



Salt Spring Island Local Trust Committee

Regular Meeting Agenda

Date: Thursday, June 2, 2016
Time: 9:30 a.m.
Location: Lions Club, Hart Bradley Memorial Hall
103 Bonnet Avenue, 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	
3.1.1 <u>Draft Minutes of the May 5, 2016 SSI LTC Regular Meeting</u>	4
For Adoption	
3.2 Resolutions Without Meeting Report	14
Report dated May 2016	
3.3 Draft Minutes of the Advisory Planning Commissions - None	
4. BUSINESS ARISING FROM MINUTES	9:35 AM - 9:40 AM
4.1 Follow-Up Action List	15
Report dated May 2016	
5. COMMUNITY INFORMATION MEETING - None	
6. PUBLIC HEARING - None	
7. REPORTS	9:40 AM - 10:15 AM
7.1 Policy and Standing Resolutions List	22
For Information	
7.2 Work Program Top Priorities Report	24
Report dated May 2016	
7.3 Projects List	28
Report dated May 2016	
7.4 Applications with Status Report	34
Report dated May 2016	

7.5	Expense Report - None	
7.6	Trust Fund Board Report	48
	Report dated May 2016	
7.7	SS/Applications (General) Dormant Applications	50
	Details Applications and Proposes to Close Dormant Files - Staff Report	
8.	LOCAL TRUST COMMITTEE PROJECTS	10:15 AM - 11:00 AM
8.1	4015 - Industrial Land Uses - Proposed Bylaws No. 488 & 489	
8.1.1	<u>Project Charter Update</u>	61
	Staff Report	
8.1.2	<u>Options for Agricultural Protection and Enhanced Aesthetics</u>	65
	Staff Report	
8.2	4056 - Proposed Bylaw No. 484 - Grantville Neighbourhood	75
	For Consideration of Adoption - Staff Report	
9.	CORRESPONDENCE - None	
10.	OTHER BUSINESS	11:00 AM - 11:20 AM
10.1	Mayne Island Local Trust Committee Bylaws No. 165 to 169 Referral	88
	Staff Memorandum	
10.2	3070-20 - Cowichan Tribes - Sansum Narrows	120
	Cowichan Tribes Request for a Designated Use Area for Sansun Narrows - Staff Report	
	<u>.....BREAK UNTIL 12:00 NOON.....</u>	
11.	TRUSTEE REPORTS	12:00 PM - 12:10 PM
	Verbal Report	
12.	CHAIR'S REPORT	12:10 PM - 12:15 PM
	Verbal Report	
13.	CRD DIRECTOR'S REPORT	12:15 PM - 12:20 PM
	Verbal Report	
14.	DELEGATIONS - None	
15.	TOWN HALL AND QUESTIONS	12:20 AM - 12:40 AM
16.	APPLICATIONS AND REFERRALS	12:40 AM - 2:00 PM
16.1	SS-DP-2014.3 - D.McKerrell - 2850 Fulford-Ganges Road	138

Development Permit Area 1, Island Villages and Area 3, Shoreline -
Commercial Marina Expansion - Staff Report - TENTATIVE

- 16.2 SS-RZ-2013.6 - SS-BL-475 - D. McKerrell - 2850 Fulford-Ganges Road** 178
Land Use Bylaw Amendment from Shoreline 6(S6) and 2(S2) to Shoreline 2a (S2a), Existing Marina Expansion - For Consideration of 3rd Reading - Staff Report - TENTATIVE
- 16.3 SS-ALR-2016.2 - K. Elston-Tuttle - 231 Meadow Drive** 206
Agricultural Land Reserve Non-Farm Use for a Second Dwelling - Staff Report
- 16.4 SS-DVP-2015.2 - D. Lee - 1216 North Beach Road** 223
Development Variance Permit for Siting of an Accessory Building and Deck - Staff Report
- 16.5 SS-DP-2015.3 - D. Lee - 1216 North Beach Road** 235
Development Permit Application to Retroactively Permit Construction in a DPA3 - Shoreline - Staff Report

17. CLOSED MEETING 2:00 PM - 2:30 PM

17.1 Motion to Close the Meeting

The Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter Part 4, Division 3, Section 90(1)(a) personal information about individuals that are being considered for a position appointed by the Local Trust Committee and that staff be invited to remain.

17.2 Motion to Open the Meeting

The Salt Spring Island Local Trust Committee re-opens this meeting to the public subject to Section 89 of the Community Charter.

17.3 Rise and Report

18. UPCOMING MEETINGS

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on June 23, 2016 at the Hart Bradley Hall (Lions Club), 103 Bonnet Avenue, Salt Spring Island.

19. ADJOURNMENT



Salt Spring Island Local Trust Committee Minutes of Regular Meeting

Date: Thursday, May 5, 2016
Location: Lions Club, Hart Bradley Memorial Hall
103 Bonnet Avenue, Salt Spring Island, BC

Members Present: Peter Luckham, Chair
Peter Grove, Local Trustee
George Grams, Local Trustee

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
Stefan Cermak, Regional Planning Manager (RPM)
Jason Youmans, Planner 2
Seth Wright, Acting Planner 2
Shelley Miller, Planner 1
Thomas Loo, Bylaw Enforcement Officer (BEO)
Sarah Shugar, Recorder

Media and Others Present: Wayne McIntyre, Capital Regional District (CRD) Director
Gulf Islands Driftwood Reporter
Approximately 3 members of the public - a.m.
Approximately 13 members of the public - p.m.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:30 a.m. He introduced himself, the Trustees and staff and acknowledged that the Local Trust Committee is meeting in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following supplemental items to the agenda were presented for consideration:

7.5.1 Preliminary Fiscal 2015-2016 Year End

16.3.1 Correspondence – Green City Builders – Dated May 3, 2016

The following additions to the agenda were presented for consideration:

18.3 Replace “Rise and Report” with “Motion to Close the Meeting”

18.4 Motion to Open the Meeting

18.5 Rise and Report

By general consent, the agenda and addendum were approved.

3. PREVIOUS MEETINGS

3.1 Draft Minutes of the Salt Spring Island Local Trust Committee

3.1.1 Draft Minutes of the April 7, 2016 SSI LTC Regular Meeting

By general consent, the Salt Spring Island Local Trust Committee Minutes of April 7, 2016 were adopted.

3.2 Resolutions Without Meeting Report - None

3.3 Draft Minutes of the Advisory Planning Commissions

3.3.1 Draft Minutes of the April 14, 2016 Advisory Planning Commission Meeting

The minutes were received for information.

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-Up Action List

The report was received.

5. COMMUNITY INFORMATION MEETING - None

6. PUBLIC HEARING - None

7. REPORTS

7.1 Policy and Standing Resolutions List

SS-2016-85

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request staff to provide an update regarding standing resolution SSI-277-13 - Medical Marijuana Licences.

CARRIED

The report was received.

CAO Hotsenpiller arrived at the meeting at 9:56 a.m.

7.2 Work Program Top Priorities Report

SS-2016-86

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee support Salt Spring Island Watershed Protection Authority's intent to undertake a multi-agency, integrated, planning exercise to reconcile sustainable source of potable surface and ground water with the aspirations expressed in the Official Community Plan for modest improvements to the built environment, and to explore how maximum benefit can

be realized from sustainable water resources through conservation, rainwater harvesting and recycling.

CARRIED

SS-2016-87

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee direct staff to draft a press release regarding working with the North Salt Spring Waterworks District to further the Water Demand Management Plan and that they encourage the public to support the water conservation objectives of the North Salt Spring Waterworks District.

CARRIED

The report was received.

7.3 Projects List

The report was received.

7.4 Applications with Status Report

The report was received.

7.5 Expense Report

7.5.1 Preliminary Fiscal 2015-2016 Year End

The report was received.

7.6 Trust Fund Board Report - None

7.7 2015-16 Islands Trust Annual Report

RPM Cermak presented a request for decision dated April 26, 2016 regarding the 2015-16 Islands Trust Annual Report.

SS-2016-88

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee approve the attached text for inclusion in the 2015-2016 Annual Report for approval, as amended by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

CARRIED

SS-2016-89

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee recommend that the Executive Committee consider including statistical information regarding applications in future annual reports.

CARRIED

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 4056 - Proposed Bylaw No. 484 - Grantville Neighbourhood

Planner Youmans presented a staff report dated April 27, 2016 regarding proposed Bylaw No. 484 - Grantville Neighbourhood.

SS-2016-90

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee amend Bylaw No. 484, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2015," as specified in Appendix 2 of the staff report dated April 27, 2016.

CARRIED

SS-2016-91

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee reviewed the Directives Only Policies and determines that Bylaw No. 484 is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SS-2016-92

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee Bylaw No. 484, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2015", be read a third time as amended and forwarded to the Executive Committee for consideration of approval.

CARRIED

9. CORRESPONDENCE

9.1 Salt Spring Island Agricultural Organizations - Dated March 21, 2016 - Concerning Agricultural Land Reserve Lands and Agriculture on Salt Spring Island, Potential Transfer of Decision-Making Authority

The correspondence was received for information.

9.2 North Salt Spring Waterworks District - Dated April 7, 2016 - Concerning Relaxation of the Moratorium on St. Mary Service Connections

The correspondence was received for information.

9.3 Capital Regional District Director to Department of Fisheries and Oceans - Dated April 15, 2016 - Concerning the Harbour Authority of Salt Spring Island

SS-2016-93

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee write a letter to the Ministry of Forests Lands and Natural Resource Operations and the Department of Fisheries and Oceans in support of the Capital Regional District request to assume lease responsibility for Manson Road, Salt Spring Island and that the letter include the following text: "The Salt Spring Island Local Trust Committee wishes to express its support for the request by Capital Regional District to acquire tenure from the Province and Federal Government for the unconstructed road right of way portion of Manson Road and the portion of the filled in foreshore between the boardwalk and Manson Road right of way on Salt Spring Island. The assumption of management responsibilities by Capital Regional District for this portion of the village core is an important key to the facilitation of two of the Salt Spring Island Local Trust Committee's top priorities, the regeneration of the Ganges village core and the completion and upgrading of the harbour walkways. We therefore urge the Federal Government to relinquish the filled in foreshore to the Province; and further that both the Federal and Provincial Government accede to Capital Regional District's request for tenure."

CARRIED

SS-2016-94

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee direct staff to prepare a press release regarding a letter of support for the Capital Regional District's request to assume lease responsibility for Manson Road.

CARRIED

9.4 Harbour Authority of Salt Spring Island to Capital Regional District Director - Dated April 22, 2016 - Concerning HASSI Board Membership

SS-2016-95

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee endorse the principle of a member of the Salt Spring Island Local Trust Committee sitting on the board of the Harbour Authority of Salt Spring Island, subject to clearance by staff and legal counsel.

CARRIED

10. OTHER BUSINESS

10.1 New Business

10.1.1 Thetis Island Local Trust Committee Proposed Bylaw No. 98 (Valdes Island)

RPM Cermak presented a memorandum dated April 18, 2016 regarding a Bylaw Referral from the Thetis Island Local Trust Committee.

SS-2016-96

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee direct staff to respond to the referral from the Thetis Island Local Trust Committee for Bylaw 98 indicating that interests are unaffected.

CARRIED

The Local Trust Committee closed the meeting at 10:58 a.m. See Items 18.1 and 18.2. The meeting reconvened at 11:59 a.m.

The meeting recessed at 11:59 a.m and reconvened at 12:03 p.m.

Chair Luckham introduced CAO Russ Hotsenpiller and welcomed attendees to the meeting. CAO Hotsenpiller invited members of the public to contact him with any questions or concerns and noted he would be on Salt Spring Island on a regular basis.

11. TRUSTEE REPORTS

Trustee Grams reported that he attended meetings with the following: Trust Council Executive Committee; the Salt Spring Island Watershed Protection Authority (SSIWPA); Saturna Island Local Trust Committee; Mayne Island Local Trust Committee; North Pender Island Local Trust Committee; CRD Director McIntyre, the Chair of the Salt Spring Island Transportation Commission, the Chair of the Salt Spring Island Economic Development Commission and the Harbour Authority of Salt Spring Island (HASSI) regarding Ganges Harbour; the Salt Spring Island Advisory Planning Committee regarding the Harbour Walk; potential applicants for appointment to the Salt Spring Island Agricultural Advisory Planning Committee and the CAO Hiring Committee. He attended an oil spill response event in Vancouver and the 2016 Earth Day event in Centennial Park. Trustee Grove reported that he attended meetings with the following: CRD regarding planning for Centennial Park; the CRD and stakeholders regarding the Harbour Walk; the CRD Salt Spring Island Emergency Program POD; the Salt Spring Island Incorporation Study Committee; Islands Trust, San Juan County and CRD regarding the Southern Gulf Islands Economic Development and inter-island matters and an applicant regarding a proposed affordable housing project. He attended the 2016 Earth Day event and the Salt Spring Island Community Energy Conference.

12. CHAIR'S REPORT

Chair Luckham reported that he attended an Association of Vancouver Island Coastal Communities (AVICC) conference in Nanaimo where an Island Trust resolution was endorsed to request a long term marine and traffic management plan for the Salish Sea. He attended a Clear Seas Centre for Responsible Marine Shipping event in Vancouver where he expressed the importance of public engagement and voiced concerns that the Salish Sea is not a highway or parking lot for freighters. Chair Luckham advised that the next Trust Council is scheduled to be held June 14 to 16, 2016 on North Pender Island with a focus on Marine traffic safety and encouraged members of the public to attend.

13. CRD DIRECTOR'S REPORT

CRD Director McIntyre reported that he attended meetings with the following: the CRD Salt Spring Island Emergency Program; with the Department of Fisheries and Oceans

(DFO) regarding Ganges Harbour and the Mayor of the Town of Sidney regarding water transport between Sidney and the Southern Gulf Islands. He noted the following from the April 13, 2016 CRD Board meeting along with expressions of support: to write a letter to the Prime Minister of Canada and the Minister of Transport requesting that federal legislation and regulations be strengthened to provide for a 3,500 metre hazard zone around vessels and facilities used for the transport of liquefied natural gas in the coastal waters of the Salish Sea; for the Salish Sea to be designated a "Particularly Sensitive Area"; to advocate for pilots and escort tugs for vessels in the San Juan area and Juan de Fuca Strait; and a presentation regarding a review of the CRD service delivery process for Electoral Area Districts. He noted a letter sent to the North Salt Spring Waterworks District regarding the removal of the moratorium for new water connections to certain properties and how it relates to the proposed Drake Road Affordable Housing Project. and he advised that a meeting is scheduled for May 16, 2016 to consider other water sources and feasibility of the project in relation to the proposed Community Services Affordable Housing Project. He attended the 2016 Earth Day event.

14. DELEGATIONS

14.1 British Columbia Nautical Residents Association - Rick Schnurr & David Brand

Rick Schnurr presented the mandate of the BC Nautical Residents Association and a document entitled "Marine Community Toolbox – a guide to help coastal communities live in harmony with marine communities" and invited the Salt Spring Island Local Trust Committee to consider amending the regulations to allow live aboard vessels.

15. TOWN HALL AND QUESTIONS

Chair Luckham opened the Town Hall at 12:35 p.m.

Two members of the public expressed concern regarding metal recycling operations at 251 Fulford-Ganges Road and asked for clarification regarding the bylaw enforcement process.

A member of the public asked for clarification regarding delegation of authority from the Agricultural Land Commission.

16. APPLICATIONS AND REFERRALS

16.1 SS-DP-2016.1 - K. Plambeck - 480 Mount Belcher Heights

Planner Miller presented a staff report regarding an application to permit the installation of a septic system within Development Permit Area 5 - Community Well Capture Zones.

SS-2016-97

It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DP-2016.1 for Lot 18,

District Lot 24, North Salt Spring Island, Cowichan District, Plan 23312 (480 Mount Belcher Heights).

CARRIED

The meeting recessed at 12:48 p.m and reconvened at 12:50 p.m.

16.2 SS-SUB-2012.4 - J. Andrea - 521 Mansell Road

Planner Youmans presented a staff report dated April 1, 2016 regarding a water treatment covenant to enable a three-lot subdivision.

SS-2016-98

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee accept a covenant under section 219 of the Land Title Act to require well water treatment from the registered owners of the North and West Portions of Section 5, Range 5 East, North Salt Spring Island, Cowichan District, Containing 70 Acres More or Less, as Shown Red on Plan Deposited Under DD 20959, and designate any member of the Local Trust Committee to sign the covenant (521 Mansell Road).

CARRIED

16.3 Bylaw No. 339 - Salt Spring Island Community Services - Lot 3 Charlesworth Road

16.3.1 Correspondence - Green City Builders - Dated May 3, 2016 - The correspondence was received.

Planner Wright presented a staff report dated April 25, 2016 regarding a request to amend a land use covenant and housing agreement.

Applicants Elizabeth FitzZaland and Rob Grant of Salt Spring Island Community Services were present and spoke to the application.

SS-2016-99

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request staff to prepare a draft bylaw to amend the Land Use Covenant and Housing Agreement adopted as "Salt Spring Island Local Trust Committee Affordable Housing Agreement Bylaw No. 339,1995" (Covenant EK13176) in accordance with the letter from Salt Spring Island Community Services (dated March 17, 2016 and attached as Appendix 2).

CARRIED

SS-2016-100

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request staff to amend the revised Land Use Covenant and Housing Agreement originally adopted as "Salt Spring Island Local Trust Committee Affordable Housing Agreement Bylaw No. 339, 1995" to include at least 4 Affordable Rental Housing units.

CARRIED

SS-2016-101

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request staff to amend the revised Land Use Covenant and Housing Agreement originally adopted as "Salt Spring Island Local Trust Committee Affordable Housing Agreement Bylaw No. 339, 1995" to remove Articles 4.1 (Designation of Building Sites), 4.2 (Dedication of Park), 4.4 (Construction of Trails on Market Housing Parcels), 4.5 (Dedication of Highways), and 6.1 (Terms of this Agreement).

CARRIED

17. UPCOMING MEETINGS

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on June 2, 2016 at the Hart Bradley Hall (Lions Club), 103 Bonnet Avenue, Salt Spring Island.

18. CLOSED MEETING

18.1 Motion to Close the Meeting

At 10:58 a.m. it was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter Part 4, Division 3, Section 90(1)(a) personal information about individuals that are being considered for a position appointed by the Local Trust Committee, Section 90(1)(f) law enforcement, Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a service that are at their preliminary stages and Section 90(2)(b) information received and held in confidence relating to negotiations between Islands Trust and a provincial government and that staff be invited to remain.

CARRIED

18.2 Motion to Open the Meeting

At 11:59 a.m. it was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee re-open this meeting to the public subject to Section 89 of the Community Charter.

CARRIED

The meeting recessed at 1:22 p.m and reconvened at 1:28 p.m.

18.3 Motion to Close the Meeting

At 1:28 p.m. it was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter Part 4, Division 3, Section 90(1)(a) personal information about individuals that are being considered for a position appointed by the Local Trust Committee, Section 90(1)(f) law enforcement, Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a service that are at their preliminary stages and Section 90(2)(b) information received and held in

confidence relating to negotiations between Islands Trust and a provincial government and that staff be invited to remain and that staff be invited to remain.

CARRIED

18.4 Motion to Open the Meeting

At 4:02 p.m. it was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee re-open this meeting to the public subject to Section 89 of the Community Charter.

CARRIED

18.5 Rise and Report

The Salt Spring Island Local Trust Committee direct Bylaw Enforcement staff to draft a letter to Salt Spring Island Metal Recycling requesting an update on the building application for internal storage and crushing of materials.

The Salt Spring Island Local Trust Committee and North Salt Spring Waterworks District agree to enhance the depth of collaboration through the Salt Spring Island Watershed Protection Authority and propose that Salt Spring Island Watershed Protection Authority prioritize a review and completion of the Opus Water Demand Management Plan.

19. ADJOURNMENT

By general consent the meeting adjourned at 4:04 p.m.

Peter Luckham, Chair

Certified Correct:

Sarah Shugar, Recorder

Resolutions Without Meeting

Salt Spring Island

Resolution #	Action	Resolution Description	Resolution Date
2016-01	In Favour	THAT further to advice received from the Islands Trust Planning Director on Friday, February 12, 2016, that the Agricultural Land Commission would be available to meet with the Islands Trust Executive Committee in April 2016, the Salt Spring Island Local Trust Committee rescind Resolution SS-2016-37 which resolved the following: "That the Salt Spring Island Local Trust Committee refer the briefing regarding "Delegation of Some Decision Making Authority from the Agricultural Land Commission" dated November 18, 2015 to the Salt Spring Island Agricultural Advisory Commission for their consideration".	18-Feb-2016
2016-02	In Favour	THAT the SSI LTC approve travel expenses for two members of the SSI LTC to attend the presentation at Royal Roads University to be delivered on 19 May 2016 on the subject of "The Protection of First Nations Clam Gardens in Fulford Harbour."	18-May-2016

Follow Up Action Report

Salt Spring Island

14-Jan-2016

Activity	Responsibility	Target Date	Status
The SSIL TC direct staff to obtain written confirmation from the Capital Regional District Building Inspection department that occupancy permits for the abattoirs buildings and structures have been secured prior to the adoption of Bylaw No. 483 (SS-RZ-2014.2, 1449 Fulford-Ganges Road).	Claire Olivier Jason Youmans		On Going
Update - May18, 2016 - Staff awaiting confirmation of occupancy permits			
The SSIL TC approve issuance of Development Permit SS-DP-2015.9 conditional upon adoption of Bylaw No. 483 (1449 Fulford-Ganges Road).	Claire Olivier Jason Youmans		On Going

11-Feb-2016

Activity	Responsibility	Target Date	Status
WATERSHED MANAGEMENT: The SSIL TC request staff to undertake an assessment as to whether any legislative changes would be needed regarding Salt Spring Island Local Trust Committee bylaws in order to facilitate implementation of the management actions in the St. Mary Lake Integrated Watershed Management Plan.	Stefan Cermak		On Going
BOARDWALK: The SSIL TC request staff to work collaboratively with the Capital Regional District to establish a joint Task Force made up of staff members from both governments and community representatives, with elected officials as ex officio members, and establish terms of reference for this committee.	Chloe Fox		On Going

Follow Up Action Report

The SSILTC direct staff to:		Jason Youmans	On Going
1. research and report on available options with respect to Cowichan Tribes Designated Use Area initiative in Sansum Narrows; and			
2. draft a response to Cowichan Tribes regarding the Salt Spring Island Local Trust Committee direction and provide topics for discussion with Cowichan Tribes Chief and Council.			
April 28, 2016 - At April 7 LTC staff were directed to gather more information on marine harvest opportunities in Sansum Narrows.			

10-Mar-2016

Activity	Responsibility	Target Date	Status
The SSILTC direct staff to organize a Town Hall meeting on Piers Island.	Lisa Floritto Seth Wright		On Going
The SSILTC direct staff to develop a comprehensive First Nations engagement strategy for consideration of the implications of these bylaws, with particular focus on Bylaw No. 488 to amend the Official Community Plan.	Chloe Fox		On Going
INDUSTRIAL: The SSILTC direct staff to refer Bylaws No. 488, 489, and 490 to First Nations, government referral agencies, public agencies, the Advisory Planning Commission, the Salt Spring Parks and Recreation Commission, and the Salt Spring Island Transportation Commission. APC Meeting: April 14th Apr 27, 2016 update - Referral process review with consultant Chloe Fox initiated	Claire Olivier Chloe Fox		On Going
The SSILTC direct staff to develop a comprehensive community engagement strategy, including direct correspondence with C6 and industrial zoned property and business owners, with appropriate notifications through the media for the larger community.	Chloe Fox		On Going
The SSILTC direct staff to add Residential zoned Jackson Road properties to Bylaws No. 488 and 489, and contact the property owners to discuss the proposed change.	Chloe Fox		On Going

Follow Up Action Report

INDUSTRIAL: The SSILTC direct staff to investigate the relative advantages of Options 1 and 2 (Undertaking a comprehensive agricultural edge planning exercise or upgrading regulatory requirements without an edge planning exercise) regarding agricultural protection and report back with a recommendation.	Chloe Fox	On Going
INDUSTRIAL: The SSILTC direct staff to investigate the relative advantages of Options 1 and 2 (greater enforcement of existing LUB provisions, like vegetative screening, and conditions of development permits or upgrading of existing LUB and Development Permit provisions) regarding improving the aesthetic outcomes of new business development and report back with a recommendation.	Chloe Fox	On Going
The SSILTC request that the applicant submit a professional parking and traffic demand analysis and plan of the proposed facility (SS-RZ-2015.3, 181 Brinkworthy Road).	Stefan Cermak	On Going
The SSILTC request that the applicant submit a complete stormwater drainage plan, prepared, signed and sealed by a Professional Engineer with experience in stormwater drainage (SS-RZ-2015.3, 181 Brinkworthy Road).	Stefan Cermak	On Going
The SSILTC request that the applicant submit a professional landscaping and site works plan (SS-RZ-2015.3, 181 Brinkworthy Road).	Stefan Cermak	On Going
The SSILTC request that the applicant submit a professional water demand and supply analysis and plan and demonstrates adequate supply of water for the proposed uses without reducing groundwater levels for neighbouring properties (SS-RZ-2015.3, 181 Brinkworthy Road).	Stefan Cermak	On Going

Follow Up Action Report

The SSIL TC request the applicant carry out community engagement, including residents of Brinkworthy Place, with regard to mitigation of potential impacts and possible alternatives to the plan for the sports field park (SS-RZ-2015.3, 181 Brinkworthy Road).

Stefan Cermak

Done

31-Mar-2016

Activity	Responsibility	Target Date	Status
The SSIL TC refer the amended Opus DaytonKnight Water Conservation and Demand Management Plan to the North Salt Spring Waterworks District and the Salt Spring Island Watershed Protection Authority for comment.	Claire Olivier Stefan Cermak		Done

07-Apr-2016

Activity	Responsibility	Target Date	Status
The SSIL TC request staff to provide a report on the accuracy of the current clam bed mapping in Sansum Narrows and indicate the scope of work necessary to have certainty with regard to marine resources.	Jason Youmans		Done
The SSIL TC authorize the expenditure of up to \$1,300 from the Special Projects Budget for the purposes of: 1. hosting a Town Hall; and 2. hosting a Public Hearing for Bylaw No. 493, both on Piers Island.	Stefan Cermak		Done
The SSIL TC request that Executive Committee explore avenues whereby the Islands Trust can be eligible for the British Columbia Rural Dividend.	Stefan Cermak		Done
The SSIL TC request staff to refer Bylaw No. 492 to the Salt Spring Island Advisory Planning Commission for comment. May 20, 2016: Deferred to next APC (insufficient time)	Jason Youmans Seth Wright		On Going

Follow Up Action Report

The SSIL TC approve issuance of development permit SS-DP-2015.12 conditional upon receipt of the following: 1. An irrevocable letter of credit in the amount of \$13,500 to ensure timely completion of landscaping visible from Suffolk Road; 2. An irrevocable letter of credit in the amount of \$52,000 to ensure timely completion of the riparian enhancement plan; 3. Preparation, at the owners cost, and registration of, a restrictive covenant related to the installation and ongoing maintenance of a 3 metre wide vegetative buffer adjacent to agricultural land; 4. A letter of no concern from the Salt Spring Island Fire Department; and 5. An amended landscape plan that uses strictly native species and that is acceptable to planning staff (175 Suffolk Road). May 26, 2016 - On hold pending condition fulfillment by applicant	Claire Olivier Jason Youmans	On Going

05-May-2016

Activity	Responsibility	Target Date	Status
Adopt and Post Minutes of SSI LTC Meeting of April 7, 2016.	Claire Olivier		On Going
SSI LTC request staff to provide an update regarding standing resolution SSI-277-13 - Medical Marijuana Licenses.	Miles Drew Thomas Loo		On Going
SSI LTC support Salt Spring Island Watershed Protection Authoritys intent to undertake a multi-agency, integrated, planning exercise	Stefan Cermak		On Going
SSI LTC direct staff to draft a press release regarding working with North Salt Spring Waterworks District to further the Water Demand Management Plan and that they encourage the public to support the water conservation objectives of the North Salt Spring Waterworks District.	Stefan Cermak		On Going
SSI LTC approve the text of RFP dated Apr 26, 16 for inclusion in the 2015-2016 Annual Report for approval, as amended by Trust Council and submission to the Minister of Community, Sport and Cultural Development.	Stefan Cermak		On Going

Follow Up Action Report

SSI LTC recommend that the Executive Committee consider including statistical information regarding applications in future annual reports.	Claire Olivier	On Going
The SSI LTC amend Bylaw No. 484, cited as Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2015, as specified in Appendix 2 of the staff report dated April 27, 2016.	Claire Olivier Jason Youmans	Done
The SSI LTC reviewed the Directives Only Policies and determines that Bylaw No. 484 is not contrary to or at variance with the Islands Trust Policy Statement.		
that the SSI LTC Bylaw No. 484, cited as Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2015, be read a third time as amended and forwarded to the Executive Committee for consideration of approval.		
SSI LTC write a letter to the Ministry of Forests Lands and Natural Resource Operations and the Department of Fisheries and Oceans in support of the Capital Regional District request to assume lease responsibility for Manson Road, see May 5, 2016 minutes for further details.	Lisa Floritto Stefan Cermak	Done
SSI LTC direct staff to prepare a press release regarding a letter of support for the Capital Regional Districts request to assume lease responsibility for Manson Road, further details in the May 5, 2016 minutes.		
SSI LTC endorse the principle of a member of the Salt Spring Island Local Trust Committee sitting on the board of the Harbour Authority of Salt Spring Island, subject to clearance by staff and legal counsel.	Stefan Cermak	On Going
SSI LTC direct staff to respond to the referral from the Thetis Island Local Trust Committee for Bylaw 98 indicating that interests are unaffected.	Claire Olivier	On Going
SSI LTC approve issuance of Development Permit SS-DP-2016.1 for Lot 18, District Lot 24, North Salt Spring Island, Cowichan District, Plan 23312 (480 Mount Belcher Heights).	Claire Olivier Shelley Miller	On Going

Follow Up Action Report

The SSI LTC accept a covenant to require well water treatment from the registered owners of the North and West Portions of Section 5, Range 5 East, North Salt Spring Island, Cowichan District, Containing 70 Acres More or Less, as Shown Red on Plan Deposited Under DD 20959, and designate any member of the Local Trust Committee to sign the covenant. (521 Mansell Road).	Claire Olivier Jason Youmans	Done
SSI LTC direct Bylaw Enforcement staff to draft a letter to Salt Spring Island Metal Recycling requesting an update on the building application for internal storage and crushing of materials.	Miles Drew Thomas Loo	On Going
SSI LTC & North Salt Spring Waterworks District agree to enhance the depth of collaboration through Salt Spring Island Watershed Protection Authority and propose that Salt Spring Island Watershed Protection Authority prioritize a review and completion of the Opus Water Demand Management Plan.	Stefan Cermak	On Going
SSI LTC request staff amend Land Use Covenant and Housing agreement adopted as Bylaw No. 339. SSI LTC request staff amend revised Housing Agreement to include at least 4 Affordable Rental Housing Units. SSI LTC request staff amend revised Housing Agreement to remove articles 4.1, 4.2, 4.4, 4.5 and 6.1.	Seth Wright	On Going

SALT SPRING ISLAND POLICY & STANDING RESOLUTIONS LIST

Oct 4/07	SSI-164-07	Bylaw Enforcement Short-Term Vacation Rentals	It was MOVED and SECONDED that the recommendations in the staff report of September 28, 2007 be adopted as follows: 1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the Internet, newspapers or other media; 2. They are not managed by the property owner; 3. More than one dwelling on the lot is simultaneously made available for STVRs; 4. While the property is rented persons are staying in tents, trailers, or RVs; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR; 7. The owner of the property uses more than one property on Salt Spring Island as an STVR. 2. 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. 3. THAT the Salt Spring Island Local Trust Committee direct staff to concentrate its bylaw enforcement efforts with respect to short-term vacation rentals on those properties where there is no permanent resident on site.
Feb 4/10	SSI-11-10	Bylaw Enforcement Reports	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.
Jan 10/13	SSI-09-13	North Salt Spring Waterworks District Reporting	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: 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. *Bylaw 461 was adopted May 2, 2013

SALT SPRING ISLAND POLICY & STANDING RESOLUTIONS LIST

Dec 12/13	SSI-277-13	Medical Marihuana Licenses	It was MOVED and SECONDED that the Salt Spring Island Local Trust Committee direct staff to implement Option 2 in Reporting to Local Trust Committee, as described in the December 5, 2013 staff report titled "Health Canada Licence to Produce Medical Marihuana". (Excerpt from the Dec 5, 2013 Staff Report: <i>"Option 2: Request staff to report to LTC with name of the licensed producer as information only. LTC would not be providing comments on an application that complies to local land use bylaws and is otherwise a matter within responsibility of the federal Minister of Health and deliberated on by Health Canada designated officials."</i>)
Feb 5/15	SS-2015-38	Strategic Directions 2015-2018	It was MOVED and SECONDED that the Salt Spring Island Local Trust Committee adopt its Strategic Directions for 2014 to 2018 as follows: • Fostering Salt Spring Island as a hub for excellence in socio-economic health, resiliency and sustainability, including the need to reduce our ecological footprint; • Collaborating with other agencies in responding to community needs with the intent to encourage integrated governance; • Building a strong foundation of land use planning service to the community; and • Working with Trust Council and provincial leaders to fully articulate the Gulf Islands as unique in many social, cultural, economic and environmental aspects.
Jan 14/16	SS-2016-16	Bylaw Enforcement Unlawful Suites and Dwellings	It was MOVED and SECONDED that the Salt Spring Island Local Trust Committee affirms its previous direction to delay enforcement on unlawful suites and single family dwellings and illegal use of seasonal cottages until it has made a final decision on Proposed Bylaw No. 471 and directs staff to commence enforcement on all other unlawful dwellings in accordance with the following enforcement policy: a. Staff should put the highest priority on unlawful dwellings complaints concerning areas deemed to be environmentally sensitive such as, within potable water watersheds or unlawful dwellings which have serious health and safety issues, such as failing septic systems, over-taxed sewage treatment facilities, or unlawful dwellings which are unsafe; b. Islands Trust Bylaw Enforcement Officers, when speaking to property owners with unlawful dwellings, should initially adopt a coaching technique with a view to helping the owners legalize their unlawful dwelling if possible. People will be directed to Islands Trust planners or to the Capital Regional District Building Inspection and Capital Regional District Water and Sewage Commissions, who can explain the mechanisms for compliance. Tenants will also be directed to local agencies which can help find new housing if needed; c. Islands Trust Bylaw Enforcement Officers should place a priority on enforcement of unlawful dwellings which are also of concern to other agencies to ensure that all related issues are dealt with at the same time; d. Recommendations to the Salt Spring Island Local Trust Committee for legal action to close an unlawful dwelling should only be made if it will have the active support and participation of other agencies, such as building inspection, health authorities or water and sewage treatment providers.

Top Priorities

Salt Spring Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Watershed Management + SSIW PA	May 5, 2016 - LTC, SSIWPA, and NSSWD News Release - agree to collaborate and SSIWPA to peer review OPUS report; SSIWPA to undertake sustainable water planning exercise March 31, 2016 - OPUS presentation to LTC Feb. 19, 2016-OPUS presentation to SSIWPA Feb. 11, 2016 - LTC receives and endorses St. Mary Lake IWMP and requests if any changes are needed in LUB to implement actions and measures; approve RFD to TC regarding Special Tax requisition; amend project charter, schedule business meeting March 31, 2016, request Chair to send letter to NSSWD supporting raising the weir Jan. 22 - SSIWPA meeting Jan. 13, 2016- OPUS meeting with NSSWD and IT staff. Advancing deliverables.	07-Jun-2012	Stefan Cermak	

Top Priorities

Salt Spring Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
2	Ganges Village Area Planning - Harbourwalk	April 26, 2016 - Planner Chloe Fox contracted to advance project deliverables March 10, 2016-LTC give first reading to Bylaw 491 and sent for referrals Feb. 11, 2016 - LTC direct staff to draft bylaw; to consult with PARC to change zoning of Pecks cove to PR4(a); rescind the resolution requesting an appraisal; and develop a Terms of Reference for a Joint Task Force Jan. 27&30, 2016- Special Business Meetings for community engagement Dec. 14 - numerous meetings with contractors; reviewed communications plan and engagement strategy. Dec.11 - meeting with CRD Transportation Commission Chair...suggests that funding is NOT for seawalk but for sidewalks only, significant proposals to change landscape above seawalk near Ganges Marina. Nov. 5 - Contractor services secured till end of 2015/16 fiscal to advance project deliverables. Toured Harbour via boat, met various stakeholders	20-Jun-2013		

Top Priorities

Salt Spring Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
3	LUB Update - Industrial Zones	April 26, 2016 - Planner Chloe Fox contracted to advance project deliverables March 10, 2016-LTC give first reading to bylaws 488-491 and send for referrals. Feb. 16,2016 - Three neighbourhood meetings (Fulford, Merchant Mews area, GISS for Atkins/Rainbow area). Jan. 21, 2016 - ongoing planning for neighbourhood meetings. Review of draft bylaws. Ongoing work for communication materials Dec. 14 - numerous meetings with contractors. Reviewed communications and engagement plan. Nov. 5 - Contractor services secured till end of 2015/16 fiscal to advance project deliverables. Met with previous IAPC chair and select	07-Jun-2012	Stefan Cermak	23-Sep-2016
4	Fort Street (Grantville neighbourhood)	May 18, 2016 - Executive Committee approval May 5, 2016 - LTC gives third reading to amended bylaw March 10, 2016 - LTC directs staff to amend bylaw to ensure it applies to new wells, and provide standing resolutions regarding works within existing lawful non-conforming footprints. March 3, 2016 - Community Information Meeting and Public Hearing	08-Jan-2015	Jason Youmans	

Top Priorities

Salt Spring Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
5	LUB Update - Rural Watershed Uses. Agricultural uses appear incompatible with watershed drinking water quality.	February 2, 2016 - Bylaw referred to Ministry of Environment (water quality division) and Island Health (water quality division) January 5, 2016 - Ongoing discussions between staff and Ministry of Agriculture about jurisdiction and authority November 26, 2015 - APC and AAPC consider proposed bylaws November 19, 2015 - LTC refers proposed bylaws to APC and AAPC September 3, 2015 - LTC directs staff to amend LUB to remove intensive agriculture from RW1/2 zones and to implement setbacks for agriculture from water bodies in those zones. June 11, 2015 - LTC appoints issue as top priority (#5). Direct staff to report back by August LTC meeting with a draft scope of work.	11-Jun-2015	Jason Youmans	15-Jun-2017

Projects

Salt Spring Island

Description	Activity	R/Initiated
Piers Island Bill 27 OCP update	March 31, 2016 - LTC receive contractors report, give first reading to Bylaw 491 and send for referrals. February 23, 2016 - Notification sent to Piers Island owners for March 8th consultation. February 19, 2016 - Contract signed with Kelly Gesner, Landworks Consultants Inc. January 12, 2016 - Invitation to Quote distributed to select Qualified Vendors. December 17, 2015 - LTC direct staff to draft and issue Service Contract for Planning Services to update the Piers Island OCP within current fiscal. June 11, 2015 - LTC put on hold pending outcome of Incorporation Study LTC work program 2010 to 2015 Provincial requirement since 2008	17-Dec-2015

First Nations Heritage Sites

May 5, 2016 - Heritage inventory report received by LTC in-camera	08-Jan-2015
April 28, 2016 - Report to be provided to LTC in May 5, 2016 agenda	
February 8, 2016 - Service contract issued	
February 2, 2016 - Deliverables agreed by contractor, service contract request sent to IT finance	
January 6, 2016 - Staff drafting invitation to quote for posting mid January	
Dec. 18- Cowichan Tribes members to visit SSI.	
December 17, 2015 - LTC direct staff to draft an RFP for services to draft a Heritage Inventory and recommend changes to SSI OCP.	
Nov. - LTC send letter to Lyackson and Cowichan Tribes inviting meeting.	

Projects

Salt Spring Island

Description	Activity	R/Initiated
Bylaw Review and Procedural Updates	Sept. 3 2015 - LTC include project in Proposed 2016/17 Project Budget Feb 2015 LTC Work Program, inclusive of Land Use Bylaw Technical Amendments, Soil Bylaw update, Development Approval Information bylaw, Zoning Regulations, Land Use Contracts and Outer Islands, Bylaw Enforcement Policies	05-Feb-2015
OCP & LUB Review - Housing for Farm Workers; Subdivision for a Relative	· Nov 2012 - mtg SSI trustees & RPM with ALC staff. information forthcoming from ALC re subd for a relative - provincial publication. · July 2012 - scope expand to include OCP policy re Subdivision for Relative · May 2012 - Letter to ALC re meeting · April 2011 - Invite meeting to ALC · May/09 - Feb/10 Staff undertaking research, Feb/10 Initial Report to LTC	10-Nov-2008

Projects

Salt Spring Island

Description	Activity	R/Initiated
LUB update: Affordable housing	Affordable housing may include: TUP amendment, cottage rentals, secondary suites pilot area expansion, other related issues. · June 2015- LTC considers project on hold pending NSSWD hydrology reports · Oct. 24, 2013 - LTC request staff to review the fees bylaw and in particular the application fee for a Temporary Use Permit in order to make small housing applications more affordable. · March 2010 initial scope of work, to follow suites and other priorities. · Feb 2010 LTC resolution directing staff to pursue creation of Community Affordable Housing Strategy (done), to investigate and report back on opportunities with CRD Housing to manage housing agreements (done), request MoU with CRD on housing agreements (Nov 2014 staff report - focus on operational terms), bring forward recommendations for amendments to LUB to enable creation of affordable housing (ongoing).	
LUB update: cottages	Sept. 3 2015 - LTC include project in Proposed 2016/17 Project Budget · 2008 OCP, initial work in 2010, priority to follow suites	

Projects

Salt Spring Island

Description	Activity	R/Initiated
Proposed Nat. Marine Con. Area Reserve - Internal Boundaries	Sept. 3 2015 - LTC include project in Proposed 2016/17 Project Budget January 2014 Check in from Parks Canada advising of extension of the stakeholder consultation program. Parks Canada will report back. June 2013 LTC resolution to advance to #1 in Projects List April 2013 LTC resolution to Parks Canada requesting public information meeting on Salt Spring Island. January 2013- added to Projects List. Budget and staff resources to be considered. Refer to Dec 2012 Trust Council Request for Decision.	10-Jan-2013
Secondary Suites Implementation - TUP	Sept. 3 2015 - LTC include project in Proposed 2015/16 Project Budget June 2015 - LTC may consider further actions pending report back from Bylaw enforcement. 2014 August 28 Budget proposal for 2015/16 fiscal. July 24, 2014 LTC amends its work program to place Secondary Suites Implementation (TUPs) as a Project. February 27, 2014 - Community Information meeting and workshop on Bylaw 471 held at Harbour House. October 24, 2013 - SSI LTC gives first reading to Bylaw 471, a bylaw that proposes residential uses to be permitted by a Temporary Use Permit. June 20, 2013 LTC approves budget related to project charter.	24-Jul-2014

Projects

Salt Spring Island

Description	Activity	R/Initiated
Integrated Community Sustainability Plan	April 27, 2016-conclusion of ongoing discussions regarding funding from BC Rural Dividend. The fund is tightly focused on job creation and has substantial requirements for the Islands Trust to even apply. Staff decision to proceed no further, instead to focus on next round of Gas Tax funding. Investigating successful funders with similar goals (ex; Revelstoke). April 5, 2016 - EOI submitted. March 31, 2016 - Grant Administrator forward potential funding opportunity via BC Rural Dividend. EOI due April 7. March 22, 2016 - staff discussion with Sebastian Moffat (ICSP pioneer) regarding possible development of a Project Charter and/or planning/facilitation of visioning sessions. Mr. Moffat unavailable but will respond with other similar contacts. January 21, 2016 - UBCM refuse grant (only forwarded to staff March 9, 2016) Sept 15, 2015-staff contacted UBCM- no announcement till late winter 2015 or early 2016. Sept. 3 2015 - LTC include project in Proposed 2016/17 Project Budget July 16, 2015: Grants Administrator following up with UBCM regarding status April 16, 2015: LTC supports in principle the Terms of Reference for the Integrated Community Sustainability Plan and funding in amount of \$115,000 from UBCM Strategic Priorities fund. Grant proposal includes \$15,000 Water Management Planning. Work pending UBCM funding decisions in June. Foundation includes: Feb 2015 LTC Strategic Directions; Trust Council Strategic Plan focus on Community Economic Sustainability and Security;	24-Jul-2014

Projects

Salt Spring Island

Description	Activity	R/Initiated
	LTC proposal in 2015/16 budget; CRD Economic Development Commission June 24 2014 workshop, workshop, actions regarding long term planning, addressing infrastructure deficit, fostering community resilience; Flood Management Guideline Update 2014 in Province of BC; 2010 Climate Change Adaptation Plan; Reduction of GHG Emissions; refer to correspondence from Transitions Salt Spring and Climate Action Salt Spring.	

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SS-ALR-2015.2	Capital Regional District (Parks & Recreation Manager) Planner: Stefan Cermak	24-Sep-2015	Sports Fields (Non Farm Use) - 181 Brinkworthy Road, SSI
Planning Status			

Status Date: 02-Feb-2016

Staff met with applicant to discuss next steps

Status Date: 17-Dec-2015

LTC deferred consideration so applicant can revise application for benefit to agriculture and initiate community consultation

Status Date: 03-Dec-2015

Application considered by AAPC; AAPC recommends application not be forwarded

File Number	Applicant Name	Date Received	Purpose
SS-ALR-2016.1	Noella & Michael Planner: Shelley Miller	22-Mar-2016	ALR Exclusion - 240 Atkins Road, SSI
Planning Status			

Status Date: 23-Mar-2016

Planner Miller assigned to SS-ALR-2016.1

File Number	Applicant Name	Date Received	Purpose
SS-ALR-2016.2	ELSTON-TUTTLE, KIM Planner: Jason Youmans	31-Mar-2016	Non-Farm Use (Cottage) - 231 Meadow Drive, SSI
Planning Status			

Status Date: 01-Apr-2016

Planner Youmans assigned to SS-ALR-2016.2

Development Permit

Applications

File Number	Applicant Name	Date Received	Purpose
SS-DP-2011.6	Salt Spring Ventures Inc.	29-Apr-2011	DP amendment to SS-DP-2005.7 to add a basement level to 3 of the existing buildings (Park Drive)
Planner: Seth Wright			
Planning Status			

Status Date: 18-May-2016
Application in Dormant Applications Report for June 2, 2016 LTC meeting

Status Date: 14-Apr-2016
Dormant application notification emailed and mailed to applicant

Status Date: 02-Dec-2015
Applicant revised corresponding RZ application; staff requested additional documentation for consistency in application documents

File Number	Applicant Name	Date Received	Purpose
SS-DP-2014.3	McKerrell, David	26-May-2014	Marina expansion - 2850 Fulford-Ganges Rd - SSI
Planner: Jason Youmans			
Planning Status			

Status Date: 25-Apr-2016
Applicant provided RPBio report

Status Date: 03-Mar-2016
Planner reviewing plans, determining further requirements

Status Date: 18-Jan-2016
Applicant provided updated site and facility plans. Planner requested further information.

File Number	Applicant Name	Date Received	Purpose
SS-DP-2015.12	Polaris Land Surveying Inc.	23-Dec-2015	DPA2, DPA4 & DPA7: Resort Redevelopment - 175 Suffolk Road, SSI
Planner: Jason Youmans			
Planning Status			

Status Date: 18-May-2016
Awaiting fulfillment of conditions prior to permit issuance

Applications

Status Date: 07-Apr-2016

LTC approves permit

Status Date: 09-Feb-2016

Site visit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2015.3	Daniel & Leah Lee	27-Mar-2015	DPA3: Boathouse - 1216 North Beach Road, SSI
Planner: Seth Wright			
Planning Status			

Status Date: 02-Jun-2016

Staff Report to LTC

Status Date: 18-Apr-2016

Survey submitted

Status Date: 14-Apr-2016

Emailed and mailed dormant application letter to applicant.

File Number	Applicant Name	Date Received	Purpose
SS-DP-2015.9	Salt Spring Island Agricultural Alliance Society	17-Aug-2015	DPA2: Salt Spring Abattoir
Planner: Jason Youmans			
Planning Status			

Status Date: 14-Jan-2016

LTC approves DP conditional upon successful rezoning (SS-RZ-2014.2)

Status Date: 06-Jan-2016

Scheduled for January 14 LTC meeting

Status Date: 19-Nov-2015

LTC defers consideration

File Number	Applicant Name	Date Received	Purpose
SS-DP-2016.1	PLAMBECK, KRIS.	23-Mar-2016	DPA5: Septic Repair - 480 Mount Belcher Heights, SSI
Planner: Shelley Miller			

Applications

Planning Status

Status Date: 24-Mar-2016
Planner Miller assigned to SS-DP-2016.1

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2014.3	Polaris Land Surveying Inc.	26-Jun-2014	Variance Required for Subdivision & Development Permit - 2163 Fulford-Ganges Road, SSI

Planner: Jason Youmans

Planning Status

Status Date: 30-Jun-2015
Awaiting proof of easement registration.

Status Date: 08-Aug-2014
Notices mailed and delivered

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2015.10	Clement, IAN	24-Dec-2015	Setbacks for interior side lot line & natural boundary of the sea - 145 Scott Point Drive, SSI

Planner: Shelley Miller

Planning Status

Status Date: 28-Mar-2016
Phoned applicant - left message with secretary requesting elevation plan showing the height of existing structures.

Status Date: 29-Feb-2016
Emailed applicant - requested elevation plan showing the height of existing structures.

Status Date: 22-Jan-2016
Emailed applicant - requested elevation plan showing the height of existing structures.

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2015.2	Daniel & Leah Lee	27-Mar-2015	Setback for Boathouse - 1216 North Beach Road, SSI

Planner: Seth Wright

Planning Status

Applications

Status Date: 02-Jun-2016
Staff Report to LTC

Status Date: 18-Apr-2016
Survey submitted

Status Date: 14-Apr-2016
Emailed and mailed dormant application letter to applicant.

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2016.1	Roberts, STEPHEN	25-Apr-2016	Vary Height / Number of Rooms / Maximum Floor Area of Accessory Buildings - 680 Sunset Drive, SSI
Planner: Jason Youmans			
Planning Status			

Status Date: 25-Apr-2016
Planner Youmans assigned to SS-DVP-2016.1

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2013.4	Capital Regional District	19-Apr-2013	To rezone property from Agriculture 1 to Agriculture 1(c) to permit the expansion of the current liquid waste treatment facility - 133 Burgoyne Bay Road
Planner: Seth Wright			
Planning Status			

Status Date: 18-May-2016
Application in Dormant Applications report for June 2, 2016 LTC meeting

Status Date: 14-Apr-2016
Applicant notified of dormant status via email and mail

Status Date: 07-May-2015
Applicant request maintaining this file open while design work for storage tanks and receiving facility underway.

File Number	Applicant Name	Date Received	Purpose
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Applications

SS-RZ-2013.6

Island Marine

08-May-2013

Construction Services Ltd.
Planner: Jason Youmans
Planning Status

OCP amendment - shoreline DP area increase & LUB S2 zoning expansion - Fulford Landing - 2850 Fulford-Ganges Road, SSI

Status Date: 22-Apr-2016

Applicant sent covenant for approval

Status Date: 15-Apr-2016

Planner e-mails HASSI re. dock configuration

Status Date: 05-Apr-2016

Planner checks in with MCSCD

File Number	Applicant Name	Date Received	Purpose
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SS-RZ-2013.7

Salt Spring Ventures

09-Aug-2013

OCP and Land Use Bylaw Amendment - Park Drive, SSI Inc.

Planner: Jason Youmans

Planning Status

Status Date: 03-Mar-2016

Applicant submitted new amendment to application.

Status Date: 03-Mar-2016

Planner Youmans reassigned to SS-RZ-2013.7

Status Date: 03-Dec-2015

Applicant submits amendment to application. Amendment incomplete or severely contrasts with rest of proposal. Staff instruct applicant to rectify.

File Number	Applicant Name	Date Received	Purpose
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SS-RZ-2013.9

J.G. Consulting

06-Sep-2013

Services Ltd.
Planner: Stefan Cermak
Planning Status

CRD & School District multi-family affordable housing rezoning- 161 Drake Road, SSI

Status Date: 02-Oct-2015

Applicant indicates progress with CRD and BCH for funding an alternative water strategy.

Applications

Status Date: 12-May-2015

Met with applicant. Discussed next steps.

Status Date: 17-Apr-2015

LTC give First Reading to Bylaw 478. LTC determines Bylaw 478 is at variance with Policy Directive 4.4.2. LTC direct staff to draft a letter to NSSWD in respect to bylaw.

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2014.2	Salt Spring Island Agricultural Alliance Society	11-Dec-2014	Rezoning R/In2 to In2(b) (Abattoir) - 1447 Fulford-Ganges Road, SSI

Planner: Jason Youmans

Planning Status

Status Date: 18-May-2016

Staff awaiting confirmation of CRD building occupancy permits per LTC resolution

Status Date: 14-Jan-2016

LTC gives third reading. Adoption to be conditional on written confirmation of occupancy permits from CRD building inspection.

Status Date: 17-Dec-2015

LTC receives update on abattoir waste disposal

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2015.3	Capital Regional District	01-Dec-2015	Rezoning (OCP/LUB) to Playing Fields - 181 Brinkworthy Road, SSI

Planner: Stefan Cermak

Planning Status

Status Date: 10-Mar-2016

Preliminary Staff Report to LTC

Status Date: 02-Dec-2015

Planner Wright assigned to SS-RZ-2015.3

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2015.4		09-Apr-2015	Grantville Neighbourhood Project

Planner: Jason Youmans

Applications

Planning Status

Status Date: 03-Mar-2016
Public Hearing held March 3, 2016

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2011.2	Spencer's Excavating	29-Apr-2011	Proposed 4-lot subdivision at 250 Collins Rd. (east side of Collins Road)
Planner: Shelley Miller			
Planning Status			

Status Date: 18-May-2016
Application in Dormant Applications report for June 2, 2016 LTC meeting

Status Date: 14-Apr-2016
Emailed and mailed dormant application letter to applicants.

Status Date: 07-Dec-2015
Spoke with applicants. Ongoing work includes culverts, road gravels and wells.

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2011.5	Shepherd Holdings Ltd.	18-Jul-2011	6 lot subdivision - split zoned rural and agricultural land - 820 Mount Maxwell Road
Planner: Jason Youmans			
Planning Status			

Status Date: 27-Nov-2015
Cheque for \$5,000 received for Conservation Covenant Monitoring (Shepherd Hills Road)

Status Date: 21-May-2015
IT sign-off to MOTI

Status Date: 14-May-2015
LTC covenant commitment

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2012.1	Naud, Roy	14-Feb-2012	Boundary Adjustment 117 & 141 Beaver Pt. Rd.
Planner: Shelley Miller			

Applications

Planning Status

Status Date: 18-May-2016

Application in Dormant Applications Report for June 2, 2016 LTC meeting

Status Date: 14-Apr-2016

Emailed and mailed dormant application letter to applicant.

Status Date: 09-Dec-2015

Left message on applicant's voicemail.

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2012.10	J. & D. Sparks Street Enterprises Inc.	29-Nov-2012	7 lot subdivision which includes a 5 lot strata - 284-286 Morningside, SSI

Planner: Shelley Miller

Planning Status

Status Date: 18-May-2016

Application in Dormant Applications Report for June 2, 2016 LTC meeting

Status Date: 14-Apr-2016

Emailed and mailed dormant application letter to applicant.

Status Date: 10-Dec-2015

Applicant confirmed project is ongoing with targeted completion for Spring 2016.

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2012.3	Island Explorer Realty	27-Jun-2012	3 lot bare land strata subdivision - Stewart Road

Planner: Seth Wright

Planning Status

Status Date: 18-May-2016

Application in Dormant Applications Report for June 2, 2016 LTC meeting

Status Date: 14-Apr-2016

Applicant notified of dormant status via email and mail

Status Date: 14-Oct-2015

Planner requested status update

File Number	Applicant Name	Date Received	Purpose
42			

Applications

SS-SUB-2012.4 Andrea, Janet 06-Sep-2012 3 lot subdivision - 521 Mansell Road, SSI

Planner: Jason Youmans

Planning Status
Status Date: 22-Dec-2015

Applicant advised of outstanding requirements

Status Date: 04-Dec-2015

Met applicant to discuss final steps

Status Date: 19-May-2015

Applicant indicated efforts on subdivision application are ongoing; expected completion by Dec. 2015

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2014.1	Rivers, Dale A.	17-Jan-2014	3 lot subdivision - 114 Swanson Road, SSI
Planner: Shelley Miller			
Planning Status			

Status Date: 06-Apr-2016

Planner Miller assigned to SS-SUB-2014.1

Status Date: 05-Apr-2016

New plan of subdivision received from applicant

Status Date: 11-Dec-2015

Applicant responded saying plans may need to be revised to address NSSWW moratorium.

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2014.2	J.G. Gauthier	17-Jan-2014	3 lot subdivision & see associated strata subdivision - 2161 & 2163 Fulford-Ganges Road, SSI
Planner: Jason Youmans			
Planning Status			

Status Date: 10-Apr-2014

PLA received

Status Date: 04-Mar-2014

Referral Returned to MOTI

Applications

Status Date: 03-Mar-2014
Site Visit

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2014.3	J.G. Gauthier Consulting Planner: Jason Youmans	17-Jan-2014	6 lot strata subdivision - also see associated subdivision SS-SUB-2014.2 -2163 Fulford-Ganges Road, SSI
Planning Status			

Status Date: 10-Apr-2014
PLA received

Status Date: 04-Mar-2014
Referral response returned to MOTI

Status Date: 03-Mar-2014
Site Visit

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2014.4	Polaris Land Surveying Planner: Shelley Miller	22-Jan-2014	3 lot strata subdivision - 250 Collins Road (west side of Collins Road)
Planning Status			

Status Date: 26-Nov-2015
Applicant indicated wells to be drilled in coming months.

Status Date: 17-Nov-2015
Emailed applicant - Follow up RE: subdivision status

Status Date: 05-Oct-2015
File transferred to Planner Shelley Miller

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2014.8	Robert Barnard Design Ltd. Planner: Seth Wright	30-Oct-2014	Bare Land Strata Lots Subdivision - 220 Maracaibo Lane, SSI
Planning Status			

Applications

Status Date: 19-Nov-2015

Staff report on Park Land Dedication to LTC; LTC approved amount subject to receipt by PARC within 12 months

Status Date: 14-Oct-2015

Planner requested status update

Status Date: 26-Aug-2015

Applicant indicated work is ongoing to meet conditions

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2015.3	Agent for Tsali Investments Inc.	02-Apr-2015	2 Lot Subdivision - 380 Long Harbour Road, SSI
Planner: Shelley Miller			
Planning Status			

Status Date: 05-Oct-2015

File transferred to Planner Shelley Miller

Status Date: 15-Jul-2015

PLA Issued

Status Date: 08-May-2015

Planner completed review and submitted referral to MoTI

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2015.4	& Salt Spring Island Conservancy	28-May-2015	Boundary Adjustment - 265 Blackburn Road & 1002 Fulford-Ganges Road, SSI
Planner: Seth Wright			
Planning Status			

Status Date: 03-Sep-2015

PLA issued

Status Date: 25-Jun-2015

Planner completed Review and Forwarded Referral to MoTI

Status Date: 24-Jun-2015

Planner conducted Site Visit

File Number	Applicant Name	Date Received	Purpose
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Applications

SS-SUB-2015.6 Mouat, KAREN 30-Jul-2015 Boundary Adjustment

Planner: Shelley Miller

Planning Status

Status Date: 05-Oct-2015

File transferred to Planner Shelley Miller

Status Date: 14-Sep-2015

Planning analysis complete; referral sent to Approving Officer

Status Date: 11-Sep-2015

Site visit with applicant

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2015.7	Salt Spring Island Excavating Ltd.	23-Sep-2015	6 Lot Strata Subdivision - 1482 Fulford-Ganges Road, SSI

Planner: Shelley Miller

Planning Status

Status Date: 22-Oct-2015

Site Visit & Referral sent to MOTI

Status Date: 25-Sep-2015

Planner Miller assigned to SS-SUB-2015.7

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2015.8	Kanne, REAYANE	09-Dec-2015	Boundary Adjustment - 1201 & 1231 Beaverpoint Road, SSI

Planner: Shelley Miller

Planning Status

Status Date: 20-Jan-2016

Subdivision referral form emailed to MOTI and applicant

Status Date: 09-Dec-2015

Planner Miller assigned to SS-SUB-2015.8

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2016.1	Polaris Land Surveying Inc.	19-Feb-2016	2 Lot Subdivision - 288 Long Harbour Road, SSI



Applications

Planner: Shelley Miller

Planning Status

Status Date:

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SS-TUP-2016.2	Gulf Islands Recycling Service	08-Apr-2016	Indoor Composting Facility - 1429 Fulford-Ganges Road, SSI

Planner: Seth Wright

Planning Status

Status Date: 23-May-2016

Proposed Location Revised by Applicant

Status Date: 11-Apr-2016

Planner Wright assigned to SS-TUP-2016.2

Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality

Important deadline! Fairy Slipper Forest Campaign – Thetis Island

June second is an important deadline for the campaign to purchase 40 acres of forest, creating Thetis Island's first publicly accessible nature reserve. Half the total cost of \$560,000 needs to be raised by this date. To help meet this important fundraising goal, an anonymous donor is matching funds, to a maximum of \$40,000, until the deadline. Donations can be made through the [Islands Trust Fund \(ITF\)](#) website. Media packages are available upon request from the ITF Communications and Fundraising Specialist for promotions.

Appointed Board Members – Vacancies

Three of the six members of the Trust Fund Board (TFB) are appointed by the Province. The term of former member Julie Glover has concluded (Dec. 2015) and the provincial Board Resourcing and Development Office recently concluded its advertising of this vacancy. The term of member Dereck Atha ends in June and applications for this position are now being accepted through the [Board Resourcing and Development Office](#). Please inform individuals you know who might have the knowledge, experience and interest to serve on TFB.

Land Securement Strategy

The Islands Trust Strategic Plan includes a strategy for TFB to "Protect high biodiversity areas identified in TFB's Regional Conservation Plan" by "developing a land conservation strategy to protect high biodiversity areas (e.g. Coastal Douglas-fir)". Most of our protected land has come about opportunistically as a result of landowners and organizations coming to us (albeit with prior relationship-building in many cases). Another approach, used successfully by other land conservancies, is to focus on areas with high biodiversity and approach landowners to explore voluntary conservation options that might work for them. This requires careful and sensitive planning. TFB has approved the project charter for developing a securement strategy to implement such an approach.

Conservation Tax Incentive Program

The Islands Trust Strategic Plan also identifies the Trust Fund Board will support efforts to expand a conservation tax exemption program to the rest of British Columbia. The TFB Chair has written an open letter of support outlining the success of NAPTEP in support of a province-wide program.

Long Term Funding

The Trust Fund Board has reviewed the considerable work carried out over the years to develop a Long Term Funding Initiative and discussed this in the current context. The Chair hopes to provide a brief report at the June Trust Council meeting and is happy to discuss this issue in more depth with individual trustees.

Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality

Planned Giving

The Board reviewed and discussed ITF's approach to encouraging and enabling planned, or legacy, gifts. Two recent prime examples are legacies that have established the Morrison Waxler Biodiversity Protection Legacy Fund (\$20,000) and the Gambier Island Acquisition Fund (\$115,000). Crystal Oberg, ITF's new Communications and Fundraising Specialist, will attend an upcoming professional development opportunity to enhance this part of our work. Check out the "[Gift and Estate Planning](#)" page on our website.

Budget

Preliminary figures show that the Islands Trust Fund's 2015-16 expenses came in under budget. The 2016-17 budget is essentially unchanged. The budget includes provision for responding to emerging and time-sensitive conservation proposals and property management issues.

Property Management

Here is a summary of current property management activities:

Bowen -	New management contract for Fairy Fen Nature Reserve; revision of management plan for Singing Woods Nature Reserve
Denman -	Restoration and signage at Inner Island; restoration and tree planting at Lindsay Dickson Nature Reserve; trail development and maintenance at Morrison Marsh Nature Reserve
Gabriola -	Management Plan for Burren's Acres Nature Reserve; boardwalk repair; trail maintenance and root protection work at Elder Cedar Nature Reserve
Lasqueti -	Monitoring of restoration and possible trespass at Mount Trematon Nature Reserve; revision of management plan for Kwel Nature Sanctuary
N. Pender -	Interpretive panels at Medicine Beach Nature Reserve
Salt Spring -	Revision of management plan for Cyril Cunningham Nature Reserve.

Annual monitoring of properties and covenants across the Trust Area will be completed by July 15, 2016.

Trail Proposal for the Lindsay Dickson Nature Reserve –Denman Island

After onsite meetings and consultation with our property managers, the Trust Fund Board has agreed to allow an old logging road across one corner of the reserve, which already supports public use, to be part of the Denman cross-island trail. However, the board does not support the development of an unopened road access alongside the nature reserve because of the additional disturbance it could bring to the reserve.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

STAFF REPORT

Date: May 24, 2016

File No.: 699020

To: Salt Spring Island Local Trust Committee
For the June 2, 2016 meeting

From: Shelley Miller, Planner 1, Local Planning Services

Re: Dormant Applications

PRELIMINARY REPORT

THE PROPOSAL:

This staff report provides the Local Trust Committee (LTC) with details regarding dormant applications and proposes to close dormant files.

BACKGROUND:

Islands Trust applications, including Development Permits, Development Variance Permits, and Bylaw Amendments, are considered dormant when they have not been advanced within one year. Subdivision referral files are considered dormant if they were opened more than three years ago (i.e. prior to June 2013), have received one or more Preliminary Layout Approval extensions but lack evidence of work having commenced. Potentially dormant applications are detailed below.

DORMANT APPLICATIONS:

SS-SUB-2011.2:

Location: 159 Collins Road

This application proposes a four-lot fee simple subdivision with lots ranging in size from 2 ha to 2.5 ha. The application was opened by the Islands Trust on April 29, 2011 and has been open for over five years. Below is a summary of application milestones:

- **April 2011** Islands Trust opens subdivision application.
- **July 2011** Islands Trust planning staff submitted referral response to Approving Officer.
- **January 2012** Approving Officer issued Preliminary Layout Non Approval as proposal does not conform to several regulations required for subdivisions.
- **May 2012** Approving Officer issued Preliminary Layout Approval.
- **February 2014** Approving Officer indicated that subdivision file is closed due to inactivity since May 2012.

- **January 2015** Islands Trust staff submitted revised subdivision referral response to Approving Officer.
- **January 2015** Approving Officer issued Preliminary Layout Approval extension.
- **May 2015** Islands Trust staff sent dormant application notice to applicant; Applicant requested that file be kept open.
- **December 2015** Applicant submits Soil Removal and Deposit Registration for subdivision work.
- **April 2016** Islands Trust staff sent dormant application notice to applicant; Applicant indicated that work to complete conditions of subdivision are ongoing and requested that the file be kept open.

SS-SUB-2012.1:

Location: 117 and 141 Beaver Point Road

This application proposes a boundary adjustment resulting in lot sizes of 2.34 ha and 1.31 ha. The application was opened by the Islands Trust on March 2, 2012 and has been open for over four years. Below is a summary of application milestones:

- **March 2012** Islands Trust opens subdivision application.
- **March 2012** Islands Trust planning staff submitted referral response to Approving Officer.
- **December 2012** Approving Officer issued Preliminary Layout Approval (valid for one year).
- **May 2014** Islands Trust planning staff called applicant for status update; No reply received from applicant.
- **February 2014** Approving Officer closes file due to inactivity.
- **December 2015** Islands Trust planning staff called applicant for status update; No reply received from applicant.
- **April 2016** Islands Trust staff sent dormant application notice to applicant; No reply received from applicant.

SS-SUB-2012.10:

Location: Lot 2, Morningside Road

This application proposes a 7 lot fee simple and strata subdivision with lot sizes ranging from 0.2 to 0.6 ha. The application was opened by the Islands Trust on November 20, 2012 and has been open for over three years. Below is a summary of application milestones:

- **December 2012** Islands Trust opens subdivision application.
- **December 2012** Islands Trust planning staff submitted referral response to Approving Officer (for a 6 lot fee-simple and strata subdivision).
- **March 2013** Applicant submits revised subdivision plans.

- **April 2013** Islands Trust planning staff submitted referral response to Approving Officer (for a 4 lot fee simple and strata subdivision).
- **May 2013** Approving Officer issued Preliminary Layout Approval for a 3 lot subdivision (valid for one year).
- **February 2014** Applicant submits revised subdivision plans for 7 lot subdivision.
- **September 2014** Islands Trust planning staff submitted referral response to Approving Officer (for a 3 lot conventional subdivision followed by a 5 lot subdivision, creating 7 lots total).
- **June 2015** Approving Officer issued Preliminary Layout Approval for a 3 lot conventional subdivision followed by a 5 lot subdivision.
- **April 2016** Islands Trust staff sent dormant application notice to applicant; Applicant indicated that work to complete conditions of subdivision are ongoing and requested that the file be kept open.

SS-SUB-2012.3:

Location: Lot 2, Stewart Road

This application proposes a 3 lot fee simple subdivision with lot sizes ranging from 1.61 to 16 ha. The application was opened by the Islands Trust on July 4, 2012 and has been open for over three years. Below is a summary of application milestones:

- **July 2012** Islands Trust opens subdivision application.
- **July 2012** Islands Trust planning staff submitted referral response to Approving Officer.
- **September 2012** Approving Officer issued Preliminary Layout Non Approval as proposal does not conform to several regulations required for subdivisions.
- **May 2014** Approving Officer issued Preliminary Layout Approval (valid for one year).
- **July 2015** Approving Officer issued Preliminary Layout Approval extension.
- **April 2016** Islands Trust staff sent dormant application notice to applicant; Applicant indicated that work to complete conditions of subdivision are ongoing and requested that the file be kept open.

SS-RZ-2013.4:

Location: 133 Burgoyne Bay Road

This application proposes to rezone a portion of the subject property from Agriculture 1 to Agriculture 1(c) to permit the expansion of a liquid waste treatment facility. The application was opened by the Islands Trust on April 22, 2013 and has been open for over three years. Below is a summary of application milestones:

- **April 2013** Islands Trust opens rezoning application (and concurrent non-farm use in the Agricultural Land Reserve application).

- **May 2013** LTC resolved to direct staff to prepare a draft bylaw, and to refer the application to the Agricultural Advisory Planning Committee.
- **May 2013** Agricultural Advisory Planning Committee recommend approval of the rezoning application; Staff Report for non-farm use application forwarded to the Agricultural Land Commission.
- **June 2013** LTC gave the proposed Bylaw 468 first reading, and resolved to refer the proposed bylaw to the Advisory Planning Commission and to various agencies.
- **June-July 2013** Application considered by Advisory Planning Commission, and referred to various agencies.
- **March 2014** Agricultural Land Commission approves non-farm use application for expansion of waste treatment facility within the Agricultural Land Reserve.
- **May 2014 – May 2015** Applicant requests this application be on hold while design details are being prepared.
- **April 2016** Islands Trust staff sent dormant application notice to applicant; Applicant submits correspondence requesting that the rezoning file remain open.

SS-DP-2011.6:

Location: Lot 10, Park Drive

This Development Permit amendment application is to amend SS-DP-2005.7, to permit the addition of a basement level to all four buildings, to increase building footprints and to change the exterior building design and finishes. The application was opened by the Islands Trust on May 18, 2011 and has been open for over five years. Below is a summary of application milestones:

- **May 2011** Islands Trust opens Development Permit application.
- **October 2011** Application referred to the Advisory Design Panel.
- **November 2011** Advisory Design Panel considered the application.
- **March 2012** LTC deferred the application pending receipt of amendments to engineering drainage reports.
- **August 2012** LTC resolved to require applicant to submit letter of credit (resolution SSI-169-12), and directed staff to issue Development Permit conditional upon receipt of a letter of credit (resolution SSI-170-12).
- **February 2013** Islands Trust staff sent dormant application notice to applicant; Applicant advised that they wish to keep the file open.
- **June 2013** LTC resolved to direct staff to report back in September 2013 to address whether the application remains dormant.
- **August 2013** Islands Trust receives rezoning application SS-RZ-2013.7 in relation to the subject property.
- **October 2013** Dormant applications report presented to the LTC.

- **August 2014** Islands Trust staff sent dormant application notice to applicant; Applicant advised that they wish to keep the file open.
- **October 2014** LTC rescinded resolutions SSI-169-12 and SSI-170-12 relating to the Development Permit application.
- **March 2016** Applicant submits amendments to rezoning application SS-RZ-2013.7 for the subject property.
- **April 2016** Islands Trust staff sent dormant application notice to applicant; Applicant indicated that Development Permit is in direct relation to revised rezoning application and requested that the file be kept open.

STAFF COMMENTS:

Subdivision Applications

Subdivision applications are referrals from the Ministry of Transportation and Infrastructure and require a fee paid to the Islands Trust. The Salt Spring Island Fees Bylaw No. 428 requires subdivision application fees of \$1100 for the first parcel, plus \$110 for each additional parcel being created. Closing a subdivision file does not involve the purging of efforts undertaken to date, but requires applicants to resubmit their application paperwork and fees to continue with the application process. If a file is closed and an applicant later submits an application with the same plan of subdivision, staff would again review the application for conformance with relevant bylaws to reflect current procedures and practices. This would allow changes in bylaws (i.e. Bylaw 480 for Riparian Areas) between the time of original application and final subdivision to be incorporated into revised subdivision conditions.

This dormant applications staff report includes four subdivision files:

SS-SUB-2011.2 (159 Collins Road): Staff consider this file to be active and recommend keeping the file open. The applicants have submitted recent documentation to satisfy conditions of subdivision and recent correspondence suggests that the application is progressing (See Appendix 1). The applicant has indicated that they remain committed to meeting subdivision conditions within a timely manner.

SS-SUB-2012.1 (117 and 141 Beaver Point Road): Staff consider this file to be dormant and recommend closing the file. Islands Trust staff have attempted to contact the applicant multiple times and no responses have been received. No conditions of subdivision have been satisfied and the Ministry of Transportation and Infrastructure has closed the file due to inactivity.

SS-SUB-2012.10 (Lot 2, Morningside Road): Staff consider this file to be active and recommend keeping the file open, so long as no new subdivision plans are received. The applicant has submitted recent documentation to satisfy conditions of subdivision for the current 7 lot subdivision plan, and recent correspondence suggests that the application is progressing (See Appendix 1).

If the applicant submits revised subdivision plans, staff recommend closing the current subdivision file and requiring the applicant to resubmit their application paperwork and fees. The Local Trust Committee may consider directing staff to close this file so that application processing fees can be recovered. Over the past three years, the applicant has submitted three different subdivision plans. Staff have reviewed each of these subdivision plans for conformance with relevant bylaws and have analyzed documentation submitted by the applicant in relation to each of these three subdivision plans. The applicant has paid only one subdivision fee (\$1100) plus additional fees (\$110 per additional parcel being created). This application has taken a considerable amount of staff time in order to ensure that application paperwork has been in accordance with the current subdivision plan.

SS-SUB-2012.3 (Lot 2, Stewart Road): Staff consider this file to be active and recommend keeping the file open. The applicant has submitted recent documentation to satisfy conditions of subdivision and recent correspondence suggests that the application is progressing (see Appendix 1). The applicant has indicated that they remain committed to meeting subdivision conditions within a timely manner.

Rezoning Applications

The Salt Spring Island Fees Bylaw No. 428 requires rezoning application fees of \$4400. Rezoning applications require significant staff time, local advertising, public consultation, referral to agencies and advisory bodies and multiple considerations by the Local Trust Committee.

This dormant applications staff report includes one rezoning file:

SS-RZ-2013.4 (133 Burgoyne Bay Road): Staff consider this file to be in abeyance and recommend keeping the file open. The Industrial Land Use Project Draft Bylaw 490 proposes to amend the Salt Spring Island Land Use Bylaw zoning classification for the subject property. If Bylaw 490 is adopted, then the subject property would be rezoned to accommodate expansion of the liquid waste treatment facility and the applicant would be refunded a portion of their application fees (as per Salt Spring Island Fees Bylaw No. 428). If Bylaw 490 is not adopted, then the applicant may proceed with their existing rezoning application.

Development Permit Amendment Applications

The Salt Spring Island Fees Bylaw No. 428 requires Development Permit Amendment application fees of \$330. These applications require staff to compare the application with the issued Development Permit, referral to advisory bodies, and potentially multiple considerations by the Local Trust Committee.

This dormant applications staff report includes one Development Permit Amendment file:

SS-DP-2011.6 (Lot 10, Park Drive): Staff consider this file to be dormant and recommend closing the file. In August 2012, the LTC resolved to approve permit issuance upon receipt of a letter of credit. If the applicant had paid the letter of credit in a timely manner, the Development Permit would have expired by now.

This application is associated with a rezoning application (SS-RZ-2013.7), which has recently been reactivated. If this rezoning is successful, then a revised set of Development Permit plans would need to be submitted and reviewed by staff to reflect the current development proposal. If this rezoning is unsuccessful, the Development Permit plans would need to be reviewed by staff for conformance with relevant bylaws to reflect current procedures and practices. Staff recommend closing the Development Permit file and requiring the applicant to resubmit their application paperwork and fees once the active rezoning application is concluded.

RECOMMENDATIONS:

1. **THAT** the Salt Spring Island Local Trust Committee direct staff to close application files SS-SUB-2012.1 (Ernest Naud) and SS-DP-2011.6 (Eric Booth).

OPTIONS:

1. **THAT** the Salt Spring Island Local Trust Committee direct staff to close application file SS-SUB-2012.10 (John Sparks).

Prepared and Submitted by:

Shelley Miller, Planner 1

Date

Concurred in by:

Stefan Cermak, Regional Planning Manager

Date

Attachments:

A1 – Dormant Applications - Correspondence

Dormant Applications 2016 – Correspondence

SS-SUB-2011.2: 159 Collins Road

From: Charles Gosset [REDACTED]
Sent: Tuesday, May 17, 2016 11:49 AM
To: Shelley Miller
Subject: Re: Subdivision Referral Form

Good Morning,

We are waiting for a copy of our drainage report and road design from Creative Engineering.

We need to get a plot plan into Lowen Engineering for the locations of our wells which are all in.

We are waiting on Telus to remove one of their anchors which is in the way of the road. We have to surface and pave our road.

We expect to have all our tasks completed by mid July.

We then have to wait on registration.

Charles

Gosco Holdings

SS-SUB-2012.1: 117 and 141 Beaver Point Road

No correspondence received.

SS-SUB-2012.10: 284-286 Morningside Road

From: JSparks [REDACTED]
Sent: Monday, April 18, 2016 5:32 PM
To: Shelley Miller
Cc: Jason Youmans
Subject: Re: Dormant Application Letter

Hi Shelley,

Further to your email, our subsequent phone conversation on Friday Apr. 14/16 and to the letter below I received today.

On Dec. 9/15 I replied to your query of the same day that "The project is ongoing, no documentation to submit at this time, hoping to complete this Spring."

I have since provided proof that work continues as evidenced with the Engineers drawing below, over the past year work has mainly consisted of landscaping and tree removal and site preparation

I trust that this satisfies the requirements as per your letter.

Please keep me apprised.

Thank you,
John Sparks

SS-SUB-2012.3: Stewart Road

From: Strick Aust [REDACTED]
Sent: Wednesday, April 27, 2016 3:19 PM
To: Shelley Miller
Subject:

Re your letter of April 14, 2016, re PID 018-031-536

Dear Shelly

Thanks you for your letter regarding my clients sub-division on Stewart Road.

We request that this file remain open as we continue to work on the sub-division. Most recently, we have been working on the driveway to the waterfront portion of this property, and that work is seasonal. We have only been able to work on it during the dryer times of the year and as a result, are just now finishing it.

It is necessary to have the driveways to the three lots in place prior to bringing in the surveyors as the driveways require easements and as such they must be in place.

Most of the requirements for approval are now complete and we are continuing with the final few.

With Thanks

Strick Aust
Developers Agent

SS-RZ-2013.4: 133 Burgoyne Bay Road

See attached correspondence dated April 29, 2016

SS-DP-2011.6: Park Drive

From: Eric Booth [REDACTED]
Sent: Thursday, April 28, 2016 10:42 AM
To: Shelley Miller
Subject: Re: Dormant Application Letter

Hi Shelley

Thanks.

The rationale for keeping the DP application active, is first, and foremost, the fact that the current rezoning and DP applications have always been seen to be hand-in-hand.

There is no rationale for killing the DP application while the rezoning is still actively in stream. The primary delays over the past two years have to do with the NSSWD's hydrology study, which (a) was supposedly "imminent" in early 2014, (b) which didn't show up for over a year, and (c) which resulted in the existing moratorium on servicing of multi-family properties.

My version of the timeline is thus amended in red:

August 2012 - LTC approved DP, subject to letter of credit.

August 2013 - LTC received rezoning application.

October 2013 - Until question of rezoning is resolved, DP application is requested to be placed on hold.

October 24, 2013 - LTC considers rezoning application and "...direct that th(e) application proceed no further until such time as the applicant submits a revised application more in conformance with Official

Community Plan guidelines."

January 2014 - Islands Trust Staff agree that the rezoning application should wait until such time as NSSWD completes their hydrology report

August 2014 - NSSWD institutes temporary moratorium on additional water supply

October 2014 - DP resolutions rescinded.

May 2015 - NSSWD finally releases their hydrology report to the public.

June 2015 - NSSWD formally puts into place its moratorium on Maxwell Lake supply.

December 2015 - NSSWD lifts the Maxwell Lake moratorium, but, makes it clear it will not supply multi-family.

January 6, 2016 - Given NSSWD's position, I submit request to CRD/Ganges Sewer Commission for confirmation of ability to service.

January 15, 2016 - I informed Staff that I am awaiting confirmation from CRD/Ganges Sewer Commission.

February 19, 2016 - Having not heard back, I followed up with CRD/Ganges Sewer Commission.

February 22, 2016 - I contacted CRD and speak to an engineer. As a result of the conversation, it appears I can proceed with the amendment to the rezoning application.

March 3, 2016 - I submitted amended rezoning application to Staff.

April 14, 2016 - I received notice regarding dormant DP application.

April 14, 2016 - Not having heard back on the March 3rd amendment to the application I followed up with Staff.

April 22, 2016 - First meeting with Staff regarding rezoning amendment.

Given:

- (a) the rezoning application is in Staff's hands,
- (b) there will be further potential delays if I have to reapply for a DP after the rezoning is processed,
- (c) there should be a savings in Staff time by leaving the DP application as it is right now,

I would ask the Trustees to defer any decision to close the DP application until such time as the rezoning is processed.

Thanks, and if you have any followup questions, please don't hesitate to contact me.

Best regards,

Eric

April 29, 2016

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island BC V8K 2N8

Attention: Shelley Miller
Planner 1, Local Planning Services



**RE: Rezoning Application SS-RZ-2013.4 - North 1/2 of Section 3, Range 1, South Salt Spring Island, Cowichan District Except that Part in Plan VIP75183, PID 009-726-276
133 Burgoyne Bay Road, Salt Spring Island**

Ms. Miller,

Further to your letter dated April 14, 2016, Karla Campbell has requested I respond.

The CRD requests the rezoning application not be closed at this time for the following reasons:

1. The CRD is continuing to work on solutions for the treatment and disposal of septage and sludge at 133 Burgoyne Road. The process for finalizing preferred options takes significant time and closing the file could add further delay.
2. The estimated time to complete the evaluation and options is one to two years.
3. The CRD has met with February 2, 2016 regarding the overall project at Burgoyne. We are actively working on moving this project forward.
4. During the meeting on February 2, 2016, it was noted that the industrial use review may resolve the zoning concerns, however, if the industrial use review does not resolve the potential issues, we need to be in a position to continue to move the project forward.
5. The CRD has received approval from the Agricultural Land Commission for none farm use of the proposed rezoning area.

If you have any further questions, please do not hesitate to contact me. Thank you for your consideration.

Respectfully

A handwritten signature in blue ink that reads "Keith Wahlstrom".

Keith Wahlstrom, P.Eng.
Manager, Engineering, Salt Spring Island Electoral Area

May 24, 2016

File No.: 6500-20

To: Salt Spring Island Local Trust Committee
For the June 2, 2016 meeting

From: Chloe Fox, Planning Consultant

Re: Industrial Land Uses: Project Charter Update and Next Steps

PURPOSE:

The Industrial Land Use project aims to encourage socio-economic diversity, and to enhance economic sustainability and security on Salt Spring Island, by seeking to meet the needs for commercial industrial lands for the next 25 years. This report provides an update on the status of the Industrial Land Use project, including:

- An overview of work completed to date,
- A review of the timelines proposed in the original Project Charter, last updated in January 2015; and,
- A plan for completing the next steps in bringing this project to fruition.

BACKGROUND:

The Salt Spring Island Local Trust Committee (LTC), Islands Trust staff, and consultants have been working on the Industrial Land Use project as a top priority since August 2012. A project timeline detailing work completed to date is presented in Table 1 below.

Table 1: Key Milestones as of June 2016

Deliverable / Milestone	Date
Project Workplan Approved	November 2012
Industrial Land Needs Assessment	August 2013
Industrial Advisory Planning Commission Report – Final	December 2014
Amended Work Plan incorporating IAPC Recommendations	January 2015
Neighbourhood Consultations	February 2016
Draft Bylaws	March 2016
Preliminary Agency Referrals	May 2016
First Nations Engagement Strategy and Referrals	May 2016

As noted in Table 1, work to date has included the completion of an Industrial Land Needs Assessment as well as a report from the Industrial Advisory Planning Commission (IAPC), which was specifically formed in order to review the existing regulatory framework for industrial land uses and to consider potential areas for future industrial expansion. Both reports have

provided the basis for proposed bylaw changes. Community and neighbourhood consultations took place in February 2016 in order to gather feedback and input from business owners and the community on a preliminary draft version of a proposed general employment framework, which would begin to implement the IAPC's recommendations and address the results of the Industrial Land Needs Assessment. The results of these consultations and draft bylaws to amend the Salt Spring Island Official Community Plan, No. 434 (OCP) and the Salt Spring Island Land Use Bylaw, No. 355 (LUB) were presented to the LTC in March 2016. At that meeting, the LTC resolved to send the draft bylaws out for referral to First Nations, government referral agencies, public agencies, and the Advisory Planning Commission. At that meeting, the LTC also passed the following resolutions:

SS-2016-47

It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee direct staff to develop a comprehensive First Nations engagement strategy for consideration of the implications of these bylaws, with particular focus on Bylaw No. 488 to amend the Official Community Plan.

CARRIED

SS-2016-49

It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee direct staff to develop a comprehensive community engagement strategy, including direct correspondence with C6 and Industrial zoned property and business owners, with appropriate notifications through the media for the larger community

CARRIED

SS-2016-50

It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee direct staff to add lots on the west side of Jackson Road to Bylaws No. 488 and 489, and contact the property owners to discuss the proposed change.

CARRIED

As reflected in Table 1, a First Nations engagement strategy has been prepared and sent to First Nations, and to the Ministry of Community, Sport and Cultural Development for review and information. In addition, referrals to First Nations, as well as government and public agencies went out in early May. The draft bylaws sent as part of the referral package were amended to include the properties along Jackson Road, and the owners of these properties have been notified of the proposed zoning changes by mail. The status of additional community engagement will be addressed in the 'Next Steps' section below.

POLICY CONTEXT:

The need for this project was identified during the 2006-2009 OCP review, which resulted in the inclusion of language in the OCP related to reviewing existing industrially zoned land and facilities. As a result, the Industrial Land Use project is informed by the following OCP objectives and policies:

- Non-Village Commercial and Industrial Land Use Objectives:
 - Objective B.3.3.1.1: To provide an adequate amount of land zoned for industrial use that is affordable, appropriately serviced and well located to accommodate local industry.
 - Objective B.3.3.1.2: To accommodate additional commercial and light industrial land uses where there is a community need, with a preference for those with a low demand for transportation and energy infrastructure requirements. To carefully consider the

addition of other clustered sites for light industrial operations, to keep needed businesses on the island or to attract needed businesses onto the island.

- Objective B.3.3.1.3: To ensure that industries are located in a way that reduces impacts on neighbouring properties and the natural environment.
- Objective B.3.3.1.4: To avoid the location of large scale, heavy industry on Salt Spring Island.
- Objective B.3.3.1.5: To allow for the development of affordable homes in combination with industrial land uses.
- Objective B.3.3.1.6: To ensure that industrial waterfront zones are primarily occupied by industries dependent upon a marine location.
- Policy B.3.3.2.2: Zones within the Industrial and Commercial Services designation will continue to allow a variety of light industrial and commercial uses.
- Policy B.3.3.2.4: The Local Trust Committee should not make zoning changes that would result in a net loss of developable industrial land on Salt Spring Island.
- Policy B.3.3.2.5: The Local Trust Committee should undertake a review and inventory of existing industrially zoned land and facilities, assess existing and future projected demand for industrial land, and on the basis of this assessment, consider re-designating and rezoning land.
- Solid Waste Management Objectives:
 - Objective C.4.3.1.1: To protect the island's environment from contamination by solid wastes. To accommodate the facilities and services necessary to provide solid waste collection, receiving, sorting, reduction, reuse, recycling, marketing and/or transport of waste for disposal to the Regional Solid Waste Landfill.
 - Objective C.4.3.1.2: To support the reduction, recycling and reuse of solid waste materials.

NEXT STEPS:

Community Engagement

A significant amount of community engagement has already occurred on this project, including: numerous letters and emails to business owners and owners of industrially and C6 zoned land, a public survey, community meetings, and communications with various stakeholder groups. However, now that bylaws have been drafted, it is prudent to engage the community once more prior to advancing bylaws for consideration of 1st reading. Staff propose to focus this round of engagement on key messages regarding the overall need for a revised general employment framework, what types of industrial uses are envisioned, and where they may be located. Staff feel that events providing ample opportunity for conversation with planners, as well as multiple options for presenting information and gathering feedback, are the best way to proceed. Staff are in the process of planning two events for late June / early July. The events will be advertised in the Island Tides and the Driftwood, as well as on the Salt Spring Exchange and community bulletin boards. In addition, industrial and C6 landowners and business owners will receive a letter inviting them to the engagement events.

Budget

There is currently \$5,000 remaining in the project budget, which will go towards advertising and materials for the community engagement events as well as legal review of the draft bylaws.

Projected Timelines

Because the Project Charter was last updated in January 2015, the projected dates for key deliverables are in need of review and update. Table 2 presents a revised timeline for next steps in this project.

Table 2: Upcoming Project Deliverables

Deliverable / Milestone	Date
Community Consultations (Open Houses)	June – July 2016
Bylaw First Readings	August 2016
Additional Agency Referrals (if needed)	August - September 2016
Public Hearing	September / October 2016
Second and Third Reading	September / October 2016
Referral to MCSCD	September / October 2016
Bylaw Adoption	November 2016

The anticipated dates for public hearing, second and third readings, referral to the Ministry of Community, Sport and Cultural Development for review, and adoption are dependent on whether or not an additional agency referral is warranted. The need for an additional referral would arise if substantial changes to the draft bylaws occur between now and 1st reading.

RECOMMENDATIONS:

1. **THAT** the Salt Spring Island Local Trust Committee endorse the amendments to the Industrial Land Use Project Charter as presented in the staff report dated May 24, 2016.

Prepared and Submitted by:
Chloe Fox
Planning Consultant

May 24, 2016

Date

Concurred in by:

Date

STAFF REPORT

May 11, 2016

File No.: 6500-20

To: Salt Spring Island Local Trust Committee
For the June 2, 2016 meeting

From: Chloe Fox, Planning Consultant

**Re: Industrial Land Uses: Options for Agricultural Protection and
Enhanced Aesthetic Outcomes**

PURPOSE:

The industrial land use project aims to encourage socio-economic diversity and enhance community economic sustainability and security on Salt Spring Island by seeking to meet the needs for commercial industrial lands for the next 25 years.

The purpose of this report is to provide the Salt Spring Island Local Trust Committee (LTC) with recommendations regarding the options for agricultural protection and aesthetic outcomes for industrial properties, as outlined in the March 3, 2016 staff report prepared by IPS Island Planning Services.

BACKGROUND:

In their March 3, 2016 staff report, Beverly Suderman and Chris Hall of IPS Island Planning Services identified two issues that have arisen through the industrial land uses project:

1. Agricultural buffering, and
2. Industrial land use screening and aesthetics.

The report provided two options for potentially addressing these issues, in response to which the LTC passed the following resolutions at their March 10, 2016 meeting:

SS-2016-51

It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee direct staff to investigate the relative advantages of Options 1 and 2 regarding agricultural protection and report back with a recommendation.

CARRIED

SS-2016-52

It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee direct staff to investigate the relative advantages of Options 1 and 2 regarding the aesthetic outcomes of new businesses development and report back with a recommendation.

CARRIED

Agricultural Buffering

This issue has arisen due to the fact that there is Agricultural Land Reserve (ALR) designation on lands that have also been identified as desirable for general employment uses, and that may not be as productive as agricultural lands outside of the ALR. The Industrial Advisory Planning Commission (IAPC) recommended three possible areas in which the LTC may wish to consider future rezoning applications for general employment purposes:

- Around the intersection of Rainbow and Atkins Roads, which already houses a small cluster of industrial uses and is supported by existing Official Community Plan, No. 434 (OCP) policy B.3.3.2.10;
- Near the intersection of Long Harbour and Upper Ganges Roads, which also has an existing cluster of industrial uses and has been incorporated into an amendment to OCP policy B.3.3.2.10 in draft Bylaw No. 488;
- Near the junction of Fulford-Ganges and Beaver Point Roads, which has also been incorporated into an amendment to OCP policy B.3.3.2.10 in draft Bylaw No. 488.

With the introduction of the above-noted amendments to OCP policy B.3.3.2.10, new general employment uses may also be proposed on lands adjacent to the ALR boundary or other agricultural lands, which raises the question of how to plan for the interface between agricultural and general employment uses. IPS Island Planning Services note that a potential solution may be to enhance the existing regulatory framework to better buffer agricultural uses when considering future rezoning applications for general employment uses in these areas. This could be particularly beneficial in the latter case where new general employment uses are proposed adjacent to ALR or other agricultural lands.

IPS Island Planning Services proposed two potential options to enhance the regulatory framework with respect to agricultural buffering:

- Undertaking a comprehensive agricultural edge planning exercise; or,
- Upgrading regulatory requirements without an edge planning exercise.

The relative merits of each, and staff's recommendation for addressing this issue, are outlined in the Discussion section below.

Industrial Land Use Screening and Aesthetics

This issue has arisen due to the fact that some industrial properties are felt to be unsightly. In their March 3, 2016 staff report, IPS Island Planning Services note that this was a consistent theme that emerged from community consultation, and that community members have expressed concern that unsightly premises posed a threat to Salt Spring Island's tourism economy and overall aesthetic. In order to address this issue, they proposed two potential options:

- Greater enforcement of existing Land Use Bylaw, No. 355 (LUB) provisions and conditions of development permits; or,
- Upgrading existing LUB provisions and development permit area guidelines.

The relative merits of each, and staff's recommendation for addressing this issue, are outlined in the Discussion section below.

POLICY CONTEXT:

The Salt Spring Island Official Community Plan, No. 434, and the Salt Spring Island Land Use Bylaw, No. 355 currently contain provisions addressing both the buffering of agricultural lands and the screening and aesthetics of industrial land uses.

Agricultural Buffering

OCP Provisions

The OCP contains the following objectives and policies relevant to interface issues between agriculture and other land uses:

1. Objective B.3.3.1.3 – To ensure that industries are located in a way that reduces impacts on neighbouring properties and the natural environment.
2. Objective B.6.2.1.6 – To reduce the potential for conflicts between agricultural areas and those areas that have been identified for higher density settlement.
3. Policy B.6.2.2.18 – When it considers rezoning applications for land that borders or drains into agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming. For example, the Committee could require that a vegetation buffer be maintained on land that is being rezoned next to farmland, if the proposed use could result in conflicts with a farming operation. The Committee should also ensure that a zoning change would not result in detrimental changes to natural drainage or pollution of water supplies. The Agricultural Advisory Committee will be asked for advice about rezoning applications on land that borders or drains into agricultural land.
4. Policy B.6.2.2.20 – The Local Trust Committee will use the Development Permit process to ensure that development in higher density areas such as commercial, industrial and multifamily zones remains buffered from agricultural areas, is designed to reduce conflicts with agriculture, and does not result in detrimental impacts due to water pollution or changes in the drainage regime.

In addition, the OCP has designated Development Permit Area 2 – Non-Village Commercial and Industrial (DPA2) for the purpose of addressing form and character guidelines for commercial and industrial development outside of Village designations and for the protection of farming on adjacent lands. A number of different types of development trigger the requirement for a development permit within this designation, including the following which specifically address interface issues between agriculture and commercial / industrial uses:

- Subdivision of land that adjoins agricultural land or that drains into agricultural land;
- Development of more than 280m² of new impervious surfaces, or alteration of the existing drainage regime on lands that adjoin or drain into agricultural land;
- Removal of vegetation within 3m of agricultural land (excluding the emergency removal of a hazardous tree).

DPA2 also includes the following guidelines, which are directly concerned with agricultural buffering:

1. Guideline E.2.4.4 – An effective vegetation screen should be maintained along any boundary with a non-commercial or non-industrial property.
2. Guideline E.2.4.5 – Developments adjoining agricultural lands should be designed to minimize conflicts with that land. The location of access roads, the siting of structures and the layout of subdivisions should follow the guidelines development by the Ministry of Agriculture and Lands and the Agricultural Land Commission as a guide to

implementing the *Farm Practices Protection (Right to Farm) Act* (MAFF, 1996). Site designs should allow for a vegetative buffer as outlined in Guideline E.2.8.7.

3. Guideline E.2.8.7 – Where the property being subdivided or developed adjoins agricultural land, a vegetated buffer is to be planted or retained. The buffer should usually be at least 3m wide and should be consistent with the Landscaped Buffer Guidelines (ALC, 1993) developed by the Agricultural Land Commission. The buffer area should be protected from disturbance by a covenant.
4. Guideline E.2.12.1 – New commercial or industrial developments that will create more than 280m² of impervious surfacing should include a report prepared by a Professional Engineer that determines the extent of changes to the natural drainage. It should identify any conditions that should be incorporated into the development permit to protect property from flooding, erosion or from other undesirable impacts as a result of changes to stormwater runoff. Particular attention should be paid to ensuring that drainage changes will not result in detrimental impacts such as flooding or reduce groundwater availability on agricultural lands or watercourses that either adjoin the development or are located in the same watershed.
5. Guideline E.2.12.2 – Developments that would create less than 280m² of impervious surface area should not alter drainage in a way that would cause detrimental impacts on other properties, including agricultural land. The Local Trust Committee could request that a drainage plan be prepared by a Professional Engineer to assist in establishing development permit conditions related to drainage.

Draft Bylaw No. 488, which was reviewed by the LTC at their March 10, 2016 meeting, proposes some changes to these policies, most notably by replacing references to ‘industrial’ uses with ‘general employment’ uses. In addition, the buffer guideline of 3m as established in Guideline E.2.8.7 of DPA2 is proposed to be amended by specifying a buffer of 8m wide and a recommended plant height of 6m, in accordance with the Guide to Edge Planning (2015) developed by the Ministry of Agriculture. Draft Bylaw No. 488 also proposes an additional Guideline E.2.8.8, which reads as follows:

- Guideline E.2.8.8 – Where the subject property adjoins *agricultural land*, building setbacks for general employment and commercial uses should be at least 15m from the property line, to be consistent with the Guide to Edge Planning (2015), developed by the BC Ministry of Agriculture.

Draft Bylaw No. 488 also proposes to amend DPA2 by adding guidelines for buffering commercial composting facilities.

LUB Provisions

The LUB also contains provisions addressing the interface between agriculture and other uses, including the following definitions:

- “buffer area” means the area of a *lot* that is within 7.5m of a *lot line*, where that *lot line* adjoins another *lot* used for, or zoned as to permit *residential, commercial guest accommodation or agriculture*
- “vegetation screen” means a complete visual barrier, broken only by perpendicular access drives or walks, formed by trees or other plants that are 5m high or that will attain a height of 5m

Section 3.4.2 requires that all lots occupied by industrial or commercial uses not contained within a building maintain a vegetation screen within the buffer area, with the exception of farm businesses.

Industrial Land Use Screening and Aesthetics

OCP Provisions

The OCP contains the following objectives and policies relevant to industrial land use screening and aesthetics:

1. Objective 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.
2. Objective B.3.3.1.3 – To ensure that industries are located in a way that reduces impacts on neighbouring properties and the natural environment.

Draft Bylaw No. 488 also contains an amended OCP Policy B.3.3.2.10, which enables the LTC to consider future rezoning applications for general employment uses in the vicinity of Rainbow / Atkins Roads, Upper Ganges / Long Harbour Roads, and Fulford-Ganges / Beaver Point Roads provided that the proposed development would be well buffered from adjacent non-industrial land. Currently, OCP Policy B.3.3.2.10 only encourages the consideration of rezoning applications for general employment uses in the Rainbow / Atkins Road area.

The OCP has also designated Development Permit Area 2 - Development Permit Area 2 – Non-Village Commercial and Industrial for the purpose of addressing form and character guidelines for commercial and industrial development outside of Village designations and for the protection of farming on adjacent lands. One of the key justifications for designating DPA2 is to reduce potential conflicts between industrial development and neighbouring properties, and to recognize the community’s desire to maintain a quiet, rural setting on the island. At the same time, DPA2 strives to avoid a level of design regulation that would affect the viability of small businesses (Objective E.2.3.2). To this effect, DPA2 contains numerous guidelines addressing the aesthetics and screening of non-village commercial and industrial uses, including building and site design, signage, lighting, landscaping and parking areas. Some of the more relevant guidelines with regard to the screening of industrial uses, include:

- Guideline E.3.4.3 – Sites should be designed to minimize impacts on neighbouring properties and public areas, including water surfaces. Particular attention should be paid to locating loading docks, garbage and recycling containers and other service areas so that visual and noise impacts are minimal.
- Guideline E.2.4.4 – An effective vegetation screen should be maintained along any boundary with a non-commercial or non-industrial property.
- Guideline E.2.5.1 – Commercial and industrial parking lots with more than 15 spaces should be screened from adjacent streets and homes. If this is not possible, the lot should be landscaped to break up large continuous parking areas.
- Guideline E.2.8.1 – Where large new commercial or industrial developments are visible from streets or other public areas, site landscaping should be installed before issuance of the building occupancy permit. A letter of credit should be deposited with the Local Trust Committee for an amount equal to 150% of the cost of the work to complete any landscaping that would be visible from public areas.

- Guideline E.2.8.2 – Where landscaping of large new commercial or industrial areas is visible from public areas, informal, natural landscaping with native species is encouraged as opposed to formal, decorative plantings.
- Guideline E.2.11.1 – Land in this Development Permit Area should not be subdivided so that parking becomes visible from public streets and neighbouring properties, if it had been screened to meet the guidelines of this Area.
- Guideline E.2.11.2 – When land that is zoned for industrial or commercial service use is subdivided, lot configuration should encourage the development of a single entrance from the public street. An internal circulation system should be developed that does not require vehicles to manoeuvre outside the property. New lot sizes and shapes should ensure that a vegetation buffer can be maintained along the border with neighbouring properties.

Draft Bylaw No. 488 also proposes a new Guideline E.2.13.1 for DPA2, which addresses the buffering of new commercial composting facilities from neighbouring uses.

LUB Provisions

As mentioned above, the LUB defines ‘vegetation screen’ as well as ‘buffer area,’ and contains Section 3.4, which specifically addresses vegetation screens. Section 3.4 contains the following policies:

- 3.4.1 – If a *vegetation screen* is required by this Bylaw on any *lot* in order to screen a specific land *use*, then the owner of that *lot* must ensure that, at all times during which the land *use* is located on the *lot*, a *vegetation screen* is maintained within every part of the *lot* that is a *buffer area*.
- 3.4.2 – A *vegetation screen* is required in the *buffer area* of any *lot* occupied by the following *uses*:
 - (1) *Industrial and commercial uses* that are not contained within a *building* with the exception of a *farm business*;
 - (2) *Emergency response stations*;
 - (3) *Kennels* and pet boarding facilities.
- 3.4.3 – Where a lot is occupied by a pound, a vegetation screen is required on all that portion of the lot lying within 15m of the lot lines.
- 3.4.4 – Subsections 3.4.1 and 3.4.2 do not apply to any *use* existing prior to the date of adoption of this Bylaw so long as the *lot coverage* of the *use* is not expanded, and no person removes from any *buffer area* on that *lot* any tree or plant that is 5m or more in *height* or that will attain a *height* of 5m or more, unless that tree is damaged or diseased.

DISCUSSION:

Agricultural Buffering

The Ministry of Agriculture has developed the Guide to Edge Planning (2015) to assist local governments in developing a regulatory framework to enhance land use compatibility and to ensure the protection of agriculture by addressing potential land use conflicts at the interface of agricultural and non-agricultural uses. The overall goal is to find solutions that benefit both agricultural and non-agricultural land users. The Guide lays out a comprehensive planning process designed to foster more detailed land use decisions at the interface, and, as such, has the advantage of potentially working towards a custom solution for specific border areas. Like

any planning process, an edge planning exercise would require extensive community consultation. In addition, staff would recommend working closely with the Agricultural Advisory Planning Commission. The outcome of the process would be a set of recommended policies that could be considered for adoption by the LTC. These policies could include amendments to development permit area guidelines, land use policies, and/or permitted densities, setbacks, uses, and subdivision requirements.

Aside from a customized set of regulations designed to address the particular interface issues faced by Salt Spring Island, a potential benefit of an edge planning initiative could be a greater sense of shared responsibility and respect for the importance of interface zones. It could also result in a greater awareness of agricultural and non-agricultural land use needs.

In order to achieve these outcomes, edge planning is designed to be a comprehensive planning project. As such, should the LTC wish to move forward with an edge planning exercise, it would need to be added to the work program as a separate project with a dedicated budget. Moreover, in order to create a robust regulatory framework for potential conflicts in edge zones, such a project should ideally address interface issues between agriculture and all other uses, not just industrial uses.

According to the Guide to Edge Planning, industrial uses can actually be quite compatible with agricultural uses, and are generally much more compatible than residential uses. The potential issues affecting agriculture at the agriculture / industry interface are: trespass, litter, theft, flooding, and traffic conflict. The Guide also includes a recommended setback of 15m for industrial and commercial buildings on lots adjacent to agricultural uses and the maintenance of a 8m vegetation buffer within that setback. It also suggests a recommended plant height of 6m at maturity for vegetation within the buffer, and includes a list of recommended plants and fencing requirements.

To some extent, the Guide to Edge Planning has already been consulted in the preparation of Draft Bylaws 488 and 489. It is reflected, in particular, in amended Guideline E.2.8.7 for DPA2, which increases the buffer between agricultural and commercial / industrial lands from 3m to 8m, and which specifies a plant height of 6m, as per the buffering recommendations contained in the Guide.

Given the time and resources required to undertake an edge planning initiative, the relatively minor conflicts anticipated at the interface of agricultural and industrial land uses, and the extent to which the Guide to Edge Planning has already informed the preparation of Draft Bylaws 488 and 489, at this time, staff do not recommend proceeding with a comprehensive edge planning exercise. However, staff have identified several additional areas that the LTC may wish to amend regulations in order to bring the OCP and LUB in greater compliance with the Guide with respect to industrial uses. These include:

- The types of development that trigger the requirement for a development permit
 - These could be reviewed to ensure that current triggers and exemptions do not conflict with the goal to protect agricultural land.
- DPA2 exemptions in the OCP (i.e. uses exempt from the requirement for a development permit)
 - Particularly, the existing exemption for vegetation removal with 3m of a lot line. This should be consistent with the vegetation buffer width of 8m.
- DPA2 guidelines in the OCP
 - These could be further amended to incorporate some of the suggested plantings / fencing requirements included in the Guide.

- Setbacks in GE zones in the LUB
 - These could be further amended to include particular setbacks for lot lines abutting agricultural zones (e.g. setting these at 15m as recommended in the Guide). This could potentially render many existing uses non-conforming, and so require an exemption for existing continuing uses, but could effectively address interface issues for future new general employment development in the Rainbow / Atkins, Fulford-Ganges / Beaver Point, and Long Harbour / Upper Ganges areas.
- Vegetation screen requirements in the LUB (Section 3.4)
 - These could be reviewed through the edge planning lens to address the particular case of the general employment / agriculture interface. Right now, this section is written more to address aesthetic concerns than agricultural protection (e.g. by only requiring screening for outdoor uses).

As such, staff recommends that the LTC proceed with a targeted review of the development permit, setback, and vegetative buffer requirements at the general employment / agriculture interface. Any amendments could be completed by staff prior to bringing the draft bylaws forward for consideration of 1st reading, and could form part of the next round of community consultation.

Industrial Land Use Screening and Aesthetics

The question of industrial land use screening and aesthetics requires a balanced approach, which recognizes that industrial businesses have particular land use needs, which may not always be aesthetically pleasing to look at, but which, at the same time, encourages industrial businesses to recognize their potential impact on the use and enjoyment of neighbouring properties and public areas. Such an approach is supported by numerous OCP objectives that encourage local economic development that supports diverse livelihoods and local consumption opportunities for island residents. Taking a balanced viewpoint, staff believe that the current regulatory system for addressing industrial land use screening and aesthetics is fairly robust, including both provisions within the LUB as well as within DPA2. With the exception of the properties along Jackson Road, which are within DPA1, all of the properties subject to Bylaw 488 are proposed to be included in DPA2. DPA1 contains similar guidelines to DPA2 with respect to screening and aesthetics.

The existing LUB provisions are enforced by Islands Trust bylaw enforcement staff through the Ticket Information Bylaw, No. 410 and the Bylaw Notice Enforcement Bylaw, No. 446. These bylaws set out fines for failing to maintain or provide vegetation screens of \$100.00, with discounts for early payment and penalties for late payment. Enforcement of LUB provisions occurs on a complaint basis. With respect to the provisions within DPA2, it is important to note that bylaw enforcement staff can proactively enforce the conditions of issued development permits and temporary use permits. Local planning staff are currently working with bylaw enforcement staff to identify ways to enhance procedures for dealing with the proactive enforcement and monitoring of development permits and temporary use permits on Salt Spring Island. This is an internal matter that is being explored at the staff level and does not require a resolution from the LTC.

While staff are considering the question of more effective enforcement, there may also be opportunity to tweak the existing regulatory framework for vegetative screening in order to improve the aesthetic outcomes of future development. The development permit process is generally the best way to secure vegetative screening on a property as it allows for security, in

the form of a letter of credit, to be held by the LTC in order to ensure landscaping is planted in accordance with the permit. As such, staff recommend focusing attention on the development permit area guidelines for any proposed changes to the requirements for vegetative screening. In this regard, two issues stand out as warranting review:

1. The current exemption from the requirement to obtain a development permit for the removal of vegetation applies only within 3m of a property line where the property abuts agricultural land
 - a. Issue: industrial land users that abut other uses can remove vegetative buffers without a permit. Although they would be in contravention of the LUB, the only recourse would be to ticket the offender and ask them to replant the buffer area. Increasing the exemption width to 7.5m for industrial land uses not within a building, on lot lines shared with residential properties, would secure the buffer area in a manner consistent with the LUB and reduce potential conflicts between industrial and residential uses.
2. Current DPA2 Guideline E.2.4.4, which requires that an effective vegetation screen should be maintained along any boundary with a non-commercial or non-industrial property
 - a. Issue: what constitutes an 'effective' vegetation screen? Relying on overly vague wording as the basis for approving or denying a development permit could effectively make the decision a subjective one. The LTC does not have the same discretion in relation to development permits as it does in relation to development variance permits, or temporary use permits. Providing some parameters for vegetation screens could assist the LTC in better addressing screening and aesthetic issues on future proposed industrial developments.

RECOMMENDATIONS:

1. **THAT** the Salt Spring Island Local Trust Committee direct staff to proceed with a targeted review of the development permit, setback, and vegetation buffer requirements at the general employment / agriculture interface, and to incorporate the results of this review into Draft Bylaws 488 and 489 for consideration.
2. **THAT** the Salt Spring Island Local Trust Committee direct staff to proceed with a review of the development permit area exemptions and guidelines for vegetative screening, with the goal of providing better screening at the industrial / residential interface, and identifying specific parameters for vegetation screens, and to incorporate those parameters into Draft Bylaw 488 for consideration.

Prepared and Submitted by:
Chloe Fox
Planning Consultant

May 11, 2016

Date

Concurred in by:

Date

STAFF REPORT

Date: May 25, 2016

File No.: 4056 – Grantville
Neighbourhood

To: Salt Spring Island Local Trust Committee for the meeting of June 2, 2016
From: Jason Youmans, Planner 2, Local Planning Services

Re: Proposed Bylaw 484 – For Adoption

STAFF REPORT NO. 10

PURPOSE

The purpose of this staff report is for the Salt Spring Island Local Trust Committee (LTC) to consider adoption of proposed Bylaw No. 484, which would implement a 30 metre setback between drinking water wells and sewage disposal fields in the Grantville neighbourhood on Salt Spring Island. Per LTC discussion at the May 5, 2016 meeting, LTC is provided with several potential standing resolutions to guide staff in the bylaw's administration and enforcement. This report is post public hearing.

PROJECT PURPOSE

- To develop legislation aimed to protect private drinking water, surface and groundwater resources.
- To minimize impacts from future development of septic fields on water quality.
- To enhance public awareness in proactively maintaining and managing on-site infrastructure.

PROJECT BACKGROUND

The Local Trust Committee (LTC) established this project as a Work Program Top Priority in January 2015. This report follows up on staff reports for the meetings of April 16, May 7, July 9, September 6, October 1, November 19, and December 17, 2015, as well as March 10, and May 5, 2016. At the LTC meeting of May 5, 2016, LTC passed the following resolutions:

SS-2016-90

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee amend Bylaw No. 484, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2015," as specified in Appendix 2 of the staff report dated April 27, 2016.

CARRIED

SS-2016-91

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee reviewed the Directives Only Policies and determines that Bylaw No. 484 is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SS-2016-92

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee Bylaw No. 484, cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2015”, be read a third time as amended and forwarded to the Executive Committee for consideration of approval.

CARRIED

The amendment adopted in resolution SS-2016-90 above renumbered the bylaw for greater clarity and introduced language to ensure that it applied equally to the installation of new wells as to the installation of new septic fields.

EXECUTIVE COMMITTEE APPROVAL

Bylaw 484 was approved by Islands Trust Executive Committee at its meeting of May 18, 2016.

POTENTIAL STANDING RESOLUTIONS/INFORMATION NOTES

Standing Resolutions

During the LTC meeting of May 5, 2016, LTC suggested that the wording of potential standing resolutions provided by staff to address works within the footprints of existing lawfully non-conforming septic fields should be revisited.

Staff have subsequently done so, ensuring that the potential standing resolutions included in Appendix 2 of this staff report allow for potential further contravention of Bylaw 484 in emergency situations, not further contravention of the *British Columbia Public Health Act*, as wording in the versions provided in the May 5 staff report implied.

The draft standing resolutions provided offer three potential policy directions related to works within the footprints of lawfully non-conforming sewage disposal fields:

The first (Standing Resolution 1, Appendix 2) would establish a policy that Bylaw 484 would not be enforced for any works carried out entirely within the footprint of existing lawfully non-conforming sewage disposal fields.

The second (Standing Resolution 2, Appendix 2) would establish a policy that Bylaw 484 would not be enforced for works within the footprint of existing lawfully non-conforming sewage disposal fields, except in the case of full dispersal system replacement.

The third (Standing Resolution 3, Appendix 2) would establish a policy that Bylaw 484 would not be enforced for works within the footprint of existing lawfully non-conforming sewage disposal fields, except in the case of 75 percent or more dispersal system replacement, removal and replacement of the aggregate under the dispersal system, and system capacity increase.

All three possible standing resolutions include a provision related to enforcement of the bylaw where temporary emergency repairs may create a further contravention to Bylaw 484. This provision was included to ensure that temporary emergency repairs to address an immediate health hazard could be carried out without the necessity for a variance permit. This is consistent with Section II – 2.1.1 of the Sewerage System Standard Practice Manual which states, “When a risk to health exists, under an emergency, an Authorized Person may carry out immediate repairs and remedies, as well as source mitigation to eliminate the risk in cooperation with the owner.”

Information Notes

Staff have confirmed that information notes can be included in the consolidated version of the Land Use Bylaw by LTC resolution. They do not form part of the official bylaw and can therefore be added or removed at the LTC's discretion. As such, if LTC prefers the use of information notes to standing resolutions to guide staff administration and enforcement of Bylaw 484, it could resolve to include any of the three information notes provided in Appendix 3 following the last article of the bylaw.

RESULTS OF CIRCULATION

The bylaw was referred to the following agencies and First Nations:

B.C. Ministry of Community, Sport and Cultural Development
B.C. Ministry of Health
B.C. Ministry of Environment
Capital Regional District SSI
CRD Building Inspection
CRD Engineering Services
CVRD Building Services
Island Health
Galiano, Mayne, North Pender and Thetis Island LTCs, in accordance with Islands Trust Policy 4.1.ix Inter-Local Trust Committee Community Planning Bylaw Referrals
15 local First Nations

All agency referral responses below were previously considered by LTC and available for public consideration before the public hearing of March 3, 2016. See staff report of October 1, 2015 for summary of agency referral responses.

PUBLIC HEARING NOTIFICATION

In accordance with legislated practices and public hearing procedures, notice was mailed to the 121 owners of properties affected by the proposed bylaw. The notice included a Frequently Asked Questions document. The public hearing notice also appeared in the February 17 and 24, 2016 editions of the Gulf Islands Driftwood newspaper. The public hearing notification and FAQ document was distributed to the e-mail listserve of a local builders and contractors group, and staff also sent it to a local realtor with a request to forward it to his colleagues.

PUBLIC HEARING AND COMMUNITY INFORMATION MEETING

A Community Information Meeting and Public Hearing were held at 5 p.m. and 6 p.m. respectively on March 3, 2016 at the Lion's Club. Approximately 25 members of the public attended the Community Information Meeting, 17 of whom offered comment during the public hearing. LTC also received several pieces of written correspondence.

COMMUNICATIONS AND COMMUNITY CONSULTATION

Resulting from the public hearing mailout, staff received two telephone calls and two in-person visits from four property owners to which the proposed bylaw will apply. Staff also received inquiries from one sewage treatment system installer and one surveyor.

TRUST POLICY STATEMENT

At its May 5 meeting, LTC reviewed and found the proposed bylaw to be consistent with the Trust Policy Statement Directives Only checklist.

IMPLEMENTATION PLAN

Following bylaw adoption, staff intend to provide a mail-out to affected property owners advising that they bylaw has been adopted and providing guidance on how to proceed if Bylaw 484 will impact development on their lot. Staff also intend to communicate similar information to Registered Onsite Wastewater Practitioners, hydrogeologists, and well installers that operate on Island. Staff will also ensure that notice of the bylaw has been posted to the local builders and contractors e-mail list.

STAFF COMMENTS

Standing Resolutions/Information Notes

Standing Resolutions

Standing resolutions are a mechanism by which the LTC can give policy direction to staff to administer and enforce bylaws in a particular way. All three potential standing resolutions provided in Appendix 2 of this staff report include a provision related to bylaw enforcement in the event that emergency repairs must be made to lawfully non-conforming sewage disposal fields. A standing resolution is warranted in this case so that staff know how the LTC wishes these situations to be treated. It is hoped that inclusion of this provision may, by foregoing the need for a variance permit in certain circumstances, address the LTC's concern about whether variance permit applications to vary the subject bylaw could be fast-tracked. See staff report of May 5, 2016 for further discussion of application fast-tracking.

Of the standing resolutions provided, staff recommend Standing Resolution 2, as its first provision reiterates the limits to alteration of spaces and structures lawfully non-conforming to siting conferred by the *Local Government Act*, without granting greater leeway (as in Standing Resolution 1) or less (as in Standing Resolution 3). As noted in the staff report of May 5, the *Local Government Act's* ambiguity about the limits to the alteration of lawfully non-conforming sewage disposal fields makes staff hesitant to impose concrete limitations as attempted in Standing Resolution 3. Staff further do not recommend being more lenient than the *Local Government Act* by allowing the full replacement of dispersal systems within lawfully non-conforming sewage disposal fields when the LTC's objective in this project is to ensure that sewage disposal fields and drinking water wells are separated by 30 metres, or if that setback must be reduced, that installation of those systems requires the LTC's scrutiny through the development variance permit process.

Information Notes

The Salt Spring Island Land Use Bylaw contains numerous "information notes." These information notes provide information to the public, not policy direction to staff as to the administration and enforcement of bylaws.

As such, any information note the LTC wishes to include related to Bylaw 484 should be limited to fact, not policy. For example, if it wished to ensure that the public understood its rights under the *Local Government Act* vis-a-vis lawful non-conformity to siting, the LTC could make the following resolution, after adoption of the bylaw:

That the Salt Spring Island Local Trust Committee include the following information note, to be inserted in the consolidated version of Land Use Bylaw No. 355 immediately following Section 4.6.2:

“Information Note - Where sewage disposal fields or septage pits are legally sited prior to the adoption of this bylaw, this bylaw would not limit the owner’s ability to use, maintain, or alter the facilities in place, provided that maintenance and alterations do not cause them to be any closer to a drinking water well than they already are.”

However, if the LTC is contemplating allowing the full replacement of dispersal systems within lawfully non-conforming fields, or addressing the question of bylaw enforcement at time of emergency repair, an information note is an inappropriate tool to do so, as these constitute political direction.

For the LTC’s reference, Appendix 3 of this staff report nonetheless contains the three standing resolutions provided in Appendix 2, reworded for consistency with the tone and format of information notes already included in the Land Use Bylaw and which may be used by the LTC should it so desire.

Implementation Plan

If the LTC is concerned that including its policy direction in a standing resolution rather than an information note will prevent affected property owners from understanding the policies guiding staff administration and enforcement of the bylaw, the LTC should note that following bylaw adoption staff intend to communicate to all affected parties not only that the bylaw has been adopted, but also any standing resolutions adopted to guide staff administration. If the LTC does not adopt any standing resolutions, staff will convey to affected property owners the protections afforded to lawfully non-conforming spaces and structures under Section 529 of the *Local Government Act*.

Conclusion

Staff recommend that the LTC adopt Bylaw 484, adopt Standing Resolution 2, and direct staff to implement the bylaw per the implementation plan described in this staff report.

RECOMMENDATIONS

1. **THAT** the Salt Spring Island Local Trust Committee adopt Bylaw No. 484, cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2015.”
2. **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.
3. **THAT** the Salt Spring Island Local Trust Committee direct staff to undertake the implementation plan specified in the staff report dated May 25, 2016.

Prepared and Submitted by:

Jason Youmans, Planner 2

May 25, 2016

Concurred in by:

Stefan Cermak
Regional Planning Manager

May 26, 2016

Attachments:

- A1: Bylaw 484 at 3rd Reading
- A2: Optional Standing Resolutions
- A3: Optional Information Notes

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 484

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

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

1. Citation

This Bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2015”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999”, is amended by adding a new Section 4.6 Setbacks From Drinking Water Wells – Water Quality Protection as follows:

2.1 “Section 4.6 – Setbacks from Drinking Water Wells – Water Quality Protection

4.6.1 No sewage disposal field or septage pit may be located within 30 metres of a drinking water well within all land designated in the shaded area on Schedule J of this bylaw.

4.6.2 No drinking water well may be located within 30 metres of a sewage disposal field or septage pit within all land designated in the shaded area on Schedule J of this bylaw.”

3. By adding a new Schedule “J” titled “Salt Spring Island Local Trust Committee Bylaw No. 484, Schedule J, Sewage Disposal Field/Drinking Water Well Setback Map” dated December 9, 2015 attached to and forming part of this bylaw.

4. By making such consequential numbering alterations to effect this change.

READ A FIRST TIME THIS 9TH DAY OF JULY, 2015

READ A SECOND TIME THIS 17TH DAY OF DECEMBER, 2015

PUBLIC HEARING HELD THIS 3RD DAY OF MARCH, 2016

READ A THIRD TIME THIS 5TH DAY OF MAY , 2016

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

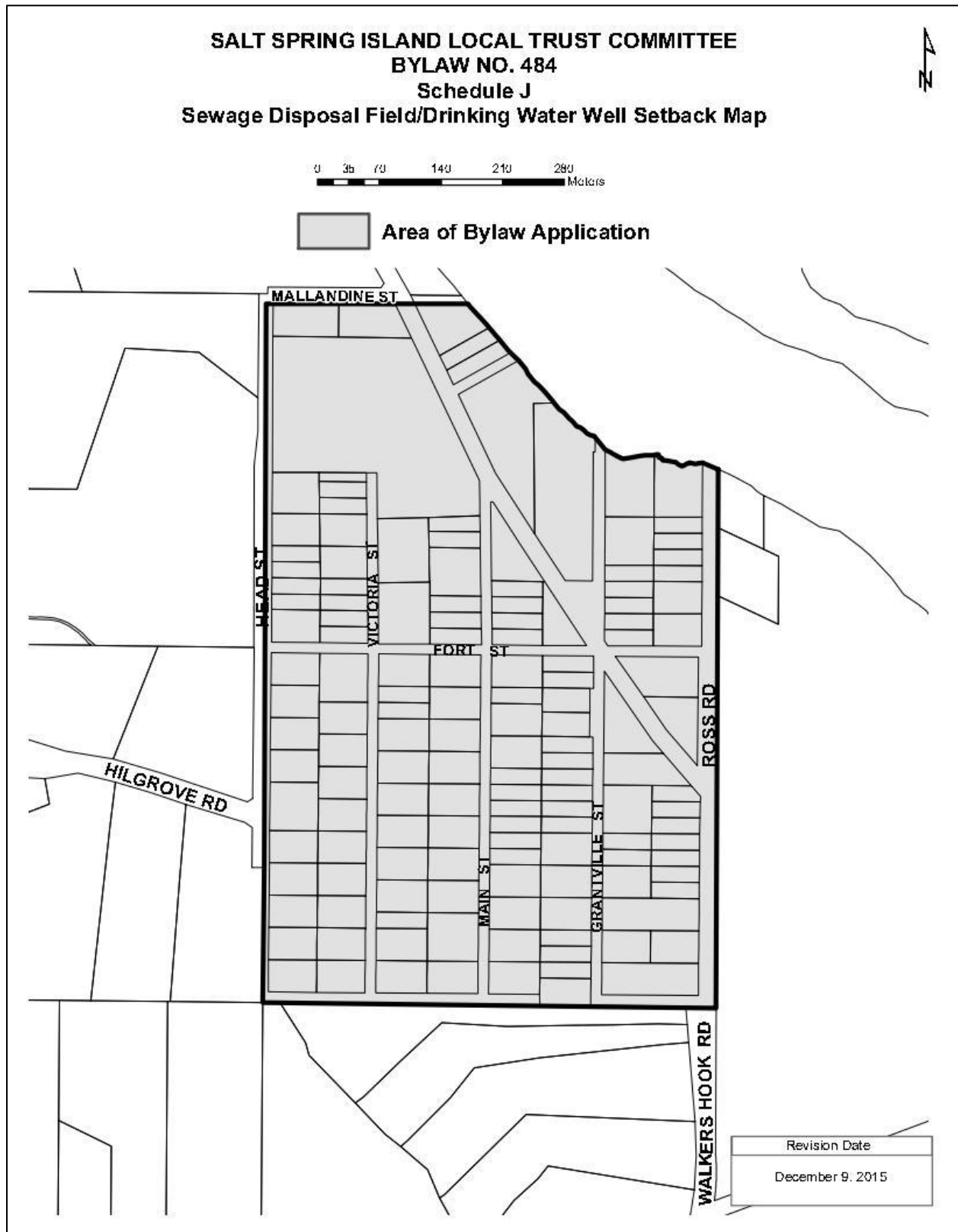
18TH DAY OF MAY , 2016

ADOPTED THIS DAY OF , 20

Chair

Secretary

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 484
SCHEDULE J**



OPTIONAL STANDING RESOLUTIONS

STANDING RESOLUTION 1

That the Salt Spring Island Local Trust Committee direct staff to administer and enforce Bylaw 484 according to the following policies:

- 1) Where a sewage disposal field or septage pit is lawfully non-conforming with respect to Bylaw 484, all works, including repairs, full dispersal system replacement, and aggregate replacement, taking place entirely within the existing footprint are exempt from enforcement of Bylaw 484;
- 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 to Bylaw 484 than that existing at the time the repair or alteration was started 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*.

STANDING RESOLUTION 2

That the Salt Spring Island Local Trust Committee direct staff to administer and enforce Bylaw 484 according to the following policies:

- 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:
 - 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*.

STANDING RESOLUTION 3

That the Salt Spring Island Local Trust Committee direct staff to administer and enforce Bylaw 484 according to the following policies:

- 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:
 - b) Removal and replacement of 75 percent or more of the dispersal system;
 - c) Removal of biomat or existing aggregate or soil or sand followed by replacement of aggregate or chambers;
 - d) Increasing the capacity (daily design flow) of the sewage disposal system
- 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 of 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 any of 1(a), 2(b) and 2(c) above, 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*.

OPTIONAL INFORMATION NOTE 1

Information Note: Where sewage disposal fields or septage pits are legally sited prior to the adoption of this bylaw, this bylaw would not limit the owner's ability to use, maintain, alter or replace the facilities in place, provided that maintenance and alterations do not cause them to be any closer to a drinking water well than they already are. Where sewage disposal fields or septage pits are legally sited prior to the adoption of this bylaw, 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 this bylaw 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 the bylaw than that existing at the time the repair or alteration was started 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. "Authorized Person" and "Professional" have the same meaning as in the *Sewerage System Regulation*.

OPTIONAL INFORMATION NOTE 2

Information Note: Where sewage disposal fields or septage pits are legally sited prior to the adoption of this bylaw, this bylaw would not limit the owner's ability to use, maintain, or alter the facilities in place, provided that maintenance and alterations do not cause them to be any closer to a drinking water well than they already are. Full replacement of existing lawfully non-conforming sewage disposal fields is not permitted without a development variance permit application to the Salt Spring Island Local Trust Committee. Where sewage disposal fields or septage pits are legally sited prior to the adoption of this bylaw, 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 this bylaw 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 the bylaw than that existing at the time the repair or alteration was started 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. "Authorized Person" and "Professional" have the same meaning as in the *Sewerage System Regulation*.

OPTIONAL INFORMATION NOTE 3

Where sewage disposal fields or septage pits are legally sited prior to the adoption of this bylaw, this bylaw would not limit the owner's ability to use, maintain, or alter the facilities in place, provided that maintenance and alterations do not cause them to be any closer to a drinking water well than they already are. Removal and replacement of 75 percent or more of the dispersal system, removal of biomat or existing aggregate or soil or sand followed by replacement of aggregate or chambers, or increasing the capacity (daily design flow) of the sewage disposal system is not permitted without a development

variance permit application to the Salt Spring Island Local Trust Committee. Where sewage disposal fields or septage pits are legally sited prior to the adoption of this bylaw, 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 this bylaw 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 the bylaw than that existing at the time the repair or alteration was started 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. “Authorized Person” and “Professional” have the same meaning as in the *Sewerage System Regulation*.



Memorandum

Date May 24, 2016

File Number Mayne Island

Proposed Bylaw 165-169

From Stefan Cermak; Regional Planning Manager

Re Bylaw Referral from Mayne Island Local Trust Committee

PURPOSE

The Salt Spring Island Local Trust Committee has been referred Mayne Island Local Trust Area Bylaws No. 165 - 169 for comment. Proposed Bylaws 165-167 pertain to “short term vacation rentals” as discussed below:

Proposed Bylaw 165 – The purpose of proposed bylaw 165 is to amend the Mayne Island Official Community Plan Bylaw by adding a policy to the home occupation section that allows for the rental of a cottage as a commercial vacation rental.

Proposed Bylaw 166 – The purpose of proposed bylaw 166 is to amend the Mayne Island Land Use Bylaw by defining what is a “short term vacation rental” and adding wording to the home occupation section that allows for the rental of up to one cottage per lot as a short term vacation rental.

Proposed Bylaw 167 – The purpose of proposed bylaw 167 bylaw is to amend the Mayne Island Official Community Plan Bylaw by adding a list of guidelines to be applied when the Local Trust Committee is considering the issuance of a Temporary Use Permit for a Short Term Commercial Vacation Rental of a residential building.

Proposed Bylaws 168 and 169 will allow for the construction and operation of a public dock facility and boat ramp fronting Anson Road as discussed below:

Proposed Bylaw 168 – The purpose of proposed bylaw 168 is to amend the Mayne Island Official Community Plan Bylaw by: 1) adding a Development Permit Area for the Protection of the (Marine) Natural Environment; 2) by placing the an area of a proposed community moorage facility (DL 2070) fronting Anson Road in the new DPA; and 3) amending the Land Use designation on the upland portion of the proposed community moorage facility (Anson Road) from Settlement Residential to Public Service to accommodate the proposed new land use.

Proposed Bylaw 169 – The purpose of proposed bylaw 169 is to amend the Mayne Island Land Use Bylaw by: 1) adding a new Community Wharf Upland (CWU) zone; 2) amending the zoning on the upland portion of the proposed community moorage facility (Anson Road) from Settlement Residential to the new CWU zone to accommodate the proposed new land use; and 3) amending the zoning on the area of the proposed community moorage facility from Water Moorage to Community Wharf W4(b).

STAFF COMMENTS

Staff have reviewed the proposed bylaw amendments and consider the interests of the Salt Spring Island Local Trust Committee to be unaffected.

RECOMMENDATION

That the Salt Spring Island Local Trust Committee direct staff to respond to the referral from the Mayne Island Local Trust Committee for Bylaws No. 165-169 indicating that interests are unaffected.

Respectfully Submitted by:

Stefan Cermak
Regional Planning Manager, Salt Spring Island
Islands Trust

Attachment: Bylaw Referral Forms



BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area **Bylaws No.:** 165 (OCP)&166 (LUB)

Date: April 28, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Mayne Island Local Trust Committee Initiated

PURPOSE OF BYLAW:

Proposed Bylaw 165 – The purpose of proposed bylaw 165 is to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP) by adding a policy to the home occupation section that allows for the rental of a cottage as a commercial vacation rental provided its carried out as a home occupation.

Proposed Bylaw 166 – The purpose of proposed bylaw 166 is to amend the Mayne Island Land Use Bylaw 146, 2008 by adding wording to the home occupation section that allows for the rental of up to one cottage per lot as a short term vacation rental. The proposed bylaw also contains a definition of "short term vacation rental".

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

**OFFICIAL COMMUNITY
PLAN DESIGNATION:**

N/A

OTHER INFORMATION:

Additional information, including staff reports and current bylaws, is available at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/projects-initiatives/official-community-plan-land-use-bylaw-review/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Island Planner

Title:

Contact Info

Tel: 250-405-5157

Email: grichardson@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Grace Sherrett - Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust – Bylaw Enforcement
Bakerview Holdings
Bennett Bay Waterworks District
Campbell/Bennett Bay Improvement District
Laura Point Water Society
Lighthouse Point Waterworks District
Mayne Island Improvement District
Mount Park Estates Improvement District
Skana Waterworks Ltd.
Surfside Water System
Village Point Improvement District
Mayne Island Integrated Water System Society
Georgina Point Improvement District

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area
(Island)

Bylaw No. 165
(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

Bylaw No. 166

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

**A BYLAW TO AMEND THE MAYNE ISLAND
OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007**

WHEREAS the Mayne Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Mayne Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Mayne Island Local Trust Committee wishes to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007;

AND WHEREAS the Mayne Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2015".

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 22nd day of February , 2016.

READ A SECOND TIME this day of , 20.

PUBLIC HEARING HELD this day of , 20.

READ A THIRD TIME this day of , 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.

ADOPTED this day of , 20.

DEPUTY SECRETARY

CHAIR

Mayne ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 165
SCHEDULE 1

- A. Bylaw No. 144, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007” is amended as follows:
1. Amending Subsection 2.3 (Home Occupation) by inserting the following immediately after policy 2.3.1.6:

“ 2.3.1.7 The rental of a cottage as a commercial vacation rental shall be permitted as a home occupation.”

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 166

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO.146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw, No. 146, 2008, Amendment No.2, 2015”.

2. Mayne Island Local Trust Committee Bylaw No.146, 2008 cited as “Mayne Island Land Use Bylaw, No. 146, 2008” is amended as follows:

2.1 Section 3.6 Home Occupation Regulations, is amended by adding a new Article immediately following Article (g) as follows:

“(h) short term commercial rental of a *cottage*,” and reordering the remaining articles alphabetically.

2.2 Section 3.6 Home Occupation Regulations, is amended by adding a new Subsection immediately following Subsection 11 as follows:

“12 No more than one *cottage* per lot may be used as a *short term vacation rental* at any one time.”

2.3 Section 1.1 Definitions is amended by adding the following definition in alphabetical order:

“Short term vacation rental” means the use of a *cottage* as a temporary commercial accommodation for a period of less than one month at a time by persons, other than the owner or permanent occupier. For this purpose, a cottage used as a *short term vacation rental* shall be considered as a home occupation subject to the regulations established in section 3.6.”

READ A FIRST TIME THIS 22ND DAY OF FEBRUARY 2016

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary



BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaws No.: 167 (OCP) Date: April 28, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Mayne Island Local Trust Committee Initiated

PURPOSE OF BYLAW:

Proposed Bylaw 167 – The purpose of proposed bylaw 167 bylaw is to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP) by adding a list of guidelines to be applied when the Local Trust Committee is considering the issuance of a Temporary Use Permit for a Short Term Commercial Vacation Rental of a residential building.

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

**OFFICIAL COMMUNITY PLAN
DESIGNATION:**

N/A

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/projects-initiatives/official-community-plan-land-use-bylaw-review/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Island Planner

Title:

Contact Info

Tel: 250-405-5157

Email: grichardson@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Grace Sherrett - Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust – Bylaw Enforcement
Bakerview Holdings
Bennett Bay Waterworks District
Campbell/Bennett Bay Improvement District
Laura Point Water Society
Lighthouse Point Waterworks District
Mayne Island Improvement District
Mount Park Estates Improvement District
Skana Waterworks Ltd.
Surfside Water System
Village Point Improvement District
Mayne Island Integrated Water System Society
Georgina Point Improvement District

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

xxxxxx Island Local Trust Area

(Island)

Bylaw No. 167

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

**A BYLAW TO AMEND THE MAYNE ISLAND OFFICIAL
COMMUNITY PLAN BYLAW NO. 144, 2007**

WHEREAS the Mayne Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Mayne Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Mayne Island Local Trust Committee wishes to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007;

AND WHEREAS the Mayne Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 2, 2015”.

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 22nd day of February , 2016.

READ A SECOND TIME this day of , 20.

PUBLIC HEARING HELD this day of , 20.

READ A THIRD TIME this day of , 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.

ADOPTED this day of , 20.

DEPUTY SECRETARY

CHAIR

Mayne ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 167
SCHEDULE 1

A. Bylaw No. 144, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007” is amended as follows:

1. Amending Subsection 2.9 (Temporary Use Permits) by inserting the following immediately after policy 2.9.1.8:

“ 2.9.1.9 Additional Guidelines to be applied when considering the issuance of a Temporary Use Permit for a Commercial Vacation Rental:

- a) The LTC may require mitigating measures to provide a separation between Short Term Vacation Rentals (STVRs) and surrounding properties such as screening and fencing.
- b) The LTC should consider the cumulative effects on the neighbourhood and island of all the permits issued for STVRs.
- c) The LTC may consider issuance of a temporary use permit for a commercial vacation rental provided the proposal would not alter the residential appearance of the residence.
- d) A contact person on Mayne Island associated with the property should be available by telephone twenty-four (24) hours/day, seven (7) days per week.
- e) The property owner/applicant should provide neighbors within a 100 metre radius of the vacation rental with the contact person’s phone number, and a copy of the temporary use permit.
- f) The property owner/applicant should provide evidence that there is an adequate supply of potable water.
- g) The property owner/applicant should provide evidence that there is adequate septic capacity for the proposed occupancy.
- h) The property owner/applicant should post information for guests regarding noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets. The guest information should also remind guests that they are in a residential area, not a commercial area.
- i) As a condition of the permit pets should be under control at all times.
- j) The property owner/applicant should be required to provide sufficient off street parking.

- k) The property owner /applicant should be required to ensure outdoor lighting is not directed onto surrounding properties.
- l) A condition of the permit should restrict the maximum number and size of signs an STVR can have. That the signs be made of wood and not illuminated.
- m) As a condition of the permit the maximum number of guests may be limited;
- n) As a condition of the permit the number of bedrooms may be limited;
- o) As a condition of the permit the specific months in a year that STVR use can be carried out may be specified.
- p) As a condition of the permit recreational vehicles and camping should be prohibited.
- q) As a condition of the permit outdoor fires should be prohibited.
- r) As a condition of use advertising that can be utilized may be specified.
- s) A condition of the permit should prohibit the rental or provision of motorized personal watercraft for rental clients.
- t) A condition of the permit may require the property owner/applicant to post contact information and permit information at the entrance to the property.
- u) As a condition of the permit the Islands Trust bylaw enforcement officer should be permitted to enter the property between the hours of 9 am and 5 pm on any day without prior consultation with the holder of the permit or STVR renter for the purpose of investigating a complaint.



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area **Bylaws No.:** 168 (OCP) & 169 (LUB) **Date:** April 28, 2016

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Capital Regional District

PURPOSE OF BYLAW:

Proposed Bylaw 168 – The purpose of proposed bylaw 168 is to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007 (OCP) by: 1) adding a Development Permit Area for the Protection of the (Marine) Natural Environment; 2) by placing the an area of a proposed community moorage facility (DL 2070) fronting Anson Road in the new DPA; and 3) amending the Land Use designation on the upland portion of the proposed community moorage facility (Anson Road) from Settlement Residential to Public Service to accommodate the proposed new land use.

Proposed Bylaw 169 – The purpose of proposed bylaw 169 is to amend the Mayne Island Land Use Bylaw 146, 2008 by: 1) adding a new Community Wharf Upland (CWU) zone; 2) amending the zoning on the upland portion of the proposed community moorage facility (Anson Road) from Settlement Residential to the new CWU zone to accommodate the proposed new land use; and 3) amending the zoning on the area of the proposed community moorage facility from Water Moorage to Community Wharf W4(b).

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

**OFFICIAL COMMUNITY
PLAN DESIGNATION:**

N/A

OTHER INFORMATION:

Additional information, including staff reports and current bylaws, is available at: www.islandstrust.bc.ca/islands/local-trust-areas/mayne/current-applications/

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Gary Richardson

Island Planner

Title:
Contact Info

Tel: 250-405-5157
Email: grichardson@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

Provincial Agencies

Grace Sherrett - Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust – Bylaw Enforcement
Mayne Island Parks and Recreation Commission
Mayne Island Conservancy

Regional Agencies

Capital Regional District – Building Inspection
Mayne Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area
(Island)

Bylaw No. 168
(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area
(Island)

Bylaw No. 169
(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 168

A BYLAW TO AMEND THE MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

WHEREAS the Mayne Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Mayne Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Mayne Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the Mayne Island Local Trust Committee wishes to amend the Mayne Island Official Community Plan Bylaw No. 144, 2007;

AND WHEREAS the Mayne Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2016".

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 21st day of March , 2016.

READ A SECOND TIME this day of , 20.

PUBLIC HEARING HELD this day of , 20.

READ A THIRD TIME this day of , 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of
, 20.

ADOPTED this day of
, 20.

DEPUTY SECRETARY

CHAIR

Mayne ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 168
SCHEDULE 1

A. Bylaw No. 144, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007” is amended as follows:

1. Section 2.8 Development Permit Areas is amended by adding two new Subsections, 2.8.5 and 2.8.6, which are to be inserted immediately following Subsection 2.8.4 as follows:

“2.8.5 Development Permits for the Protection of the Natural Environment

Designation

This development permit area applies to all areas designated as Marine Development Permit Area on Schedule C.

Authority

This development permit area is established, pursuant to Section 488(1)(a) of the *Local Government Act*, for the purpose of protecting the natural environment, its ecosystems and biological diversity.

Objectives

The objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of marine areas.
2. To manage development to minimize disruption of natural processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the marine environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.
5. To adapt to the anticipated effects of climate change.

General Applicability

A development permit is required for the construction of, addition to, or alteration of a building or structure, or the alteration of land, except where such activities are specifically exempt.

Work Not Requiring a Permit (Exemptions)

The following activities are exempt from any requirement for a development permit:

- a) Repair, maintenance, alteration or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming, provided there is no alteration of undisturbed land or vegetation (a building permit may still be required).
- b) Removal of invasive plants on a small scale within the Development Permit Area.
- c) emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - Forest fire, flood and erosion protection works;
 - Protection, repair or replacement of public facilities;
 - Clearing of an obstruction from a culvert, dock wharf or stream.
- d) The installation of mooring buoys.

2.8.6 Guidelines

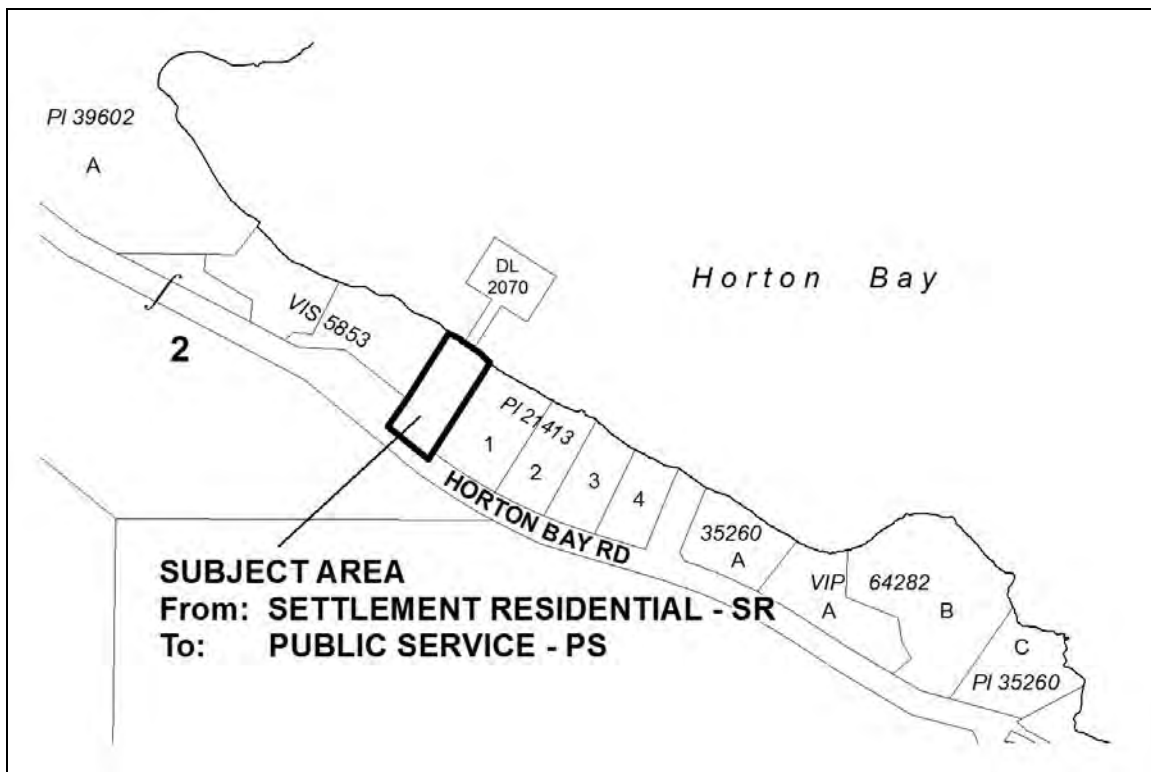
1. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
2. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.
3. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.
4. Docks should be constructed in a manner that minimizes shading of the seabed.
5. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.
6. Piers and pilings and floating docks are preferred over solid-core piers.
7. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.

8. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.
2. Amending Mayne Island Official Community Plan Map, Schedule “B” Land Use Designations by changing the designation of a portion of Mayne Island, Cowichan District from the “Settlement Residential (SR)” designation to the “Public Service (PS)” designation as shown on Plan No. 1, which is attached to and forms part of this bylaw.
3. Amending Mayne Island Official Community Plan Map, Schedule “C” Development Permit Areas by:
 - a. Designating the area described as District Lot 2070 as a Marine Development Permit Area, as shown on Plan No. 2, which is attached to and forms part of this bylaw; and
 - b. Adding to the legend that lists types of Development Permit areas a new “Marine (M)” development permit area.

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 168

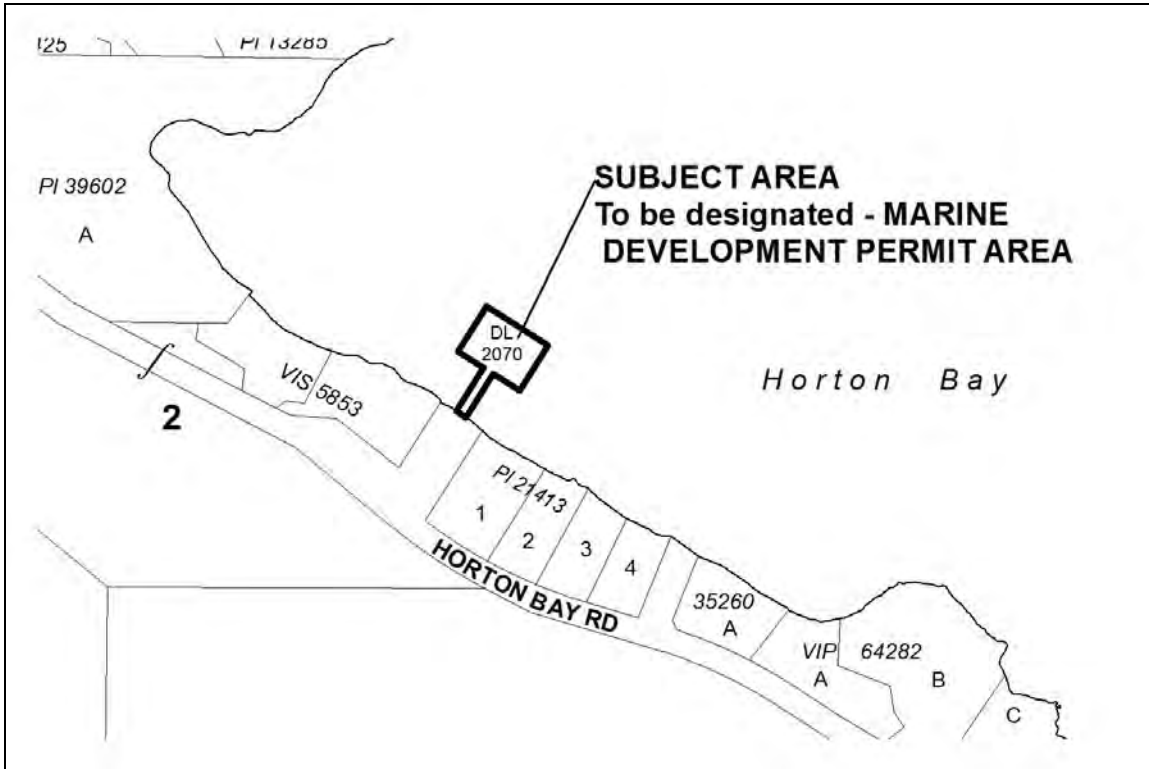
PLAN NO.1



MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 168

PLAN NO.2



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 169

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW, 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw, 146, 2008, Amendment No. 1, 2016”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw, 146, 2008,” is amended as follows:

2.1 Schedule “A” – Land Use Bylaw text is amended by adding “Community Wharf Upland CWU” in Section 4.1 after “Comprehensive Development Two CD2”.

2.2 Schedule “A” – Land Use Bylaw text is amended by adding the following to Section 5.23 Community Wharf (W4) Zone, Subsection (5) Site Specific Regulations as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
W4(b)	Water Lot DL 2070, Cowichan District	(1) Buildings are not permitted in this location.

2.3 Schedule “A” – Land Use Bylaw text is amended by adding the following immediately after Section 5.26:

“5.27 Community Wharf Upland (CWU) Zone

The purpose of the Community Wharf Upland Zone is to provide for and regulate upland uses required to support adjacent *Community Wharf*.

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

- (a) Parking for adjacent community wharf;
- (b) Washroom facilities;
- (c) Sewage pump out facilities;
- (d) Accessory uses, buildings and structures.

Density

(2) The maximum lot coverage is 35%.

Siting and Size

(3) The minimum setback for any building or structure is:

(a) 8 metres (26 feet) from any front, rear, or exterior side lot line;

(b) 5 metres (16.4 feet) from any interior side lot line;

(4) The maximum height for any structure is 5 metres (16.5 feet).

Subdivision Lot Area Requirements

(5) The minimum lot area is 0.4 hectares (1 acre)."

2.2 Schedule "B" – Zoning Map, is amended by changing the zoning classification of area described as DL 2070 from Water Moorage (W2) to Community Wharf (W4), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" to Bylaw No. 146 as are required to effect this change.

2.3 Schedule "B" – Zoning Map, is amended by changing the zoning classification of a portion of Mayne Island, Cowichan District, from Settlement Residential (SR) to Community Wharf Upland (CWU), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" to Bylaw No. 146 as are required to effect this change.

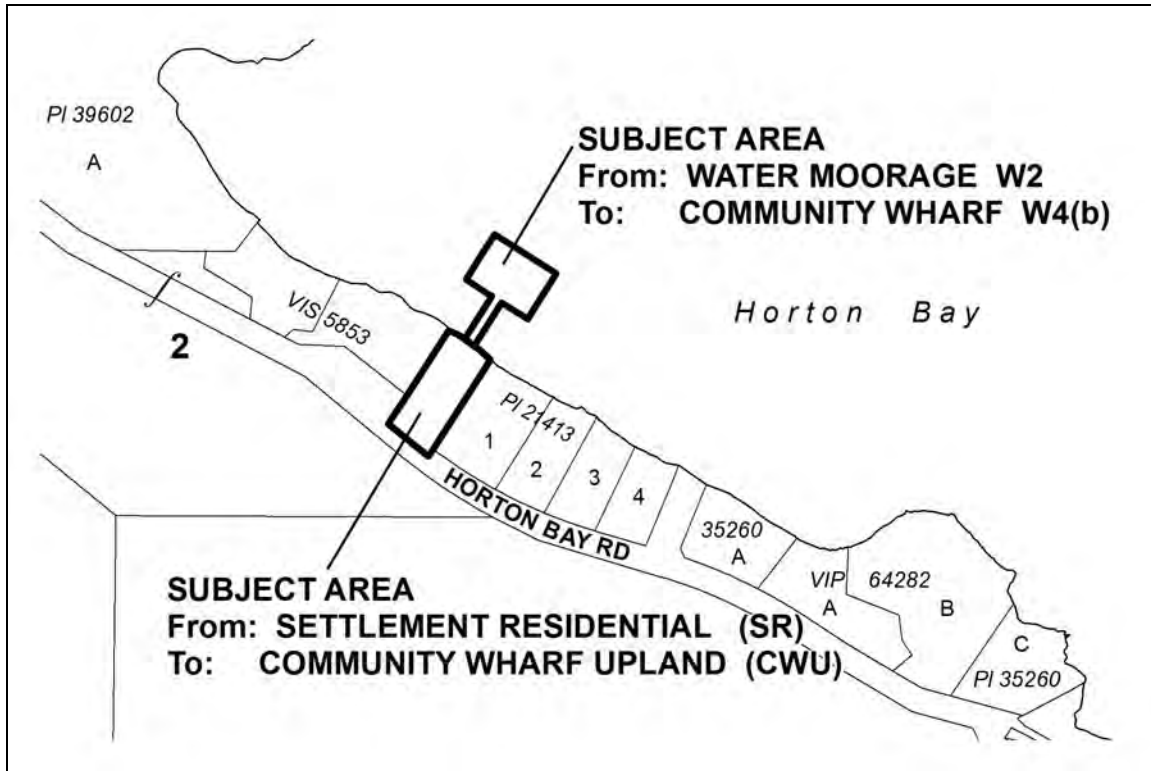
READ A FIRST TIME THIS	__21 st __	DAY OF	__MARCH__,2016
PUBLIC HEARING HELD THIS	_____	DAY OF	_____ 20__
READ A SECOND TIME THIS	_____	DAY OF	_____ 20__
READ A THIRD TIME THIS	_____	DAY OF	_____ 20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____ 20__
ADOPTED THIS	_____	DAY OF	_____ 20__

Chair

Secretary

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 169**

Plan No. 1



MEMORANDUM

Date: May 25, 2016

File No.: 3070-20 (Cowichan Tribes)

To: Salt Spring Island Local Trust Committee, for meeting of June 2, 2016
From: Jason Youmans, Planner 2

Re: Cowichan Tribes - Sansum Narrows Designated Use Area

PURPOSE

The purpose of this memo is to provide the Salt Spring Island Local Trust Committee (LTC) within information related to the marine environment of the sub-tidal and inter-tidal zones on the Salt Spring Island side of Sansum Narrows. It also provides an updated draft response to Cowichan Tribes related to their request for support in the establishment of a Designated Use Area.

BACKGROUND

At its April 7, 2016 meeting, the LTC passed the following resolution regarding Cowichan Tribes request for LTC support related to establishment of a Designated Use Area (DUA) in Sansum Narrows:

SS-2016-71

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request staff to provide a report on the accuracy of the current clam bed mapping in Sansum Narrows and indicate the scope of work necessary to have certainty with regard to marine resources.

CARRIED

The above resolution followed upon receipt by LTC at its April 7 meeting of a memo outlining the LTC's options with respect to Cowichan Tribes' DUA initiative in Sansum Narrows and a draft response letter to Cowichan Tribes.

See staff report of February 11, 2016 for background information related to Designated Use Areas (DUAs).

CLAM BED MAPPING ACCURACY

Appendix 1 of this staff report shows an overlay of clam beds identified in Salt Spring Island OCP Map 10 with those identified in the Government of Canada's Department of Fisheries and Oceans Clam Atlas. The data that informed OCP Map 10 was provided by the Department of Fisheries and Oceans when the OCP was being developed, and, owing to Map 10's similarity to the DFO clam atlas, it is reasonable to assume that the clam atlas was the source of that data.

It is noted in the DFO clam atlas that, “This report is not to be treated as a complete inventory of clam beaches and it only covers a limited number of species. There are many other additional areas of “pocket beaches” that support clam populations that have a tradition of harvest for Aboriginal, commercial or recreational purposes. These beaches will be added to this database as they are identified. There may be sites not included in this inventory where DFO or resource users may object to a tenure or other development”.

DFO could not confirm by publication of this memo the research used to establish the extent of the clam beds that appear in the clam atlas or the frequency with which it is updated.

On this basis, then, it is reasonable to suggest that the clam bed mapping in OCP Map 10 is potentially two decades old and of unknown accuracy.

An archaeologist who has compiled information on clam gardens¹ in the Gulf Islands told staff that his work has not suggested any clam gardens in the subject area.

COWICHAN TRIBES USE

See Appendix 2 of this staff report for a copy of correspondence that Cowichan Tribes provided to North Cowichan municipal council with respect to Cowichan Tribes’ traditional use of Sansum Narrows.

Additionally, staff had an informal conversation with a biologist in the employ of Cowichan Tribes. While unable to provide any quantitative studies or inventory data about the Salt Spring side of Sansum Narrows, he observed that the area has long been used by Cowichan Tribes members for marine harvesting, including the following species: clams (all local varieties), urchins (red and green), octopus, sole, ling cod, and herring. He also noted that Burgoyne Bay was once an important hunting ground for water fowl.

Cowichan Tribes original letter to the LTC is attached as Appendix 4.

OTHER HABITAT AND SPECIES INFORMATION

For LTC’s information, staff have included the following information taken from Parks Canada’s “Proposed Southern Strait of Georgia National Marine Conservation Area Reserve Atlas,” which includes the area of Sansum Narrows in question:

- Appendix 5: Habitat and biodiversity value
- Appendix 6: Modelled rockfish habitat in subject area
- Appendix 7: Rockweed bioband in subject area
- Appendix 8: Seagrass bioband in subject area
- Appendix 9: Sportfishing characteristics in the subject area

Additionally, the Marine Conservation Area atlas shows there to be a commercial prawn (trap) fishery in the subject area.

¹ Clam Gardens are areas developed and tended by First Nations to increase the productivity of natural clam beds. Typically, natural clam beds were cleared of rocks, and a low rock wall was constructed parallel to the shore in the intertidal zone to trap sand and water, thereby improving clam habitat.

Staff note that Sansum Narrows is identified in Appendix 5 as an area of moderate to high biodiversity values.

MARINE RESEARCH

Staff have had preliminary correspondence with a firm specializing in marine species and habitat inventory research. Staff inquired about projected costs of undertaking research to better understand the characteristics of the subject area². The firm suggested that a desktop analysis, compiling currently available data and analyzing aerial imagery, would cost between \$1,000 and \$2,000. Taking two passes of the seven kilometer stretch (one of the intertidal zone, one of the subtidal zone) with an underwater tow camera, analyzing the imagery and documenting it would likely run between \$10,000 and \$15,000.

RESPONSE TO COWICHAN TRIBES

See Appendix 3 for a draft response letter to Cowichan Tribes, amended to reflect the LTC's direction of the meeting of April 7, 2016.

STAFF COMMENT

As noted in the April 7 staff report, preliminary analysis suggests there are approximately a dozen properties in the subject area without residential docks but that would be entitled to such under existing zoning. Additionally, there remains significant subdivision potential along the waterfront properties that are in the Rural (R) zone, and as such, a proliferation of residential dock development is possible based on current upland/foreshore zoning if land owners undertake subdivision.

If the LTC is contemplating amending the Salt Spring Island Official Community Plan and Land Use Bylaw to prohibit residential dock development in the area identified by Cowichan Tribes, or to limit further subdivision of the upland, or if it wishes to undertake further marine study of the area, it must make this a priority project with commensurate staff time and budget allocations.

LTC had previously directed staff to draft a response to Cowichan Tribes, so no resolution to send such is required.

RECOMMENDATION

Staff have no recommendation at this time.

² Staff suggested that research could be carried out for the approximately 7 kilometres of shoreline between the southern extent of Burgoyne Bay Provincial Park and Musgrave Landing, as Burgoyne Bay and lands north of it are either parkland or private conservancy land and unlikely to face development pressure.

Prepared and Submitted by:

Jason Youmans, Planner 2

May 25, 2016

Concurred in by:

Stefan Cermak
Regional Planning Manager

May 26, 2016

ATTACHMENTS

- A1: Clam Atlas/OCP Map 10 overlay
- A2: Cowichan Tribes address to North Cowichan Municipality
- A3: Draft response to Cowichan Tribes
- A4: Cowichan Tribes letter
- A5: Habitat and biodiversity value
- A6: Modelled rockfish habitat in subject area
- A7: Rockweed bioband in subject area
- A8: Kelp beds and biobands in subject area
- A9: Sportfishing characteristics in the subject area

Salt Spring Island

Clam Beds as identified on Map 10 of the SSI OCP

(Source: Department of Fisheries and Oceans)

Data from DFO Clam Atlas

0 250 500 1,000 1,500 2,000 2,500 Meters

Harvesting Seafood in Sansum Narrows

Prepared by Cowichan Tribes staff.

Prepared for Municipality of North Cowichan staff.

October 2015

Cowichan Tribes (CT) is currently working with the Municipality of North Cowichan (NC) to identify and elucidate the importance of marine harvesting, including for shellfish, to Cowichan members in the Sansum Narrows. Three years ago NC Mayor and Council and CT Chief and Council had several meetings to discuss concerns about a proposed Stoney Hill public road. The result of these meetings was that Cowichan Tribes would not object to this public road as long as the foreshore of Sansum Narrows was not zoned to allow a litany of docks there. Because recent construction of the public road provides good access to lots fronting Sansum Narrows CT is concerned that more residential development will occur here with associated requests to the municipality and the province for private moorages. Of specific concern to CT is the foreshore between Paddy Milestone and Octopus Point where there are over 50 residential lots. This and the entirety of Sansum Narrows is (and has always been) a particularly important marine harvest area to CT that is currently not closed to shellfish harvesting and shellfish consumption¹.

In the broader sense Cowichan Tribes is not only concerned about shellfish harvesting, but also continued harvesting of all seafood from the foreshore and the marine environment which provide myriad food items, from octopus to sea urchins, and all fish in between. A boat trip was arranged by NC on September 26th, 2015 to take CT staff and Cowichan elders, Luschiim and Alex Johnnie Sr., to Sansum Narrows to view areas of concern to CT. Tim Kulchyski (CT fisheries biologist), dove for sea urchins (*xixwa*) as a treat for us to eat.² The yellow flesh inside is eaten raw. Sea urchins attach themselves to the rocks just below the intertidal. Therefore not just beaches but bedrock outcrops support marine species that are harvested for food.

For millennia Cowichan Bay used to be a virtual grocery store for Cowichan members before it was closed due to pollution in the 1970s. As a result of the Cowichan Bay closure, Sansum Narrows' importance to CT access to marine and beach resources is even greater. The shellfish closure map referred to above shows all of the areas in the Gulf Islands and on this part of the Vancouver Island coast that are closed to shellfish harvesting. These closed areas, delineated in red, mark the locations of marinas and waterfront settlement areas, i.e. those areas where

¹ See <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/sani/area-secteur-18/area-secteur-18-eng.html> which shows a map of Area 18 (light blue) and the many shellfish contamination closures (red), including at Maple Bay, Burgoyne Bay, and Cowichan Bay.

² There are two species of sea urchins (red = *xixwa* and green = *s-kw'itthi*) and both are a delicacy to Cowichan members.

concentrations of people live on the waterfront. As you can see the closure areas are numerous and some of them are large, e.g. Cowichan Bay and Maple Bay. Sansum Narrows with its relatively undeveloped foreshore and sparse population is currently not among the listed closure areas, plus, because it is close to home, it is accessible to a large segment of the Cowichan community for marine harvesting. ***The aim is to ensure Sansum Narrows continues to be open for shellfish harvesting into the future.***

Residents of Stoney Hill have repeatedly claimed that they have not seen harvesting happening in front of their properties and that there is no beach there suitable for shellfish. Perhaps these people envision the expansive mud flats such as what occurs at low tide in Cowichan Bay. Perhaps they are not aware that unpolluted rocky intertidal beaches provide some of the best clam harvesting opportunities anywhere. In fact, clams are often found nestled up to and under rocks on the foreshore. As for their claim that no one harvests there, perhaps they are not aware that Cowichan members harvest at night in the winter when the best low tides occur.

Stoney Hill residents have expressed at Mayor and Council meetings that it is their right as waterfront property owners to have a private dock. CT must emphasize that private docks are not a right but a privilege. The public in general needs to be made aware that the foreshore is not for any one individual's use, it is Crown Land, and all Crown Land is slated for the treaty table. As with all land and waters in the Cowichan territory, it has never been ceded by treaty or lost during conflict, therefore, it belongs to CT.

Dr. Bill Heath (a Stoney Hill resident himself) who was a fisheries scientist for many years for the Province, prepared a statement that in inventories of clam beaches in Sansum Narrows he did not include predominantly rocky beaches. Dr. Heath had been asked about the status of the shoreline of Sansum Narrows from Paddy Milestone to Octopus Point; he considered it to be a predominantly rocky beach with "sporadic and small pockets of clams". The residents of Stoney Hill and NC staff must keep in mind that the studies Dr. Heath quoted, as well as his statements, refer to assessments of clam beaches for potential commercial purposes. At this time, CT is only interested in shellfish harvesting in Sansum Narrows for food (Fisheries and Oceans Canada [FOC] refers to this as food, social and ceremonial [FSC]) purposes; although in the future commercial opportunities may be explored. The studies identified six clam beaches approved for harvest, the largest one at Burgoyne Bay and one within the Maple Bay closure area, leaving 4 ranging in size from about 2 ha to 0.3 ha in Sansum Narrows.³

There are studies that indicate that even small docks cause a measurable impact to fish densities. In one study even small films of gasoline which were thought to be volatile enough to

³ <http://www.llbc.leg.bc.ca/public/Pubdocs/bcdocs/400776/index.htm> and <http://www.llbc.leg.bc.ca/public/Pubdocs/bcdocs/400776/index.htm>

simply dissipate and not be significant, caused an impact to egg and juvenile survival for a range of fish species.⁴ DFO guidelines state that sanitary closures apply to harvesting shellfish within a minimum 125 m radius from: i) any wharf, dock, platform or other structure used for vessel moorage; or ii) any marina, anchored floating structure, including float homes, barges, platforms and vessels.⁵ Also shellfish harvesting is prohibited within a 125 m radius of a wharf, an aquaculture operation, or floating accommodation such as a float home, marina or ferry wharf.⁶ Mooring of watercraft may introduce pollutants such as oils, fuel or sewage into the water, and for this reason shellfish harvesting is prohibited within 125 m either side of any dock.⁷

Culturally the purity of the location from which food is harvested is important for many Cowichan members who will not harvest marine resources where there are docks. Docks and other marine polluting activities and structures also affect the taste of the seafood.

On September 26th as we motored along the shoreline between Paddy Milestone and Octopus Point there was continuous coverage of eelgrass in the lower intertidal zone. Eelgrass beds indicate that the marine ecosystem is healthy, and they are incredibly productive areas that provide habitat for a large variety of marine organisms, including the larval stages of several marine invertebrates and juvenile fish. The addition of more docks and increases in boat traffic here will have impacts on these important fish nurseries in Sansum Narrows¹.

From the boat CT staff roughly mapped the occurrence of shellfish harvest beaches. Between Paddy Milestone and Octopus Point about two-thirds of the shoreline was rocky beach suitable for harvesting. The archaeological studies recently completed at Stoney Hill uncovered ancient inland shell deposits and a potential clam garden at the outlet of Waybrook Creek - both showing a very long history of harvesting along this shore of Sansum Narrows. Several more and smaller shellfish beaches were identified from Octopus Point south.

Tim dug a few clams from a beach between Paddy Milestone and Octopus Point and he explained to municipal staff that the species he harvested were not edible because they were the two species of clams affected by red tide: butter clams and horse clams. CT would like to clarify that there is not a ban on shellfish harvesting between Paddy Milestone and Octopus

⁴ Kelty, R.A. and S. Bliven. 2003. Environmental and Aesthetic Impacts of Small Docks and Piers, Workshop Report: Developing a Science-Based Decision Support Tool for Small Dock Management, Phase 1: Status of the Science. NOAA Coastal Ocean Program Decision Analysis Series No. 22. National Centers for Coastal Ocean Science, Silver Spring, MD. 69 pp. <http://www.coastalscience.noaa.gov/documents/dockpier.pdf>

⁵ <http://www.dfo-mpo.gc.ca/Library/255141.pdf>

⁶ <http://www.dfo-mpo.gc.ca/shellfish-mollusques/ihs-rim-eng.htm>

⁷ <http://www.dfo-mpo.gc.ca/library/281614.pdf>

Point as thought by NC staff. The area is in fact open for little neck clams, manila clams, oysters and mussels. It is not open for butter clams and horse clams though. This is due to the differences in the clam species' physiology and summer exposure to red tide. Red tide is thought to be a naturally occurring phenomenon that can cause paralytic shellfish poisoning (PSP) if affected species of clams are consumed at certain times of the year. The fact that most shellfish species are safe for human consumption year-round in Sansum Narrows is directly related to the fact that the area is largely undeveloped and there are few private moorages.

The fact that the entirety of Maple Bay and Cowichan Bay are closed for shellfish harvest is an example of how a collection of docks and marine uses have an overall impact on FOC's valuation of a beach, and potential risks of eating shellfish from a given beach depends on the risk caused by uses in the area around it. The important take-away message is "more boats, more risk". More docks and more space for boats, the greater is the risk to humans who collect shellfish to eat. Since right next to the area where Tim harvested clams there is a live-aboard boat that has been there for 6 months, as well as several nearby docks, there is an increased potential risk of shellfish being contaminated. The ability of Environment Canada to sample all beaches is limited so if there is an apparent or perceived risk they tend to close a large area. It is then the responsibility of individuals and communities to take repeated samples to prove that a particular beach is safe for food harvesting.

An interesting example from the FOC shellfish contamination closure website (see above) is the closure notice for Burgoyne Bay, Salt Spring Island. In April of 2003 the closure was revoked, but closure was reinstated in November 2014. Sometime between 2003 and 2014 conditions changed in Burgoyne Bay, most likely due to an increase in moored boats, including live-aboard vessels.

In summary, Cowichan Tribes wants to emphasize that currently Sansum Narrows is open to marine harvesting, and we want to keep it that way. More docks mean more risk of contamination. We are asking that the municipality's updated marine zoning continue to disallow new private moorages in Sansum Narrows, particularly between Paddy Milestone and Octopus Point. ***Further consultation with Cowichan Tribes about the zoning of other foreshore areas in NC's jurisdiction is still required, as well as a discussion about strategies to reduce environmental impacts to the foreshore from upland development on the steep slopes above Sansum Narrows.***



1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8
 Telephone: **250-537-9114**
 Fax: 250-537-9116

Toll Free via Enquiry BC in Vancouver: 604-660-2421
 Elsewhere in British Columbia: **1-800-663-7867**

Email: ssiinfo@islandstrust.bc.ca

Website: www.islandstrust.bc.ca

May XX, 2016

Our File: 3070-20 (Cowichan Tribes)
 Your File: RTS e642-220116

Cowichan Tribes
 2760 Allenby Road,
 Duncan, BC
 V9L 5J1

Attention: Larry George
Smaalthun
 Manager, Lands and Governance

Re: Measures to Protect Sansum Narrows

Dear Sirs,

Thank you for your letter of January 22, 2016 advising the Salt Spring Island Local Trust Committee (LTC) of Cowichan Tribes' intention to pursue a Designated Use Area for Sansum Narrows. This LTC applauds your efforts to protect the integrity of your traditional marine food harvesting areas and shares your commitment to ensuring that the local ocean ecosystem remains healthy and productive.

You have requested that the LTC invoke a moratorium on new residential dock development along the eastern extent of Sansum Narrows in support of establishing a Designated Use Area. While the LTC is responsible for establishing permitted uses within the lands and waters of its jurisdiction, it does not have the authority to invoke moratoria. Rather, should it so choose, it can undertake bylaw amendments to restrict certain uses following the steps laid out in the *Local Government Act*. In the case of residential docks along Sansum Narrows, restricting these uses would require amendment to both the Salt Spring Island Official Community Plan and Land Use Bylaw. Such amendments would require significant community consultation and might take upwards of one year to complete. At the current time, the LTC has five priority policy projects underway and would like to see those through to completion before allocating staff time and budget to the bylaw amendments noted above.

It should also be observed that residential docks are only permitted on Salt Spring Island provided they do not result in the removal or permanent shading of eelgrass, and provided they are not located within 125 metres of known clam beds. The LTC's ability to enforce these bylaw provisions has recently been strengthened by the completion of comprehensive eelgrass mapping of the Salt Spring Island foreshore, which is available here:

<http://www.islandstrustfund.bc.ca/initiatives/marineconservation/eelgrass-mapping.aspx>

While the LTC is unable to introduce the requested moratorium, we are currently in the midst of several initiatives that we believe will strengthen protections of areas of mutual importance to Cowichan Tribes and all users of the waters of the Salt Spring Island Local Trust Area.

First, we are in the early stages of exploring application of the Heritage Conservation provisions of the *Local Government Act* to establish Heritage Conservation Areas on and around Salt Spring Island to protect sites and areas of First Nations cultural significance. If such a project moves forward, it will be

done carefully and with the full and active participation of all concerned First Nations. For the moment, the project scope is limited to an investigation of LTC authority to take such action, as well as an inventory of known archaeological sites within the Salt Spring Island Local Trust Area. It is this LTC's hope that eventually, and with the agreement of affected First Nations, this tool could be used to help protect traditional marine food harvesting sites, and help avert situations such as that which enveloped Grace Islet last year.

Second, the LTC, and the Islands Trust more broadly, continues to be a vocal advocate for the establishment of a National Marine Conservation Area within the Gulf Islands. While this protected area is not currently proposed to extend into Sansum Narrows, this LTC believes that its establishment will benefit all users of the waters within, and in proximity to, it.

Finally, at its March 2016 meeting, the Islands Trust Council—which is comprised of 24 local trustees from the Islands Trust Area—approved the necessary budget to create a Temporary Senior Intergovernmental Policy Advisor position, whose role will be split between working with other government agencies on marine issues, and improving the quality of the Islands Trust's relationship with area First Nations both generally, and on specific projects and topics as they arise. Islands Trust is currently accepting applications for this position.

In the e-mail message accompanying your letter regarding the Sansum Narrows Designated Use Area you also inquired about potential topics of a future meeting between the Salt Spring Island Local Trust Committee and Cowichan Tribes' Chief and Council. In addition to general discussion about the stewardship of the land and waters of the Salt Spring Island Local Trust Area, the LTC would welcome specific discussion of two policy planning initiatives on the island. The first is land use bylaw amendments to set the stage for the eventual redevelopment of the waterfront boardwalk in Ganges Harbour. The second is bylaw amendments to increase the amount of land available on the island for industrial uses. By now, Cowichan Tribes should have received referrals for the relevant bylaws related to these two projects, and we would welcome a visit by Cowichan Tribes members with cultural knowledge to walk the subject sites and share important information.

While the Salt Spring Island Local Trust Committee regrets that it is unable to fulfill Cowichan Tribes' request for a moratorium on residential dock development in Sansum Narrows at the current time, we are grateful that you have sought our participation and hope we may continue to work together on matters of mutual concern.

Please feel free to contact me to discuss further by emailing me at pluckham@islandstrust.bc.ca or by calling me at 250-210-2553.

Yours sincerely,

Peter Luckham
Chair, Salt Spring Island Local Trust Committee
Chair, Islands Trust
pluckham@islandstrust.bc.ca
250-210-2553



Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1
Telephone (250) 748-3196 Fax: (250) 748-1233

Thursday, January 22, 2016

Our file: RTS e642-220116

Islands Trust, Local Trust Committee
1-500 Lower Ganges Road
Salt Spring Island, BC, V8K-2N8

Re: Measures to protect Sansum Narrows

Dear Local Trust Committee;

Thank-you for inviting and meeting with Cowichan Tribes staff on December 18th, 2015, and for providing detailed notes about the meeting.

We are encouraged that Islands Trust is supportive of Cowichan Tribes' efforts to propose a Designated Use Area (DUA) over the Sansum Narrows area between Maple Bay and Octopus Point.

Cowichan Tribes has been very concerned about the recent road construction at Stoney Hill that will encourage development along Sansum Narrows, and with more residential development more private moorages are expected (57 waterfront lots between Paddy Milestone and Octopus Point could potentially result in 57 docks!). As you are aware, it has not been safe for Cowichan members to harvest sea food in Cowichan Bay for a number of decades, making the relatively pristine environment of Sansum Narrows an extremely important harvest area for our members. A DUA in Sansum Narrows will provide a moratorium on new dock construction here and help to prevent fouling of beaches and hydrocarbon inputs into the marine environment. The overall goal is of a DUA is a continuation of traditional harvesting practices in Sansum Narrows by Cowichan members.

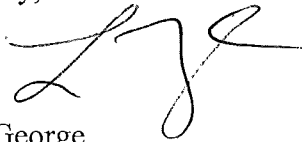
One component of the proposal process to the Province for a DUA is the identification of clam beaches and other marine food harvesting areas. We have completed preliminary surveys of the Vancouver Island side of Sansum Narrows, and anticipate further detailed studies being initiated by the Province during the DUA process. In order to ensure that the complete breadth of the Narrows is included we need to ensure that similar protections are considered on the Salt Spring Island side. We are considering requesting the Province place the DUA over the entire breadth of the Narrows on both the Vancouver Island and Salt Spring Island sides. In the interim, we would like to request that Islands Trust invoke a Moratorium on new foreshore tenures, including new

private moorage applications, between Mount Maxwell (opposite Maple Bay) and Musgrave Landing, and communicate this action and the rationale behind it to the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) in support of Cowichan Tribes' DUA proposal.

We would be happy to meet again with the LTC and Islands Trust staff in the near future, and to host a meeting at Cowichan Tribes' offices. We look forward to working cooperatively on the DUA initiative and on other issues of mutual interest in Cowichan Tribes' traditional territory.

Please do not hesitate to contact myself or Tracy Fleming (tracy.fleming@cowichantribes.com) or Candace Charlie (candace.charlie@cowichantribes.com) if you have any questions or concerns.

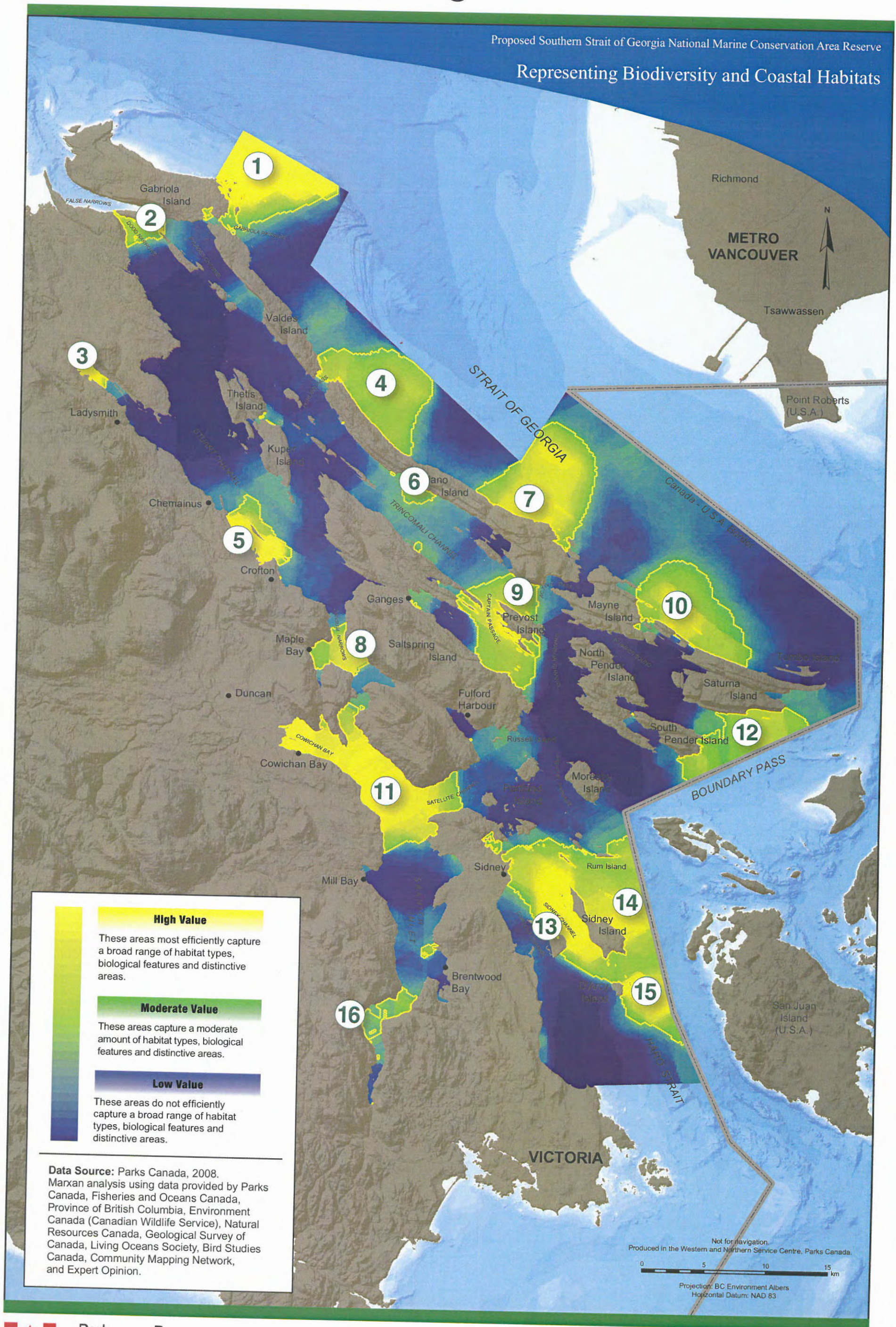
Sincerely,

A handwritten signature in black ink, appearing to be 'LJG' with a stylized flourish at the end.

Larry George
Smaalthun
Manager, Lands and Governance



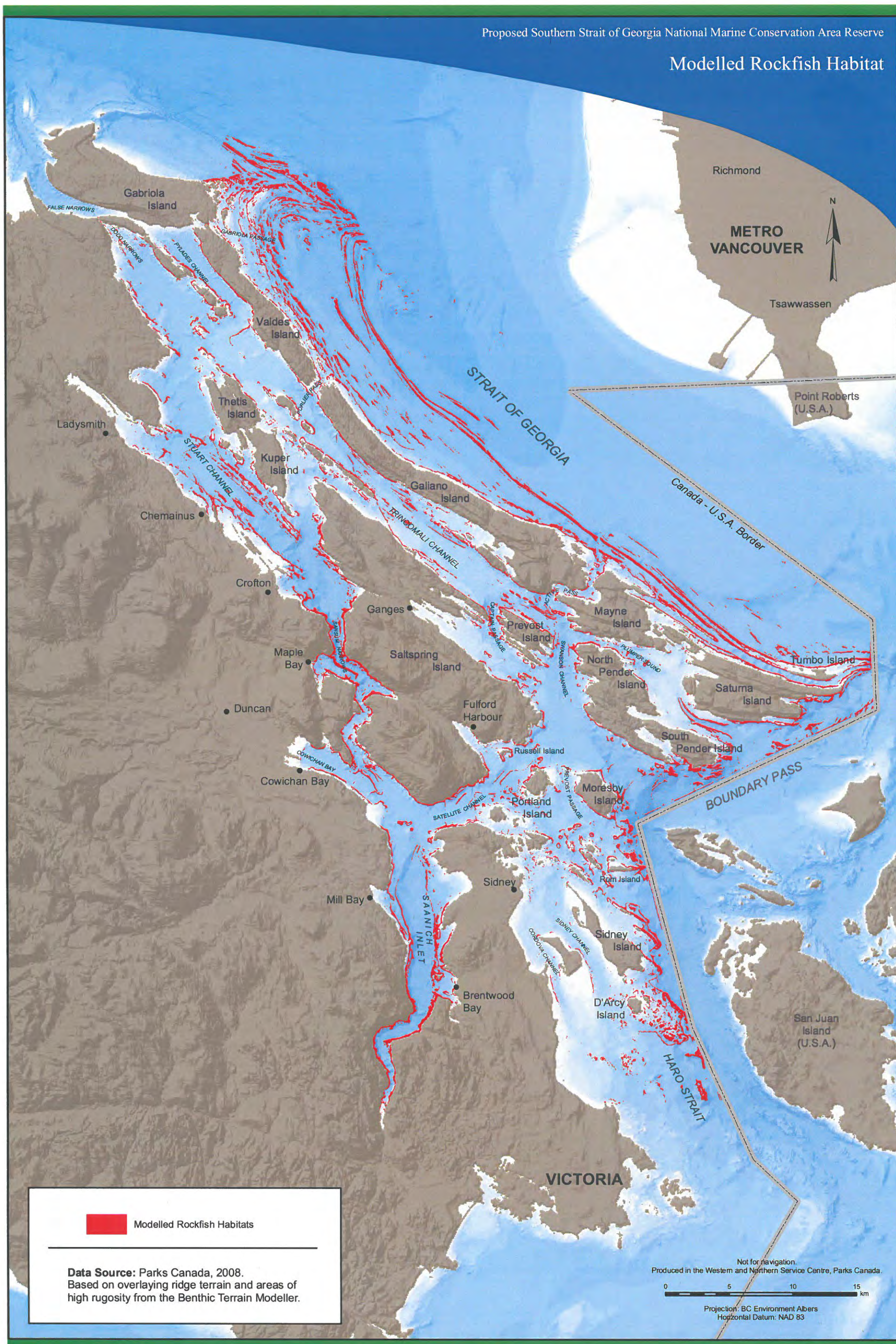
Proposed Southern Strait of Georgia National Marine Conservation Area Reserve
Representing Biodiversity and Coastal Habitats





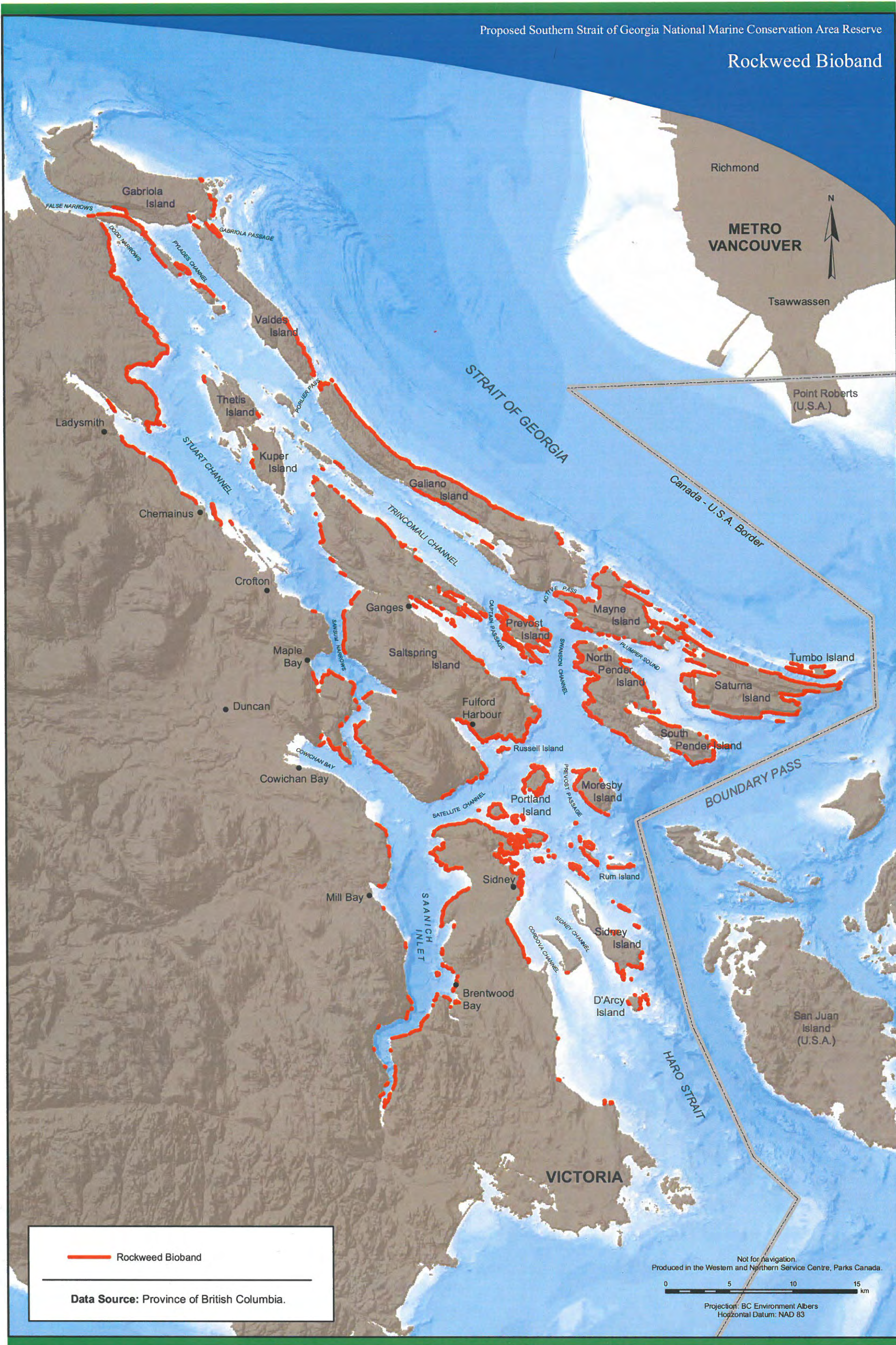
Proposed Southern Strait of Georgia National Marine Conservation Area Reserve

Modelled Rockfish Habitat



Parks Canada
Parcs Canada

Canada



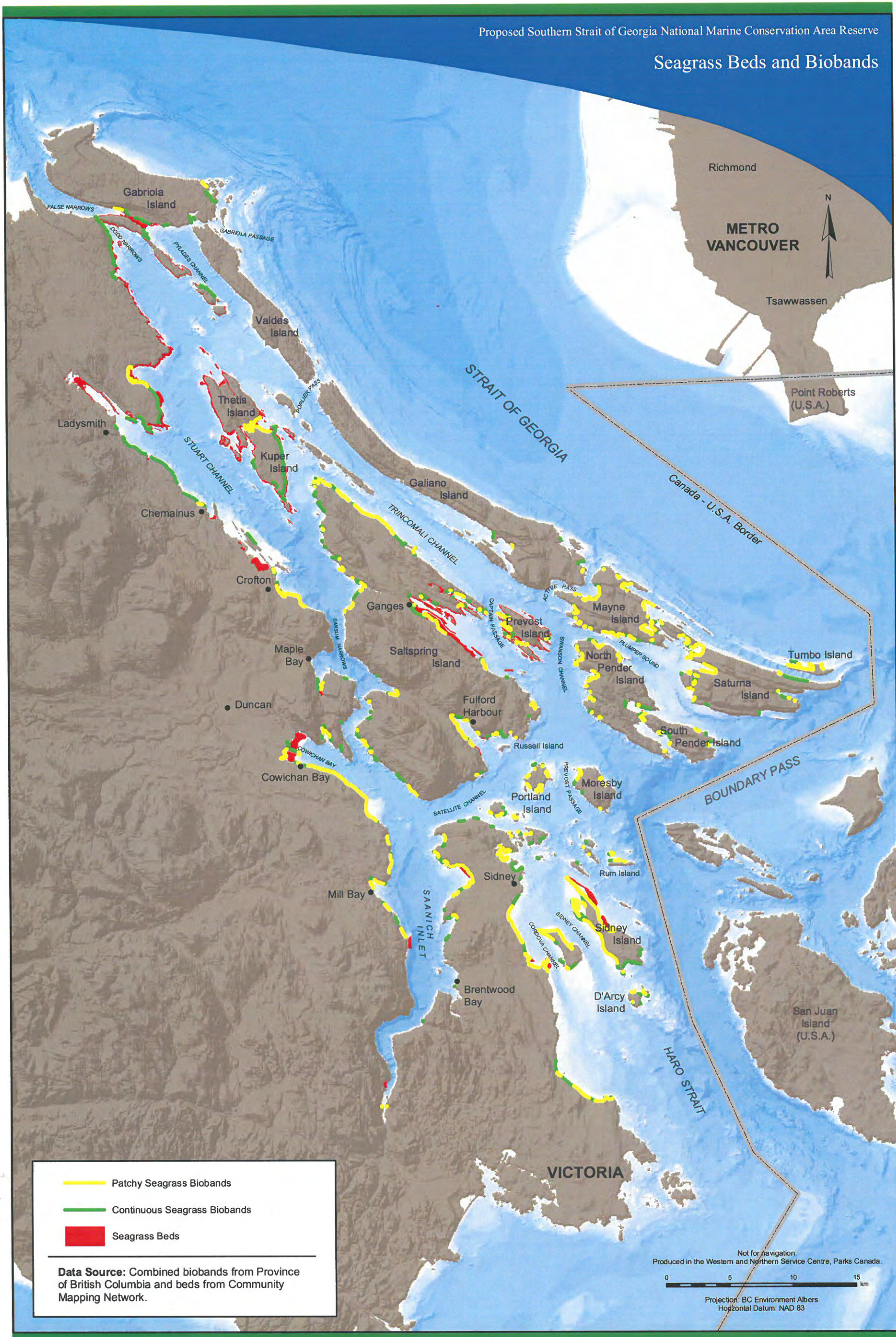
Parks Canada
Parcs Canada





Proposed Southern Strait of Georgia National Marine Conservation Area Reserve

Seagrass Beds and Biobands



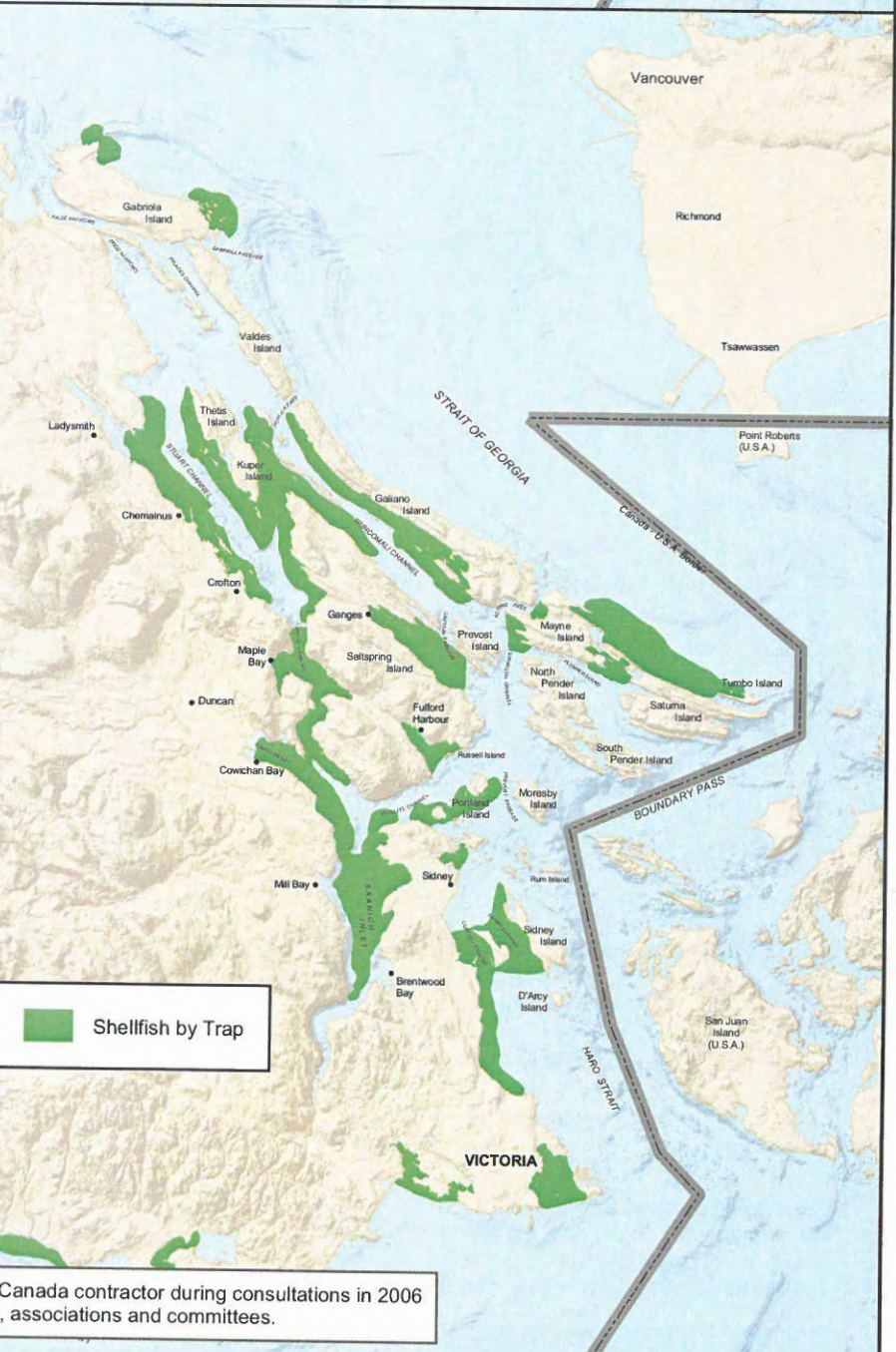
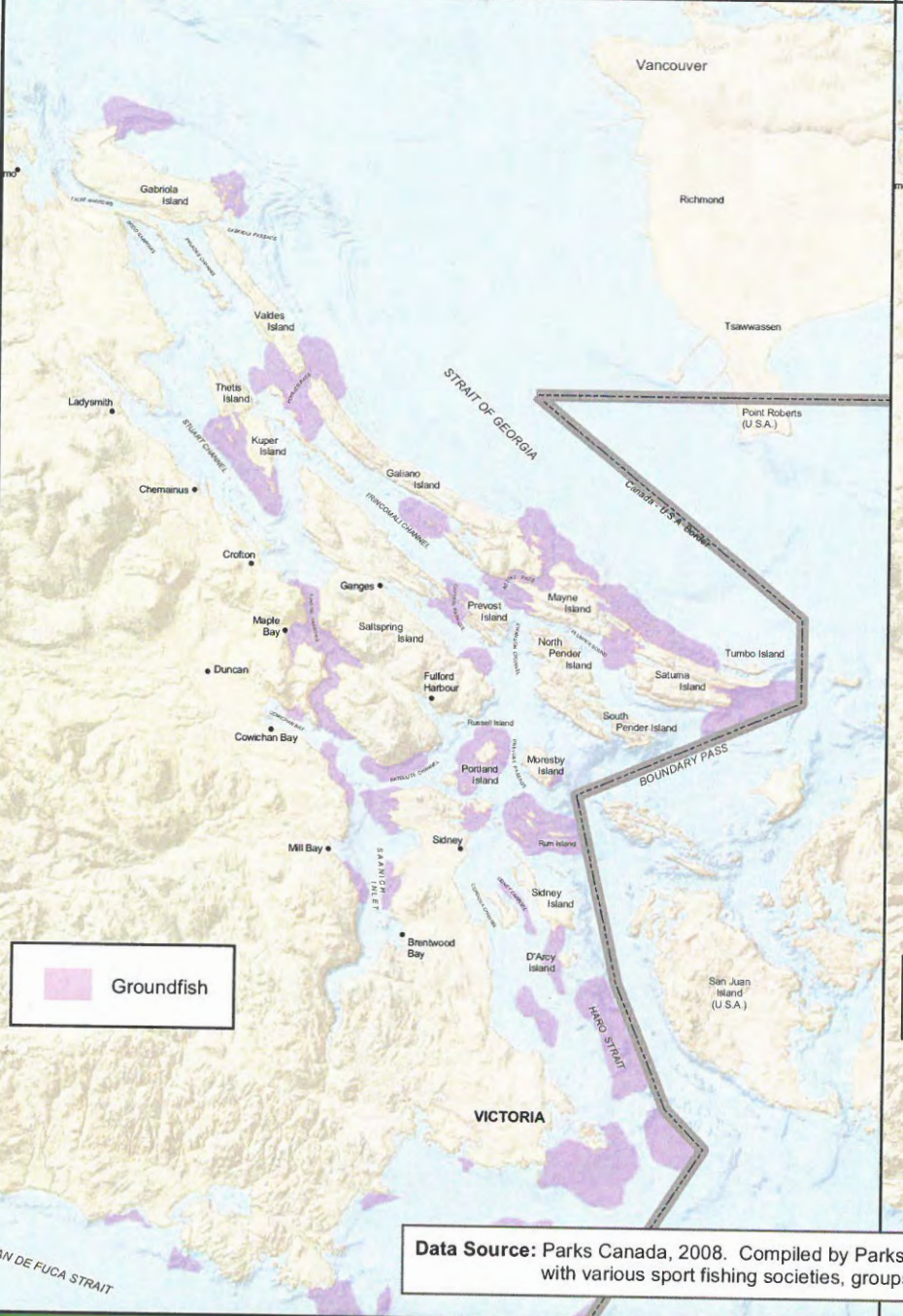
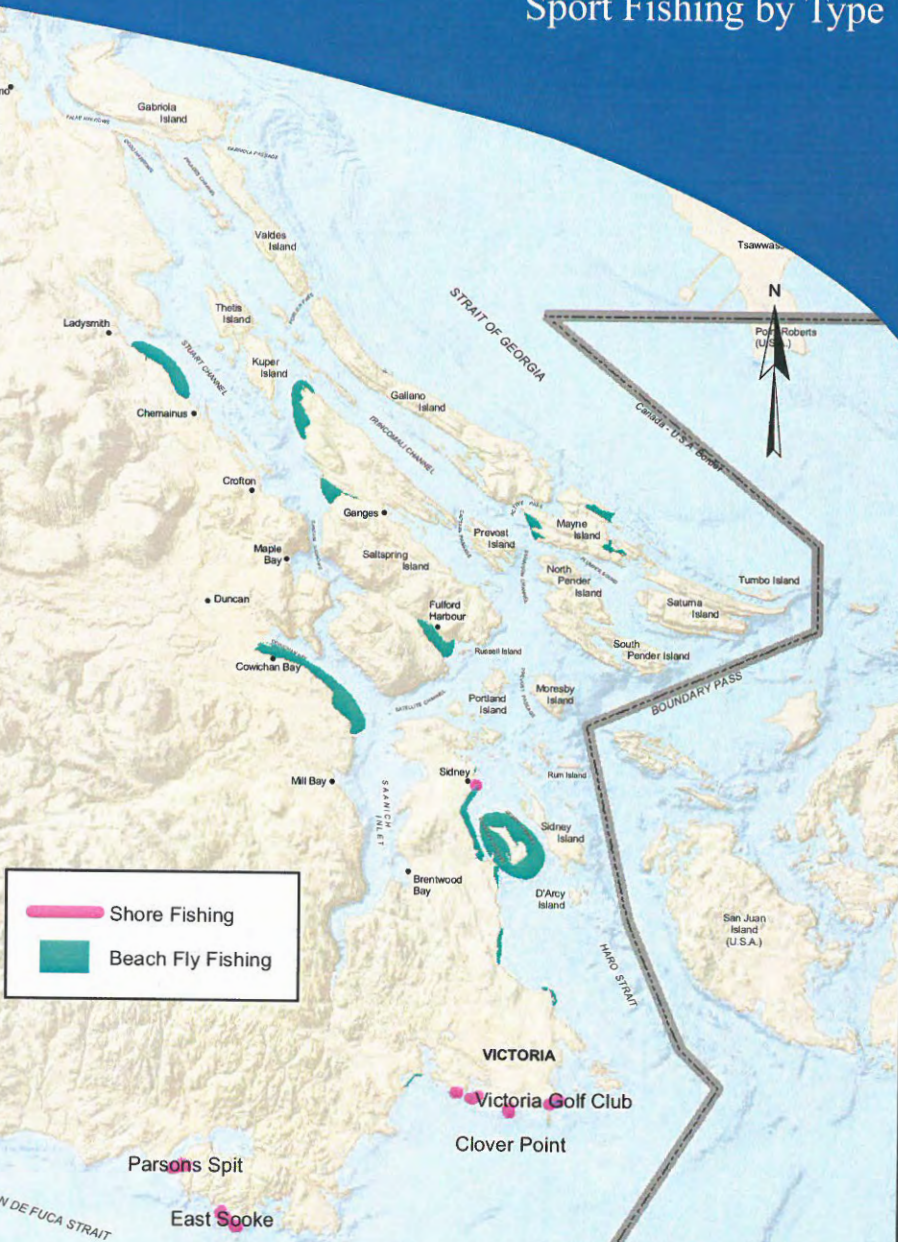
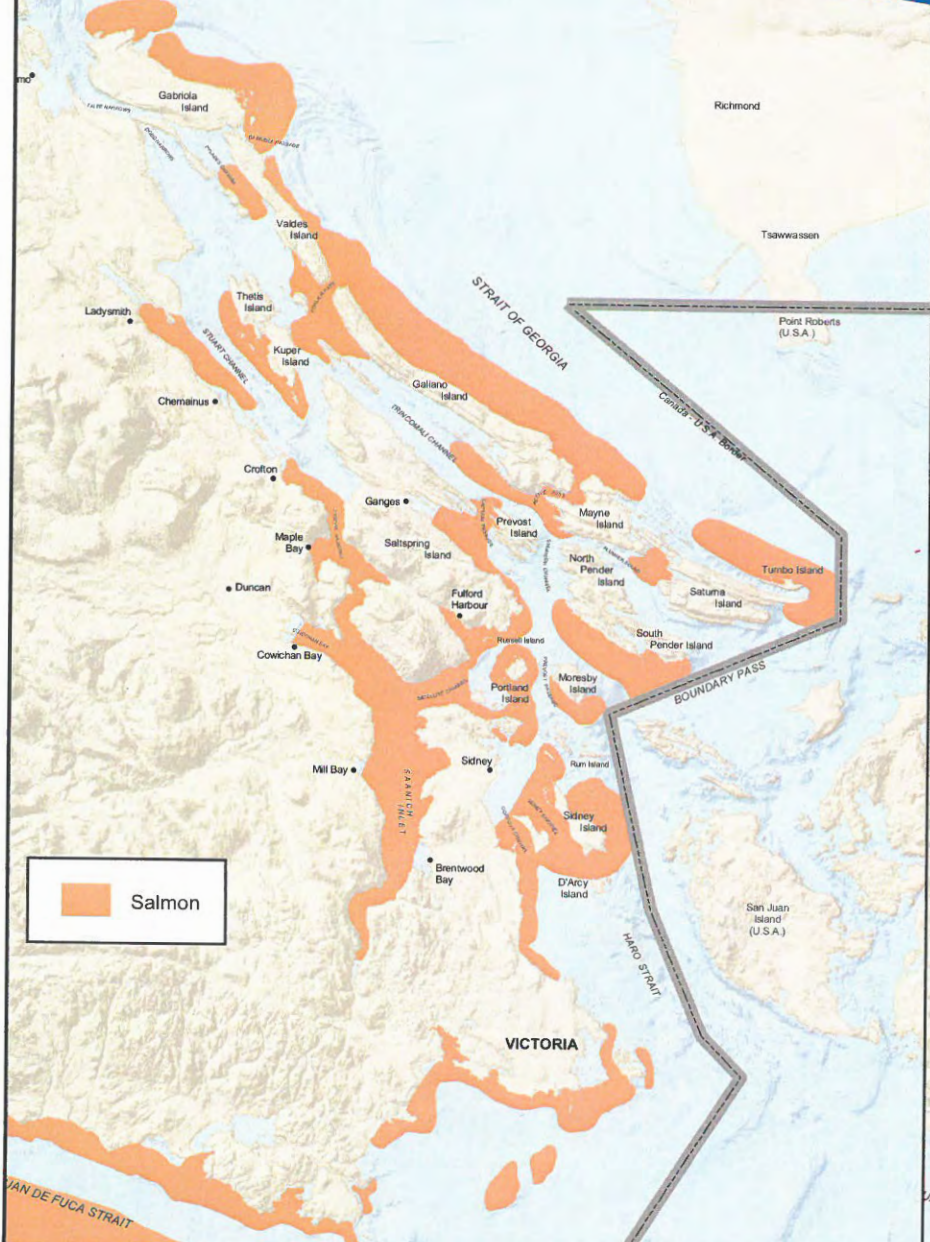
Parks Canada
Parcs Canada





Proposed Southern Strait of Georgia National Marine Conservation Area Reserve

Sport Fishing by Type



Data Source: Parks Canada, 2008. Compiled by Parks Canada contractor during consultations in 2006 with various sport fishing societies, groups, associations and committees.

STAFF REPORT

Date: May 26, 2016

File No.: SS-DP-2014.3
X-Ref: SS-RZ-2013.6

To: Salt Spring Island Local Trust Committee for Meeting of May 5, 2016
From: Jason Youmans, Planner 2, Local Planning Services

Re: Dock and Parking Lot Expansion at Fulford Landing Marina

Applicant: David McKerrell, Island Marine Construction Services Ltd.
Owner: Kelly Keen
Civic Address: 2850 Fulford-Ganges Road

Legal Description: Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248

PRELIMINARY REPORT

THE PROPOSAL

The owner intends to expand the commercial moorage facility at the subject property, which is known as Fulford Landing. Doing so requires a rezoning and an Official Community Plan amendment, both of which are underway (see staff report for SS-RZ-2013.6 in this agenda package). Additionally, the proposed new moorage facility requires a development permit under Development Permit Area 3 (Shoreline) related to installation of the new docks, and a development permit under Development Permit Area 1 (Island Villages) related to the expansion of upland parking. This staff report addresses the necessary development permits.

BACKGROUND

The LTC has not, to date, considered the details of the proposed moorage configuration or parking expansion. However, it has considered the necessary rezoning and Official Community Plan amendments to permit the expansion to occur. At its June 24, 2014 meeting the LTC passed the following resolutions:

- Gave third reading to Bylaw 474 to amend the Official Community Plan and forwarded it to Islands Trust Executive Committee for approval;
- Forwarded Bylaw 474 to the Ministry of Community, Sport and Cultural Development for approval;
- Directed staff to prepare a covenant for LTC approval prior to consideration of final adoption of Bylaw No. 474 and Bylaw No. 475 addressing the following: 1) a Clean Marine BC membership; 2) a pump-out facility; and 3) any required septic upgrade;
- Directed staff that final bylaw adoption be conditional upon confirmation from the Capital Regional District that a statutory right-of-way has been secured to enable construction of a pathway in the future;

- Directed staff that further consideration of Bylaw 475 is conditional upon written confirmation from the Harbour Authority of Salt Spring Island (HASSI) that their concerns about navigation impacts of the marina expansion have been satisfied

SITE CONTEXT

The subject area consists of a 1.2 hectare upland lot and adjacent foreshore on the north side of Fulford Harbour, just north of the BC Ferry Corporation Fulford Terminal. The subject lot is outlined in yellow in the Figure 1 below, with the existing marina outlined in blue. The proposed marina expansion area is shown in red in Figure 2. Figure 3 shows the configuration of the proposed marina expansion.



Figure 1: Ortho photo showing lot lines and current zoning

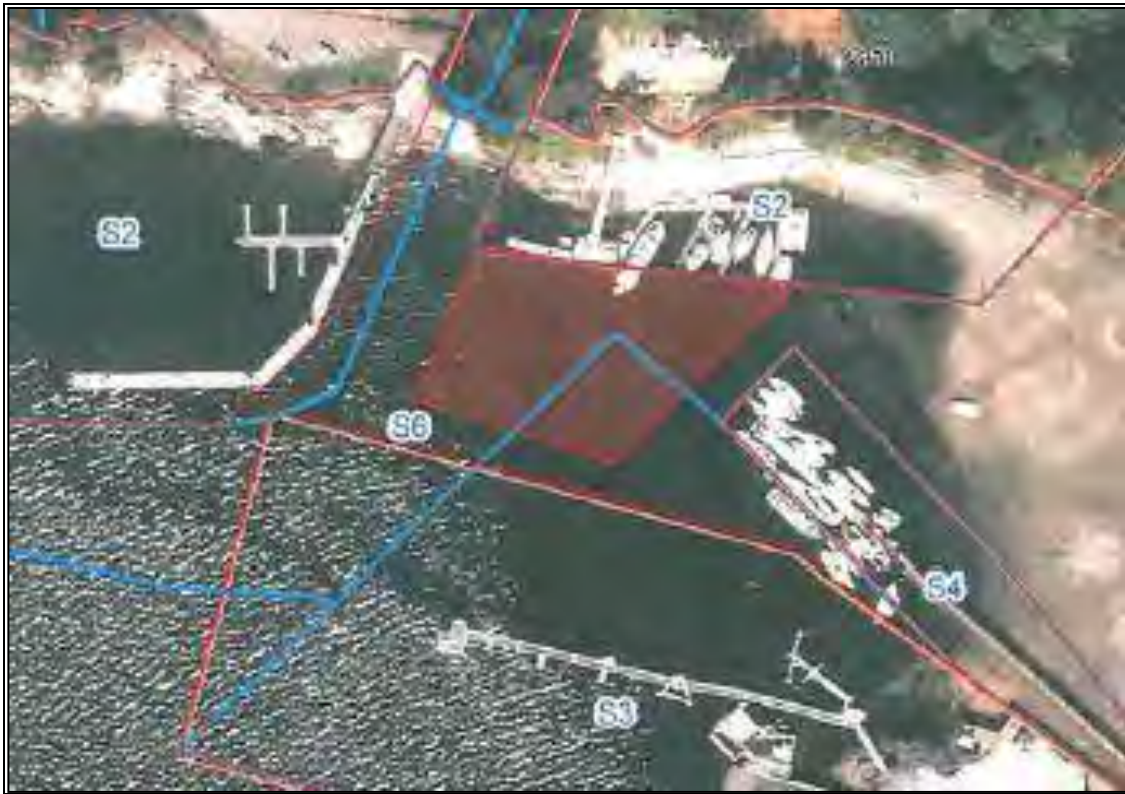


Figure 2: Red filled area shows extent of proposed rezoning and eventual marina expansion



Figure 3: Proposed expanded marina dock configuration



Figure 4: Existing pier and ramp



Figure 5: Portion of existing dock



Figure 6: Parking area looking west



Figure 7: Parking area looking east



Figure 8: View of subject property from adjacent HASSI wharf

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Official Community Plan

Land Use Designations

The subject lot is in the Fulford Village (FV) Land Use Designation.

The objectives of the Fulford Village designation are as follows:

- B.5.3.1.1 To ensure zoning continues to recognize Fulford Village as a local commercial, residential and cultural centre with a unique character.
- B.5.3.1.2 To recognize that Fulford Village functions as a gateway and primary entry to Salt Spring Island, giving an initial impression of the island's rural character.
- B.5.3.1.4 To ensure that development within Fulford Village does not exceed the available water supply and safe sewage treatment capacity.
- B.5.3.1.5 To ensure that the form and character of development in Fulford Village is consistent with the traditional small and compact pedestrian scale of the village and with good planning principles.
- B.5.3.1.6 To help in the resolution of conflicts between village functions and ferry terminal operations.

The foreshore adjacent to the subject lot is in the Shoreline Development designation (SD). The objectives of the Shoreline Development designation are as follows:

- B.9.4.1.1 To identify adequate shoreline areas where the community's commercial, industrial, boat moorage and transportation requirements take place and where these uses could be further developed.
- B.9.4.1.2 To ensure that future shoreline development takes place in a way that reduces impacts on the environment, other shoreline users and adjacent properties.

Development Permit Areas

The proposed development triggers a permit requirement under both Development Permit Area 1 (Island Villages) and Development Permit Area 3 (Shorelines)

Relevant objectives of Development Permit Area 1 are as follows:

- E.1.3.1 To encourage the development of attractive, compact villages that harmoniously combines commercial, residential, cultural and recreational facilities in a way that encourages pedestrians and enhances village economies.
- E.1.3.2 To protect and enhance views of harbours and uplands, and provide pedestrian access to parklands and shorelines.

E.1.3.3 To encourage creative designs that continue to reflect the diversity and richness of Salt Spring Island. To avoid design controls that would make island villages appear architecturally sterile or contrived.

E.1.3.4 To ensure that large new village developments are compatible with the natural, rural character of the island.

E.1.3.5 To keep the secure character of villages.

E.1.3.6 To encourage the use of local artisanship and materials.

E.1.3.8 To protect property owners from flooding or detrimental changes to stormwater runoff, flow regimes or quality that can result from the construction of new impervious surfaces on upslope properties.

A complete assessment of relevant Development Permit Area 1 guidelines is included as Appendix 2 to this staff report. Because the applicant is expanding the parking lot to accommodate increased moorage, it necessitates a development permit. However, land disturbance to incorporate the expanded parking lot is minimal, and the development permit will serve as a baseline to guide future development on the property.

Relevant objectives of Development Permit Area 3 are as follows:

E.3.3.1 To protect the quality of the tidal waters that surround Salt Spring Island.

E.3.3.2 To protect fish and wildlife habitat.

E.3.3.3 To prevent erosion and hazardous conditions that could result from interrupting the natural geohydraulic processes along the shoreline.

E.3.3.4 To protect development from hazardous conditions.

E.3.3.5 To protect the natural beauty of the island's shoreline areas where commercial and industrial developments are allowed. To ensure such development is unobtrusive and contributes to the natural, public character of the Crown foreshore.

A complete assessment of relevant Development Permit Area 3 guidelines is included as Appendix 3 to this staff report.

Land Use Bylaw

Permitted uses in the Shoreline 2 zone are shown in Table 1 below. All uses proposed for the Shoreline 2(a) zone are permitted by zoning.

	S1	S2	S3	S4	S5	S6	S7	S8
Principal Uses and Structures								
Navigational uses	*	*	*	*	*	*	*	*
Geothermal heating equipment in tidal waters only	*	*	*	*	*	*	*	*
Private floats and buoys for non-commercial boat moorage			*	*	*	*	*	*
Private docks and floats for non-commercial boat wharfage accessory to a permitted use on the adjacent upland			*	*	*	*		
Aquaculture, excluding the rearing of fin fish					*			
Public ferry wharves			*					
Docks for the temporary commercial wharfage of transient boats	*	*		*				
Docks for private boat club wharfage				*				
Commercial moorage or wharfage of resident boats	*	*		*				
Marine fuelling services	*	*						
Retail sales of boating accessories	*	*						
Commercial sea plane docks	*	*						
Sporting equipment sales and rental businesses, excluding the sale or rental of personal watercraft	*	*						
Boat sales, rentals, and servicing businesses	*	*						
Commercial boat building and repair businesses	*	*						
Barge loading and unloading piers	*	*	*					
Log sorting and storage	*	*						

Table 1: Permitted uses in Shoreline 2 (S2) zone

Permitted uses in the upland Commercial Accommodation 2 (CA2) zone are shown in Table 2 below. All uses proposed for the CA2 zone are permitted by zoning.

	CA1	CA2	CA3	CA4	CA5
Principal Uses, Buildings and Structures					
Commercial guest accommodation units in hotels and motels	*	*			
Commercial guest accommodation units in cabins	*	*	*		
Commercial guest accommodation units in guest houses				*	
Commercial guest accommodation in a tourist hostel					*
Neighbourhood or marine pubs	*	*			
Restaurants	*	*			
Marina administration and services, including washrooms, showers and laundry facilities	*	*			
Boat rentals	*	*			
Boat accommodation, servicing and maintenance, including refuelling	*	*			
Campgrounds subject to Schedule "F"		*	*		*
Single family dwellings					*
Public service uses	*	*	*	*	*
Accessory Uses					
Residential use accessory to commercial guest accommodation use, restaurant use, or marina administration and service	*	*	*		
Retail sales accessory to commercial guest accommodation or a marina	*	*	*		
Retail services accessory to commercial guest accommodation	*	*	*		
Boat rentals accessory to a principal use			*		
Accessory campground					*

Table 2: Permitted uses in the Commercial Accommodation 2 (CA2) zone

Islands Trust Fund

The subject property is not close to any of the Trust Funds lands and does not impact them.

Regional Conservation Plan

The Islands Trust Regional Conservation Plan shows the subject area to be of lower relative importance.

Shoreline

The shoreline of the subject area is characterized as “boulder/cobble beach” in Islands Trust shoreline mapping.

Sensitive Ecosystems and Hazard Areas

As shown in the Ecosystem Mapping, the entire land and water area is identified as a “Terrestrial Pole/Sapling” ecosystem and is now classified as a “Terrestrial Disturbed Area”.

Archaeological Sites

The subject property lies within a site of known archaeological significance. Works within the water are unlikely to cause impacts. However, parking lot expansion may necessitate a Heritage Alteration Permit from the B.C. Archaeological Branch. By copy of this report, the owners are advised to contact the Archaeological Branch for advice prior to any works associated with this development permit.

Covenants

There are no covenants registered on title of the subject property. However, a restrictive covenant requiring the installation of a marine pump-out facility, sewage system upgrades, and Clean Marine B.C. membership is a condition of rezoning of the subject area.

Bylaw Enforcement

There are no open bylaw enforcement files related to the subject property.

Climate Change Mitigation and Adaptation

An expanded marina will result in increased vessel and automobile traffic at the subject lot. As such, it is anticipated that greenhouse gas emissions related to subject property will increase. No assessment is provided in the applicant’s submission of how rising sea levels and storm events associated with climate change may impact the expanded marina.

Other:

Attached as Appendix 4 is a foreshore assessment report from a registered professional biologist. This report states that while the marine environment at the proposed location is not overly productive, there are healthy purple starfish, patches of green seaweed and rockweed present, as well as some shellfish. As such, the report makes a number of recommendations, all of which have been incorporated as development permit conditions.

COMMUNITY INFORMATION MEETING(S)

None required nor recommended.

RESULTS OF CIRCULATION

None required nor recommended.

STAFF COMMENTS

DPA 3

Development Permit Area 3 was created to protect the marine environment from the negative impacts of in-water and upland development.

The applicant has provided a foreshore study by a registered professional biologist (see Appendix 4) and the proposed development permit includes as conditions all recommendations made in that report. The expanded portion of the marina is not to begin operations until a registered professional biologist has confirmed that the relevant terms of the permit have been met.

Included as Appendix 2 is an evaluation of the proposal against the guidelines of Development Permit Area 3. The LTC will note that staff do not consider the guideline E.3.4.32 to be met, as the applicant has not provided a lighting plan. The applicant states that no lighting changes are proposed to what is currently on site, but without a formal lighting plan staff cannot verify what is currently there. The applicant also states that the excessive lighting of the adjacent B.C. Ferries facility renders concern over the lighting impact of the subject property to be moot.

Staff recommend that the LTC request the applicant to submit a lighting plan to be attached as a permit schedule.

Staff generally advise avoidance of treated wood piles. However, the registered professional biologist commissioned by the applicant to assess the project recommends that treated wood is acceptable provided it is used in accordance with Department of Fisheries and Oceans best management practices. This requirement has been incorporated as a permit condition.

DPA 1

Development Permit Area 1 was created to guide the form and character of development in Salt Spring Island's village cores.

The requirement for a development permit under Development Permit Area 1 is triggered by the owner's need to expand the existing parking lot by three spaces. This expansion will require some minor slope excavation and possible installation of a small retaining wall.

While the expansion of the parking lot at the subject location is sufficient to require a development permit under DPA 1, the parking lot is adequately protected from public view such that the requirement for parking lot landscaping as anticipated under the DPA 1 guideline E.1.7.16 seems inappropriate. Therefore, while this guideline is not met, staff do not consider it necessary that it be so in this case.

Nonetheless, since the parking lot is visible from the water, the proposed development permit requires the establishment of a vegetative screen to within 1.5 metres of the existing viewing platform that overlooks the marina. The development permit also requires the retention of all existing vegetation within 10 metres of the natural boundary of the sea. These permit conditions should help minimize views of the parking lot, thereby achieving, in part, the objectives of Development Permit Area 1 as they relate to parking lot landscaping.

LTC will note that staff do not consider guideline E.1.4.5 to be met, as the applicant's development plan does not entail any circulation routes for pedestrians and cyclists. However, the marina is not a cycling or pedestrian destination per se, and thus staff do not necessarily view this as a requirement, especially given the minor scale changes to the upland area being proposed.

Staff also note that neither the marina nor the marina bathroom provide access to the physically disabled, as is expected by guideline E.1.6.20.

As with Development Permit Area 3, the applicant has not provided a lighting plan to verify whether the guidelines are being met.

Conclusion

Because the subject lot is a prominent commercial property in Fulford Village with potential aesthetic and environmental impacts, staff recommend that this application be referred to the Salt Spring Island Advisory Planning Commission (APC).

Should the LTC wish to forego referral to the APC it could pass the following resolution:

That the Salt Spring Island Local Trust Committee approve issuance of development permit SS-DP-2014.3 for Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248 (2850 Fulford-Ganges Road) conditional upon adoption of Bylaws 474 and 475

The above resolution must be conditional upon adoption of Bylaws 474 and 475 as a commercial marina is otherwise not permitted in the area proposed for marina expansion.

RECOMMENDATIONS:

1. **THAT** the Salt Spring Island Local Trust Committee refer application SS-DP-2014.3 to the Salt Spring Island Advisory Planning Commission for review and comment.
2. **THAT** the Salt Spring Island Local Trust Committee request that the applicant submit a lighting plan for both the upland and foreshore marina facility at the subject lot.

Prepared and Submitted by:

Jason Youmans, Planner 2

May 26, 2016

Concurred in by:

Stefan Cermak
Regional Planning Manager

May 26, 2016

Attachments:

- A1: Development Permit SS-DP-2014.3
- A2: Development Permit Area 3 Guidelines
- A3: Development Permit Area 1 Guidelines
- A4: Foreshore Assessment – Kathy Reimer, R.P.Bio



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT SS-DP-2014.3

To: KELLY K. KEEN

This Development Permit (the "Permit") applies to the land, and waters adjacent to the land, described below and all structures therein:

PID 004-990-455

Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248.

1. This Permit is authorized as follows:

- 1.1 Installation of finger and feeder floats is authorized, under the supervision of a Registered Professional Biologist (R.P.Bio) with marine ecosystem experience, substantially in accordance with Plan No. 1.
- 1.2 Pilings shall be installed substantially in accordance with Plan No. 2.
- 1.3 Installation and material of finger floats, feeder floats, and pilings must be done in accordance with Department of Fisheries and Oceans (DFO) Best Management guidelines.
 - 1.3.1 Preservative-treated lumber used in construction must be Best Management Practices (BMPs) approved by the Canadian Institute of Treated Wood or the Western Wood Preservers Institute.
 - 1.3.2 All old dock and marina materials within the property must be removed and disposed of in an environmentally sound manner.
- 1.4 The marina must provide on-site disposal facilities to prevent fuel, oil, and boat maintenance chemicals from entering the marine environment.
 - 1.4.1 The marina operator must maintain and be trained in the deployment of on-site oil spill containment equipment.
- 1.5 A holding tank pump-out service must be provided during the operation of any marina facilities within the area outlined in yellow on Plan No. 1.
- 1.6 Before operation of any marina facilities within the area outlined in yellow on Plan No. 1 can commence, the marina operator must provide to Islands Trust a report from a Registered Professional Biologist (R.P.Bio) that conditions 1.3, 1.4, 1.5, and 1.7.1 have been satisfied.
- 1.7 Development of the upland property is authorized substantially in accordance with Plan No. 3.
 - 1.7.1 All work taking place within 10 metres of the natural boundary of the sea must be undertaken in accordance with the DFO *Land Development Guidelines for the Protection of Aquatic Habitat*.
 - 1.7.2 A vegetation screen of native trees or shrubs that are 5 metres in height or that will attain a height of 5 metres must be maintained along the natural boundary of the sea. All existing vegetation within 10 metres of the natural

boundary of the sea is to be retained.

1.7.2.1 A gap in the vegetation screen extending 1.5 metres from either side of the viewing platform is permitted, as shown on Plan No. 3. A gap in the vegetative screen extending 1.5 metres from either side of the access to the docks is also permitted.

1.7.2.2 The vegetation screen must obscure the parking lot, but does not need to form a complete visual barrier.

1.7.3 Fourteen automobile parking spaces are authorized in accordance with Plan No. 3.

1.7.3.1 Automobile, disability, and bicycle parking shall be provided in accordance with Part 7 – Parking Regulations of Salt Spring Island Land Use Bylaw No. 355.

1.7.3.2 The parking lot expansion authorized under this permit shall be surfaced in crushed gravel.

2. All in accordance with Plans No. 1, 2 and 3 attached to and forming part of this Permit, as signed and dated by the Deputy Secretary of Islands Trust.
3. Any alterations requiring a development permit and not specifically authorized in this Permit may require a new Development Permit or a Development Permit Amendment.
4. This permit does not remove any obligation on the Permittee to obtain all other approvals necessary for the lawful completion of the proposed development.

AUTHORIZING RESOLUTION FOR THE ISSUANCE OF THIS DEVELOPMENT PERMIT PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE THIS _____TH DAY OF _____, 20__.

Deputy Secretary, Islands Trust

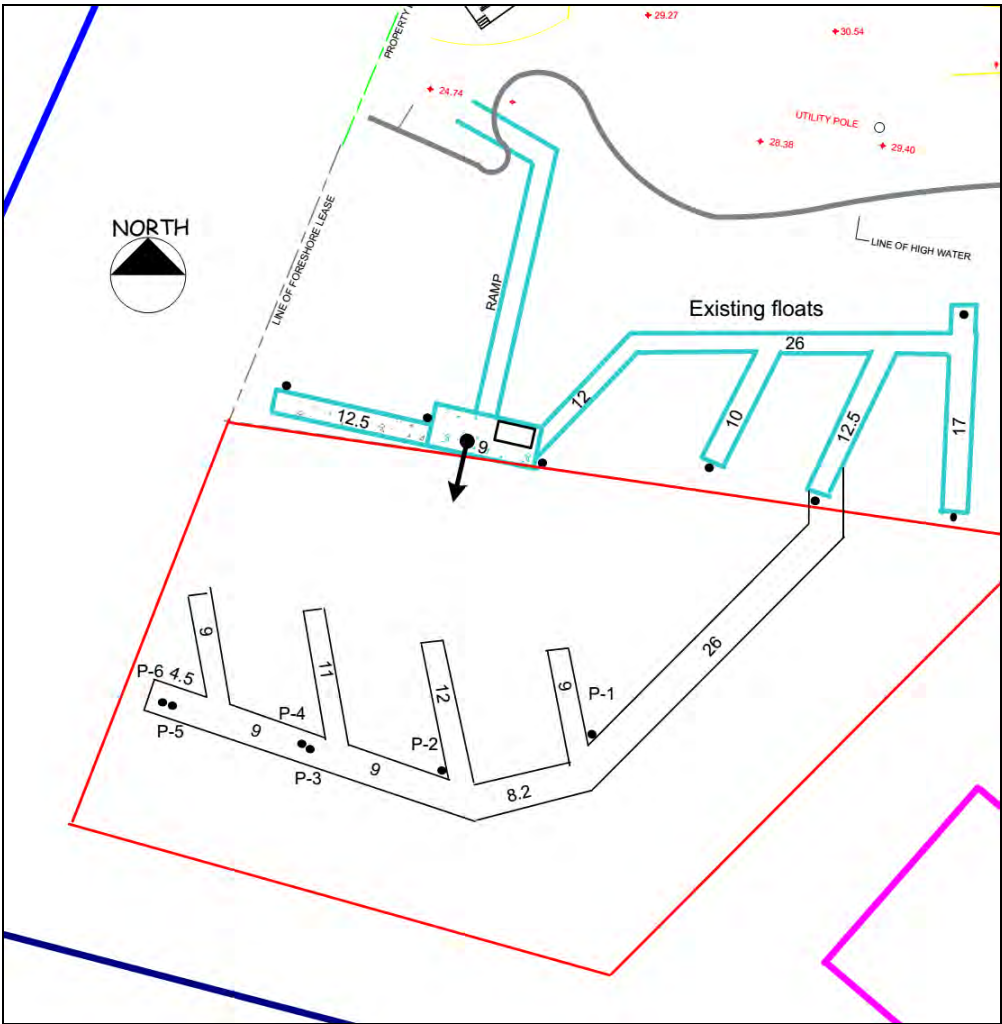
Date of Issuance

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

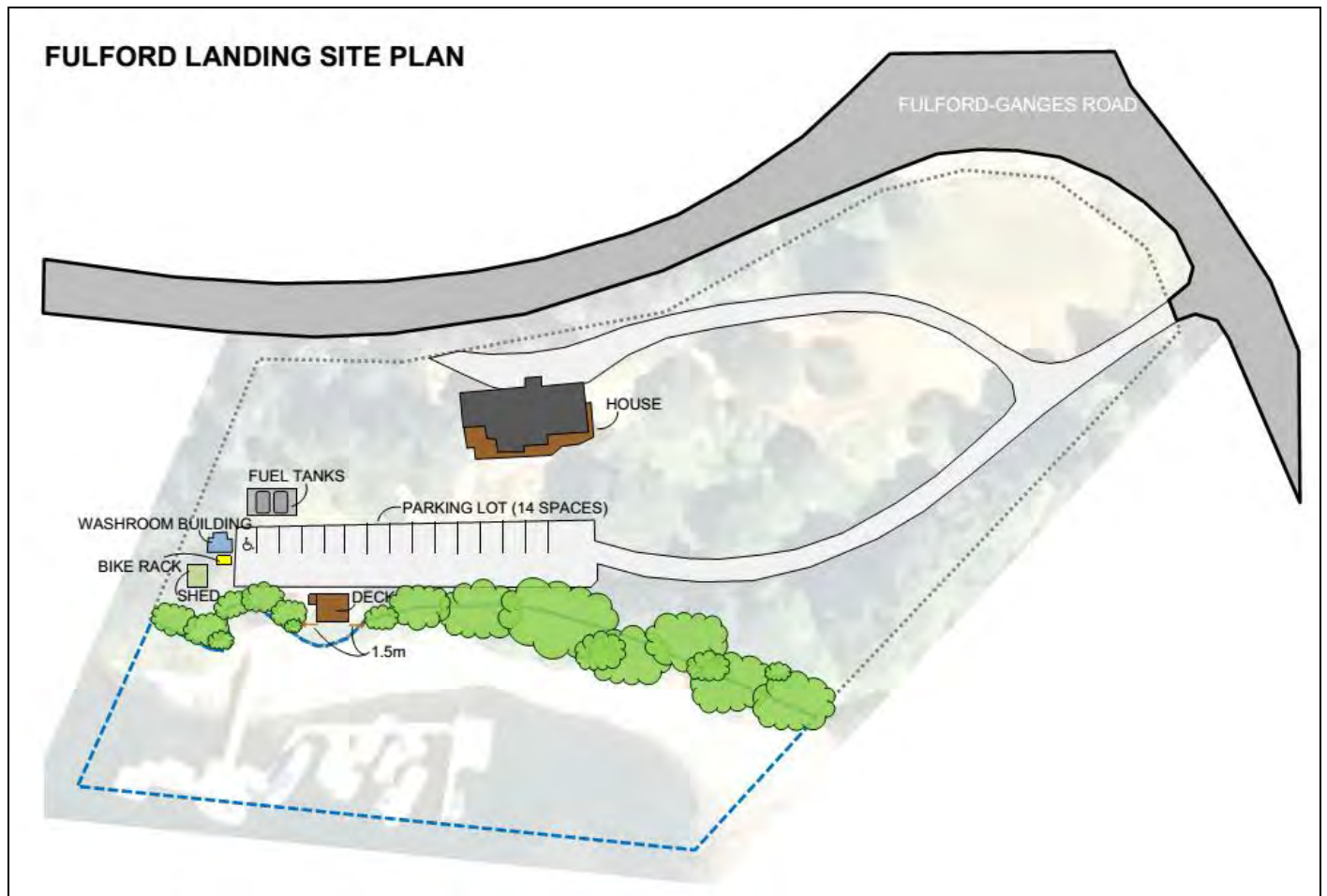
Salt Spring Island Local Trust Committee
Development Permit
SS-DP-2014.3
Plan No. 1



Salt Spring Island Local Trust Committee
Development Permit
SS-DP-2014.3
Plan No. 2



Salt Spring Island Local Trust Committee
Development Permit
SS-DP-2014.3
Plan No. 3



Evaluation of Development Permit Area 3 Guidelines

Legend

	<i>The proposal is consistent with this guideline.</i>
	<i>The proposal is not consistent with this guideline.</i>

*Note that only applicable guidelines are included in this analysis

E.1	DEVELOPMENT PERMIT AREA 3 – SHORELINE	STAFF COMMENTS
General Guidelines		
E.3.4.1	All work that takes place below the natural boundary of the sea should be done in a way that minimizes degradation of water quality and disturbance of the substrate.	<i>Proposed development permit incorporates the recommendations of R.P.Bio report.</i> <i>All treated wood products must be best management practices certified.</i> <i>R.P.Bio to provide confirmation that works have been undertaken in accordance with recommendations.</i>
E.3.4.2	All work that takes place on land within 10 m of the natural boundary of the sea should be planned and carried out in a way that is consistent with the <i>Land Development Guidelines for the Protection of Aquatic Habitat</i> (Appendix 7).	<i>Proposed development permit states that all works above the natural boundary must adhere to guidelines in referenced document.</i>
E.3.4.3	Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat.	<i>Proposed development permit requires retention of existing shoreline vegetation and establishment of vegetation screen where vegetation was previously cut back.</i>
E.3.4.4	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.	<i>No new roads or septic systems proposed in this Development Permit Area.</i>

E.3.4.5	Structures should provide for the thorough flushing of all enclosed water areas and should not restrict the movement of aquatic life or interfere with natural shoreline processes.	<i>No water areas will be enclosed as a result of piles and floating docks. Additional dock may further compromise natural shoreline processes, however those natural process have already been interrupted by the HASSI and B.C. Ferry docks and the subject property owners current marina facility.</i>
E.3.4.7	New boating facilities that provide transient moorage should not be constructed unless access is available to adequate and convenient facilities for pump-out, holding and treating of sewage from boats. New boating facilities should be designed, located, and operated in a way that ensures there will be no discharge of toxic material from boats (for example: fuels, oils, maintenance by-products).	<i>Proposed rezoning is conditional upon registration of a restrictive covenant requiring installation and operation of a marine pump-out facility prior to operation of the expanded marina.</i>
E.3.4.8	There should be no dredging to create new facilities. Maintenance dredging of existing facilities should be limited to the minimum area necessary to maximize the capacity of the existing facility. Dredging should be done with the use of silt curtains to prevent siltation of adjacent areas.	<i>The proposed development does not require dredging.</i>
E.3.4.9	The shoreline should not be filled in to create additional land, except minor areas of fill necessary to complete the boardwalk section of the Ganges Public Pathway System in Ganges Harbour.	<i>No fill will be used in the development.</i>
E.3.4.10	No parking areas should be located over the surface of the water, on land created by fill, or on accretion shoreforms.	<i>No parking is being created over the water surface.</i>
E.3.4.13	Docks should not be located over shellfish beds or lead to the removal of any kelp or eelgrass beds.	<i>R.P.Bio report states that no eelgrass or kelp beds are in the immediate vicinity of subject area. No shellfish beds, although some clams were observed in the area. Close proximity to ferry terminal and run-off from Fulford Village has compromised the marine environment here.</i>

E.3.4.15	Structures in contact with the water should be constructed of stable materials, including finishes and preservatives that will not degrade water quality.	<i>The applicant states that the finger and feeder floats will be constructed of #1 or better coastal Douglas Fir and treated to DFO best management practice standards.</i> <i>Generally, steel piles are preferable to treated wood piles, however the applicant states that treated wood piles remain the industry standard and steel piles would be prohibitively expensive for the property owner.</i> <i>As such, the proposed development permit requires that all treated wood products used will be certified to best management practice standards.</i> <i>Applicant states that all the floatation shall be polyethylene encapsulated Styrofoam billets manufactured to the highest standards.</i>
E.3.4.16	Piers should use the minimum number of pilings necessary, with preference to large spans over more pilings.	<i>Applicant states that proposed number of piles are the minimum necessary.</i>
E.3.4.17	Piers should be constructed with a minimum clearance of 0.5 m above the elevation of the natural boundary of the sea.	<i>No new piers are proposed. New docks are floating.</i>
E.3.4.18	All docks should be constructed so that they do not rest on the bottom of the foreshore at low water levels.	<i>Applicant states that proposed dock system will never be less than 2 metres from the sea floor.</i>
E.3.4.19	Any plastic foams or other non-biodegradable materials used in construction of floats and docks should be well contained to prevent escape into the natural environment.	<i>Applicant states that polyethylene encapsulation meets or exceeds DFO Best Management Practices.</i>
E.3.4.28	Where this Area includes unique native species dependent on a marine shoreline habitat which have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If development is permitted in these areas, it should be undertaken only under the supervision of a professional who is qualified in environmental protection, with advice from the Ministry of Environment, the Department of Fisheries and Oceans, or Environment Canada.	<i>R.P.Bio did not identify any unique native species dependent on subject shoreline.</i>

E.3.4.29	To assist in the preparation of development permits for larger projects, the Local Trust Committee could request an applicant to provide a report, prepared by a qualified professional with experience in the protection of the natural environment. The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this Development Permit Area.	<i>Applicant has provided a report from a Registered Professional Biologist. Report recommendations have been incorporated as permit conditions.</i>
E.3.4.32	Lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should be simple and unobtrusive in design. They should be carefully chosen to focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high cut-off angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.	<i>Applicant states that no additional lighting will be required beyond the incandescent and solar lighting already in place at the head of the dock and in the parking lot. However, applicant has not provided lighting plan.</i>
E.3.4.33	Signs on commercial and industrial developments built over the water surface should not exceed the size or total area allowed by local bylaw. Signs on such sites should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.	<i>No signs are proposed over the water surface as part of the marina redevelopment.</i>

Evaluation of Development Permit Area 1 Guidelines

Legend

	<i>The proposal is consistent with this guideline.</i>
	<i>The proposal is not consistent with this guideline.</i>

*Note that only applicable guidelines are included in this analysis

E.1	DEVELOPMENT PERMIT AREA 1 – ISLAND VILLAGES	STAFF COMMENTS
E.1.4	Guidelines for General Site Design, Building Location and Access	
General Guidelines		
E.1.4.1	All commercial, industrial and multifamily sites should be designed to reduce impacts on neighbouring properties, on-site residential areas and public places, including the sea. Particular attention should be paid to locating and screening loading docks, waste containers, propane tanks, air-conditioning units and other service areas to reduce noise and visual impacts. This guideline is particularly important for development next to schools and hospitals.	<i>Proposed development permit requires retention of existing vegetation within 10 metres of the natural boundary of the sea and a vegetative screen to within 1.5 metres of the existing viewing platform overlooking the marina and stairway access to the marina.</i>
E.1.4.2	All commercial, industrial and multifamily developments should be designed so that the obstruction of views from neighbouring properties is minimized.	<i>Subject property is well screened from adjacent lots. Property is quite prominent from the water, so permit requires vegetative screen for parking lot.</i>
E.1.4.4	Major new commercial, industrial and multi-family developments should include construction of a sidewalk or walking path on adjacent road rights-of-way. All sidewalks and internal site circulation routes should ensure barrier-free access.	<i>Not a "major new development." However, foreshore rezoning is conditional upon statutory right-of-way to CRD for future path.</i>
E.1.4.5	Site access to commercial and multi-family developments should encourage use by pedestrians and cyclists. Internal circulation routes for pedestrians and cyclists should be segregated from vehicular routes, with an emphasis given to pedestrian and cyclist safety over vehicular convenience if necessary. Site plans of large new developments should show how transit stops could be accommodated in the future. Site access in Ganges Village should be arranged to coordinate with the Ganges Public Pathway System, including the seawalk. Potential routes for the system are shown in a conceptual way on Map 17.	<i>Property is not a cycling or pedestrian destination. However, permit conditions require installation of bicycle parking in accordance with LUB Part 7.</i>
E.1.4.6	Commercial developments should provide structures for the convenient and secure parking and locking of bicycles, close to and visible from the adjacent streets. Such structures should not obstruct pedestrian movement on the site.	<i>Property is not a cycling or pedestrian destination. However, permit includes conditions to build bicycle parking in accordance with Bylaw 355 Part 7.</i>

E.1.4.7	Where appropriate, buildings in the Ganges Village Core, Channel Ridge Village Core and in Fulford Harbour should be connected with arbours, courtyards and pathways to make them inviting to pedestrians. Along pedestrian routes, attractive public seating and resting areas should be incorporated into project designs.	<i>No changes to existing building proposed.</i>
E.1.4.8	Where possible, buildings should be sited and designed in a way that maximizes solar gain and reduces energy loss. Obstruction of solar gain on surrounding properties should be minimized.	<i>No new buildings proposed.</i>
Guidelines for specific village locations and situations		
E.1.4.9	To ensure a compact and pedestrian-orientated commercial area in village cores, new commercial developments in the Ganges Village Core, the Channel Ridge Village Core and in Fulford Harbour Village should ideally be located with no or little setback from the front property line. Minor variations could be included to provide small public spaces and pedestrian amenities along the streetfront. Exceptions to this guideline could be considered: a. On Hereford Avenue in Ganges where greater setbacks could reflect the location of existing structures. Building setbacks along Hereford Avenue should show a transition between new and old structures that enhances pedestrian use, and includes public space and amenities. b. On waterfront properties in the Ganges Village Core and in Fulford Harbour Village, where developments should be oriented towards the harbours and parking should be located upland of the principal use on the property.	<i>No new buildings proposed.</i>
E.1.4.10	Where commercial developments have street frontage in the Ganges Village Core, Channel Ridge Village Core and Fulford Harbour Village, the main floor should be preferably occupied by retail stores, restaurants, and personal service uses in order to maintain the interesting and lively commercial character of the villages. Most new business and professional offices and residential units should ideally be located on the upper levels of commercial developments or on a side of the building without street frontage. Access for the disabled to upper levels should be considered.	<i>No new buildings proposed. Building on site serves as owner's residence and marina office.</i>
E.1.4.16	All development in the Ganges Village and Fulford Harbour Village Designations should be located so as not to interfere with existing harbour views from public areas and roadways. Particularly important harbour views to be preserved in Ganges include those from Upper and Lower Ganges Roads, the foot of Park Drive, Rainbow Road and Fulford-Ganges Road, Centennial Park and Gasoline Alley. Views to be preserved in Fulford Harbour include those from Fulford-Ganges Road and from Beaver Point Road.	<i>No new buildings proposed.</i>
E.1.5	Guidelines for Offstreet Parking Lot Location and Design	

E.1.5.1	The preferred location for a parking lot is behind the building it serves, so that the lot cannot be seen from the main street on which the building is located. If parking behind a building is not possible, streetfront parking lots should be designed with a maximum street frontage of 10 m and an effective landscape screen. Developments on Ganges or Fulford Harbours should be considered as exceptions to this general guideline so that buildings (rather than parking lots) are located immediately next to the harbour. In these situations, parking lots would have street frontage but should be well screened from the street and incorporate effective and attractive facilities for pedestrians to access the harbour.	<i>Existing parking lot is adjacent to the shoreline. However, relatively well screened by existing vegetation. Permit includes condition to maintain existing vegetation and install vegetation screen.</i>
E.1.5.3	Parking lot access lanes should be located and designed to reduce breaks along the street wall and to reduce accesses that cross sidewalks. Entrances from secondary frontages or from rear lanes are preferred. Parking lots should hold all vehicular manoeuvring requirements for entry and exit to and from individual parking spaces.	<i>Parking lot access is akin to a long gravel residential driveway.</i>
E.1.5.4	Offstreet parking spaces should not be located so that cars must exit or manoeuvre by backing over a sidewalk or other pedestrian route.	<i>Cars do not have to back over sidewalk or pedestrian route.</i>
E.1.5.6	Parking spaces for the disabled should be plentiful, prominently marked and carefully located for maximum convenience and proximity to accessible building entrances and weather protection features. If necessary, exceptions to the guidelines for parking location may be made to maximize convenience for the disabled.	<i>Permit includes condition to provide disabled parking in accordance with Land Use Bylaw Part 7.</i>
E.1.5.9	Parking should only be at ground level or below.	<i>Parking is at ground level.</i>
E.1.5.10	Areas should be provided for the loading and unloading of trucks. Sites should allow delivery trucks to manoeuvre without having to block or back onto an adjacent street, parking aisle or pedestrian route. Emergency vehicles should be able reach all parts of the development easily.	<i>The applicant states that the fuel tanks at the subject property have been decommissioned. As such, no trucks requiring a wide turning radius are anticipated at the subject site with any regularity.</i>
E.1.6	Guidelines for Building Form	
Height		
E.1.6.1	Building height should be in keeping with local bylaws and neighbouring structures. If a third storey is allowed by zoning for residential use, it should be located as a half storey. In such a situation, a building height variance up to 10.6 m could be requested, provided other design aspects work to reduce the apparent mass of the structure.	<i>No new buildings proposed.</i>
Scale, massing and modulation		
E.1.6.2	Horizontal building modulation and articulated facades should be used to reduce the apparent mass of buildings facing the street. They should create a pedestrian scale and interest along adjacent sidewalks and along the Ganges Public Pathway System. To enhance village vitality, consideration should also be given to creating secondary retail frontage along arcades and at the rear of buildings. These ideas should especially be considered where	<i>No new buildings proposed.</i>

	buildings are next to the Ganges Public Pathway System.	
E.1.6.4	Existing site topography and landscape should not be significantly altered and should be complemented by proposed structures.	<i>No major site alterations proposed.</i>
E.1.6.6	New buildings should not have a street frontage width more than 2.5 times their height. Buildings with extensive street frontage should avoid long homogenous facades. They should have a scale, size, massing, shape, roof line and exterior finish that is sufficiently varied and articulated as to give the impression of separate small units, rather than a large mass.	<i>No new buildings proposed.</i>
E.1.6.7	The existing "rhythm" of buildings along street frontages should be respected. Buildings that replace existing structures should retain the original width of the front elevation and the spacing between buildings. In Fulford Harbour particularly, the size, spacing, front elevation width and orientation of buildings along Fulford-Ganges and Morningside roads should be retained by any new development.	<i>No new buildings proposed.</i>
Roof design		
E.1.6.10	To encourage use of the village during all seasons, continuous weather protection should be provided for pedestrians along sidewalks. The minimum width should be 1.5 m.	<i>No new buildings proposed.</i>
Window and door design		
E.1.6.13	The use of handcrafted doors made by local artisans is encouraged.	<i>No new buildings proposed.</i>
Details		
E.1.6.14	The use of imaginative, handcrafted products of local craftspeople is encouraged. In Fulford Harbour Village particularly, natural and "found" materials should be incorporated into exterior details by local artisans, in keeping with existing development. More conventional or formal materials should be avoided.	<i>No new buildings proposed.</i>
E.1.6.15	A pleasant pedestrian environment in villages should be enhanced by pedestrian-oriented features.	<i>Site rezoning conditional upon statutory right-of-way for future path along Fulford-Ganges Road. Site is not a pedestrian destination.</i>
E.1.6.17	All portions of a building should be authentic, functional space - artificial or contrived architectural features (for example, artificial lighthouses, windmills or turrets) should not be included in building designs.	<i>No new buildings proposed.</i>
E.1.6.20	Facilities should be provided for convenient, barrier-free access for the disabled.	<i>Disability parking to be provided in accordance with Part 7 of Land Use Bylaw. However, marina and marina washroom do not provide barrier-free access.</i>
E.1.7	Guidelines for Landscaping and Parking Surfaces	

E.1.7.1	Informal, natural landscaping that gives a native appearance is encouraged as opposed to formal, decorative plantings. Hard surfacing should not be used as a substitute for vegetation.	<i>No new landscaping proposed. However, lot is reasonably well vegetated – a mix of lawn, fruit trees, and naturally occurring trees and shrubs.</i>
E.1.7.3	Plant materials should be durable, low-maintenance types. Care should be taken not to obscure sight lines at intersections and parking lot entrances.	<i>No new landscaping proposed. However, lot is reasonably well vegetated - a mix of lawn, fruit trees, and naturally occurring trees and shrubs.</i>
E.1.7.4	Landscaping should be used to as an integral part of developments and should help in the function and organization of a site; to create the sense of entry into buildings and to define and enliven public spaces. While screening of unattractive building features is important, landscaping should be designed to ensure a broader function.	<i>No new landscaping proposed. However, lot is reasonably well vegetated - a mix of lawn, fruit trees, and naturally occurring trees and shrubs.</i>
E.1.7.5	Soft landscaping should cover a minimum of 40% of parcel areas in multifamily residential developments and at least 20% of the parcel area in commercial and industrial developments. Developments that provide special needs housing or affordable seniors' supportive housing may have a reduced area of soft landscaping if necessary to accommodate special facilities, providing that neighbouring properties are buffered by a vegetation screen and that parking lots are landscaped as outlined in Guideline E.1.7.16. The area calculated as soft landscaping does not include parking areas, vehicle lanes and manoeuvring areas, private open space and adjacent boulevards on public lands.	<i>No new landscaping proposed. However, lot is more than 20% soft landscaping.</i>
E.1.7.7	All hard and soft landscaping and paving, including sidewalks, pedestrian amenities, street furniture, cycle racks and parking lot lines on major new developments should be installed prior to issuance of any building occupancy permit. A letter of credit should be deposited for an amount equal to 150% of the cost of the work to be completed.	<i>No new landscaping proposed</i>
E.1.7.8	Plant materials should be chosen with a view to conserve water.	<i>No new landscaping proposed</i>
E.1.7.12	Care should be taken to ensure that new landscape features enhance, but will not block existing ocean views from roads and public areas as they mature.	<i>No new landscaping proposed</i>
E.1.7.13	Fencing should be natural in appearance and coordinated with the design of the main building. Appropriate materials are those that reflect a natural, locally crafted character, such as local stone, heavy timbers or local wood.	<i>No new fencing proposed</i>
E.1.7.14	The use of trees and other vegetation along roadways in a manner that "crowds" the street, and causes automotive traffic to slow is strongly encouraged.	<i>No roadside development proposed.</i>

E.1.7.16	Parking lots should be carefully landscaped to screen them from adjacent streets and land uses, to provide shade and to avoid large expanses of uninterrupted asphalt. The following landscape guidelines apply specifically to parking lots, including off-site parking lots: a. Parking lots with street frontage should be screened by a landscaped strip with a minimum width of 3 m. The perimeter of parking lots should also be screened with a minimum width of 2 m. b. Parking lots with more than 10 spaces should include interior landscaping islands and peninsulas that occupy at least 5 per cent of the lot area besides the street frontage and perimeter strips. Irregular shapes of parking islands are encouraged, especially those incorporating existing vegetation naturally and informally. c. Reductions in parking space requirements may be requested to accommodate adequate parking lot landscaping. d. The use of permeable parking materials such as "hard grass" is strongly encouraged to soften the visual effect of parking lots and minimize changes to site drainage.	<i>Applicant does not propose interior parking lot landscaping consistent with these guidelines.</i> <i>Permit conditions propose vegetative screen to obscure parking lot view from the water.</i>
E.1.7.17	Parking lots should be surfaced and lined before issuance of an occupancy permit to ensure efficient use. Alternatives to paving such as interlocking or permeable pavers are encouraged. Unpaved parking lots may be considered in some locations provided lots have less than 10 spaces and other techniques are used to ensure efficient use. Unpaved parking lots are encouraged in Fulford Harbour Village. Driveways providing access to multifamily developments should employ speed control devices at entries.	<i>Unpaved parking lots are encouraged in Fulford Village</i>
E.1.7.18	Sidewalks, patios and decks should be constructed of natural materials or interlocking pavers. Brushed concrete and asphalt should be avoided. In Fulford Harbour in particular, sidewalks should be carefully and creatively designed to ensure that the informal and somewhat irregular character of the village is retained.	<i>No internal sidewalks proposed. Perimeter sidewalk/path to be constructed by CRD at some future date.</i>
E.1.8	Guidelines for Lighting	
E.1.8.1	Lighting of commercial and industrial sites should be kept to the minimum necessary for pedestrian safety and visibility. A low level of light should be maintained in the night time atmosphere of villages. Lighting in parking lots should be adequate for security purposes.	<i>Applicant has not provided lighting plan of upland lot.</i>
E.1.8.2	Light fixtures on commercial and industrial sites should be carefully chosen to focus light on the area to be illuminated. The spillage of light into onsite residential areas, neighbouring properties, streets or other public areas including the sea should be avoided. Fixtures should not result in glare when viewed from residential areas that overlook villages.	<i>Applicant has not provided lighting plan of upland lot.</i>
E.1.8.3	Light fixtures should be simple and unobtrusive in design. The use of indirect lighting mounted on the fronts and sides of village buildings is encouraged.	<i>Applicant has not provided lighting plan of upland lot.</i>
E.1.8.4	Incandescent fixtures are preferred.	<i>Applicant has not provided lighting plan of upland lot.</i>

E.1.8.5	Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 m in height.	<i>Applicant has not provided lighting plan of upland lot.</i>
E.1.8.7	Flashing or strobe lights should not be used to attract attention to commercial uses.	<i>Applicant has not provided lighting plan of upland lot.</i>
E.1.9	Sign Guidelines	
E.1.9.1	Signs should be coordinated with buildings in terms of location, scale, materials, finishes and colours.	<i>No signs proposed. However permit conditions to state that future signs must comply with OCP DPA1 Section E.1.9.1 and LUB Part 6 sign regulations.</i>
E.1.9.2	Signs should be kept to the minimum size and number needed to inform and direct residents and visitors. Sign size and lettering should not exceed that necessary to direct pedestrians and slow-moving traffic: letters should rarely exceed 20 cm in height; the area of individual signs should rarely exceed 2.5 m ² . Total permitted sign area should not exceed that permitted by local bylaw.	<i>No signs proposed. However permit conditions to state that future signs must comply with OCP DPA1 Section E.1.9.1 and LUB Part 6 sign regulations.</i>
E.1.9.3	All signs should be kept at a pedestrian viewing level. They should not obstruct pedestrian traffic. Some exceptions to the guidelines in this Section may be considered for marine-oriented businesses which offer services to marine traffic. However care must be taken to ensure that the character of the harbour as viewed from the sea is not dominated by commercial signs.	<i>No signs proposed. However permit conditions to state that future signs must comply with OCP DPA1 Section E.1.9.1 and LUB Part 6 sign regulations.</i>
E.1.9.4	Signs should be constructed of natural materials, preferably with a handcrafted look. Plastic, back lit signs should not be used, especially those dominated by product logos and trademarks.	<i>No signs proposed. However permit conditions to state that future signs must comply with OCP DPA1 Section E.1.9.1 and LUB Part 6 sign regulations.</i>
E.1.9.5	Front-lit signs with soft light levels are preferable.	<i>No signs proposed. However permit conditions to state that future signs must comply with OCP DPA1 Section E.1.9.1 and LUB Part 6 sign regulations.</i>
E.1.9.6	Signs should not move or be audible. They should not incorporate lighting that moves or flashes or gives the impression of doing so. Neon lighting should not be used outside buildings.	<i>No signs proposed. However permit conditions to state that future signs must comply with OCP DPA1 Section E.1.9.1 and LUB Part 6 sign regulations.</i>
E.1.10	Guidelines regarding Stormwater Drainage and Water Pollution	
E.1.10.2	Developments that would create less than 280 m ² of impervious surface area should not alter drainage in a way that would cause detrimental impacts on other properties, including agricultural land. The Local Trust Committee could request that a drainage plan be prepared by a Professional Engineer to assist it in establishing development permit conditions related to drainage.	<i>Works required to create additional parking spaces will result in minimal impervious surface increase. Staff do not recommend P.Eng report.</i>
E.1.10.3	Development should not result in the pollution of surface or groundwater supplies. Particular care should be taken to ensure that there are no detrimental impacts on agricultural land or to	<i>Upland development not anticipated to result in pollution of groundwater or</i>

	fishbearing watercourses because of water pollution.	<i>surface water supplies. However, permit condition states that development must occur in accordance with Land Development Guidelines for the Protection of Aquatic Habitat.</i>
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Email: salmonkathy@gmail.com

Kathleen Reimer MSc., RPBiolgist
Island Stream and Salmon Enhancement Society
Box 289, Ganges P.O.
Salt Spring Island, B.C. V8K 2V9

April 19, 2016

To: Island Marine Construction

Regarding: Private Marina expansion –Fulford Harbour, Salt Spring Island

Dear Mr. McKerrell

We have conducted a foreshore ecological survey of the subject site at Fulford Harbour. (Maps 1, 2, 4). The property owner proposes to expand his small marina known as Fulford Landing. The subject property is located within the Islands Trust Development Permit Area 3, which includes the dock site and the land along the top of the bank 10 meters inland from the natural boundary of the sea. There are three new floats and no rock structures or breakwaters planned (Map 5).

The intertidal and sub-tidal areas were surveyed at low tide to determine the presence of any sensitive marine habitat such as eelgrass and shellfish beds. An underwater camera was used to photograph the area under the proposed floats.

This part of Fulford Harbour has been used for many years as the Fulford to Swartz Bay ferry terminal. There is also an existing public dock managed by the Salt Spring Harbour Authority. To the west of the subject site there is another private marina (Map 2).

The backshore at the marina landing site has a band of trees and other native vegetation along the top of the bank and beyond that is there is a paved parking lot. The trees present at the dock landing site included three old growth yew trees, several trimmed Big Leaf Maple, Arbutus and Cedar trees. These remaining large trees should be retained on the marina property in order to prevent bank erosion.

There is midden material visible along the backshore of the bank from the marina to the end of the cove.

Sensitive habitat survey results

There were no shellfish beds that could be harvested for food at or near the proposed new floats. There are gravel areas suitable for clams to the east at the end of the beach that have been heavily impacted by runoff from Fulford Village. There are several species of clams, including butter clams, (*Saxidomus* and *Protothacea* sp.) and the Japanese varnish clam (*Nuttalia obscurata*). Shellfish found in that area would not be suitable for harvest.

There were no eelgrass beds found in the area of the proposed new floats. All known eelgrass beds are to the west near the estuary of Fulford Creek and along the southwestern shore of the harbor. (Maps 1, 3).

The intertidal marine life near the floats consists mainly of Rockweed (*Fucus Sp.*) and small barnacles. There were however, some healthy purple starfish living on the rocks below the ramp (Photograph 4). There are patches of the green seaweed (*Ulva sp.*), along the shoreline and on the substrate below the proposed new floats (Photographs 9-10).

Recommendations for Development Permit Area 3.

1. Dock construction

All Fisheries Best Management Practices for dock building must be followed in order to prevent silting from excessive disturbance to the bottom substrate.

The new dock construction should not cause any further deterioration of the water quality of this small area which continues to support marine life. Therefore all building materials must be acceptable to the Department of Fisheries and Oceans and their procedures must be followed during construction of the new floats. The standards for the use of treated wood can be found on the DFO website: www.dfo-mpo.gc.ca/Library/245973.pdf.

All old materials on the property such as the pieces of old pilings should be removed and disposed of in an environmentally sound manner.

2. Foreshore Vegetation protection

There should be no further tree removal along the foreshore that is within DPA 3. The vegetation helps to prevent erosion along the shoreline.

3. Pollution protection

The expanded marina must have disposal facilities on site for preventing fuels, oils and boat maintenance chemicals from entering the marine environment. The marina managers should also have oil spill containment equipment on site, since there is no Coast Guard station in the harbour.

4. Post Development Report

The Islands Trust should require a post development report to ensure that all the DPA guidelines were followed and the standards for Dock construction were met .

This report is for the present marina expansion only. Any future activities with the DPA will require another permit from the Islands Trust.

Please let me know if you need more information,

Kathleen Reimer MSc., RPBiologist

Map 1. CRD Natural Areas Atlas showing general area, subject site, Neighbouring Docks, and Fulford Harbour sensitive habitat areas



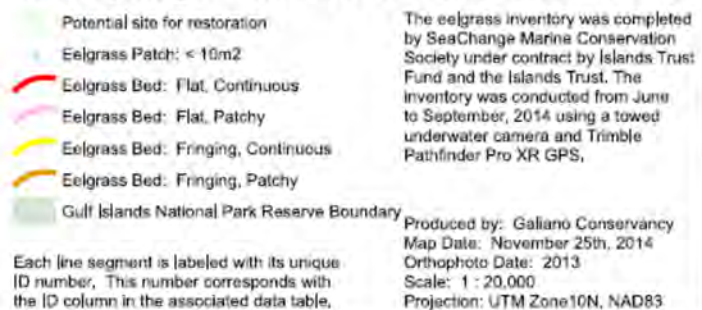
Map 2. CRD Atlas showing close-up view of subject site and photograph locations



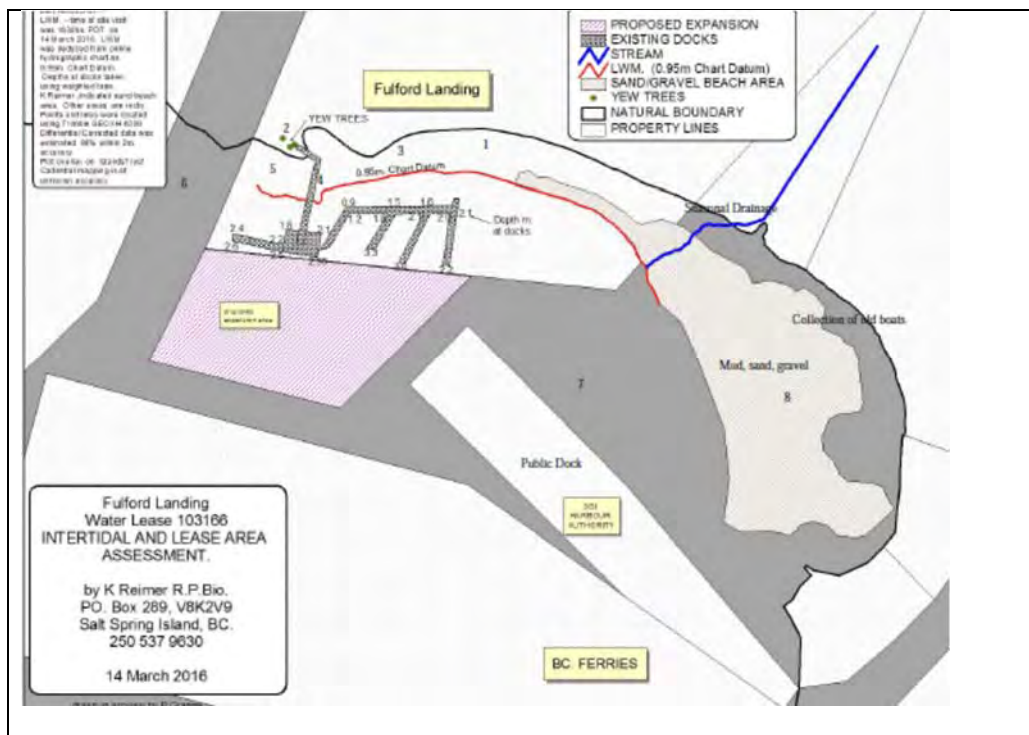
Map 3. Islands Trust map showing Fulford Harbour Eelgrass bed locations



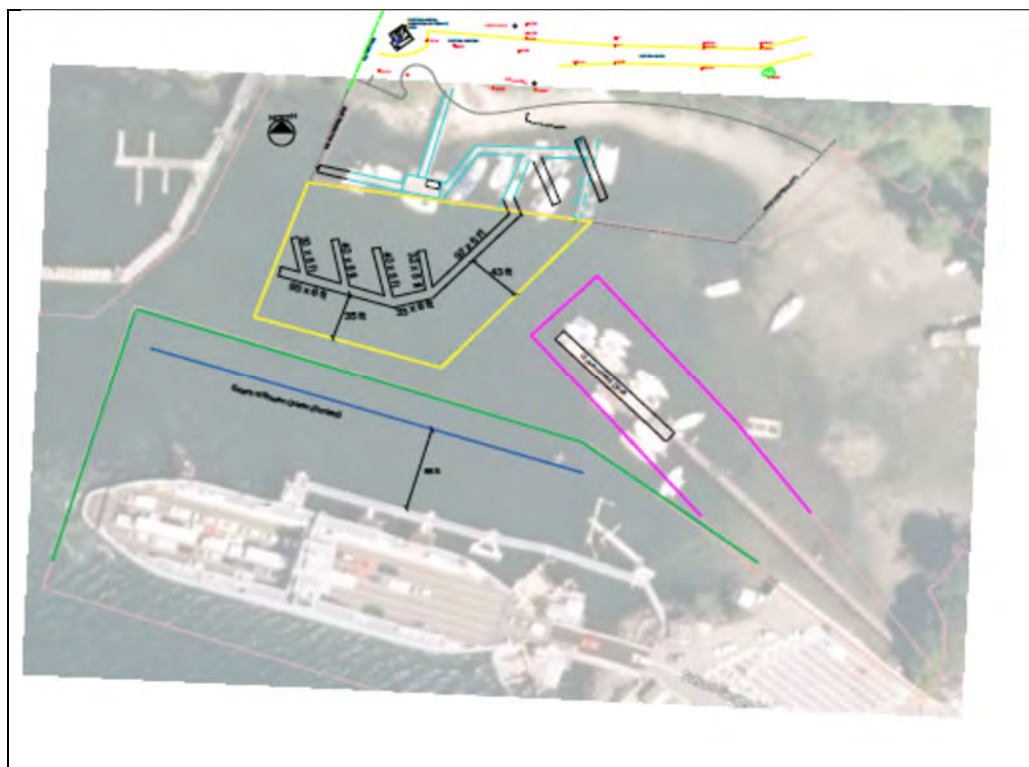
Map 13a: Eelgrass Presence Salt Spring Island Local Trust Area - South



Map 4. GPS Map of Subject site showing proposed lease expansion, photo locations



Map 5 . Marina expansion plan



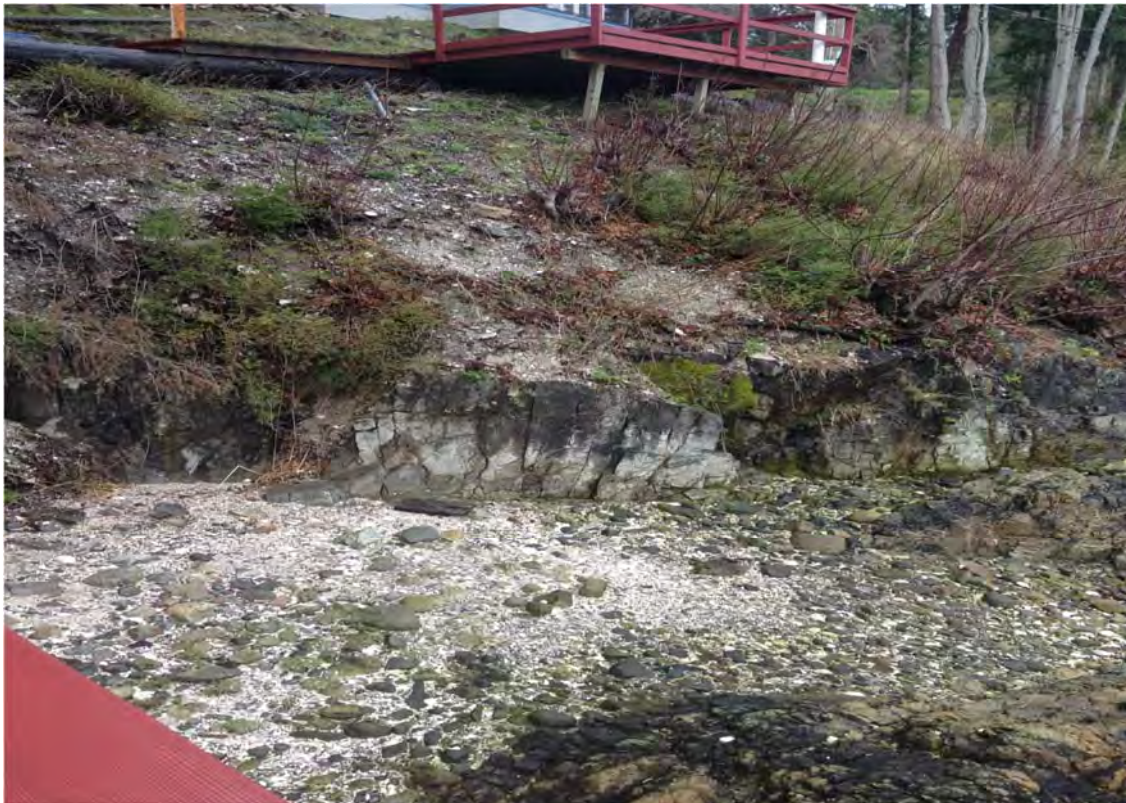
Photograph 1. View to the east from the landing



Photograph 2. The ramp down to the dock showing large yew trees



Photograph 3. The backshore along the marina site showing shell and midden materials



Photograph 4. There are several healthy starfish (*Pisaster Sp.*) under the ramp. The sealife on the rocks is mainly rockweed. (*Fucus sp.*)



Photograph 5. Pieces of old pilings litter the shoreline between the two marinas



Photograph 6. Looking West from Subject site—toward Fulford Marina and the end of Fulford Harbour



Photograph 7. View of Fulford Landing from the public wharf



Photograph 8. The end of the beach area adjacent to the public wharf



Photograph 9. Underwater photograph at the proposed dock site-Sea lettuce, sand and shell



Photograph 10. In the area of the new floats-garbage, sediment and broken shell



Date: May 26, 2016 **File No.:** SS-RZ-2013.6
X-Ref – SS-DP-2014.3

To: Salt Spring Island Local Trust Committee for the meeting of June 2, 2016

From: Jason Youmans, Planner 2, Local Planning Services

Re: **Application to Amend the Official Community Plan and Land Use Bylaw to Permit Expansion of Commercial Marina**

Applicant: David McKerrell, Island Marine Construction Services Ltd.

Owner: Kelly Keen

Civic Address: 2850 Fulford-Ganges Road

Legal Description: Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248

STAFF REPORT NO. 5

THE PROPOSAL

The purpose of this application is to amend the Salt Spring Island Official Community Plan and the Land Use Bylaw to permit the expansion of an existing marina in Fulford Harbour. The proposed OCP amendment (Bylaw 474, Appendix 1) will redesignate a portion of the water from Marine Other to Shoreline Development, and will include that portion of the water in Development Permit Area 1. The proposed Land Use Bylaw amendment (Bylaw 475, Appendix 2) will rezone the water area to Shoreline 2(a) (S2(a)). The purpose of this report is to provide the Salt Spring Island Local Trust Committee (LTC) with an update on outstanding conditions of bylaw consideration, and for the LTC to give consideration of third reading to Land Use Bylaw amendment 475.

BACKGROUND

A public hearing for bylaws 474 and 475 was held on June 23, 2014 and the public hearing notes are attached as Appendix 5.

LTC's most recent actions on this file are as follows:

June 24, 2014 – the Local Trust Committee gave 3rd reading to Bylaw 474 (OCP only), forwarded it to the Executive Committee and the Minister of Community Sport and Cultural Development and:

- Directed staff to prepare a covenant prior to final LTC consideration of adoption the bylaws, and that the covenant addresses the following: 1) a Clean Marine BC membership; 2) a pump-out facility; 3) any required septic upgrade.
- Directed staff that adoption of Proposed Bylaws 474 and 475 be subject to notification that a statutory right-of-way is accepted by the Capital Regional District to enable a public pathway.

- Direct staff that further consideration of proposed Bylaw No. 475 (LUB) be subject to written confirmation from the Salt Spring Island Harbour Authority that their concerns regarding space between the water leases have been satisfied.

BYLAW STATUS

- Bylaw 474 (OCP Amendment): Following third reading of Bylaw 474 by the LTC on June 24, 2014, it was approved by Executive Committee on July 2, 2014. The Ministry of Community, Sport, and Cultural Development has not advanced the bylaw for Ministerial approval, deciding to wait until confirmation from Islands Trust staff that Bylaw 475 (corresponding Land Use Bylaw amendment) has forward momentum.
- Bylaw 475 (Land Use Bylaw amendment): Third reading of Bylaw 475 was deferred on June 24, 2014 pending resolution of concerns from the Harbour Authority of Salt Spring Island about the proposed dock configuration.

LTC has resolved that final adoption of both bylaws is contingent upon acceptance of a restrictive covenant related to installation of a marine pump-out facility, any necessary sewage disposal upgrades, and certification under the Clean Marine B.C. program, as well as confirmation from the Capital Regional District that a statutory right-of-way has been secured for future pathway construction.

BYLAW 475

Proposed bylaw 475 (attached as Appendix 2) will rezone a portion of the water adjacent to the existing Fulford Landing marina to permit an expanded commercial marina on the condition that at least 87 linear metres of that wharfage will be designated as *temporary wharfage* for transient boats.

HARBOUR AUTHORITY SALT SPRING ISLAND (HASSI)

On July 30, 2015, Islands Trust received a letter from HASSI (attached as Appendix 3) addressing the applicants revised dock plan (see final page of Appendix 3) and stating, in part, the following:

“The dock plan version received June 22, 2015 from the representative of the applicant, Dave McKerrell (reference C) will be deemed acceptable to HASSI, providing the terms and conditions contained in the Transport Canada Approval (reference B) are still applied to the South (BC Ferry Lot side) and the East (HASSI side). Specifically, the restriction in paragraph 11, limiting moorage alongside the Eastern side of the marina to one vessel wide and no rafting, with the maximum width of moored vessel not to exceed 4 metres remains extant and also applies to the Southern side of the dock as presented in reference C.”

This letter continues, “Given past encroachment on the Ganges Waterlot after approval of the Ganges Marina, HASSI is requesting from Islands Trust, clarification on compliance mechanisms that will be used to enforce the aforementioned moorage restrictions.”

RESTRICTIVE COVENANT

At its June 24, 2014 meeting, LTC directed staff to prepare a covenant prior to final LTC consideration of adoption of bylaws 474 and 475, and that the covenant address the following: 1) a Clean Marine BC membership; 2) a pump-out facility; 3) any required septic upgrade.

The applicant has provided a covenant that addresses the foregoing issues. It is attached as Appendix 4. It has been reviewed and deemed acceptable by Islands Trust legal counsel.

STATUTORY RIGHT-OF-WAY

At its June 24, 2014 meeting, the LTC indicated that adoption of Bylaw 474 and 475 would be conditional upon the dedication of a roadside statutory right-of-way to the CRD for a future pathway consistent with Map 18 (Recommended Walkways Leading from Fulford Village) in the Official Community Plan.

Communication is ongoing between the applicant and the CRD regarding provision of that right-of-way.

STAFF COMMENTS

HASSI Concerns

The applicant has provided a revised dock plan (included within Appendix 3) to address the concerns raised by HASSI prior to, and at, the public hearing on the proposed land use bylaw amendment. As noted above, and in the letter included as Appendix 3, the proposed dock configuration addresses HASSI's concerns. However, HASSI's ultimate satisfaction appears conditional upon confidence that Islands Trust can enforce the moorage restrictions being required by Transport Canada in its Navigable Waters approval of the marina expansion.

Staff have drafted a development permit (see concurrent development permit application SS-DP-2014.3 in this agenda) which includes as a condition that the marina expansion be done in accordance with the revised site plan that HASSI has conditionally endorsed.

As to the matter of HASSI's request for confirmation that Islands Trust will enforce the conditions set forth in Transport Canada's approval of the expansion, staff have communicated to HASSI staff that it seems beyond the scope of Islands Trust's responsibility to enforce Transport Canada's requirements. Nonetheless, staff have explored available options to address these moorage restrictions, including making them conditions of the applicant's development permit or including them in the applicant's restrictive covenant. However, the LTC cannot include any conditions in development permits for which there are no supporting guidelines (in this case, Development Permit Area 3 concerns protection of the marine environment, with no supporting guidelines related to navigation), and the applicant is resistant to including the moorage restrictions in a restrictive covenant as it makes future changes difficult. A further option is that the Local Trust Committee may amend the proposed bylaw itself to incorporate these moorage restrictions into the text of the Land Use Bylaw.

If the LTC wishes to take Transport Canada's moorage restrictions on as its own responsibility it may do so through either restrictive covenant or bylaw amendment. However, the marina expansion has been granted a Navigable Waters approval from Transport Canada on the

expectation that the operator will abide by the conditions articulated in that approval. LTC's prior resolution on this matter stated that, "further consideration of proposed Bylaw No. 475 (LUB) be subject to written confirmation from the Salt Spring Island Harbour Authority that their concerns regarding space between the water leases have been satisfied." It is at the LTC's discretion then, whether the HASSI letter attached as Appendix 3 constitutes such "written confirmation," or whether LTC is prepared to proceed in the absence of HASSI's final written confirmation. Should it choose to do so, LTC should rescind the resolution in which it stated that further consideration of Bylaw No. 475 would be contingent on confirmation from HASSI that its concerns are addressed.

Restrictive Covenant

A restrictive covenant is not the ideal mechanism to achieve satisfaction of rezoning conditions, as they are costly to enforce if the conditions are not met. It would be better to demand that conditions, such as installation of a marine pump-out facility, be met prior to adoption of the bylaw. Nonetheless, the file has progressed to date on the understanding that a restrictive covenant would achieve the LTC's objectives for the community.

The covenant attached as Appendix 4 has been reviewed and deemed satisfactory by Islands Trust legal counsel.

Statutory Right-of-Way

Conversations are ongoing between CRD and the applicant related to provision of a statutory right-of-way for future pathway construction. LTC has resolved not to adopt the subject bylaws until written confirmation is received from the CRD.

Bylaw 474 (OCP Amendment)

Ministry of Community, Sport and Cultural Development staff have indicated they will reactivate the file, concluding their review of First Nations consultation, once Islands Trust planning staff have confirmed that the land use bylaw amendment (Bylaw 475) has momentum again at the local level.

Post Public Hearing

The information contained in this staff report relates directly to concerns raised during the public hearing on the matter, and as such is not considered new information.

RECOMMENDATIONS

1. **THAT** resolution SS-2014-124, wherein the Salt Spring Island Local Trust Committee directed staff that further consideration of proposed Bylaw No. 475 be subject to written confirmation from the Salt Spring Island Harbour Authority that their concerns regarding space between the water leases have been satisfied, be rescinded.
2. **THAT** Salt Spring Island Local Trust Committee Bylaw No. 475, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 6, 2013," be read a third time and forwarded to the

Secretary of the Islands Trust for approval by the Executive Committee. (2850 Fulford-Ganges Road)

3. **THAT** the Salt Spring Island Local Trust Committee accept a covenant under section 219 of the Land Title Act from the registered owners of Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248 requiring: 1) Membership in Clean Marine B.C.; 2) Installation and operation of a pump-out facility; and 3) any required septic upgrades and designate any member of the Local Trust Committee to sign the covenant. (2850 Fulford-Ganges Road)
4. **THAT** the Salt Spring Island Local Trust Committee direct staff that adoption of Bylaw No. 474 and Bylaw No. 475 be subject to notification that the covenant requiring: 1) Membership in Clean Marine B.C.; 2) Installation and operation of a pump-out facility; and 3) any required septic upgrades, has been registered on title.

Respectfully submitted by:

Jason Youmans, Planner 2

May 26, 2016

Concurred by:

Stefan Cermak
Regional Planning Manager

May 26, 2016

Appendix 1: Bylaw 474

Appendix 2: Bylaw 475

Appendix 3: HASSI Response

Appendix 4: Restrictive Covenant

Appendix 5: Public Hearing Notes

PROPOSED

Appendix 1

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 474

A BYLAW TO AMEND “SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN BYLAW 434, 2008”

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

1. Salt Spring Island Local Trust Committee Bylaw No. 434, cited as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008”, is amended as follows:
 - 1.1 By amending Schedule ‘A’ – Map 1 (Plan Area with Land and Shoreline Use Designation) of Volume 1, as shown on Plan 1 of this amending bylaw.
 - 1.2 By amending Schedule ‘A’ – Map 16 (Development Permit Area 1 – Island Villages) of Volume 2, as shown on Plan 2 of this amending bylaw.
2. This Bylaw may be cited as “Salt Spring Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2013.”

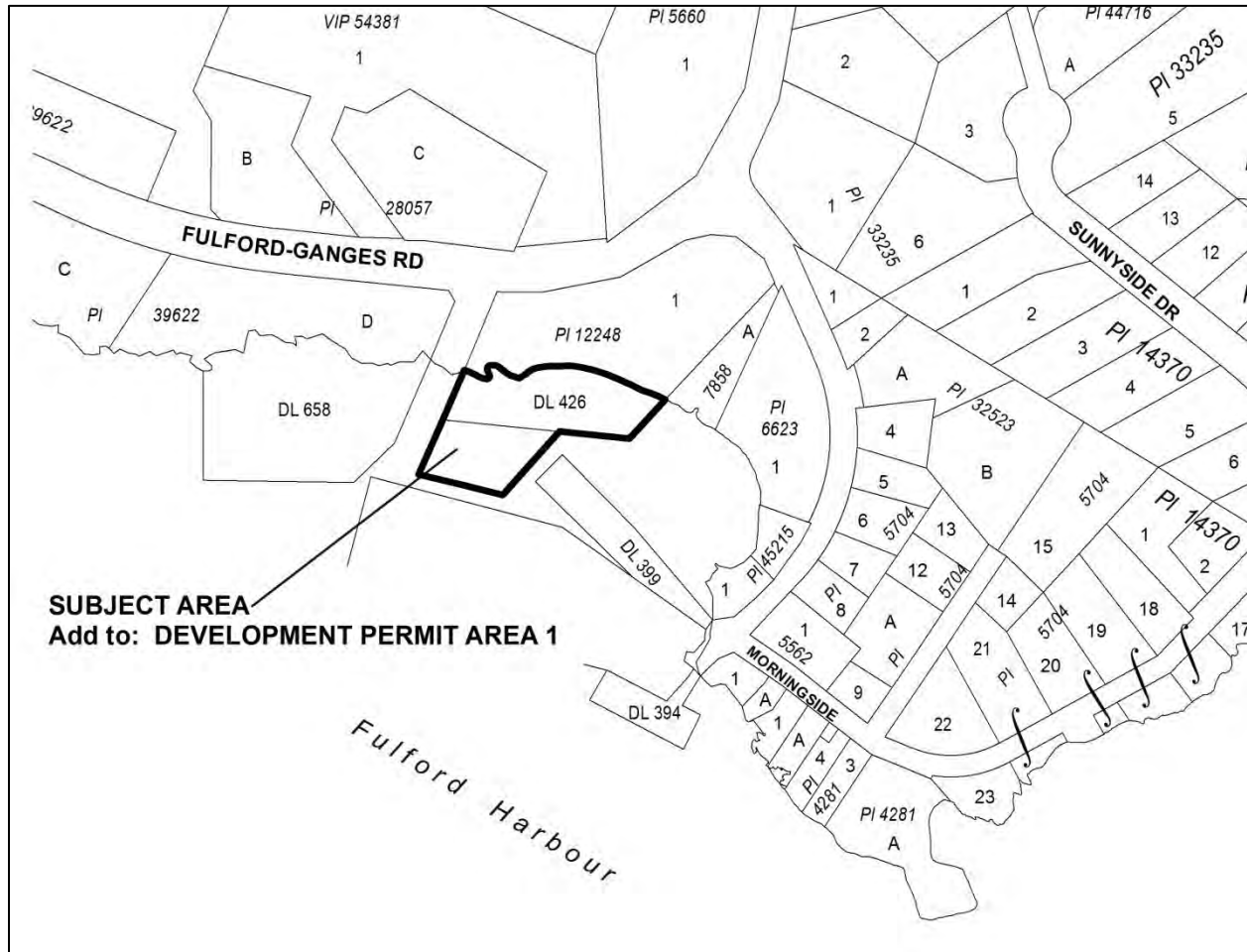
READ A FIRST TIME THIS	12 th	DAY OF	December	, 2013
READ A SECOND TIME THIS	10 th	DAY OF	April	, 2014
PUBLIC HEARING HELD THIS	23 rd	DAY OF	June	, 2014
READ A THIRD TIME THIS	24 th	DAY OF	June	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	2 nd	DAY OF	July	, 2014
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS		DAY OF		, 20__
ADOPTED THIS		DAY OF		, 20__

SECRETARY

CHAIRPERSON

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 474**

Plan No. 2



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 475

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

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

1. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999”, is amended as follows:
 1. By inserting in subsection 9.11.3 – Exceptions in Particular Locations - the following new Shoreline 2 Zone Variation (a) – S2(a) after Zone Variation S1(a):

“Zone Variation – S2(a)

The following special provision applies:

(a) A minimum of 87 linear metres of *wharfage* will be designated as temporary *wharfage* for transient boats.”

And by making such consequential numbering alterations to effect this change.
 2. By changing the zoning classification of the water area to the south of District Lot 426, adjacent to Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248, from Shoreline 3 – S3 and Shoreline 6 – S6 to Shoreline Zone Variation 2(a) – S2(a), as shown on Plan No. 1, attached to and forming part of this bylaw, and by making such alterations to Schedule “A” to Bylaw No. 355 as are required to effect this change.
2. This Bylaw may be cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 6, 2013”.

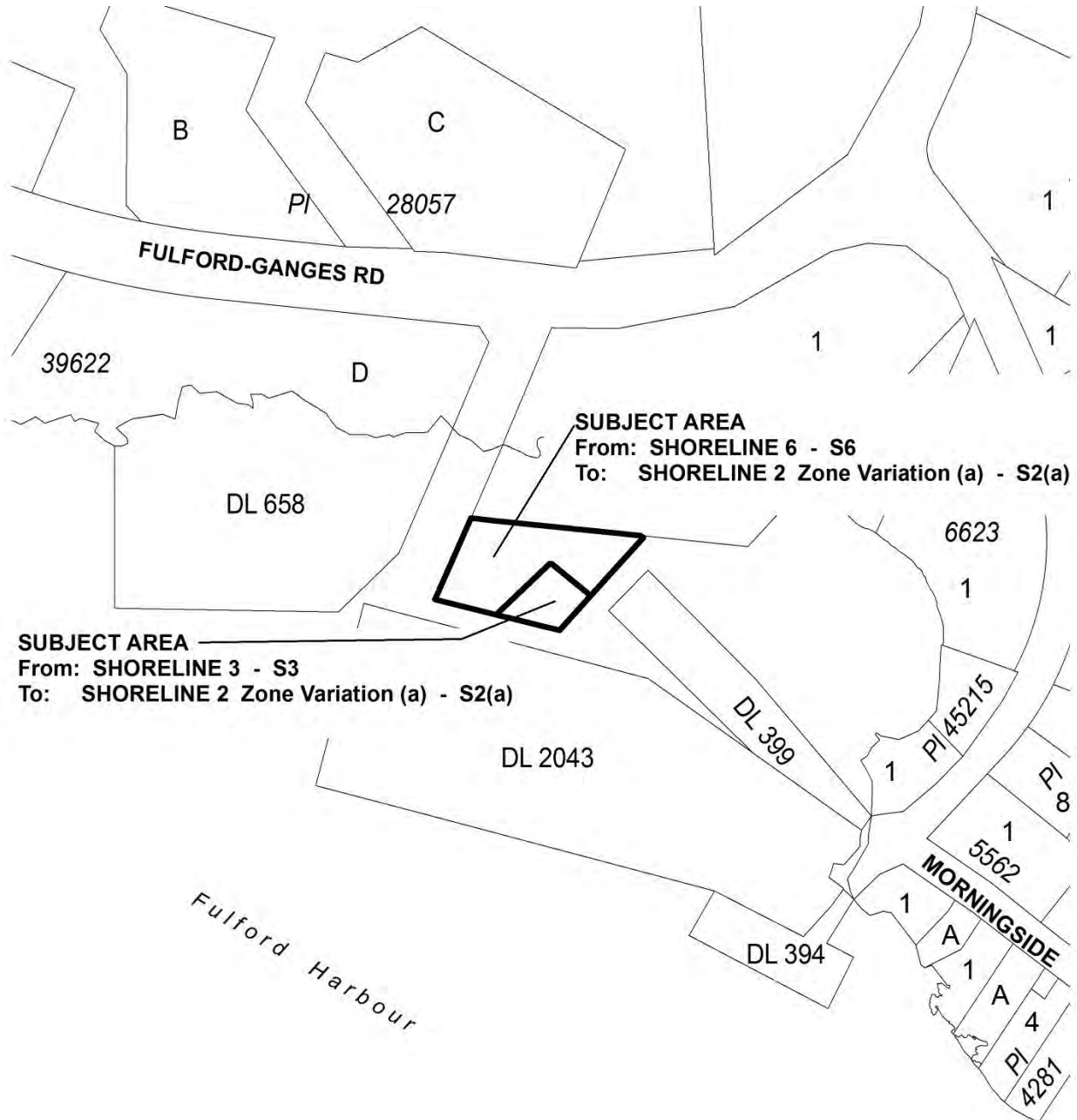
READ A FIRST TIME THIS	12 th	DAY OF	December	, 2013
READ A SECOND TIME THIS	10 TH	DAY OF	April	, 2014
PUBLIC HEARING HELD THIS	23 rd	DAY OF	June	, 2014
READ A THIRD TIME THIS		DAY OF		,
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		, 20__
ADOPTED THIS		DAY OF		, 20__

SECRETARY

CHAIRPERSON

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 475**

Plan No. 1





Harbour Authority of Salt Spring Island

Appendix 3

30 July 2015

Distribution List

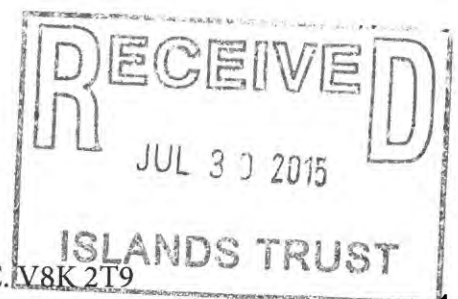
FULFORD RE-ZONING APPLICATION

References (attached): A. Islands Trust Rezoning Application Referral Form SS-RZ-2013.6 of 20 September 2013
B. Transport Canada Approval of the Marina Located on Fulford Harbour, File 2003-500222 (8200-03-8288) of 6 November 2013
C. Fulford Dock Plan, version "Fulford Landing Foreshore_REDUCED_V-dock_R1_HASSI.PDF" submitted by David McKerrell (Island Marine Construction Ltd.) via e-mail 22 June 2015

Since receipt of the Islands Trust Rezoning Application Referral and Transport Canada Approval (references A and B), HASSI has been working with the local proponent of the Fulford re-zoning application to arrive at a dock plan that satisfies our requirements to retain navigable access to our facilities.

The dock plan version received June 22, 2015 from the representative of the applicant, Dave McKerrell (reference C) will be deemed acceptable to HASSI, providing the terms and conditions contained in the Transport Canada Approval (reference B) are still applied to the South (BC Ferry Lot side) and the East (HASSI side). Specifically, the restriction in paragraph 11, limiting mooring alongside the Eastern side of the marina to one vessel wide and no rafting, with the maximum width of moored vessel not to exceed 4 metres remains extant and also applies to the Southern side of the dock plan as presented in reference C. Given information provided by the trust planner, this acceptance assumes BC Ferry will not be using their full waterlot and is based on the line drawn in reference C.

Given past encroachment on the Ganges Waterlot after approval of the Ganges Marina, HASSI is requesting from Islands Trust, clarification on compliance mechanisms that will be used to enforce the aforementioned moorage restrictions.



Finally, Small Craft Harbours concurrence is requested on the acceptability of reference C, presuming the requirements of paragraphs two and three above are met.

Respectfully,



Jim Heath
Harbour Manager

Distribution List:

Islands Trust
Salt Spring Island Local Planning Services
1-500 Lower Ganges Road
Salt Spring Island, BC
V8K 2N4

Program Officer
Small Craft Harbours, Fisheries and Oceans Canada
Suite 200 – 401 Burrard Street
Vancouver, B.C.
V6C 3S4



Islands Trust

APPLICATION REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Local Trust Area Application: SS-RZ-2013.6 Date: September 20, 2013

You are requested to comment on this rezoning application for potential effect on your agency's interests. We would appreciate your response within 14 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Dave McKerrill for Island Marine Construction Services Ltd.

GENERAL LOCATION:

2850 Fulford-Ganges Road, Salt Spring Island

LEGAL DESCRIPTION:

Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248

SIZE OF PROPERTY AFFECTED:

0.897 hectares

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

Shoreline Development (SD) and Marine Other (MO)

OTHER INFORMATION:

Attached is a copy of the Staff Report, together with the registered plan and plan of existing water lots

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this rezoning application.


(Signature)

Name: Kelly Gesner, RPP, MCIP

Title: Contract Planner

This referral has been sent to the following agencies:

Federal Agencies

Canadian Coast Guard
Fisheries & Oceans, Canada - Pacific Region

Provincial Agencies

BC Ferry Services Inc.
Ministry of Transportation & Infrastructure

Non-Agency Referrals

Fulford Water System (CRD)
SSI Harbour Authority
SSI PARC (CRD)
SSI Transportation Commission (CRD)

Regional Agencies

Capital Regional District
CRD Building Inspection
Vancouver Island Health Authority

First Nations

Cowichan Tribes
Halalt First Nation
Hul'qumi'num Treaty Group (for information only)
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation - Te'Mexw Treaty Association
Pauquachin First Nation
Penelakut Tribe
Stzuminus First Nation
Tsartlip First Nation
Tsavvout First Nation
Tsavwassen First Nation
Tseycum First Nation

PLEASE TURN OVER →

APPLICATION REFERRAL FORM RESPONSE SUMMARY

Please note: This is an early referral with regard to an application for the expansion of an existing marina, Fulford Landing, located in Fulford Harbour

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Local Trust Area
(Island)

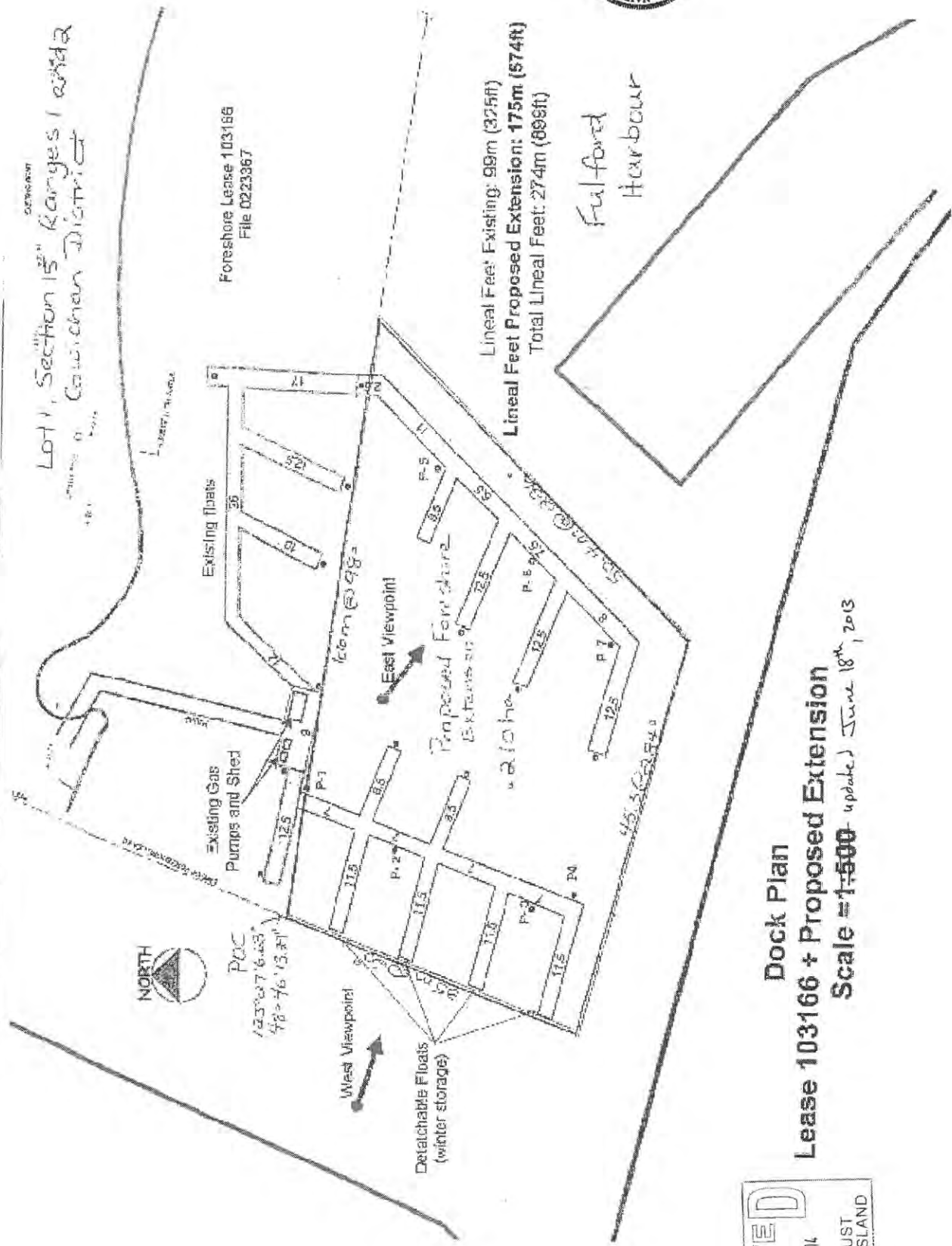
SS-RZ-2013.6
(Application Number)

(Signature)

(Title)

(Date)

(Agency)



Lot 1, Section 15th Ranges 1 and 2
Cowan District

Foreshore Lease 103166
File 0223367

Lineal Feet Existing: 99m (325ft)
Lineal Feet Proposed Extension: 175m (574ft)
Total Lineal Feet: 274m (899ft)

Fulford
Harbour



Dock Plan
Lease 103166 + Proposed Extension
Scale = 1:500 (updated June 18th, 2013)



Navigable Waters Protection Program
Suite 820, 800 Burrard Street
Vancouver B.C. V6Z 2J8

Your file Votre référence
1412168

Our file Notre référence
2003-500222 (8200-03-8288)

November 6, 2013

PRIORITY POST

Kelly, K.J. Keen
2878 Fulford Ganges Road
Salt Spring Island, BC V8K 1X6

RE: Application under the *Navigable Waters Protection Act* for Approval of the Marina, located on Fulford Harbour, on unsurveyed foreshore or land covered by water being part of the bed of Fulford Harbour, fronting Lot 1, Section 15, Ranges 1 and 2, Salt Spring Island, Cowichan District, Plan 12248, in the Province of British Columbia.

Enclosed please find an Approval for the above-noted work signed on behalf of the Minister of Transport, Infrastructure and Communities pursuant to subsections 5(1) and (2) of the *Navigable Waters Protection Act* (NWPA).

Ensure to review your Approval in its entirety and acknowledge receipt via the contact information provided below. In particular, note that your Approval carries a validity period and therefore it will be necessary to seek Re-Approval prior to the expiry date.

Please note that you must comply with any terms and conditions in the attached Approval document as well as any other requirements under the NWPA, its regulations and other relevant legislation.

Please note that the attached document relates only to the effect of your work on navigation under the NWPA. Other Federal and/or Provincial Acts and Regulations may apply. It is your responsibility to comply with any applicable legislation/regulation.

Also note that, Pursuant to Sec. 34 of the *Navigable Waters Protection Act*, the owner shall provide unimpeded access to the Minister or their representatives for inspection purposes. Pursuant to Sec. 5 of the *Navigable Waters Works Regulations*, all temporary piles, false works, silt curtains, construction material or debris, etc. are to be completely removed from the waterway.

Please forward via e-mail (pacnwp-penpac@tc.gc.ca) photographs of the completed work referencing the name of the waterway and NWPP file number.

Should you have any questions, please do not hesitate to contact our office in Vancouver by phone at (604) 775-8867, by fax at (604) 775-8828 or by e-mail at PacNWP-PENPac@tc.gc.ca.

Respectfully,



Colin Parkinson
A/Manager, Navigable Waters Protection Program
Marine Safety and Security
Transport Canada
Pacific Region

CP/td
Enclosure
c.c. Small Craft Harbours
DFO-CHS



NAVIGABLE WATERS PROTECTION ACT (R.S.C. 1985, c. N-22) as amended by Part 7 of the *Budget Implementation Act*, 2009, S.C. 2009, c. 2 (*Navigable Waters Protection Act*), PART I
 Subsections 5(1) and (2) – Substantial Interference

2003-500222 (8200-03-8288)

Approval

APPLICANT: Kelly, K.J. Keen;
 2878 Fulford Ganges Road
 Salt Spring Island, BC V8K 1X6

WORK: Marina

SITE LOCATION: Located at Approximately 48° 46' 13.00" N x 123° 27' 06.00" W, Fulford Harbour, on unsurveyed foreshore or land covered by water being part of the bed of Fulford Harbour, fronting Lot 1, Section 15, Ranges 1 and 2, Salt Spring Island, Cowichan District, Plan 12248, in the Province of British Columbia.

IMPORTANT NOTICE: This document approves the work in terms of its effect on marine navigation pursuant to the *Navigable Waters Protection Act*. In accordance with the *Navigable Waters Protection Act*, the work must be built, placed, maintained, operated, used and removed as per this Approval including the Terms and Conditions listed below and attached plans as well as regulations made pursuant to the *Navigable Waters Protection Act*.

It is the applicant's responsibility to obtain any other forms of approval, including building permits, under any applicable laws.

WHEREAS the above-named applicant has made application to the Minister of Transport, Infrastructure and Communities under the *Navigable Waters Protection Act* for approval of the above-referenced work at the above-described site in accordance with the attached plans(3);

WHEREAS it is considered advisable to approve the said work at the said site and plans(3) thereof for a period of thirty (30) years pursuant to the the Schedule referred to in subsection 3(1) of the *Navigable Waters Works Regulations*;

THEREFORE, the Minister of Transport, Infrastructure and Communities, pursuant to subsections 5(1) and (2) of the *Navigable Waters Protection Act*, hereby approves the said work at the said site and plans(3) thereof in accordance with the following terms and conditions:

1. The construction of the work is started within one (1) year and finished within three (3) years of the approval date.
2. In the event that the operation of the above works is terminated, it will be the proponent's responsibility to remove the works and associated equipment in its entirety including any anchors and pilings.
3. Ensure that equipment used in construction does not block navigation and is properly marked as per the Collision regulations. Construction equipment is not permitted to block access to the Small Craft harbours dock or the BC Ferries dock.
4. The owner is responsible to ensure the works are designed and maintained to withstand local weather conditions and the wash of vessels transiting the area.



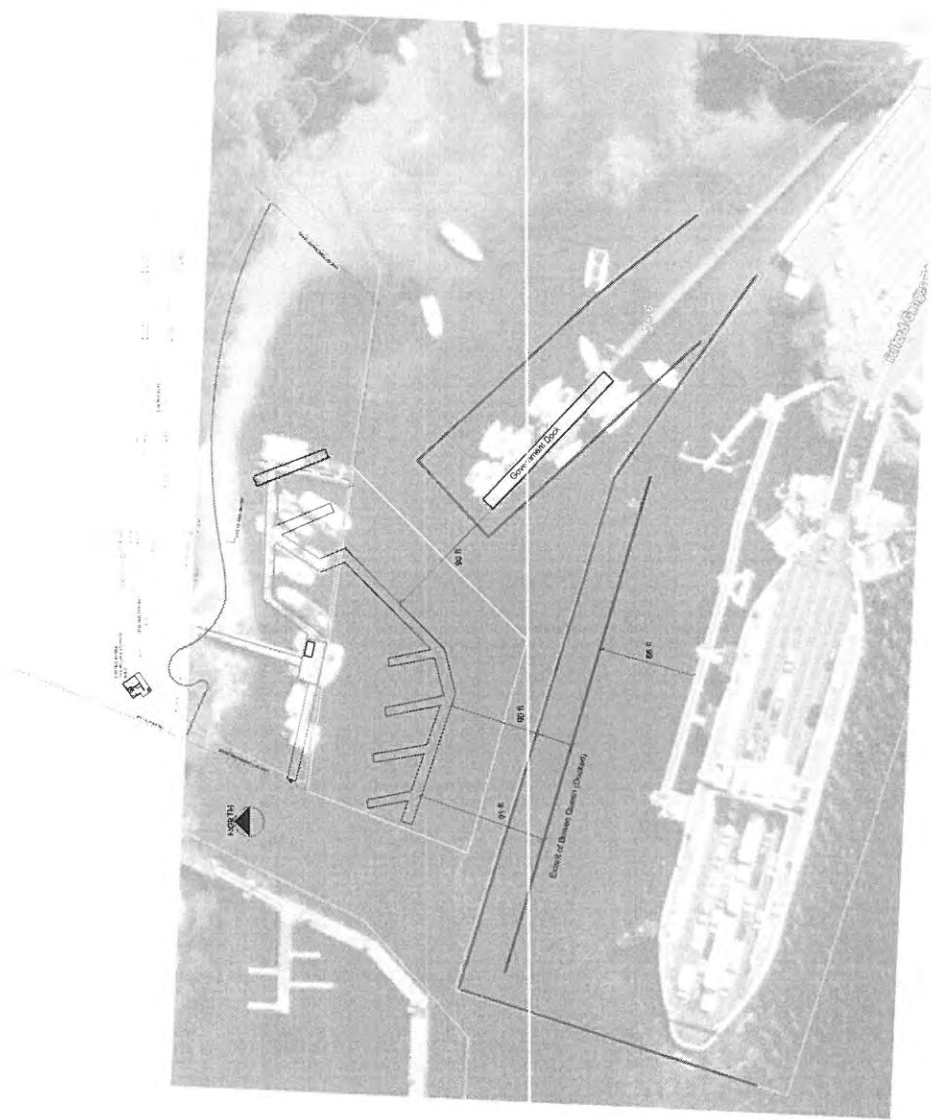
5. The owner is responsible to ensure the temporary construction works are designed and maintained to withstand local weather conditions and the wash of vessels transiting the area.
6. Any piles to be removed as part of the project are to be completely removed. If that is not possible they shall be cut below the natural bed of the waterway.
7. All mooring lines are to be fabricated of non-buoyant material and should be counterweighted to prevent them from floating to provide for safe vessel access.
8. Any construction equipment anchored or left in or on the waterway shall be marked with a yellow flashing light placed on the outermost extremity if left overnight.
9. All rock/shore pins or anchors are to be placed at or below the Low water mark.
10. Top of piling P-4 shall be marked with a horizontal bands of yellow reflective material not less than 10 cm in width and 15 cm in length and at least .5m above the water surface. Reflective material shall be visible to vessels approaching the dock from deep water.
11. Moorage along the Eastern side of the marina is restricted to 1 vessel wide and no rafting alongside. Width of moorage vessel cannot exceed 4m.
12. Notice to Shipping action shall be taken by contacting the agency below at least 10 days in advance of your intended date of commencement.

Canadian Coast Guard Tel (604) 666-6011
 Vessel Traffic Services Fax (604) 666-8453
 23rd Floor, 555 West Hastings
 Vancouver, BC V6B 5G3

SIGNED in two copies on Nov 6/13 In Vancouver, B.C.




 Colin Parkinson
 Officer, Navigable Waters Protection Program
 Marine Safety and Security
 Transport Canada
 Pacific Region
 for the Minister of Transport



PART 2 – TERMS OF INSTRUMENT**SECTION 219 COVENANT**

This Agreement dated for reference the 1st day of March, 2016 is

AMONG:

KELLY KEITH KEEN, 2878 Fulford-Ganges Road, Salt Spring Island, British Columbia, V8K 1X6

(the “Owner”)

AND:

SALT SPRING ISLAND LOCAL TRUST COMMITTEE, a trust committee under the *Islands Trust Act*, R.S.B.C. 1996, c.239, with an office at Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

(the “Trust Committee”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of that parcel of land located on Salt Spring Island, British Columbia which is legally described as:

Parcel Identification Number: 004-990-455

Legal Description: Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248

(the “Land”);

- B. The Owner is also the lessee under Foreshore Lease #103166, in respect of the land legally described as District Lot 426, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District (“DL426”), the location of which is shown on the site plan attached hereto as Schedule A, and, as of the date hereof, the Owner maintains and operates marina facilities on the aquatic crown lands encompassed by DL426 (the “Current Marina Operations”);
- C. For all practical purposes, the Current Marina Operations occupy the entirety of DL426 and, in order to accommodate future growth, the Owner has applied to the Trust Committee for a Development Permit, as well as to amend Salt Spring Island Land Use Bylaw, 1999 by way of a rezoning, in order to facilitate the expansion of marina facilities beyond the boundaries of DL426;
- D. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in

respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land;

- E. The Owner wishes to grant and the Trust Committee wishes to accept this Covenant over the Land, restricting the use of the Land in the manner specified;

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Definitions

1. In this Agreement:

- (a) "Act" means the *Health Act* [RSBC 1996] Chapter 79;
- (b) "Authorized Person" has the meaning given in the Regulation;
- (c) "marina" has the meaning given in Salt Spring Island Land Use Bylaw, 1999;
- (d) "Regulation" means the Sewerage System Regulation, B.C. Reg. 326/2004 enacted under the Act;
- (e) "Triggering Event" means that the Owner has constructed marina facilities and has commenced marina operations on leased aquatic crown lands outside of the boundaries of, and appurtenant to, DL426.

Triggering Event

2. This Agreement shall be of no force or effect until the Triggering Event has occurred.

Restriction on Use

3. The Land shall not be used for any marina administration or service use unless:
- (a) the Owner has delivered to the Trust Committee written confirmation from an Authorized Person that the onsite sewage disposal system servicing marina washroom facilities can accommodate projected volumes arising from the proposed marina expansion outside the boundaries of DL426;
 - (b) the Owner has delivered to the Trust Committee written confirmation from an Authorized Person that all recommendations made by said Authorized Person to expand or improve the onsite sewage disposal system have been implemented;
 - (c) the Owner, at its cost, has installed and is continuously operating a marine pump-out station for the use of resident and transient vessels in accordance with the Regulation and any and all other applicable regulations of other public agencies,

and such pump-out station is capable of accommodating the volume of discharge generated by client vessels, confirmation of which shall be delivered by the Owner to the Trust Committee promptly upon request from time to time; and

- (d) the marina facilities with which the marina administration or service use is associated are certified under the Clean Marine BC program of the Georgia Strait Alliance as having an eco-rating of at least three anchors, such certification is confirmed by independent audit at least once annually, and a copy of the certification and annual confirmation is provided by the Owner to the Trust Committee. In the event that the Georgia Strait Alliance discontinues the Clean Marine BC program and the parties have not, within one year, modified this Agreement to refer to a replacement standard for marina facilities, the annual audit must confirm compliance with the rating specified in this section under the Clean Marine BC program as it existed on the date of registration of this Agreement in the Victoria Land Title Office.

Costs

- 4. The Owner shall comply with all the requirements of this Agreement at its own cost and expense. Without limiting the foregoing, the Owner is responsible for all costs associated with the marine pump-out station required pursuant to section 3(c), including installation of the holding tank system and contracting the hauling of waste to an approved site.

No Effect On Laws or Powers

- 5. This Agreement does not:
 - (a) affect or limit the discretion, rights, duties or powers of the Trust Committee or the Capital Regional District under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Trust Committee or the Capital Regional District any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Trust Committee to enforce this Agreement, which is a policy matter within the sole discretion of the Trust Committee;
 - (d) affect or limit any enactment relating to the use or subdivision of the Land;
 - (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

- 6. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government

action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Indemnity

7. The Owner hereby indemnifies and saves harmless the Trust Committee and its elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Trust Committee may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

8. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

9. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

10. The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

11. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Trust Committee of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

12. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest

of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

13. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

14. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

15. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

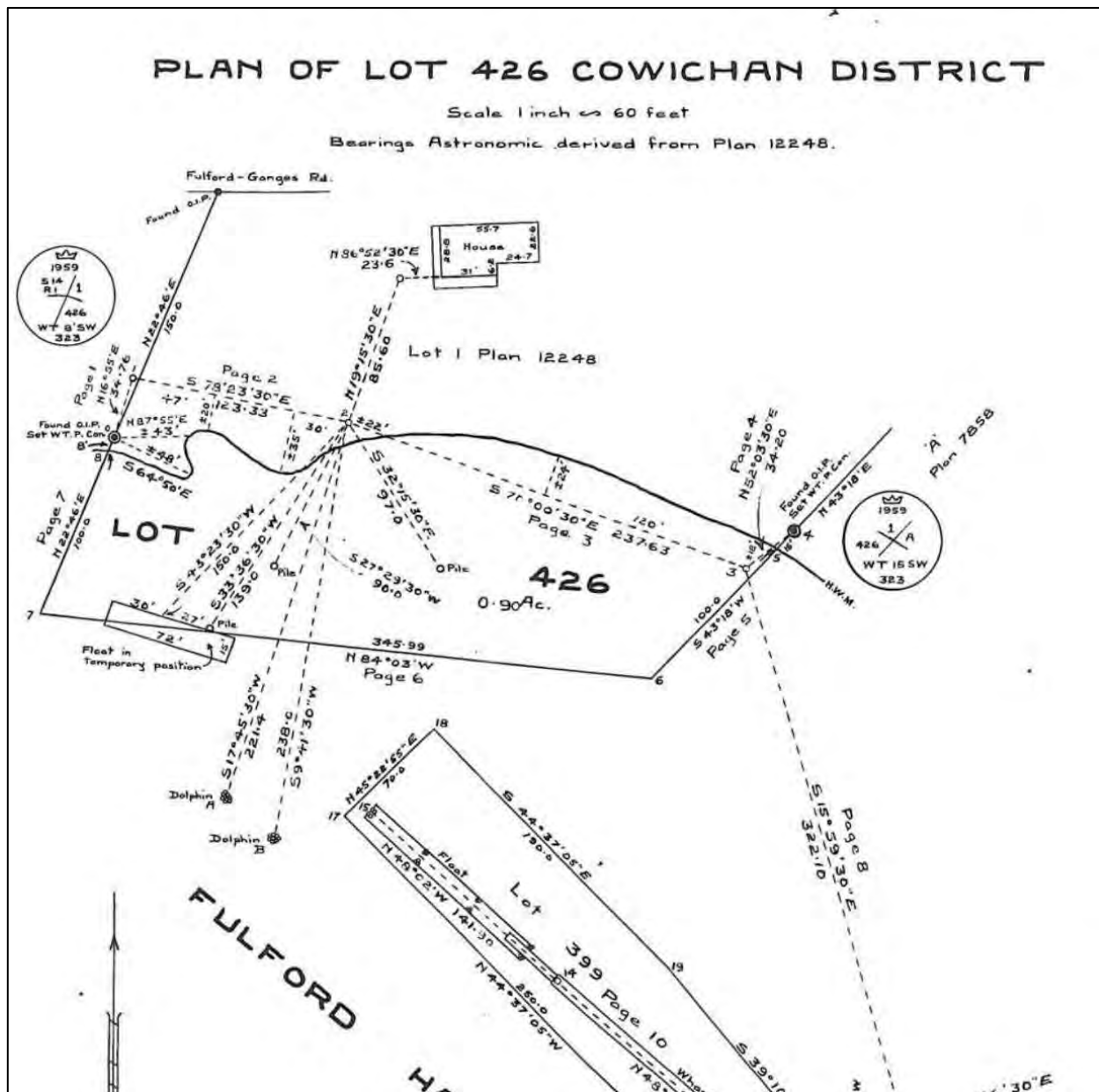
Deed and Contract

16. By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Office Form C which is attached hereto and which forms part of this Agreement.

SCHEDULE A

SITE PLAN



DRAFT

END OF DOCUMENT

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
PUBLIC HEARING FOR BYLAWS NO. 474 and 475**

Monday, June 23, 2014 – 6:00 PM

Fulford Community Hall – 2591 Fulford-Ganges Road, Salt Spring Island, BC

PRESENT:

Sheila Malcolmson, Chair
George Grams, Local Trustee
Peter Grove, Local Trustee
Leah Hartley, Regional Planning Manager (RPM)
Kristin Aasen, Planner
Claire Olivier, Legislative Clerk
Sarah Shugar, Recorder

Bylaw No. 474, cited as “Salt Spring Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2013” and Bylaw No. 475, cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 6, 2013”

There were 9 members of the public present.

Chair Malcolmson welcomed attendees and convened the Public Hearing at 6:13 p.m. She read the notice of Public Hearing in accordance with the Local Government Act, and advised that oral and written submissions were equally acceptable as long as the written submissions were received by Legislative Clerk Claire Olivier before the close of the Public Hearing. She advised that a public information binder was available for review and explained that no further submissions could be received by the Local Trust Committee after the close of the Public Hearing.

Planner Aasen explained the purpose of the bylaw, reviewed the publication details for the statutory notice, and summarized the responses received from various referral agencies.

Chair Malcolmson asked if any members of the public would like to speak to Bylaw 474 and Bylaw 475.

Kathy Scarfo, Chair of Salt Spring Island Harbour Authority (SSIHA)

Ms. Scarfo presented concerns on behalf of the SSIHA regarding an expansion in the limited space that would significantly impair the ability to navigate to and around their dock and vessels in anything but ideal weather and tide conditions. She also noted the lack of a pump out station and advised that it is the SSIHA recommendation that all new marinas and expansions be required to include pump out facilities. She stated that Ganges has the only pump out station and it does not have the capacity to deal with marine septic demand. She also expressed concern regarding the enforceability of a covenant. She advised that the SSIHA opposes the application and requests a deferral until their concerns are addressed.

David McKerrell, Applicant

Mr. McKerrell advised that the application has gone through the statutory process and has received approval from Transport Canada under the Navigable Waters Protection Act. He agreed to work with the SSIHA to address their concerns.

Chair Malcolmson called for a recess at 6:40 pm. The meeting reconvened at 6:45 pm.

James Scarfo, Salt Spring Island Harbour Authority (SSIHA)

Mr. Scarfo expressed concern regarding the application. He reiterated that the SSIHA raised issues that have not been addressed concerning navigability to their dock. He also expressed concern that transient boaters may not be aware of the Transport Canada approval, and may raft along the eastern side of the marina.

Planner Aasen advised that ongoing dialogue to resolve identified issues would continue. She further advised that the *Local Government Act* allows for minor amendments to bylaws without requiring another public hearing.

Chair Malcolmson called three further times for final submissions. Hearing none, she thanked everyone for their time and input and declared the Public Hearing closed at 6:58 p.m.

I DECLARE THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF THE REPRESENTATIONS RESPECTING THE BYLAW THAT WERE MADE AT THE HEARING.

Sarah Shugar, Recorder

STAFF REPORT

Date: May 24, 2016

File No.: SS-ALR-2016.2

To: Salt Spring Island Local Trust Committee, for meeting of June 2, 2016

From: Jason Youmans, Planner 2, Local Planning Services

Re: **ALR non-farm use application for a dwelling for immediate family**

Owner: Kim Elston-Tuttle

Applicant: Kim Elston-Tuttle

Description: Lot 7, Section 42, South Salt Spring Island, Cowichan District, Plan 49877

PID: 015-738-183

Civic Address: 231 Meadow Drive

PRELIMINARY REPORT

THE PROPOSAL

The applicants seek the Salt Spring Island Local Trust Committee's (LTC) endorsement of a non-farm use application to the Agricultural Land Commission (ALC) to use a building on the subject property as a dwelling for immediate family on the grounds that it is equivalent to a manufactured home, a use permitted by local government and ALC regulations.

BACKGROUND

In June 2014 the applicant met with Islands Trust planning staff to explore whether a second dwelling would be permitted on the subject lot to allow an adult daughter to reside there and manage the family's hobby farm. At that time, staff advised that a secondary suite or manufactured home for immediate family consistent with ALC Policy No. 8 was permitted. Staff advised that the only other permitted second dwelling on the lot could be a farm workers' dwelling unit, but that such would require a non-farm use permission from the ALC. In June 2015, planning staff received a building permit application for the structure subject of this report labelled a "farm building." Staff undertook a site visit and found that the "farm building" contained a bathroom with bathing facilities installed. Staff rejected the building permit on the grounds that the structure was a dwelling unit, not a farm building, advising that if the bathtub was replaced with an industrial wash basin staff could consider the structure a farm building. The applicants did not remove the bathing facilities and instead put forward a case that the subject building was equivalent to a manufactured home as permitted by the ALC and local government regulations. However, because the structure was stick-built and not manufactured in a facility, staff could not concur that it met the manufactured home test. As such, staff advised that the applicants make a non-farm use application to the ALC, so that it may determine whether the subject structure meets the intent of its regulations and policies related to the use of manufactured homes for immediate family.

SITE CONTEXT

231 Meadow Drive is a 1.69 hectare lot located on the west side of Fulford Harbour, approximately three kilometres south on Isabella Point Road from Fulford-Ganges Road. The property is located in the Agricultural Land Reserve and is part of a strata subdivision developed to enable the simultaneous creation of relatively small rural residential lots (by ALR standards) and the maintenance of a large tract of strata-owned agricultural land.

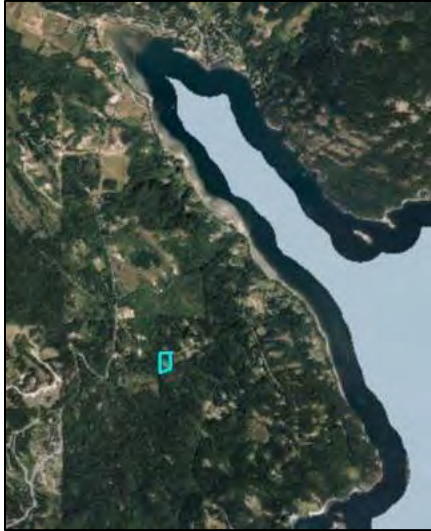


Figure 1: Relative location of the subject lot outlined in blue.

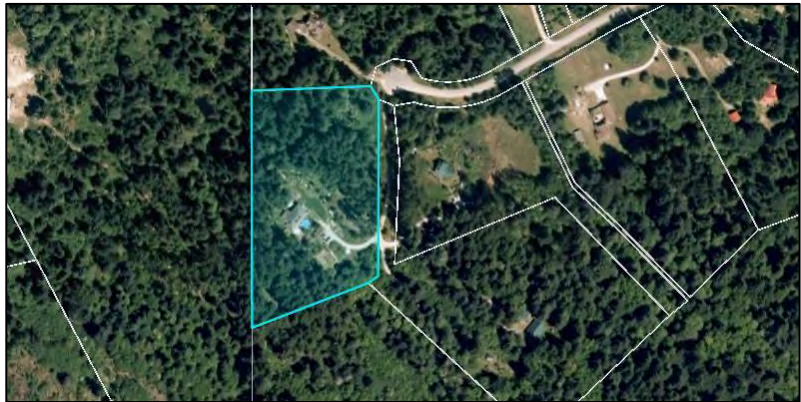


Figure 2: Orthophoto of subject lot in neighbourhood context.



Figure 3: Exterior of subject building at time of site visit.



Figure 4: Interior of subject building at time of site visit.

See Appendices 1, 2 and 3 for site plan, floor plan, and elevation plan of proposed building.

CURRENT PLANNING STATUS OF SUBJECT LANDS

Official Community Plan

The subject lot is in the Agriculture land use designation.

Relevant objectives of the Agriculture land use designation are as follows:

- B.6.2.1.1 To support farming as a social, cultural and economic priority, and an ecologically responsible land use on Salt Spring Island.
- B.6.2.1.2 To maintain and protect the long term potential for farming and agro-forestry on Salt Spring Island; to preserve agricultural land and necessary water supplies.
- B.6.2.1.3 To incorporate the spirit and intent of the provincial *Agricultural Land Commission Act*, the *Agricultural Land Reserve Use, Subdivision And Procedure Regulation*, and the *Farm Practices Protection ("Right to Farm") Act* into local land use policies and bylaws.
- B.6.2.1.4 To limit the non-farm use of agricultural land.
- B.6.2.1.5 To accommodate a level and type of residential use on agricultural land that reflects the business needs of farm operations and is consistent with objectives for island population.
- B.6.2.1.8 To ensure that sufficient water supplies remain available for agricultural purposes.
- B.6.2.1.9 To recognize agriculture's contribution to the island's social, economic and environmental nature and appeal, and to retain and build on the island's agricultural base, especially organic.

Relevant policies of the Agriculture land use designation are as follows:

- B.6.2.2.1 The Local Trust Committee should maintain an Agricultural Advisory Committee to:
 - a. provide community advice about bylaw changes, applications for rezoning or subdivision, and applications to the Agricultural Land Commission.

- b. help in developing and interpreting local policies about farming.
- c. identify other ways that the Local Trust Committee can encourage and support farming in the community.

- B.6.2.2.4 Zoning within the Agriculture and Watershed-Agriculture Designations will continue to allow the land uses, structures and densities allowed by existing zoning and subdivision bylaws. Where existing zoning allows industrial and commercial uses, these will remain as permitted uses unless the property owner applies for a zoning change.
- B.6.2.2.7 On the advice of the Agricultural Advisory Committee, the Local Trust Committee should continue to support local farming by:
- a. addressing the need for additional housing on agricultural land.
- B.6.2.2.15 The Local Trust Committee could support applications to the Agricultural Land Commission for non-farm use or exclusion of land within the Agricultural Land Reserve in some situations where local farming or the greater community would benefit. Support for such applications should only be considered if the application has been referred to the Agricultural Advisory Committee and falls into one of the following categories:
- a. the proposed non-farm use or exclusion would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property.
 - b. the proposed non-farm use or exclusion is consistent with local zoning or a land use designation or policy in this Plan, including policies B.3.3.2.10 and B.7.2.2.7.

Development Permit Areas

The subject building is not constructed within any development permit areas.

Land Use Bylaw

Zoning of the subject lot is Agricultural 2(a). Permitted principal uses in the A2(a) zone are:

- Agriculture, farm buildings and structures
- Single-family dwellings

Among the permitted accessory uses in the A2(a) zone is:

One additional *dwelling unit* provided that it:

- a) is a *mobile home* consistent with General Order 1 #1622/83 of the B.C. Land Reserve Commission, or
- b) is a *secondary suite* that is consistent with Policy #043/98 of the B.C. Land Reserve Commission, or
- c) is a *farmworkers' dwelling unit* that has been specifically approved by application to the B.C. Land Reserve Commission.

Agricultural Land Commission

Agricultural Land Reserve Use, Subdivision and Procedure Regulation

Agricultural Land Commission Use, Subdivision and Procedure Regulation Section 3(1)(b) states that unless otherwise prohibited by local government bylaw the following uses are permitted:

- (i) one secondary suite in a single family dwelling, and
- (ii) either
 - (A) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family
 - (B) accommodation that is constructed above an existing building on the farm and that has only a single level;

ALC Policy No. 8

Policy No. 8 is intended to explain ALC regulation 3(1)(b) above. Regarding the use of manufactured homes, it states:

"If the manufactured home is no longer occupied by member of the property owner's immediate family, it is not a permitted use in the ALR and must be removed from the parcel. If it remains, the manufactured home must not be used for residential purposes except by the owner's immediate family."

Additionally, the policy provides the following definition of "manufactured home":

"Manufactured home means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes built on concrete pile or surface pier foundation systems."

Islands Trust Fund

The subject property is not within, or adjacent to, any properties in which the Islands Trust Fund has an interest.

Regional Conservation Plan

The Islands Trust Regional Conservation Plan shows the subject area to be of lower to medium importance.

Sensitive Ecosystems and Hazard Areas

The northwest quarter of the lot is characterized as the "young forest" sensitive ecosystem.

Archaeological Sites

The property does not contain any known archaeological sites, nor is it an area of archaeological potential according to Remote Access to Archaeological Data.

Covenants

The Salt Spring Island Local Trust Committee is party to a covenant regarding the use and management of parkland adjacent to the subdivision.

Bylaw Enforcement

Records show that the property has not been subject to any bylaw enforcement investigations.

Climate Change Mitigation and Adaptation

As the subject property is already permitted a “manufactured home” under local zoning and the rules of the Agricultural Land Commission, staff do not anticipate a decision in the applicant’s favour will contribute to greenhouse gas emissions.

Farm Output

In their submission (see Appendix 4) the applicants state that most of the lot’s agricultural production is for family use. At the time of application, they stated they had:

- Goats raised for milk and meat (6 does, 1 buck, and 10 kids)
- Chickens (Currently 20 hens, 1 rooster, and 50 chicks on the way)
- Fruit and Nut trees (approximately 25)
- Gardens (2 large, several smaller)

The applicants’ submission states:

“[The dwelling] will support agriculture on our farm in the short and long term, our daughter plans to continue living and working on our farm for a minimum of 5 years and most likely longer (currently this is an open ended plan and we hope to have her here as long as she is willing to stay and help us). For the long term we are committed to our farm and to the family farming lifestyle.”

Other

The subject property, and all lots within its 12-lot subdivision, is party to a statutory building scheme that limits the construction of dwellings to specific areas of each property. Staff do not have a copy of the map that accompanies the building scheme, so cannot verify whether the siting of the subject building is consistent with the area identified in the building scheme. Regardless, statutory building schemes are private legal agreements among property owners, and as such, local governments are not responsible for their enforcement.

COMMUNITY INFORMATION MEETING(S)

None.

RESULTS OF CIRCULATION

None required.

STAFF COMMENTS

Manufactured homes for immediate family are permitted by both local government regulation and the ALC on the subject property. However, the structure in question is not a manufactured home. The question, then, is whether the LTC is willing to accept the building as “equivalent to” a manufactured home for the purposes of housing the applicant’s immediate family. For reasons related to both dwelling size and mobility, staff recommend the LTC support the application.

Dwelling Size

The Agricultural Land Commission Use, Subdivision and Procedures Regulation permits a manufactured home of up to 9 metres in width for immediate family. These are generally known as double-wide trailers, most of which average 1,500 ft² in floor area (approximately 140 m²). The floor area of the dwelling unit in question does not exceed 550 ft² (approximately 50 m²) and is therefore approximately one-third the size of the manufactured homes for immediate family permitted on land in the ALR.

Dwelling Mobility

As to the mobility¹ of the structure, the applicants state in their submission:

“This building however was built from the beginning with the intention of being moveable, so that when/if our daughter can afford to buy a little farm of her own, she could move it there as a complete unit without damage and it would be ready to use very quickly after it is delivered to a new site (probably quicker and better than a manufactured home). Here is a list of some of the details which were done specifically so that this would be possible and to make the structure easier to transport safely:

- The interior walls and ceiling are finished entirely with wood paneling, which forms a structural diaphragm and adds to the integrity of the structure
- All of the walls including all interior walls are 2x6 construction with studs at 16”, which is more than required for a conventional structure, and certainly more than is required for a manufactured home.
- The building has many components which were oversized and overbuilt as extra precautions for the eventual move (beams, headers, etc).”

Additionally, the building is built on a concrete pile foundation, which the ALC states is required of permissible manufactured homes in the ALR.

CRD Building Inspection offered the following observation in correspondence with planning staff (attached as Appendix 5):

“CSA A277 homes are required to be built in B.C. to Part 9 of the BCBC (British Columbia Building Code) as would a site built home. As this structure has been built to Part 9 of the BCBC as a dwelling, and is small enough to be transported on a trailer, it is therefore equivalent to the same structure factory built to the CSA A277 standard.”

¹ Easy transport is the principle reason that the ALC regulations permit mobile/manufactured homes as opposed to dwellings on concrete slab foundations.

Conclusion

Given the limited floor area and the apparent mobility of the subject building, staff believe there is sufficient merit to forward this application to the ALC with support. The land use impact of the dwelling appears equivalent to, or less than, that of a manufactured home.

While supportive of the application, staff recommend that it be referred to the Salt Spring Island Agricultural Advisory Planning Commission for review and comment. This would be consistent with OCP policies B.6.2.2.1 and B.6.2.2.15. Particularly, if the LTC supports the application, it may be seen to set a precedent for ALR property owners that wish to accommodate their immediate family members in a small stick-built, rather than manufactured, home on their lot and this fact warrants consideration by the AAPC. Nonetheless, despite the potential appearance of a precedent, all such buildings would, as is the current case, require LTC and ALC approval through the non-farm use application process.

Should the LTC feel that referral to the AAPC is not warranted, and wishes to support the application, it could make the following resolution:

THAT the Salt Spring Island Local Trust Committee FORWARD application SS-ALR-2016.2 for Lot 7, Section 42, South Salt Spring Island, Cowichan District, Plan 49877, to the Agricultural Land Commission with support (231 Meadow Drive).

RECOMMENDATION

1. **THAT** the Salt Spring Island Local Trust Committee REFER application SS-ALR-2016.2 for Lot 7, Section 42, South Salt Spring Island, Cowichan District, Plan 49877, to the Salt Spring Island Agricultural Advisory Planning Commission for review and comment (231 Meadow Drive).

Prepared and Submitted by:

Jason Youmans, Planner 2

May 24, 2016

Concurred in by:

Stefan Cermak
Regional Planning Manager

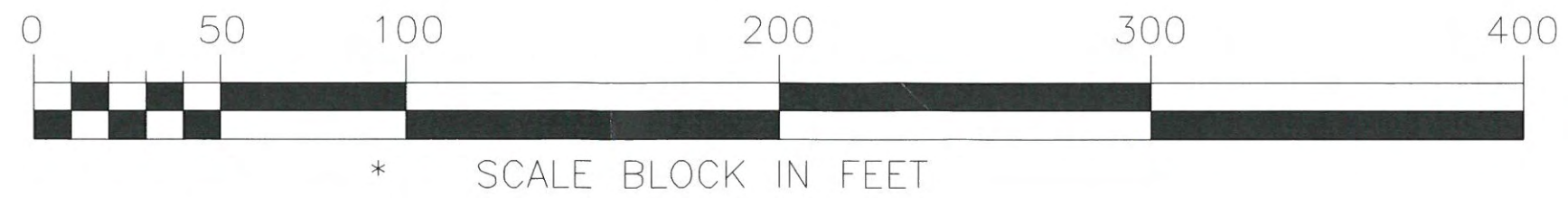
May 24, 2016

Attachments

A1: Site Plan
A2: Floor Plan
A3: Elevation Plan
A4: Applicant Submission
A5: CRD Correspondence

231 MEADOW DRIVE

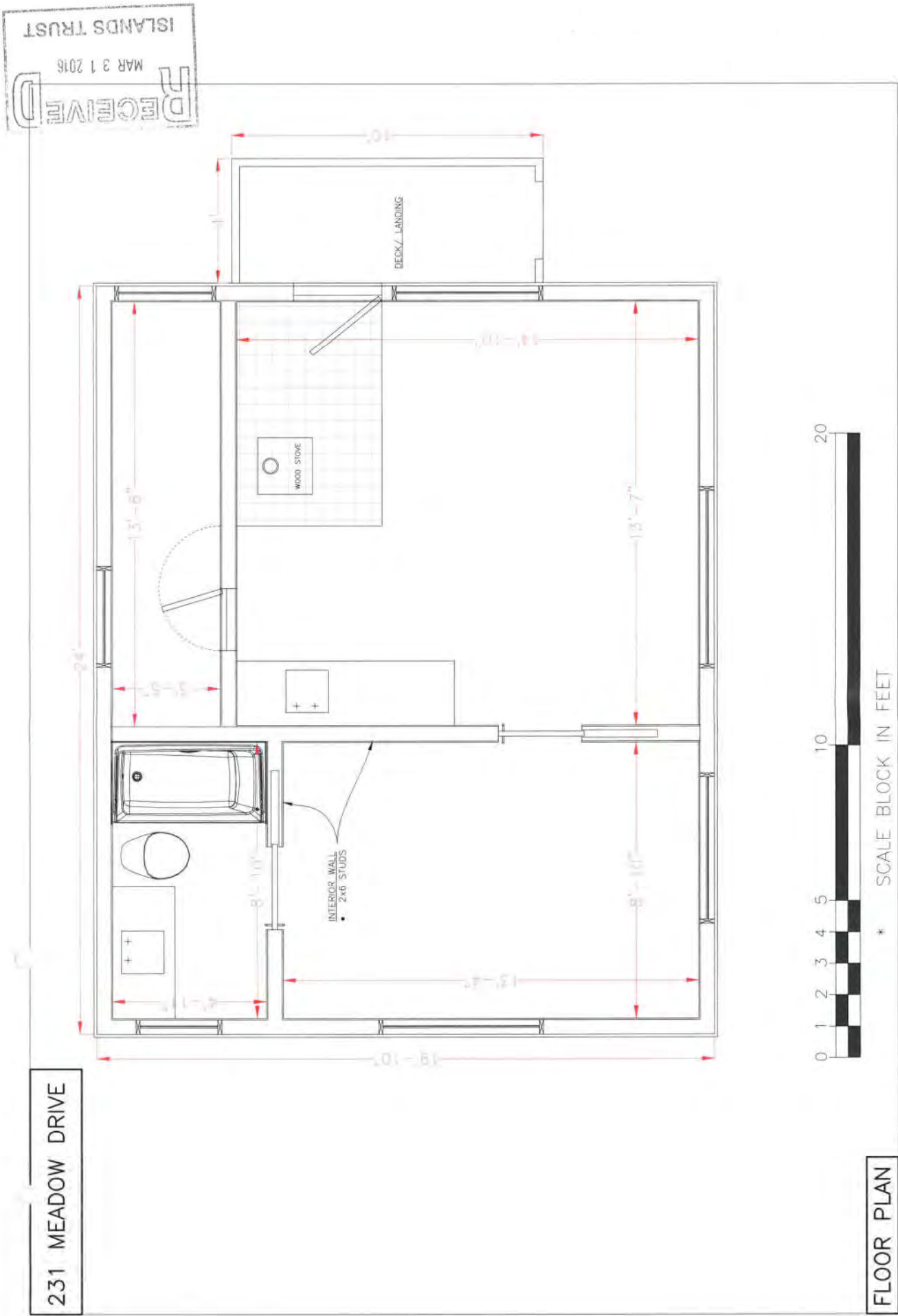
APPENDIX 1

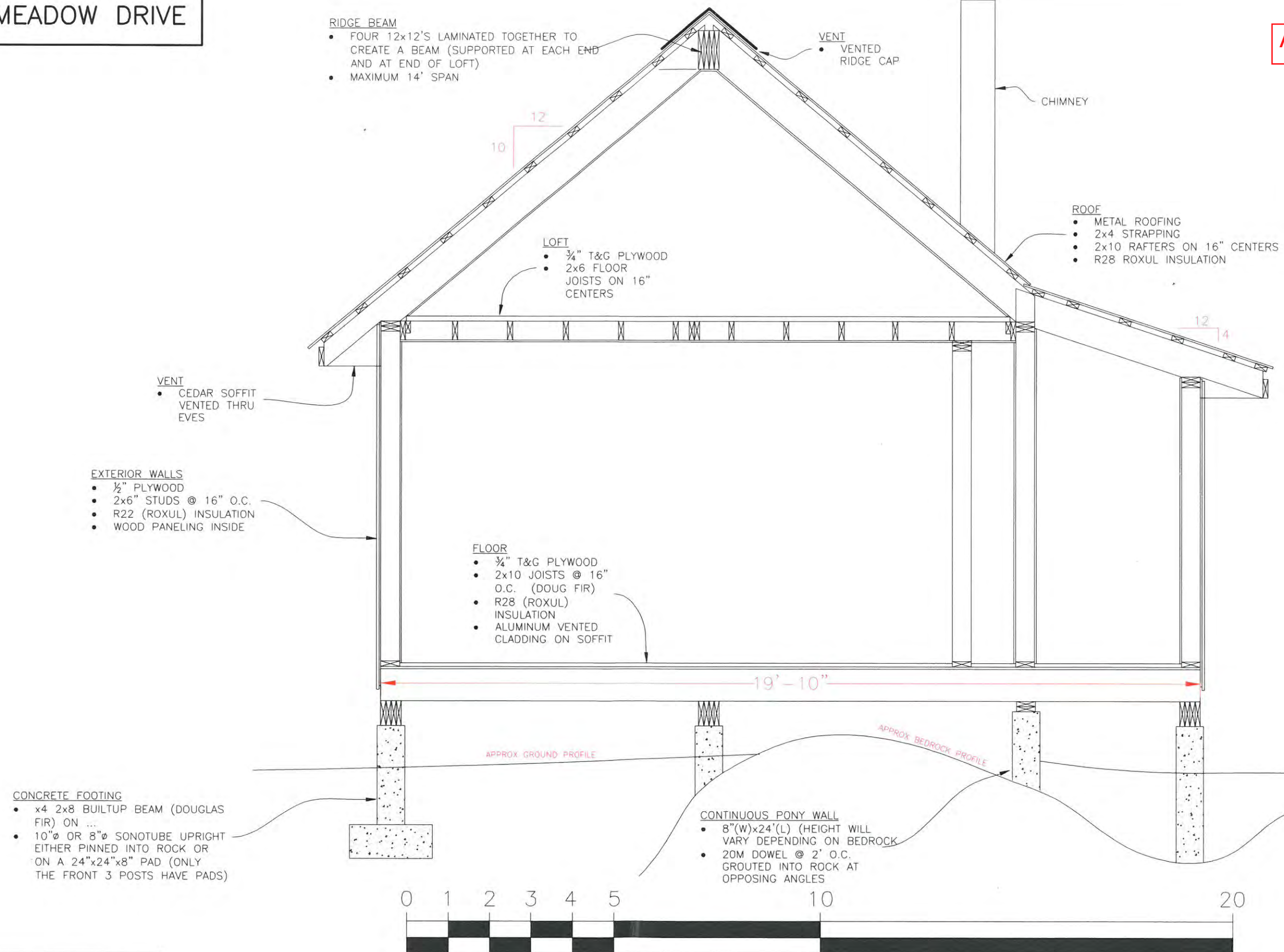
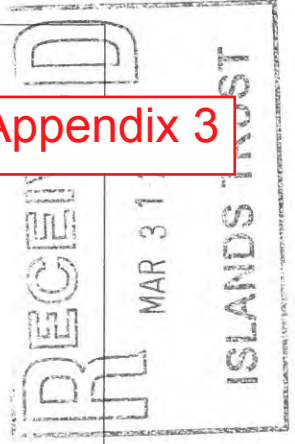


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ISLANDS TRUST



SITE PLAN





Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55182

Application Status: Under LG Review

Applicant: Kim Elston-Tuttle

Local Government: Islands Trust

Local Government Date of Receipt: 03/31/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

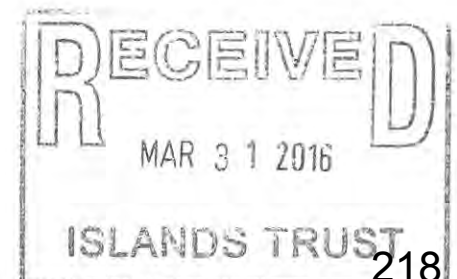
Proposal: We are hoping to convert a building which was started as a utility barn back in 2014 and is not yet complete, into a small cottage for our daughter to live in while she helps us work on our farm. We feel that this complies with the rules laid out in the ALC Policy #8, and the Islands Trust has said they agree with us in all except for the fact that it is not technically a "Manufactured Home" because it was built in place... We feel that because it was built from the beginning with the intention that it would eventually be moved, and we put careful thought and consideration into designing and engineering the structure so that it could be safely transported to a new location, we feel that we are conforming to the intention of the rules laid out by the ALC, and we are asking that you accept this building to be used under the ALC Policy #8 for our daughter to live in while she works on our farm. We have already cleared this with the local building inspector and the building conforms to the necessary building codes (see attachment from Darryl Janyk CRD). One of the questions raised was about what constitutes a mobile structure, because obviously any structure can technically be moved from one place or another (as we know from personal experience because our house was moved here from Victoria back in 1995 by Nickel Brothers)... But from that experience we know that most houses which are not built specifically to be moved sustain major damage during transportation (ie. plaster comes off all the walls, beams and joists can warp and twist and require reconstruction, and the whole building can settle and warp etc etc the list goes on)... This building however was built from the beginning with the intention of being moveable, so that when/if our daughter can afford to buy a little farm of her own, she could move it there as a complete unit without damage and it would be ready to use very quickly after it is delivered to the new site (probably quicker and better than a manufactured home). Here is a list of some of the details which were done specifically so that this would be possible and to make the structure easier to transport safely: - The interior walls and ceiling are finished entirely with wood paneling, which forms a structural diaphragm and adds to the integrity of the structure, making it better for transportation. - All of the walls including all interior walls are 2x6 construction with studs at 16", which is more than required for a conventional structure, and certainly more than is required for a manufactured home. - The building has many components which were oversized and overbuilt as extra precautions for the eventual move (beams, headers, etc). One of the other considerations is that our daughter is very sensitive to many of the standard building materials especially some of the spray foams and vinyl which are standard in "Manufactured Homes". The materials used in the construction of our building have been carefully chosen to be as inert and safe as possible, with little or no off-gassing. The other concern we have with Manufactured homes is that the materials used to make them not only make our daughter sick, but so many of them are also harmful to the planet. This building is constructed of materials which are safer and less damaging to the earth wherever possible.

Mailing Address:

231 Meadow Drive
Saltspring Island BC, BC
V8K 1T9
Canada

Primary Phone:

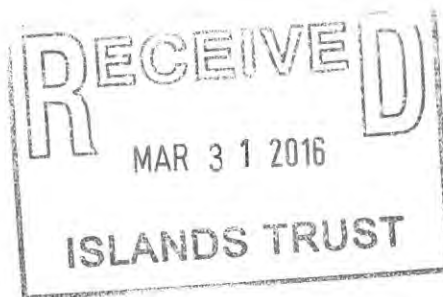
Applicant: Kim Elston-Tuttle



Email:

Parcel Information

Parcel(s) Under Application



1. **Ownership Type:** Fee Simple
Parcel Identifier: 015-738-183
Legal Description: LOT 7, SECTION 42, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 49877
Parcel Area: 2 ha
Civic Address: 231 Meadow Drive, Saltspring Island BC
Date of Purchase: 07/21/1995
Farm Classification: No

Owners

1. **Name:** Kim Elston-Tuttle
Address:
231 Meadow Drive
Saltspring Island BC, BC
V8K 1T9
Canada
Phone:
Email:
-

Current Use of Parcels Under Application

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

We raise Goats (currently we have 6 Does 1 Buck and 10 babies for a total of 17), we raise them for Milk as well as for Meat. Chickens (currently we have 20 chickens and 1 rooster, and we will soon have another 50+ chicks hatching) Chickens are raised for Meat and Eggs. Gardening, and Fruit Trees, for produce.

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

When we moved here 20 years ago it was a vacant parcel of land, we have since added: 3 - Chicken houses and fenced run areas for them (as well as allowing them to free range as much as we can on the entire property). - A barn for the goats as well as 1 small and two larger fenced pastures for them (one of which is not quite complete, but should be done within the next couple of weeks). - 2 large gardens and multiple smaller ones also fenced, as well as probably 25 fruit/nut trees ranging in age from 1 to 21 years old at this point many of which are in our fenced orchard, but we also have many others in various locations fenced separately to protect them from the deer. We run this little farm mostly for our own family use, although we are now doing some sales as we grow because we sometimes have more than we need. Of our property I would say we have about 1/4 of it fenced/developed for farming and the rest even if it's not fenced is used for free ranging chickens and collecting wild plants like nettles etc for harvesting to store and to feed to ourselves and the animals during the winter.

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

We have a house on the property for our family (who all work on the farm). Hugh (my husband) does have a home based business, although the work done through the business is done within the home so there is no additional building for that.

Adjacent Land Uses

Applicant: Kim Elston-Tuttle

North

Land Use Type: Residential
Specify Activity: Residential

East

Land Use Type: Residential
Specify Activity: Residential

South

Land Use Type: Other
Specify Activity: 80 Acre Common Property Reserve

West

Land Use Type: Agricultural/Farm
Specify Activity: Pasture and other farm/residential uses I believe



Proposal

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

0.1 ha

2. What is the purpose of the proposal?

We are hoping to convert a building which was started as a utility barn back in 2014 and is not yet complete, into a small cottage for our daughter to live in while she helps us work on our farm. We feel that this complies with the rules laid out in the ALC Policy #8, and the Islands Trust has said they agree with us in all except for the fact that it is not technically a "Manufactured Home" because it was built in place... We feel that because it was built from the beginning with the intention that it would eventually be moved, and we put careful thought and consideration into designing and engineering the structure so that it could be safely transported to a new location, we feel that we are conforming to the intention of the rules laid out by the ALC, and we are asking that you accept this building to be used under the ALC Policy #8 for our daughter to live in while she works on our farm. We have already cleared this with the local building inspector and the building conforms to the necessary building codes (see attachment from Darryl Janyk CRD). One of the questions raised was about what constitutes a mobile structure, because obviously any structure can technically be moved from one place or another (as we know from personal experience because our house was moved here from Victoria back in 1995 by Nickel Brothers)... But from that experience we know that most houses which are not built specifically to be moved sustain major damage during transportation (ie. plaster comes off all the walls, beams and joists can warp and twist and require reconstruction, and the whole building can settle and warp etc etc the list goes on)... This building however was built from the beginning with the intention of being moveable, so that when/if our daughter can afford to buy a little farm of her own, she could move it there as a complete unit without damage and it would be ready to use very quickly after it is delivered to the new site (probably quicker and better than a manufactured home). Here is a list of some of the details which were done specifically so that this would be possible and to make the structure easier to transport safely: - The interior walls and ceiling are finished entirely with wood paneling, which forms a structural diaphragm and adds to the integrity of the structure, making it better for transportation. - All of the walls including all interior walls are 2x6 construction with studs at 16", which is more than required for a conventional structure, and certainly more than is required for a manufactured home. - The building has many components which were oversized and overbuilt as extra precautions for the eventual move (beams, headers, etc). One of the other considerations is that our daughter is very sensitive to many of the standard building materials especially some of the spray foams and vinyl which are standard in "Manufactured Homes". The materials used in the construction of our building have been carefully chosen to be as inert and safe as

possible, with little or no off-gassing. The other concern we have with Manufactured homes is that the materials used to make them not only make our daughter sick, but so many of them are also harmful to the planet. This building is constructed of materials which are safer and less damaging to the earth wherever possible.

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

Probably not, because of local zoning restrictions. This option in ALC Policy #8 is for a family use dwelling which to my knowledge is only allowed within the ALR, and I believe it is set up for exactly our purpose so that family members (in our case, our daughter), can continue living and working on their family farm.

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

It will support agriculture on our farm in the short and long term, our daughter plans to continue living and working on our farm for a minimum of 5 years and most likely longer (currently this is an open ended plan and we hope to have her here as long as she is willing to stay and help us). For the long term we are committed to our farm and to the family farming lifestyle. We are Saltspring Farmers Institute members and we volunteer at the local fall fair each year. We regularly have visitors to the farm who are given the opportunity to try their hand at milking goats and to see how we run our little operation. Having our daughter live here and help us with the farm will allow us to continue this way of life.

Applicant Attachments

- Site Photo - Photo 1
- Other correspondence or file information - ALC Policy #8 (reference pdf)
- Professional Report - CRD Darryl Janyk Building Inspector Letter
- Proposal Sketch - 55182
- Certificate of Title - 015-738-183

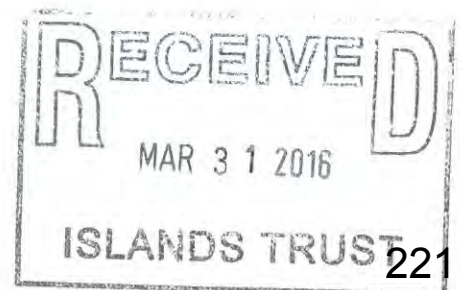
ALC Attachments

None.

Decisions

None.

Applicant: Kim Elston-Tuttle



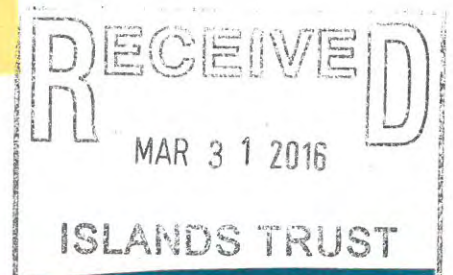
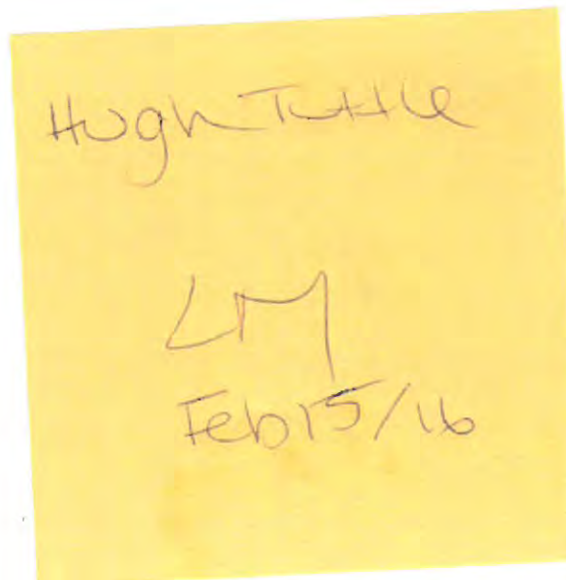
February 15, 2016

Hugh Tuttle
231 Meadow Drive
Salt Spring Island BC

The change of occupancy for the farm building changing to a dwelling must meet the BC Building Code requirements. The Land Use regulations require this second dwelling on the property to normally conform to be designed, constructed or manufactured to the CSA manufactured Home Standard. There are two CSA Manufactured Home Standards. The CSA Z240 Manufactured Home Standard and the CSA A277 Factory Certified Buildings.

CSA A277 homes are required to be built in BC to Part 9 of the BCBC as would a site built home. As this structure has been built to Part 9 of the BCBC as a dwelling, and is small enough to be transported on a trailer, it is therefore equivalent to the same structure factory built to the CSA A277 Standard.

Darryl Janyk RBO
CRD Building Inspector 3
Salt Spring Island



STAFF REPORT

Date: May 26, 2016

File No.: SS-DVP-2015.2

To: Salt Spring Island Local Trust Committee
for June 2, 2016 meeting

X-Ref: SS-DP-2015.3

From: Seth Wright, A/ Planner 2

Re: **Proposed variance of setbacks for siting of existing Accessory Structures**

Owner: Dan and Leah Lee

Applicant: Dan Lee

Description: Lot 10, Section 11, Range 1 North, North Salt Spring Island, Cowichan District, Plan 5743

PID: 005-924-499

Civic Address: 1216 North Beach Road

PRELIMINARY REPORT

THE PROPOSAL

This application proposes to vary the setback from the *interior side lot line*, the setback from the *exterior side lot line*, and the setback from the *natural boundary* of a water body for the siting of an accessory building and an attached deck. The building and deck were constructed without Islands Trust, Building Inspection, or provincial approval. This applicant follows a bylaw enforcement action, which was placed on hold pending consideration of this application. Staff identify numerous issues in the report and ultimately recommend that the LTC proceed no further with the application.

BACKGROUND

In 2001, the owner contacted Islands Trust planning staff to discuss the possibility of constructing a boathouse on the waterfront portion of the Subject Property, which is split by North Beach Road. Staff indicated that such a building would require a Development Permit under Development Permit Area 3 – Shoreline (correspondence from planning staff attached as Appendix 2). The owner did not pursue a Development Permit, but since constructed the building in violation of the Development Permit Area requirements and at variance with a various regulations and legislation.

SITE CONTEXT

The subject property is 0.29 hectares (0.71 acres) in area, and is located on the northeast-facing waterfront along North Beach Road. It is the northernmost modest-sized residential lot near the Fernwood Pier. The parcel is split by North Beach Road, which is located on a road dedication that measures 20 metres in width. The waterfront portion of the parcel measures 258 square metres, while the balance measures 2642 square metres. The property is zoned Rural (R) and surrounded to the northwest to southeast by a large (45 hectares/113 acres) Agriculture 1-zoned property that is also within the Agricultural Land Reserve. The lot contains a single family dwelling as well as various accessory buildings on the upland side of the road.

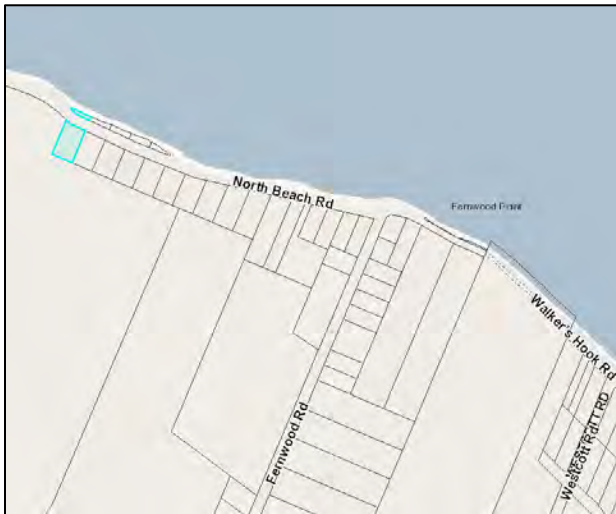


Figure 1: Context Map of Subject Property



Figure 2: 2013 Air Photo of Subject Property



Figure 3: View of rip rap and structure from shore



Figure 4: Access to accessory structure



Figure 5: Deck adjoining accessory building.



Figure 6: Accessory building interior.

CURRENT PLANNING STATUS OF SUBJECT LANDS

Official Community Plan

The Salt Spring Island Official Community Plan Bylaw No. 434 designates the subject property within the Rural Neighbourhoods (RL) designation. The adjacent foreshore is designated Other Marine Use (MO). The following Other Marine Use policies are highlighted for their relevance to this application:

- B.9.6.2.2** Zoning will continue to allow the residential dock uses allowed in current zoning and existing aquaculture leases, including communal docks that serve more than one property. Structures for residential use should continue to be limited to private docks and floats for access to residential uses and residential accessory uses allowed on the adjacent upland.
- B.9.6.2.5** In responding to referrals of applications to use the foreshore in this area, Islands Trust staff should request that the protection of especially sensitive areas be given consideration. In particular, referral responses should not support major new structures:
- a. in areas where the adjacent foreshore is known to be unstable.
 - b. in areas frequently used by the public for recreation.
 - c. in areas known to have a high potential for aquaculture or recreational shellfish harvesting;
 - d. in areas known to have a high value as fish or wildlife habitat.
 - e. next to associated islands and islets around Salt Spring Island.
 - f. in areas known to have heavy marine traffic or marine safety concerns.

- g. in areas known to have a First Nations archaeological heritage site or believed to have a high potential for such a site.

The subject property is also designated within Development Permit Area 3 – Shoreline (DPA 3), which includes 300 metres seaward of the natural boundary of the sea as well as 10 metres upland of the natural boundary in areas where the marine environment has been identified as being particularly sensitive to development impacts. A concurrent application for DPA 3 has been received and is discussed in a separate Staff Report.

Land Use Bylaw

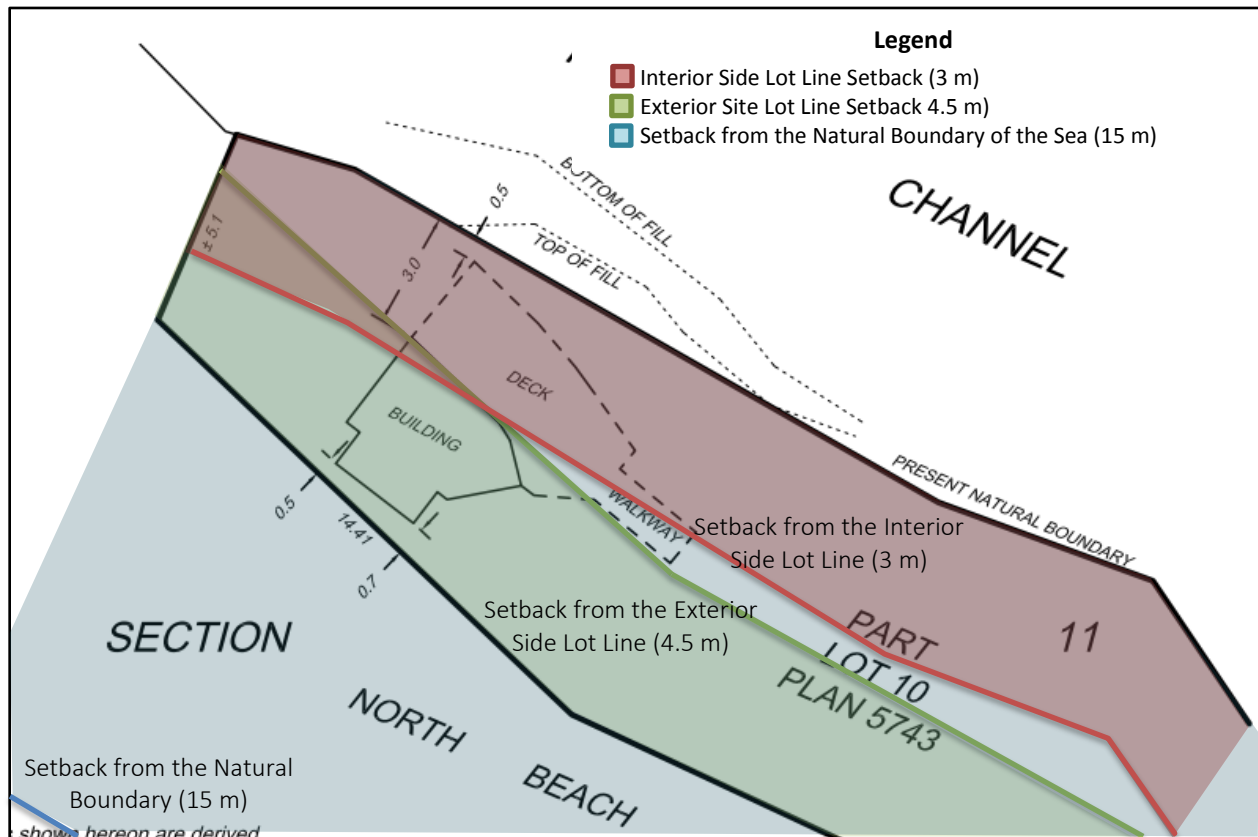


Figure 7: Illustration of Accessory Building and Deck with Overlay of Approximate Setbacks.

The Salt Spring Island Land Use Bylaw No. 355 identifies the property within the Rural (R) zone. The adjacent foreshore is zoned Shoreline 6 (S6). The application requires a variance from the following Land Use Bylaw regulations, as illustrated in Figure 3:

- 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:
- (3) Setback from *interior side lot line*: 3.0 m
 - (4) Setback from *exterior side lot line*: 4.5 m
- 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*.

To evaluate the appropriate setbacks from respective lot lines, the Land Use Bylaw provides the following definitions:

“**lot line**” means the boundary of a *lot*; and

“**exterior side lot line**” means a *lot line* that is not a *front* or *rear lot line* and that is common to the *lot* and an abutting *highway* or an access route in a bare land strata plan;

“**front lot line**” means the *lot line* common to the *lot* and an abutting *highway*, or an abutting access route in a bare land strata plan; and where there are two or more such *lot lines*, the shortest line (other than corner cuts) is deemed the *front lot line*; in the case of a *panhandle lot*, the line that is generally parallel to the access road or *highway* and perpendicular to the *lot lines* that form the *access strip* is considered the *front lot line*;

“**interior side lot line**” means a *lot line* that is not a *front*, *rear* or *exterior side lot line*; and

“**rear lot line**” means the *lot line* that most closely parallels and is most distant from the *front lot line*, and where the rear portion of a *lot* is bounded by intersecting side *lot lines* the point of intersection is deemed the *rear lot line*.

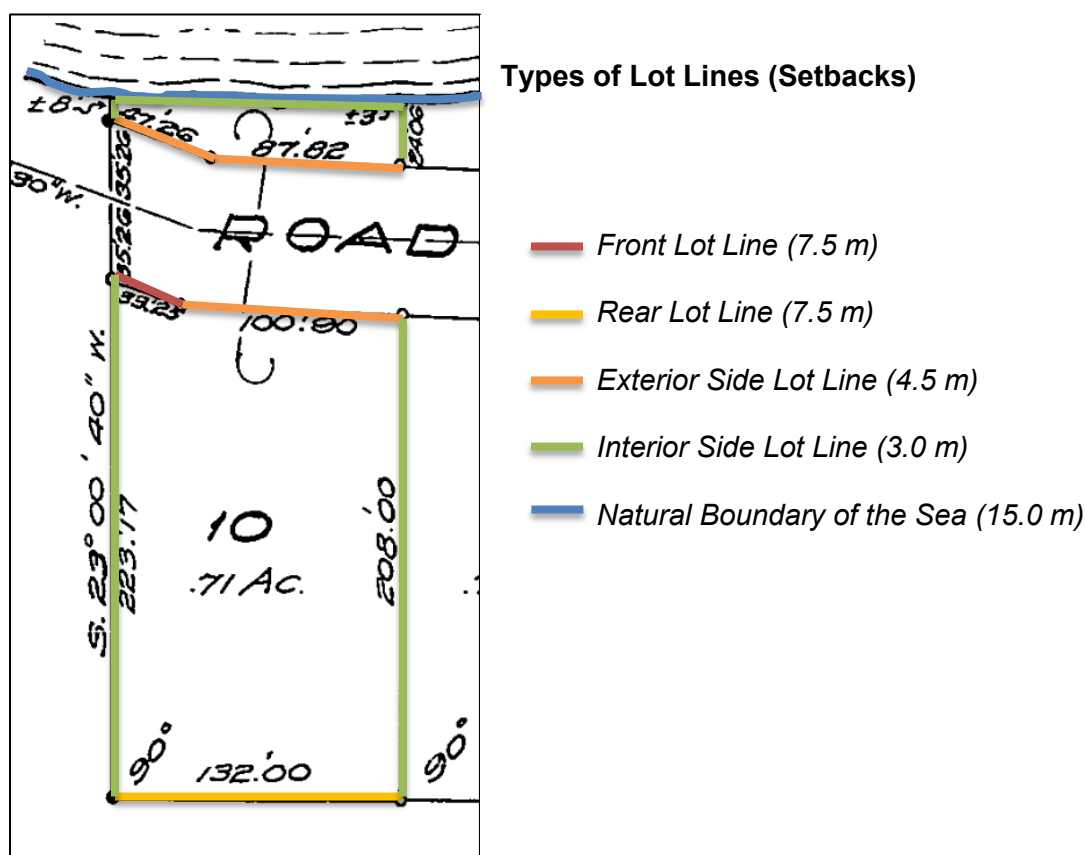


Figure 8: Illustration of Respective Lot Lines on Subject Property

“**boathouse**” means a one *storey* and one room *building* not exceeding 35 square metres in *floor area* and used exclusively to store watercraft.

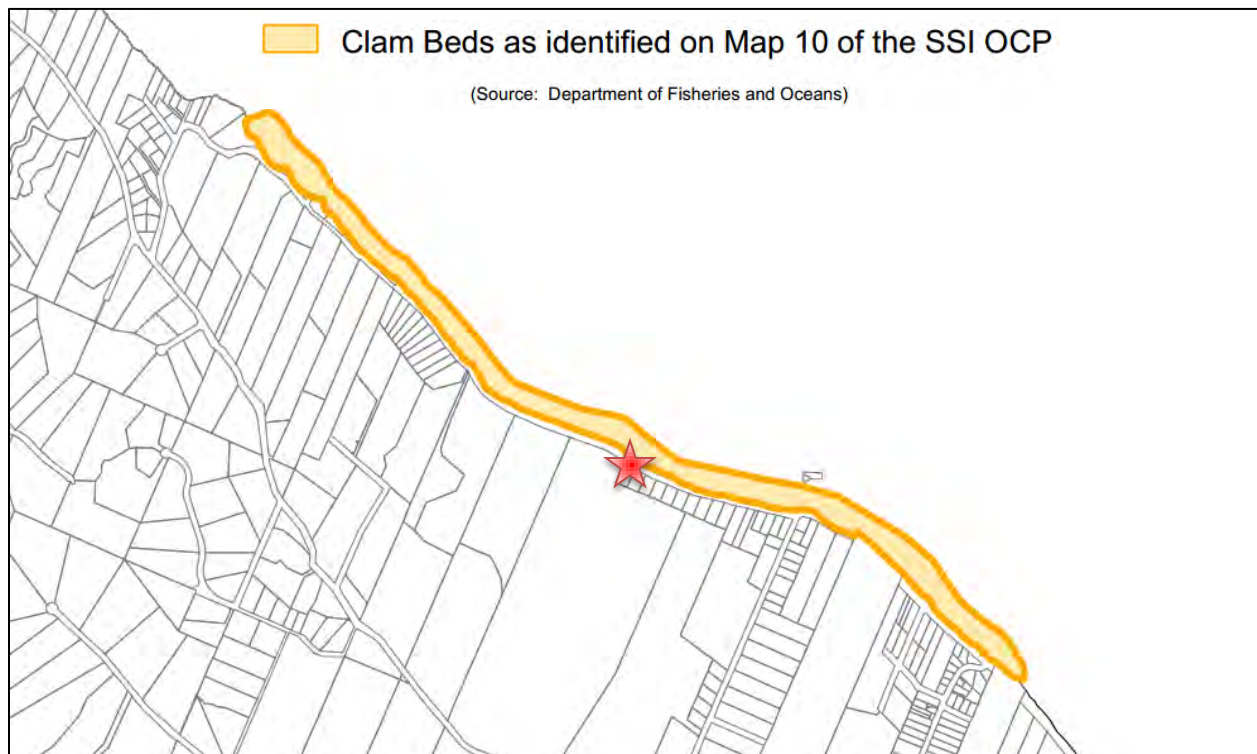
For convenience, the following definition is also provided:

“**natural boundary**” means the visible high water mark of the sea, a lake, a stream or other *water body* where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the

water body a character distinct from that of the bank in respect to the vegetation and soil.

The adjacent shoreline is zoned Shoreline 6 (S6).

Map 10 of the Salt Spring Island Official Community Plan indicates a substantial length of clam beds extending approximately 1.7 km north of the Subject Property and roughly 1.4 km south.



Sensitive Ecosystems and Hazard Areas

Islands Trust mapping indicates the presence of a long stretch of flat continuous eelgrass on the foreshore, which constitutes one of the most healthy and significant extents of eelgrass on Salt Spring Island's shoreline.

Islands Trust mapping indicates that the structure was constructed on a steep slope of approximately 50%.

Archaeological Sites

Remote Access to Archaeological Data indicates a large archaeological site (DfRv-3) encompassing the entire area of the waterfront portion of the subject parcel, including the siting of the building and the area where the rip rap was placed on the shoreline. Archaeology Branch staff have indicated that the owner must pursue a Heritage Assessment and Inspection to first evaluate impacts that development has had to date and subsequently receive an Alteration Permit prior to any further impacts, including the possible removal of illegal structures.

Bylaw Enforcement

A bylaw enforcement file was opened in regards to the accessory building and rip rap placed on beach in 2015. Bylaw enforcement action has been suspended pending consideration of this Development Variance Permit and the concurrent Development Permit.

Shoreline

Islands Trust mapping indicates that the shoreline adjacent to the subject property is classified as "Boulder/Cobble Beach." A flat continuous extent of eelgrass is also indicated in the

foreshore. To mitigate potential future erosion a substantial mound of rip rap was placed on the beach below the accessory building. Despite provincial requirements for works on the shoreline, the applicant has indicated that no permitting from the province has been sought to date.

RESULTS OF CIRCULATION

In light of the numerous issues associated with this application and staff recommendation that the LTC not issue the variance, statutory notification has not been carried out to date. If the LTC wishes to issue the permit, notification of the proposed variance must be provided to all owners and tenants within 100 metres of the subject property's boundaries at least 10 days before the resolution to issue the permit.

SUMMARY OF ISSUES

The staff report details a number of issues associated with the proposed use which are briefly summarized below:

1. **Siting:** Variances to reduce setbacks are typically supported when the variance is minor in scale and any perceived impacts can be reasonably mitigated. This application requires a significant reduction of two distinct lot line setbacks and a substantial reduction of the setback from the natural boundary of the sea.
2. **Use:** The Salt Spring Island Land Use Bylaw defines a boathouse for the exclusive use of watercraft storage. In light of the difficult access to the shoreline, the high finishing standard, and the attached deck, staff consider the building to be an accessory building, which is a permitted use and requires a variance for siting, but is not a boathouse.
3. **Development Permit:** In 2001, the owner was informed that the construction of a boathouse would require a Development Permit. The owner subsequently constructed the accessory building without pursuing a permit.
4. **Erosion Protection Works:** A large volume of riprap was placed on the beach in front of the accessory building to provide protection from wave action erosion (indicated as fill in Figure 7). This structure is not a permitted use on the foreshore, does not have provincial approval, conflicts with OCP Policies B.9.6.2.5 (a, c, d, e, and g) and is at conflict with all but two Development Permit Area guidelines.
5. **Archaeological Site:** The siting of the accessory building, attached deck, and large riprap are all located within a known archaeological site. To date, the applicant has not taken any steps to avoid disturbance of the archaeological site or received permits for the disturbance.
6. **Sensitive Ecosystem:** Islands Trust mapping indicates substantial extants of both eelgrass and clam beds that encompass the subject property's adjacent shoreline.

STAFF COMMENTS

Based on the above discussion, staff recommend that the LTC decline issuance of the permit.

RECOMMENDATION

That the Salt Spring Island Local Trust Committee decline issuance of Development Variance Permit SS-DVP-2015.2 for Lot 10, Section 11, Range 1 North, North Salt Spring Island, Cowichan District, Plan 5743 (1216 North Beach Road).

Prepared and Submitted by:

Seth Wright, A/ Planner 2

Date

Concurred in by:

Stefan Cermak,
Regional Planning Manager

Date

APPENDICES:

1. Proposed Development Variance Permit SS-DVP-2015.2
2. Correspondence from Islands Trust Planning Staff

PROPOSED



**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT SS-DVP-2015.2**

To: Dan and Leah Lee

1. This Permit applies to the land described below:

PID: 005-924-499

Lot 10, Section 11, Range 1 North, North Salt Spring Island, Cowichan District,
Plan 5743

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "*Salt Spring Island Land Use Bylaw, 1999*" is varied as follows:

- 2.1 Section 4.3 – Setbacks from Lot Lines and Access Easements – Article 4.3.1(3) is varied to reduce the setback from the *interior side lot line* from 3.0 metres to 0.5 metres for the siting of an *accessory building* and attached deck, as specified in Schedule 1.

- 2.1 Section 4.3 – Setbacks from Lot Lines and Access Easements – Article 4.3.1(4) is varied to reduce the setback from the *exterior side lot line* from 4.5 metres to 0.5 metres for the siting of an *accessory building* and attached deck, as specified in Schedule 1.

- 2.2 Section 4.4 – Setbacks from Water Bodies - Subsection 4.4.1 is varied to reduce the setback from the *natural boundary* of a *water body* from 15 metres to 0.5 metres for the siting of an *accessory building* and attached deck, as specified in Schedule 1.

3. The permit is subject to the following conditions:

- 3.1 All development shall be substantially in accordance with Schedule 1, attached to and forming part of this Permit, as signed and dated by the Deputy Secretary of the Islands Trust.

- 3.2 This is not a Building Permit, nor does it remove any obligation on the Permittee to obtain other approvals necessary for the lawful completion of the development.

- 3.3 Any further development, redevelopment, or any changes to the permit may require a new Development Variance Permit.

4. All in accordance with Schedule 1 attached to and forming part of this Permit, as signed and dated by the Deputy Secretary of Islands Trust.

PROPOSED

AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST
COMMITTEE THIS ___TH DAY OF _____, 201_.

Deputy Secretary, Islands Trust

Date of Issuance

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

PROPOSED

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2015.2 SCHEDULE 1





Memorandum

Date: March 21, 2001

File No.: DP Referrals - 1216 North Beach Road

To: Dan Lee

From: Mark Head

Re: Proposed Boathouse at 1216 North Beach Road

Your proposal to build a 18 ft. x 10 ft. boathouse at 1216 North Beach Road (Lot 10 on Plan 5743) lies within Development Permit Area 3 (DPA 3) for shorelines and is therefore subject to a development permit approval from the Islands Trust.

The basic application fee for a development permit in DPA 3 is \$500.00. An application package, which includes a copy of the objectives and guidelines for DPA 3, is enclosed for your information. You should note that the property includes shoreline that is identified as a sensitive area by the Ministry of Environment, Lands and Parks and the Department of Fisheries and Oceans and is in an area that has shoreline erosion concerns. Additional technical information may be required in order to process a development permit application for the project.

Prior to submitting an application you may wish to also contact the Ministry of Transportation and Highways about driveway access to the road and BC Assets and Lands Corporation if the construction extends onto Crown foreshore.

Please call if you have any questions on the above.

Yours truly,

Mark Head
Planner II

STAFF REPORT

Date: May 25, 2016

File No.: SS-DP-2015.3

To: Salt Spring Island Local Trust Committee
for June 2, 2016 meeting

X-Ref: SS-DVP-2015.2

From: Seth Wright, A/ Planner 2

Re: **Application for Development Permit Area 3 - Shoreline**

Owner: Dan and Leah Lee

Applicant: Dan Lee

Description: Lot 10, Section 11, Range 1 North, North Salt Spring Island, Cowichan District, Plan 5743

PID: 005-924-499

Civic Address: 1216 North Beach Road

PRELIMINARY REPORT

THE PROPOSAL

The purpose of this application is to retroactively permit the construction of an accessory building and attached deck in Development Permit Area 3 – Shoreline (DPA 3). DPA 3 is designated to protect the natural environment and to protect development from hazardous conditions. This applicant follows a bylaw enforcement action, which was placed on hold pending consideration of this application. As the application is at conflict with all but two DPA 3 guidelines, staff recommend that the LTC decline issuance of the requested permit. This application should only be considered in the event that the LTC supports issuance of the variance (SS-DVP-2015.2) for the siting of the accessory building and deck.

BACKGROUND

In 2001, the owner contacted Islands Trust planning staff to discuss the possibility of constructing a boathouse on the waterfront portion of the Subject Property, which is split by North Beach Road. Staff indicated that such a building would require a Development Permit under Development Permit Area 3 – Shoreline. The owner did not pursue a Development Permit, but has since constructed the building in violation of the Development Permit Area requirements.

SITE CONTEXT

The subject property is 0.29 hectares (0.71 acres) in area, and is located on the northeast-facing waterfront along North Beach Road. It is the northernmost modest-sized residential lot near the Fernwood Pier. The parcel is split by North Beach Road, which is located on a road dedication that measures 20 metres in width. The waterfront portion of the parcel measures 258 square metres, while the balance measures 2642 square metres. The property is zoned Rural (R) and surrounded to the northwest to southeast by a large (45 hectares/113 acres) Agriculture 1-zoned property that is also within the Agricultural Land Reserve. The lot contains a single family dwelling as well as various accessory buildings on the upland side of the road.



Figure 1: Development Permit Area 3 and Subject Property on 2013 Air Photo



Figure 3: View of rip-rap and structure from shore



Figure 4: Access to accessory structure

CURRENT PLANNING STATUS OF SUBJECT LANDS

- *This Development Permit application immediately follows consideration of a Development Variance Permit for the same development. In light of this, please refer to the Staff Report for SS-DVP-2015.2 for consideration of Land Use Bylaw, Sensitive Ecosystems, Archaeological Sites, Bylaw Enforcement, and Shoreline Impacts.*

Official Community Plan

Per section E.3.1.2 of the Salt Spring Island Official Community Plan Bylaw No. 434, a Development Permit is required for the following activities associated with this application: (a) construction of buildings, (f) construction of shoreline stabilization works bulkheads or walkways, (g) placing of fill, and (j) removal of trees with a trunk diameter greater than 20 cm (measured 1.5 m above the ground) or the removal of other vegetation that results in the exposure of a total area of bare soil more than 9 m² in area within 10 m of the natural boundary of the sea. The objectives of the Shoreline Development Permit Area are:

1. To protect the quality of the tidal waters around Salt Spring Island.
2. To protect fish and wildlife habitat.
3. To prevent erosion and hazardous conditions that could result from interrupting the natural geohydraulic processes along the shoreline.
4. To protect development from hazardous conditions.
5. To protect the natural beauty of the island's shoreline areas where commercial and industrial developments are allowed. To ensure such development is unobtrusive and contributes to the natural, public character of the Crown foreshore.

The following guidelines apply to the application:

DPA Guideline		Staff Comments
E.3.4.1	All work that takes place below the natural boundary of the sea should be done in a way that minimizes degradation of water quality and disturbance of the substrate.	<i>The placing of rip-rap was carried out by an excavator. Staff have limited means to retroactively evaluate any impacts to the water quality or substrate.</i>
E.3.4.2	All work that takes place on land within 10 m of the natural boundary of the sea should be planned and carried out in a way that is consistent with the Land Development Guidelines for the Protection of Aquatic Habitat (Appendix 7).	<i>Work was carried out without consideration of the Land Development Guidelines.</i>
E.3.4.3	Native vegetation and trees are to be retained or replaced to control erosion, protect banks and protect fish and wildlife habitat.	<i>Some cut trees were visible during a March 2015 site visit. Staff expect that tree cutting and vegetation removal occurred at least in the footprint of the now existing structures.</i>
E.3.4.5	Structures should provide for the thorough flushing of all enclosed water areas and should not restrict the movement of aquatic life or interfere with natural shoreline processes.	<i>This development does not include any structures that enclose water, but the rip-rap placed on the beach may interfere with natural shoreline processes.</i>
E.3.4.15	Structures in contact with the water should be constructed of stable materials, including finishes and preservatives that will not degrade water quality.	<i>The rip-rap placed on the shoreline is deemed compatible with this guideline.</i>

DPA Guideline	Staff Comments
E.3.4.21 Applications for shoreline stabilization should include a report, prepared by a Professional Engineer with experience in geotechnical engineering, which describes the proposed modification and shows: - the need for the proposed modification to protect existing structures. - where the modification is proposed to protect new structures, the locations on the property where those structures could be built and not require shoreline modification. - if any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposal modification, including at sites on other properties or foreshore locations. - the cumulative effect of shoreline stabilization works along the drift sector where the works are proposed. - whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification. - whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area.	<i>Work was carried out without such a report prepared by a Professional Engineer. Staff consider that a post-development report would be limited in its ability to reasonably evaluate pre-development conditions.</i>
E.3.4.22 Shoreline stabilization should be limited to that necessary - to prevent damage to existing structures or an established use on adjacent upland. - to prevent damage to a proposed public land use. New upland structures or additions should be located and designed to avoid or reduce the need for shoreline stabilization. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except agricultural land.	<i>Work was carried out without such consideration. Staff consider the rip-rap to be an excessive impact to the public use of the shoreline.</i>
E.3.4.23 Shoreline stabilization works should use natural means such as vegetative stabilization or protective berms rather than structural solutions such as concrete or large riprap. Applications for structural stabilization works should provide an explanation as to the need for structural solutions. Structural solutions should not be employed in the Shoreline Conservation	<i>Work was carried out without such consideration. The large rip-rap is not consistent with this guideline.</i>

DPA Guideline	Staff Comments
Designation, unless an existing building is threatened by wave erosion and cannot be protected by other means.	
E.3.4.24 Materials used for shoreline stabilization should consist of inert materials. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal waters.	<i>The rip-rap is deemed compatible with this guideline.</i>
E.3.4.27 Where revetments are proposed, they should not result in the loss of riparian vegetation or fish habitat. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse. Filter cloth should be used to aid drainage.	<i>Work was carried out without such consideration. Staff consider the rip-rap to be an excessive impact to the ecosystem values in the area (i.e. eelgrass, clam beds, etc.).</i>
E.3.4.28 Where this Area includes unique native species dependent on a marine shoreline habitat which have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If development is permitted in these areas, it should be undertaken only under the supervision of a professional who is qualified in environmental protection, with advice from the Ministry of Environment, the Department of Fisheries and Oceans, or Environment Canada.	<i>The stretch of shoreline contains eelgrass and clam beds. Works were not supervised by a qualified professional. No advice was sought from the noted government agencies.</i>
E.3.4.29 To assist in the preparation of development permits for larger projects, the Local Trust Committee could request an applicant to provide a report, prepared by a qualified professional with experience in the protection of the natural environment. The report should indicate the type of conditions that should be incorporated into the development permit to achieve the objectives and comply with the guidelines of this Development Permit Area.	<i>Staff recommend that the LTC request the applicant provide reports from a Professional Engineer and a Registered Professional Biologist with expertise relevant to shoreline impacts to determine what mitigation should be carried out to bring the application into conformity with the DPA guidelines.</i>

STAFF COMMENTS

Section 490 of the Local Government Act authorizes the issuance of development permits only in accordance with the applicable guidelines. Staff have evaluated the application and consider it to be in substantial conflict with the guidelines. Therefore, staff recommend that the LTC decline issuance.

DPA 3 guidelines seek to mitigate the impact of construction design and activities on the natural environment. As the construction has already taken place for this development and there is some difficulty associated with accurately evaluating how existing development activities have impacted the natural environment, staff have not provided a draft Development Permit at this time. If the LTC would like to proceed with this application, staff recommend that the LTC request the applicant provide a report, prepared by a qualified professional with experience in the protection of the natural environment indicating how existing impacts can be most appropriately mitigated, including the possible removal of all structures, and detailing how the proposed activities respond to each of the relevant DPA 3 guidelines included in this Staff Report.

Optional Resolution

THAT the Salt Spring Island Local Trust Committee request that the applicant submit a report, prepared by a qualified professional with experience in the protection of the natural environment indicating how existing impacts can be most appropriately mitigated and evaluating any proposed changes against relevant DPA 3 guidelines.

RECOMMENDATION

That the Salt Spring Island Local Trust Committee decline issuance of Development Permit SS-DP-2015.3 for Lot 10, Section 11, Range 1 North, North Salt Spring Island, Cowichan District, Plan 5743 (1216 North Beach Road).

Prepared and Submitted by:

Seth Wright, A/ Planner 2

Date

Concurred in by:

Stefan Cermak,
Regional Planning Manager

Date