK GEOTECHNICAL**

Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

September 23, 2022

File No: 11189-1

Ellen Hansen
(By E-mail: )Re: Geotechnical Assessment
124 Margaret Ave - Salt Spring Island, BC

As requested, we herein provide an assessment of the landscaped stairway that has been constructed at the northern portion of your property providing access down to Margaret Avenue. We have previously attended the above referenced site on May 20th, 2022, to meet with you and conduct a geotechnical assessment of the existing parking lot and associated boulder stack retaining wall. We understand the parking lot and boulder stack wall will be removed and the slope reinstated. We also understand the property lies within Development Permit Area (DPA6 – Unstable Slopes) as per the Salt Spring Island Official Community Plan and as such development must be in accordance with a report submitted by a professional addressing slope stability and soil erosion hazards. Our associated observations, comments, and conclusions with respect to the landscaped stairway are included herein and are provided in accordance with the previously agreed Terms of Engagement.

The subject property is a waterfront lot that faces southwest over Vesuvius Bay. The lot slopes moderately steeply up from Margaret Avenue to the crest of a prominent northwest-southeast trending bedrock ridge where the main residence is situated. A gravel surface driveway provides access from Margaret Avenue to a detached garage adjacent to the residence. At the northeast edge of the garage there is a landscaped stairway which traverses from the slope crest down to a flat area adjacent to the roadside ditch along Margaret Avenue.

The stairs traverse an approximately 30 m interval downslope and contour around such from the crest. The stairs are approximately 1 m wide with a tread that consists of scaled timber roughly 150 mm in diameter. Crushed rock has been placed inside the treads. The slope on which the stairs have been constructed is approximately 5 – 6 m high vertical measure sloped at roughly 32 degrees from horizontal in the upper few metres and with shallower slopes down to the stairway termination at the flat area. Slope soils in the area of the stairs generally consisted of native brown dense sandy silt with angular gravel clasts. In several places on the slope adjacent to the stairs, and in the slope behind the main driveway, weathered brown shale bedrock was exposed. The surrounding slopes are sparsely

vegetated with low-lying brush and host to several large Douglas Fir trees with diameters in the order of 0.6 m. No ‘pistol-butting’ of the tree trunks on the slope was observed.

Based on our visual observation, we consider that the slope the stairs are constructed upon is globally stable. We expect that the soils developed on the slope are mostly shallow overlying sedimentary bedrock. We were able to advance a hand steel probe up to approximately 0.8 m into the upper soil portion of the slope before refusal. Additionally, lack of ‘pistol-butting’ of tree trunks on the slope suggest limited surficial soil creep downslope. We expect that the dense sandy silt with gravel soils on the slope may have internal angle of friction ranging between 30 and 40 degrees. As such we consider the native soils suitable for the construction of the landscaped stairs.

We expect that the native soils on the slope and the crushed rock placed between the treads will have moderate infiltration capacity limiting erosion of the soils. We consider that there may be some localized erosion of the soils along the edges of the stairs during periods of excessive rainfall. This could be mitigated by placing a layer of non-woven geotextile fabric in the narrow ditch and covering with 150 mm clear gravel.

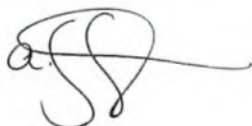
Removal of the stairs may lead to the preferential flow of stormwater down the slope in the pathway left after their removal. Although not easy to erode repeated flow in one narrow area on the slope will potentially lead to excessive erosion and channeling in that area in the long-term.

Based on the above, we consider the landscape stairs to have been constructed on stable dense soils with low erosion susceptibility atop a globally stable slope. This letter is provided pursuant to Section E.6.1.3 of the Salt Spring Island Official Community Plan Bylaw No. 434.


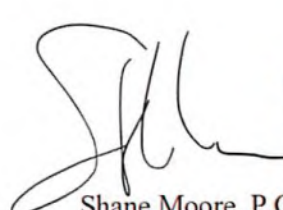
We trust the preceding is suitable for your purposes at present. If you have any questions, or require anything further, please do not hesitate to contact us.

If there are any questions or comments with respect to the above, please contact us.

Regards,
Ryzuk Geotechnical
PTPN: 1002996



Tony Grimison, P.Geol.
Geoscientist



Shane Moore, P.Geol.
Lead Geoscientist / President

ATTACHMENT 3 – SITE CONTEXT

LOCATION

Legal Description	Lot 22 Section 10 Range 3 West North Salt Spring Island Cowichan District Plan 13746
PID	000-665-771
Civic Address	124 Margaret Ave Salt Spring Island BC V8k 1h4

LAND USE

Current Land Use	Residential 8 (R8)
Surrounding Land Use	Neighbouring lots are Residential 8 (R8). The rear of the property borders the Shoreline 6 (S6) zone.

HISTORICAL ACTIVITY

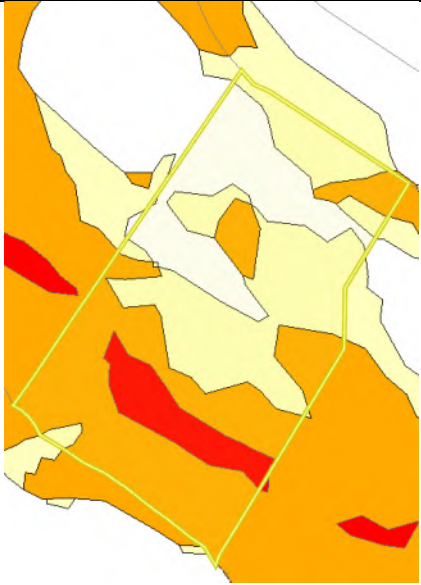
File No.	Purpose
SS-CL-2016.1	Crown land tenure application – private moorage.

POLICY/REGULATORY

Official Community Plan Designations	Salt Spring Island OCP No. 434 Residential Neighbourhoods (RN) The entire lot is within Development Permit Area 6 – High Slope Stability Hazard
Land Use Bylaw	Salt Spring Island LUB No. 355, 1999: The subject property is zoned Residential 8 (R8)
Other Regulations	N/A
Covenants	There is no covenant registered on the property
Bylaw Enforcement	SS-BE-2022.15 – active file regarding excavation in DPA 6 and construction within setback for staircase

SITE INFLUENCES

Islands Trust Fund	There are no Trust Fund Board or Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Fund regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	Woodland
Hazard Areas	DPA 6 – exempted as per subsection E.6.1.2 (e) of Salt Spring Island OCP No. 434 Mapping indicates areas of high, moderate, and low risk steep slope. Low risk steep slope is within the vicinity of the staircase:

	 <p data-bbox="553 772 678 877"> ■ High Risk ■ Moderate Risk ■ Low Risk </p>
Archaeological Sites	<p data-bbox="548 884 1490 953">Mapping indicates no archaeological sites on the property. There are areas of archaeological potential within 100 m of the property.</p> <p data-bbox="548 993 1490 1270">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.</p>
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 4 – PHOTOS AND PLAN

PHOTOS:

Staircase



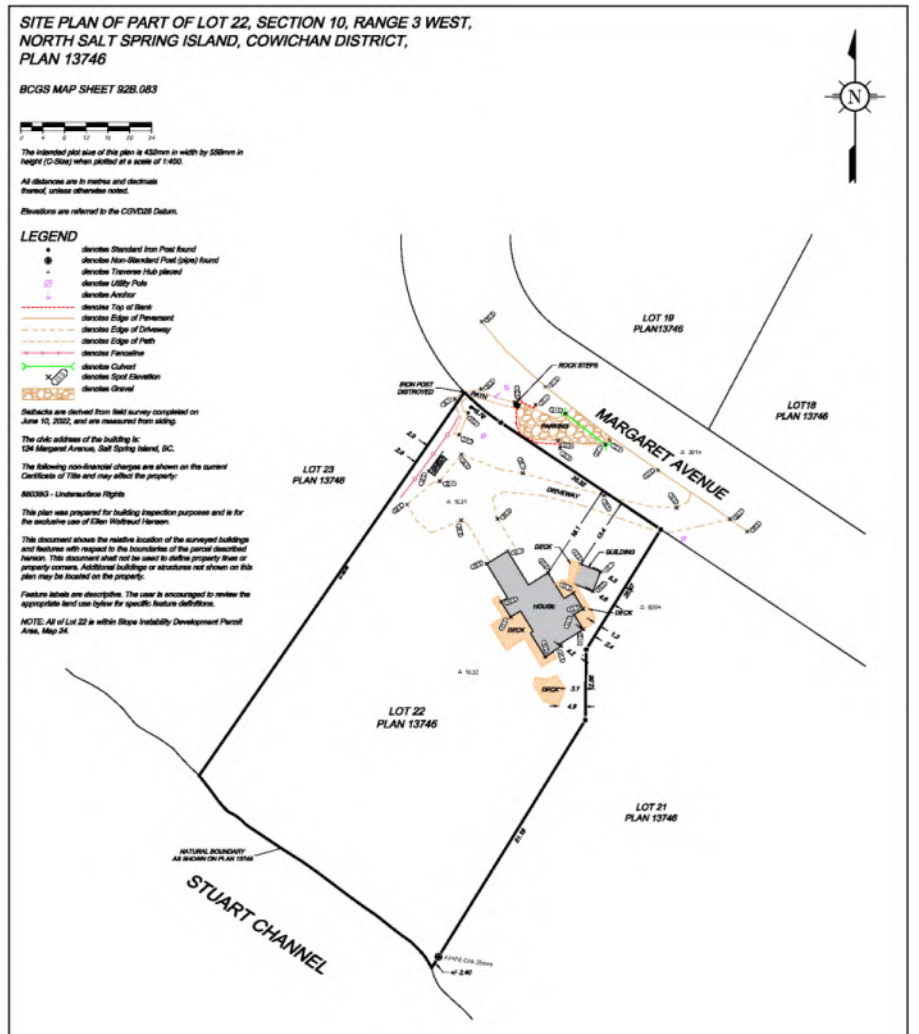
Dwelling



Shed



Site Plan





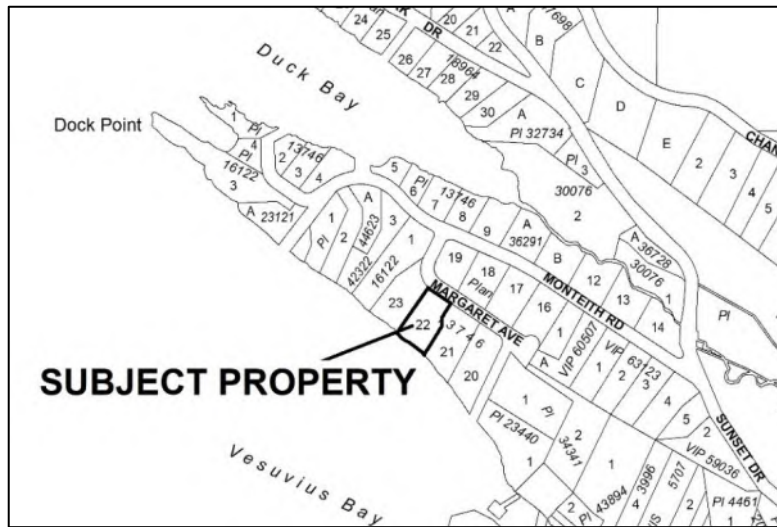
NOTICE SS-DVP-2022.16 SALT SPRING ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Salt Spring Island Land Use Bylaw No.355 by:

- Reducing the 7.5 metre front lot line setback for the existing staircase (“path”) to 0.0 metres;
- Reducing the 3.0 metre interior side lot line setback for the existing staircase (“path”) to 0.0 metres;
- Reducing the 3.0 metre interior side lot line setback for the existing dwelling to 1.3 metres;
- Reducing the 3.0 metre interior side lot line setback for the existing shed to 2.9 metres

The property is located at 124 Margaret Ave and is legally described as Lot 22 Section 10 Range 3 West North Salt Spring Island Cowichan District Plan 13746 (PID: 000-665-771).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit is attached. The permit may be inspected at the Islands Trust Office, 1-500 Lower Ganges Road, Salt Spring Island between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **Monday, November 28, 2022** and continuing up to and including **Monday, December 12, 2022**. It is also on the Islands Trust website on the Current Applications page: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

Enquiries or comments should be directed to Charly Caproff, Planner Technician at (250) 405-5172, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by email to: ssiinfo@islandstrust.bc.ca before 4:30 pm, **Monday, December 12, 2022**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **9:30 a.m. on Tuesday, December 13, 2022**. Typically applications are considered after 12 noon. Please refer to the agenda on the Salt Spring Island Meeting Calendar webpage published December 2, 2022 or later. **Go to:** https://islandstrust.bc.ca/whats-happening/meetings-and-events/?_sft_jurisdiction=salt-spring

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



PROPOSED
SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2022.16

To: E. Hansen

1. This Development Variance Permit applies to the land described below:
 Lot 22 Section 10 Range 3 West North Salt Spring Island Cowichan District Plan 13746 (PID: 000-665-771)
2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "*Salt Spring Island Land Use Bylaw, 1999*" is varied as follows:

4.3 SETBACKS FROM LOT LINES AND ACCESS EASEMENTS

4.3.1 Unless otherwise specified, no *building* or *structure* except a fence, *pumphouse*, *public utility structure* or underground utility may be constructed within the following setbacks from *lot lines* or road access easements:

- (1) Setback from *front lot line*: 7.5 m
- (2) Setback from *rear lot line*: 7.5 m
- (3) Setback from *interior side lot line*: 3.0 m
- (4) Setback from *exterior side lot line*: 4.5 m

The above article is varied to permit the existing staircase ("path") within 0.0 metres of the *front lot line* and *interior side lot line*; the existing shed within 2.9 metres of the *interior side lot line*; and the existing dwelling within 1.3 metres of the *interior side lot line*.

The variances shall be consistent with Schedule 'A' which is attached to and forms part of this permit.

3. 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 of the Capital Regional District and Ministry of Transportation and Infrastructure.
4. Any further development, redevelopment, or any changes to this permit may require a new Development Variance Permit.

AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING LOCAL TRUST COMMITTEE THIS ____ DAY OF [MONTH], [YEAR].

 Deputy Secretary, Islands Trust

 Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF [MONTH], [YEAR] (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.



**PROPOSED
SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2022.16**

SCHEDULE 'A'

**SITE PLAN OF PART OF LOT 22, SECTION 10, RANGE 3 WEST,
NORTH SALT SPRING ISLAND, COWICHAN DISTRICT,
PLAN 13746**

BCGS MAP SHEET 92B.083



The intended plot size of this plan is 432mm in width by 559mm in height (C-Size) when plotted at a scale of 1:400.

All distances are in metres and decimals thereof, unless otherwise noted.

Elevations are referred to the CGVD28 Datum.

LEGEND

- denotes Standard Iron Post found
- denotes Non-Standard Post (pipe) found
- denotes Traverse Hub placed
- denotes Utility Pole
- denotes Anchor
- denotes Top of Bank
- denotes Edge of Pavement
- denotes Edge of Driveway
- denotes Edge of Path
- denotes Fenceline
- denotes Culvert
- denotes Spot Elevation
- denotes Gravel

Setbacks are derived from field survey completed on June 10, 2022, and are measured from siding.

The civic address of the building is:
124 Margaret Avenue, Salt Spring Island, BC.

The following non-financial charges are shown on the current Certificates of Title and may affect the property:

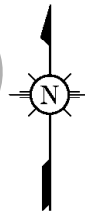
88038G - Undersurface Rights

This plan was prepared for building inspection purposes and is for the exclusive use of Ellen Westrud Hansen.

This document shows the relative location of the surveyed buildings and features with respect to the boundaries of the parcel described herein. This document shall not be used to divide property lines or property corners. Additional buildings or structures not shown on this plan may be located on the property.

Feature labels are descriptive. The user is encouraged to review the appropriate land use bylaw for specific feature definitions.

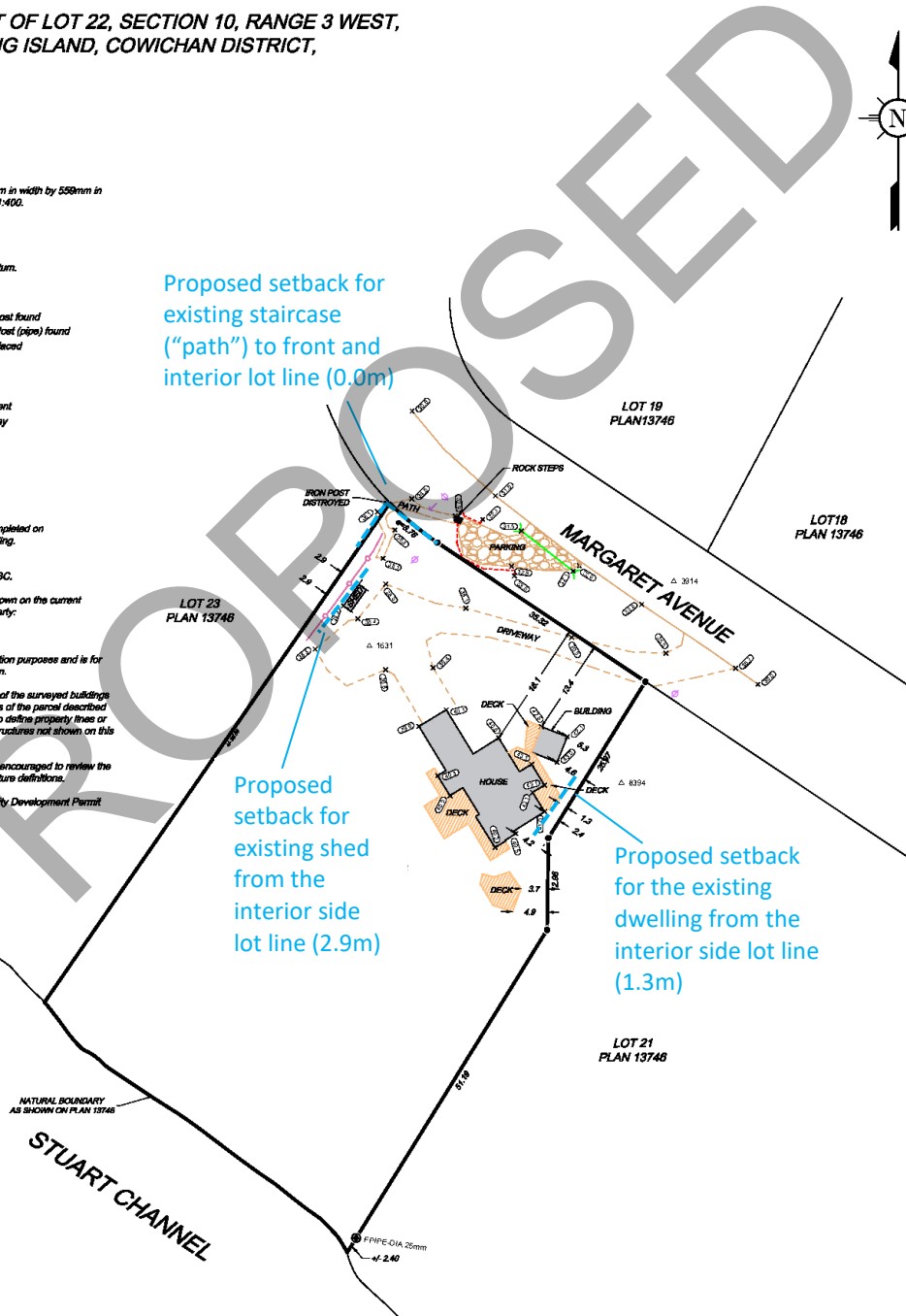
NOTE: All of Lot 22 is within Slope Instability Development Permit Area, Map 24.



Proposed setback for existing staircase ("path") to front and interior lot line (0.0m)

Proposed setback for existing shed from the interior side lot line (2.9m)

Proposed setback for the existing dwelling from the interior side lot line (1.3m)



DATE OF MEETING: December 13, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Peter Dougan, Planning Technician
Salt Spring Island Team
COPY: Chris Hutton, Regional Planning Manager
SUBJECT: SS-DVP-2022.18
Applicant: Len Brown
Location: 224 Park Drive, SSI

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2022.18 (224 Park Drive)

REPORT SUMMARY

This Development Variance Permit (DVP) application seeks to vary the Salt Spring Island Land Use Bylaw No. 355 (LUB) to relax the rear lot line setback from 7.5 m to 7.1 m for an existing dwelling. The recommendation is to approve the DVP (Attachment 1) as the variance being sought is relatively minor, the dwelling has been in place for 4 years and was issued a building permit at time of construction, and the rural character of the Ganges Village is still retained.

To this date there have been no community concerns raised with the proposed variance application.

RATIONALE FOR VARIANCE

The Islands Trust has requested the owners of the house apply for a DVP to resolve an unlawful siting of a single family dwelling. At the time of the building permit issuance (SS-BP-2017.78), the building's proposed siting had been identified in contravention of the bylaw, and had been amended by the builder Brent Baker to site the house 7.5 m from the rear lot line to comply with the LUB, but the house was not built to the approved siting.

BACKGROUND

The subject property is located within Ganges Village. The application is proceeding because of a Bylaw Compliance Enforcement (BCE) SS-BE-2021.26, which has been ongoing since February 4, 2021.

Specifically, the proposal is the Salt Spring Island Land Use Bylaw No. 355 (LUB) as follows:

- a) Subsection 4.3.1 which states that the minimum *rear lot line* setback for *buildings, structures and uses* is 7.5 m is varied to permit an existing building (single family dwelling) within 7.1 m metres of the rear lot line in accordance with Figure 5.

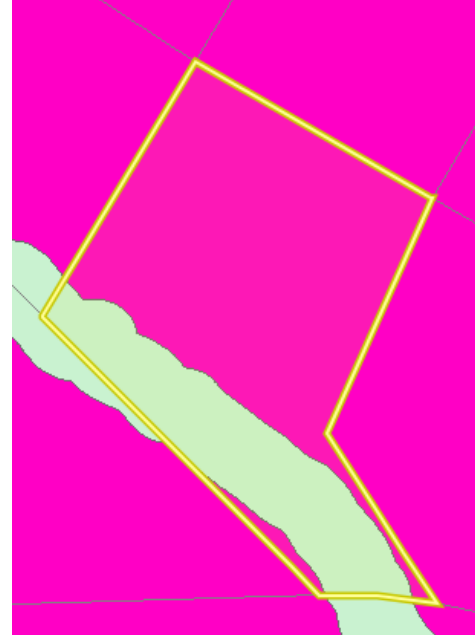
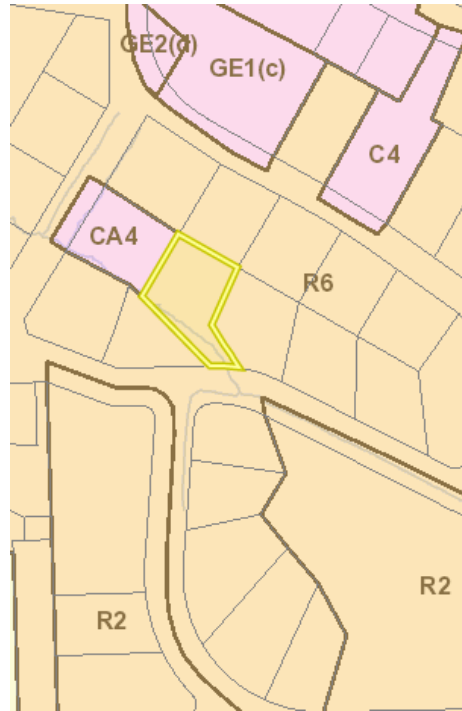


Figure 1 (top left): Orthophoto of subject property.

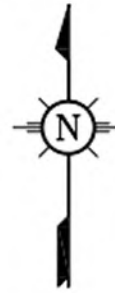
Figure 2 (top right): Zoning map of the subject property.

Figure 3 (bottom left): Orthophoto showing siting of 268 Park Drive in relation to shared lot line.

Figure 4 (bottom right): DPA 1 (magenta) and DPA 7 (seafoam) on subject property.

**BRITISH COLUMBIA LAND SURVEYOR'S BUILDING LOCATION
CERTIFICATE OF LOT 15, SECTIONS 2 AND 3, RANGE 3 EAST,
NORTH SALT SPRING ISLAND, COWICHAN DISTRICT,
PLAN 18728.**

PID 003-766-390



All distances are in metres and decimals thereof, unless otherwise noted.

The intended plot size of this plan is 432mm in width by 279mm in height (B-size) when plotted at a scale of 1:300.

Setbacks are derived from field survey completed on March 20, 2018 and are measured from sheathing.

The civic address of the building is:
224 Park Drive

The following non-financial charges are shown on the current Certificate of Title and may affect the property:

CA5712039 - Easement



This plan was prepared for building inspection purposes and is for the exclusive use of WISTERIA GUESTHOUSE LTD., INC. NO. 40467.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described hereon. This document shall not be used to define property lines or property corners.

© Polaris Land Surveying Inc. 2022. Polaris accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.



Mailing & delivery address:
241 Fulford-Ganges Rd.,
Salt Spring Island, BC, V8K 2K7

Toll Free: (877) 603 7308
Telephone: (250) 537 5502
SSI@plsi.ca
www.plsi.ca

This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct as of the 22nd day of March, 2018.

Jordan Litke
Jordan Litke N4UKQ9
2022.10.15 07:34:50
4700

Jordan Elliot Litke, BCLS 905
This document is not valid unless digitally signed.

Date: 2022-10-15
File: 0704-GIC
Drawing: 0704-02-BL C
Layout: B-Portrait

Figure 5: Site plan of subject property.

ANALYSIS

Intent of Regulations being varied

Official Community Plan:

The property is designated **GVU - Ganges Village-Upper** in the Salt Spring Island Official Community Plan No. 434 (OCP).

The subject property contains two development permit areas, as seen in Figure 4. **DPA 1 Island Villages**, and **DPA 7 Riparian Areas** is delineated along a small stream running along the southern edge of the property.

Land Use Bylaw:

The subject property is zoned **R6 – Residential 6** in the LUB.

Subsection 4.3.1 is intended to retain the island's rural character through the use of setbacks, which supports the following objectives in the OCP:

- A.4.3.4** To accommodate and direct appropriate development so that its location, appearance and impact are in harmony with the natural environment, community resources, character and existing land uses. To ensure that clustered settlements are well designed so that they become and remain acceptable and compatible with existing development.
- A.4.1.3** To retain our island's rural character and peaceful and quiet atmosphere; to guide development so that it complements the outstanding natural beauty that surrounds us and reflects our unique community character. To ensure that the predominant feature of Salt Spring Island remains the natural environment, rather than manmade structures.
- B.5.1.1.2** To encourage a modest scale of village development compatible with the rural character of Salt Spring Island and with the protection of the community's natural and heritage resources.

Potential impacts of granting to variance

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.

The dwelling complies with all other zoning provisions.

The subject property is intended to be used primarily as a dwelling and also contains a home-based business that serves as the operational base for the Brown family's adjacent business, the Wisteria Guesthouse Ltd.

Circulation

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 November 28, 2022.

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.

First Nations

This proposal does not require First Nations referral.

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

The recommendation of staff is to approve this DVP as the rural character of the island village has not been detrimentally impacted. The dwelling has been in existence for four years and provides a base for the multigenerational family business to operate on the adjacent 268 Park Drive, providing low intensity tourist accommodation and family self-sufficiency. Len and Beverly Brown are semi-retired and the Wisteria Guesthouse Ltd. allows for them to age in place and stay in the community, as their children take on an increasingly active role in the operations of the guesthouse. The issue is a minor one, and granting a variance rectifies an issue that failed to be properly addressed during the building permit process.

ALTERNATIVES

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

1. Request further information

The SS LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are increased processing time 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 the resolution is as follows:

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-DVP-2022.18, 224 Park Drive).

2. Deny the application

The SS LTC may deny the application. Staff advise that the implications of this alternative are the file would be closed and the bylaw enforcement would continue. The applicant could choose to make an application to the Board of Variance 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 Development Variance Permit SS-DVP-2022.18 for the following reasons: [list reasons] (224 Park Drive).

Submitted By:	Peter Dougan, Planning Technician	Select Date.
Concurrence:	Chris Hutton, Regional Planning Manager	Select Date.

ATTACHMENTS

1. Proposed Development Variance Permit SS-DVP-2022.18
2. Site Context
3. Notice

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.18

TO: Wisteria Guesthouse Ltd., Inc. No. 404467

1. This Development Variance Permit (the "Permit") applies to the land described below:
PID: 003-766-390
LEGAL DESCRIPTION: LOT 15, SECTIONS 2 AND 3, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 18728
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, dated October 15, 2022, by Jordan Elliot Litke BCLS 905
3. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "*Salt Spring Island Land Use Bylaw, 1999*" is varied as follows:
 - 4.3 SETBACKS FROM LOT LINES AND ACCESS EASEMENTS**
 - 4.3.1 Unless otherwise specified, no *building* or *structure* except a fence, *pumphouse*, *public utility structure* or underground utility may be constructed within the following setbacks from *lot lines* or road access easements:
 - (1) Setback from *front lot line*: 7.5 m

The above subsection is varied to authorize the existing single family dwelling already located within the rear lot line setback, reducing the required setback from 7.5 m to 7.1 m, generally in accordance with Schedule No. 1 attached to and forming part of 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.
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, 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 any changes to this permit may require a new Development Variance Permit.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.18

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

ATTACHMENT 2 – SITE CONTEXT

LOCATION

Legal Description	LOT 15, SECTIONS 2 AND 3, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 18728
PID	003-766-390
Civic Address	224 PARK DR, SSI

LAND USE

Current Land Use	Single Family Dwelling
Surrounding Land Use	Commercial Guest Accommodation, Single Family Dwellings

HISTORICAL ACTIVITY

File No.	Purpose
SS-BP-2017.78	Construct a SFD
SS-RZ-2016.2	Rezone from CA4 to R6

POLICY/REGULATORY

Official Community Plan Designations	GVU – Ganges Village - Upper DPA 1 – Island Villages DPA 7 – Riparian Areas
Land Use Bylaw	R6 – Residential 6
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	SS-BE-2021.26 - Bylaw Infraction in regards to siting of SFD

SITE INFLUENCES

Islands Trust Conservancy	No identified ITC Reserves/Covenants.
Regional Conservation Plan	No identified conflict with the Regional Conservation Plan.
Species at Risk	No identified Species at Risk.
Sensitive Ecosystems	No identified Sensitive Ecosystems.
Hazard Areas	No identified Steep Slope Hazards
Archaeological Sites	No Archaeological Sites within 100m, Archaeological Potential located on subject property.
Climate Change Adaptation and Mitigation	Single Family Dwelling is already existing, hence any GHG emission increase is negligible.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable



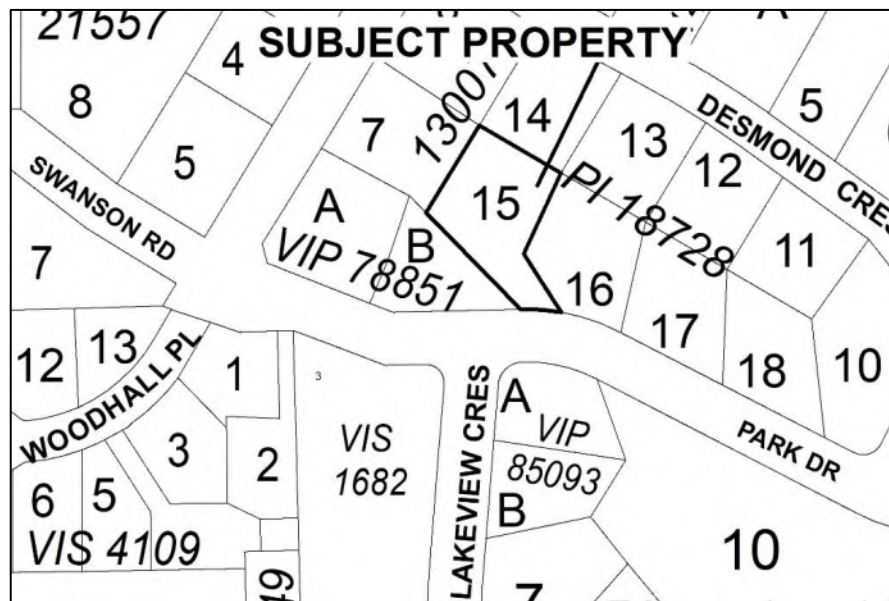
NOTICE
SS-DVP-2022.18
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Salt Spring Island Land Use Bylaw No. 355 by:

- Reducing the rear lot line setback requirement for a single family dwelling from 7.5 m (24.6 ft) to 7.1 m (23.3 ft).

The property is located at 224 Park Drive and is legally described as Lot 15, Sections 2 And 3, Range 3 East, North Salt Spring Island, Cowichan District, Plan 18728 (PID: 003-766-390).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit is attached. The permit may be inspected at the Islands Trust Office, 1-500 Lower Ganges Road, Salt Spring Island between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **Monday, November 28, 2022** and continuing up to and including **Monday, December 12, 2022**. It is also on the Islands Trust website on the Current Applications page: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

Enquiries or comments should be directed to Chris Hutton, Regional Planning Manager at (250) 537-9144, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by email to: ssiinfo@islandstrust.bc.ca before 4:30 pm, **Monday, December 12, 2022**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **9:30 a.m.** on **Tuesday, December 13, 2022**. Typically applications are considered after 12 noon. Please refer to the agenda on the Salt Spring Island Meeting Calendar webpage published December 2, 2022 or later. **Go to:** https://islandstrust.bc.ca/whats-happening/meetings-and-events/?_sft_jurisdiction=salt-spring

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.18

TO: Wisteria Guesthouse Ltd., Inc. No. 404467

1. This Development Variance Permit (the "Permit") applies to the land described below:
PID: 003-766-390
LEGAL DESCRIPTION: LOT 15, SECTIONS 2 AND 3, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 18728
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, dated October 15, 2022, by Jordan Elliot Litke BCLS 905
3. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "*Salt Spring Island Land Use Bylaw, 1999*" is varied as follows:

4.3 SETBACKS FROM LOT LINES AND ACCESS EASEMENTS

4.3.1 Unless otherwise specified, no *building* or *structure* except a fence, *pumphouse*, *public utility structure* or underground utility may be constructed within the following setbacks from *lot lines* or road access easements:

(1) Setback from *front lot line*: 7.5 m

The above subsection is varied to authorize the existing single family dwelling already located within the rear lot line setback, reducing the required setback from 7.5 m to 7.1 m, generally in accordance with Schedule No. 1 attached to and forming part of 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.
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, 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 any changes to this permit may require a new Development Variance Permit.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.18

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.

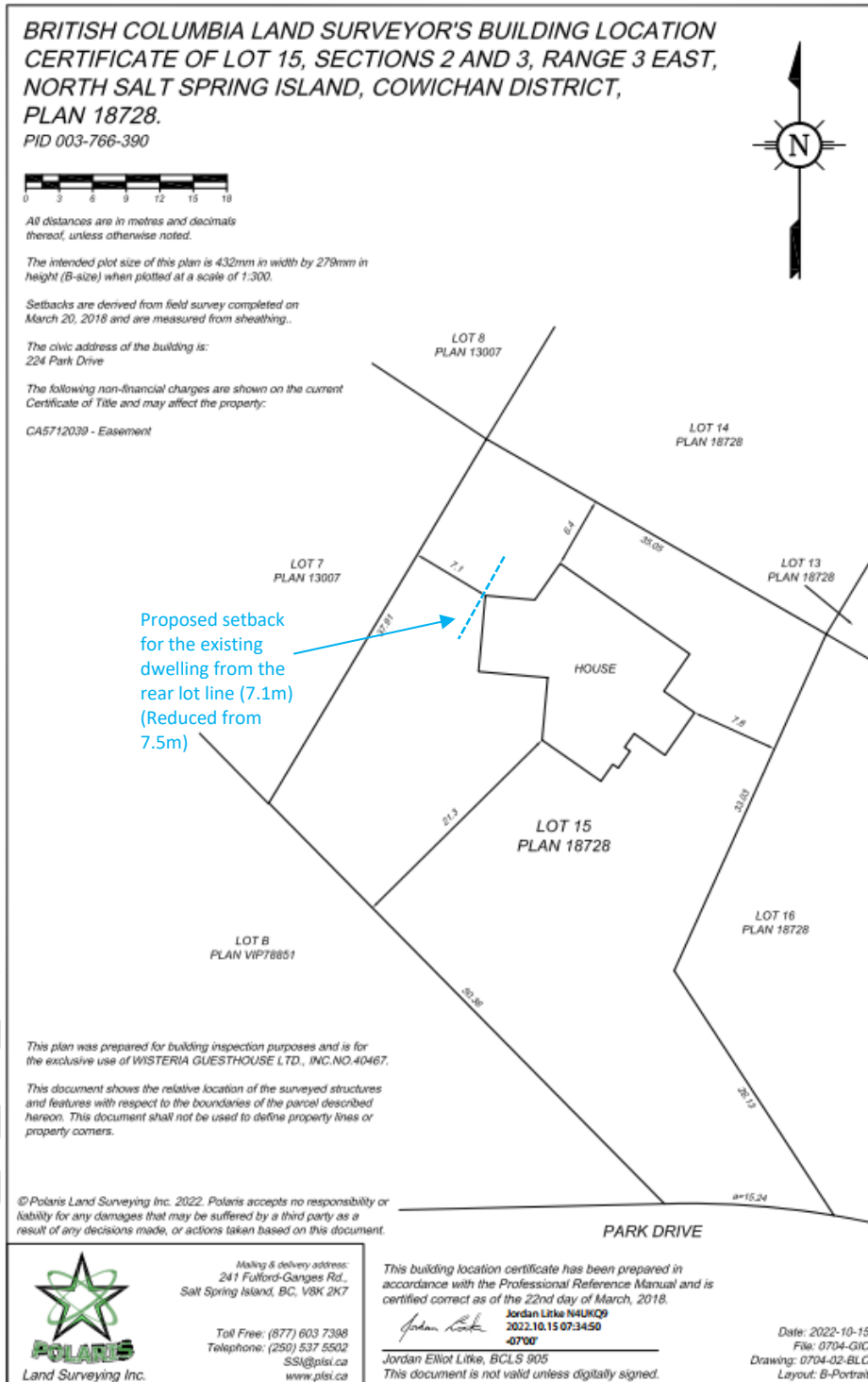
PROPOSED

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.18

PLAN NO. 1: Site Plan



DATE OF MEETING: December 13, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Peter Dougan, Planning Technician
Salt Spring Island Team
COPY: Chris Hutton
SUBJECT: SS-DVP-2022.19
Applicant: Sandra Ungerson
Location: 2591 FULFORD-GANGES RD

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DVP-2022.19 (2591 Fulford-Ganges Road).

REPORT SUMMARY

This Development Variance Permit (DVP) application seeks to vary the Salt Spring Island Land Use Bylaw No. 355 (LUB) to increase the lot coverage requirements from 33% to 42% to facilitate issuance of the building permit for the rainwater tanks. The recommendation is to approve the DVP (Attachment 1) as the variance being sought is relatively minor, the community hall is legally non-conforming, and the rural character of the Fulford Valley is retained.

To this date there have been no community concerns raised with the proposed variance application.

RATIONALE FOR VARIANCE

Following receipt of a building permit for the construction of two rainwater tanks planning staff recommended that the applicants apply for a DVP to allow an increase of lot coverage to accommodate the construction. The community hall intends to reduce water costs and shift to be more self-sufficient and environmentally friendly by installing a rainwater collection system. The hall is sited on two parcels (Figure 1). The hall is primarily sited on the smaller parcel that is the subject of this variance, however in the operational context of the Fulford Community Hall Association, they are a single entity (Figure 3).

Due to geotechnical, lot line setback, and riparian setback requirements, the rainwater tanks can only be placed on the west side of the hall.

BACKGROUND

The subject property is located in the Fulford Valley. The community hall was built in 1936, is legally non-conforming in regards to siting and lot coverage, and is currently covering 41% of the lot where the rainwater tanks will be located. The application is proceeding upon recommendation of Islands Trust planners to vary the

lot coverage requirements to legalize the existing lot coverage non-conformity, and facilitate issuance of the building permit for the rainwater tanks.

Specifically, the proposal is the Salt Spring Island Land Use Bylaw No. 355 (LUB) as follows:

- a) Subsection 9.10.2 which states the maximum combined *lot coverage* of all *buildings* and *structures* for R – Rural zoned lots is 33% is varied to allow an expansion of legal non-conformity to a lot coverage maximum of 42% in accordance with Figure 5.



Figure 1 (left): Orthophoto of subject property.

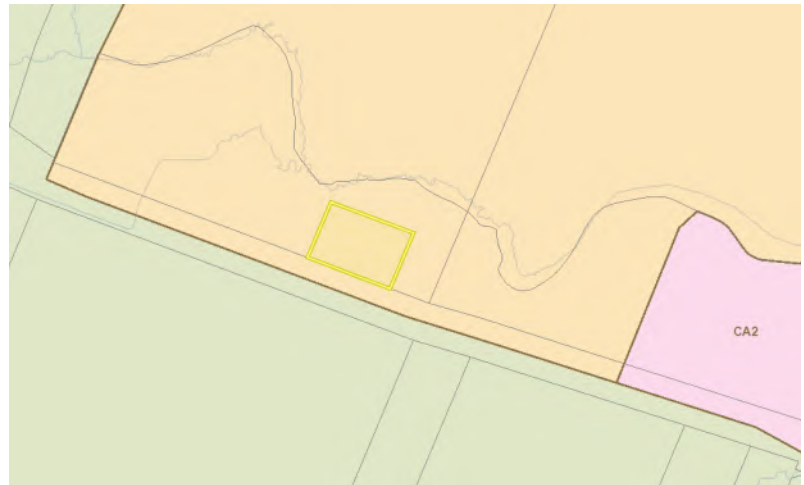


Figure 2 (right): Zoning map of subject property, R – Rural (brown) and A1 – Agriculture 1 (green).



Figure 3 (left): Orthophoto showing 006-126-570 in relation to the hall and subject property.



Figure 4 (right): Extent of DPAs in relation to subject property, DPA 4 (blue) and DPA 7 (green).

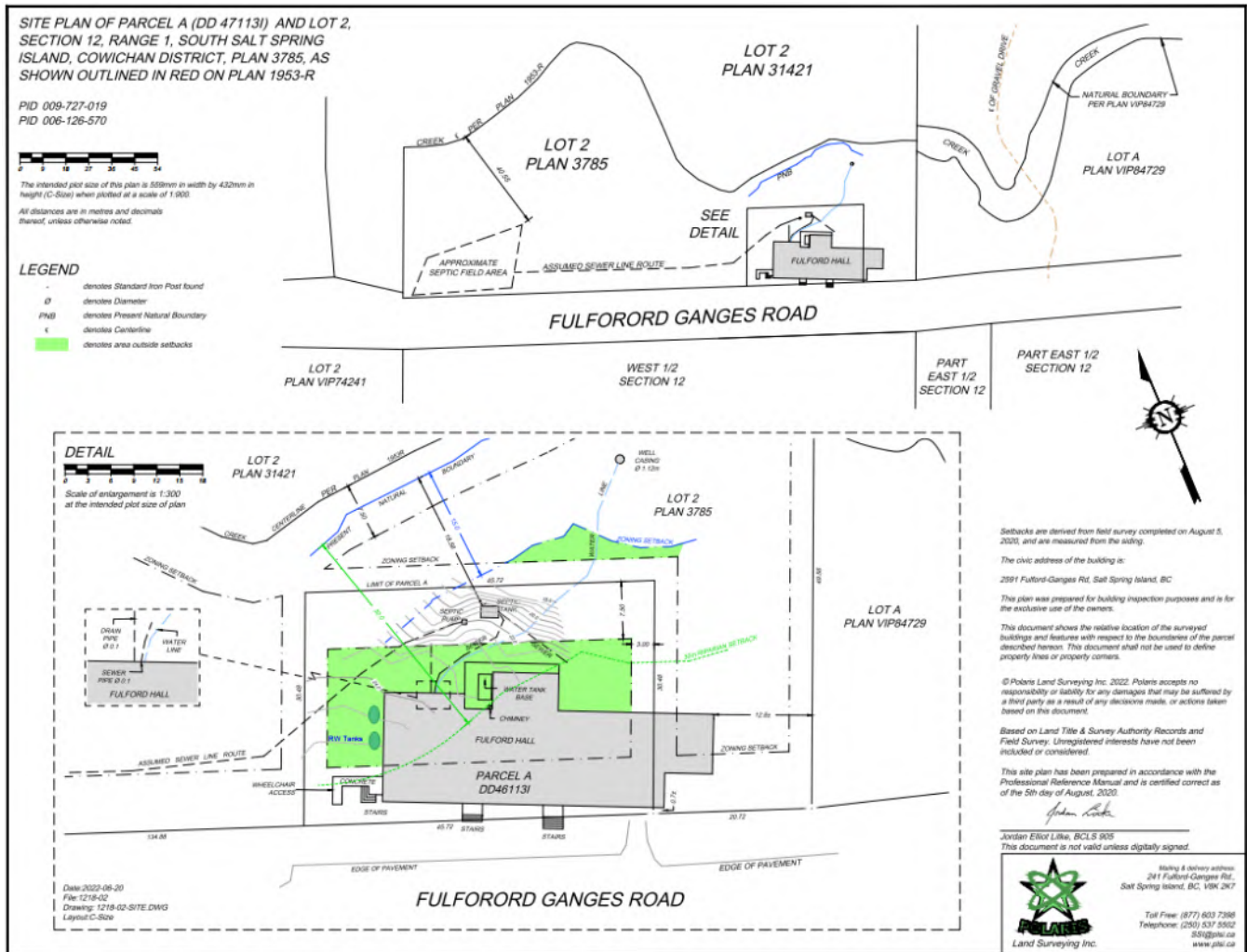


Figure 5: Site plan of subject property.

ANALYSIS

Intent of Regulations being varied

Official Community Plan:

The property is designated **RL – Rural Neighbourhoods** in the Salt Spring Island Official Community Plan No. 434 (OCP).

The subject property contains a Development Permit Area, as seen in Figure 4. **DPA 7 Riparian Areas** is delineated along Fulford Creek running to the north of the property. The applicant has provided a biologist’s report outlining recommendations for the proposed development to mitigate damage to the riparian area of Fulford Creek, exempting the proposed development from a DP. The application is exempted under Subsection E.7.5.1 of the OCP.

Land Use Bylaw:

The subject property is zoned **R – Rural** in the LUB.

Subsection 9.10.2 is intended to retain the Salt Spring Island’s rural character through the limits on lot coverage, which supports the objectives of the OCP.

Potential Development Impacts

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.

Considering the Fulford Community Hall Association owns the encompassing property, and the property across Fulford-Ganges Road is a largely agricultural, with all buildings set well back from the front lot line, there is negligible impact to neighbours.

Fulford Community Hall is a Registered Historic Place, and granting a variance would not significantly affect the hall, however any building work would need to ensure the hall’s condition remains unaltered.

Remote Access to Archaeological Data (RAAD) mapping indicates the subject property is located within 100m of areas of archaeological potential. Any work completed if the variance is granted, is subject to any input from the BC Archaeological Branch to mitigate any impacts to potential sites that are culturally significant.

Circulation

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 November 28, 2022.

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.

First Nations

This proposal does not require First Nations referral.

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

The recommendation of staff is to approve this DVP as the rural character of the Fulford Valley is not detrimentally impacted, there is negligible impact to neighbours as the Fulford Community Hall Association owns the encompassing lot, and the intention for rainwater tanks is aligned with the Islands Trust environmental stewardship and water management objectives. The variance is a minor increase to the lot coverage maximum

and expansion of non-conformity. It allows for greater self-sufficiency in the hall's water supply, ensuring longevity for this community asset, a traditional and compatible rural land use.

ALTERNATIVES

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

1. Request further information

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

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-DVP-2022.19, 2591 Fulford-Ganges Road).

2. Deny the application

The SS LTC may deny the application. Staff advise that the implications of this alternative are the file would be closed and the community hall would continue to depend solely on the local water service. The applicant could choose to make an application to the Board of Variance 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 Development Variance Permit SS-DVP-2022.19 for the following reasons: [list reasons] (2591 Fulford-Ganges Road).

Submitted By:	Peter Dougan, Planning Technician	November 28, 2022
Concurrence:	Chris Hutton, Regional Planning Manager	December 1, 2022

ATTACHMENTS

- 1. Proposed Development Variance Permit SS-DVP-2022.19
- 2. Site Context
- 3. Notice

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.19

TO: Fulford Community Hall Association

- This Development Variance Permit (the "Permit") applies to the land described below:
PID: 009-727-019
LEGAL DESCRIPTION: PARCEL A (DD 47113I) OF SECTION 12, RANGE 1, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT
- 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, dated June 20, 2022, by Jordan Elliot Litke BCLS 905
- Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "*Salt Spring Island Land Use Bylaw, 1999*" is varied as follows:

9.10 RURAL, UPLAND, WATERSHED AND SMALLER ISLAND ZONES

9.10.2 Size, Siting and Density of Land, Buildings and Structures

	R	RU1	RU2	RU3	RW1	RW2	Ri
Lot Coverage and Floor Area							
Maximum combined lot coverage of all buildings and structures (per cent)	33	33	5	10	33	33	10

The above subsection concerning "R" zoning is varied to increase the maximum combined lot coverage of all buildings and structures from 33% to 42% in accordance with Schedule No. 1 forming part of and attached to this permit.

- 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.
- 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, Ministry of Environment and Climate Change Strategy, and Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Archaeology Branch).
- Any further development, redevelopment, or any changes to this permit may require a new Development Variance Permit.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.19

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

DEPUTY SECRETARY, ISLANDS TRUST

DATE OF ISSUANCE

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20____, THIS PERMIT AUTOMATICALLY LAPSES.

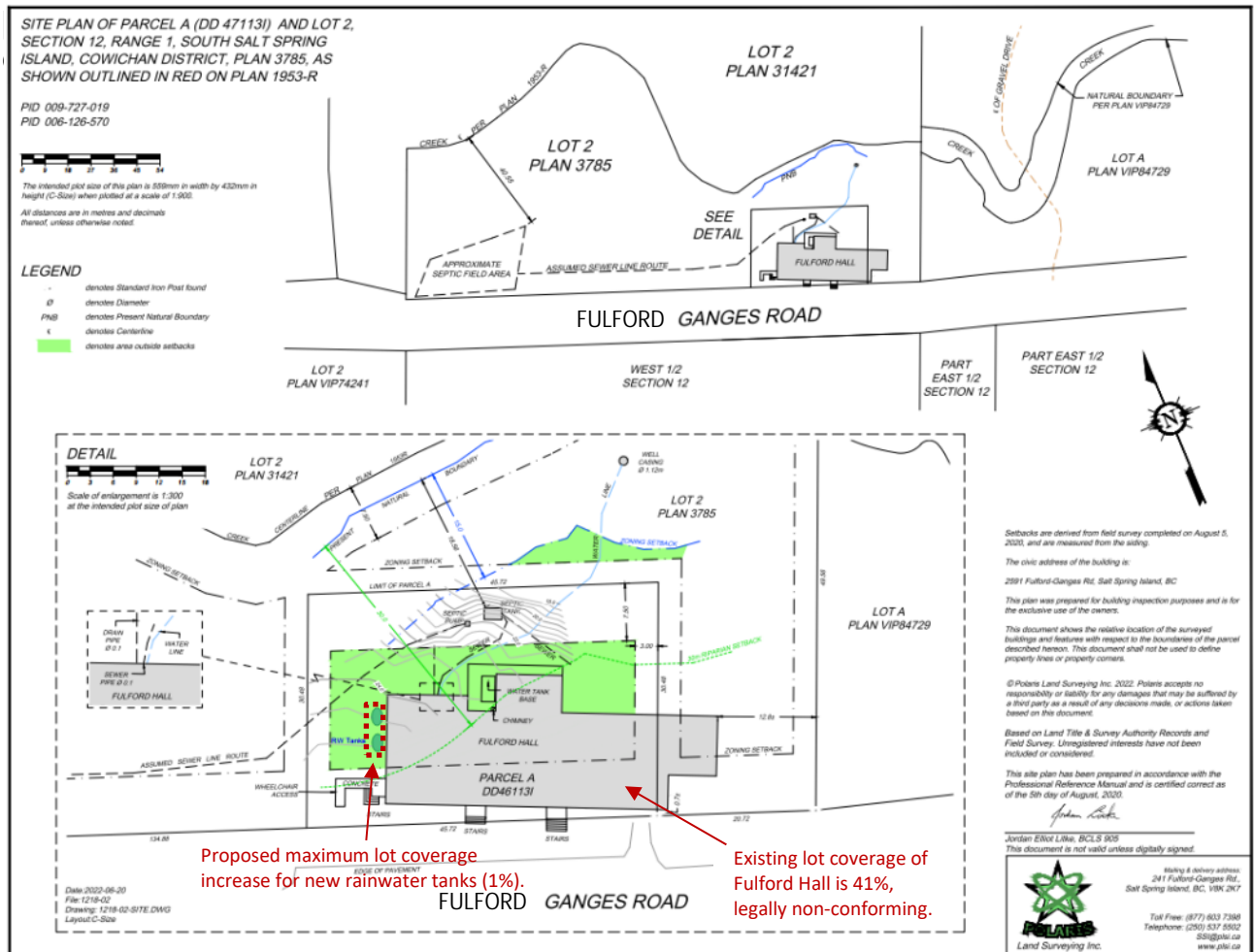
PROPOSED

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.19

PLAN NO. 1: Site Plan



PR

ATTACHMENT 2 – SITE CONTEXT

LOCATION

Legal Description	PARCEL A (DD 47113I) OF SECTION 12, RANGE 1, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT
PID	009-727-019
Civic Address	2591 FULFORD-GANGES RD SALT SPRING ISLAND

LAND USE

Current Land Use	Community Hall
Surrounding Land Use	Civic, Institutional & Recreational (Vacant), Agriculture

HISTORICAL ACTIVITY

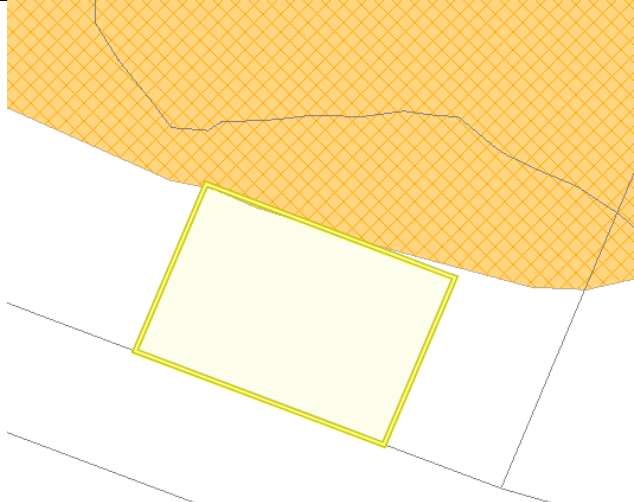
File No.	Purpose
SS-BP-2022.89	Construct new rainwater tanks.

POLICY/REGULATORY

Official Community Plan Designations	RL – Rural Neighbourhoods DPA 7 – Riparian Areas
Land Use Bylaw	R - Rural
Other Regulations	
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	No identified covenants/reserves.
Regional Conservation Plan	No identified conflict with the Regional Conservation Plan.
Species at Risk	No identified Species at Risk on subject property.
Sensitive Ecosystems	Riparian ecosystem identified to north of subject property.

	
Hazard Areas	Low Risk Steep Slope Hazard identified.
Archaeological Sites	<p>Entire subject property identified as Archaeological Site, Registered Historic Place – Formally Recognized, non-First Nation.</p> <p>Archeological Potential identified within 100m of subject property.</p>
Climate Change Adaptation and Mitigation	Approval could potentially reduce GHG emissions through ceasing of having water delivered via truck, fostering self-sufficiency, environmental stewardship, and water management.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

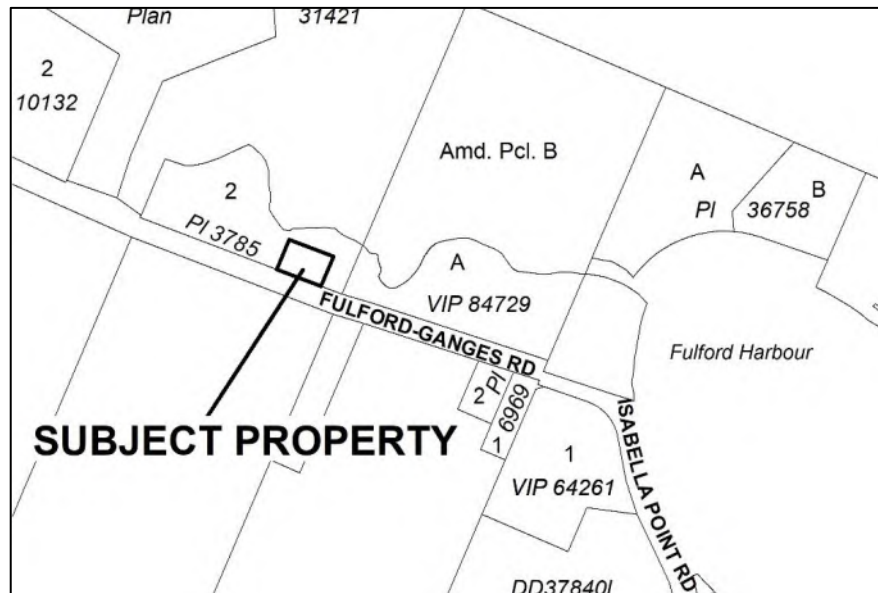
NOTICE
SS-DVP-2022.19
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Salt Spring Island Land Use Bylaw No. 355 by:

- Permitting an increase in the maximum combined lot coverage of all buildings and structures from 33% to 42% for the addition of rainwater tanks.

The property is located at 2591 Fulford-Ganges Road and is legally described as Parcel A (DD 471131) of Section 12, Range 1, South Salt Spring Island, Cowichan District (PID: 009-727-019).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit is attached. The permit may be inspected at the Islands Trust Office, 1-500 Lower Ganges Road, Salt Spring Island between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **Monday, November 28, 2022** and continuing up to and including **Monday, December 12, 2022**. It is also on the Islands Trust website on the Current Applications page: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

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TO: Fulford Community Hall Association

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9.10.2 Size, Siting and Density of Land, Buildings and Structures

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Lot Coverage and Floor Area							
Maximum combined lot coverage of all buildings and structures (per cent)	33	33	5	10	33	33	10

The above subsection concerning "R" zoning is varied to increase the maximum combined lot coverage of all buildings and structures from 33% to 42% in accordance with Schedule No. 1 forming part of and attached to this permit.

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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, 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 any changes to this permit may require a new Development Variance Permit.

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.19

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

DEPUTY SECRETARY, ISLANDS TRUST

DATE OF ISSUANCE

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20____, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2022.19

PLAN NO. 1: Site Plan

