Salt Spring Island Local Trust Committee
Regular Meeting Agenda

Date: Thursday, June 22, 2023
Time: 9:30 a.m.
Location: 64 Learning Hub
122 Rainbow Road

Pages

1. **CALL TO ORDER** 9:30 AM - 9:30 AM

2. **APPROVAL OF AGENDA**

3. **TOWN HALL AND QUESTIONS** 9:35 AM - 9:50 AM

4. **DELEGATIONS** 9:50 AM - 10:00 AM

   4.1 **Take Action on Radon - 100 Radon Test Kit Challenge** 5

   Pam Walkerton

   4.2 **Clean and Safe Harbours Initiative** 34

   Glenn Stevens

5. **TRUSTEE REPORTS** 10:00 AM - 10:10 AM

   Verbal Report

6. **CHAIR'S REPORT** 10:10 AM - 10:15 AM

   Verbal Report

7. **CRD DIRECTOR'S REPORT** 10:15 AM - 10:20 AM

   Verbal Report

8. **PREVIOUS MEETINGS**

   8.1 **Draft Minutes of the Salt Spring Island Local Trust Committee**

   8.1.1 Draft Minutes of the May 17, 2023 SSI LTC Special Meeting 116

   For Adoption

   8.1.2 Draft Minutes of the May 18, 2023 SSI LTC Regular Meeting 120

   For Adoption

8.2 **Resolutions Without Meeting Report** 137

Report dated June 2023

8.3 **Draft Minutes of the Advisory Planning Commissions**

8.3.1 Draft Minutes of the June 1, 2023 Advisory Planning Commission 138

For Information

8.3.2 Draft Minutes of the June 1, 2023 Agricultural Advisory Planning Commission 141

For Information

8.4 **Local Trust Committee Public Hearing Record - NONE**

9. CORRESPONDENCE

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

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

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

9.1 **Chair Peterson to the Salt Spring Island Local Community Commission - Dated 14 June 2023 - Concerning Election Congratulations and Invitation to Collaborate** 143

For Information

9.2 **B. Milne to LTC - Dated 4 June 2023 - Concerning SSIWPA and Madrona Creek** 145

For Information

10. BUSINESS ARISING FROM MINUTES

10.1 **Follow-Up Action List** 153

Report dated June 2023

11. COMMUNITY INFORMATION MEETING - NONE

12. PUBLIC HEARING - NONE

.....BREAK UNTIL 12:00 NOON.....

13. APPLICATIONS AND REFERRALS 12:00 PM - 1:30 PM

13.1 **SS-LCB-2023.2 - K.Armstrong - 121 Upper Ganges Road, SSI** 170

Staff Report

13.2 SS-LCB-2023.1 - J. Chouinard - 109 McPhillips Ave, SSI 173

Staff Report

13.3 SS-DVP-2023.3 - J. Noble - 38 McKenzie Cres, PI 185

Staff Report

13.4 SS-DP-2023.1 - S. Campbell - 166 Rainbow Road, SSI 205

Staff Report

13.5 SS-DVP-2022.17 - J. Wiebe - Lot A, North End Road, SSI 253

Staff Report

13.6 SS-LCB-2022.1 - R. Hardin - 270 Furness Road, SSI 274

Staff Report

14. LOCAL TRUST COMMITTEE PROJECTS 1:30 PM - 2:30 PM

14.1 Proposed Bylaw 530 - Accessory Dwelling Units 288

Staff Memo - Open House Summary

15. NEW BUSINESS - NONE

16. REPORTS

16.1 Policy and Standing Resolutions List 321

For Information

16.2 Future Projects Report 332

Report dated June 2023

16.3 Active Projects List 335

Report dated June 2023

16.4 Applications with Status Report 338

Report dated June 2023

16.5 Expense Report 355

Report dated April 2023

16.6 Islands Trust Conservancy Board Report - NONE

16.7 Salt Spring Island Watershed Protection Alliance (SSIWPA) Coordinator's Report - NONE

17. CLOSED MEETING - NONE

17.1 Motion to Close the Meeting

That the Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter Section 90

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

and that staff be invited to remain.

17.2 Motion to Open the Meeting

That the Salt Spring Island Local Trust Committee re-open 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 July 13, 2023 at the 64 Learning Hub, 122 Rainbow Road, Salt Spring Island.

A special meeting of the Salt Spring Island Local Trust Committee is scheduled for 5:00 p.m. on July 12, 2023 at the Royal Canadian Legion Branch 92 Meaden Hall - 120 Blain Road, Salt Spring Island. This meeting is a town hall only to give the public an evening opportunity to raise issues.

19. ADJOURNMENT

TAKE ACTION ON RADON

SALT SPRING ISLAND, BC

100 Radon
Test Kit Challenge



66 HOMES

participated by testing for radon gas during the winter of 2022 using 91-day alpha track tests. This represents approximately 1% of the community dwellings.

4% of homes tested above Health Canada's guideline of 200 Bq/m³

Radon is a naturally occurring radioactive gas that comes from the ground.

Exposure to elevated levels of radon is linked to increased chances of developing lung cancer.



UNDER 100 Bq/m³ (79%)

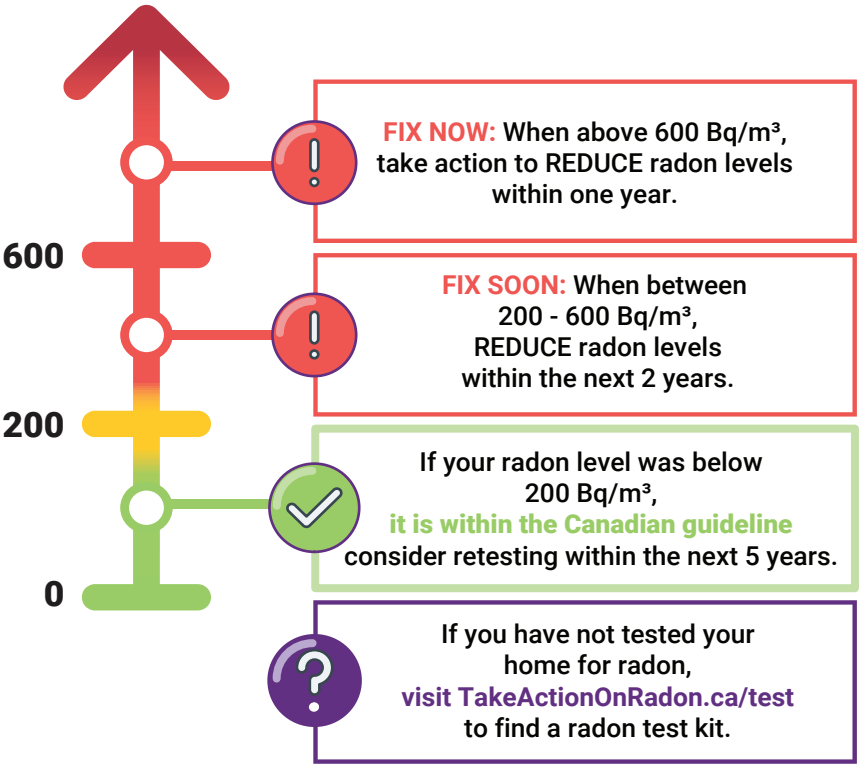
100-200 Bq/m³ (17%)

OVER 200 Bq/m³ (4%)

Levels can vary between neighbouring houses. The only way to know your radon level is to test.

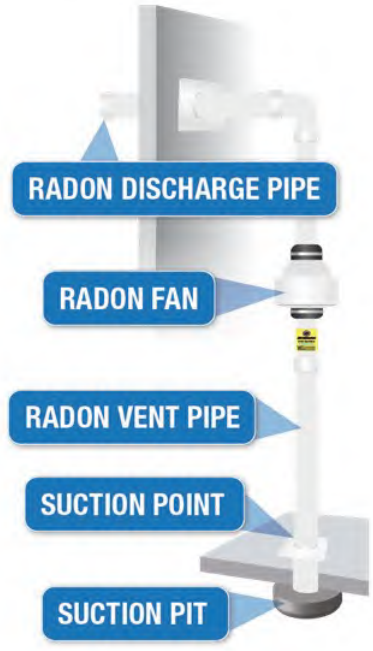


Radon enters a home through contact with the ground and can build up to elevated levels.



Since radon levels fluctuate over time, testing with a long-term test (of at least 91 days) provides a better estimate of your annual radon exposure. Many digital detectors are available to purchase or to borrow for shorter test durations, but we still recommend testing for at least 91 days. If you borrow a digital monitor for a shorter test, consider following up with a long-term test.

Radon gas levels are reduced the most by installing a **radon mitigation system**. Research shows that **certified radon professionals** can reduce levels by over 90%. Other steps, such as increasing ventilation and sealing cracks, can help in the short-term but are less effective.



radon mitigation system



The BC Building Code requirements for radon vary by year and region. Some homes have a radon stub pipe or an extended pipe that runs through the house. These features are the beginning of a radon mitigation system and can make installation easier.

Long-term (91 day) radon testing is still necessary to determine if additional mitigation steps are required to reduce the radon levels in a new home.

Radon gas levels are reduced the most by installing a **radon mitigation system**. Research shows that **certified radon professionals** can reduce levels by over 90%. Other steps, such as increasing ventilation and sealing cracks, can help in the short-term but are less effective.

HOW TO FIND A CERTIFIED PROFESSIONAL

TakeActionOnRadon.ca/test/find-a-radon-mitigation-professional/

Certified radon mitigation professionals are trained to properly assess your home, and design systems to efficiently and effectively reduce your radon level.

Missed your chance to test?

Check out Take Action on Radon's website for more information on how to access a long-term (91-day) test kit in your regionand how to properly test your home.

TakeActionOnRadon.ca/test

Already tested and want to help?

If you are willing to share your data to help us better understand radon in your community, submit your information to our online radon depository.

TakeActionOnRadon.ca/share

TAKE ACTION ON RADON

TakeActionOnRadon.ca

Take Action on Radon is a national initiative funded by Health Canada with a mandate to bring together stakeholders and raise awareness on radon across Canada. The current advisory team is made up of the Canadian Association of Radon Scientists and Technologists (CARST) and the Canadian Cancer Society.

TAKE ACTION ON RADON | OCCUPE TOI DU RADON



100 Radon Test Kit Challenge: Salt Spring Island

"Empowering Communities, Saving Lives"

Canadian Cancer Society

CARST ACSTR Rn

Take Action on Radon is proud to unite groups from across Canada, which encompasses the traditional territory of many First Nations, Métis Peoples, and Inuit whose ancestral footsteps and rights extend beyond the colonial boundaries that exist today. We respectfully honour these Peoples' rights, history, and relationships with this Land.

TAKE ACTION ON RADON | OCCUPE TOI DU RADON

Project Overview:

-The *100 Radon Test Kit Challenge* program provides 100 radon test kits (or more), free of charge, to communities, to distribute to their citizens.

-"Turn-key program" provides tools and resources for each step of the process.

-No cost to participating communities: requires only staff time for organizing, distributing, and collecting test kits.

Canadian Cancer Society

CARST ACSTR Rn

Impact to date

Over 120 Communities
-9 Provinces
-5 First Nations
-2 Métis groups



Over 14 000 detectors distributed with an average of 74% return rate: more than 10 000 homes tested





2018-19

(9)

Moncton, NB
Salmon Arm, BC
Winnipeg, MB
Spruce Grove, AB
Golden, BC
Souris, MB
Port Colborne, ON
Baden, ON
Wabana, NL

2019 – 2020
(15)

Halifax, NS
Sherbrooke, QC
Brandon, MB
Dauphin, MB
Greater Madawaska Region, ON
Summerland, BC
Valemount, BC
Coquitlam, BC
Abbotsford, BC
McBride, BC
Vaudreuil-Dorion, QC
Pembroke, ON
Harrison Park, MB
North Grenville, ON

2020 – 2021
(20)

Sicamous, BC
Peachland, BC
West Bank First Nation, BC
West Kelowna, BC
Kelowna, BC
Vernon, BC
Sundre, AB
Black Diamond, AB
Eston, SK
Silver Harbour, MB
Lakeshore, MB
Chatham-Kent, ON
Leeds & Thousand Islands, ON
Carleton-sur-mer, QC
Saint-Joseph du-Lac, QC
Lorraine, QC
Candiac, QC
Madawaska, NB
Mount Pearl, NL
Stephenville, NL

2021 – 2022 (30)

Barriere, BC
Peachland, BC
West Bank First Nation, BC
West Kelowna, BC
Kelowna, BC
Vavenby, BC
Clearwater, BC
Blue River, BC
Grand Forks, BC
Revelstoke, BC
Eatonia, SK
Weyburn, SK
Clarence-Rockland, ON
Ottawa, ON
Waterloo, ON
Mallorytown, ON
Candiac, QC
Percé, QC
Deux-Montagnes, QC
Saint-Augustin-des-Desmaures, QC
Grand Falls, NB
Gander, NL
Harbour Breton, NL
Fogo Island, NL
7 Nations Communities, NB
Treaty 3 Communities, ON

2022 – 2023 (25)

Kimberley, BC
Kelowna, BC
West Kelowna, BC
Lake Country, BC
Peachland, BC
West Bank First Nation, BC
Salt Spring Island, BC
Chilliwack, BC
Mission, BC
Cultus Lake, BC
Hope, BC
Harrison and Kent, BC
Estevan, SK
Whitecap Dakota First Nation, SK
Edenwold, SK
East St. Paul, MB
RM of Hanover, MB
Cavan Monaghan, ON
Ste-Anne-de-Bellevue, QC
Prévost, QC
Cantley, QC
Gaspé, QC
Beloeil, QC
Woodstock First Nation, NB
Riverview, NB

100 Test Kit Challenge communities, by year

Radon Basics – Health Effects

Radon is the leading cause of Lung Cancer in non-smokers.

Radon greatly increases smoker's risk of getting lung cancer.

Health Canada estimates over **3,000** Canadians per year die of radon-related lung cancer.



From Health Canada's Radon Gas:It's in your home.
https://www.canada.ca/content/dam/hc-sc/migration/hc-sc/ewh-semt/alt_formats/hecs-sesc/pdf/pubs/radiation/radon_brochure/radon-brochure-eng.pdf

Radon Basics - Source

Radon is a radioactive gas which comes from the soil.

Enters all buildings which have contact with the ground and can move throughout the building, including upper levels.

Typically highest levels are found in the basement or first floor.



Health Canada recommends all buildings be tested using a 3-month test during the heating season and any homes found with levels above 200 Bq/m³ be reduced.

TAKE ACTION ON RADON | OCCUPE TOI DU RADON

radonova
The global leader in radon measurement

REPORT NUMBER 5785228:1
REPORT DATE 2021-02-12
REPORT PAGE 1 of 5
PRINT DATE 2021-03-05
OWN ID N/A
BY Take Action on Radon
REPORT RECEIVER(S) Erin Curry

Erin Curry
4 Donald McClintock Bay
Manitoba MB R2G 3N3
CANADA

RADON MONITORING REPORT

Description of the measurement

The measurement was performed with a closed alpha-track detector (Radtrak²®) following the quality guidance in CNRPP-AL-DF-v6.

The detector(s) arrived to Radonova Laboratories AB **2021-02-04**.
They were measured **2021-02-10**.

No person has signed the record card and verified that the instructions have been followed.

Property data and address

MEASURE SITE ADDRESS

BUILDING ID

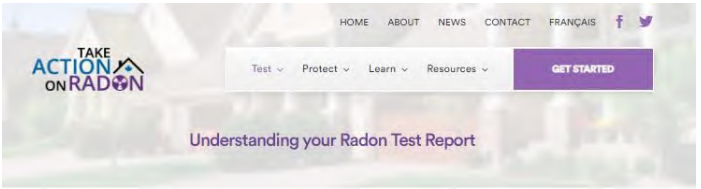
Test results

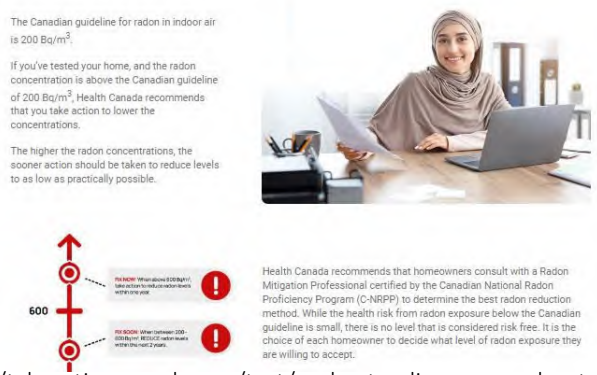
DETECTOR	MEASUREMENT PERIOD	DESCRIPTION / LOCATION	ROOM TYPE	FLOOR	RADON RESULT
923256-2	*2020-10-22 – 2021-01-21*	*C-NRPP Test*			87 ± 22 Bq/m³

By now, each participant who completed the process, should have received an individual confidential report.

Community Participant Stats

Detectors distributed	Reports Issued	Return Rate
100	66	66%

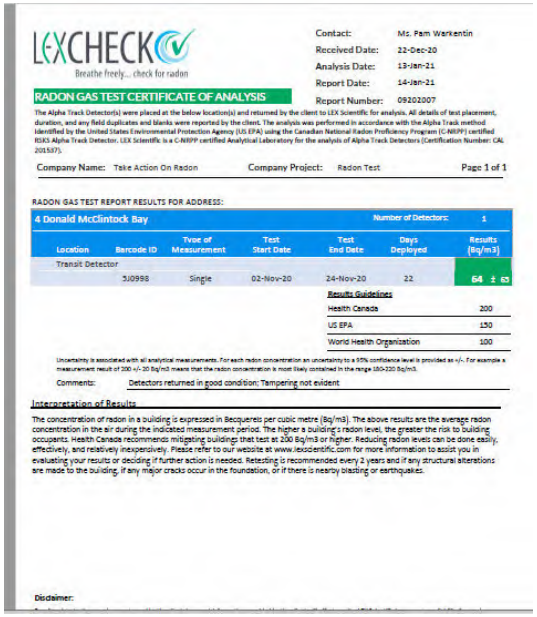




https://takeactiononradon.ca/test/understanding-your-radon-test-report/

TAKE ACTION ON RADON | OCCUPE TOI DU RADON

Community Participant Stats



LEXCHECK
Breathe freely... check for radon

Contact: Ms. Pam Werkentin
Received Date: 22-Dec-20
Analysis Date: 13-Jan-21
Report Date: 14-Jan-21
Report Number: 09202007

RADON GAS TEST CERTIFICATE OF ANALYSIS

The Alpha Track Detector(s) were placed at the below location(s) and returned by the client to LEX Scientific for analysis. All details of test placement, duration, and any field duplicates and blanks were reported by the client. The analysis was performed in accordance with the Alpha Track method identified by the United States Environmental Protection Agency (US EPA) using the Canadian National Radon Proficiency Program (C-NRPP) certified RSKS Alpha Track Detector. LEX Scientific is a C-NRPP certified Analytical Laboratory for the analysis of Alpha Track Detectors (Certification Number: CAL 2015S7).

Company Name: Take Action On Radon Company Project: Radon Test Page 1 of 1

RADON GAS TEST REPORT RESULTS FOR ADDRESS:

4 Donald McClintock Bay Number of Detectors: 1

Location	Barcode ID	Type of Measurement	Test Start Date	Test End Date	Days Deployed	Results (Bq/m3)
Transit Detector						
	5J0998	Single	02-Nov-20	24-Nov-20	22	64 ± 63

Results Guidelines

Health Canada	200
US EPA	150
World Health Organization	100

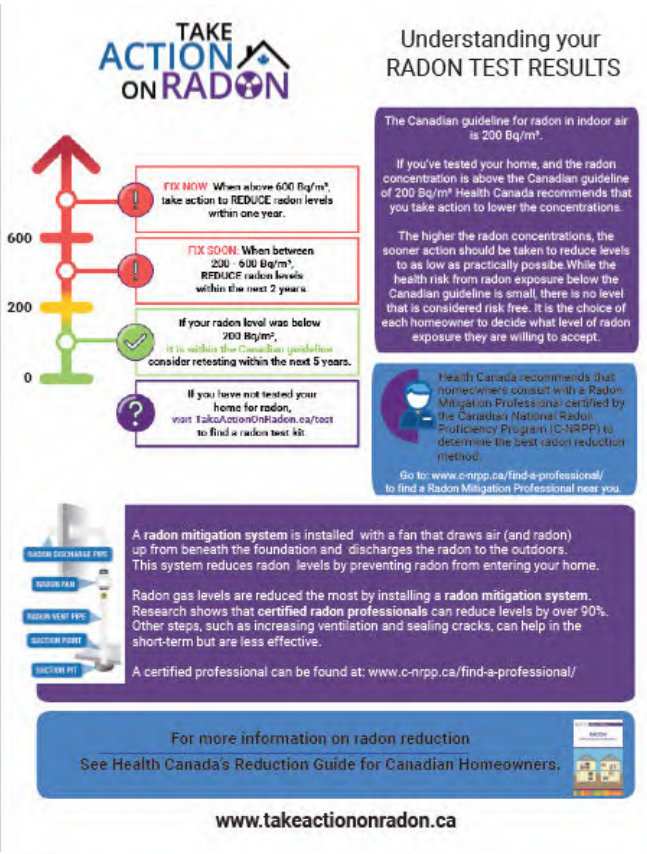
Uncertainty is associated with all analytical measurements. For each radon concentration an uncertainty to a 95% confidence level is provided as +/-. For example a measurement result of 200 +/- 20 Bq/m3 means that the radon concentration is most likely contained in the range 180-220 Bq/m3.

Comments: Detectors returned in good condition; Tampering not evident

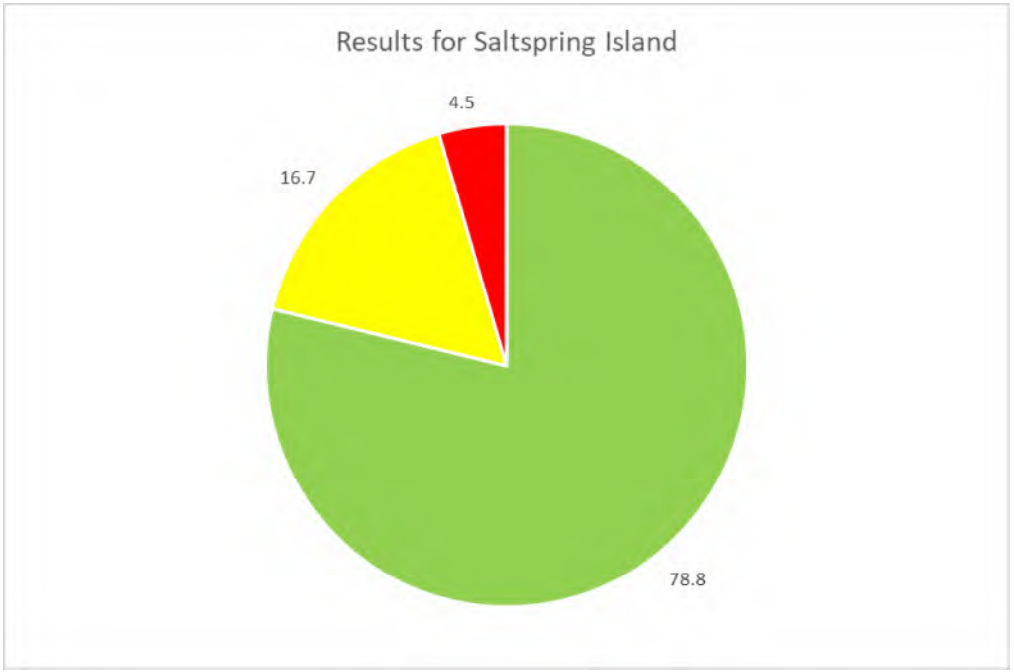
Interpretation of Results

The concentration of radon in a building is expressed in Becquerels per cubic metre (Bq/m3). The above results are the average radon concentration in the air during the indicated measurement period. The higher a building's radon level, the greater the risk to building occupants. Health Canada recommends mitigating buildings that test at 200 Bq/m3 or higher. Reducing radon levels can be done easily, effectively, and relatively inexpensively. Please refer to our website at www.lexscientific.com for more information to assist you in evaluating your results or deciding if further action is needed. Retesting is recommended every 2 years and if any structural alterations are made to the building, if any major cracks occur in the foundation, or if there is nearby blasting or earthquakes.

Disclaimer:



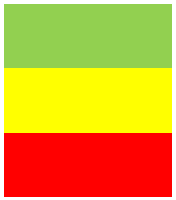
By now, each community member should have received an individual confidential report.



4 % tested over 200 Bq/m^3

66 Households Completed the testing

Count	Percent	Range
52	78.8%	Under 100
11	16.7%	Between 100 and 200
3	4.5%	Between 200 and 600
		Between 600 and 1000
		Above 1000
66		**66**



Type of Dwelling

	Below 200	Above 200	Total
Single Detached Home	36	3	39
Semi-attached (townhouse, duplex, shared wall)	9	0	9
Condo/apartment on ground-floor or basement	1	0	1
Mobile home (on the ground or on a foundation and/or with well-sealed skirting)	1	0	1
			50

Own/Rent

	Below 200	Above 200	Total
Own	43	3	46
Rent	4	0	4
			50

TAKE ACTION ON RADON

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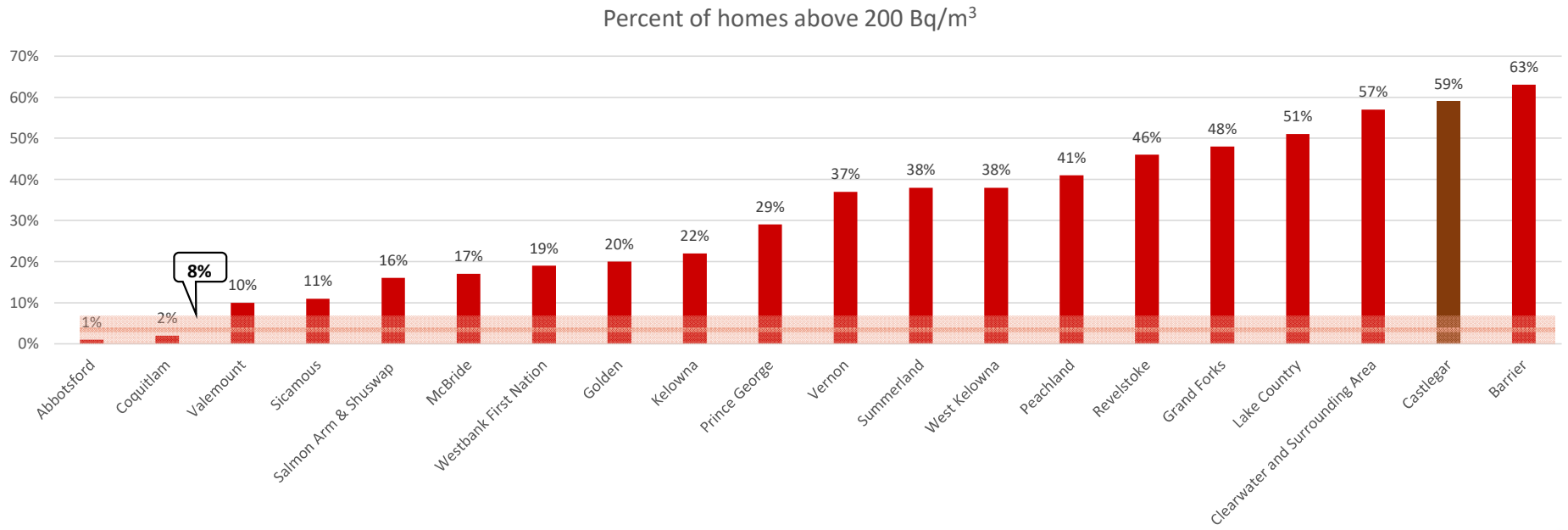
Intention to Mitigate if Required

	Below 200	Above 200	Total
I am very likely to take action to reduce my radon level.	12	1	13
I am quite likely to take action to reduce my radon level.	32	2	34
I am undecided.	9	0	9
I am unlikely to take action to reduce my radon level.	2	0	2
			58

Community Report



How does your community compare?



NEXT STEPS – for Participants:



Participants should have their individual report, *COMPLETED*

Link to FAQs – Resource for Community Liaisons
Currently available

Email to participants – re: Community report.
After Mayor and Council have been briefed

Pre-recorded Webinar for participants.
We will make this available in June

Press Release

FOR IMMEDIATE RELEASE

Community addresses lung cancer risk: ##### residents test radon gas levels at home

Salt Spring Island, BC (June XX, 2023) - A new report available online found that over 4% of the homes tested in **Salt Spring Island** had radon levels above the Canadian guideline level, further emphasizing that all residents need to test their homes for radon in order to know which homes are elevated. Residents participated in the national "100 Radon Test Kit Challenge" which to date has provided over 14,000 radon tests to communities across Canada.

"We were pleased to see so many residents recognize the importance of testing their home for radon," says Pam Warkentin, Project Manager at *Take Action on Radon.* "Our community approach to the 100 Radon Test Kit Challenge means that no one needs to feel they're the only one testing their home for radon. Everyone knows that they are one of many families in their community who are taking their radon exposure seriously."

Radon is a radioactive soil gas that can build up to dangerous levels in indoor air, making it the leading cause of lung cancer in non-smokers. Radon exposure also

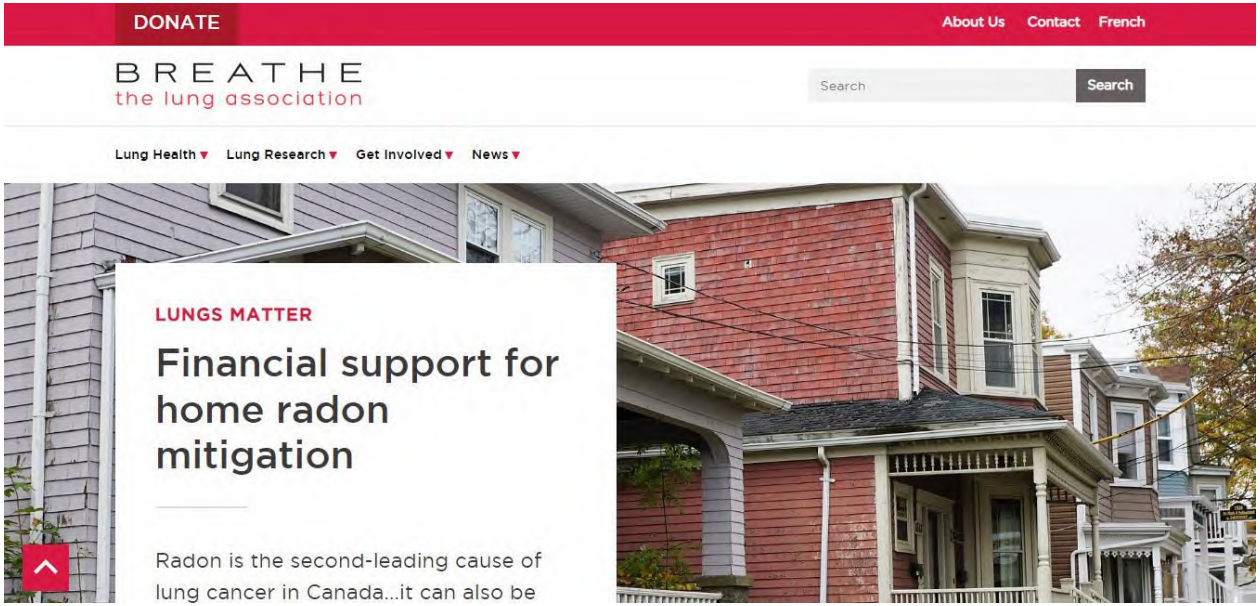
C-NRPP Professionals

- Certified Mitigation Professionals course in both Measurement and Mitigation

- C-NRPP Mitigation Professionals are required to have insurance

List of professionals available at www.c-nrpp.ca/find-a-professional/





Lungs Matter

Home Radon Mitigation Grant Program

BREATHE
the lung association

in Partnership with

CARST ACSTR

TAKE ACTION ON RADON

The Canadian Lung Association has recently launched a new grant program to help people across Canada afford radon mitigation services.

The Lungs Matter Grant Program aims to provide financial support to individuals who have been diagnosed with lung cancer and individuals considered a low-moderate income households with priority given to the low-income households.

https://www.lung.ca/lungs-matter-radon-mitigation-support



Tax Credit for Radon Measurements

Those working from home can claim the expense of testing their workspace for radon!

Learn more on our website.
www.carst.ca/HomeownerHealth#CRA

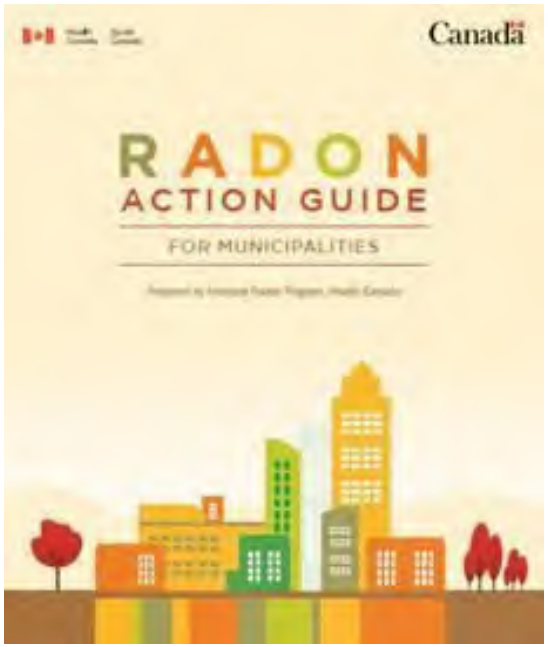
BREATHE
the lung association

Radon Action Examples in Canada:

Across Canada, some actions taken by governments and other institutions include:

- Radon reduction requirements in building codes,
- Promoting radon awareness and testing on websites,
- Testing of public buildings: government offices, schools, daycares, and social housing,
- Inclusion of radon in real estate Property Disclosure Statements and guidance on professional obligations for real estate agents to treat radon as a latent defect,
- Coverage for elevated radon in New Home Warranty claims,
- Requirement of radon mitigation in rental properties by some tribunals for landlord-tenant disputes; and,
- Clarifying guidelines for radon in the workplace.

Radon Action Guides - Health Canada



https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/radon/action-guides/municipalities.html

Health Canada's National Radon Program has developed Radon Action Guides designed to help provinces, territories, and municipalities across Canada develop programs and policies to address radon.

The Radon Action Guide for Municipalities describes:

- why municipalities should take action
- how to create radon action strategies
- important steps to take to reduce radon-induced lung cancer in communities

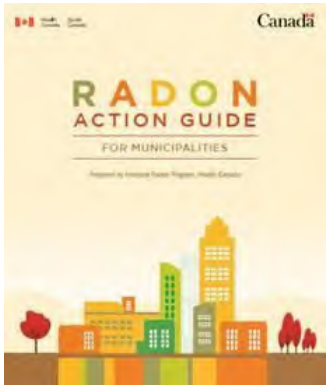
Municipalities can become leaders in advancing radon action through:

- policy development
- education and awareness
- creating databases and maps
- supporting community testing
- enforcing radon provisions in Building Codes

Radon Action Guide:

How to create radon action strategies?

Every good strategy, starts with a plan.



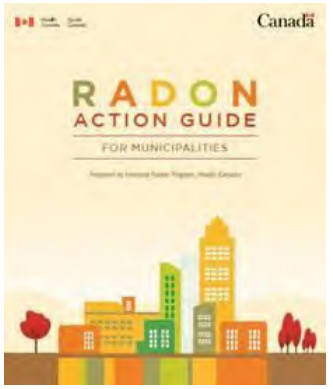
- ❑ Develop RADON PLANS and include collaboration, consultation, partnerships, and independent organizations that have a strong presence at the local level and can play an important role concerning radon.

Core features of a Radon Action Plan, include:

- ❑ Delivering annual public education and awareness campaigns during November, Radon Action Month in Canada.
- ❑ Conducting community testing to gain better understanding of local radon levels.
- ❑ Adopting goals of reducing indoor radon exposure in the community.
- ❑ Establishing specific bylaws and operating policies covering building code enforcement, rental accommodation, municipal owned buildings, and publicly accessible places.
- ❑ Consider selling test kits as a way to increase testing, provide low cost options and collect radon data in their communities.
- ❑ Consider setting up a radon monitor lending program

Radon Action Guide continued:

Important steps to take to reduce radon-induced lung cancer in communities



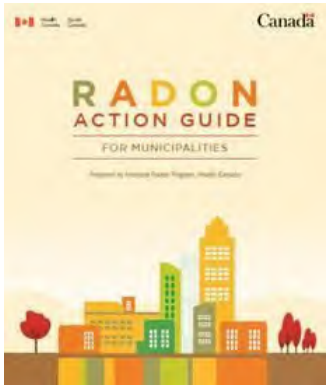
Risk management: Municipalities are employers, building owners and operators and at times landlords - general duties to ensure spaces are safe. Municipalities are also subject to a duty of care when inspecting buildings.

- ❑ Municipality owned/occupied buildings for radon and reduce high levels
- ❑ Provide training to building officials on updated building codes with respect to radon
- ❑ Addressing radon in social housing is an ethical and socially responsible action for municipalities to take. In some cases, municipalities may also control schools, daycares, and other facilities for which radon action is also important.

Increasing value of building stock: Certified mitigators can reduce radon levels to safe levels, which can become a selling feature because it assures users and owners that radon has been dealt with, increasing the value of the home or business.

- ❑ Support local business development and encourage local companies to become C-NRPP certified
- ❑ Provide financial support through grants/subsidies to support the cost of radon mitigation

Radon Action Guide continued:



Legal Powers: Most provinces' municipal legislation mentions protecting health and safety as part of the general purposes of a municipality or allows for bylaws concerning health.

Municipalities enforce areas which make up core components of radon policy, including:

- ❑ building codes
- ❑ construction permits
- ❑ standards of maintenance for rental accommodation
- ❑ air quality in indoor public spaces (as is currently done for smoking)

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Canadian Cancer Society

CLEAN AND SAFE HARBOURS INITIATIVE

DELEGATION PRESENTATION

TO

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

JUNE 22, 2023



CLEAN AND SAFE HARBOURS INITIATIVE

DELEGATION PRESENTATION

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Pirate







CLEAN AND SAFE HARBOURS INITIATIVE

EXECUTIVE SUMMARY

Prime Directive: "Land use powers exist so that the Trust may "preserve and protect the Trust Area and its unique amenities and environment." Islands Trust Governance Review, February 2022, page 21.

Delegation: We are a group of concerned Salt Spring Island ("**SSI**") residents from diverse backgrounds [1] who have joined together to accomplish the following goals: (i) preserve and protect the unique amenities and environment of SSI harbours from becoming further polluted by the illegal dumping and discharge of pollutants[2] from vessels in our harbours that are either being used as dwellings or are abandoned or derelict; (ii) cause the removal of abandoned, derelict vessels and illegal structures; and (iii) ensure that all SSI harbours, adjoining docks and property are safe from illegal, disrespectful and dangerous behavior caused by owners or users of vessels anchored or moored in our harbours or on docks.

How Accomplished: Use the confirmed legal power of the SSI Trust to **regulate land use, including the seabed land under our harbours, to amend section Bylaw 355, specifically, section 3.19.1** that now **prohibits** any dwelling on vessels in our harbours (with limited exceptions) so that it will**: allow and legitimize dwelling on vessels that meet certain requirements; regulate the mooring and anchoring of vessels and placement of structures (i.e, buoys, docks); require certain conduct by harbour users; and impose fines and other enforcement actions for violations of the Bylaw.**

The amended Bylaw, called the "**Clean and Safer Harbours Initiative**" will require **a Permit issued by the SSI Trust to dwell on a vessel and anchor or moor, or place structures in our harbours.**

The amended Bylaw has **exceptions** to having to obtain a Permit in the above situations, similar to the exceptions in current Bylaw 3.19.1 that allow very limited dwelling on vessels and for the mooring and anchoring of commercial fishing and transient vessels.

Please specifically note:

- We are unaware whether Bylaw section 3.19.1 has ever been enforced since its adoption.
- We are unaware that any action has ever been taken by the Trust in recent memory to clean up and make safe our harbours.
- We **recognize the reality** that folks want to live on their vessels in our harbours either because they cannot afford housing on SSI or housing is not available or they just want to live on a vessel and we want to legitimize such dwelling, subject to some reasonable conditions.
- We are **NOT** trying to kick people out of our harbours who want to use their vessels as a dwelling, but, at the very least, and as the proposed Bylaw provides, if you are legally allowed to dwell, **it is reasonable to require that all liveaboards and their vessels comply with waste**

[1] Homeowners, marinas, businesses, boaters, Grace Point, first responders, Harbour Authority.

[2] Sewage, human or animal waste, liquid or solid chemicals, trash, unwanted property, oil and other solvents, drugs, medicines, and the like

discharge rules in effect throughout Canada since at least 2012, as well as other laws designed for the safety of vessels, navigation, and our SSI community Stakeholders![3]

- The proposed Bylaw does **NOT require a fee**[4] to obtain a Permit or to live on a vessel or to moor or anchor or place a buoy in our harbours.
- To **minimize the cost to the Trust for enforcement of the Bylaw, we are forming a legally, federally authorized charity** that will assist the Trust in removing abandoned, derelict and non-permitted vessels and structures.[5] Arrangements have already been made with local contractors to do this work, including removal of vessels from the harbours and disposing of them at **no cost to the Trust**.

Power of the SSI Trust: The Trust has the recognized legal authority to regulate by bylaw the land within its area of responsibility. **This includes the seabed under the harbours**. This legal authority and power are **unequivocally confirmed by recent caselaw**,[6] as well as 3.19.1 itself: the fact that 3.19.1 exists confirms that the Trust itself recognizes this authority and power. Indeed, the **preamble** to Bylaw 355 says:

"A BYLAW TO ESTABLISH REGULATIONS RESPECTING THE USE OF LAND **AND WATER** WITHIN THE SALT SPRING ISLAND LOCAL TRUST AREA, THAT ALSO LIE WITHIN ELECTORAL AREA "F" OF THE CAPITAL REGIONAL DISTRICT ..." And the definitions in Section 1.1 of Bylaw 355 are replete with nautical related terms applicable to such "land use" regulations.

More so, the legal decisions included in this package specifically affirm:

"**That municipalities may use their zoning power to extend to the regulation of the use of land covered by water, or the use of water itself**" is made clear in a number of court cases, including ***Salt Spring Island Local Trust Committee v. B & B Ganges Marina Ltd.***, 2007 BCSC 892."[7]

The court in the referenced *Salt Spring Island* case **also made clear** that "The Province of British Columbia has delegated land-use controls to municipalities and similar entities **such as the Local Trust Committees**" and "The Local Trust Committee has the power to pass zoning bylaws regulating the use of water as well as land [on shore or the seabed within its responsible Trust area]."[8]

Proposed Bylaw: The name of the Bylaw is "**Clean and Safe Harbours Initiative**". The Bylaw comprises five (5) primary Sections: Definitions, Facility Permit section; Vessel Permit section; Required Conduct; and Administration and Enforcement.

Definitions: Needed new definitions for terms that do not exist in Bylaw 355, i.e., "vessels", "dwelling."

Private Mooring Facility Permit: Required to place a structure or building, including a buoy, in our harbours if meet certain requirements, with certain exceptions.

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[3] Indeed, Bylaw 355, Section 3.2.1(2) already prohibits disposal of waste matter on land or in **marine areas,** except as otherwise specifically allowed. This Section, like 3.19.1, has never been enforced for marine areas, as far as we know.

[4] Not requiring a fee should materially reduce administration time and costs, i.e., no collection or accounting tasks.

[5] The charity may also assist, if necessary, Enforcement Officers with inspection and enforcement tasks.

[6] See the *Zimmerman* and *West Kelowna* law cases included in this presentation.

[7] *Zimmerman* at para. 53.

[8] *Salt Spring Island* at para. 45.

Vessel Permit: Required to either dwell, anchor or moor in our harbours if meet certain requirements, with certain exceptions.

Required Conduct: Rules for appropriate behavior in our harbours and on adjoining shores.

Administration and Enforcement: Application procedures for Vessel and Facility Permits; authority of the Enforcement Officers to enforce the Bylaw; Required notice requirements to owners/authorized users of Bylaw violations (including publication in local publications and time to correct violations); fines consistent with Bylaw 445, and authorization to impound vessels and Facilities if violations uncured or in dangerous situations.

AMENDED BYLAW

In furtherance of mission of the Salt Spring Island Local Trust Committee to preserve and protect the Trust Area and its unique amenities and environment, including its harbours, for the benefit of the residents of the Trust Area and of British Columbia in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia, the following Bylaws are adopted:

Note that the following definitions are already contained in Bylaw 355:

"*moorage, building, structure, wharfage*, *pier* or *boathouse*"

SS-2023-_____ Salt Spring Island Local Trust Committee Bylaw No. 355, Salt Spring Island Land Use Bylaw 1999 Consolidated Version: October 2022, Sections 1.1.1, 2.6.1 and 3.19 are hereby amended to state as follows:

The following definitions are added to, or replace the existing definitions in Section 1.1.1 of Bylaw 355:

"*buoy*" means a float properly attached to the seafloor and capable of temporarily or permanently securing an unattended or attended *vessel*.

"*Bylaw Enforcement Officer*" or "*Enforcement Officer*" means the identified positions set forth in the Salt Spring Island Local Trust Committee Bylaw No. 466, Section 8.

"*commercial vessel*" means a registered *commercial vessel*, including a barge, whether movable on its own power or by being towed by another *watercraft*, used for active and ongoing *commercial* purposes, including, but not limited to, the construction, repair, transportation and delivery of other watercraft, *commercial products* and *Private Mooring Facilities*.

"*dwelling*" means a vessel or structure used for overnight occupancy.

"*Impound*", "*impounded*", "*impounding*" or "*impoundment*" means to take and hold a *structure*, *building* or *vessel* in legal custody.

Private Mooring Facility(ies)" or "*Facility*" includes a "*buoy, dock, marina, pier, boathouse* and *wharfage*" as defined herein.

"*use*" means the purpose or activity for which land, *buildings*, *structures*, *Private Mooring Facilities*, *vessels* and other watercraft are designed, arranged, or intended or for which the foregoing is occupied or maintained, but excludes the removal of unprocessed natural resources

"*vessel*" means a watercraft used or designed to be used in navigation, whether or not under construction, with or that may allow accommodation for overnight occupancy, including but not limited to a place for permanent or temporary protection from the weather, with or without heating/cooling, cooking or toilet facilities.

ADMINISTRATION AND ENFORCEMENT

2.6.1 The Islands Trust Bylaw Investigation Officer or any other person designated by the Salt Spring Island Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time upon any *lot*, *vessel* or *Private Mooring Facility* subject to the regulations of this Bylaw, to determine whether the regulations are being observed.

3.19 USE OF WATER SURFACE

FACILITY PERMIT

3.19.1 No *Private Mooring Facility*, or any other *building* or *structure*, located over a water surface within or outside the shoreline of Salt Spring Island that is within the Salt Spring Island Local Trust Area, that also lies within Electoral Area "F" of the Capital Regional District ("Salt Spring Island Waters") may be used (i) as a *dwelling* (ii) for the *wharfage* or *moorage* of a *vessel* used as a *dwelling* or (iii) for the *wharfage* or *moorage* of a *vessel* unless the applicable permit ("Facility Permit"), substantially in accordance with the applicable requirements below and in the form set forth in Attachments _____ to this Bylaw, as applicable, is issued by the Trust Committee to an applicant ("Facility Applicant") after the receipt by the Trust Committee of an applicable complete "Facility Permit Application", in the form set forth in Attachment _____ to this Bylaw, from the Facility Applicant.

EXCEPTIONS

(1) Said Facility Permit shall not be required for any *Private Moorage Facility* which is placed pursuant to a recorded instrument issued by the Province of British Columbia or Federal Government of Canada, which terms and conditions shall apply to the operation of said Facility.

(2) Said Facility Permit shall not be required for Facilities used for of licensed *commercial* fishing boats, a registered *commercial vessel*, the use of one vessel for security personnel at a *public* docking facility, or a *Private Mooring Facility* for the *wharfage* or *moorage* of transient vessels for no more than forty-eight (48) hours in any 7-day period.

NON-COMPLIANCE

(3) Any *building* or *structure* located on Salt Spring Island Waters that is not a *Private Mooring Facility* must be removed or decommissioned within forty-five (45) days of the effective date of this Bylaw. If such *building* or *structure* is not removed or decommissioned within such aforementioned period, the owner or lawful user of such *building* or *structure* shall be fined as set forth below in 3.19.10.1-3, and the *Bylaw Enforcement Officer* may impound, remove or decommission such *building* or *structure* after such aforementioned period pursuant to 3.19.9.1-7.

OBTAINING A FACILITY PERMIT

3.19.1.1 In order to obtain a Facility Permit, the Facility Applicant must satisfy the following requirements which shall be provided or confirmed, as applicable, to the Trust Committee by the Facility Permit Applicant as set forth in the applicable Facility Permit Application:

(1) If the *use* is for any of the reasons set forth in 3.19.2 and, the *vessel* is identifiable at the time the Application for such Permit is made, the Applicant or the owner or legal user of the identifiable *vessel* must also submit the applicable Application for a Permit pursuant to 3.19.2 (the "Vessel Permit"), provided, that if the *vessel* is not identifiable at the time such Permit is made, the Applicant shall be responsible to see that the applicable Vessel Permit is timely applied for and obtained for any subsequent use of the *Facility* by a *vessel* subject to 3.19.2.

(2) The proposed or existing location of the *Facility* must be approved by the Trust Committee or its designated representative in writing.

(3) The *Facility* must meet all legal requirements for that type of *moorage or structure*, e.g., a buoy must meet the requirements of the Private Buoy Regulations, SOR/99-335 of the Canada Shipping Act 2001, and other applicable laws and regulations, as may be amended from time to time.

(4) Other than a *buoy*, the *Facility* must be attached to the foreshore (upland property).

(5) Agree that any violation of this Bylaw will subject the violator to enforcement actions including fines, as set forth below, and impoundment, removal or decommissioning of the *Facility* as follows: if the *Facility* is in violation of this Bylaw, the owner or legal user of such *Facility* must, within forty-five (45) days of receiving notice of such violation, either (i) bring such *Facility* into compliance with this Bylaw or (ii) remove or decommission such *Facility*. If the *Facility* is not brough into compliance or removed or decommissioned as aforesaid within such required time frame, the *Bylaw Enforcement Officer* may impound, remove or decommission such offending *structure* at any time after such aforementioned time period.

(6) Agree that the Trust Committee, its employees, delegates, representatives, and agents, including the Royal Mounted Police and their employees and agents (collectively, "Indemnified Parties") are not responsible for any damages to property or injury to persons or other costs Applicant may incur as a result of obtaining and using such Permit to place a *Private Mooring Facility* over a water surface, as aforesaid, and agree to indemnify and defend all such Indemnified Parties, except in the case of gross negligence by such.

(7) Agree to indemnify all parties, including the above-referenced Indemnified Parties who suffer or incur injury or damage to person or property that is proximately caused by the negligent, gross or willful conduct of the Applicant due to the placement or other *use* of the Facility or violation of this Bylaw.

(8) Agree that any violation of this Bylaw may subject the violator to the immediate voiding of the Permit, as well as enforcement actions, including fines, *impoundment*, decommissioning, towing and sale of an offending Facility at the Applicant's sole cost, and denial of future Permits.

(9) Agree that an issued Permit will be null and void if any of the information provided is or subsequently becomes incorrect, if not corrected in writing to the Trust Committee within ten (10) business days of becoming aware of such incorrect information.

3.19.1.2 Other than a *Private Mooring Facility*, no other *building* or *structure* may be placed over *Salt Spring Island Waters*.

VESSEL PERMIT

3.19.2 No *vessel* shall attach or remain attached to a *Private Mooring Facility* or set an anchorage located over a water surface within or outside the shoreline of Salt Spring Island that is within the Salt Spring Island Local Trust Area, that also lies within Electoral Area "F" of the Capital Regional District ("Salt Spring Island Waters") for the *wharfage* or *moorage* of such *vessel* either as a *dwelling* or otherwise, unless an applicable permit ("Vessel Permit"), in accordance with the applicable requirements below and in the form set forth in Attachments _____to this Bylaw, as applicable, is issued by the Trust Committee to an applicant ("Vessel Applicant") after the receipt by the Trust Committee of an complete applicable "Vessel Permit Application", in the form set forth in Attachment _____, from the Vessel Applicant.

EXCEPTIONS

(1) Said Vessel Permit and the following requirements do not apply to licensed *commercial* fishing boats, a registered *commercial vessel*, the *use* of one vessel as a *dwelling* for security personnel at a *public* docking facility, or the *wharfage* or *moorage* of transient vessels for no more than forty-eight (48) hours in any 7-day period.

(2) Notwithstanding 3.19.2(1), if a *vessel* used as a *dwelling* uses a *Private Mooring Facility*, the *vessel* must comply with the requirements of 3.19.2.

OBTAINING A VESSEL PERMIT

3.19.2.1 In order to obtain an applicable Permit for the purposes set forth in 3.19.2 to *use* a vessel as a *dwelling*, or for the *moorage*, anchoring or *wharfage* of a *vessel* beyond 48 hours, Applicant must satisfy and agree to the following requirements which shall be provided or confirmed, as applicable, to the Trust by the Vessel Applicant, as required in the applicable Vessel Permit Application:

(1) Proof of ownership or legal right to use the *vessel*.

(2) A copy of the Canadian Pleasure Craft License or Registration, as applicable, or foreign country equivalent, that is in the owner's name.

(3) Proof that the *vessel* complies with the equipment requirements set forth in the Canada Shipping Act 2001, Section A1, The Vessel Pollution and Dangerous Chemical Regulations ("VPDCR"), and other applicable laws and regulations, as may be amended from time to time. For all vessels built before May 3, 2012, such proof shall include acceptable photographic or survey documentation.

(4) The *vessel* is seaworthy and must be able to move under its own power, other than solely by oars.

(5) The proposed location of the *moorage*, *wharfage* or anchorage of the *vessel* does not impede navigation.

(6) Agree to dispose of any waste, sewage or other pollutant (other than gray water) solely in accordance with the requirements set forth in the VPDCR and as otherwise required by law, including this Bylaw.

(7) Liability and indemnity insurance for at least one (1) million dollars ($1,000,000), including wreck removal and sudden and accidental pollution, for all *vessels* not situated in Salt Spring Harbours as of the Effective Date of this Bylaw and within one (1) year from such Effective Date for all *vessels* currently situated in Salt Spring Harbours as of such Effective Date.

(8) Agree that any violation of this Bylaw may subject the violator to the immediate voiding of the Permit, as well as enforcement actions, including fines, *impoundment*, towing and sale of an offending *vessel* at the Applicant's sole cost, and denial of future Permits.

(9) Agree that the Trust, its employees, delegates, representatives, agent and contracted parties, including the Royal Canadian Mounted Police and their employees and agents (collectively, "Indemnified Parties") are not responsible for any damages to property or injury to persons or for other costs Applicant may incur or be liable as a result of obtaining and using such Permit to dwell on, or for the *moorage, wharfage* or anchoring of a *vessel* in Salt Spring harbours, and agree to indemnify and defend all such Indemnified Parties against any such claims, actions or liabilities, except in the case of gross negligence by such Indemnified Parties.

(10) Agree to indemnify all parties, including the above-referenced Indemnified Parties, who suffer or incur injury or damage to person or property that is proximately caused by the negligent, gross or willful conduct of the Applicant due to dwelling on, or the *wharfage*, *moorage*, or anchorage of the *vessel* or violation of this Bylaw.

(11) Agree that an issued Permit will be null and void if any of the information provided is or becomes incorrect if not corrected in writing to the Trust Committee within ten (10) business days of becoming aware of such incorrect information.

3.19.2.2 Issued Permits shall be maintained on the permitted *vessel* and placed on the port side in a manner to be clearly visible to a Bylaw Enforcement Officer, or representative thereof, while such *vessel* is anchored or attached to a *Private Mooring Facility* (if possible, in a window of the main cabin).

PERMIT FEES

3.19.3. For the administration of this Bylaw, fees, if any, for the issuance, retention and renewal of Facility and Vessel Permits shall be established and amended from time to time under appropriate circumstances in the sole discretion of the Trust Committee.

NON-PERMIT HOLDERS

3.19.4 The owner or legal user of a *vessel* entering any Salt Spring Island *Waters* that does not possess a valid Vessel Permit shall notify the Trust's Bylaw Enforcement Officer within twenty-four (24) hours of its arrival. Each such owner or legal user notification shall state the plan of the owner or legal user with regard to the usages set forth in 3.19.2 above. The Bylaw Enforcement Officer shall provide the owner or legal user of the *vessel* with the applicable Permit Application, if required, within twenty-four (24) hours of such notification.

LIMITATION OF NUMBER OF ISSUED PERMITS

3.19.5 At its sole discretion, the Trust may limit the number of any of the above Permits it issues if the issuance of such Permit will, among other safety and environmental concerns, impede navigation, cause unreasonable congestion, exceed the capacity of waste disposal facilities, interfere with seaplane licensed activity, cause environmental pollution, or cause safety concerns for persons or property.

OBLIGATIONS OF ALL ON SALT SPRING ISLAND WATERS

3.19.6 All persons or entities on Salt Spring Island Waters shall not cause, permit or allow:

(1) Holding tanks or bilges to be discharged or the disposal of any waste, sewage or other pollutant in any *Salt Spring Island Waters*;

(2) A *vessel* or other watercraft at a *Private Mooring Facility*, *building* or *structure* to carry dangerous goods or explosives or to place or store same on the foregoing;

(3) A person on a *Private Mooring Facility*, building or structure, *vessel* or other watercraft to make any amplified sound or operate any equipment which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of other persons at a *Private Mooring Facility*, on vessels, on adjoining property to, or otherwise on *Salt Spring Island Waters*;

(4) Removal, destruction or damage to any notices, rules or regulations posted by the Trust Committee on a *Private Mooring Facility, building or structure*, *vessel*, or other watercraft under the authority of the Trust Committee or other governmental agency or its representative; or

(5) The depositing or leaving of any garbage, refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on any *Private Mooring Facility*, *building or structure*, on adjoining property to, otherwise on *Salt Spring Island Waters*;

(6) Behavior in a disorderly, dangerous or offensive manner on any *Private Mooring Facility*, *building or structure*, vessel, other watercraft or otherwise on *Salt Spring Island Waters*;

(7) Obstruct or interfere with any person or *vessel* lawfully on or at any *Private Mooring Facility*, or otherwise on *Salt Spring Island Waters*; or,

(8) Hinder, oppose, molest or obstruct an *Enforcement Officer*, their agents, representatives or contracted third persons in the discharge of their duties under this Bylaw.

AUTHORITY OF BYLAW ENFORCEMENT OFFICERS

3.19.7 This Bylaw shall be enforced by the Trust's *Bylaw Enforcement Officers*.

(1) *Enforcement Officers* are authorized to:

(a) order a *vessel* to leave or alter its position or leave a *Private Mooring Facility*, *building* or *structure* on *Salt Spring Island Waters*;

(b) order a person who contravenes this Bylaw to comply with the Bylaw within a specified time;

(c) issue verbal orders or directions to a person acting in contravention of this Bylaw; and,

(d) issue such written notices and orders under this Bylaw as may be necessary to notify a person of a contravention of this Bylaw, in the manner set out in this Bylaw, or as otherwise allowed by law.

(2) *Enforcement Officers* may delegate their duties to representatives or agents authorized and under the supervision of an *Enforcement Officers*, and for all purposes herein, such representatives and agents shall be deemed *Enforcement Officers*.

(3) The Salt Spring Island Trust Committee may contract in writing with third persons, including for-profit or non-profit businesses or organizations, or licensed charities or independent contractors, to effectuate the provisions of this Bylaw.

SERVICE AND RECEIPT OF ORDERS

3.19.8.1 A written notice or order issued under this by-law is sufficiently served if:

(a) The notice or order is delivered by hand, by ordinary prepaid mail or by registered mail, to the address of the owner or the user;

(b) In the case of a legal entity, the notice or order is delivered by hand, by ordinary prepaid mail, or by registered mail, to the registered and records office of the legal entity;

(c) In any case, the notice or order is delivered by electronic mail to the electronic mail address of the owner or user or legal entity; or

(d) The notice or order is posted on the affected *vessel*, *Private Mooring Facility* or *building* or *structure*.

3.19.8.2 Written notices and orders issued in accordance with this Bylaw are deemed to have been received:

(a) Four (4) days after mailing, if sent by ordinary prepaid mail to the mailing address of the person to whom the notice or order is directed;

(b) On the date of delivery as noted in the Canada Post tracking system, if sent by registered mail to whom the notice or order is directed;

(c) Twenty-four (24) hours after sending, if sent by electronic mail to the electronic mail address of the person or legal entity to whom the order is directed;

(d) immediately upon receipt, if handed to the person to whom the order is directed or a representative of that person, hand delivered to the registered and records office of a legal entity; or

(e) immediately when posted on the affected *vessel*, *Private Mooring Facility, building* or *structure*.

AUTHORITY TO IMPOUND

3.19.9.1 *Enforcement Officers* may:

(a) *Impound* or cause to be *impounded* any *vessel*, *Private Mooring Facility*, *building*, *structure* or personal property (collectively, "Vessel(s) or Property") that is unlawfully moored, wharfed,

anchored, placed, left, or kept at or used as a *dwelling* on *Salt Spring Island Waters* and may enforce the provisions of this Bylaw with regard to the *impounding* of such Vessels or Property.

(b) Designate premises for the storage of *impounded* Vessels or Property, including the designation of locations for the *moorage* of *impounded vessels*.

AUTHORITY TO SELL OR DISPOSE OF IMPOUNDED VESSELS OR OTHER PROPERTY

3.19.9.2 Enforcement Officers are authorized to sell or otherwise dispose of *impounded* Vessels or Property, in accordance with the provisions of this Bylaw.

(1) Subject to section 3.19.9.2(c), *Enforcement Officers* must keep and compute;

(a) a record, or cause a record to be kept, of all Vessels or Property *impounded* in accordance with this Bylaw, and the record must include the following information;

(b) a description of the Vessel or Property;

(c) the time, date and place where the Vessel or Property was *impounded*;

(d) *impounding* fees calculated to the date that the Vessel or Property is retrieved by the owner or authorized user or representative or sold or disposed of pursuant to this Bylaw; and

(e) the date that the Vessel or Property is retrieved, sold or otherwise disposed and, if sold, the gross amount received and the purchaser.

NOTICE TO OWNER OR AUTHORIZED USER

3.19.9.3 Enforcement Officers must make reasonable efforts to ascertain the identity of the owner or authorized user of an *impounded* Vessel or Property, and must give notice, as set forth herein, in writing to the owner or authorized user of the Vessel or Property, which notice must contain the following information:

(a) a description of the Vessel or Property;

(b) the applicable *impounding* fees;

(c) the address where the Vessel or Property is held or contact information to obtain the address where the Vessel or Property is held; and

(d) the date after which the Vessel or Property will be sold or otherwise disposed, which date must be at least thirty (30) days after the Vessel or Property was *impounded.*

3.19.9.3.(1) If the Enforcement Officers are unable to ascertain the identity of the owner or authorized user pursuant to 3.19.8.3, the Enforcement Officers shall cause the aforementioned notice in 3.19.8.3 to be published in at least one (1) local publication or exchange serving Salt Spring Island at least thirty (30) prior to the date of the sale or otherwise disposal of the Vessel or Property.

IMMEDIATE DISPOSAL OF CERTAIN VESSELS OR PROPERTYS

3.19.9.4 Despite the provisions of this section 3.19.9, Enforcement Officers are authorized to dispose of Vessels and Property immediately and without complying with sections 3.19.9.2 or

3.19.9.3 if, in the sole opinion of the Enforcement Officer, the Vessel or Property is derelict or abandoned, the Property consists of garbage, waste materials or perishable items, or the Vessel or Property poses an environmental or health and safety risk.

RECOVERY BY OWNER OR LAWFUL CLAIMANT

3.19.9.4 Subject to the provisions of this Bylaw, the owner of an *impounded* Vessel or Property, or a lawful claimant thereto, may recover the Vessel or Property if: (a) the owner provides proof of ownership, or the lawful claimant provides evidence of entitlement, to the satisfaction of the Enforcement Officer; and (b) the owner or the lawful claimant pays all applicable *impounding* related expenses.

(a) Except as otherwise set forth in 3.19.9.4, the owner or lawful claimant of personal property contained in an *impounded* Vessel or Property, may retrieve such personal property upon receiving notice of such *impoundment*.

WAIVER OF IMPOUNDMENT FEES

3.19.9.5 Despite the provisions of this Bylaw, Enforcement Officers may waive all or any part of the *impounding* fees for an *impounded* Vessel or Property if, in the opinion of the Enforcement Officer, payment of such fees would cause the owner or lawful claimant of the i*mpounded* Vessel and Property undue hardship and, in determining whether there is undue hardship, the Enforcement Officer must consider the value of the Vessel or Property, the cost to the Trust of the *impounding*, and the financial circumstances of the owner or lawful claimant.

SALE OR DISPOSAL OF UNCLAIMED VESSELS OR OTHER PROPERTYS

3.19.9.6 A Vessel or Property that is unclaimed after the later of thirty (30) days from the date of *impoundment* or the date stipulated in a notice of *impoundment* may be sold or otherwise disposed of by Enforcement Officers in the following manner:

(a) by sale at public auction if, in the opinion of the Enforcement Officers, the Vessel or Property is saleable; or

(b) by disposal as scrap or another method of disposal if, in the opinion of the Enforcement Officer, the Vessel or Property is not saleable.

PROCEEDS OF SALE OR DISPOSAL

3.19.9.7 If a Vessel or Property is sold at public auction or otherwise disposed of in a manner that generates any proceeds, the proceeds must be applied as follows:

(a) if sold at public auction, all expenses associated with the conduct of the public auction must be deducted from the proceeds;

(b) if otherwise disposed of, all expenses associated with the disposal must be deducted from the proceeds;

(c) all outstanding *impounding* fees must be deducted from the proceeds; and,

(d) if a balance remains after the proceeds are applied to the expenses recoverable under this section, the Enforcement Officer must:

(i) pay the balance of proceeds to the former owner or lawful claimant of the Vessel or Property if the former owner or a lawful claimant has been identified, or

(ii) if the former owner or lawful claimant of the Vessel or Property has not been identified, hold the balance of proceeds in accordance with the BC Unclaimed Property Act, as may be amended or replaced from time to time.

OFFENCES AND PENALTIES

3.19.10.1 A person or entity that:

(a) violates any provision of this Bylaw, or does any act or thing which violates any provision of this Bylaw, or permits, suffers or allows any other person or legal entity to do any act or thing which violates any provision of this Bylaw;

(b) neglects to do or refrains from doing anything required to be done by any provision of this Bylaw; or

(c) fails to comply with an order, direction, or notice given under any provision of this Bylaw, or permits, suffers or allows any other person or legal entity to fail to comply with an order, direction, or notice given under any provision of this Bylaw, is guilty of an offence against this Bylaw, and liable to the penalties imposed under this section.

3.19.10.2 Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence pursuant to section 2.5.2 of Bylaw 355.

3.19.10.3 Every person who commits an offence against this Bylaw is punishable on conviction by a fine of not less than $350.00 per day, and not more than $5,000.00, in the aggregate, for each offence.

GENERAL

3.19.11.1 The section headings in this Bylaw are for convenient reference only.

3.19.11.2 Attachments to this Bylaw form part of this Bylaw.

3.19.11.3 A decision by a court of competent jurisdiction that any part of this Bylaw is illegal, void, or unenforceable severs that part from this Bylaw and is not to affect the balance of this Bylaw.

3.19.11.4 In the event of any conflict between this Bylaw and any provision in any other Salt Spring Island Trust Bylaw, including Bylaw's 355 or 446, this Bylaw shall prevail.

BYLAW NAME

3.19.12 This name of this Bylaw for citation shall be the "Clean and Safe Harbours Initiative."

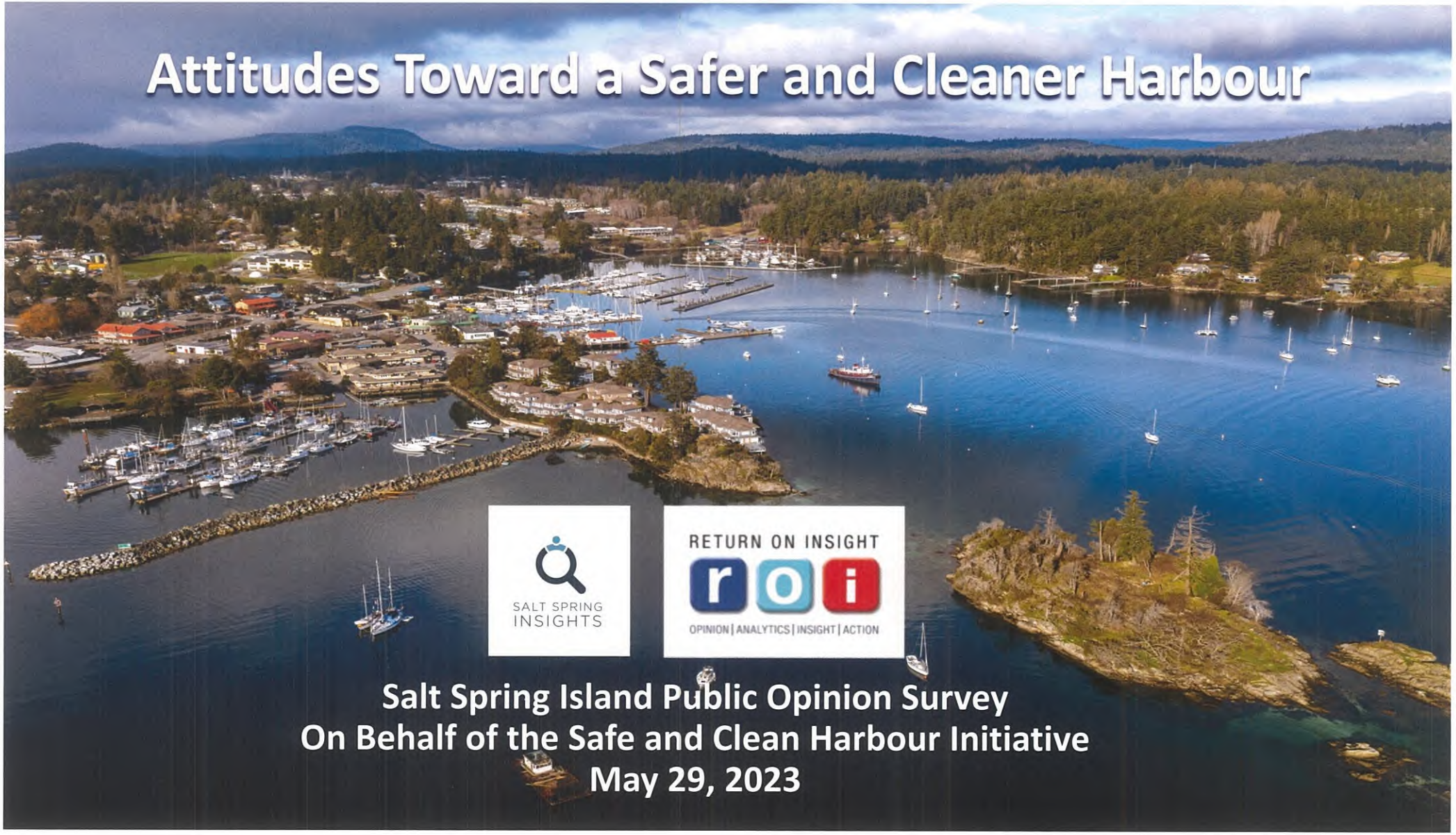
EFFECTIVE DATE

13.19.13 This Bylaw shall become effective sixty (60) days after the date of its enactment.

ENACTED by Council this___ day of _____ 2023

SECTION IV

POLLING RESULTS


Attitudes Toward a Safer and Cleaner Harbour
SALT SPRING INSIGHTS
RETURN ON INSIGHT
roi
OPINION | ANALYTICS | INSIGHT | ACTION
Salt Spring Island Public Opinion Survey
On Behalf of the Safe and Clean Harbour Initiative
May 29, 2023

SALT SPRING INSIGHTS

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- Methodology & Background 3-6
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- Appendix: Profile and Questions Asked 17-24

RETURN ON INSIGHT roi OPINION | ANALYTICS | INSIGHT | ACTION

SALT SPRING INSIGHTS

Methodology-April 2023

Salt Spring Insights is an online research panel, created to reflect a representative cross section of Salt Spring residents by age, gender and region on the island, based upon known Statistics Canada categories.

Results of the online survey, with 166 participants, conducted from May 10-23, are accurate at a 95% confidence margin to within plus or minus 8 per cent. In other words, 19 times out of 20, the results expressed here would be within 7 per cent of a complete census of opinion. Return On Insight designed and analyzed the survey questions for the Safe and Clean Harbour Initiative.

RETURN ON INSIGHT
roi
OPINION | ANALYTICS | INSIGHT | ACTION

SALT SPRING INSIGHTS

Reliability of Salt Spring Insights Polling

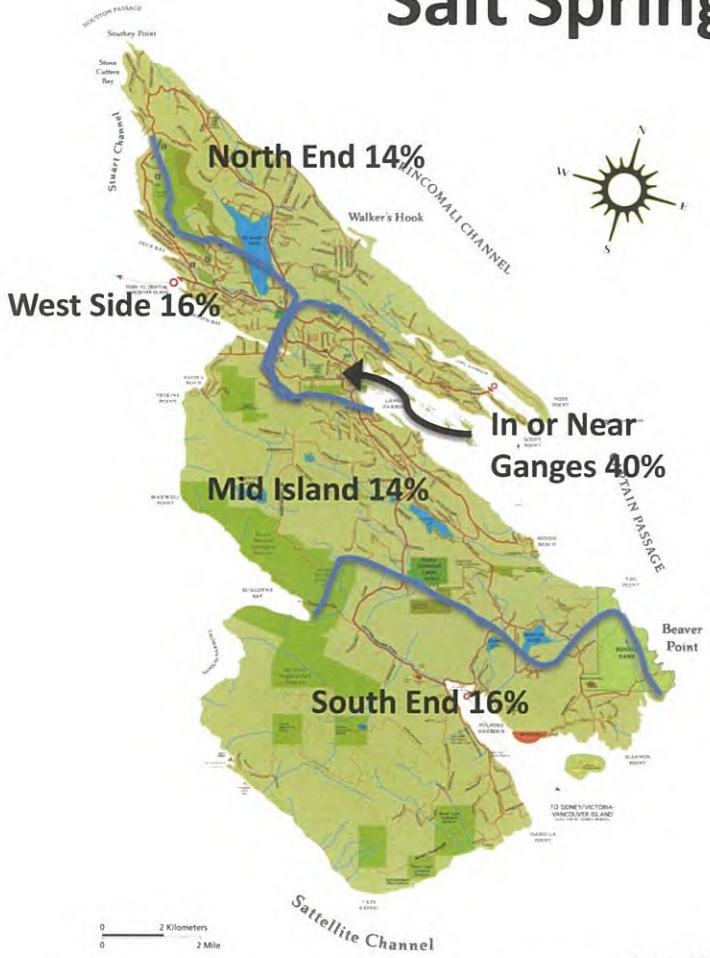
Salt Spring Insights is an online research panel created in 2022 by pollster Bruce Cameron, with over four decades of market research experience working for Gallup Polls, Angus Reid Group and Cameron Strategy.

Salt Spring Insights correctly predicted that 75% of SSI residents would vote yes to approving borrowing to build a new in 2022, as well as predicting the Local Community Commission concept had more support than opposition.

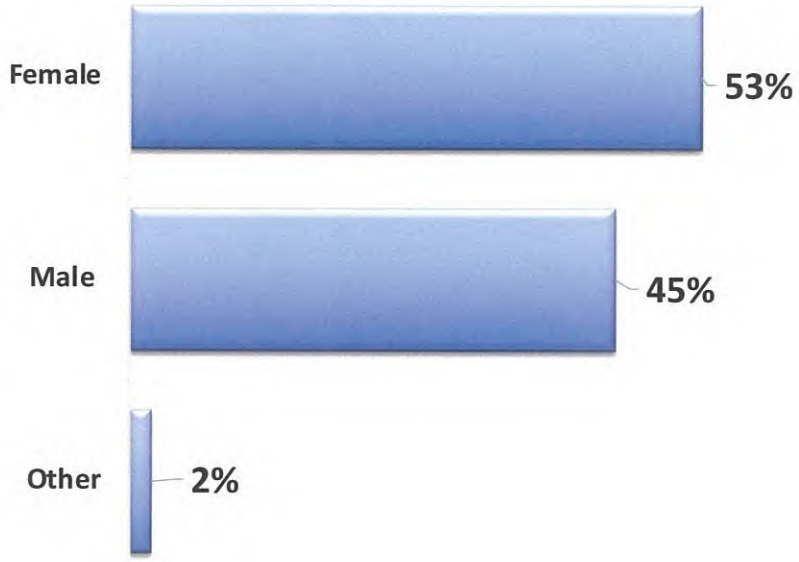
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SALT SPRING INSIGHTS

Salt Spring Island Profile



Gender



Base: 166 participants

Salt Spring Safe and Clean Harbour Study May 2023

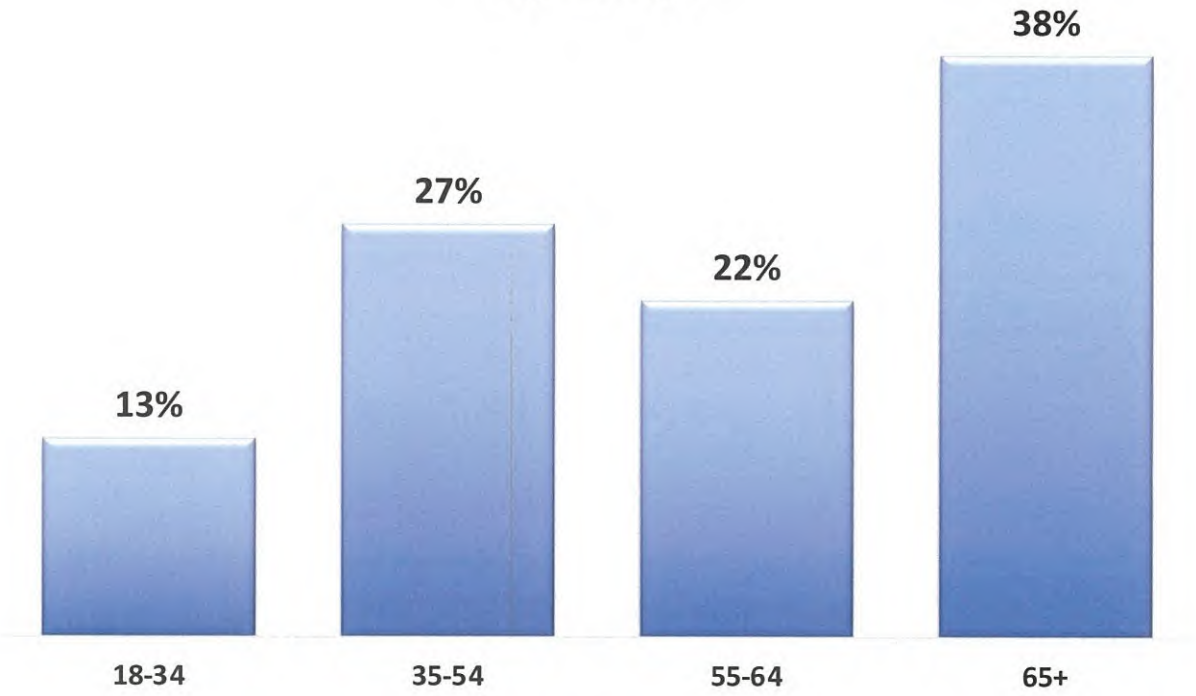
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SALT SPRING INSIGHTS

Profile of Participants

Average Age 58

Age Range



Base: 166 participants

Salt Spring Safe and Clean Harbour Study May 2023

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SALT SPRING INSIGHTS

Conclusions:
Experience with Ganges Harbour is Troubling and Attitudes Are Fairly Negative

1. **Experience with the Harbour is Troubling (slide 9)**

- Almost all residents (84%) have walked along Ganges harbourfront in the past year, but two thirds (64%) have personally felt unsafe in Centennial Park or know someone who has, and half of residents have felt harassed or unsafe in downtown Ganges (26% personally and 23% know someone who has).
- One quarter (28%) have witnessed garbage or sewage being dumped in the harbour (or know someone who has).

2. **Attitudes Toward Ganges Harbour Are Fairly Negative (slide 10)**

- Three quarters of people think the water is not clean and not suitable for swimming in the harbour (76%).
- Two thirds also believe there are too many derelict and unsafe boats in the harbour (67%).
- Opinion is evenly split about whether Ganges Harbour looks clean and good to visitors and residents (49% agree, 47% disagree) as well as whether it is a fun place to hang out with friends and family (53% agree, 42% disagree).

RETURN ON INSIGHT
roi
OPINION | ANALYTICS | INSIGHT | ACTION

CLEAN AND SAFE HARBOURS INITIATIVE

DELEGATION PRESENTATION

SECTION V

RESOURCE MATERIAL

West Kelowna (District) v. Newcomb, 2015 BCCA 5 (CanLII)

- **Document**
- History (2)
- Cited documents (23)
- Treatment (12)
- CanLII Connects (4)

PDF

Date:
2015-01-09
File number:
CA041172
Citation:
West Kelowna (District) v. Newcomb, 2015 BCCA 5 (CanLII), <https://canlii.ca/t/gfvn7>, retrieved on 2022-11-13
Save this case
Set up citation alert
Email this case
Browse Lexbox

COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *West Kelowna (District) v. Newcomb*, 2015 BCCA 5

Date: 20150109
Docket: CA041172

Between:

District of West Kelowna

Respondent
(Plaintiff)

And

Keith Newcomb

Respondent/
Appellant on Cross Appeal
(Defendant)

And

Attorney General of British Columbia

Appellant/
Respondent on Cross Appeal
(Respondent pursuant to the *Constitutional Question Act*, R.S.B.C. 1996, c. 68)

Before: The Honourable Mr. Justice Donald
The Honourable Madam Justice MacKenzie
The Honourable Mr. Justice Goepel

On appeal from: An order of the Supreme Court of British Columbia, dated August 6, 2013 (*West Kelowna (District) v. Newcombe*, 2013 BCSC 1411 and 2013 BCSC 2299, Kelowna Docket 88402)

Counsel for the Appellant:	N. E. Brown
Counsel for the Respondent, District of West Kelowna:	B. Williamson
Counsel for the Respondent, Keith Newcomb:	W. P. Lightbody, Q.C. and R. S. Watts
Place and Date of Hearing:	Vancouver, British Columbia October 21 and 22, 2014
Place and Date of Judgment:	Vancouver, British Columbia January 9, 2015

Written Reasons by:
The Honourable Madam Justice MacKenzie

Concurred in by:
The Honourable Mr. Justice Donald
The Honourable Mr. Justice Goepel

Summary:

Mr. Newcomb moored his houseboat on Okanagan Lake in breach of certain provisions of a municipal bylaw and a licence of occupation that only permitted temporary moorage when accessory to the use of the immediately abutting upland parcel. Mr. Newcomb did not own an upland parcel. The District, relying on its licence and on the bylaw, applied for declaratory and injunctive relief against Mr. Newcomb. Mr. Newcomb responded by challenging the constitutional validity of the bylaw and the licence on the ground that they are, in pith and substance, about navigation and shipping and therefore outside the jurisdiction of the municipality's legislative competence. The chambers judge found both the licence and the bylaw to be constitutionally valid as being in pith and substance about land use and regulation of land use under property and civil rights and matters of a merely local or private nature, both within provincial jurisdiction. While finding the

bylaw and the licence did not purport to regulate the operation of boats or other marine vessels, the judge determined they did impact moorage by permitting temporary boat and buoy moorage only if accessory to the use of immediately abutting upland parcels. Applying the doctrine of interjurisdictional immunity, the judge held the licence and the bylaw could not prohibit temporary moorage of vessels which falls within the protected "core" of shipping and navigation. The judge therefore concluded both the bylaw and the licence must be read down. The Province appealed the judge's order on the basis she erred in applying the doctrine of interjurisdictional immunity to the licence. Mr. Newcomb cross-appealed contending the judge erred in her application of the relevant constitutional division of powers principles and in failing to award him costs.

Held: Appeal dismissed; cross-appeal allowed in part. During the hearing of the appeal, the parties agreed the judge's order be amended to separate her declaration as to the licence from her declaration regarding the bylaw. The Province thus abandoned its appeal. As to the cross-appeal, the chambers judge correctly applied settled principles of constitutional law in determining the bylaw was in pith and substance within provincial jurisdiction. In addition, the judge correctly read down the bylaw, by applying the doctrine of interjurisdictional immunity, in order to avoid it infringing upon exclusive federal jurisdiction over navigation and shipping. The judge did, however, err in determining the District was the successful party in the litigation. Accordingly, Mr. Newcomb's cross-appeal is allowed only to the extent of setting aside the judge's order as to costs so that the District and Mr. Newcomb bear their own costs of the proceeding in the court below. The District is to receive 80 per cent of its costs on appeal.

Reasons for Judgment of the Honourable Madam Justice MacKenzie:

[1] The issue in this appeal is whether certain sections of a municipal bylaw restricting the moorage of vessels are unconstitutional on the ground that they are, in pith and substance, about navigation and shipping, which fall under the powers of Parliament (enumerated as head 10 of the Classes of Subjects under s. 91 of the *Constitution Act, 1867*), and are therefore outside the jurisdiction of the municipality's legislative competence.

Background

[2] The Regional District of Central Okanagan's Zoning Bylaw 2000 No. 871 was made applicable to the District of West Kelowna (the "District") upon its incorporation by

Letters Patent in December 2007; it was amended in 2009 by the adoption by the District of Zoning Bylaw Amendment 2009 No. 871.202 providing for the addition of s. 5.3, W1 Water Use (Recreational) Zone ("W1 Zone") (together "Bylaw 871"). The W1 Zone provisions permit "temporary boat moorage accessory to the use of the immediately abutting upland parcel".

[3] A Licence of Occupation (the "Licence") was granted in 2010 by the Province of British Columbia to the District pursuant to s. 39 of the *Land Act*, R.S.B.C. 1996, c. 245, over Crown foreshore of a portion of Okanagan Lake fronting on Gellatly Bay, for public recreation and park purposes. The area subject to the Licence (the "Licence Area") represents a small portion of the area covered by the W1 Zone.

[4] Keith Newcomb moored his houseboat in Gellatly Bay until the District issued a notice to relocate in June 2010 pursuant to the Licence. Mr. Newcomb then moved his houseboat to other parts of Okanagan Lake, still within the W1 Zone. Mr. Newcomb did not own an upland parcel.

[5] The District, relying on its Licence and on the W1 Zone provisions of Bylaw 871, applied to the Supreme Court of British Columbia for declaratory and injunctive relief against Mr. Newcomb. Specifically, the District sought in its notice of application:

1. A declaration that the Defendant Keith Newcomb by mooring his houseboat within the Licence Area ... was in breach of the Licence of Occupation granted by the Province to the District of West Kelowna over a portion of Gellatly Bay.
2. A permanent injunction restraining the Defendant Keith Newcomb and all other persons having notice of the order from mooring any houseboat or other vessel within the Licence Area.
3. A declaration that the Defendant Keith Newcomb is in breach of the provisions of the W1 Zone by mooring his houseboat within the waters of Okanagan Lake subject to the W1 Zone regulations.
4. A permanent injunction restraining the Defendant Keith Newcomb and all other persons having notice of the order from mooring any houseboat or other vessel in the W1 Zone and from using or occupying any houseboat or other vessel for residential purposes in the W1 Zone.
5. Costs in favour of the District of West Kelowna.

[6] Mr. Newcomb responded by challenging: (i) the constitutional validity of Bylaw 871; (ii) the District's ability to restrict vessels from entering the Licence Area; (iii) the District's locating of buoys (with signs prohibiting moorage) in the Licence Area; and (iv) the Province's constitutional jurisdiction to issue the Letters Patent to incorporate the District (including lands under Okanagan Lake, offshore of the District, to the centre of the lake).

[7] Alternatively, Mr. Newcomb contended the Letters Patent did not give the District jurisdiction to pass a bylaw regulating shipping and navigation, a matter exclusively within federal jurisdiction.

[8] Mr. Newcomb did not challenge the constitutionality of the Licence or raise that issue in his pleadings. The Province took no position on the validity of Bylaw 871, but sought to uphold the Letters Patent.

Legislation

[9] The relevant Bylaw 871 provisions that create the W1 Zone read:

5.3 **WATER USE (Recreational)** **W1**

Purpose: To provide recreational opportunities, preserve and protect the natural qualities of Okanagan Lake, and provide for the orderly development of boat docks and moorage facilities associated directly with upland uses.

PERMITTED USES TABLE FOR W1 ZONE	
5.3.1	Permitted uses, buildings and structures:
	.1 Temporary boat moorage accessory to the use of the immediately abutting upland *parcel*;
	.2 Boat launching facilities;
	.3 Beach and water-based recreational activities;
	.4 Environmental conservation activities;
	.5 Docks, piers, wharves and mooring *buoys*, accessory to the use of the immediately abutting upland parcel;
	.6 Boat lifts other than overhead boat lift mechanisms.
5.3.2	Prohibited uses, buildings and structures:
	.1 Moorage of floating residential structures such as houseboats;
	.2 Boat houses and boat shelters;
	.3 Use of a vessel for residential purposes.

REGULATIONS TABLE FOR W1 ZONE		
	Column 1	Column 2
5.3.3	Maximum number of docks or piers or wharves or mooring *buoys* allowed for each immediately abutting upland parcel.	1 per immediately abutting upland *parcel*.

[Note: Docks, piers, wharves and mooring buoys must conform to all federal and provincial government legislation such as the Crown Land Use Operational Policy for Private Moorage, current Private Moorage Guidelines, Fisheries Act, Water Act and Navigable Water Protection Act.]

[10] The Licence provisions relevant to this appeal state:

"Land" means that part or those parts of the following described land shown outlined by bold line on the schedule attached to this Agreement entitled "Legal Description Schedule":

All that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on Gellatly Bay, Osoyoos Division Yale District, containing 47.90 hectares, more or less,

except for those parts of the land that, on the Commencement Date, consist of highways (as defined in the *Transportation Act*);

...

2.1 On the terms and conditions set out in this Agreement, we grant you a licence of occupation of the Land for public recreation and park purposes, and you acknowledge this licence of occupation does not grant you exclusive use and occupancy of the Land.

...

4.1 You must

...

(f) use and occupy the Land only in accordance with and for the purposes set out in section 2.1;

Decision of the Chambers Judge

[11] The judge did not address the Province's jurisdiction to issue the Letters Patent, but she held the Province had both the proprietary right and constitutional right to grant the Licence. The judge found Mr. Newcomb was challenging any interpretation of the Licence which purported to restrict or regulate navigation, mooring and anchoring and that, since Mr. Newcomb's constitutional challenge to the W1 Zone provisions of Bylaw 871 was also advanced on that basis, the judge addressed the constitutional validity of the Licence and Bylaw 871 together.

[12] Ultimately, the judge found the portion of Bylaw 871 creating and defining the W1 Zone to be constitutionally valid as being in pith and substance about land use and regulation of land use under property and civil rights (s. 92(13)), and matters of a merely local or private nature (s. 92(16)), both within provincial jurisdiction under the *Constitution Act, 1867* (U.K.), 30 & 31 Vict., c. 3.

[13] While finding Bylaw 871 did not purport to regulate the operation of boats or other marine vessels, the judge determined it did impact moorage by permitting temporary boat moorage and moorage buoys only if accessory to the use of the immediately abutting upland parcel. Applying the doctrine of interjurisdictional immunity to Bylaw 871, the judge held it could not prohibit temporary moorage of vessels which falls within the protected "core" of shipping and navigation, a matter exclusively within federal jurisdiction.

[14] The judge applied the same analysis to the Licence to the extent it prohibited even temporary moorage directly associated with the active use of recreational vessels

within the Licence Area. Thus, the judge concluded both the W1 Zone provisions of Bylaw 871 and the Licence must be "read down so as to have no application to temporary moorage, directly incidental and related to, the active recreational use of vessels in the waters within the W1 Zone" (para. 49). Nevertheless, she found Mr. Newcomb to be in breach of the Licence and the W1 Zone provisions "by mooring his houseboat …for times and purposes that were not temporary and not directly incidental and related to his active and recreational use of [his houseboat] the M.S. Grace" (para. 53).

[15] The judge made the following order:

> THIS COURT DECLARES that:
>
> 1. the Licence of Occupation Number 344874 issued to the Plaintiff June 25, 2010 (the "Licence of Occupation") and District of West Kelowna Zoning Amendment Bylaw 871.202 (the "Bylaw" or "W1 Zone") do not make impermissible temporary moorage, directly incidental and related to, the active recreational use of vessels;
> 2. the Defendant, Keith Newcomb, by mooring his houseboat within the Licence Area, to and including July 17, 2010, was in breach of the Licence of Occupation; and
> 3. the Defendant, Keith Newcomb, has breached the provisions of the W1 Zone by mooring his houseboat, the M.S. Grace, within the waters of Okanagan Lake subject to the W1 Zone regulations, for times and purposes that were not temporary and not directly incidental and related to his active recreational use of the M.S. Grace.
>
> THIS COURT ORDERS that:
>
> 1. the Defendant, Keith Newcomb, and all other persons having notice of this order, are restrained from mooring any houseboat or any other vessel within the Licence Area and within the W1 Zone, for any time or any purpose which is not temporary and not directly related and incidental to the recreational use of the houseboat or vessel; and
> 2. the Defendant pay costs to the Plaintiff on Scale B.

Preliminary Issue

[16] The Province takes no position on the *vires* of the District's Bylaw 871. The Province appealed the judge's order on the basis that she erred in applying the doctrine of interjurisdictional immunity to the Licence which is not a legislative instrument to which constitutional division of powers principles apply. Rather, the Province submitted the Licence is a contractual tenure document. The Province sought the removal of the reference to the Licence from para. 1 of the judge's order.

[17] However, during the hearing of its appeal, the Province acknowledged an appeal may only be brought from an order of the court below and not from the reasoning that resulted in the order. The Province agreed, based on a proper interpretation of the Licence, that the judge's order is correct. That is, the Licence cannot preclude

temporary moorage directly incidental and related to the active recreational use of vessels. Subject to the outcome of Mr. Newcomb's cross-appeal, the parties agreed the judge's order be amended to separate her declaration as to the Licence from her declaration regarding the W1 Zone provisions of Bylaw 871. The wording would not substantially change, nor would its effect. The Province therefore abandoned its appeal.

The Cross-Appeal

[18] As the Province abandoned its appeal, I will only address Mr. Newcomb's cross-appeal. Mr. Newcomb contends the judge erred:

1. in concluding the W1 Zone provisions of Bylaw 871 were constitutionally valid as being in pith and substance related to property and civil rights in the province; and
2. in failing to award him costs on the basis of divided success in the proceeding, and in concluding the case was not one of public interest that warranted either costs in his favour, or alternatively, warranted making no award of costs.

Issue #1

The Relevant Constitutional Principles

[19] To begin, it is necessary to set out the appropriate approach to the division of powers analysis. The Province provided a useful summary, which I have followed in setting out the principles relevant to this case:

1. A division of powers analysis asks the following questions:

   (a) What is the pith and substance of the challenged law? This includes consideration of whether there is a dual aspect (provincial and federal) to the subject matter.

   (b) If the legislation is *intra vires* the Province, i.e. valid provincial legislation, does it encroach too far on the federal sphere, either by:

      i. "impairing" the "core" of a federal undertaking or head of power (interjurisdictional immunity);

      ii. creating an "operational conflict" with valid federal legislation (paramountcy); or

iii. frustrating the purpose of a federal legislative scheme (paramountcy)?

See *Reference re Securities Act,* 2011 SCC 66 at paras. 63-66; *Québec (Attorney General) v. Canadian Owners and Pilots Association,* 2010 SCC 39 ("*COPA*") at paras. 66-74; and *Québec (Attorney General) v. Lacombe,* 2010 SCC 38 at paras. 118-119.

2. The pith and substance analysis requires consideration and examination of the purpose of the legislation and its effect. Determining the "pith and substance" of the challenged law has two steps:

(i) the challenged law must be characterized by identifying its "matter"; and

(ii) the *Constitution Act, 1867,* must be interpreted to assign the "matter" to either a provincial or federal head of power. Identifying the "matter" or "pith and substance" of a law is to identify its dominant and most important characteristic.

See *Reference re Securities Act* at paras. 63-65; *Kitkatla Band v. British Columbia (Minister of Small Business, Tourism and Culture)*, 2002 SCC 31 at paras. 52-58; and *Canadian Western Bank v. Alberta,* 2007 SCC 22 at paras. 27-31.

3. Where the "matter" or "pith and substance" of an enactment, or part of an enactment, falls within a class of subject allocated *exclusively* to the provincial legislatures by s. 92 of the *Constitution Act, 1867*, then any incidental effects the enactment may have on federal jurisdiction do not affect its validity: *Canadian Western Bank* at para. 28; and *Chatterjee v. Ontario (Attorney General)*, 2009 SCC 19 at paras. 29-30.

4. As described in *Reference re Securities Act* at para. 66:

> ... the same subject or "matter" may possess both federal and provincial aspects. This means that a federal law may govern a matter from one perspective and a provincial law from another. The federal law pursues an objective that in pith and substance falls within Parliament's jurisdiction, while the provincial law pursues a different objective that falls within provincial jurisdiction (*Canadian Western Bank*, at para. 30). This concept, known as the double aspect doctrine, allows for the *concurrent application* of both federal and provincial legislation, but it does not create *concurrent jurisdiction* over a matter ... [emphasis in original]

5. The provincial legislative jurisdiction over property and civil rights is broad in scope and "is often referred to as a partial residual jurisdiction": *Reference re Assisted Human Reproduction Act*, 2010

SCC 61 at para. 262. Provincial jurisdiction is a significant power and it cannot be "eviscerated" by a federal head of power in the absence of operational conflict or impairment of Parliament's core legislative jurisdiction: *Reference re Assisted Human Reproduction Act* at paras. 262-264; *Canadian Western Bank* at para. 50; and *Reference re Securities Act* at para. 71.

6. The doctrine of interjurisdictional immunity recognizes that the "'classes of subject' in ss. 91 and 92 must be assured a 'basic, minimum and unassailable content' (p. 839) immune from the application of legislation enacted by the other level of government" (*Canadian Western Bank* at para. 33, citing *Bell Canada v. Quebec (Commission de la santé et de la securité du travail)*, 1988 CanLII 81 (SCC), [1988] 1 S.C.R. 749). In *Canadian Western Bank* at paras. 33-35 and 48-53, and *British Columbia (Attorney General) v. Lafarge Canada Inc.*, 2007 SCC 23 at paras. 41-43 and 72-73, the Court adopted a restricted test for the doctrine's application: interjurisdictional immunity will only protect against an intrusion which "impairs" the "core" of the legislative power of the other level of government. The impugned legislation is then inapplicable to matters otherwise impaired within the federal core.

7. There is a two-pronged test that must be met to trigger the application of the doctrine of interjurisdictional immunity. In *COPA*, the Court explained at para. 27:

> The first step is to determine whether the provincial law ... *trenches on the protected "core" of a federal competence.* If it does, the second step is to determine whether the provincial law's effect on the exercise of the protected federal power is *sufficiently serious* to invoke the doctrine of interjurisdictional immunity. [emphasis in original]

The Positions of the Parties

[20] The District takes no issue with the judge's decision to read down the W1 Zone provisions of Bylaw 871 by applying interjurisdictional immunity principles to permit temporary moorage directly incidental and related to the active recreational use of vessels.

[21] While Mr. Newcomb agrees the judge correctly identified the relevant division of powers principles, he disagrees with her application of those principles. He submits the purpose and effect of the W1 Zone provisions are centrally concerned with regulation of navigation activities and in particular, of moorage within that zone.

[22] Mr. Newcomb's first argument, regarding the pith and substance step in the analysis of identifying the matter, is the judge failed to consider extrinsic

communications and records of the District Council in which he says the Council, among other things, clearly expressed a desire to relocate houseboats and other vessels from certain areas of Okanagan Lake. Mr. Newcomb submits the stated "Purpose" of the W1 Zone provisions fails to mention *those* motives, appears self-serving and "smacks of a tailored attempt to euphemize the true aims of the W1 Zone Bylaw."

[23] I see this argument as flawed for two reasons. First, Mr. Newcomb uses "motive" interchangeably with "purpose". That is, the extrinsic evidence relates to the District's motivation for enacting the W1 Zone. As the District says, the motives or reasons behind the enactment of legislation are conceptually distinct from the purpose of the legislation. Second, even if one accepted that the District's purpose in adopting the W1 Zone provisions was to eliminate houseboats in the W1 Zone, that does not result in the primary purpose of the provisions being navigation and shipping. Discerning the purpose is a matter of statutory interpretation, and the meaning of the purpose statement in the W1 Zone provisions, repeated here for ease of reference, is plain:

> Purpose: To provide recreational opportunities, preserve and protect the natural qualities of Okanagan Lake, and provide for the orderly development of boat docks and moorage facilities associated directly with upland uses.

Thus, extrinsic evidence does not assist in determining the meaning of the W1 Zone provisions which are clear on their face and there is no evidence of bad faith on the part of the District.

[24] In my view, the judge correctly determined by reference to both the purpose statement and the substantive legislative provisions that the purpose and pith and substance of the W1 Zone provisions of Bylaw 871 were to regulate land use. She noted the W1 Zone regulated the use of the foreshore and certain dry land elements, and held it was clear "the purpose of the W1 Zone extends to the regulation of the use of land covered by water, as seen by the reference to temporary boat moorage, water-based recreational activities, mooring buoys and the water-based component of boat launching facilities, docks, piers and wharves and boat lifts" (para. 30).

[25] Nor did the judge fail to appreciate the effect of the restrictions in the W1 Zone, including the prohibition of all uses other than those expressly permitted. She recognized the W1 Zone regulations were part of a larger legislative context, noting that by s. 4.5 of Bylaw 871, any uses not expressly permitted were not permitted, so moorage and/or moorage buoys not accessory to the use of an immediately abutting upland parcel were not permitted uses (para. 34).

[26] Furthermore, as discussed below, I consider the District was entitled to enact the W1 Zone provisions of Bylaw 871 based on division of powers principles.

[27] Mr. Newcomb relies mainly on the following cases to argue that the judge incorrectly identified the pith and substance of the W1 Zone bylaw: *R. v. Will* (1999), 1999 CanLII 19915 (ON SC), 44 O.R. (3d) 315 (Prov. Div.); *Procureure Générale du Québec c. Larochelle* (2003), 131 A.C.W.S. (3d) 846 (Que. C.A.); *R. v.*

Lewis, 2009 BCPC 386; and *Ordon Estate v. Grail*, 1998 CanLII 771 (SCC), [1998] 3 S.C.R 437. However, *Larochelle* and *Will* predate *Lafarge*. In *Lafarge*, while the Court observed "land use is inherently local" (para. 31), it also affirmed the double aspect of land use control in federal harbours. The validity of the Vancouver Port Authority's land use controls rested on their integration with marine transportation. But, consistent with the double aspect nature of land use regulation, the federal land use jurisdiction did not "attract" interjurisdictional immunity, as it did not fall within the core of navigation and shipping (para. 72).

[28] The finding that temporary moorage, incidental to active navigational use, is at the protected core of navigation does not mean the pith and substance may not remain within provincial jurisdiction, as contemplated by the following passage from *Lafarge*:

> [41] ... Thus a provincial *Planning Act* relating to pith and substance of "Municipal Institutions in the Province" (*Constitution Act, 1867*, s. 92(8)) and "Property and Civil Rights in the Province" (s. 92(13)) as well as "Matters of a merely local or private Nature" (s. 92(16)) would quite permissibly have "incidental effects" on matters within its scope that would otherwise fall within federal jurisdiction over shipping and navigation, provided such "incidental effects" are not precluded from doing so by (i) the doctrine of interjurisdictional immunity or (ii) the operation of federal paramountcy.

[29] Therefore, the judge was correct in addressing the ambit of moorage rights incidental to navigation as part of the interjurisdictional immunity analysis, and not as denying provincial/municipal jurisdiction over land use regulation as being within ss. 92(13) and 92(16). The judge was also correct in finding that, notwithstanding the impact on moorage, the pith and substance of Bylaw 871 (which created and defined the W1 Zone) was legislation about, and regulation of, land use and not shipping and navigation.

[30] Mr. Newcomb cites *Ordon Estate* for the proposition that, as a general matter within the Canadian federal system, it is constitutionally impermissible for a validly enacted provincial statute of general application to affect matters coming within the exclusive jurisdiction of Parliament. However, *Ordon Estate* involved maritime negligence law which the Supreme Court has recently confirmed is at the core of the federal power over navigation and shipping: *Marine Services International Ltd. v. Ryan Estate*, 2013 SCC 44 at para. 59. In *Marine Services*, the Court overturned *Ordon Estate*, stating it was no longer correct because: (i) it did not apply the correct standard for determining impairment of a core, as it applied the broader "affects" test from *Bell Canada v. Québec (Commission de la santé et de la sécurité du travail)*, 1988 CanLII 81 (SCC), [1988] 1 S.C.R. 749 at 859-860, rather than the more limited "impairs" test from *Canadian Western Bank* at para. 48; and (ii) it did not apply the correct two-step test for interjurisdictional immunity as established in *COPA* at para. 27.

[31] Also, while the Court in *Marine Services* was not required to engage in a pith and substance analysis, it commented on the scope of the federal power over navigation and shipping as part of the interjurisdictional immunity analysis. After noting the federal

jurisdiction over navigation and shipping was broad, the Court provided the following outline of its scope:

> [61] ... It "encompasses those aspects of navigation and shipping that engage national concerns which must be uniformly regulated across the country, regardless of their territorial scope" (*Tessier*, at para. 22), and includes "maritime law which establishes the framework of legal relationships arising out of navigation and shipping activities" and "the infrastructure of navigation and shipping activities": *British Columbia (Attorney General) v. Lafarge Canada Inc.*, 2007 SCC 23 (CanLII), 2007 SC 23, [2007] 2 S.C.R. 86, at para. 62.

[32] Mr. Newcomb largely repeats his argument in the court below regarding *Lewis* as "an example of appropriate cooperation between levels of government". But *Lewis*, too, is distinguishable on its facts. *Lewis* dealt with a challenge to the validity of federal anchorage regulations in False Creek. False Creek is unique because it is the only body of water where the federal government has implemented moorage regulations. I agree with the District that upholding those regulations does not support the corollary that any provincial regulation of moorage or anchorage would be in pith and substance an invasion of the federal navigation and shipping power.

[33] Moreover, I agree with the District that Mr. Newcomb's argument overlooks the significant caveat on the scope of the federal authority over moorage as it relates to federal navigation jurisdiction, as noted by Judge Kitchen and referred to by the chambers judge at para. 42 of her reasons. The analysis of Kitchen P.C.J. in *Lewis* of the constitutional challenge to the anchorage regulations begins with the following at para. 29:

> There is a common law right to navigation which includes the incidental right to anchor: *Halsbury's Laws of England 2004* Vol. 49(3) 475-477. This is not a right to anchor or moor permanently but it must be exercised reasonably as determined by the circumstances at the time of anchoring such as the weather, loading or unloading of the vessel, or the need for repairs to the vessel. The right to anchor therefore contemplates the right to do so for a reasonable time, for a reasonable purpose.

[34] I agree with the District that, in essence, Mr. Newcomb's argument seeks to impose a constitutional restraint based on a public policy preference that the federal government should regulate in this area. Such a preference cannot trump the clear statement in *Lafarge* that constitutionally land use control in harbours (and therefore the waters of Gellatly Bay and Okanagan Lake) presents a double aspect.

[35] Finally, Mr. Newcomb cites several decisions to submit that maintaining a uniform body of Canadian maritime law should preclude municipal regulation of moorage. While important, uniformity does not fall within the relevant division of powers analysis. Therefore, I will only say that when the W1 Zone provisions are read down, as the judge ordered, there is no basis to assert those provisions undermine federal law relating to safe navigation.

Conclusion

[36] In contending the pith and substance of Bylaw 871 is navigation and shipping, Mr. Newcomb largely repeats his argument in the court below. I agree with the District that the judge correctly applied settled principles of constitutional law in determining the W1 Zone provisions of Bylaw 871 were in pith and substance within provincial jurisdiction. In addition, the judge correctly read down the impugned W1 Zone provisions to avoid their infringing upon exclusive federal jurisdiction over navigation and shipping.

[37] Accordingly, I find Mr. Newcomb's argument inconsistent with a correct application of constitutional division of powers principles and in particular, principles of interjurisdictional immunity.

[38] It follows that I would not give effect to this ground on the cross-appeal.

Issue #2

[39] Mr. Newcomb submits that because success was divided and/or these proceedings are in the public interest, he was entitled to costs, or alternatively, the judge ought not to have made any costs award.

[40] This Court will not lightly interfere with a decision on costs. As Mr. Newcomb recognizes, the standard of review applicable to discretionary decisions of this nature is whether the judge misdirected herself on the law, or made a palpable error in the assessment of the facts: *British Columbia (Minister of Forests) v. Okanagan Indian Band*, 2003 SCC 71 at para. 43.

[41] In the court below, the District sought costs on Scale C of Appendix B to the *Supreme Court Civil Rules* on the basis the case was of more than ordinary difficulty. Mr. Newcomb sought an order that each party bear its own costs or, alternatively, that costs be on Scale B (ordinary difficulty). Mr. Newcomb argued there were ample grounds for the court to exercise its discretion not to award costs against him. The parties agreed there were three issues the court should consider as to costs: (i) which party succeeded in the litigation; (ii) whether the usual rule that costs follow the event should not be followed based on a consideration of the factors relevant to public interest litigation; and (iii) if awarded, what was the appropriate scale of costs.

[42] In her reasons on costs, 2013 BCSC 2299, the judge observed that each party's position at the hearing had to be compared to the outcome. After setting out their positions at para. 3, she said:

> It was clear, during the course of the hearing, from the evidence and the submissions, that the respondent was seeking an unfettered ability to moor his vessel for all and any amounts of time at any location within the Licence Area and the W1 Zone. It was also clear that the respondent was predominately concerned about long-term moorage of his vessel during the times of the year at which active recreational boating on Okanagan Lake is not practical, or at least not common, and not undertaken by the respondent in particular, rather than short-term moorage associated with, and incidental to, his active recreational boating activities.

[43] The judge considered Rule 14-1(9) of the *Supreme Court Civil Rules*, which reads:

> Costs to follow event
>
> (9) Subject to subrule (12), costs of a proceeding must be awarded to the successful party unless the court otherwise orders.

[44] The judge found the District had been the successful party. She recognized Mr. Newcomb's partial success in having the Licence and Bylaw 871 read down to permit "temporary moorage, directly incidental and related to, the active recreational use of vessels in the waters within the W1 Zone" (at para. 4), but she noted that while Mr. Newcomb had contended the Licence and the W1 Zone provisions of Bylaw 871 were unconstitutional and that he was not in breach of either, he was ultimately unsuccessful on both positions.

[45] The judge further decided the case did not justify, on public interest grounds, a variation from the usual rule that costs follow the event. She therefore awarded costs to the District on Scale B.

[46] On appeal, I see no merit to Mr. Newcomb's public interest argument that the judge did not refer to a marine facilities study undertaken by the Regional District of Central Okanagan as being supportive of government investment in marine recreational facilities, a political matter. Nor was there any evidence on whether other local governments were encountering similar moorage issues so as to be encouraged by the District's success to themselves seek injunctive relief, as Mr. Newcomb suggests.

[47] Mr. Newcomb also relied on the factors recommended by the Ontario Law Reform Commission, adopted in *Guide Outfitters Assoc. v. British Columbia (Information and Privacy Commissioner)*, 2005 BCCA 368 at para. 8 (citing *MacDonald v. University of British Columbia*, 2004 BCSC 412 at para. 13). In particular, he submitted: (i) the litigation involved issues of importance extending to anyone wishing to enjoy navigation on Okanagan Lake; (ii) he had no pecuniary interest in the outcome; (iii) the issue was whether boaters could moor in the relevant area at all; (iv) the issue had not previously been decided in any proceeding against him; and (v) the District had a superior capacity to bear costs. He further argued he had not engaged in frivolous or vexatious litigation. Applying those factors, the judge said:

> [7] I accept that the issue of the constitutionality of the Licence of Occupation and the W1 Zone regulations is a matter of interest beyond the immediate interests of the parties. However, I conclude that the interest of the public at large was not engaged so much as the interest of a defined group of people, namely, those who might wish to boat within the waters that form part of the District of West Kelowna.
>
> [8] I also conclude that the respondent had a pecuniary interest in the outcome. He does not currently have marina moorage for his vessel, and had he succeeded in his constitutional attack, he would not have been put to the expense of obtaining marina or other moorage for his vessel nor to the cost and inconvenience of removing his vessel from the lake at times he is not using it.

> [9] There are cases, upon which I relied, which bear on the moorage issue, although I do not think it can be said that the precise issues in this case had been decided against the respondent previously.
>
> [10] On the issue of the capacity to pay, I know little about the resources of the respondent. Clearly the claimant has the capacity to pay to bear costs, although at the expense of its taxpayers.
>
> [11] The final factor, namely, whether the respondent has engaged in frivolous or vexatious litigation, is not a factor.
>
> [12] Balancing all of the factors in this case, I conclude that the respondent has not satisfied me that a departure from the normal rule concerning costs is justified.

[48] Mr. Newcomb distinguishes *Okanagan Indian Band* on the basis it dealt with circumstances where the court should grant an order for interim costs in advance of the litigation, a more stringent test.

[49] Mr. Newcomb concedes the judge correctly identified the factors adopted in *Guide Outfitters* and applied in *Victoria (City) v. Adams*, 2009 BCCA 563 at para. 185. But he submits the judge erred in concluding the circumstances of this case do not fall within the ambit of those factors.

[50] I agree with the judge's conclusion that the group whose interests were affected by this case is much smaller than as characterized by Mr. Newcomb. As the judge observed, the interest affected is that of a defined group: "those who might wish to boat within the waters that form part of the District of West Kelowna" (para. 7).

[51] Nonetheless, it must be recalled that the position of the District, even in its notice of application which was narrower than its notice of civil claim, was that the W1 Zone provisions of Bylaw 871 should be upheld in their entirety. Had the District been successful in achieving this result, no vessel could ever moor or anchor in the W1 Zone for any purpose. Thus, Mr. Newcomb succeeded in defending against this uncompromising position to the extent that temporary moorage is permitted if related to the active recreational use of vessels.

[52] Although I agree that Mr. Newcomb did not meet the test for public interest litigation, his partial success in defending the action with respect to those who wish to moor within the W1 Zone was significant. I consider success was therefore divided and the judge erred in determining the District was the successful party in this litigation. In the result, I would make no order as to costs.

[53] Accordingly, I would allow Mr. Newcomb's cross-appeal only to the extent of setting aside the judge's order as to costs so that the District and Mr. Newcomb would bear their own costs of the proceeding below.

Conclusion

[54] In light of the outcome and the agreement of the parties, I would vary the judge's order by substituting the following order:

> THIS COURT DECLARES that:
>
> 1. the Licence of Occupation Number 344874 issued to the Plaintiff June 25, 2010 (the "Licence of Occupation") does not make impermissible temporary moorage, directly related and incidental to, the active recreational use of vessels;
> 2. the District of West Kelowna Zoning Amendment Bylaw 871.202 (the "Bylaw" or "W1 Zone") is inapplicable to temporary moorage, directly related and incidental to, the active recreational use of vessels, by operation of interjurisdictional immunity;
> 3. the Defendant, Keith Newcomb, by mooring his houseboat within the Licence Area, to and including July 17, 2010, was in breach of the Licence of Occupation; and
> 4. the Defendant, Keith Newcomb, has breached the provisions of the W1 Zone by mooring his houseboat, the M.S. Grace, within the waters of Okanagan Lake subject to the W1 Zone regulations, for times and purposes that were not temporary and not directly incidental and related to his active recreational use of the M.S. Grace.
>
> THIS COURT ORDERS that:
>
> 4. the Defendant, Keith Newcomb, and all other persons having notice of this order, are restrained from mooring any houseboat or any other vessel within the Licence Area and within the W1 Zone, for any time or any purpose which is not temporary and not directly related and incidental to the recreational use of the houseboat or vessel; and
> 5. the parties will bear their own costs.

[55] I would accede to Mr. Newcomb's cross-appeal on costs to the extent described above.

[56] The District has achieved substantial success on appeal but Mr. Newcomb succeeded on the costs issue which involved a substantial amount. I would therefore order the District receive 80 per cent of its costs on appeal.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *The Corporation of the City of Victoria v. Zimmerman,* 2018 BCSC 321

Date: 20180305
Docket: S170491
Registry: Victoria

Between:

The Corporation of the City of Victoria

Petitioner

And

Barry Zimmerman, Keith Rosene, Richard Hartwig, Wayne Charters, Matt Boudreau, Brian Roodberg, George Gomes, Shawn Hill, Michael Johnson, Lawrence Onischuk, Richard Patterson, Lorraine Ashford, Rob McLennan, John Doe, Jane Doe, and Other Persons Unknown Anchoring or Mooring Vessels in the Gorge Waterway, Victoria, British Columbia

Respondents

And

Attorney General of British Columbia

Respondent
(pursuant to the *Constitutional Question Act*, R.S.B.C. 1996, c. 68)

Before: The Honourable Mr. Justice Voith

Reasons for Judgment

Counsel for the Petitioner:	T. Zworski
Assisting the Respondent, Barry Zimmerman:	B. O'Reilly
Respondent, appeared on his own behalf:	B. Zimmerman

Respondent, appeared on his own behalf:	R. Patterson
Respondent, appeared on his own behalf:	B. Roodberg
Respondent, appeared on his own behalf:	K. Rosene
Appearing for the Attorney General of British Columbia:	S. Bevan
Place and Date of Hearing:	Victoria, B.C. November 1-3, 2017
Written Submissions on behalf of the Respondent, Barry Zimmerman:	Victoria, B.C. November 15, 2017
Place and Date of Judgment:	Victoria, B.C. March 5, 2018

[1] The Petitioner, The Corporation of the City of Victoria (the "City") seeks a statutory injunction to restrain the contravention of the City's Zoning Regulation Bylaw (the "Bylaw") by the Respondents in an area known as the Gorge Waterway. The Attorney General of British Columbia appeared in this proceeding in response to a Notice of Constitutional Question filed by the Respondent, Mr. Zimmerman, on October 12, 2017.

[2] Mr. Zimmerman and the other Respondents have challenged the Bylaw on various bases but their primary focus rests on the assertion that various restrictions in the Bylaw impermissibly intrude into federal jurisdiction over navigation and shipping under s. 91(10) of the *Constitution Act, 1867*, 30 & 31 Victoria, c. 3 (U.K.).

Parties

[3] The City is a Local Government continued under the *Community Charter*, S.B.C. 2003, c. 26.

[4] The various named Respondents are all individuals who moor their boats within the Gorge Waterway. The personal circumstances of these individuals varies. Some live on their boats. Some simply moor their boats in the area. Some have done so for more than forty years. Others have only done so more recently.

[5] Each of the named Respondents who attended, other than Mr. Zimmerman, was self-represented. Each was respectful and concise in their comments though the concerns they expressed in relation to the Bylaw varied. Mr. Zimmerman had the assistance of a retired lawyer, Mr. O'Reilly, who addressed the court with the acceptance of the Petitioner and the Province. It is Mr. O'Reilly who focused on the

constitutional issues that are raised on the application. I am grateful to him for the professional manner in which those submissions were advanced.

[6] The Province appeared, as I have said, as a result of the Notice of Constitutional Question that was filed. Subsection 8(2) of the *Constitutional Question Act*, R.S.B.C. 1996, c. 68 (the "*CQA*") provides that notice of a challenge of the constitutional validity or applicability of a "law" must be served on the Attorney General of Canada and British Columbia in the manner set out in the section. A "law" for the purposes of the section includes "an enactment". *The Interpretation Act*, R.S.B.C. 1996, c. 238 defines "enactment" as including a "regulation", which in turn is a defined term that includes a "bylaw … enacted in execution of a power conferred under an Act". Additionally, subsection 8(3) of the *CQA* requires that notice must be given to the AGBC of any non-constitutional challenge to the validity or applicability of a "regulation".

[7] Subsection 8(6) of the *CQA* provides that the AGBC has party status when appearing in a proceeding to address a question of the validity or applicability of a law, in response to a notice given under the section.

[8] The Attorney General of Canada did not appear or take any position on the application.

The Bylaw

[9] The City adopted the Bylaw under the powers it is given by the *Local Government Act*, R.S.B.C. 2015, c. 1. The Bylaw regulates the use of land, including land covered by water within the boundaries of the City. The City established the Gorge Waterway Park District (the "GWP Zone") in 2014. The GWP Zone was then amended or modified in 2016. This occurred following public consultation by the City. The specific description of the Bylaw that is being challenged is Zoning Regulation Bylaw, Part 9.3, [*GWP Zone, Gorge Waterway Park District*]. The salient parts of the 2016 amendment to the Bylaw, and of Part 9.3, state:

> NO. 16-050
>
> A BYLAW OF THE CITY OF VICTORIA
>
> The purpose of this Bylaw is to amend the Zoning Regulation Bylaw regulations for the GWP Zone, Gorge Waterway Park District, to allow overnight anchoring and mooring of vessels on a limited basis.
>
> The Council of The Corporation of the City of Victoria enacts the following provisions:
>
> 1. This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1066)".
>
> 2. The Zoning Regulation Bylaw is amended in Schedule B, Part 9.3 [*GWP Zone, Gorge Waterway Park District*]
>
> (a) by repealing section 9.3.1.b.i. and substituting the following paragraphs:

"i. The anchoring or mooring of vessels for a continuous period exceeding 48 hours

ii. The anchoring or mooring of vessels for more than 72 hours within a 30-day period"

(b) by renumbering in section 9.3.1.b. paragraphs ii and iii as paragraphs iii and iv respectively.

[10] The stated purpose of the GWP Zone is to better regulate the use of the Gorge Waterway and to ensure that its use is compatible with the park and residential uses in the surrounding lands.

[11] The Gorge Waterway is a tidal inlet that is connected to Victoria Harbour. The Gorge Waterway, which is also sometimes known as Selkirk Waters, is located roughly between Banfield Park, Arbutus Park and Cecelia Ravine Park North of a pedestrian bridge that is called the Selkirk Trestle. The Gorge Waterway consists of three district lots (DL 138, 142 and 152) as well as Crown foreshore or lands covered by water.

[12] The Gorge Waterway, for various reasons, is used primarily by smaller vessels and it is also popular with kayakers, rowing boats and other recreational users.

[13] The City has leased a portion of the Gorge Waterway from the Province pursuant to long-term leases. In addition, the City holds a License of Occupation from the Province for the remainder or balance of the Gorge Waterway. The Gorge Waterway provides very good small boat anchorage, particularly in the winter months. Indeed this fact gives rise to one of the central sources of conflict under the Bylaw as the Bylaw prohibits vessel owners from mooring their vessels, in the Gorge Waterway, for an extended period. Most of the Respondents have done this, particularly in the winter, for some time.

Clarification of Territorial Boundaries and Property Interests in relation to the GWP Zone

[14] One of the principal assertions made by the Respondents is that the Gorge Waterway is a federal waterway. It is accordingly necessary to address this assertion and to fully understand the status of the waterway that constitutes the Gorge Waterway. This issue is somewhat complex and technical and it was developed at length in the written submissions of the Province. I have relied on those submissions extensively though I have reviewed the sources legislation and authorities that were referred to.

[15] British Columbia's territorial limits are defined by its geographical boundaries. Where the Province abuts the sea, the general rule is that its territory ends at the low-water mark. Thus, the foreshore (between the high and low water marks) is within the territory of the Province, whereas "offshore" areas beyond the low-water mark are outside the Province: *A.G. B.C. v. C.P.R.*, [1906] A.C. 204 at para. 8.

[16] There are two exceptions to the general line of demarcation at the low-water mark: (i) waters situated *inter fauces terrae* ("in the jaws of the land") such as bays,

inlets, and estuaries; and (ii) waters beyond the low-water mark that were within the boundaries of the Province when it entered Confederation. These waters are, exceptionally, within the territory of the Province though they extend beyond the low-water mark. An established instance of the latter exception is the large area of the waters between mainland British Columbia and Vancouver Island. British Columbia has also, in the past, claimed the seabed and waters of Queen Charlotte Sound, Hecate Strait, and Dixon Entrance, though that claim has not been resolved: *Ownership of Off Shore Mineral Rights (British Columbia)*, [1976] S.C.R. 792 and *Ownership of the Bed of the Strait of Georgia and Related Areas*, 1984 CanLII 138 (SCC), [1984] 1 S.C.R. 388.

[17] The foreshore and seabed within the Province's territorial limits are, for the most part, owned by the Province as un-granted Crown land. The *Land Act* defines "Crown land" as "land, whether or not it is covered by water": *Land Act*, R.S.B.C. 1996, c. 245, sections 1, 18, 55 and *Lawrence v. British Columbia (Attorney General)*, 2010 BCSC 309.

[18] Beyond the low-water mark on the coast - and outside those coastal waters that are either *inter fauces terrae,* located between mainland British Columbia and Vancouver Island, are otherwise subject to claim by the Province - the federal government has territorial rights to a distance of 12 nautical miles, as well as ownership of the seabed and underlying resources within the territorial sea: *Ownership of Off Shore Mineral Rights (British Columbia), Oceans Act*, S.C. 1996, c. 31, s. 8.

[19] Pursuant to s. 108 of the *Constitution Act, 1867*, the federal government has also had ownership of the foreshore and seabed, and surrounding upland harbour facilities, of certain "public harbours" in British Columbia. This ownership is somewhat unusual in that, absent s. 108, these areas of foreshore and seabed would have been under provincial ownership, as being within the territory of the Province *inter fauces terrae*. Section 108 of the *Constitution Act, 1867* provided that "[t]he Public Works and Property of each Province, enumerated in the Third Schedule to this Act, shall be the Property of Canada". The list in the Third Schedule included "Public Harbours".

[20] In 1924, Canada and British Columbia reached an agreement to settle the question of which harbours were "Public Harbours" in the Province at the time of its entry into Confederation in 1871, so as to have been transferred to Canada by operation of s. 108. The six harbours recognized in the agreement were Victoria, Esquimalt, Nanaimo, Port Alberni, Burrard Inlet, and New Westminster: *Attorney-General of Canada v. Higbie*, 1945 CanLII 237 (SCC), [1945] S.C.R. 385; Order in Council 507/1924 (British Columbia) and Order in Council 941/1924 (Canada).

[21] As originally defined in the 1924 Order in Council by which the Province ratified the "Six Harbours Agreement", Victoria Harbour did not include the Gorge Waterway north of the Selkirk Trestle. The boundary description for Victoria Harbour in Schedule A to the Order in Council read as follows:

> All the foreshore and bed of Victoria Harbour and Selkirk Water lying inside of the following described boundary, viz:- Commencing at the most southerly point of high water mark at Macaulay Point; thence south astronomically one hundred (100) feet; thence south-easterly to a point one hundred (100) feet from the centre of the light on the end of the Dominion Government Breakwater said distance of one hundred (100) feet being measured in a southerly direction at right-angles to the direction of the outer leg of said Breakwater; thence easterly following parallel to the centre line of said Breakwater as constructed and distant one hundred (100) feet from said centre line to the intersection with high water mark at Dallas Road; excepting thereout and therefrom all that portion of Selkirk Water lying northerly and westerly from a line drawn parallel to and distance fifty (50) feet in a north-westerly direction from the centre line of the Canadian National Railway, as now constructed across said Selkirk Water; ...
>
> [Emphasis in original.]

[22] Under the federal legislative framework that has been in place since the late 1990s, Victoria Harbour is not one of those economically significant public harbours for which there is an incorporated "port authority" that acts as agent of the federal Crown in operating the port. However, Victoria Harbour does have designation as a "public port" under s. 65 of the *Canada Marine Act,* S.C. 1998, c. 10 and the *Public Ports and Public Port Facilities Regulations,* SOR/2001-154. As in the 1924 Order in Council, the boundaries of Victoria Harbour are defined in the *Public Ports and Public Port Facilities Regulations* as extending only as far north as the Selkirk Trestle, as follows: "All the navigable waters, including any foreshore, from a line running from the Ogden Point breakwater in a westerly direction to the southern end of Macauley Point northward to the Trestle Bridge".

[23] Within the boundaries of the "public port" of Victoria Harbour, certain special restrictions on navigation are in effect under the *Public Ports and Public Port Facilities Regulations* and the "*Practices and Procedures for Public Ports*" made pursuant to s. 76 of the *Canada Marine Act*.

[24] The GWP Zone, however, is located outside the bounds of Victoria Harbour, and it covers waters which are *inter fauces terrae*. Thus, the Crown in right of the Province - not the federal Crown - owns the foreshore and seabed which comprise the "land" within the GWP Zone. This fact is important and it does not appear to be disputed on this application.

[25] In respect of two surveyed parcels of Crown-owned foreshore and seabed within the GWP Zone (District Lots 138 and 152), the Province has granted the City leases under s. 38 of the *Land Act*, for "public park purposes" and "public park and storm drain and outfall purposes", respectively. In respect of the remaining area of the GWP Zone, comprising one surveyed parcel (District Lot 142) as well as the residue of un-surveyed foreshore and seabed, the Province has granted the City a License of Occupation under s. 39 of the *Land Act* for "marine park purposes".

[26] The GWP Zone is located entirely within the boundaries of the City of Victoria. Again, this is important and does not appear to be disputed.

[27] The limited sense in which the GWP Zone of the Gorge Waterway may be said to be a "federal waterway" is that it is capable of being the site of activities subject to regulation by the federal government under its "navigation and shipping" power. One instance of the exercise of this power is that, as a tidal water connecting to the Pacific Ocean, the Gorge Waterway comes within the list of "navigable waters" specified in the Schedule to the *Navigation Protection Act,* R.S.C. 1985, c. N-22. As such, certain prohibitions and ministerial powers specified in that *Act* that are aimed at preventing and addressing obstructions to navigation, apply within the GWP Zone. I have discussed the implications of the federal legislative authority over "navigation and shipping" for the validity of the Bylaw later in these Reasons.

[28] It is, however, important that the GWP Zone:

a. does not have any unique or distinct legal status as a "navigable water" simply because it is a tidal waterway that connects to the ocean. In addition to the Pacific Ocean, defined as "[a]ll waters from the outer limit of the territorial sea up to the higher high water mean tide water level and includes all connecting waters up to an elevation intersecting with that level", the Schedule to the *Navigation Protection Act* lists many inland lakes and rivers in British Columbia, and elsewhere in Canada, as "navigable waters".

b. is not federally-owned "public property" within the meaning of s. 91(1A) of the *Constitution Act, 1867* which could be immune from the application of local government zoning bylaws: *British Columbia (Attorney General) v. Lafarge Canada Inc.*, 2007 SCC 23 at para. 55.

c. is not located within the boundaries of the "public port" of Victoria Harbour where special restrictions on various navigation-related activities, including specifically anchoring and mooring, are in effect and enforced by Transport Canada under the authority of the *Canada Marine Act*.

The Principal Issue

[29] With this backdrop, I turn to consider whether the Bylaw is a valid, operative and applicable land-use law within provincial authority under the *Constitution Act, 1867*. This central question is, for practical purposes, addressed and answered in *West Kelowna (District) v. Newcomb*, 2013 BCSC 1411 [*West Kelowna SC*] aff'd 2015 BCCA 5 [*West Kelowna CA*]. Because I consider that this case addresses the primary issue raised by Mr. Zimmerman and the other Respondents, and because the case in many respects

mirrors the case before me, I have addressed the decision in more detail than I normally would.

[30] In the *West Kelowna* case the claimant, the District of West Kelowna, sought, as in this case, declaratory and injunctive relief against Mr. Newcomb. Mr. Newcomb had moored his houseboat on Okanagan Lake in contravention of both a License of Occupation held by the District and the District's zoning bylaw. Mr. Newcomb challenged the constitutionality of each of the License of Occupation and the District's zoning bylaw arguing that the License of Occupation could not include land under navigable waters and that the bylaw in question sought, impermissibly, to regulate navigation and shipping which lie within the jurisdiction of the federal government. It is clear that the challenges to the License of Occupation and to the District's zoning bylaw were distinct and that they were addressed separately by the Court: *West Kelowna SC* at para.16.

[31] The bylaw at issue in the *West Kelowna SC* decision created a "WI Zone" within which various uses were permitted. The following uses were, however, prohibited:

> 5.3.2 Prohibited uses, building and structure:
>
> .1 Moorage of floating residential structures such as houseboats;
>
> .2 Boat houses and boat shelters;
>
> .3 Use of a vessel for residential purposes.

[32] Mr. Newcomb owned a houseboat. In October 2008 he lost his moorage at a marina and from that date until July 17, 2010 his houseboat was moored within Gellatly Bay, an area that fell within the area covered by the License of Occupation and the District's zoning bylaw. The District issued a notice to the owners of various vessels, including to Mr. Newcomb, requiring that they move or relocate their boats.

[33] Mr. Newcomb argued "that the pith and substance of Bylaw 871 with respect to the WI Zone is the regulation of navigation and shipping, which is exclusively within the jurisdiction of the federal government". The position of the District, in turn, was that "the purpose of the WI Zone, within the overall zoning bylaw, Bylaw 871, is to regulate the use of land, including land covered by water, a matter exclusively within the jurisdiction of the Province" which had been properly delegated to the District: *West Kelowna SC* at para. 28.

[34] In *West Kelowna SC*, Beames J. recognized that there were several distinct legal questions before her. The first question required an analysis of the pith and substance of the bylaw before her: *West Kelowna SC* at para. 27. In relation to this issue Beames J. said:

> [30] Looking specifically at the wording of the W1 Zone, which is set out in full above, the purposes are said to be the provision of recreational opportunities, the preservation and protection of the natural qualities of the lake, and the provision for the orderly development of boat docks and moorage facilities associated directly with upland uses. The W1 Zone regulates the use of the foreshore, and

> specific provision is made for uses, buildings and structures which have a dry land component, including beach recreational activities, and docks, piers and wharves. It is also clear that the purpose of the W1 Zone extends to the regulation of the use of land covered by water, as can be seen by the reference to temporary boat moorage, water-based recreational activities, mooring buoys and the water-based component of boat launching facilities, docks, piers and wharves and boat lifts.
>
> [31] That municipalities may use their zoning power to extend to the regulation of the use of land covered by water, or the use of water itself, is made clear in a number of authorities provided, including *Salt Spring Island Local Trust Committee v. B & B Ganges Marina Ltd.*, 2007 BCSC 892; *Hamilton Harbour Commissioners v. City of Hamilton* (1978), 1978 CanLII 1511 (ON CA), 21 O.R. (2d) 459 (Ont. C.A.); and *Township of Moore v. Hamilton* (1979), 1979 CanLII 1799 (ON CA), 96 D.L.R. (3d) 156 (Ont. C.A.).
>
> [32] It is of note that the District has not, in adopting the W1 Zone, purported to attempt to regulate the operation of boats or other marine vessels. It does not, in contrast to some of the cases relied upon by the defendant, attempt to regulate the size of motor on a boat (*R. v. Kupchanko*, 2002 BCCA 63), nor does it attempt to ban a certain type of watercraft from operating on the lake within the W1 Zone (*Windermere Watersport Inc. v. Invermere (District)* (1989), 1989 CanLII 2748 (BC CA), 37 B.C.L.R. (2d) 112 (C.A.)). That the W1 Zone is contained within a comprehensive regulatory zoning bylaw adds additional support to the plaintiff's position, supported by the Province.

[35] Beames J. confirmed that legislation enacted by one level of government may impact on another level of government: *West Kelowna SC* at para. 33. She accepted that the WI Zone of the District's bylaw did impact on moorage, at para. 34, but she concluded that the pith and substance of the District's bylaw, which created the WI Zone "was legislation about land use and regulation of land use, and not shipping or navigation" notwithstanding its impact on moorage: *West Kelowna SC* at para. 36.

[36] The second step of the analysis required that the Court address the doctrine of interjurisdictional immunity and, in particular, the question of whether the District's bylaw trenched on "a protected core of federal competence": *West Kelowna SC* at para. 37. Specifically, the question was whether moorage "was a core aspect of, or vital to, shipping and navigation": *West Kelowna SC* at para. 40.

[37] Following a review of several authorities Beames J. concluded:

> [44] It is clear from a review of the authorities provided to me by counsel, including but not limited to those expressly cited, that some anchorage and/or moorage is core to navigation and shipping. For recreational navigation, such as the type engaged in by the defendant in July and August 2011, overnight moorage, emergency anchoring or mooring, anchoring or mooring for repairs, or anchoring or mooring for the purpose of provisioning his houseboat, may well be vital to his rights of navigation. On the other hand, long-term moorage of the type the defendant utilizes at times when he is not actually on board his houseboat, such as during weekdays from August to October 2011, and from October 15,

2011 to June 19, 2012, which in my view amounts to him "using the highway to stable his horse", is not a core of the public right of navigation.

[45] The District appears to recognize the distinction between temporary and specifically incidental moorage, associated with the use of recreational boats, and non-temporary, long-term or permanent moorage. In the evidence before me, the District's employees have suggested that temporary moorage, in the range of 24 to 48 hours, for a recreational vessel, would not amount to a breach of the W1 Zone as defined in Bylaw 871.

[46] On its face, the W1 Zone makes impermissible any kind of moorage unless it is accessory to the immediately abutting upland parcel. The Bylaw goes much further than prohibiting non-temporary, long-term or permanent moorage. By prohibiting, on its face, notwithstanding the understanding of its employees, even temporary moorage incidental to the actual use of a recreational boat within the W1 Zone, the District has trenched on the federal power over matters of navigation and shipping by enacting the portion of Bylaw 871 which creates and defines the W1 Zone.

[47] This does not mean that the whole Bylaw, or even the whole of the W1 Zone portion of the Bylaw, is invalid or inapplicable. Rather, it is necessary to read down the Bylaw so that it is inapplicable to the extrajurisdictional matter, that is to say shipping and navigation.

...

[49] Both the W1 Zone of Bylaw 871 and the Licence of Occupation must be read down so as to have no application to temporary moorage, directly incidental and related to, the active recreational use of vessels in the waters within the W1 Zone.

[38] The final issue considered by the Court was whether the doctrine of paramountcy, which is triggered when there is an operational conflict between two legislative provisions, one provincial and one federal, was relevant. The Court concluded that there was no such operational conflict: *West Kelowna SC* at para. 50.

[39] On appeal, Mr. Newcomb no longer addressed the validity of the License of Occupation and he focused, instead, on the constitutional validity of the District's bylaw. McKenzie J.A., writing for the Court, adopted a detailed summary of both the relevant analytical framework and the legal principles that had been provided to the Court by the Province: *West Kelowna CA* at para. 19.

[40] The Court of Appeal:

i) concluded that the Chambers judge had correctly determined the pith and substance of the District's bylaw: *West Kelowna CA* at para. 24.

ii) confirmed that "the finding that temporary moorage, incidental to active navigational use, is at the protected core of navigation does not mean the pith and substance may not remain within provincial jurisdiction: *West Kelowna CA* at para. 28.

iii) confirmed that the Chambers judge was "correct in addressing the ambit of moorage rights incidental to navigation as part of the interjurisdictional analysis ...": *West Kelowna CA* at para. 29.

iv) determined that Mr. Newcomb's submissions, in essence, sought "to impose a constitutional restraint based on a public policy preference that the federal government should regulate in this area". The Court further stated that "Such a preference cannot trump the clear statement in *Lafarge* that constitutionally land-use control and harbours (and therefore the waters of Gellatly Bay and Okanagan Lake) present a double aspect": *West Kelowna CA* at para. 34.

[41] The Court of Appeal ultimately confirmed that the Chambers judge had correctly applied settled principles of constitutional law in determining that the WI Zone provisions of Bylaw 871 were in pith and substance within provincial jurisdiction. In addition, the judge correctly read down the impugned WI Zone provisions to avoid their infringing upon exclusive federal jurisdiction over navigation shipping: *West Kelowna CA* at para. 36.

Analysis

[42] I agree with the City and with the Province that the *West Kelowna* decision is largely dispositive of the constitutional challenge before me.

a) The Provincial Regime

[43] Section 479 of the *Local Government Act*, S.B.C. 2015, c. 1, provides:

> 479 (1) A local government may, by bylaw, do one or more of the following:
>
> ...
>
> (c) regulate the following within a zone:
>
> (i) the use of land, buildings and other structures;

[44] The Bylaw purports, in its preface, "To define the zones into which the City of Victoria is divided, and to regulate and control the uses of lands and buildings therein". In its "Introduction" the Bylaw states:

> 1) This bylaw may be cited as the "Zoning Regulation Bylaw".
>
> ...

3) Pursuant to the provisions of section 716 of the *Municipal Act* the City is divided into zones.

4) The zones are known by the abbreviations and the corresponding names appearing in the Table of Contents at the beginning of Schedule "B".

[45] Schedule "B", in Part 9.3, in its present form, states:

> 9.3.1 Permitted Uses in this Zone
>
> The following uses are the only uses permitted in this Zone:
>
> a. Parks and uses accessory to parks
>
> b. Water related recreational activities
>
> Without limiting the generality of any Section or Part of the Zoning Regulation Bylaw, including Section 17 of the Introduction and General Regulations, the following uses are not permitted in this Zone:
>
> i. The anchoring or mooring of vessels for continuous period exceeding 48 hours
>
> ii. The anchoring or morring of vessels for more than 72 hours within a 30-day period
>
> iii. Live-aboard or float home as defined in Part 7.54.1 in the FWM zone, Fisherman's Wharf Marine District
>
> iv. Docks, wharfs and piers

b) Overview of Constitutional Framework

[46] Sections 91 and 92 of the *Constitution Act, 1867* purport to assign certain areas of legislative authority exclusively to the Parliament of Canada and other areas of legislative authority exclusively to the provincial legislatures. In this case the following heads of federal authority or power are relevant: i) Public Property held by the Crown in right of Canada, including "Public Harbours (ss. 91(1A) and 108, and Third Schedule) and ii) Navigation and Shipping (s. 91(10)). The following heads of provincial authority are relevant: i) the Management and Sale of the Public Lands belonging to the Province (s. 92(5)), ii) Municipal Institutions in the Province (s. 92(8)), iii) Property and Civil Rights in the Province (s. 92(13)) and iv) Generally all Matters of a merely local or private Nature in the Province (s. 92(16)).

[47] Although each head of legislative authority is ostensibly assigned exclusively to one level of government the reality is that these areas of authority do not form watertight compartments. The law allows for some overlap given that it is impossible for effective regulation on certain subject matters to be neatly confined to either federal or provincial authority.

[48] There are three principal rules for determining the extent of permissible interplay or overlap between provincial legislation and areas of federal jurisdiction. The first rule relates to the validity of the legislation in issue.

[49] Provincial legislation may have incidental effects on matters within federal jurisdiction, provided the legislation in its pith and substance relates to a matter within the jurisdiction of the provincial legislature. Such legislation remains valid despite its incidental effects. Incidental effects are ones "that may be of significant practical importance but are collateral or secondary to the mandate of the enacting legislature". Further, there is a "double aspect doctrine" that recognizes that both Parliament and the provincial legislatures can adopt valid legislation on a single subject depending on the perspective from which the legislation is considered, that is, depending on the various "aspects" of the "matter" in question: *Canadian Western Bank v. Alberta*, 2007 SCC 22 at paras. 28-31.

[50] The second and third rules qualify the first and define circumstances in which otherwise valid provincial legislation will become inapplicable or inoperative in its incidental effects. Under the doctrine of interjurisdictional immunity, provincial legislation will be inoperative to the extent that it has incidental effects that "impair the core" or the "basic minimum and unassailable content" of an area of federal competence. The immunity applies even if the federal government has failed to legislate in the area - that is, even if the provincial law is filling a gap, rather than duplicating or conflicting with existing federal law. The modern approach to interjurisdictional immunity is one of restraint. Generally the courts will consider interjurisdictional immunity only if there is prior case law favouring its application to the subject-matter at hand: *Canadian Western Bank*, at paras. 33-35.

[51] Finally under the doctrine of federal paramountcy where provincial legislation has been determined to be both valid and applicable, but there is parallel federal legislation governing the same matter the paramountcy of federal legislation may come into play. Under this doctrine, when the operational effects of provincial legislation are inconsistent with federal legislation, the federal legislation must prevail and the provincial legislation is rendered inoperative to the extent of the inconsistency. Inconsistency in this context is a high threshold, requiring that (a) one law says 'yes' and the other 'no' (it is impossible to comply with both at the same time) or (b) the provincial law would frustrate the purpose of the federal law: *Saskatchewan (Attorney General) v. Lemare Lake Logging Ltd.*, 2015 SCC 53 at paras. 51-27; and *Lafarge* at para. 77.

c) Application of the Relevant Principles and of the *West Kelowna* Decision

[52] The current state of the law, relating to local-government zoning bylaws that purport to regulate floating structures, establish a series of propositions.

[53] The enactment of s. 479 of the *Local Government Act* conferring power on local governments to enact zoning bylaws, is a valid exercise of provincial power under ss. 92(8), 92(13) and 92(16) of the *Constitution Act, 1867*. The zoning bylaws that local governments, in turn, approve under the delegated authority they are provided are exercises of provincial legislative power in respect of "Property and Civil Rights in the Province" and "Matters of a merely local or private Nature". Local governments may use

their zoning power to regulate the use of land covered by water, or the use of the water itself: *West Kelowna CA*, at para. 31; and *Salt Spring Island Local Trust Committee v. B&B Ganges Marine Ltd.*, 2007 BCSC 892 at para. 45, aff'd 2008 BCCA 544.

[54] Insofar as zoning bylaws regulate floating structures other than ships or vessels (i.e., floating structures not used in navigation), they do not engage the federal power over navigation and shipping: *Salt Spring Island* at paras. 66 and 73.

[55] Zoning bylaws may incidentally affect navigation and shipping, while still being in pith and substance about land use: *West Kelowna CA* at para. 28.

[56] Zoning bylaws in relation to ships or vessels on navigable water present a double aspect. The fact that the federal government could enact restrictions on mooring and anchoring in respect of a specified body of water by way of the Vessel *Operation Restriction Regulations*, SOR/2008-120 under the *Canada Shipping Act*, "does not support the corollary that any provincial regulation of moorage and anchoring would be in pith and substance an invasion of the federal navigation and shipping power": *West Kelowna CA* at para. 32.

[57] The generally applicable legislative regime, which is largely permissive as to anchoring and mooring on navigable waters, does not trigger the doctrine of paramountcy in relation to zoning bylaws that restrict the duration of anchoring and mooring. There is no operational conflict or frustration of purpose in relation to such permissive federal legislation: *West Kelowna SC* at para 50.

[58] However, to the extent a zoning bylaw purports to prohibit even "[t]emporary moorage directly incidental and related to the active recreational use of vessels", it does intrude on the core of the federal power over navigation and shipping and is thus inapplicable under the doctrine of interjurisdictional immunity: *West Kelowna SC* at paras. 44 and 46.

[59] In this case the Bylaw does not purport to regulate or restrict the temporary moorage of vessels. Instead, the 2016 amendments to the Bylaw were made to ensure that the Bylaw was compliant with the *West Kelowna* decision. The Bylaw does, however, prohibit the construction, for example, of docks and the long-term anchorage and/or moorage of boats in the Gorge Waterway.

[60] The question of whether the time periods that are specified in the Bylaw, and which limit how long a vessel can be moored either continuously or within a 30-day period, was not addressed directly in the evidence that was filed before me. I do not, in such circumstances, consider that it would be appropriate for me to second guess the adequacy or appropriateness of these time limits.

Additional Issues Raised by the Respondents

[61] The Respondents raised several issues during the course of their submissions. First, it was argued that the *West Kelowna* decision was not relevant because it applied to inland waters rather than to the tidal waters. This distinction is without merit and I

have already referred to this issue earlier at paragraph 28(a) of these Reasons. The *Navigation Protection Act* purports to be "An Act respecting the protection of navigable waters". Section 2.1 of the Act provides that "this Act is binding on Her Majesty in right of Canada or a province".

[62] The Act governs activities that pertain to the navigable waters that are listed in the Schedule attached to the Act. This is apparent, for example, in s. 3 of the Act which prohibits, *inter alia*, the construction or repair or removal of works on, over, under, through, or across any navigable water "that is listed in the schedule" to the Act. It is apparent in s. 19(1) of the Act which pertains to any vessel that has been left anchored or moored in navigable water "that is listed in the schedule" to the Act. Similarly, s. 20 of the Act deals with vessels that are wrecked, sunk, grounded or abandoned in any navigable water "that is listed in the schedule" to the Act.

[63] The Schedule to the Act in Part 1, Item 2 names the Pacific Ocean and then further describes that body of water as "All waters from the outer limit of the territorial sea up to the higher high water mean tide water level and includes all connecting waters up to an elevation intersecting with that level". Thereafter, the Schedule in Part 1 lists nearly 100 lakes including, at "Item 9" Okanagan Lake. The Schedule to the Act, in its Part 2, also lists more than 60 rivers that are located throughout Canada.

[64] It is also apparent from the *West Kelowna* decision that the Court was addressing Okanagan Lake as a federal navigable waterway. There is nothing in the decision that suggests that its application or ambit was intended to be limited to inland waterways.

[65] Second, the Respondents raised various issues arising out of the License of Occupation that was granted by the Province to the City. The City has not relied on its License of Occupation as a source of authority for the relief it seeks in the Petition it filed. The City has, instead, relied on the Bylaw alone. As such, the present case mirrors the circumstances that were before the Court of Appeal in the *West Kelowna* decision.

[66] It is, of course, not a precondition to the validity of a zoning bylaw that the enacting local government have a proprietary interest in the land that is subject to that bylaw. Thus, the nature of the interest, if any, that the Province has granted to the City in respect of the seabed and foreshore, whether exclusive or nonexclusive, is immaterial to the validity of the Bylaw.

[67] For present purposes the significance of the City's having obtained the License of Occupation for "Marine Park purposes" is an item of context that corroborates that the City's intention in enacting the Bylaw was land-use and, in particular, regulation of the areas of park in and around the Gorge Waterway.

[68] As the City does not rely on the License of Occupation as the basis for the relief that it seeks it is unnecessary for me to resolve whether, conversely, in the absence of the Bylaw, the City's License of Occupation would be sufficient to support legal action by the City against vessels that were either abandoned or moored in the GWP Zone for extended periods of time.

[69] Third, the Respondents argue that enforcement of the Bylaw will create an untenable situation for mariners who travel Canada's coastal or inland waterways. They argue that it is necessary that there be some uniformity in the regimes that govern these waters and that that uniformity can only come from the federal government. They argue that allowing individual municipalities to regulate where mariners can moor their vessels or how long they can do so will create a regime that is inconsistent.

[70] This issue was directly addressed by the Court of Appeal in the *West Kelowna* decision when the Court said:

> [35] Finally, Mr. Newcomb cites several decisions to submit that maintaining a uniform body of Canadian maritime law should preclude municipal regulation of moorage. While important, uniformity does not fall within the relevant division of powers analysis. Therefore, I will only say that when the W1 Zone provisions are read down, as the judge ordered, there is no basis to assert those provisions undermine federal law relating to safe navigation.

[71] Fourth, the Respondents, or some of them, argued that references to "Esquimalt District" in the City's leases and Licenses of Occupation, within the GWP Zone, call into question whether it should be the City of Esquimalt rather than the City of Victoria that has authority to legislate in relation to these areas of the Gorge Waterway.

[72] The Province explained, and I accept, that the references to "Esquimalt District", within the City's leases for District Lots 138 and 152 are simply references to "land districts" within the meaning of s. 2 of the *Land Act*, R.S.B.C. 1996, c. 245. Thus, land districts are historically defined areas which continue to be used for the identification of survey parcels in the Province's cadastral system, but have no relationship to local government boundaries.

[73] Fifth, the Respondents, or some of them, argued that the public hearing process that gave rise to the Bylaw was unfair. It was argued that there was considerable opposition to the Bylaw, that the City was indifferent to the concerns that were expressed at public meetings and that the City had, effectively, made up its mind before any of these public hearings took place.

[74] Respectfully, the time to have raised such concerns has come and gone. The Bylaw is an example of land-use planning that alters the character of an area or community within the City. Such examples are common. Neighbourhoods are, for better or worse, often transformed as local governments make land-use planning decisions under the authority that is provided to them. Often these planning decisions are strongly opposed because they change the character and use of both local communities and of areas in circumstances where those uses have been in place for a long time.

[75] The Bylaw appears to be an example of this. The Respondents and many others have used the Gorge Waterway, either as long-term moorage or a place to live, for many years. This is apparent from the photographs that I was provided. Some of the Respondents have built docks adjacent to their boats. Those docks can have, for example, barbecues placed on them. They also appear to be used for the storage of

other materials. The affidavit materials before me indicate that the Gorge Waterway also has within it a number of abandoned and derelict vessels.

[76] The City has a different vision for the Gorge Waterway. The City appears to want to use the area for park and recreational purposes and to promote its use by kayakers, rowers and other temporary recreational users.

[77] Such land use planning decisions and how they are best achieved, properly lie within the purview of the City. In *Shell Canada Products Ltd. v. Vancouver (City)*, 1994 CanLII 115 (SCC), [1994] 1 S.C.R. 231 McLaclin J., as she then was, said at p. 244:

> Recent commentary suggests an emerging consensus that courts must respect the responsibility of elected municipal bodies to serve the people who elected them and exercise caution to avoid substituting their views of what is best for the citizens for those of municipal councils. Barring clear demonstration that a municipal decision was beyond its powers, courts should not so hold. In cases where powers are not expressly conferred but may be implied, courts must be prepared to adopt the "benevolent construction" which this Court referred to in Greenbaum, and confer the powers by reasonable implication. Whatever rules of construction are applied, they must not be used to usurp the legitimate role of municipal bodies as community representatives.

These comments have since been relied on in each of *Nanaimo (City) v. Rascal Trucking Ltd.*, 2000 SCC 13 at para. 36; *Catalyst Paper Corp. v. North Cowichan (District)*, 2012 SCC 2 at paras. 20 and 36; and *O'Flanagan v. Rossland (City)*, 2009 BCCA at para. 24.

[78] Sixth, the Respondents sought to rely on the case of *R. v. Lewis*, 2009 BCPC 386. The *Lewis* decision addressed the constitutionality of mooring restrictions that were imposed by the federal government under the *Boating Restriction Regulations* that arise under the *Canada Shipping Act*. In *Lewis* the federal government, with the agreement of the City of Vancouver, regulated how long a vessel could be anchored in the waters of False Creek in the City of Vancouver: *Lewis* at para. 13. The Court in *Lewis* concluded that the portions of the *Boating Restriction Regulations* at issue were "integral to navigation and only incidentally might bear on property and civil rights in the province": *Lewis* at para. 35.

[79] The Respondents argue that *Lewis* cannot coexist with the *West Kelowna* decision and that it is *Lewis* that properly establishes where the jurisdiction to legislate in respect of anchoring restrictions and moorage lies.

[80] I do not agree. The Court in *West Kelowna CA*, which is binding on this Court, expressly addressed *Lewis* and said:

> [32] Mr. Newcomb largely repeats his argument in the court below regarding *Lewis* as "an example of appropriate cooperation between levels of government". But *Lewis*, too, is distinguishable on its facts. *Lewis* dealt with a challenge to the validity of federal anchorage regulations in False Creek. False Creek is unique because it is the only body of water where the federal

government has implemented moorage regulations. I agree with the District that upholding those regulations does not support the corollary that any provincial regulation of moorage or anchorage would be in pith and substance an invasion of the federal navigation and shipping power.

[33] Moreover, I agree with the District that Mr. Newcomb's argument overlooks the significant caveat on the scope of the federal authority over moorage as it relates to federal navigation jurisdiction, as noted by Judge Kitchen and referred to by the chambers judge at para. 42 of her reasons. The analysis of Kitchen P.C.J. in *Lewis* of the constitutional challenge to the anchorage regulations begins with the following at para. 29:

> There is a common law right to navigation which includes the incidental right to anchor: *Halsbury's Laws of England 2004* Vol. 49(3) 475-477. This is not a right to anchor or moor permanently but it must be exercised reasonably as determined by the circumstances at the time of anchoring such as the weather, loading or unloading of the vessel, or the need for repairs to the vessel. The right to anchor therefore contemplates the right to do so for a reasonable time, for a reasonable purpose.

[81] Finally, the Respondents argue that the Bylaw conflicts with other federal enactments or regulations. The burden to show that the Bylaw is in conflict with a valid federal enactment, related to navigation and shipping, lies with the Respondents. That burden is relatively high in that it requires, as I have said, either some operational conflict, that being the impossibility of dual compliance, or the frustration of a valid federal purpose. Merely permissive federal legislation will not suffice to establish such a conflict.

[82] In this case, the Respondents referred to portions of both the *Private Buoy Regulations* SOR/99-335 under the *Canada Shipping Act* and to those portions of the *Navigation Protection Act* that deal with the placement of docks and other works within navigable waters.

[83] My review of the enactments I was directed to and of the submissions that were filed on behalf of Mr. Zimmerman does not support the existence of any direct conflict between the Bylaw and the provisions in these enactments that I was directed to.

Enforcement

[84] Section 274 of the *Community Charter* authorizes the City to seek injunctive relief to enforce its bylaws. Such injunctions are statutory, rather than equitable, in nature: *Vancouver (City) v. Maurice*, 2005 BCCA 37, para. 34.

Conclusions

[85] The City seeks, as I said at the outset, a declaration that the Respondents have contravened the Bylaw as well as both mandatory and prohibitory injunctions. The City, in its Petition, sought an Order compelling the Respondents and all other persons having knowledge of the Order to remove their "vessels, boats, live-aboards,

houseboats, floating docks, and any other property that they may have anchored, moored or of otherwise placed in the Gorge Waterway within 48 hours …".

[86] Counsel for the City accepted that a 30-day stay of this aspect of the Order would be appropriate in the circumstances. I am satisfied that the various Orders that the City seeks in its Notice of Application are appropriate. I would, however, extend the stay over that portion of the Order that I have described in the preceding paragraph and that mandates that the Respondents and others move their vessels and other works from the Gorge Waterway. Some of these individuals have kept their vessels in the Gorge Waterway for a very long time. For some the area has been their home. The Gorge Waterway also provides unusually good winter moorage. While I accept that there are other places and other marinas that the Respondents and others will now have to moor their vessels I consider it reasonable to provide them with sufficient time to make these arrangements. Accordingly, I would grant the Orders that the City seeks but stay those Orders for a period of 60 days.

"Voith J."

TRANSPORT CANADA OFFICE OF BOATING SAFETY PACIFIC PLEASURE CRAFT COURTESY CHECK BULLETIN

Bulletin 06-07 Oct 30,2007

Sewage Discharges (Pleasure Craft)

This Transport Canada (TC), Office of Boating Safety Pacific PCCC bulletin is issued under the authority of the Regional Manager Boating Safety, Transport Canada in order to provide clarity and direction to PCCC checkers. The information in this bulletin provides additional and updated information to the TC PCCC manual. **Any questions or enquires concerning this bulletin or any other particulars of the TC PCCC program are to be directed to Boating Safety Officer Mike Mitchell, Officer Primary Interest Transport Canada Pleasure Craft Courtesy Check Program.** mailto:mitchem@tc.gc.ca **(250-363-0099)**

Introduction:

The Pleasure Craft Sewage Prevention Regulations have been repealed and replaced by subdivision 4, of The Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals Act.

This bulletin is an amendment to the PCCC manual March 2004, 4th Edition. Please, remove or cross out the 'The Pleasure Craft Sewage Prevention Regulations' section and insert this bulletin.

Reference to the Regulations in this bulletin are not complete, this information has been edited and modified for the purposes of the bulletin, only some of the provisions related to pleasure craft have been included in this bulletin.

The complete text of the regulations can be found at the following Internet link: **http://www.tc.gc.ca/acts-regulations/GENERAL/C/csa/regulations/400/csa450/csa450.html#p2d4-sewage**

1. Interpretations:

a. Sewage; Sewage means human body wastes and wastes from other living animals. Drainage and other wastes from toilets and other receptacles intended to receive or retain human body wastes.

b. Holding tank; means a tank that is used solely for the collection and storage of sewage or sewage sludge and includes a tank that is an integral part of a toilet.

c. Inland waters of Canada; means all the rivers, lakes and other navigable fresh waters within Canada.

2. Application

a. Unless otherwise specified the regulations apply to Canadian ships anywhere and

a ship that is not Canadian in waters under Canadian jurisdiction.

b. The pleasure craft compliance requirements pertaining to the regulation are referenced as *a ship that is less than 400 tons gross tonnage and is not certified to carry more than 15 persons unless otherwise noted.*

3. Equipment — Marine Sanitation Devices, Holding Tanks and Facilities for Temporary Storage

- A ship in Section I or Section II waters that has a toilet facility shall be fitted with a marine sanitation device or a holding tank.
- If a ship that has been fitted with a marine sanitation device operates in an area where the discharge of sewage from the marine sanitation device is not authorized under section 129 of the regulations, the ship shall be fitted with facilities for the temporary storage of sewage.
- A ship that is less than 15 tons gross tonnage, is certified to carry 15 persons or less and is not operating in inland waters of Canada or designated sewage areas may be fitted with facilities for the temporary storage of sewage if it is not practicable for the ship to comply with the requirements of a fitted holding tank. The ship must have measures in place to ensure that no discharge is made except in accordance with section 129 of the regulations.

4. Fitting of Toilets

A toilet fitted on a ship shall be secured in a manner that ensures its safe operation in any environmental conditions liable to be encountered.

5. Standard Discharge Connections

A ship shall be fitted with a standard discharge connection that meets the requirements of regulation 10 of Annex IV to the Pollution Convention.

6. Transfer Conduits

A transfer conduit shall be used, maintained and secured in a manner that ensures its safe operation.

7. Marine Sanitation Devices

Depending upon the type, a marine sanitation device shall meet the requirements of (*a*) a sewage treatment plant referred to in Annex IV to the Pollution Convention; code of Federal Regulations of the United States, annex IV of the pollution Convention. A MSD approved under the Great Lakes Sewage Pollution Prevention Regulations.

8. Documents Kept on Board

A ship that is fitted with a marine sanitation device shall keep on board a certificate of type approval.

9. Designated sewage areas

A designated sewage area is an area where the discharge of raw sewage is prohibited. Only sewage that has been treated by an approved MSD with an effluent that has a fecal coliform count that is equal to or less than 14/100 mL may be discharge in a designated sewage area.

Schedule 4 Designated Sewage Areas for BC

Item	Name and Location Reference of Body of Water (*Gazetteer of Canada* reference system)
	British Columbia
1.	Shuswap Lake (50°56'N, 119°17'W), north of Salmon Arm
2.	Mara Lake (50°47'N, 119°00'W), east of Salmon Arm
3.	Okanagan Lake (49°45'N, 119°44'W), west of Kelowna
4.	Christina Lake (49°07'N, 118°15'W), east of Grand Forks
5.	Horsefly Lake (52°23'N, 121°10'W), east of Horsefly
6.	Kalamalka Lake (50°10'N, 119°21'W), south of Vernon
7.	Pilot Bay (49°38'20"N, 116°52'15"W), Kootenay Lake east of Nelson
8.	Stuart Lake (54°36'N, 124°40'W), northwest of Fort St. James. Portion of the lake south of Jennie Chow Island (District Lot 7114, Coast Land District), including a three-kilometer buffer from the mouth of the Tachie River
9.	Carrington Bay (50°09'N, 125°00'W), on the northwest coast of Cortes Island, in the Strait of Georgia. All water east of a line extending from the southern point of land to the northern point of land at the mouth of Carrington Bay, including Carrington lagoon
10.	Cortes Bay (50°04'N, 124°55'W), on the east coast of Cortes Island, in the Strait of Georgia. All water west of a line drawn across the narrowest point of the harbour entrance
11.	Manson's Landing and Gorge Harbour (50°04'N, 124°59'W), on the southwest coast of Cortes Island, in the Strait of Georgia. All water east of a line extending from the southern boundary of Manson's Landing Provincial Park to the western headland defining the entrance to Gorge Harbour, including Manson's Landing Provincial Marine Park, Deadman Island and Gorge Harbour
12.	Montague Harbour (48°53'N, 123°24'W), on the southwest coast of Galiano Island, in the Strait of Georgia. Northern approach: all water south of a line southeast from Ballingall Islet to Galiano Island and east of a line from

	Ballingall Islet to Wilmot Head on Parker Island. Western approach: all water east of a line connecting Parker Island to Philmore Point on Galiano Island, including Julia Island. Montague Harbour includes Montague Harbour Marine Provincial Park
13.	Pilot Bay (49°12'N, 123°51'W), Gabriola Island, on the north coast of Gabriola Island, in the Strait of Georgia, east of Nanaimo. All water south of a line extending east from Tinson Point to the main shoreline of Gabriola Island, including the marine area within Gabriola Sands Provincial Park
14.	Prideaux Haven (50°09'N, 124°41'W), in Desolation Sound, northeast of Lund. All marine waters in the area within the following boundaries: from a point located at a bearing of 263° and a distance of 2,080 m from the southwest corner of District Lot 4354, Group One, New Westminster District, along a line drawn directly north at a distance of 350 m to the southeasterly shores of Eveleigh Island, thence along the said southeasterly shores to the most easterly point of said Island, at Lucy Point, thence on a bearing of 77° and a distance of 1,180 m to Copplestone Point, thence along the shores of Laura Cove, Melanie Cove, the southeasterly shores of Prideaux Haven and Eveleigh Anchorage to the point of commencement
15.	Roscoe Bay (50°10'N, 124°46'W). All marine waters of a bay on the east side of West Redonda Island, including all water west of a line drawn due north from Marylebone Point to the opposite shore on West Redonda Island
16.	Smuggler Cove (49°31'N, 123°58'W). The cove lies to the southwest of Secret Cove. All marine water east of a line drawn from the westernmost point of Isle Capri to the westernmost point of Wibraham Point enclosed within the boundaries of Smuggler Cove Marine Park
17.	Squirrel Cove (50°08'N, 124°55'W), on the east coast of Cortes Island, in the Strait of Georgia. All water in the basin northwest of Protection Island

10. General provisions

- Pleasure craft with a toilet facility must have a means of storing the sewage or an approved marine sanitization device (MSD), which treats the sewage.
- There is a 5-year phase in period for pleasure craft, which are not compliant prior to the regulations coming into force.
- Pleasure craft manufactured after the date in which the regulations came into force must comply.

11. Discharging of treated or untreated sewage in tidal waters.

- Sewage that has been treated by an approved MSD with an effluent that has a fecal coliform count that is equal to or less than 250/100 mL may be generally discharged not less than one nautical mile from shore.

- Untreated sewage may be discharged not less than three nautical miles from shore. *
- If it is not practicable to comply with the three nautical mile requirement because the ship is located in waters that are less than 6 nautical miles from shore to shore, the discharge can be made while the ship is en route at a speed of at least 4 knots or, if it is not practicable at that speed, at the fastest practicable speed*

(a) Into the deepest waters that are located the farthest from shore during an ebb tide, or *

(b) Into the deepest and fastest moving waters that are located the farthest from shore. *

Prohibition-The discharge of sewage is not authorized:

- If a reception facility is available to receive the sewage. (Raw sewage).
- Treated sewage closer than 1 nautical mile. (See requirements for schedule four waters.)
- Untreated sewage closer than 3 nautical miles. (See exceptions in section 2)
- Causes a film or sheen to develop on or cause a discoloration of the water or its adjoining shorelines.
- Causes sewage sludge or an emulsion to be deposited beneath the surface of the water or upon its adjoining shorelines
- If the sewage contains any visible solids.

12. Discharging of treated sewage in inland waters.

- Only sewage that has been treated by an approved MSD with an effluent that has a fecal coliform count that is equal to or less than 250/100 mL may be discharged.**
- Only sewage that has been treated by an approved MSD with an effluent that has a fecal coliform count that is equal to or less than 14/100 mL may be discharge in a designated sewage area listed in schedule 4 waters. **

Prohibition-The discharge of sewage is not authorized:

- Discharging of untreated sewage is prohibited in inland waters.
- Causes a film or sheen to develop on or cause a discoloration of the water or its adjoining shorelines.
- Causes sewage sludge or an emulsion to be deposited beneath the surface of the water or upon its adjoining shorelines
- If the sewage contains any visible solids.

13. Discharge of treated sewage in schedule 4 waters.

- Only sewage that has been treated by an approved MSD with an effluent that has a fecal coliform count that is equal to or less than 14/100 mL may be discharged in a designated sewage area found in schedule 4.

Prohibition-The discharge of sewage is not authorized:

- Discharging of untreated sewage is prohibited in schedule 4 waters.
- If the approved MSD does not meet the requirements of a fecal coliform count that is equal to or less than 14/100 mL.
- Causes a film or sheen to develop on or cause a discoloration of the water or its adjoining shorelines.
- Causes sewage sludge or an emulsion to be deposited beneath the surface of the water or upon its adjoining shorelines
- If the sewage contains any visible solids.

14. Marine Sanitation Devices (MSD)

a. Marine Sanitation Device - (MSD) Type I

- This system breaks up the sewage and disinfects it with chemicals, then discharges the treated sewage overboard. Note: there, are growing concerns about the environmental effects of the chemicals used in these devices.

b. Marine Sanitation Device - (MSD) Type II

- This is a more sophisticated and more expensive system than Type 1. It treats the raw sewage to a higher degree through maceration and biological decomposition.

c. Marine Sanitation Device - (MSD) Type III

- This is a system with a holding tank that can store untreated sewage until you can dispose of it properly at a pump-out station. It is acceptable to add deodorizers.

d. It is a requirement that any MSD being used for the purposes of sewage treatment as required by the regulations be approved and meet the required performance specifications. The boater must have a 'certificate of type approval' documentation on board.

15. Exceptions to the discharge provisions

(*a*) When a discharge is necessary for the purpose of saving lives, securing the safety of a ship or preventing the immediate loss of a ship.

(b) When a discharge occurs as a result of an accident of navigation in which a ship or its equipment is damaged, unless the accident occurs as a result of an action that is outside the ordinary practice of a seaman.

16. Check criteria:

- Pleasure craft with a toilet facility, which were built prior to these regulations coming into force, are subject to a 5-year phase in period (tidal waters) in order to comply with these regulations unless they are within a 'designated sewage area' as listed in schedule 4. (Must comply immediately).
- A holding tank may be an integral part of a toilet i.e. Port a Potty type.
- If a permanent holding tank is not practical for a pleasure craft less than 15 tons gross tonnage, a temporary means of storage, which complies with the regulations, is acceptable.
- A toilet fitted on a ship shall be secured in a manner that ensures its safe operation in any environmental conditions likely to be encountered.
- Pleasure craft, which are checked or operate on inland waters or a designated sewage area are not authorized to dump raw sewage. The sewage must be kept in a holding tank, or temporary means of storage, which meet the requirements of the regulations (Less than 15 ton gross tonnage) and discharged at a pump out station unless it has been processed through a approved marine sanitation device (MSD).
- If the vessel is fitted with a MSD there must be a certificate of approval documentation confirming that the device meets the regulatory requirements and the effluent has a fecal coliform count that is equal to or less than 250/100 mL. The requirement is equal or less than 14/100 mL for discharge in a designated sewage area. It is unlikely that a small pleasure craft will have a marine sanitation device due to the system size and cost.
- A fitted holding tank shall

(*a*) be constructed in a manner such that it does not compromise the integrity of the hull;
(*b*) be constructed of structurally sound material that prevents the tank contents from leaking;
(*c*) be constructed such that the potable water system or other systems cannot become contaminated;
(*d*) be resistant to corrosion by sewage;
(*e*) have an adequate volume for the ship's human-rated capacity on a normal voyage;
(*f*) be provided with a discharge connection and piping system for the removal of the tank contents at a sewage reception facility;
(*g*) be designed so that the level of sewage in the tank may be determined without the tank being opened and without contacting or removing any of the tank contents or be equipped with a device that allows the determination to be made;

Private Buoy Regulations

SOR (Statutory Orders and Regulations)/99-335

CANADA SHIPPING ACT, 2001

Registration 1999-07-28

Private Buoy Regulations

P.C. 1999-1364 1999-07-28

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and the Minister of Fisheries and Oceans, pursuant to sections 519 and 562[a] of the *Canada Shipping Act*, hereby makes the annexed *Private Buoy Regulations*.

[a]R.S., c. 6 (3rd Supp.), s. 77

Interpretation

1 In these Regulations, ***private buoy***means a buoy that is not owned by the federal government, a provincial government or a government agency.

Application

2 These Regulations apply to every private buoy other than private buoys used to mark fishing gear.

Placement Requirements

3 No person shall place in any Canadian waters a private buoy that interferes with or is likely to interfere with the navigation of any vessel, or that misleads or is likely to mislead the operator of any vessel.

4 (1) No person shall place a private buoy in any Canadian waters unless

(a) the part of the buoy that shows above the surface of the water is at least 15.25 cm wide and at least 30.5 cm high;

(b) the buoy displays, on opposite sides, the capital letters "PRIV" that are

(i) as large as is practical for the size of the buoy, and

(ii) white when the background colour is red, green or black;

(iii) black when the background colour is white or yellow;

(c) the buoy complies with the requirements set out in *Canadian Aids to Navigation* (TP 968) published by the Canadian Coast Guard in 1995, as amended from time to time;

(d) the buoy displays, in a conspicuous location and in a permanent and legible manner, the name, address and telephone number of its owner;

(e) the buoy is constructed and maintained in a manner and with materials that ensure that it remains in position and retains the characteristics specified in paragraphs (a) to (d); and

(f) the buoy's anchor is constructed and maintained in a manner and with materials that ensure that it remains in position.

(2) The owner of a private buoy placed in any Canadian waters shall ensure that the information required by paragraph (1)(d) is accurate at all times.

5 If there is a need for increased visibility or better identification of a buoy for safety and the prevention of accidents, the Minister of Transport may order the owner of the buoy to modify it according to the requirements set out in the *Procedures Manual for Design and Review of Short-range Aids to Navigation Systems* (TP 9677), published in March 1989 by the Canadian Coast Guard, as amended from time to time.

SOR/2002-19, s. 1; SOR/2010-27, s. 1.

6 No person shall place in any Canadian waters a private buoy that has a light unless the light remains lit throughout the night and meets the requirements referred to in paragraph 4(1)(c).

Removal

7 The Minister of Transport may remove from any Canadian waters a private buoy that does not comply with these Regulations.

SOR/2010-27, s. 2.

Repeal

8 [Repeal]

Coming into Force

9 These Regulations come into force on the date on which they are registered.

Date modified:

CITY OF VANCOUVER
BRITISH COLUMBIA



CITY WHARF BY-LAW NO. 13323

This By-law is printed under and by authority of the Council of the City of Vancouver

(Consolidated for convenience only to April 26, 2022)

Direction by City Engineer

3.24 A person must comply with a lawful order or direction of the City Engineer acting in the performance of the City Engineer's duties.

SECTION 4
IMPOUNDING OF VESSELS OR OTHER CHATTELS

Authority to impound

4.1 The City Engineer may impound or cause to be impounded any vessel or other chattel that is unlawfully moored, placed, left, or kept at or on a City wharf, or any vessel unlawfully moored, placed, left, or kept on any other City owned land or structure, and may enforce the provisions of this by-law with regard to the impounding of vessels and other chattels.

Storage facilities

4.2 The City Engineer may designate premises for the storage of impounded vessels or other chattels, including the designation of locations for the moorage of impounded vessels.

Authority to sell or dispose of impounded vessels or other chattels

4.3 The City Engineer is authorized to sell or otherwise dispose of impounded vessels or other chattels, in accordance with the provisions of this by-law.

Vessel or other chattel unlawfully moored or left at or on a City wharf

4.4 A vessel or other chattel unlawfully moored, placed, left, or kept at or on a City wharf, or a vessel unlawfully moored, placed, left, or kept on any other City owned land or structure, may be impounded.

Record of impoundment

4.5 Subject to section 4.7, the City Engineer must keep a record, or cause a record to be kept, of every vessel or other chattel impounded in accordance with this by-law, and the record must include the following information:

(a) a description of the vessel or other chattel;

(b) the time, date and place where the vessel or other chattel was impounded;

(c) impounding fees calculated to the date that the vessel or other chattel is retrieved by the owner or sold or disposed of pursuant to this by-law; and

(d) the date that the vessel or other chattel is retrieved, sold or otherwise disposed of.

Notice to owner

4.6 Subject to section 4.7, the City Engineer must make reasonable efforts to ascertain the identity of the owner of an impounded vessel or other chattel, and must give notice in writing to the

owner of the chattel if it is possible to do so, which notice must contain the following information:

(a) a description of the vessel or other chattel;

(b) the applicable impounding fees;

(c) the address where the vessel or other chattel is held or contact information to obtain the address where the vessel or other chattel is held; and

(d) the date after which the vessel or other chattel will be sold or otherwise disposed of, which date must be at least 30 days after the vessel or other chattel was impounded.

Immediate disposal of certain vessels or chattels

4.7 Despite the provisions of this section 4, the City Engineer is authorized to dispose of vessels or other chattels immediately and without complying with sections 4.5 or 4.6 if, in the opinion of the City Engineer, the vessel is derelict, the chattel consists of garbage, waste materials or perishable items, or the vessel or other chattel poses an environmental or health and safety risk.

Recovery by owner

4.8 Subject to the provisions of this by-law, the owner of an impounded vessel or other chattel, or a lawful claimant thereto, may recover the vessel or chattel if:

(a) the owner provides proof of ownership, or the lawful claimant provides evidence of entitlement, to the satisfaction of the City Engineer; and

(b) the owner or the lawful claimant pays all applicable impounding expenses set out in Schedule B of this by-law.

Waiver of fees

4.9 Despite the provisions of this by-law, the City Engineer may waive all or any part of the impounding fees for an impounded vessel or other chattel if, in the opinion of the City Engineer, payment of such fees would cause the owner or lawful claimant of the impounded vessel or chattel undue hardship and, in determining whether there is undue hardship, the City Engineer must consider the value of the vessel or chattel, the cost to the city of the impounding, the financial circumstances of the owner or lawful claimant, and all applicable Council policies and guidelines.

Sale or disposal of unclaimed vessels or other chattels

4.10 A vessel or other chattel that is unclaimed after the later of 30 days from the date of impoundment or the date stipulated in a notice of impoundment may be sold or otherwise disposed of by the City Engineer in the following manner:

(a) by sale at public auction if, in the opinion of the City Engineer, the vessel or other chattel is saleable; or

(b) by disposal as scrap or another method of disposal if, in the opinion of the City Engineer, the vessel or other chattel is not saleable.

Proceeds of sale or disposal

4.11 If a vessel or other chattel is sold at public auction or otherwise disposed of in a manner that generates any proceeds, the proceeds must be applied as follows:

(a) if sold at public auction, all expenses associated with the conduct of the public auction must be deducted from the proceeds;

(b) if otherwise disposed of, all expenses associated with the disposal must be deducted from the proceeds;

(c) all outstanding impounding fees must be deducted from the proceeds; and

(d) if a balance remains after the proceeds are applied to the expenses recoverable under this section, the City Engineer must:

(i) pay the balance of proceeds to the former owner of the vessel or other chattel or to any lawful claimant thereto if the former owner or a lawful claimant has been identified, or

(ii) if the former owner of the vessel or other chattel or a lawful claimant thereto has not been identified, hold the balance of proceeds in accordance with the BC *Unclaimed Property Act*, as may be amended or replaced from time to time.

SECTION 5
OFFENCES AND PENALTIES

Offences under by-law

5.1 A person who:

(a) violates any provision of this by-law, or does any act or thing which violates any provision of this by-law, or permits, suffers or allows any other person to do any act or thing which violates any provision of this by-law;

(b) neglects to do or refrains from doing anything required to be done by any provision of this by-law; or

(c) fails to comply with an order, direction, or notice given under any provision of this by-law, or permits, suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this by-law,

is guilty of an offence against this by-law, and liable to the penalties imposed under this section.

Fine for offence

5.2 Except as otherwise provided in this by-law, every person who commits an offence against this by-law is punishable on conviction by a fine of not less than $250.00, and not more than $10,000.00 for each offence.

Islands Trust

200 - 1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405.5151** Fax (250) 405.5155

Toll Free via Enquiry BC in Vancouver 604.660-2421.
Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

December 1, 2014 File No.: 410-20

via e-mail: mintc@tc.gc.ca

The Honourable Lisa Raitt
Minister of Transport
Tower C - 330 Sparks St.
Ottawa Ontario K1A 0N5

Dear Minister Raitt:

Re: Pleasure Craft Sewage Dumping

On behalf of the Islands Trust Council, I am writing to express our opposition to proposed amendments to Section 96 of the Vessel Pollution and Dangerous Chemicals Regulations that would allow pleasure craft vessels to discharge sewage only one nautical mile from shore. I also request that Transport Canada take additional actions to reduce raw sewage dumping from vessels in the Salish Sea.

Since 2009, the Islands Trust Council has been concerned that the current Regulations allow raw sewage dumping in waters that are six nautical miles shore-to-shore. The geography of the Salish Sea, characterized by small islands and islets with narrow channels between islands, results in legal raw sewage dumping in sensitive marine habitats near shellfish beds and swimming beaches (see attached maps).

Since 1982, the Islands Trust Council has been concerned about the impacts of pleasure craft sewage. The Islands Trust Policy Statement, a statutory document founded in extensive community consultation and approved by the Province of British Columbia in 1994, recommends that the federal and provincial governments develop and adopt legislation that regulates sewage discharge from shores and boats and addresses its detrimental impact on marine or coastal ecosystems (policy 3.4.8). This topic has also been a priority of the Islands Trust Council's 2011-2014 Strategic Plan.

On behalf of the Islands Trust Council I request that Transport Canada:

1. Abandon plans to allow pleasure craft to dump raw sewage closer to shores and shellfish beds.

2. Create no-discharge zones around pump-outs. Please amend the Regulations to create a three nautical mile no-discharge zone around available pump-outs. On the attached map, you can see how our proposed approach of a three nautical mile no-discharge zone around pump-outs would apply in our region. As more pump-outs are installed, fewer areas would become available for dumping.

.../2

3. Work with partners to develop an infrastructure funding program for vessel sewage pump-out facilities that would support sufficient pump-out stations to create contiguous large no-discharge zones in the Trust Area. The ecological sensitivity of this region, combined with the hundreds of thousands of recreational boaters in our region, creates a strong justification for priority pump-out infrastructure investment in the Salish Sea.

We have also heard numerous suggestions from community members about how the Vessel Pollution and Dangerous Chemicals Regulations could be improved:

We heard that there is a pressing need for Transport Canada to address the naming and creation of no-discharge zones (Designated Sewage Areas). Renaming Designated Sewage Areas to No-Discharge Zones would benefit public education initiatives. The current term is confusing as it implies the area is designated to permit sewage dumping. Local community groups have also expressed interest in requesting new Designated Sewage Areas but have found existing Transport Canada processes unclear and unduly onerous. By improving and streamlining the process for communities to request new Designated Sewage Areas, communities could make better use of their volunteer time and Transport Canada could benefit from community knowledge about where raw sewage dumping needs to be further restricted. Only two sites have ever been designated in our region despite the fact that in the 1990s the Islands Trust Council and Islands Trust local trust committees requested a combined total of more than 50 Designated Sewage Areas in the Islands Trust Area, and the Province of British Columbia requested twelve areas in the Islands Trust Area.

We have also heard that changes are needed to support better on-water enforcement. One suggestion we have heard is to allow enforcement agencies to issue tickets to pleasure craft operators who don't comply with sewage dumping provisions of the Regulations (e.g. installation of black water holding tank; discharge in a Designated Sewage Area). We've also heard that designing the Regulations to make them easier to enforce would be useful. We've heard that in some jurisdictions it is mandatory for vessel operators in no-discharge zones to secure their marine sanitation devices or holding tanks in a manner which prevents discharge of treated or untreated sewage. It has been suggested that it is much easier for an enforcement officer to determine compliance with this type of requirement than whether a vessel has discharged sewage under the water.

As you know, the Salish Sea is a special place and a unique part of the world. Our waters are home to some of the most productive and biologically-diverse ecosystems on earth. As islanders we depend on a clean ocean to sustain our economies, our diets, and our way of life. When pleasure craft vessels dump raw sewage in sensitive areas, it can contribute to contaminated shellfish, low oxygen levels in the water and increased chemical pollution. Each vessel has a small impact, but the cumulative impact of the hundreds of thousands of vessels in the sensitive Salish Sea must be considered.

The Islands Trust Council is a federation of local government bodies representing 25,000 people living within the Islands Trust Area and about 10,000 non-resident property owners. The Islands Trust is responsible for preserving and protecting the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5200 square kilometres.

.../3

On behalf of the Islands Trust Council, thank you for considering our requests. Your leadership on this issue will help our communities' efforts to educate boaters about the harm caused by the release of raw sewage, pharmaceuticals and on-board chemicals into our sensitive waters.

Yours sincerely,

Peter Luckham, Vice-Chair
Islands Trust Council

Attachment:

1) Pleasure Craft Raw Sewage Discharge Zones in Islands Trust Area map with Transport Canada proposed 1 nautical mile buffer.
2) Pleasure Craft Raw Sewage Discharge Zones in Islands Trust Area map with existing 3 nautical mile buffer and Islands Trust proposed 3 nautical mile no-discharge zones around pump-outs.

cc. Islands Trust Area MPs: Elizabeth May, Saanich-Gulf Islands
Jean Crowder, Nanaimo-Cowichan
James Lunney, Nanaimo-Alberni
John Duncan, Vancouver Island North
John Weston, West Vancouver/Sunshine Coast
Murray Rankin, Victoria
Honourable Leona Aglukkaq, Federal Minister of Environment
Trust Area First Nations
UBCM Environment Committee
AVICC members
Bowen Islands Municipal Council
San Juan Municipal Council
Marcia Morash, Superintendent, Gulf Islands National Park Reserve, Parks Canada
Maia Bellon, Director, Washington State Department of Ecology
Sheila Boutcher, President, Council of British Columbia Yacht Clubs
Lisa Geddes, Executive Director, BC Boating Association
Roberta Stevenson, Executive Director, BC Shellfish Growers Association
Pender Islands Trust Protection Society
Georgia Strait Alliance
T. Buck Suzuki Foundation
Saanich Inlet Protection Society
Islands Trust Council
Islands Trust website

Islands Trust

200 - 1627 Fort St., Victoria, BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

July 28, 2016

File Number: 410-20

The Honourable Wayne Easter, P.C., M.P.
Chair of the House of Commons Standing Committee on Finance

Via email: finapbc-cpb@parl.gc.ca

Dear Mr. Easter:

Re: Addressing marine pollution in the 2017 Federal Budget

The Islands Trust Council recognizes that a healthy marine environment is critical not only for the many species that inhabit the Strait of Georgia and all of Canada's coastlines, but also for healthy communities and a strong coastal economy.

Our specific interest in the federal budget consultations is in regards to protecting the Georgia Strait's marine and shoreline environment from the impacts of pleasure craft sewage dumping.

We strongly urge you to provide funding to support the necessary infrastructure, and for ongoing maintenance and operations, so that the regulations provide strong protection from the impact of pleasure craft sewage dumping.

Since 1982, the Islands Trust Council has been concerned about the impacts of pleasure craft sewage. Since 2009, our Council has been advocating to the Minister of Transport to amend the current Regulations that allow raw sewage dumping in waters that are not served by pumpout stations or are six nautical miles shore-to-shore. The geography of the Salish Sea, characterized by small islands and islets with narrow channels between islands, results in legal raw sewage dumping in sensitive marine habitats near shellfish beds and swimming beaches.

Vessel sewage is a harmful pollutant that contains chemicals and pharmaceuticals with particularly adverse effects on the environment and species at risk. Boaters often anchor in sensitive areas where pollution can become concentrated especially in the summer season. This is of considerable concern given that the proposed *Action Plan for the Northern and Southern Resident Killer Whale (Orcinus orca) in Canada* identifies environmental contamination as one of the key threats to the survival of this species, as well as the 118 other species at risk in the Salish Sea. Dumping of raw sewage from vessels can also contribute to shellfish closures.

A loophole in the regulations permits dumping where there is a distance of less than 6 nautical miles from shore to shore, and no sewage pump-out facility is nearby. This loophole and the inadequate number of sewage pumpout stations for the 350,000 to 400,000 pleasure craft on the West Coast allows vast areas of our shorelines to be used as dumping grounds for raw sewage from pleasure craft. The lack of any sort of infrastructure development and funding plan has set the regulations up for failure.

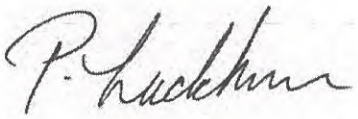
We request that the 2017 federal budget allocate funds to allow the federal government work with partners to develop an infrastructure funding program to create sufficient vessel sewage pump-out facilities to create contiguous large no-discharge zones in the Trust Area. The ecological sensitivity of this region, combined with the hundreds of thousands of recreational boaters in our region, creates a strong justification for priority pump-out infrastructure investment in the Salish Sea. Small businesses such as marinas cannot be expected to bear a costly burden to solve a federal marine transportation problem.

Washington State Parks Clean Vessel Grant Program is a model of success; grants are awarded for 75% of the cost of pumpout infrastructure, as well as for ongoing operation and maintenance costs.

The Islands Trust Council is a federation of local government bodies representing 25,000 people living within the Islands Trust Area and another 10,000 non-resident property-owners. The Islands Trust is responsible for preserving and protecting the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5200 square kilometres.

The Islands Trust Council is responsible for carrying out the Islands Trust's provincial object: *'to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia'.*

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

cc. Honourable Marc Garneau, Minister of Transport Canada
cc. Honourable Catherine McKenna, Minister of Environment and Climate Change Canada
cc. Honourable Dominic LeBlanc, Fisheries and Oceans Canada
cc. Michelle Young, Program Coordinator, Georgia Strait Alliance

Salt Spring Island Local Trust Committee

Minutes of Special Meeting

Date: **Wednesday, May 17, 2023**
Location: **Fulford Seniors Centre**
Rd, Salt Spring Island, BC

Members Present: **Timothy Peterson, Chair**
Laura Patrick, Local Trustee
Jamie Harris, Local Trustee

Staff Present: **Chris Hutton, Regional Planning Manager (RPM)**
Rob Pingle, Recorder

Gary Holman
A member of the press
Approximately 11 members of the public

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1. CALL TO ORDER

Chair Peterson called the meeting to order at 5:08 pm. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations, and welcomed Trustees and Staff.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

A member of the public asked about the ability of the Local Trust Committee (LTC) to address workforce housing.

There was discussion about the LTC providing adequate zoning and the CRD or a non-profit society providing a housing authority similar to what is in Whistler. There was discussion about the current proposed Bylaw 530 and the coordination of services in Ganges. Housing Agreements were discussed.

A member of the public noted that 30% of the average income of people in the province is required in a housing agreement covenant.

There was discussion about the current definitions of affordable housing. There was discussion about the current funding models of senior levels of government that require housing agreements.

There was discussion about the recent announcement by the province to not alter the building code to allow for Tiny Homes typically defined to have wheels.

A member of the public asked if the LTC has access to what constitutes affordable housing.

There was discussion about the variable nature of affordable housing based on the location where the housing is being provided and that linking it to a percentage of income is normal. There was discussion about what the needs of the present community is and that the Official Community Plan project will work to address it.

A member of the public spoke to the departure of friends of co-workers from the island due to the lack of affordable housing. They expressed their needs as being a couple who cannot afford more than $2000/month and requirement of public transportation.

There was discussion about the ability for workforce housing to address this need and that improving the zoning is a way for the LTC to address it.

A member of the public spoke to the fines that they have experienced through the bylaw enforcement of LTC regulations.

There was discussion about adding bylaw enforcement to the in-camera agenda to the meeting tomorrow. There was discussion about the alternative living solutions that some property owners are providing and the need to change the rules to Islands Trust to allow for these solutions.

A member of the public asked how enforcement priorities are set and if the trustees can provide guidance on what is enforced.

There was discussion about the priorities of bylaw enforcement being complaint driven through the members of the community. There was discussion about Trust Council requesting the ombudsmen to report on the bylaw enforcement activities of the Islands Trust. There was comment about the standing resolutions made by Local Trust Committees throughout the Trust area to address specific issues such as short term vacation rental.

A member of the public asked if short-term vacation rentals experience the same enforcement as other issues.

There was a request for a show of hands to express an opinion on proactive enforcement of short-term vacation rentals. A tally of the hands was not taken.

A member of the public asked if there was going to be enforcement or a change to the land use bylaw to limit live-aboard boats in our harbours.

There was discussion about the Clean and Safe Harbour Initiative and how it is a community initiative not under the direction of the LTC.

A member of the public spoke to the community created bylaw and the challenges found in it that would impact their current living situation.

There was discussion about the community concerns and that there would be considerations to address the issues raised.

A member of the public expressed that in the process of creating the community bylaw they had not been consulted while it seemed other larger organizations had been.

It was noted that the community bylaw had not been presented to the LTC yet and that the work program for the LTC is already subscribed for the foreseeable future.

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There was discussion about the ability for live-aboard boats to be allowed in the marinas.

A member of the public spoke to the work of the Clean and Safe Harbour Initiative to allow for the live-aboard boats and asked members of the audience to speak with them further about it after the meeting.

A member of the public spoke to the Ganges Village Planning Task Force (GVPTF) and the encouragement for those members to join the Advisory Planning Commission (APC). It was noted there was a miscommunication on the deadline to apply for the APC in the letter received by members of the GVPTF.

A member of the public spoke to the Coastal Douglas Fir Presentation that will be discussed at the regular LTC meeting May 18. It was noted that aspects of the workshop that were not included in the report that is being presented.

There was discussion about the need for a wild fire management plan that includes the public forest land. It was noted that the wild fire risk reduction aspect of the Coastal Douglas Fir project would be included in the Official Community Plan project.

A member of the public spoke about Accessory Dwelling Units and the sparse increased density it will create without adequate public transit.

There was discussion about how the proposed Bylaw 530 would more likely make illegal dwellings legal rather than creating new sparse dwellings. It was suggested that further projects would create more dense dwelling areas that could be more easily accessed by public transit.

A member of the public asked about the current timeline for proposed Bylaw 530 and the ability to address the current floor space ratio of secondary suites to allow for larger units. They also spoke to the change to the potential for subdivision and the inability to allow for more than two units in a current dwelling.

There was discussion about the purpose of proposed Bylaw 530 to convert already allowed seasonal cottages into accessory dwelling units. There was discussion about how the Official Community Plan project could address the move away from single family dwellings. There was a discussion that occupancy limits could be included for discussion during the project.

A member of the public spoke to the needs to create rules that regulate through water use rather than limiting growth.

There was discussion about the need to address water storage so that the population could be increased.

A member of the public asked about the Housing Accelerator Fund and the progress being made towards the LTC participating in it.

There was discussion about more information being provided by staff at the regular LTC meeting on May 18. It was noted that the application limits the participation of the LTC and that the Capital Regional District (CRD) would have projects eligible for this funding. There was discussion about the coordination taking place between the LTC and CRD.

A member of the public spoke about using a current park for a camp ground while other housing opportunities are being developed.

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There was discussion about the CRD Drake Road property potential for housing and that there may be surplus to need park land that the CRD Local Community Commission could consider as surplus to need. It was noted that a provider could make a proposal to provide camping services in Mouats Park for review by the CRD.

A member of the public spoke to their enjoyment of living on a boat.

A member of the public asked about the proposed Bylaw 530 timetable.

There was discussion that the proposed bylaw would be addressed in less than a year.

A member of the public asked about the way to address the missing middle housing issue.

There was discussion about the proposed Dragonfly Commons and the barriers the development has experienced.

There was discussion about the renter tenant agreements required for rental properties in comparison to the ability to own through work force ownership properties.

There was discussion about staffing issues within the Islands Trust and the resources available to the individual islands of the Islands Trust. There was discussion about the Official Community Plan project needing to be synchronised with the Land Use Bylaw project.

There was discussion about the challenges of supplying water to new ownership properties in comparison to new rental properties.

A member of the public asked about the North Salt Spring Water Works moratorium and their motivations.

There was discussion about how if the LTC directs growth to specific areas then there must be coordination with service providers to ensure the growth can be met.

5. ADJOURNMENT

By general consent the meeting was adjourned at 7:03pm.

_____

Timothy Peterson, Chair

Certified Correct:

_____

Rob Pingle, Recorder

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Salt Spring Island Local Trust Committee
Minutes of Regular Meeting

Date: **Thursday, May 18, 2023**

Location: **SD64 Learning Hub**
122 Rainbow Road, Salt Spring Island

Members Present: **Timothy Peterson, Chair**
Jamie Harris, Local Trustee
Laura Patrick, Local Trustee

Staff Present: **Chris Hutton, Regional Planning Manager (RPM)**
Louisa Garbo, Island Planner
Chris Buchan, Planner 2 (Zoom)
Stephen Baugh, Planner 2 (Zoom)
Rob Pingle, Acting Legislative Clerk
Sarah Shugar, Recorder

Others Present: **Gary Holman, Capital Regional District (CRD) Salt Spring Island Electoral Area Director**
Approximately 10 members of the public

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed, recorded, and made available for electronic public attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 9:38 a.m. He welcomed everyone to a meeting of the Salt Spring Island Local Trust Committee and introduced himself, the Trustees and staff. Chair Peterson humbly stated gratitude to live and work in Coast Salish First Nations treaty and traditional territory.

2. APPROVAL OF AGENDA

The following additional items were presented for inclusion in the agenda:

10.3 Salt Spring Island Annual Report - Staff Report
10.4 Protocol with the Capital Regional District Salt Spring Island Local Community Commission - Staff Report
10.5 Housing Accelerator Fund
10.6 April 28, 2023 SSI LTC Special Meeting Follow Up
13.2 SSI Agricultural Alliance Request for meetings

By general consent, the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Chair Peterson opened the town hall at 9:42 a.m.

A member of the public expressed concern regarding application SS-DVP-2022.12, including traffic, cycling and pedestrian safety concerns at the Lower Ganges Road and Baker Road intersection and requested the LTC to consult with the CRD and defer approval of the application.

A member of the public expressed concern regarding application SS-DVP-2022.12, including traffic, cycling and pedestrian safety concerns at the Lower Ganges Road and Baker Road intersection. The member of the public advised the concrete retaining wall has restricted visibility and requested the LTC to work with the CRD to address this safety issue.

Julian Clark spoke on behalf of the Concerned Residents of Canvasback Place concerning the Rogers Telecommunication Tower at Channel Ridge. Mr. Clark shared a video of development activity at the tower site and noted the site is mapped as an environmentally sensitive area in the SSI Official Community Plan. Mr. Clark expressed disappointment that the LTC did not file the letter with Innovation, Science and Economic Development (ISED) asking that they follow procedural fairness regarding ISED's rejection of the LTC's Impasse request. Mr. Clark advised the Concerned Residents of Canvasback Place are planning to file a federal judicial review application and asked the LTC whether they would like to be a co-applicant or a respondent. Mr. Clark advised the first step in the judicial review process would be to ask the court to force Rogers to stop building until the judicial review is complete.

Elaine Senkpiel spoke as a member of the Concerned Residents of Canvasback Place in support of Julian Clark's comments and added that as a neighbor, she feels like she is living in an industrial zoned site. Ms. Senkpiel advised the area is rocky, hot and dry and asked who provides over site in terms of fire risk. Ms. Senkpiel expressed concern regarding fire risk from development activity and/or cigarette butts and asked who has jurisdiction regarding fire risk.

A Trustee advised Salt Spring Island Fire Protection District's current local fire risk rating is "moderate" and heavy equipment activity is restricted.

CRD Director Holman reported fire risk is within Salt Spring Island Fire Protection District jurisdiction.

Jon Cooksey spoke on behalf of the Salt Spring Island Farmland Trust, expressed support for local food security and requested the LTC to hold regular meetings with the SSI Agricultural Alliance and the Agricultural Advisory Planning Commission on farm related issues.

4. DELEGATIONS - None

5. TRUSTEE REPORTS

Trustee Patrick presented the following report:

- Attended the Trust Council's Governance Committee;

- Met with the Salt Spring Island Accommodations Group regarding regulatory solutions to manage vacation rentals;
- Trustee Patrick was a guest on the "On the Island with Gregor Craigie" radio show on May 4, 2023 regarding initiatives to manage vacation rentals. Trustee Patrick reported the Union of BC Municipalities (UBCM) released an update that it is expecting the Province's fall legislation to include data sharing and to require all vacation rentals to have business licenses;
- Met with Jon Cooksey who is working with the SSI Farmland Trust to increase food security on the Island. He shared his experience with a local farmer and frustrations regarding providing housing for farmworkers;
- Attended a Ferry Advisory Committee meeting. BC Ferries indicated that SSI is among the worst for housing availability and it is impacting their ability to attract and retain staff. BC Ferries staff received the letter from the LTC and agreed that we can better integrate community and ferries planning. BC Ferries has announced unscheduled maintenance at the Fulford terminal that will create similar disruptions to the parking area as the bathroom project;
- Attended a meeting with MLA Adam Olsen and Hounourable Minister of Housing Ravi Kahlon regarding housing issues and the Salt Spring Solutions - A Home for Islanders report;
- Attended the Rural Island Economic Forum on Gabriola Island and hosted a panel on housing including Galiano Green, Denman Green, and Gabriola Paisley Place as well as the author of the Southern Gulf Islands Housing Strategy Justine Stark from the CRD. The panelists emphasized the immense risk that not for profit organizations must take before funding can be secured to build a project and called for better coordination and support for not for profit organizations;
- Chaired a Housing Action Lab that resulted in a number of resolutions;
- Chaired a Trust Council Regional Planning Committee strategic planning session. Staff shared their work on developing a housing strategy and updating the housing tool kit for the Islands Trust. Denman Island Trustee Sam Bothwrick facilitated the strategic portion of the meeting and asked "What are the seeds we need to plant today to create the islands of the future?" Trustees agreed that the preferred future was one of more resilient islands with diverse populations;
- Attended a Trust Council Corporate Working Group meeting;
- Attended a Salt Spring Housing Council Meeting. The group is reinvigorated, most projects are in early stages, with the exception of the Dragonfly Housing project on Drake Road;
- Islands Trust hosted a Provincial Watershed Security webinar;
- Trustee Patrick and two members of the Housing Action Program Task Force assisted staff in revising the draft Bylaw No. 530 communications materials;
- Attended a dinner hosted by Stqeeye" Learning Society where Indigenous youth leaders spoke of the values of the projects at Xwaaqw'um (Burgoyne Bay Provincial Park) and one of the presenters shared a Van Gogh quote "what is done in love is done well".

Trustee Harris expressed support for zoning to support workforce housing ownership on the Island and encouraged members of the public to vote in the upcoming CRD Local Community Commission (LCC) election on May 27, 2023.

6. CHAIR'S REPORT

Chair Peterson presented the following report:

- The LTC hosted a Special Meeting at Fulford Hall, 5:00 p.m. to 7:00 p.m. on May 17, 2023 to be more accessible for the public to attend meetings outside of regular business hours;
- Executive Committee is in preparations for the next Trust Council meeting to be held June 27 to 29, 2023.
- Attended a Financial Planning Committee Working Group meeting to develop a process for a multi-year corporate plan;
- Chair Peterson reported the Galiano Island Local Trust Committee LTC requested Trust Council to prioritize a review of the First Nations referral process that includes an informed, early response to referrals, in the spirit of Reconciliation that the Islands Trust is committed to.

7. CRD DIRECTOR'S REPORT

CRD Director Holman presented the following report:

- Attended an LTC Special Meeting on May 17, 2023;
- The CRD Local Community Commission (LCC) election will be held on May 27, 2023. An advanced voting day was held and a second advanced voting day will be held on May 24, 2023. Director Holman advised he is looking forward to working with the LCC to move issues forward;
- The Lady Minto Hospital Foundation Seabreeze Inne project for healthcare worker housing is in a court hearing process. BC Housing has provided alternative housing for the Seabreeze Inne residents. CRD Holman advised currently there are 40 healthcare worker vacancies at Lady Minto Hospital and expressed support for the issue to be resolved and for the Lady Minto Hospital Foundation to move ahead with building housing for healthcare workers;
- The CRD Board agreed to proceed with establishing a water service utility within the North Salt Spring Waterworks District for the Dragonfly Housing ownership-model project;
- The CRD Board approved an alternate approval process for an 85 million dollar Regional Housing First Borrowing Bylaw for land banking and housing. The CRD will require approval from two-thirds of local governments to proceed with the Regional Housing First Borrowing Bylaw. The Regional Housing First program invested 3.5 million dollars in the Croftonbrook Housing project;
- The CRD has agreed to ban construction waste including wood products, asphalt shingles and carpeting from the Hartland Landfill to extend the life of the landfill. Tipping fees and penalties will be increased;
- Recycling BC funds a portion of the Salt Spring Island CRD Recycling Depot and the remainder is funded through Hartland Landfill tipping fees;
- A consultant for a CRD Liquid Waste Options Study has been hired and a report is expected this summer. Currently, all liquid waste is trucked off SSI at an annual cost of approximately $600,000. Liquid Waste is one of the services that will be delegated to the new LCC;
- The CRD is not eligible to apply for the Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund. There may be opportunity for the CRD to collaborate with the Islands Trust to apply for the CMHC Housing Accelerator Fund;
- The CRD water and sewer service area commissions will hold their annual general meetings in the next few months and there are commissioner vacancies on all of the CRD water and sewer service area commissions.

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8. PREVIOUS MEETINGS

8.1 Draft Minutes of the Salt Spring Island Local Trust Committee

8.1.1 Draft Minutes of the April 13, 2023 SSI LTC Regular Meeting

The following items were presented for consideration:

- Item 13.1 – Replace "A Trustee expressed concern regarding parking issues in the area. It was noted an LCB application was approved at this location last term and the storefront has a cannabis sign, although it is not open." with "A Trustee expressed concern regarding parking issues in the area. It was noted an LCB application was recommended for approval at this location last term and the storefront has a cannabis sign, although it is not open."
- Item 14.2 – Replace "A Trustee expressed support for visioning/planning, and service limitations such as water and sewer to be considered together to have a plan that is achievable;" with "A Trustee expressed support for visioning/planning, and services such as water and sewer to be considered together to have a plan that is achievable".

By general consent, the minutes of April 13, 2023 Salt Spring Island Local Trust Committee Regular meeting were adopted as amended.

8.1.2 Draft Minutes of the April 28, 2023 SSI LTC Special Meeting

The following items were presented for consideration:

- Item 4.1 - Replace "The need for coordination between the LTC and the Cowichan Valley Regional District (CVRD); and that CVRD elections results affects the LTC." with "The need for coordination between the LTC and the Capital Regional District and that CRD elections results affects the LTC.
- Item 4.1 - Replace "Doughnut economics is about living within boundaries and responding to constraints creatively. This concept could be applied to innovating operational improvements." with "Doughnut economics is about living within boundaries and responding to constraints creatively."

By general consent, the minutes of April 28, 2023 Salt Spring Island Local Trust Committee Special meeting were adopted as amended.

8.2 Resolutions Without Meeting Report - None

8.3 Minutes of the Advisory Planning Commissions – None

8.4 Salt Spring Island Local Trust Committee Public Hearing Record – None

9. CORRESPONDENCE

9.1 Chair Peterson to BC Ferries Commissioner - Dated 14 March 2023 - Concerning BC Ferries' Performance Term 6

The correspondence item was received.

9.2 D. Courtney to LTC - Dated 20 April 2023 - Concerning BC Ferries' Performance Term 6 Input

The correspondence item was received.

9.3 J. Clark to LTC - Dated 4 April 2023 - Concerning Channel Ridge Rogers tower

The correspondence item was received.

9.4 J. Clark to LTC - Dated 6 April 2023 - Concerning Channel Ridge Rogers tower

The correspondence item was received.

9.5 O. McOuat to LTC - Dated 6 April 2023 - Concerning Channel Ridge Rogers tower

The correspondence item was received.

9.6 J. Clark to LTC - Dated 8 April 2023 - Concerning Channel Ridge Rogers tower

The correspondence item was received.

9.7 J. Clark to LTC - Dated 12 April 2023 - Concerning Channel Ridge Rogers tower

The correspondence item was received.

9.8 J. Clark to LTC - Dated 13 April 2023 - Concerning Channel Ridge Rogers tower

The correspondence item was received.

9.9 O. McOuat to LTC - Dated 23 April 2023 - Concerning Channel Ridge Rogers tower

The correspondence item was received.

9.10 K. Pungente to LTC - Dated 28 April 2023 - Concerning Channel Ridge Rogers tower

The correspondence item was received.

9.11 F. Attorp to LTC - Dated 5 April 2023 - Concerning the OCP review

The correspondence item was received.

9.12 P. Koby to LTC - Dated 11 April 2023 - Concerning Trailer Parks on the Island

The correspondence item was received.

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9.13 M. Welman to LTC - Dated 17 April 2023 - Concerning Salt Spring Solutions - A Home for Islanders report

SS-2023-48
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee appoint Trustee Patrick be the LTC representative at the Salt Spring Solutions meeting of June 23, 2023.

CARRIED

The correspondence item was received.

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-Up Action List dated May 2023

The report was received.

10.2 Draft Bylaw No. 535 - Freedom of Information and Protection of Privacy Bylaw

Legislative Clerk Pingle presented a Request For Decision dated May 18, 2023 regarding adoption of a new Freedom of Information and Protection of Privacy Bylaw and Model Bylaw to bring them in line with updated legislation.

SS-2023-49
It was MOVED and SECONDED,
That Salt Spring Island Local Trust Committee Bylaw No. 535, cited as "Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 535, 2023" be adopted.

CARRIED

10.3 Salt Spring Island Annual Report - Staff Report

RPM Hutton presented a Request for Decision dated May 18, 2023 regarding the 2022/23 Annual Report – Approval of Salt Spring Island section.

By general consent, the Salt Spring Island Local Trust Committee requested staff to add wording such as "working in cooperation with Salt Spring Island Watershed Protection Alliance (SSIWPA) partners".

SS-2023-50
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee approves the attached text, as amended, for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

10.4 Protocol with the Capital Regional District Salt Spring Island Local Community Commission - Staff Report

RPM Hutton presented a staff report dated May 18, 2023 regarding agreements with the Capital Regional District. A Trustee noted it is important to hold the regular meetings that are specified in the existing Islands Trust protocol agreements.

SS-2023-51
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee request staff to schedule a meeting in accordance with Section 3.0.1 of Islands Trust Council/ Capital Regional District Protocol Bylaw No. 63, 1999 in regard to the staff report dated May 18, 2023.

CARRIED

SS-2023-52
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee request staff to schedule quarterly staff-to-staff meetings with Capital Regional District staff to discuss matters of importance and report back regularly on those quarterly meetings. The meetings should discuss:

a. Budget planning updates for both governments;
b. Reviewing and summarizing Islands Trust Council/Capital Regional District Protocol Bylaw No. 63, 1999 to identify recommended changes to the agreement;
c. Review of current, active local projects and developments of mutual interest and identify opportunities and constraints for collaboration.

CARRIED

SS-2023-53
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee ask the Chair to send a letter to the Salt Spring Island Local Community Commission congratulating them on their election and expressing interest to engage on matters of mutual or complementary concern or opportunities for cooperation; and further that the Salt Spring Island Local Trust Chairperson advise of an open invite to the Salt Spring Island Local Community Commission Chair for them to attend meetings of the Salt Spring Island Local Trust Committee to provide updates of the work of the Commission.

CARRIED

10.5 Housing Accelerator Fund

RPM Hutton provided a verbal report on the Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund.

10.6 April 28, 2023 SSI LTC Special Meeting Follow Up

SS-2023-54
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee request staff to prepare a "What we Heard" report from the April 28, 2023 LTC Special meeting.

CARRIED

The meeting recessed at 11:24 a.m. for a lunch break and the meeting reconvened at 12:00 p.m.

11. APPLICATIONS AND REFERRALS

11.1 SS-DVP-2023.1 - M. Kirzinger - 114 Ontario Place, SSI

Planner Buchan presented a staff report dated May 18, 2023 regarding an application to decrease the minimum building setback from the front lot line from 7.5 metres to 1.8 metres to enable the applicant to construct a garage addition including a breezeway and space for additional indoor storage.

SS-2023-55
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DVP-2023.1 (114 Ontario Place).

CARRIED

11.2 SS-DVP-2023.2 - S. Wilbur - 175 Donore Road, SSI

Planner Buchan presented a staff report dated May 18, 2023 regarding an application to increase the maximum single family dwelling height of two storeys to three storeys that is required to legalize an existing single-family dwelling.

Applicant S. Wilbur spoke to the application.

SS-2023-56
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DVP-2023.2 (175 Donore Road).

CARRIED

11.3 SS-DVP-2022.12 - J. Litke - 744 Lower Ganges Road & Baker Road, SSI

Planner Baugh presented a staff report dated May 18, 2023 regarding an application to remove several subdivision requirements in order to satisfy Islands Trust conditions for a boundary adjustment subdivision.

Applicant Jordon Litke spoke to the application. RPM Hutton advised the Development Variance Permit would improve the ability for the Ministry of Transportation and Infrastructure to improve the Lower Ganges Road/ Baker Road intersection.

A member of the public and neighbour of the subject properties expressed concerns regarding safety at the Lower Ganges Road & Baker Road intersection and suggested removal of the top concrete blocks at the North West portion of the intersection to improve safety.

A member of the public expressed concerns that the variance may prohibit improvements at the intersection.

SS-2023-57
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee approve Development Variance Permit SS-DVP-2022.12 and direct that staff not issue the permit until a covenant consistent with the draft covenant in Attachment 6 of the report from Planner Baugh, dated May 18, 2023 is registered on title.

CARRIED

SS-2023-58
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee direct staff to forward correspondence received and concerns raised in relation to application SS-DVP-2022.12 to the Ministry of Transportation and Infrastructure Subdivision Approving Officer.

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Official Community Plan Project Charter preview - Staff Report

Planner Garbo presented a staff report dated May 18, 2023 regarding the Salt Spring Island OCP-LUB Amendment LTC Project.

In discussion the following items were noted:

- A Trustee expressed the OCB Project Charter process should have been started earlier as the project charter shapes the LTC's and the community's understanding of the project;
- A Trustee expressed support for First Nations engagement although the document is insufficient. It is important to have experienced, expert advisors to set up a First Nations approach for the OCP project. The Islands Trust Senior Inter Governmental Policy Advisor is vacant;
- Support was expressed to provide opportunities for First Nations to partner on and inform the project scoping and public engagement;
- A Trustee expressed support to manage and be proactive regarding population growth/change. It is not adequate to be reactive to change. We need to ask what type of housing does our community need and what housing already exists;
- A Trustee expressed young people are leaving SSI due to the lack of workforce housing. We need to engage the young people on the island regarding housing needs;

- A Trustee expressed it is important to understand the demographic data such as where the housing growth has happened in the last few years and to integrate new demographic and other relevant data;
- A Trustee expressed support for a high-level evaluation of the existing Official Community Plan implementation, including an analysis of growth and settlement patterns that have occurred since its adoption to determine divergences from the Islands Trust's preserve and protect mandate;
- A Trustee expressed support to update and renew community values and policies for a complete and resilient island community that embraces reconciliation with First Nations and is more adaptive to climate and demographic change;
- A Trustee expressed support to update and renew policy and regulations to achieve diverse and sustainable housing options and to curtail residential development that is out of step with climate action and equity needs;
- A Trustee expressed support to evaluate and consider policy for designating village containment boundaries to manage growth and settlement patterns;
- A Trustee expressed support to pursue grant opportunities and incorporate activities related to the CMHC Housing Accelerator Fund, Complete Communities Program, 2023 Fire Smart Community Funding & Supports, and others if appropriate;
- A Trustee expressed support to coordinate inter-agency activities such as, but not limited to: establishing sustainable growth rates; ensuring water, sewer, fire protection, and other facilities are adequate to serve the existing and future development; developing a housing strategy; risks of sea level rise; wildfire hazard risk reduction; and food security;
- A Trustee expressed support to develop a work plan outlining the proposed scope, external professional expertise required, project timeline, estimated cost, activities, key milestones & decision points, deliverable, and public engagement approach;
- A Trustee expressed support to strengthen the monitoring & implementation components of the OCP;
- A Trustee expressed support to find water solutions such as water towers for workforce housing;
- A Trustee expressed support for zoning changes for workforce housing to be the priority;
- A Trustee expressed concerns regarding the Fire Risk Reduction in the Douglas-Fir Bio-Geo Climatic Zone – A Practitioners Online Workshop held on February 27, 2023 report summary;
- A Trustee expressed concerns regarding regulating private property owners and that it is important to communicate that SSI is open for business and Islands Trust is not shutting down development;
- Chair Peterson advised the LTC has requested Executive Committee requesting additional resources for the SSI LTC to engage with First Nations;
- A Trustee expressed support for the importance of engagement with the large number of Indigenous residents of Salt Spring Island;
- A Trustee expressed support for reviewing what went wrong with the current OCP;

DRAFT

- A Trustee expressed concerns that some local non-profit organizations have brought forward false information to the community that has contributed to polarization in the community and exacerbated climate concerns;
- A Trustee expressed that sufficient community engagement has happened and the LTC needs to fast track workforce housing;
- It was noted the Mayne Island Local Trust Committee Housing Project Options Report dated March 27, 2023 includes many recommendations that are applicable to Salt Spring Island;
- There was a suggestion for staff to align the OCP project with the Housing Accelerator Fund process. RPM Hutton advised staff can continue the relationship building and that the OCP needs to be updated prior to
- A Trustee expressed concerns regarding the draft project charter and corrections are needed to provide options for the community;
- A Trustee expressed support to align regulations so residents can access the forgivable loans for funding such as the BC Housing Secondary and basement suites incentive pilot program;
- Planner Garbo advised the Housing Accelerator Fund process needs specific data regarding housing and we do not have the data yet. It is a legal requirement to do public engagement. Staff does not recommend delaying the OCP process as it is necessary to define where appropriate housing is needed and have policies to support the needs of the community;
- A Trustee noted it is important to hire a consultant that has the expertise to have meaningful engagement First Nations. RPM Hutton advised First Nations have asked for dialogue at the leadership level;
- A Trustee asked what are we specifically saying when we say First Nations engagement. Are we talking about private property being exempt from Islands Trust regulations? Are we saying we could transfer Conservancy lands to First Nations? A Trustee suggested to reach out to local First Nations that own fee simple land on SSI and ask them what they would like to see. RPM Hutton advised there is legislation to engage with First Nations governments and the degree to which we engage will impact the success of the OCP project. Engagement with with Indigenous individuals is also important although the legislation requirement is for government to government referrals;
- Chair Peterson summarized that the reconciliation action we need to take is important;

The meeting recessed at 1:45 for a break and reconvened at 1:54 p.m.

- Chair Peterson summarized to align the OCB/LUB process early activities with the Housing Accelerator Fund to move forward whether we receive the Housing Accelerator Funding or not and that it is important to develop a work plan based on whether the funding is received or not;
- RPM Hutton advised the LTC has the ability to identify stakeholders for engagement as part of the project charter and this would be the process for including Indigenous residents living off reserve on SSI.

SS-2023-59
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee request staff to begin work on a Housing Action Plan in alignment with the OCP/LUB project that includes:

- To build buy in with service providers and other levels of government;
- Engaging with affordable housing providers on Salt Spring Island;
- Incorporating recommendations of the Housing Action Program Task Force;
- Incorporating Work Force Housing provisions.

CARRIED

SS-2023-60
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee allocate OCP/ LUB project funding and request staff to develop in coordination with a qualified Indigenous relations professional to support early dialogue and relationship development, to initiate dialogue, identify preliminary engagement preferences and develop an Indigenous relations approach for the LTC Projects and Housing Accelerator Fund at the staff to staff and leadership to leadership level.

CARRIED

12.2 Ganges Village Planning - Staff Report

Planner Garbo presented a staff report dated May 18, 2023 regarding an update on the Ganges Village Planning effort and next steps to complete the project.

In discussion the following items were noted:

- A Trustee expressed support to pause the Ganges Village Planning project as the project will be informed by the OCP/LUB project;
- A Trustee encouraged members of the public to review other village area plans such as the Friday Harbour plan;
- A first step in the Ganges Village Plan is to define a village containment boundary, which is part of the OCP project.

SS-2023-61
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee hold the Ganges Village Area Plan project in abeyance to allow the OCP/LUB project to evaluate and consider Village Containment Boundaries to manage growth and settlement patters.

CARRIED

12.3 Coastal Douglas Fir Project - Staff Report

Planner Garbo presented a staff report dated May 18, 2023 regarding a workshop summary report submitted by Transition Salt Spring.

Transition Salt Spring representative Ruth Waldick provided a summary of the Fire Risk Reduction in the Douglas-Fir Bio-Geo Climatic Zone – A Practitioners Online Workshop held

on February 27, 2023. R. Waldick expressed appreciation to the LTC for supporting the workshop.

In discussion the following items were noted:

- A Trustee thanked Ruth Waldick for all of the work to plan and host the workshop;
- A Trustee expressed concern that the report includes biases and does not include all of the ideas of practitioners. Ruth Waldick reported she sent the draft report to each presenter for feedback and noted the workshop summary report is concise and does not include all of the ideas of practitioners;
- Ruth Waldick thanked Trustee Harris for his feedback following the Maxwell Watershed site visit;
- It was noted Trustee Harris and Ruth Waldick would discuss amending the workshop summary report to address Trustee Harris's concerns.

SS-2023-62
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee defer acceptance of the workshop summary report submitted by Transition Salt Spring to the September 14, 2023 LTC meeting.

CARRIED

13. NEW BUSINESS

13.1 Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral

RPM Hutton presented a staff report dated May 18, 2023 regarding Galiano Island Local Trust Area Bylaws No. 287 and 288 Referral.

SS-2023-63
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee request staff to respond to the referrals from the Galiano Island Local Trust Committee for Bylaws No. 287 and 288, indicating that the Salt Spring Island Local Trust Committee's interests are unaffected.

CARRIED

13.2 SSI Agricultural Alliance Request for meetings

This item was not dealt with.

The meeting was recessed for a break at 4:04 p.m. and reconvened at 4:10 p.m.

14. REPORTS

14.1 Policy and Standing Resolutions List

The report was received.

14.2 Active Projects Report dated May 2023

SS-2023-64
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee remove the Housing Action Program from the Active Projects Report and request that Bylaw No. 530 be a minor project.

CARRIED

The report was received.

14.3 Future Projects Report dated May 2023

The report was received.

14.4 Applications with Status Report dated May 2023

The report was received.

14.5 Expense Report dated March 2023

The report was received.

14.6 Islands Trust Conservancy Board Report - None

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

15. CLOSED MEETING

15.1 Motion to Close the Meeting

SS-2023-65
At 4:21 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 Section 90 (1) (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment; (g) litigation or potential litigation affecting the municipality; and that staff be invited to remain.

CARRIED

DRAFT

15.2 Motion to Open the Meeting

SS-2023-66
At 5:05 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

15.3 Rise and Report

The Salt Spring Island Local Trust Committee reappointed Jean Brouard and Leigh Large to the Advisory Planning Commission for a period of two years, effective June 1, 2023.

The Salt Spring Island Local Trust Committee appointed Theresa Burley and Gabriel Wiebe to the Advisory Planning Commission for a period of two years, effective June 1, 2023.

The Salt Spring Island Local Trust Committee reappointed Bree Eagle, Ken Byron and Conrad Pilon to the Agricultural Advisory Planning Commission for a further two-year term, effective June 1, 2023.

The Salt Spring Island Local Trust Committee appointed Scott Royal to the Agricultural Advisory Planning Commission for a further two-year term, effective June 1, 2023.

The Salt Spring Island Local Trust Committee reappointed George Ward to the Board of Variance for a further two-year term, effective June 1, 2023.

The Salt Spring Island Local Trust Committee directed Chair Peterson to write letters thanking Advisory Planning Commissioners Neil Morie, Ron Cooke, and Jeff Thompson for their service.

16. UPCOMING MEETINGS

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on June 22, 2023 at the SD64 Learning Hub, 122 Rainbow Road. Please see the meeting calendar on the Islands Trust website at www.islandstrust.bc.ca for current meeting information and location.

17. ADJOURNMENT

By general consent the meeting adjourned at 5:07 p.m.

_____
Timothy Peterson, Chair

DRAFT

CERTIFIED CORRECT:

_____
Sarah Shugar, Recorder

DRAFT

Print Date: June 15, 2023

Resolutions Without Meetings Log

Salt Spring Island

Resolution Number	Action	Date
2023-004	**Carried**	**08-Jun-2023**

THAT the Salt Spring Island Local Trust Committee request staff to cancel the inspection of Mielle Chandler's property on June 8th, until the local trust committee meets next to discuss the matter.

Salt Spring Island
Advisory Planning Commission
Minutes of a Regular Meeting

Date of Meeting:	**Thursday, June 1, 2023**
Location:	**Baptist Church, Lower Level Meeting Room** **520 Lower Ganges Road, Salt Spring Island**
Members Present:	**Theresa Burley, Commissioner** **Donald Carlson, Commissioner** **Anne Gunn, Commissioner** **Gabriel Wiebe, Commissioner** **Stanley Shapiro, Commissioner** **Gordon Brent Brochu-Ingram, AAPC Commissioner** **Jean Brouard, Commissioner**
Regrets:	**Leigh Large, Commissioner**
Absent:	**None**
Staff Present:	**Rob Pingle, Acting Legislative Clerk** **Chris Buchan, Planner 2** **Louisa Garbo, Island Planner (via Zoom)**
Others Present:	**1 member of the public**

DRAFT

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

Staff Pingle called the meeting to order at 1:01 p.m.

1. ELECTION OF THE CHAIR AND VICE-CHAIR

Staff Pingle discussed the roles and responsibilities of the commissioners.

Staff Pingle announced the election procedures.

Staff Pingle called for nominations for Chair.

Commissioner Brouard was nominated and accepted the nomination.

Staff Pingle called three times for further nominations. Hearing none, he declared the nominations closed. Commissioner Brouard was elected Chair by acclamation.

Staff Pingle called for nominations for Vice-Chair.

Commissioner Gunn was nominated and accepted the nomination.

Staff Pingle called three times for further nominations.

Hearing none, he declared the nominations closed. Commissioner Gunn was elected Vice-Chair by acclamation.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted.

3. MINUTES OF PREVIOUS MEETING

3.1 Draft Minutes of the July 28, 2022 APC Meeting

By general consent, the minutes of the July 28, 2022 Salt Spring Island Advisory Planning Commission meeting were adopted.

4. BUSINESS ITEMS

4.1 Proposed Bylaw No. 530 – Accessory Dwelling Units - Staff Report

Planner Garbo presented the staff report on Proposed Bylaw No. 530.

There was discussion regarding the following
- consultation with First Nations and their concerns being raised.
- Option 3 in the staff report, dated April 13, 2023, to scale back the ADUs to be within only Schedule I.

It was MOVED and SECONDED,
That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that Proposed Bylaw No. 530 proceed as proposed.

It was MOVED and SECONDED,
That the Salt Spring Island Advisory Planning Commission amended the motion to include the following,
"subject to the following recommendations:
- That the ADUs would be in alignment with the Secondary Suites as in Schedule I of the Land Use Bylaw."

DEFEATED

Returning to the original motion the Chair called a vote.

It was MOVED and SECONDED,
That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that Proposed Bylaw No. 530 proceed as proposed.

CARRIED

4.2 SS-LCB-2023.1 – J. Chouinard, Canna Northwest Enterprises Inc. – Unit 105-109 McPhillips Ave, SSI – Liquor and Cannabis Regulation Branch referral for a Non-Medical Cannabis Retail Store License – Staff Report

Planner Buchan presented the staff report on SS-LCB-2023.1.

There was discussion regarding the parking conditions for the complex.

It was MOVED and SECONDED,
That the Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that application SS-LCB-2023.1 for a proposed Cannabis Retail Store License located at 105 McPhillips Avenue proceed as proposed.

CARRIED

5. OTHER BUSINESS

6. ADJOURNMENT

By general consent the meeting adjourned at 3:09 p.m.

_____
Jean Brouard, Chair

CERTIFIED CORRECT:

_____
Rob Pingle, Recorder

DRAFT

Salt Spring Island Agricultural Advisory Planning Commission

Minutes of a Regular Meeting

DRAFT

Date of Meeting: **Thursday, June 1, 2023**

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

Members Present: **Bree Eagle, Chair**
Brent Brochu-Ingram, Vice Chair
Ken Byron, Commissioner
Scott Royal, Commissioner

Regrets: **Conrad Pilon, Commissioner**

Staff Present: **Rob Pingle, Acting Legislative Clerk**
Louisa Garbo, Island Planner (via Zoom)

Others Present: **None**

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

Staff Pingle called the meeting to order at 3:16 p.m.

1. COMMISSION TRAINING AND ELECTION OF THE CHAIR AND VICE CHAIR

Staff Pingle discussed the roles and responsibilities of the commissioners.

Staff Pingle announced the election procedures.

Staff Pingle called for nominations for Chair

Commissioner Eagle was nominated and accepted the nomination.

Staff Pingle called three times for further nominations. Hearing none, he declared the nominations closed. Commissioner Eagle was elected Chair by acclamation.

Staff Pingle called for nominations for Vice-Chair.

Commissioner Brochu-Ingram was nominated and accepted the nomination.

Staff Pingle called three times for further nominations.

Hearing none, he declared the nominations closed. Commissioner Brochu-Ingram was elected Vice-Chair by acclamation.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted.

3. MINUTES OF PREVIOUS MEETING

3.1. Draft Minutes of the February 3, 2022 AAPC Meeting – For Adoption

By general consent, the minutes of the February 3, 2022 Salt Spring Island Agricultural Advisory Planning Commission meeting were adopted.

4. BUSINESS ITEMS

4.1 Draft Bylaw No. 530 – Accessory Dwelling Units – Staff Report

Planner Garbo presented a memorandum dated June 1, 2023 regarding Draft Bylaw No. 530.

It was MOVED and SECONDED,
That the Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw No. 530 proceed as proposed.

CARRIED

5. OTHER BUSINESS

6. ADJOURNMENT

By general consent the meeting adjourned at 4:38 p.m.

_____
Bree Eagle, Chair

CERTIFIED CORRECT:

_____
Rob Pingle, Recorder

DRAFT

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 BC **1-800-663-7867**

Email ssiinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

June 14 2023 File No: 01-0110-20

Via e-mail: sburnham@crd.bc.ca

Director Holman
Electoral Area Director
Capital Regional District

Dear Director Holman:

Re: Salt Spring Island Local Community Commission Election Congratulations and Invitation to Collaborate

On behalf of the Salt Spring Island Local Trust Committee (SS LTC), I would like to congratulate you and the new members of the inaugural Salt Spring Island Local Community Commission (SS LCC) on their recent election. As two democratically-elected bodies with separate but overlapping governance functions over this community, we look forward to the beginning of a long-standing era of collaboration, engagement, and alignment. It is in this spirit that I am hopeful that we can work together on matters of mutual or complementary concern. As a start, I am pleased to extend an open invitation to the SS LCC Chair to attend meetings of the SS LTC to provide updates of the work of the Commission.

The Salt Spring Island Local Trust Committee on May 18, 2023 passed the following resolution:

> *It was MOVED and SECONDED,*
>
> *That the Salt Spring Island Local Trust Committee ask the Chair to send a letter to the Salt Spring Island Local Community Commission congratulating them on their election and express interest to engage on matters of mutual or complementary concern or opportunities for cooperation; and further that the Salt Spring Island Local Trust Committee Chairperson advise of an open invite to the Salt Spring Island Local Community Commission Chair for them to attend meetings of the Salt Spring Island Local Trust Committee to provide updates of the work of the Commission.*

In closing, I wish to reiterate our congratulations. We look forward to working with you.

Yours sincerely,



Timothy Peterson
Chair, Salt Spring Island Local Trust Committee
Islands Trust
tpeterson@islandstrust.bc.ca

From: Laura Patrick
Sent: Sunday, June 4, 2023 1:53 PM
To: JEAN BARAKETT
Cc: Jamie Harris; Timothy Peterson; SSIInfo
Subject: Re: Madrona Creek & the SSI FreshWater Catalogue (SSIFWC) followup

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your email. I have copied staff so that this email can be part of the public record.

> On Jun 4, 2023, at 10:38 AM, JEAN BARAKETT < > wrote:
>
> Dear Ms. Patrick.
>
> You have been a proponent of a $70,000.00 SWIPPA Coordination project.
>
> I enclose for your interest an email of a meeting between myself and two SWIPPA representatives on the road from Madrona Beach to the irrigation pond on the farm at 291 Long Harbour Road.
>
> The discussions with the two individuals encompassed lead, PAH (polycyclic Aromatic Hydrocarbons) Carcinogens leaching from the gun range and plastic shot gun wads found on the Madrona beach.
>
> The Islands Trust represent the beach area as a sensitive ecosystem.
>
> It was explained that these contaminants were released from the high risk contaminated Salt Spring Island Gun Club site upstream from the pond.
>
> SWIPPA have not accomplished any improvement in resolving past contamination or the continuance of contamination at the gun club.
>
> I have informed the Islands Trust Committee of the riparian area on the gun range and disturbance of the area without consideration of riparian regulations.
>
> Yesterday the shooting of shot guns on the range continues the contamination process.
>
> In 3 years SWIPPA coordination efforts do not seem to have achieved any resolution to the watershed contamination.
>
> Sincerely.
>
> Brian Milne.
>
> Begin forwarded message:

From: BRIAN MILNE <[redacted]>
Subject: Re: Madrona Creek & the SSI FreshWater Catalogue (SSIFWC) followup
Date: May 27, 2020 at 4:34:47 PM PDT
To: John SSIFWC <[redacted]>

Dear John.

The PAH originates in the trap targets fired at the gun club.

As I have spent hundreds of thousands of dollars in environmental studies with Stantec and legal fees further sampling by organizations not appointed by the court or legal counsel are not in my interest.

Once I have court direction to the club to remediate so that I can remediate you can sample and test.

Regards.

Brian Milne

> On May 27, 2020, at 11:59 AM, John SSIFWC <[redacted]> wrote:
>
> Brian
> Hi.
>
> Following up on our FreshWater Catalogue project's field data collection discussions and possible Madrone Creek “downstream/outfall” field sampling site(s) access. Would you be available for a chat in the coming days? This would be to discuss SSIFWC field sampling options (if amenable), and how this field data might (perhaps) help monitor contamination, with field sites above and below the Gun Club.
>
> Hoping all is well with you.
>
> Take care
> John

On May 13, 2020, at 10:30 AM, SSI FWC <[redacted]> wrote:

Hi Brian
Thank you for the emails. Below a bit of the background on the Water Preservation Societies (WPS) SSIFWC FreshWater Catalogue (SSIFWC) project, some of these details may not be "online".

The SSIFWC project's overarching themes are education/outreach, science and informing planning. One of the project's intents is to develop an increased awareness of the island's watersheds and surface waters, and perhaps develop local watershed stewardship communities. The SSIFWC field science data being collected supports the development of an improved understanding of freshwater *quantity* across the island's watersheds, including along Madrone Creek and at its coastal outflow from the "2017" watershed. This science should improve our understanding of how surface water quantity variability impacts developing areal (watershed) models of groundwater recharge potential and areal water budgets, important for our understanding of our island's freshwater resources.

The two references below give an idea of the background to the surface freshwater science/data collection, both highlight the limited amount of surface freshwater data available (flow volumes, groundwater creek inflow etc) for modelling, and the need to acquire/incorporate this

information in any island freshwater resource estimates.

> "Salt Spring Aquifer Mapping and Monthly Groundwater Budget Analysis for Aquifers on Salt Spring Island" (a report from Golder and Associates 2017-2018 work, commissioned by Forestry Lands Natural Resources)
- this report gives a detailed story on the surface-to-subsurface hydrological cycle relationships on the island.

> "Salt Spring Island Groundwater Recharge Potential Report". Commissioned by the IT this report was shared at an October 2019 LTC.
- this work examines and reports out on risks and uncertainties around the island's groundwater recharge, and recommends further work to develop Island "Water Budgets" to address the large variability in groundwater recharge across the Island.

For me (as the SSIFWC project lead and the technical working group chair for SSIWPA) the integration of SSIFWC-like (surface) freshwater data into evolving Island groundwater recharge potential mapping and areal water budgets is a key next step.

The SSIFWC freshwater quantity science aspect is what we were starting to address/set up in the 2017 Watershed (encompassing Madrona Creek) yesterday, following some reconnaissance work in the watershed done recently by Sheila D. With suitable watershed creek field sites (and volunteers!) we can

collect (as a start) basic creek flow and chemistry (pH, conductivity and water temperature) data on water quantity along the 2017 creeks, and in wetlands, ponds etc.

SSIFWC field sampling along the watershed and in Madrona creek will establish a baseline of the seasonal variability in (and along) the creek. Allowing us to develop insights into creek flow-to-sea within this 2017 watershed, potential groundwater inflow components (or not) in this creek, and, perhaps of interest to you the variability above chemistry above and below possible contamination sites…?

Very grateful for your support and happy to talk through some of the above if interested and if/when time allows.
Please let me know when it might be convenient.

Thank you for making contact, the 2014 RAR reference and the Core 6 report. From the Core 6 report like there is a worrying legacy problem to deal with…(though not sure where the PAH originates?). I wonder if the variability above and below the gun club site would be picked up in the basic field data collection we are able to do with our Oakton field probe? The data collected would be available and shared with you. We could also consider doing other measurements (turbidity, Dissolved Oxygen if these are of interest to you?

Take care
John

PS I hope it's OK to share our correspondence with Sheila D who will be doing the local 2017 field work.

On May 13, 2020, at 6:51 AM, BRIAN MILNE <[redacted]> wrote:

Dear John.

I mentioned to you yesterday the HIGH RISK CONTAMINATION STATUS of the Salt Spring Island Gun Club property and the property 291 Long Harbour Road.

Migration of contaminants occurring from the club RANGE to 291 Long Harbour is defined in the CORE 6 report commissioned by the Ministry of Environment.

I attach part of the 86 page report, the conclusion being self explanatory.

I also mentioned the migration of shot gun wads to Madrona beach and Churchill beach.

The possibility of contaminants accumulating in the sediment banks at the mouth of the creek is likely.

Brian Milne

<CORE 6.pdf>

> On May 12, 2020, at 4:18 PM, BRIAN MILNE <[redacted]> wrote:
>
> Dear John.

You met me on the
beach trail of 291
Long Harbour Road
this afternoon.

For your information
I am forwarding the
Mainstream RAR
Mapping project.

I read your modus
operandi and fear the
project needs a
science based
approach which is not
apparent.

The fresh water
contribution to the
Madrona Creek is
easily accessed by
taking the **area** of the
Madrona watershed,
the **annual rainfal**l.
Multiply by
an absorption /
evaporation statistic
usually 45-50% and
calculate the run-off.

Your concept of
assessing surface
water and fresh water
by walking the
watersheds is fraught
with trespass and
liability issues if you
do not gain land
owner permission.

You were lucky today
as usually sheep and a
ram use the trail to
graze at the beach.

The ram can be a danger to you.

I will have time to discuss your goals and methods of achieving them in a couple of weeks as we are lambing and working on pasture management at this time.

Brian Milne.

[redacted].

Islands Trust

Print Date: June 16, 2023

Follow Up Action Report

Salt Spring Island

13-Dec-2022

	Activity	Responsibility	Dates	Status
1	Draft 2023/24 Budget Changes Directed by Financial Planning Committee That the Salt Spring Island Local Trust Committee request staff to prepare a work plan to support the 2023/24 special tax requisition that improves the alignment of activities currently done under the Salt Spring Island Watershed Protection Alliance (SSIWPA) with Islands Trust's work on Freshwater Sustainability Strategy implementation and related existing functions (as recommended in the April 2022 Islands Trust Salt Spring Island Watershed Stewardship and Protection Coordination Situation and Options Identification Report).	Anthony Fotino Chris Hutton	Target: 22-Jun-2023	In Progress

09-Feb-2023

	Activity	Responsibility	Dates	Status
1	Advisory Planning Commissions and Special Advisory Planning Commissions for SS LTC Projects (Task Forces) - Staff Report (Deferred from the January 26, 2023 SS LTC Special Meeting) That the Salt Spring Island Local Trust Committee defer consideration of disbanding the Housing Action Program Task Force pending further information on how the relationship between the Housing Action Program Task Force and Islands Trust can continue.	Chris Hutton Louisa Garbo		In Progress

Follow Up Action Report

Salt Spring Island

09-Feb-2023

Activity	Responsibility	Dates	Status
2 First Nations Consultations Procedure - Trustee Patrick That the Salt Spring Island Local Trust Committee request staff to explore options to enter into interim protocols for meaningful and respectful engagement between the Salt Spring Island Local Trust Committee and the W_SÁNEC Leadership Council, the Cowichan Nation Alliance and the Salt Spring Island local Indigenous organization.	Chris Hutton	Target: 14-Sep-2023	In Progress

16-Mar-2023

Activity	Responsibility	Dates	Status

Follow Up Action Report

Salt Spring Island

16-Mar-2023

Activity	Responsibility	Dates	Status
1 BC Active Transportation Grant	Anthony Fotino		In Progress

It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee direct that staff will not disburse grant funds to Islands Pathways until Island Pathways enters into a service contract for a maximum of $25,000 to prepare a Salish Sea Trail Network Plan. Details of the contract will require clearer articulation of the services to be provided, including:
a. Provision of a project charter indicating:
i. The purpose, goal, deliverables, schedule and budget of the project.
ii. An engagement strategy with the public and other government stakeholders
iii. A strategy to engage the 13 First Nations on whose traditional and Treaty territory the project lies.
b. Assurance that no invoice will be paid from the Islands Trust until Island Pathways has submitted satisfactory reporting to the BC Active Transportation Grants to enable compensatory disbursement.

13-Apr-2023

Activity	Responsibility	Dates	Status

Follow Up Action Report

Salt Spring Island

13-Apr-2023

Activity	Responsibility	Dates	Status
1 SS-LCB-2023.1 - J. Chouinard - 109 McPhillips Avenue It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee direct staff to hold a public open house to gather community input on the Cannabis Retail Store licence application for Canna Northwest Enterprises Inc. (109 McPhillips Avenue).	Chris Buchan Rob Pingle	Target: 25-May-2023	Completed
2 SS-LCB-2023.1 - J. Chouinard - 109 McPhillips Avenue It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee refer the Cannabis Retail licence application for Canna Northwest Enterprises Inc. to the Advisory Planning Commission for review and comment (109 McPhillips Avenue).	Chris Buchan Rob Pingle	Target: 01-Jun-2023	Completed

Follow Up Action Report

Salt Spring Island

13-Apr-2023

Activity	Responsibility	Dates	Status
3 SS-LCB-2023.1 - J. Chouinard - 109 McPhillips Avenue	Chris Buchan	Target: 22-Jun-2023	Completed

It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee direct staff to bring forward a second report following the public consultation period which details the consultation process conducted by Islands Trust Staff (109 McPhillips Avenue).

Follow Up Action Report

Salt Spring Island

13-Apr-2023

Activity	Responsibility	Dates	Status
4 Bylaw 530 - Accessory Dwelling Units It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee direct staff to develop and execute an engagement plan and communication materials for Proposed Bylaw No. 530 in cooperation with a sub quorum of the Housing Action Program Task Force and a Trustee. It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee appoint Trustee Patrick to work with staff and a sub-quorum of the Housing Action Program Task Force on the communication and engagement plan for Proposed Bylaw 530.	Jennifer Baddeley Louisa Garbo Rob Pingle		Completed

18-May-2023

Activity	Responsibility	Dates	Status

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
1 Draft Minutes of the Salt Spring Island Local Trust Committee The following items were presented for consideration: - Item 13.1 - Replace "A Trustee expressed concern regarding parking issues in the area. It was noted an LCB application was approved at this location last term and the storefront has a cannabis sign, although it is not open." with "A Trustee expressed concern regarding parking issues in the area. It was noted an LCB application was recommended for approval at this location last term and the storefront has a cannabis sign, although it is not open." - Item 14.2 - Replace "A Trustee expressed support for visioning/planning, and service limitations such as water and sewer to be considered together to have a plan that is achievable;" with "A Trustee expressed support for visioning/planning, and services such as water and sewer to be considered together to have a plan that is achievable". By general consent, the minutes of April 13, 2023 Salt Spring Island Local Trust Committee Regular meeting were adopted as amended. Draft Minutes of the April 28, 2023 SSI LTC Special Meeting The following items were presented for consideration: - Item 4.1 - Replace "The need for coordination between the LTC and the Cowichan Valley Regional District (CVRD); and that CVRD elections results	Jennifer Baddeley Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
affects the LTC." with "The need for coordination between the LTC and the Capital Regional District and that CRD elections results affects the LTC. - Item 4.1 - Replace "Doughnut economics is about living within boundaries and responding to constraints creatively. This concept could be applied to innovating operational improvements." with "Doughnut economics is about living within boundaries and responding to constraints creatively." By general consent, the minutes of April 28, 2023 Salt Spring Island Local Trust Committee Special meeting were adopted as amended.			
2 Draft Bylaw No. 535 - Freedom of Information and Protection of Privacy Bylaw It was MOVED and SECONDED, That Salt Spring Island Local Trust Committee Bylaw No. 535, cited as "Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 535, 2023" be adopted.	Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
3 Salt Spring Island Annual Report - Staff Report By general consent, the Salt Spring Island Local Trust Committee requested staff to add wording such as "working in cooperation with Salt Spring Island Watershed Protection Alliance (SSIWPA) partners". It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee approves the attached text, as amended, for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.	Chris Hutton Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
4 Protocol with the Capital Regional District Salt Spring Island Local Community Commission - Staff Report It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee request staff to schedule a meeting in accordance with Section 3.0.1 of Islands Trust Council/ Capital Regional District Protocol Bylaw No. 63, 1999 in regard to the staff report dated May 18, 2023. It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee request staff to schedule quarterly staff-to-staff meetings with Capital Regional District staff to discuss matters of importance and report back regularly on those quarterly meetings. The meetings should discuss: a. Budget planning updates for both governments; b. Reviewing and summarizing Islands Trust Council/Capital Regional District Protocol Bylaw No. 63, 1999 to identify recommended changes to the agreement; c. Review of current, active local projects and developments of mutual interest and identify opportunities and constraints for collaboration.	Chris Hutton Rob Pingle		In Progress

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
5 Protocol with the Capital Regional District Salt Spring Island Local Community Commission - Staff Report It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee ask the Chair to send a letter to the Salt Spring Island Local Community Commission congratulating them on their election and expressing interest to engage on matters of mutual or complementary concern or opportunities for cooperation; and further that the Salt Spring Island Local Trust Chairperson advise of an open invite to the Salt Spring Island Local Community Commission Chair for them to attend meetings of the Salt Spring Island Local Trust Committee to provide updates of the work of the Commission.	Chris Hutton Jennifer Baddeley		Completed
6 April 28, 2023 SSI LTC Special Meeting Follow Up It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee request staff to prepare a "What we Heard" report from the April 17, 2023 LTC Special meeting.	Chris Hutton Jennifer Baddeley		In Progress

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
7 SS-DVP-2023.1 - M. Kirzinger - 114 Ontario Place, SSI It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DVP-2023.1 (114 Ontario Place).	Chris Buchan Rob Pingle		Completed
8 SS-DVP-2023.2 - S. Wilbur - 175 Donore Road, SSI It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DVP-2023.2 (175 Donore Road).	Chris Buchan Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
9 SS-DVP-2022.12 - J. Litke - 744 Lower Ganges Road & Baker Road, SSI It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee approve Development Variance Permit SS-DVP-2022.12 and direct that staff not issue the permit until a covenant consistent with the draft covenant in Attachment 6 of the report from Planner Baugh, dated May 18, 2023 is registered on title. It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee direct staff to forward correspondence received and concerns raised in relation to application SS-DVP-2022.12 to the Ministry of Transportation and Infrastructure Subdivision Approving Officer.	Rob Pingle Stephen Baugh		In Progress

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
10 Official Community Plan Project Charter preview - Staff Report	Chris Hutton Louisa Garbo		In Progress

It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee request staff to begin work on a Housing Action Plan in alignment with the OCP/LUB project that includes:
- To build buy in with service providers and other levels of government;
- Engaging with affordable housing providers on Salt Spring Island;
- Incorporating recommendations of the Housing Action Program Task Force;
- Incorporating Work Force Housing provisions.

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
11 Official Community Plan Project Charter preview - Staff Report It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee allocate OCP/ LUB project funding and request staff to develop in coordination with a qualified Indigenous relations professional to support early dialogue and relationship development, to initiate dialogue, identify preliminary engagement preferences and develop an Indigenous relations approach for the LTC Projects and Housing Accelerator Fund at the staff to staff and leadership to leadership level.	Chris Hutton Louisa Garbo		In Progress
12 Ganges Village Planning - Staff Report It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee hold the Ganges Village Area Plan project in abeyance to allow the OCP/LUB project to evaluate and consider Village Containment Boundaries to manage growth and settlement patters.	Louisa Garbo	Target: 14-Sep-2023	In Progress

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
13 Coastal Douglas Fir Project - Staff Report It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee defer acceptance of the workshop summary report submitted by Transition Salt Spring to the September 14, 2023 LTC meeting.	Louisa Garbo Rob Pingle	Target: 14-Sep-2023	In Progress
14 Galiano Island Local Trust Committee Proposed Bylaws 287 and 288 Referral It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee request staff to respond to the referrals from the Galiano Island Local Trust Committee for Bylaws No. 287 and 288, indicating that the Salt Spring Island Local Trust Committee's interests are unaffected.	Louisa Garbo Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

18-May-2023

Activity	Responsibility	Dates	Status
15 Active Projects Report dated May 2023 It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee remove the Housing Action Program from the Active Projects Report and request that Bylaw No. 530 be a minor project.	Chris Hutton Louisa Garbo		Completed

STAFF REPORT

File No.: SS-LCB-2023.2

DATE OF MEETING:	June 22, 2023
TO:	Salt Spring Island Local Trust Committee
FROM:	Bruce Belcher, Planning Technician
	Local Planning Services
COPY:	Chris Hutton
SUBJECT:	SS-LCB-2023.2
	Applicant: Harbour House Hotel (Kelly Armstrong)
	Location: 121 Upper Ganges Road | Salt Spring Island

RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee request staff to hold a public open house to gather community input on SS-LCB-2023.2 (121 Upper Ganges Road) and report back following the public consultation period with details and results.**

REPORT SUMMARY

The purpose of this report is to seek direction of the Salt Spring Island Local Trust Committee (SS LTC) on the public consultation requirement for the permanent change to opening and closing hours of liquor service application submitted by the Harbour House Hotel to the Liquor and Cannabis Regulation Branch (LCRB) to extend their hours of liquor service by two hours, opening at 9 am instead of 11 am from their location at 121 Upper Ganges Road.

BACKGROUND

The Harbour House Hotel contains a restaurant and bar with a liquor primary licence. They have applied to the Liquor and Cannabis Regulation Branch (LCRB) for a change to hours of liquor service. The proposed hours of operation from 9:00 a.m. to 1:00 a.m. 7 days a week. The Hotel is currently open from 11:00 a.m. to 1:00 a.m. 7 days a week.

ANALYSIS

Official Community Plan

The property is designated as Ganges Village – Upper (GVU) per the Salt Spring Island Official Community Plan (SS OCP). The objectives of this land use designation is "*to accommodate those land uses that allow Ganges to remain the commercial, social, cultural, and institutional centre for residents of Salt Spring Island.*"

The property is located within the Development Permit Area 1 for "Island Villages" areas.

Land Use Bylaw

The property is zoned as Commercial Accommodation 1, variant f - CA1 (f) in the Salt Spring Island Land Use Bylaw No. 355 (SS LUB). The CA1 zone allows for *liquor primary* use.

LCRB Referral

The provincial Liquor Control and Licensing Act requires that applicants for a permanent extension of hours of liquor service give notice to the local government. As the local land use authority, the SS LTC is required to provide resolutions and comments on the application through a referral process. The LCRB will approve or refuse the license but will take community input into consideration, including potential adverse impacts such as noise, traffic, and concerns provided by the local residents.

The LCRB allows local land use authority to opt out of commenting on specific applications, however, in those cases the LCRB may complete the community input and comment process that would otherwise have been completed by the local land use authority, at the applicant's expense. The SS LTC could decide on its own accord, or the Harbour House Hotel could request SS LTC to opt out of commenting on this application. Implications of that decision could be as follows:

1. The LCRB's consultation may take longer than the Islands Trust's process.
2. The LCRB's costs for consultation may be greater than the Islands Trust's application fee.

Staff is recommending that the required public consultation be gathered through conducting an Open House before the next SS LTC meeting. Notice for the Open House will be mailed within 100m of the subject property, posted to the statutory notice board in the Salt Spring office and on the website under "Current Applications."

RATIONALE FOR RECOMMENDATION

Undertaking notification and an Open House will help inform the LTC's recommendations and support LCRB in their decision.

ALTERNATIVES

1. **Request further information**

   The SS LTC may request further information prior to making a decision. If selecting this alternative, the SS LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

   That the Salt Spring Island Local Trust Committee requests that the applicant submit to the Islands Trust _____.

2. **Opt Out of Commenting**

   The SS LTC may opt out of gathering input and commenting on the application. The implications of this alternative will be a potential increased costs to the applicant and time delays. Recommended wording for the resolution is as follows:

   That the Salt Spring Island Local Trust Committee opt out of commenting on referral application SS-LCB-2023.2 (121 Upper Ganges Road) and provide written notification to the Liquor and Cannabis Licensing Branch of the decision.

NEXT STEPS

If the application proceeds, staff will undertake notification and schedule the Open House

Submitted By:	Bruce Belcher, Planning Technician	June 13, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	June 13, 2023

STAFF REPORT

File No.: SS-LCB-2023.1

DATE OF MEETING:	June 22, 2023
TO:	Salt Spring Island Local Trust Committee
FROM:	Chris Buchan, Planner 2 Salt Spring Island Team
SUBJECT:	Liquor & Cannabis Regulation Branch Application for Cannabis Retail (CRS License) Applicant: Canna Northwest Enterprises Inc. (J. Chouinard) Location: 105-109 McPhillips Ave

RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee direct staff to send a response to the Liquor and Cannabis Regulation Branch regarding the Cannabis Retail Sales license application for 109 McPhillips Avenue that states:**

    - **The Salt Spring Island Local Trust Committee has considered the location of the proposed CRS licence application;**
    - **The potential impacts of the noise in the immediate vicinity of the establishment would be minimal;**
    - **The impacts on the community if the application is approved would be negligible; and**

    The Local Trust Committee recommends the application be approved only after the applicant has corrected the non-compliance with [off-street parking requirements, quote LUB section] in indicated in the report of the Planner, dated June 22, 2023, by way of construction of the necessary parking facilities, or attainment of a development variance permit.

2. **That the Salt Spring Island Local Trust Committee directs staff to include a record of the community consultation with the response to the Liquor and Cannabis Regulation Branch regarding the Cannabis Retail Sales license application.**

REPORT SUMMARY

To provide an update to the Salt Spring Island Local Trust Committee (LTC) per the previous report (Attachment 1) of the Planner, dated April 13, 2023. That report reviewed the applicable regulations and provided resolutions and comments to proceed with public consultation regarding an application by Canna Northwest Enterprises Inc. to the Liquor and Cannabis Control and Licensing Branch (LCRB), which was subsequently referred to the LTC.

This report details the public consultation steps undertaken and provides a summary of such consultation for the LTC to consider.

At the Local Trust Committee meeting held April 13, 2023, the LTC passed the following resolution regarding the proposed cannabis retail licence application SS-LCB-2023.1:

SS-2023-29
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee direct staff to hold a public open house to gather community input on the Cannabis Retail Store licence application for Canna Northwest Enterprises Inc. (109 McPhillips Avenue).

CARRIED

SS-2023-30
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee refer the Cannabis Retail licence application for Canna Northwest Enterprises Inc. to the Advisory Planning Commission for review and comment (109 McPhillips Avenue).

CARRIED

SS-2023-31
It was MOVED and SECONDED,
That the Salt Spring Island Local Trust Committee direct staff to bring forward a second report following the public consultation period which details the consultation process conducted by Islands Trust Staff (109 McPhillips Avenue).

CARRIED

A two-hour open house was advertised (Attachment 2) in the local newspaper and held virtually on May 25, 2023 to provide the public an opportunity to discuss the application with the Planner and applicant.

Public notifications in the form of a mail out within a radius of 500 metres (Attachment 3) of 109 McPhillips Avenue were distributed.

This application was referred to the Advisory Planning Commission on June 1, 2023. In this commission meeting, members discussed the application and provided the following recommendation to LTC:

> *"That the Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that application SS-LCB-2023.1 for a proposed Cannabis Retail Store License located at 105 McPhillips Avenue proceed as proposed."*

Outstanding Issues

Parking Compliance

As discussed in the previous report, the entire business complex at 105-109 McPhillips Avenue is no longer in compliance with the approved parking layout secured in the 1979 Development Permit. This current application could be used to obtain compliance with the parking standards established in the Salt Spring Island Land Use Bylaw. Alternatively, if compliance is no longer viewed by the LTC as reasonable, a development variance permit would be required for a reduction in off-street parking stalls.

Consultation

As consistent with the 2018 standing resolution and the April 13, 2023 LTC resolutions, staff extensively consulted with the public on the potential impacts of this licence through mail out letters to neighbours within 500 metres of the subject property and a public information session.

In addition, the APC was provided the opportunity to review the LCB proposal and forward a recommendation to LTC.

The Islands Trust did not receive any letters of support/non-support; nor was significant interest presented at the public open house (1 attendee for 50 minutes, no questions presented).

The APC raised no concern regarding the proposal, recommending that the application proceed as proposed.

Rationale for Recommendation

As the public consultation process did not reveal any neighbourhood impacts or concerns, staff recommend that the LTC forward a resolution of support to the LCRB, including a record of the forms of public consultation undertaken. Staff are of the opinion consultation provided significant and sufficient opportunities to gather public input and so do not recommend going beyond the minimum established.

Alternative Resolution Options

1. **Provide conditional support to the LCRB**

   The LTC may wish to include additional conditions in the referral response to the LCRB or recommend that the application be denied. Additional conditions could include restricting hours of operation granted with the CRS license.

   1. *That the Salt Spring Island Local Trust Committee directs staff to send a response to the Liquor and Cannabis Regulation Branch regarding the Leaf Compassion Cannabis Retail Sales license application for 382 Lower Ganges Rd that states:*

      (a) *The Salt Spring Island Local Trust Committee has considered the location of the proposed CRS licence application;*

      (b) *The potential impacts of the noise in the immediate vicinity of the establishment would be [insert impact level];*

      (c) *The impacts on the community if the application is approved would be [insert impact level];*

      (d) *The Local Trust Committee recommends the application be approved subject to the following conditions:*

         (i) *[list conditions]*

   2. *That the Salt Spring Island Local Trust Committee directs staff to include a record of the community consultation with the response to the Liquor and Cannabis Regulation Branch regarding the Cannabis Retail Sales license application.*

2. **Request further information**

   The LTC may request further information prior to making a decision. Staff advise that the implication of this alternative is an increased timeline for the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

   That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust the following information:

      1. *[List information requested]*

3. Deny the application

The LTC may deny the application. Staff advise that the implication of this alternative is that the LCRB will not issue the CRS licence being sought by the applicant. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee deny application SS-LCRB-2019.5 for the following reasons:

1. *[List reasons].*

3. Hold the application in abeyance

As a result of the COVID-19 pandemic, the ability to hold public meeting is restricted. The LTC may wish to delay consideration until such time that a public meeting can be conducted. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee hold application SS-LCRB-2019.5 in abeyance until such time that the provincial restrictions on gatherings of more than 50 people and social distancing of 2 metres is removed.

NEXT STEPS

If the LTC passes the proposed resolution, staff will return the referral response to the LCRB.

Submitted By:	Chris Buchan, Planner 2	June 8, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	June 15, 2023

ATTACHMENTS

1. Initial SS-LCB-2023.1 Report Dated April 13, 2023
2. Open house Advertisement
3. Mail out map

Attachment 1

STAFF REPORT

File No.: SS-LCB-2023.1

DATE OF MEETING:	April 13, 2023
TO:	Salt Spring Island Local Trust Committee
FROM:	Chris Buchan, Planner I Salt Spring Island Team
SUBJECT:	Liquor & Cannabis Regulation Branch Application for Cannabis Retail (CRS License) Applicant: Canna Northwest Enterprises Inc. (J. Chouinard) Location: 105-109 McPhillips Ave

RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee refer the Cannabis Retail licence application for Canna Northwest Enterprises Inc. to the Advisory Planning Commission for review and comment.**

2. **That the Salt Spring Island Local Trust Committee direct staff to hold a public open house to gather community input on the Cannabis Retail Store licence application for Canna Northwest Enterprises Inc.**

3. **That the Salt Spring Island Local Trust Committee direct staff to bring forward a second report following the public consultation period which details the consultation process conducted by Islands Trust Staff.**

REPORT SUMMARY

The purpose of this report is for the Salt Spring Island Local Trust Committee (LTC) to review and provide resolutions and comments regarding an application by Canna Northwest Enterprises Inc. to the Liquor and Cannabis Control and Licensing Branch (LCRB) to sell cannabis at their McPhillips Ave storefront between the hours of 9:00 am and 11:00 pm.

The applicant is proposing to operate a non-medical retail cannabis sales use at 105 McPhillips Avenue. The applicant is seeking a Non-Medical Cannabis Retail Store (CRS) licence. As the local government, the Salt Spring Island Local Trust Committee (LTC) is requested to consider the application for this licence.

There is no requirement that the Local Government consider the application, in which case the LCRB would proceed with the standard public notification internally. If the Local Government chooses to consider the application, the LCRB requires that local governments conduct the public consultation and provide written comments, which may be in the form of a resolution, addressing:

- Local government consideration of the location of the proposed store.
- The views of the local government on the general impact on the community if the application is approved.
- The views of residents if the local government has gathered residents' views, and a description of how they were gathered.
- The local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

At the Local Trust Committee meeting held August 16 2018, the LTC adopted the following standing resolution regarding cannabis retail licencing applications:

SS-2018-178
It was Moved and Seconded,
that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee.
- The application process shall comprise of a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.
- However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed, at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
    - Name of the applicant and a description of the proposal in general terms;
    - The location of the proposed establishment and the subject site;
    - The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered;
    - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application;
    - How public comments may be submitted to the Local Trust Committee.

CARRIED

Public notification in the form of a mail out is required as part of the CRS licence application. Island's Trust Standard consultation process for a LCB application involves:

1. An APC referral;
2. establishes a 500 metre mail out boundary; and
3. A public open house

Staff are now seeking direction from LTC regarding the APC referral and public open house.

BACKGROUND

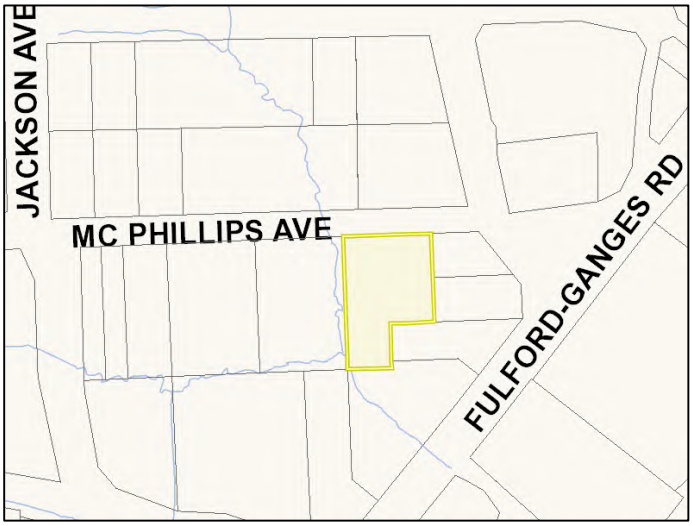


Figure 1: Context map of subject property



Figure 2: 2017 Orthophoto of subject property

Previous Application:

In January 2019, Islands Trust received a referral for a CRS Licence on the subject property. Leaf Compassion Inc. which previously operated without a CRS License granted by the LCRB. This referral resulted in the following Committee resolution which was forwarded to the LCRB:

> **SS-2019-140**
> **It was MOVED and SECONDED,**
>
> that the Salt Spring Island Local Trust Committee directs staff to send a response to the Liquor and Cannabis Regulation Branch regarding the Leaf Compassion Cannabis Retail Sales license application for 105-109 McPhillips Ave that states:
>
> 1. The Salt Spring Island Local Trust Committee has considered the location of the proposed Cannabis Retail Sales licence application;
> 2. The potential impacts of the noise in the immediate vicinity of the establishment would be minimal;
> 3. The impacts on the community if the application is approved would be negligible;
> 4. The Local Trust Committee recommends the application be approved.
>
> **CARRIED**

After the Islands Trust submitted the final comments to the LCRB, the application was not completed through the Branch's process.

Current Application:

A revised CRS application has been submitted which would be operated by a new party "Canna Northwest Enterprises Inc.". This application proposes a revised floor layout (Attachment 4).

An analysis has been conducted to ensure the proposal is in compliance with Salt Spring Island Land Use Bylaw No. 355.

ANALYSIS

Policy/Regulatory

Liquor and Cannabis Regulation Branch

Cannabis retail licences are subject to local government/First Nation and public consultation. The retail licence permits the sale of different forms of cannabis, excluding edibles, for offsite consumption. A licensee is permitted to sell cannabis accessories such as rolling papers, holders, pipes, bongs and vaporizers, but is not permitted to sell snacks, tobacco or other items not related to cannabis.

The LCRB's Cannabis Retail Store Terms and Conditions Handbook provides the following information on the cannabis retail licences:

Hours of Sale

Cannabis Retail licences may sell cannabis between the hours of 9 a.m. to 11 p.m. subject to further restriction by the local government and/or the Indigenous nation where the store is located.

Amounts

A licensee is not permitted to offer samples of cannabis or sell more than 30 grams of dried cannabis or the equivalent to a customer.

Entertainment and Events

Games and entertainment are not permitted in cannabis retail stores.

Cannabis Control and Licensing Act

The Cannabis Control and Licensing Act regulates the sale of cannabis in the following way:

Sale

15 A person must not sell cannabis unless one or more of the following apply:

(a) the person is the government;

(b)the person is a federal licence holder who sells the cannabis to one or more of the following in accordance with the federal licence:

(i) the government;

(ii) another federal licence holder;

(iii) unless the regulations provide otherwise, a person located in another province who is not a federal licence holder if the person is authorized under the laws of that province to purchase and possess the cannabis;

(c) the person is a licensee whose licence authorizes the sale, and the cannabis was registered under the *Cannabis Distribution Act* and purchased by the licensee

(i) from the government,

(ii) in prescribed circumstances, or

(iii) as authorized by the terms and conditions of the licence;

(d) the person or cannabis is prescribed

Official Community Plan:

The subject property is designated Ganges Village Core (GVC) in the OCP.

The Salt Spring Island Official Community Plan Bylaw No. 434 does not provide any policies specifically pertinent to this application. Policies that are generally relevant to the proposal include (*see appendix 2)*:

B.5.2.2.2 Zones within the Ganges Village Designation will continue to allow the wide range of commercial, industrial, institutional land uses and the various densities of residential development allowed by existing zoning

Land Use Bylaw:

The Salt Spring Island Land Use Bylaw No. 355 zones the subject property Commercial 1 (C1). The C1 zone permits the *Indoor retail sales* use. The bylaw does not provide any regulations specific to the operation of a cannabis retail store. Therefore, the use would be in compliance with C1 zoning.

Part 7 of the Salt Spring Island Land Use Bylaw No. 355 establishes regulations for off-site parking, providing calculations used to determine the total stall quantity based on building floor area.

The entire building (including adjacent leased units) were required to provide a total of 27 parking stalls in 1979 (Reference: SS-DP-1979.1). A copy of the previously approved parking layout is attached to this report for reference. Based on a site visit identifying the total parking stalls available, approximately 17 parking stalls exist on the subject property. The Island's Trust has been in contact with the applicant and property owner regarding the parking layout deviation, and has been reassured that the parking lot will be restored to the approved 27

stall layout for the upcoming season. As the Ganges Village does not contain a CRD or privately operated parking garage which would support reduced parking standards for local businesses, it is recommended to require parking site restoration prior to forwarding the final resolution to LCB.

Issues and Opportunities

Role of Local Government

The LTC has been provided the opportunity to respond to cannabis retail license referrals. If the LTC decides to opt out on providing comment on the application, the process will be conducted internally by the LCRB.

If the LTC decides to consider the application, the LCRB requires that local governments provide written comments, which may be in the form of a resolution, addressing:

- Local government consideration of the location of the proposed store.
- The views of the local government on the general impact on the community if the application is approved.
- The views of residents if the local government has gathered residents' views, and a description of how they were gathered.
- The local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

Impacts on community and neighbours

The proposed use of the storefront may present some neighbourhood impact, which could principally involve pedestrian access and on-street parking causing potential congestion of the narrow road which may be acute during peak summer times. Increased business activity may add additional demand to the private parking infrastructure within the Ganges Village Area.

Staff are aware of the previous storefront approvals; however, each application should be considered on its own merits. Staff are also aware that other concerns may be raised by residents as their views are collected by Islands Trust staff.

Staff expect that further impacts on community and neighbours may be discovered as a result of the notification to neighbours, a public open house, posting of public notices and advertisement in a local periodical.

As per an understanding with the Islands Trust, staff have referred the licence application to CRD Building Inspection, Salt Spring RCMP and Salt Spring Fire Rescue on January 16, 2023.

Consultation

Based on 2018 standing resolution, staff will consult with the public on the potential impacts of this licence through mail out letters and a public information session. Additionally, the APC will be provided the opportunity to review the LCB proposal.

Rationale for Recommendation

As per the LTC resolution passed on June 14, 2018, the LTC may wish to expand the public consultation process. Staff are of the opinion that the standing resolution provides significant and sufficient opportunities to gather public input and so do not recommend going beyond the minimum established.

A second report will be provided after the consultation has occurred outlining the Islands Trust process taken and feedback retrieved.

Next Steps

If the LTC accept staff recommendation, staff will organize public notification, including notice in a local periodical, and a public open house for the CRS Licence application at the earliest possible convenience.

ALTERNATIVES

1. **Request further information**

   The LTC may request further information prior to making a decision. The LTC should describe the specific information needed and the rationale for this request. Suggested wording for the resolution is as follows:

   1. *That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust _____.*

   Probable outcome of this resolution is the applicant will seek to provide the Islands Trust with the requested information.

2. **Refuse the application**

   The LTC may choose to not make a recommendation to the LCRB. The implications of this decision are that the LCRB may terminate the application. It is recommended that the LTC provide a rationale as to why the application should not be considered. Suggested wording for the resolution is as follows:

   1. *That the Salt Spring Island Local Trust Committee refuse consideration of the CRS licence application for the following reasons.*

      a. *[list reasons]*

   Probable outcome of this resolution is the LCRB will not advance this application any further. The applicant may request further clarification as to why the application was refused and seek to re-apply.

Submitted By:	Chris Buchan, Planner I	April 5, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	April 5, 2023

ATTACHMENTS

1. Site Context
2. Policy Review
3. LCRB Letter
4. Site Plan
5. 1979 Approved Parking Layout

Islands Trust

Liquor & Cannabis Regulation Branch Lounge Area Endorsement

Attachment 2

Subject Property Address: 109 McPhillips Ave,SSI
Parcel Identifier Number: 006-262-998
Application: SS-LCB-2023.1

OPEN HOUSE

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

MORE INFO

When:
Thursday
May 25, 2023
5:00 pm to
7:00 pm

Where:
Online via Zoom
https://islandstrust.zoom.us/j/66852603926

Who should attend?
Anyone affected by the proposed bylaw.

Enquiries?
Chris Buchan
Planner 2
Islands Trust
ssiinfo@islandstrust.bc.ca
250-537-9144

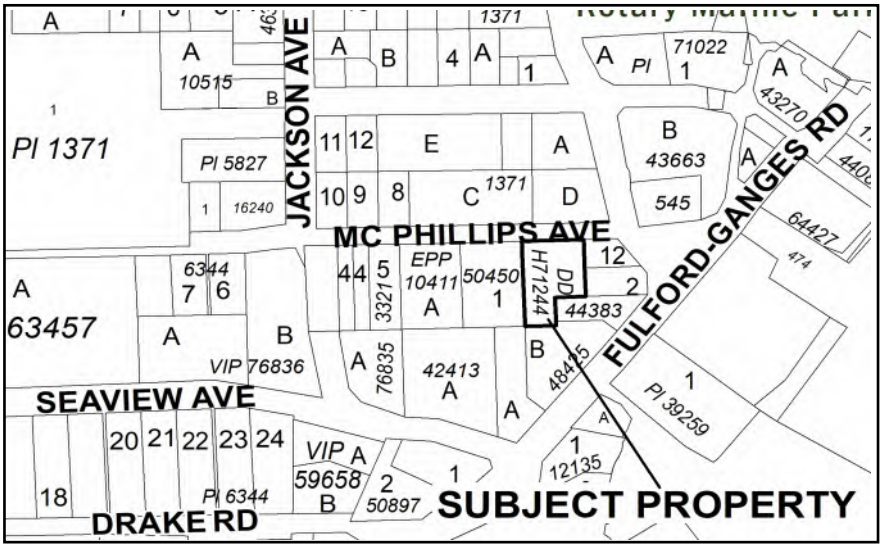
What is being proposed?

Canna Northwest Enterprises Inc has applied to the Liquor and Cannabis Regulation Branch for a Non-Medical Cannabis Retail Store Licence.

The application is for:

1) Unit 105 - 109 McPhillips Ave.
2) Hours of operation Mondays - Sundays between 9:00 am to 11:00 pm

As the local government, the Salt Spring Island Local Trust Committee (SS LTC) is requested to consider the application for this endorsement. Public input on this application is being sought. The SS LTC may consider a decision on this application at their meeting June 22, 2023, to be held at the 64 Learning Hub (122 Rainbow Road) or via Zoom (see Islands Trust Meetings and Minutes webpage for details).

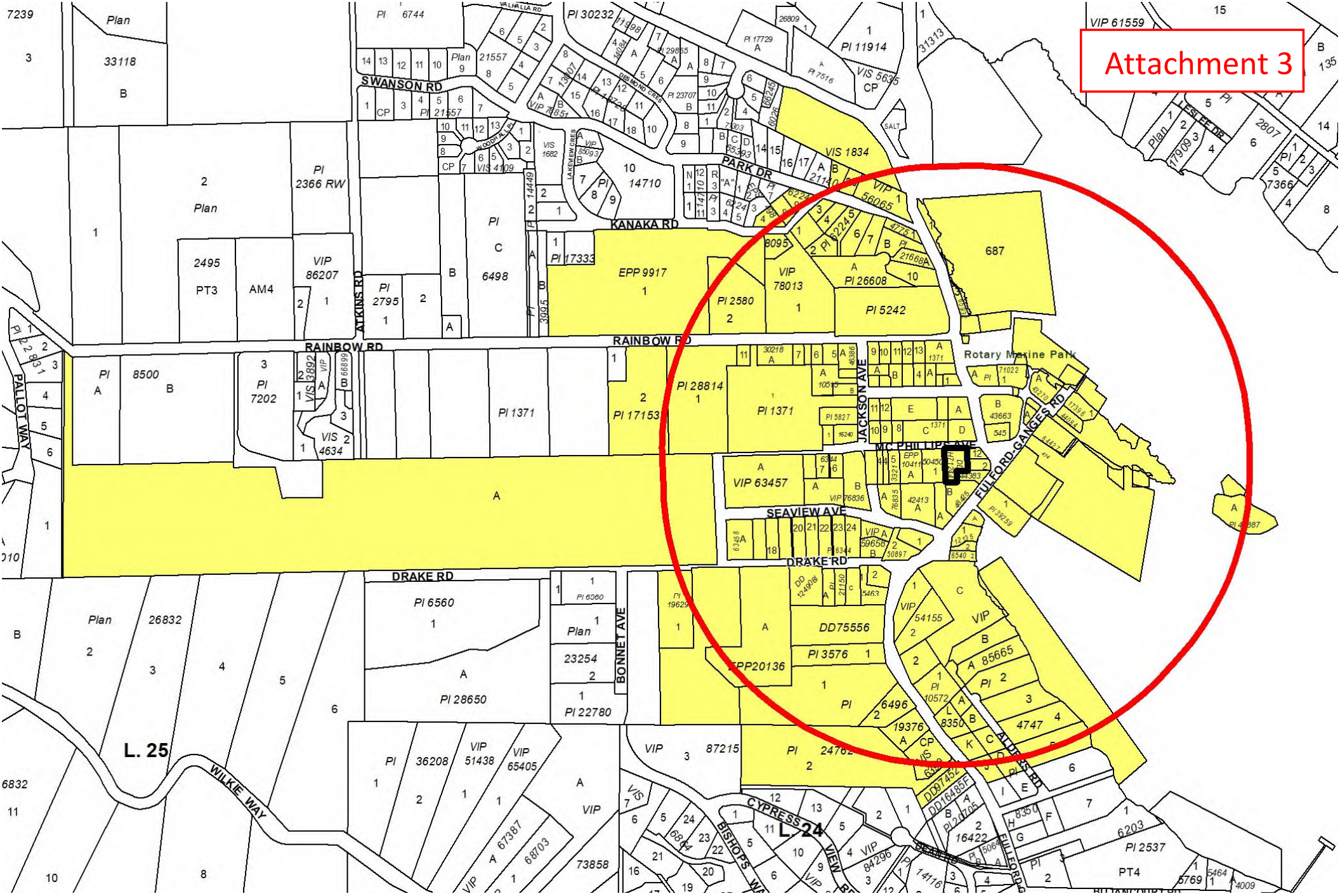


How do I get more information?

Copies of the application are available for review at the Islands Trust office at #1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8 from the hours of 8:30 am to 4:30 pm Monday to Friday, excluding statutory holidays.

Submissions

Written submissions are welcome up until the conclusion of the Public Hearing and can be emailed to ssiinfo@islandstrust.bc.ca, mailed or dropped off at the Islands Trust office by June 21, 2023. Written comments made in response to this notice will be available for public review.


Attachment 3
SWANSON RD
KANAKA RD
PARK DR
RAINBOW RD
ATKINS RD
PALLOT WAY
JACKSON AVE
MC PHILLIPS AVE
SEAVIEW AVE
DRAKE RD
BONNET AVE
FULFORD-GANGES RD
Rotary Marine Park
WILKIE WAY
CYPRESS
L. 25
L. 24

STAFF REPORT

File No.: SS-DVP-2023.3
X-Ref: SS-DVP-2004.12

DATE OF MEETING:	June 22, 2023
TO:	Salt Spring Island Local Trust Committee
FROM:	Chris Buchan, Planner 2 Salt Spring Island Team
COPY:	Chris Hutton
SUBJECT:	SS-DVP-2023.3 Applicant: Jordan Noble Location: 38 McKenzie Crescent | Piers Island

RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee approve Development Variance Permit SS-DVP-2023.3 (38 McKenzie Crescent) and request Staff to issue the permit.**

REPORT SUMMARY

This development variance permit (DVP) application seeks to vary the Piers Island Land Use Bylaw No. 373 (LUB) Section 3.6.4 and Section 3.8.2 to enable a proposed 37 square meter auxiliary guest cottage to be attached to a 27.7 square metre storage room. The proposed variance is required to enable the conversion of the existing dwelling (identified as the south building on Figure 3) to become the proposed auxiliary guest cottage and storage room, while removing the existing combination building status (SS-DVP-2004.12), which was permitted in 2004 for a different location on the property. As a result, the two dwellings would switch principal uses, enabling the future reconstruction of a dwelling located where the current combination building sits. The survey identifying the subject buildings is illustrated in Figure 1.

RATIONALE FOR VARIANCE

The 0.25 Hectare property, zoned for residential (R) use, is located on the south shore of Piers Island (Figure 1 and 2). The existing single family dwelling is located in close proximity to the shoreline (Figure 3), while the existing Auxiliary Guest Cottage is located closer to McKenzie Crescent.

The applicant rationalizes this application by identifying that the intent of the previous variance granted in 2004 would remain valid while only shifting the siting with a minor accessory room increase in floor area (10 square metres increase). The nature of the request would allow the conversion of the existing dwelling into the auxiliary guest cottage. In turn, the existing cottage would be reclassified as the principal dwelling until such a time that a new dwelling is constructed in its place.

The proposed auxiliary guest cottage location is visible from the rear of the property (shoreline); however, no alterations are proposed which would increase the current building footprint/height. The proposed dwelling location (currently the existing auxiliary guest cottage) is effectively screened by dense forest vegetation minimizing any disruption a future dwelling may present.

Although the variance is intended to allow the connection of two separate use buildings (cottage + storage room), the floor area for an accessory cottage can not be increased due to the restrictive definition. A variance to floor area would, in turn, be viewed as a variance to density. For clarity on the proposition, the cottage would remain 56 square metres with a separate accessory use being connected to the structure. The applicant should ensure that any internal connection be severed to avoid possible contravention with the Land Use Bylaw.

BACKGROUND

The subject property is located off of McKenzie Crescent and is designated/zoned for residential use. This is a residential waterfront lot on the south side of Piers Island. The adjoining properties are of a similar size and of residential use. The application is proceeding upon recommendation of Islands Trust Staff to vary the accessory building and auxiliary guest cottage regulations to permit an existing single family dwelling use conversion into an auxiliary guest cottage with a structurally attached storage room (as illustrated in Figure 3). The current auxiliary guest cottage which was permitted to be attached to a storage building in 2004 (SS-DVP-2004.13) would be retained as the principal dwelling; however, the applicant has future plans to replace this dwelling.

If approved by Local Trust Committee, the applicant could proceed with the building conversions, allowing future construction of a dwelling.

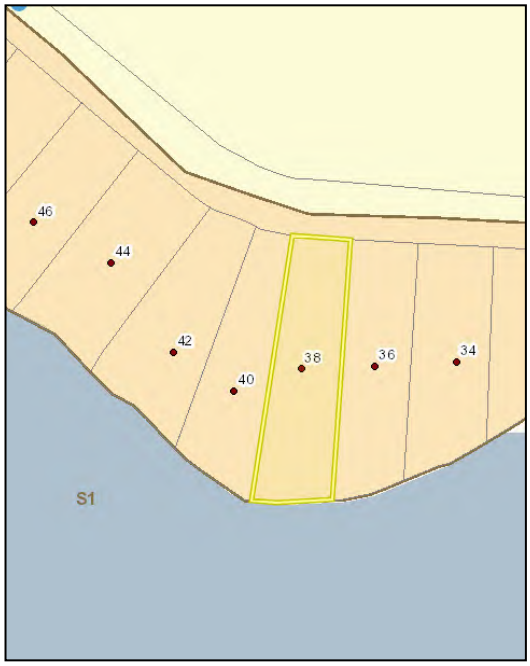




Figure 1 (left): Zoning map of subject property, R - Residential (brown). / **Figure 2 (right):** Orthophoto of subject property.

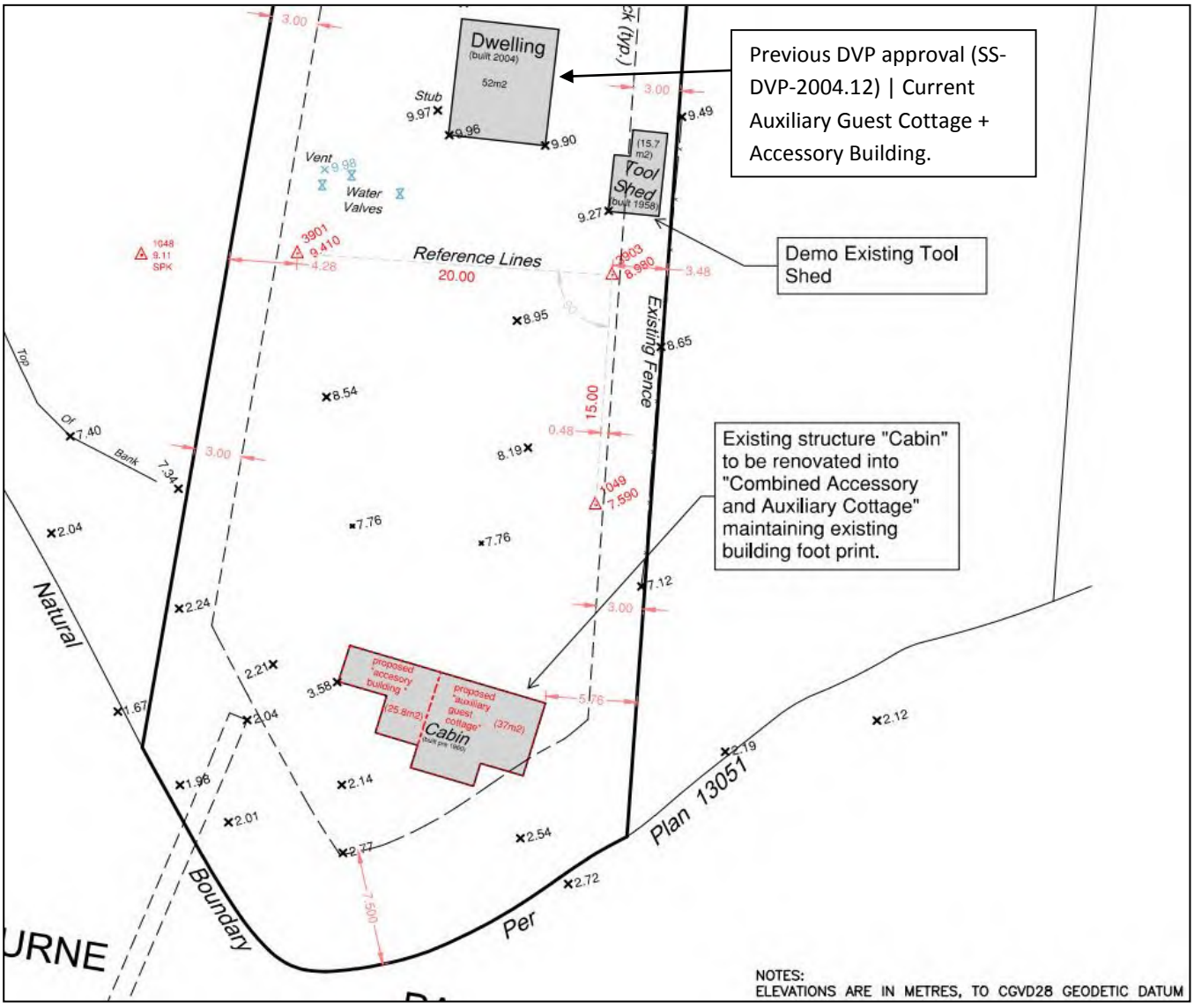


Figure 3: Site Plan

ANALYSIS

Intent of Regulations being varied

Piers Island Official Community Plan (OCP):

The subject property is designated R – Residential in the OCP.

Section one of the OCP states the following:

1. *Number of one-family dwellings or auxiliary guest cottages on a parcel*

   Except in community areas, and subject to other provisions of this plan, and to the detailed provisions of the Zoning Bylaw:

(a) Only one one-family dwelling and/or auxiliary guest cottage shall be erected on one parcel of land, to conform with the restrictive covenant registered against all lots on the Island. No auxiliary guest cottage shall exceed 37 square metres (400 sq. ft.) in total floor area.

The current and proposed uses would remain consistent with Residential OCP policy.

Piers Island Land Use Bylaw (LUB):

The subject property is zoned **R - Residential** in the LUB.

Section 3.6 provides general regulations applicable to all accessory building and structures on Piers Island:

3.6 ACCESSORY BUILDINGS AND STRUCTURES

3.6.1- Before occupation of a principal building or structure on a lot, the use of all accessory buildings and structures on the lot must comply with the regulations of this Bylaw.

3.6.2- Except where specifically permitted by this Bylaw, an accessory building or structure may not be used for residential or guest accommodation use.

3.6.3- No accessory building except an auxiliary guest cottage may contain a shower enclosure, a bathtub, a kitchen, or more than three separate rooms except that a sauna building or pool house may contain a shower enclosure.

3.6.4- With the exception of an auxiliary guest cottage and accessory buildings and structures in the Community and Recreation (CR) Zone, the total floor area of all accessory buildings and structures on a lot must not exceed 37 square metres.

3.6.5- No accessory building may be located within 3 metres of another building on the lot.

Section 3.8 provides general regulations applicable to all auxiliary guest cottages on Piers Island:

3.8 AUXILIARY GUEST COTTAGES

3.8.1- The floor area of an auxiliary guest cottage shall not exceed 37 square metres.

3.8.2- An auxiliary guest cottage is to be physically detached from any other building or structure.

3.8.3- An auxiliary guest cottage may only be used for temporary occupation by a person or persons having a permanent residence elsewhere and using the cottage for recreational or vacation purposes and no auxiliary guest cottage may be occupied or otherwise used for commercial guest accommodation.

3.8.4- An auxiliary guest cottage may be a mobile home or a manufactured home.

According to LUB Part 1 – Interpretation, an auxiliary guest cottage is defined as "an accessory dwelling unit with a total floor area not exceeding 37 square metres which, despite the definitions of "dwelling unit" and "residential" in this Bylaw, is occupied or intended to be occupied by a person or persons having a permanent domicile elsewhere and who have been invited to visit at the expense of the owner for the use of the cottage on a non-commercial basis and primarily in conjunction with recreation."

The applicant requires to retain a 37 square metre cottage through regulation, OCP policy, and the corresponding Land Use Bylaw Definition. However, in consistency with the previous site approvals, the Land use Bylaw regulations could be varied to permit the structural attachment of the cottage to an accessory building (Section 3.8.2) while increasing the total permitted accessory building floor area for the site (Section 3.6.4).

Potential Development Impacts

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

Due to the current layout/siting approved through SS-DVP-2004.12, and because the two separate uses (auxiliary guest cottage and accessory residential storage building) would be permitted as standalone buildings, Staff are under the opinion that granting a variance would not pose a visual obstruction from the front/rear property lines nor would it impact adjacent neighbours enjoyment of their property. Additionally, the proposed building reconversions are all proposed on existing building footprints, minimizing further impact to the natural environment.

Circulation

In accordance with Section 499(3) of the *Local Government Act* and Section 8 of the Salt Spring Island Development Procedures Bylaw No. 304, statutory notice of the proposed variance was mailed to all owners and tenants in occupation of properties within 100 metres of the subject property's boundaries on June 6, 2023.

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

First Nations

This proposal does not require First Nations referral.

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

The recommendation of staff is to approve this DVP with conditions as:

(a) The variance is considered minor and the residential character is not anticipated to be negatively impacted.

(b) There has been no expressed concern from the neighbors since the initial variance approval nor the current application notification.

(c) The proposed guest cottage location would not result in an increase to the existing building envelope.

(d) The proposed variance would act as an amendment to the 2004 approved variance, where the applicant requests a similar variance at a different location with a minor accessory room floor area increase.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision including:

1) Referring the application to the Advisory Planning Committee for comment; or

2) Requesting additional reports/studies to determine the potential impacts to the neighbourhood.

Staff advise that the implications of this alternative are increased processing time and potentially increased costs to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust a [specify type of report], completed by a Professional [specify professional] which identifies the specific [identify concerns] (SS-DVP-2023.3, 38 McKenzie Crescent); or

2. Deny the application

The SS LTC may deny the application. As a result, the file would be closed and the property owner would be required to amend the proposal siting to proceed with a building permit application. The applicant could choose to make an application to the Board of Variance if hardship can be demonstrated. If this alternative is selected, the SS LTC should state the reasons for denial. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee deny issuance of Development Variance Permit SS-DVP-2023.3 for the following reasons: [list reasons] (SS-DVP-2023.3, 38 McKenzie Crescent).

Submitted By:	Chris Buchan, Planner 2	June 2, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	June 2, 2023

ATTACHMENTS

1. Proposed Development Variance Permit SS-DVP-2023.2
2. Development Variance Permit SS-DVP-2004.12
3. Site Context
4. Notice
5. Application form

PROPOSED

ATTACHMENT 1

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT SS-DVP-2023.3

TO: Conrad Medve & Tasha Medve

1. This Development Variance Permit (the "Permit") applies to the land described below:

   PID: 004-706-706

   LEGAL DESCRIPTION: Lot 19, Piers Island, Victoria District, Plan 13051

2. This Permit is authorized in accordance with the following schedules attached to and forming part of this permit as signed and dated by the Deputy Secretary of Islands Trust:

   Plan No. 1 Site Survey, dated January 25, 2023.

3. Piers Island Local Trust Committee Bylaw No. 373, cited as "*Piers Island Land Use Bylaw, 1999*" is varied as follows:

   3.6 ACCESSORY BUILDINGS AND STRUCTURES

   3.6.4 - With the exception of an auxiliary guest cottage and accessory buildings and structures in the Community and Recreation (CR) Zone, the total floor area of all accessory buildings and structures on a lot must not exceed 40.2 square metres in accordance with Schedule 1 of Development Variance Permit SS-DVP-2023.3.

   3.8 AUXILIARY GUEST COTTAGES

   3.8.2 – A 37square metres auxiliary guest cottage may be physically attached to a 27.7square metres accessory building in accordance with Schedule 1 of Development Variance Permit SS-DVP-2023.3 provided there is not internal access between the two separate uses."

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

5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Piers Island Land Use Bylaw No. 373, 2003" and to obtain other approvals necessary for completion of the proposed development, including approval from the Capital Regional District, Island Health, Ministry of Environment and Climate Change Strategy, and Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

6. Any further development, redevelopment, or any changes to this permit may require a new Development Variance Permit.

DRAFT

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT SS-DVP-2023.3

AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE THIS __ DAY OF __, 2023.

DEPUTY SECRETARY, ISLANDS TRUST

DATE OF ISSUANCE

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ___ DAY OF ___, 2025, THIS PERMIT AUTOMATICALLY LAPSES.

DRAFT

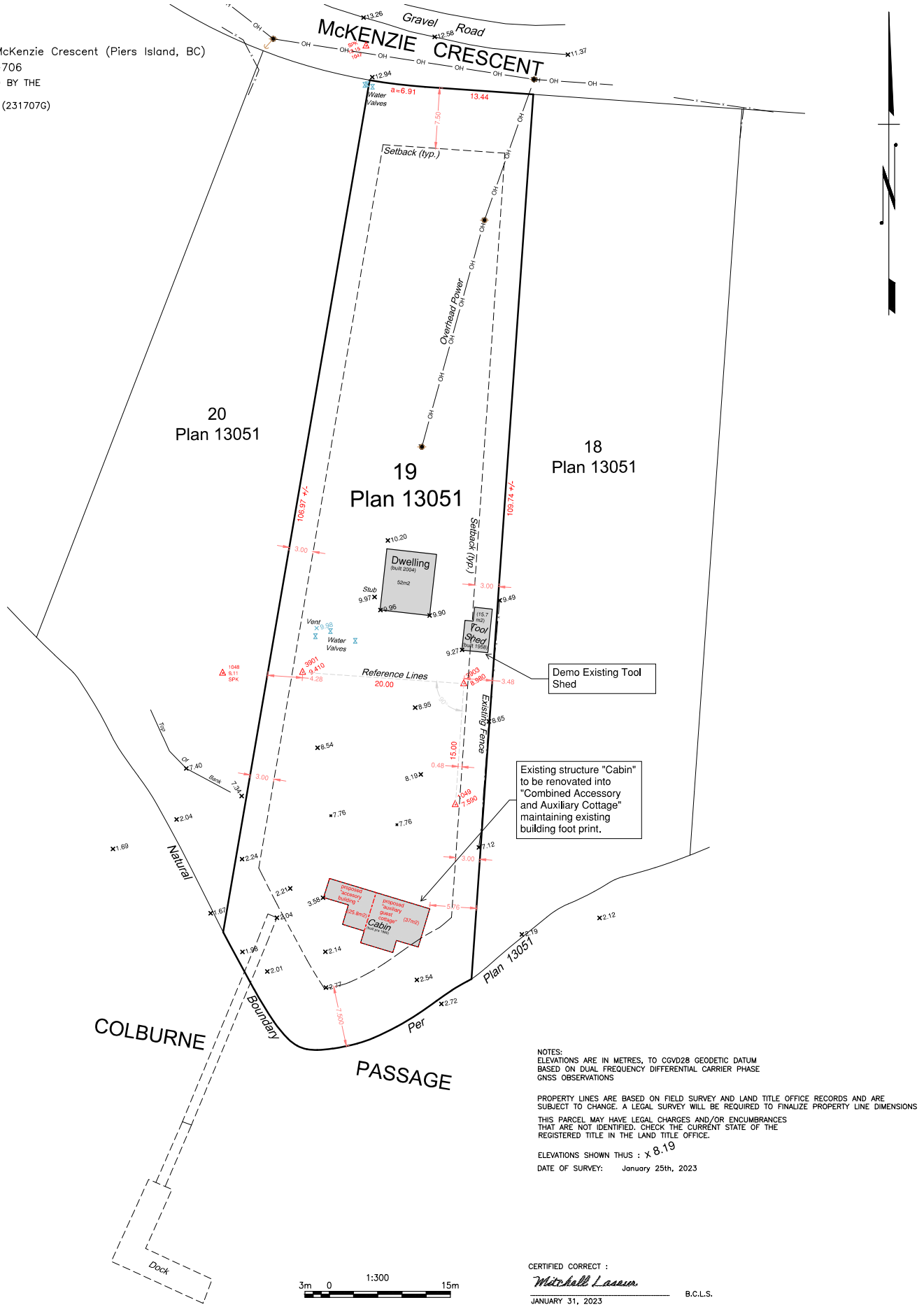
PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT SS-DVP-2023.3

PLAN NO. 1: Site Survey (Attached)

DRAFT

Civic Address: 38 McKenzie Crescent (Piers Island, BC)
PID No.: 004-706-706
THIS TITLE IS AFFECTED BY THE FOLLOWING CHARGES :
RESTRICTIVE COVENANT (231707G)



NOTES:
ELEVATIONS ARE IN METRES, TO CGVD28 GEODETIC DATUM BASED ON DUAL FREQUENCY DIFFERENTIAL CARRIER PHASE GNSS OBSERVATIONS

PROPERTY LINES ARE BASED ON FIELD SURVEY AND LAND TITLE OFFICE RECORDS AND ARE SUBJECT TO CHANGE. A LEGAL SURVEY WILL BE REQUIRED TO FINALIZE PROPERTY LINE DIMENSIONS

THIS PARCEL MAY HAVE LEGAL CHARGES AND/OR ENCUMBRANCES THAT ARE NOT IDENTIFIED. CHECK THE CURRENT STATE OF THE REGISTERED TITLE IN THE LAND TITLE OFFICE.

ELEVATIONS SHOWN THUS : x 8.19

DATE OF SURVEY: January 25th, 2023

3m 0 1:300 15m

CERTIFIED CORRECT :
Mitchell Lassen
JANUARY 31, 2023 B.C.L.S.

UNDERHILL GEOMATICS LTD. ENGINEERS & SURVEYORS VICTORIA, BC TEL. (250) 871-4599	DRAWN BY MJL	JOB NO. V23CV004	TITLE BC LAND SURVEYORS TOPOGRAPHIC SITE PLAN OF: LOT 19, PIERS ISLAND, VICTORIA DISTRICT, PLAN 13051	DRAWING NO. LCV-2023-004 REV. 0
	SCALE 1:300	DATE OF SURVEY 25JAN2023	CLIENT NOBLE / MEDVE	SHEET 1 OF 1

FILE NO. V23CV004_35MCKENZIE_SITEPLAN(2023-01-31).DWG

ATTACHMENT 2

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2004.12

TO: Miles and Frances Primrose:

1. This Permit applies to the land described below:

   Lot 19, Piers Island, Victoria District, Plan 13051

2. Land Use Bylaw No. 373, being the Land Use Bylaw for Piers Island, is varied as follows:

   a) The following requirements of Section 3.6.4 – Accessory Buildings and Structures:

      "With the exception of an auxiliary guest cottage and accessory buildings and structures in the Community and Recreation (CR) Zone, the total floor area of all accessory buildings and structures on a lot must not exceed 37 square metres."

      are varied to allow one accessory building of 15.6 square metres (168 sq. ft.) and one building to be used for accessory and auxiliary cottage purposes of no more than 52.02 square metres (560 sq. ft.), in order to permit the reconstruction of an existing building.

   b) The requirement of Section 3.8.2 – Auxiliary Guest Cottages:

      "An auxiliary guest cottage is to be physically detached from any other building or structure."

      is varied to allow an auxiliary guest cottage to be combined with an accessory building, provided that no additional auxiliary guest cottage is constructed and that the portion of the building used for auxiliary guest cottage purposes does not exceed 37 square metres (398.28 sq. ft.).

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

3. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE THIS 25TH DAY OF AUGUST, 2004.

P. L. Bayer

Deputy Secretary, Islands Trust

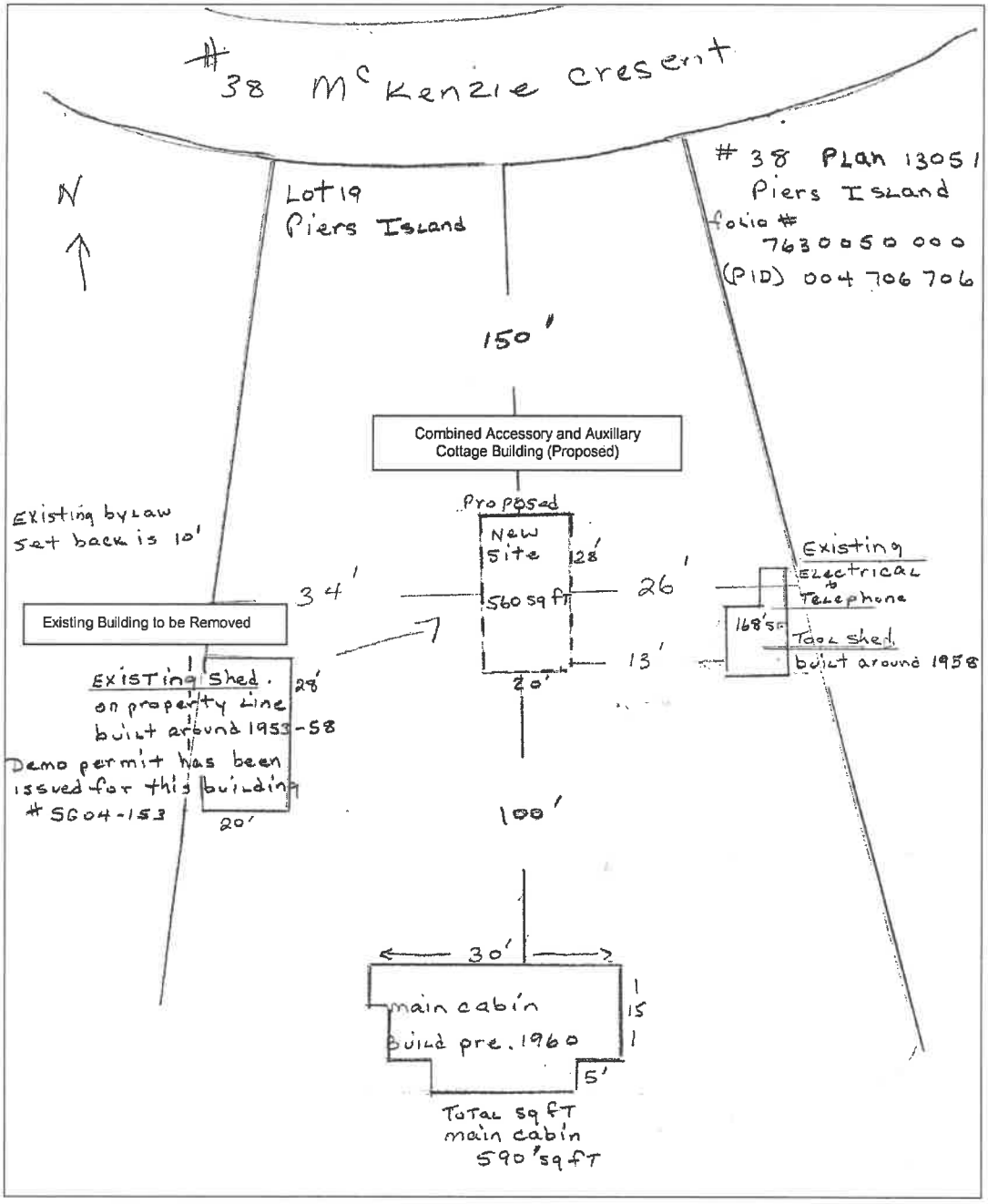
September 1, 2004

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 1ST DAY OF SEPTEMBER, 2006 THIS PERMIT AUTOMATICALLY LAPSES.

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2004.12

PLAN NO. 1



I hereby certify this to be Plan No. 1 attached to and forming part of Development Variance Permit No. SS-DVP-2004.12

P. L. Brazier
Deputy Secretary, Islands Trust

September 1, 2004
Date Issued

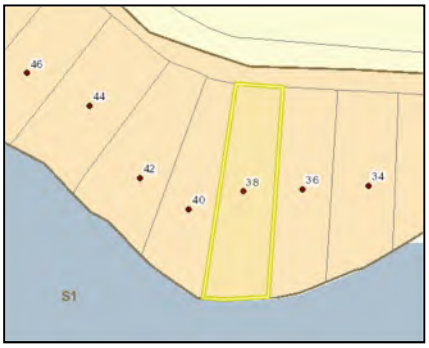
ATTACHMENT 3

ATTACHMENT 3 – SITE CONTEXT

LOCATION

Legal Description	Lot 19, Piers Island, Victoria District, Plan 13051
PID	004-706-706
Civic Address	38 McKenzie Crescent, Piers Island

LAND USE

Current Land Use	**Residential (R)** – Dwelling Unit, Auxiliary Guest Cottage + Accessory Residential Storage Combination Building
Surrounding Land Use	Residential *Islands Trust Zoning Map (subject property indicated in yellow)*  *CRD 2021 Orthophoto (subject property indicated in Yellow)* 

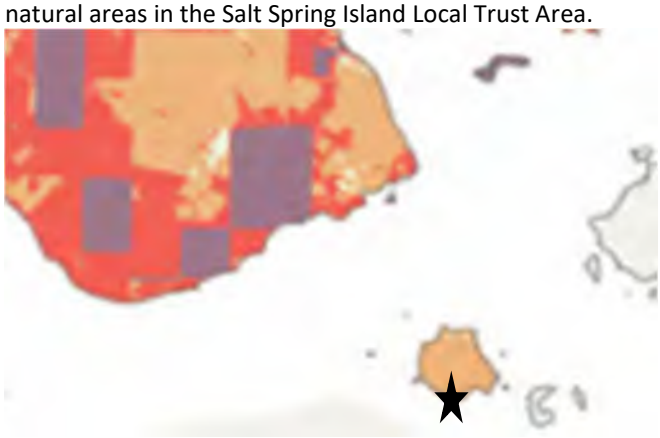
HISTORICAL ACTIVITY

File No.	Purpose
SS-DVP-2004.12	*Allowing Combination auxiliary guest cottage + accessory storage building*

POLICY/REGULATORY

Official Community Plan Designations	Residential
Land Use Bylaw	Residential (R)
Other Regulations	None
Water Service Area	None
Title Charges	Restrictive Covenant 2870381 – Restriction to subdivision, maximum auxiliary guest cottage floor area = 37 m^2
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The Islands Trust Conservancy may have an interest in any properties within 100 metres of the property subject of this application.
Regional Conservation Strategy	The subject property is primarily within the **Medium** relative value area for important natural areas in the Salt Spring Island Local Trust Area. 
Species at Risk	**SAR (Public) Species:** None Currently Mapped **SAR (Public) Ecological Community:** None Currently Mapped
Sensitive Ecosystems	**SEI:** None Currently Mapped **Heron Rookery/Raptor Nest/Sea Bird Colony:** None Currently Mapped **RAR Watercourse:** None Currently Mapped Islands Trust Protected Areas mapping indicates the subject property is not within 500-metres of a protected area.
Hazard Areas	Steep Slopes mapping indicates no hazard throughout the property.
Archaeological Sites/Potential	Archeological site mapped on subject property. Current proposal does not consider development within these areas.
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	Eelgrass habitat

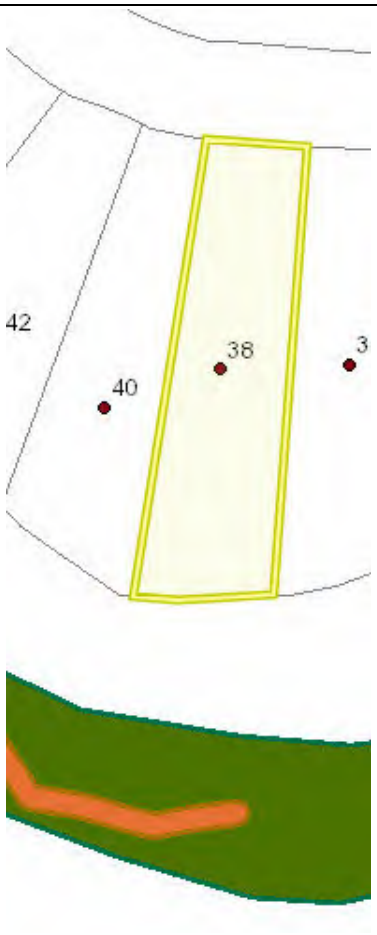


PHOTO (CAPTURED ONSITE)

Existing SFD (To be converted into combination building):





Existing Combination Cottage + Storage Room (To be dwelling and future building site):




Existing Combination Cottage + Storage Room Interior:







ATTACHMENT 4

Salt Spring Island Local Trust Committee

DEVELOPMENT VARIANCE PERMIT – NOTICE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit.

The purpose of this Permit is to vary the requirements of Bylaw No. 373, cited as "*Piers Island Land Use Bylaw, 2003*" to permit:

1) A variance to Section 3.6.4 - Excluding the Auxiliary Guest Cottage Floor Area, a combination floor area for all accessory buildings of 40.2 square metres; and

2) A variance to Section 3.8.2 - A combination accessory building consisting of a 37 square metres Auxiliary Guest Cottage / 25.8 square metres accessory storage area.

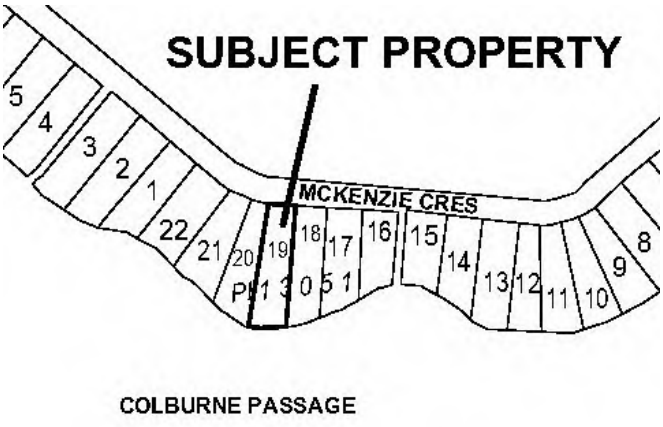
The applicant is seeking the following variance(s) to make lawful the height of an existing single family dwelling:

- Increase in maximum combined floor area for accessory buildings from 37 square metres to 40.2 square metres *(see Section 3 of attached permit);*
- *Enabling the attachment of an Auxiliary Guest Cottage to an accessory storage building (see Section 3 of attached permit).*

The subject property is described as:

- 38 McKenzie Crescent, Piers Island
- PID: 003-066-924
  Legal Description: Lot 19, Piers Island, Victoria District, Plan 13051
- Application SS-DVP-2023.3

The location of the property is shown on the following sketch map:



The Salt Spring Island Local Trust Committee may consider issuance of the proposed permit at its regular business meeting on Thursday, June 22, 2023 beginning at 9:30 a.m. at the 64 Learning Hub, 122 Rainbow Road, Salt Spring Island. Typically, applications are considered in the afternoon portion of the meeting, which begins at 12 noon. Please refer to the agenda available on the Salt Spring Island LTC Meeting Calendar webpage at the beginning of that week for an indication of where this application may be placed on the agenda and to view the staff report for the application.

Questions?
Please forward questions to Planner Chris Buchan at 250-537-9144 or by email to ssiinfo@islandstrust.bc.ca

Comments?

- Written submissions are accepted until Wednesday, June 21, 2023 and can be sent to our office, or provided via email to ssiinfo@islandstrust.bc.ca
- Your comments are provided to the Salt Spring Island Local Trust Committee and staff. Written comments made in response to this notice will be available for public review.
- Verbal comments can be made directly to the Trustees during the Town Hall portion of the agenda on May 18, 2023.

More Information?

- Additional information on this application is available for review by the public after May 11, 2023.
  Go to: http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/

A copy of the proposed Development Variance Permit is attached. The permit may also be viewed at the Salt Spring Island office of the Islands Trust at 1-500 Lower Ganges Road, SSI V8K 2N8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday, excluding statutory holidays.



Jas Chonk,
Legislative Clerk/Deputy Secretary

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Islands Trust
www.islandstrust.bc.ca

Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8
(250) 405-5151
information@islandstrust.bc.ca

Galiano, Mayne, North Pender, Saturna, South Pender Islands

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

Salt Spring Island

ATTACHMENT 5
700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063
northinfo@islandstrust.bc.ca

Denman, Gabriola, Gambier, Hornby, Lasqueti, Thetis, Ballenas-Winchelsea Islands

[redacted]

Application Type: *Check all that apply*

See Associated Schedules for Information and Application Requirements

☐ Bylaw Amendment	☐ OCP ☐ Land Use / Rezoning ☐ Land Use Contract	Schedule A
☐ Development Permit	☐ Renewal or Amendment	Schedule B
☒ Development Variance Permit	☐ Renewal	Schedule C
☐ Heritage Alteration Permit		Schedule D
☐ LCRB License	☐ Liquor ☐ Temporary Change ☐ Cannabis Retail	Schedule E
☐ Order - Board of Variance		Schedule F
☐ Siting & Use Permit		Schedule G
☐ Soil Deposit / Removal	☐ Registration ☐ Permit	Schedule H
☐ Strata Conversion		Schedule I
☐ Subdivision Review	☐ Boundary Adjustment	Schedule J
☐ Temporary Use Permit	☐ Renewal	Schedule K

Description of Subject Property:

Civic Address	PID
38 McKenzie Crescent (Piers Island, BC)	004-706-706

Legal Description

LOT 19, PIERS ISLAND, VICTORIA DISTRICT, PLAN 13051

Purpose of Application: *Provide a brief description (attached additional pages if needed)*

There's an existing variance on the property (SS-DVP-2004.12) that applies to a "Combined Accessory and Auxiliary Cottage Building" that w
such that it can be classified as the "Combined Accessory and Auxiliary Building". The existing "Combined Accessory and Auxiliary Cottage B

Applicant:

Name	*Company*
Jordan Noble	

Mailing Address

1004 - 160 Wilson Street Victoria V9A 7P9

Phone	*Email*
250-217-6309	jordan@westcoastroadestates.com

Declaration:

As the owner or agent authorized to act on behalf of the owner(s) of the subject property, I declare the information submitted in support of this application is true and correct in all respects.

Jordan Noble

Digitally signed by Jordan Noble
DN: C=CA, E=jordan.noble10@gmail.com, CN=Jordan Noble
Date: 2023.02.10 15:56:10-08'00'

Signature

Office Use Only:

[redacted]

28-Feb-2023	$1900.00	EFT	SS-DVP-2023.203

Owner Authorization:

As the registered owner(s) of the subject property, I/we declare that the information submitted in support of this application is true and correct in all respects. I/we hereby authorize Islands Trust staff or their contractors to conduct site inspections of the subject property for the purpose of processing this application, and hereby authorize and appoint:

Jordan Noble

Print Name (*Complete if applicant is not the owner(s)*)

… to serve as the agent for this application, and communicate with Islands Trust staff and Islands Trust bodies on our behalf.

All registered owners on title must be listed on and sign the application. *Corporations must include a list of directors.*

Name/Company Name	*Signature*
Conrad Paul Michael Medve	DocuSigned by: Conrad Medve 43DB9A16F564421...
Mailing Address	
4765 Elk Rd, Victoria, BC V9E 2E6	
Phone	*Print Name*
250-508-3288	Conrad Medve
Email	*Date*
conradpmedve@gmail.com	Feb 10th 2023

Name/Company Name	*Signature*
Tasha Judy-Ann Medve	DocuSigned by: C6F802FC6E074B2...
Mailing Address	
4765 Elk Rd, Victoria, BC V9E 2E6	
Phone	*Print Name*
250-884-2400	Tasha Medve
Email	*Date*
tashamedve@gmail.com	Feb 10th 2023

Name/Company Name	*Signature*
Mailing Address	
Phone	*Print Name*
Email	*Date*

Application Checklist *The following materials must accompany the application:*

- [X] Completed application form
- [X] Current title search (issued within 30 days)
- [X] Copies of all title charges (restrictive covenants, rights-of-way, etc.)
- [ ] Application fee (see applicable Local Trust Committee Fees Bylaw for current fees
- [ ] If applicable, a BC Contaminated Sites Regulation Disclosure Statement (Schedule 1) must be completed
- [ ] If applicable, QEP Report registered in Province of BC *Riparian Areas Regulation* (RAR) Notification System
- [ ] **Required plans, drawings, reports and other information as noted on the applicable schedules and DAI Bylaws**

NOTE *A complete application and fee must be received before the application will be processed. Fees may be paid using cash, cheque or interac e-transfer (contact Islands Trust for e-transfer procedure). Applicants are advised that processing times may depend on applications volumes and timing of local trust committee meetings. Applicants are encouraged to apply for permission well in advance of scheduled development.*

Freedom of Information

The collection of personal information, for the purpose of processing this application, is authorized under the Local Government Act, Community Charter and section 26(c) of the Freedom of Information and Protection and Privacy Act. Enquiries may be directed to a Deputy Secretary at any of the Islands Trust Offices, as noted on page 1 of this form. A request for information, under the Freedom of Information and Protection of Privacy Act may be made to: FOI Coordinator, Islands Trust, 200-1627 Fort Street, Victoria, BC V8R 1H8, Tel. (250) 405-5151, Fax (250) 405-5155.

STAFF REPORT

File No.: SS-DP-2023.1
(Cross Ref. No. SS-DP-2003.16)

DATE OF MEETING:	June 22, 2023
TO:	Salt Spring Island Local Trust Committee
FROM:	Chris Buchan, Planner 2, Salt Spring Island Team
COPY:	Chris Hutton, Regional Planning Manager, Salt Spring Island Team
SUBJECT:	**Development Permit** for Development of General Employment and Commercial Space in DPA2.
	Applicant: Momentum Design Build, Windsor Plywood
	Location: 166 Rainbow Road, Salt Spring Island, BC (PID: 006-301-924)

RECOMMENDATIONS

That the Salt Spring Island Local Trust Committee approves issuance of Development Permit SS-DP-2023.1 (Windsor Plywood) subject to the collection of a $39,557.25 landscaping security deposit.

REPORT SUMMARY

A development permit (DP) has been submitted for a proposed new commercial retail space/warehouse, and storage shed at the current Windsor Plywood site. The application is for development of new retail, general employment or commercial space greater than 185 square metres in gross floor area that is visible from public areas or other properties. Staff recommend approval of the DP as the proposal is in substantial compliance with the relevant guidelines.

BACKGROUND

The subject property (Figure No.'s 1, 2, & 3) is located in central Salt Spring Island, near Ganges Village. The 1.2-hectare (2.98-acre) lot is zoned General Employment 2 (GE2). A comprehensive analysis of the subject property and surrounding area can be found in Attachment 2. A fire incident in [year] resulted in the loss of one structure. The owners constructed a temporary canopy within the established side yard setback area to compensate temporarily. The applicant is now proposing to construct a new two-storey commercial facility in a different location on the site and an accessory storage building in full compliance with the GE2 zoning regulations.

Following receipt of the development permit application, Planning Staff determined a landscape plan, landscape estimate, and lighting assessment were required in accordance with the *Salt Spring Island Local Trust Committee Development Approval Information Bylaw No. 175, 2018*.

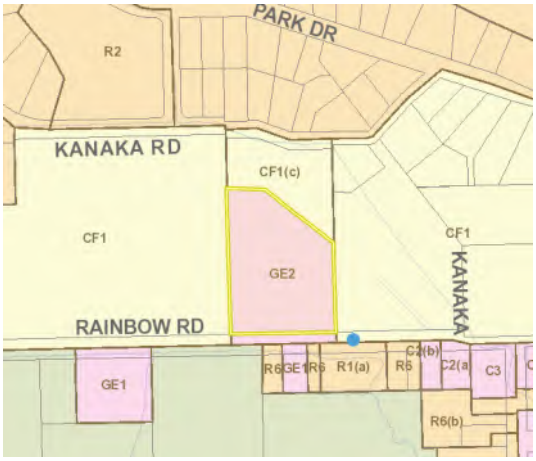


Figure 1: Zoning Map of Subject Property

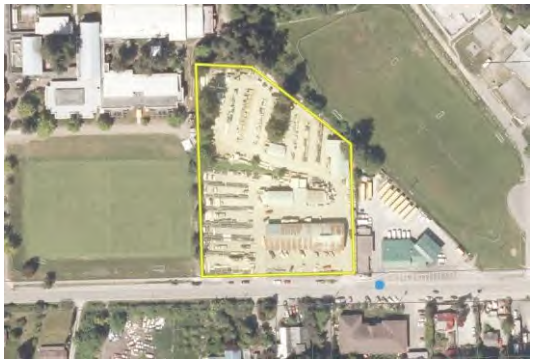


Figure 2: 2017 Orthophoto of Subject Property

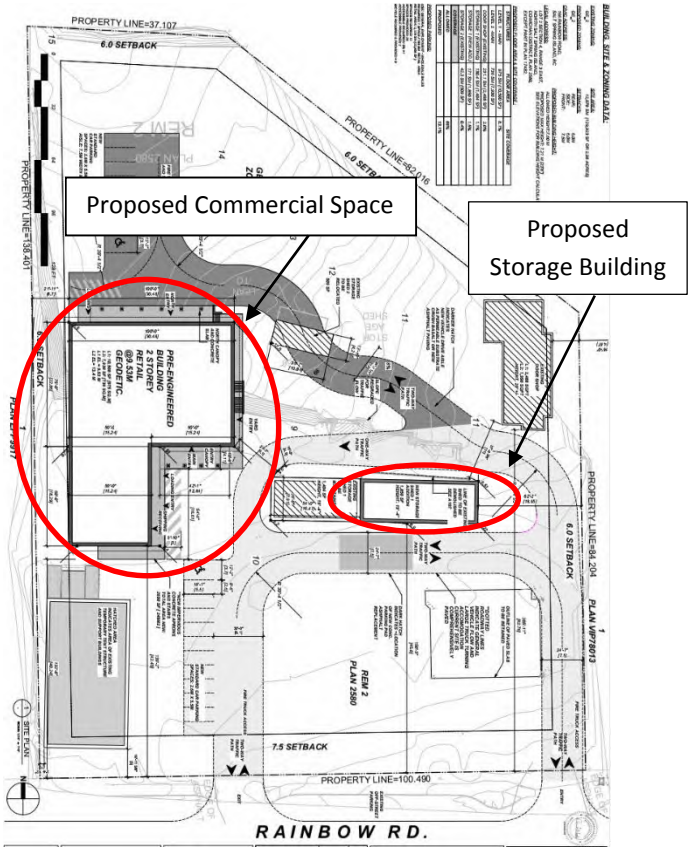


Figure 3: Site Plan for Subject Property



Figure 4: Proposed Commercial Building Elevation

ANALYSIS

Official Community Plan:

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

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

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

E.2.1.2 All development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, except:

d. development of new retail, general employment or commercial space greater than 185 m^2 in gross floor area that is visible from public areas or other properties.

A comprehensive review of DPA2 guidelines can be found in Attachment 1. A total of 40 guidelines were considered for the proposed development. Of these, 25 of the guidelines are in full conformance with the proposal, 2 were in partial compliance, and 12 were deemed not applicable. With this in mind, the proposal is in 89% full compliance with applicable guidelines, while in 10.5% partial compliance. Rationale is presented for the partial compliance. The table below establishes the partial and non-compliant guidelines:

	Guideline	Complies	Comments
E.2.4.2	Site access to commercial and general employment properties should maintain the character of the surrounding neighbourhood as much as possible; there should ideally be only one access to a commercial or general employment property from the public street.	Partial	**Staff Comments:** The site is access is within the neighbourhood character; however, there are two proposed access points. Due to the quantity of anticipated traffic throughout the site and the apparent fire risk of the sales materials, Staff support a multi-access layout.
E.2.6.5	Large new structures should avoid long, homogenous facades. They should have a scale, size, massing, shape, roof line and exterior finish varied and articulated to reduce apparent mass.	Partial	**Staff Comments:** the building has a long and homogenous façade; however, minor articulation in siding. Minor articulation in roofline heights. First and Second building storeys separated by grey/blue colour scheme.
E.2.8.3	New plant materials should be chosen with a view to conserve water.	Partial	**Staff Comments**: Irrigation required for plantings. Trees will require less water maintenance when matured.

Land Use Bylaw:

The proposal is in full compliance with current Land Use Bylaw regulations.

Issues and Opportunities:

Multi-access site

Although the development permit guidelines do not encourage a secondary access/egress, the nature of the site would benefit from the proposed traffic layout. This would facilitate easier flow-through for larger industrial/commercial vehicles while providing a secondary exit point in the case of a site emergency similar to the previous fire incident. This supports DPA2 guidelines E.2.5.2 & E.2.5.3 which speaks to maneuverability for trucks and adequate access for emergency vehicles.

Landscaped Screening

Staff note the development, in its proposed site configuration, is less visible from public properties or other properties in comparison to the previous storefront. Proposed screening would further reduce the visual impacts of the proposed development. The LUB requires vegetation screens in a buffer area of any lot occupied by general employment uses where the lot adjoins non-general employment zones, which permit agriculture.

Land Uses Bylaw

Permit Conditions

Further conditions have been added to the draft DP based on the specifics of the proposal and previous, similar applications. Adherence to the conditions, including compliance with the submitted landscape scheme (Attachment 3), stormwater management plan (Attachment 6), and site layout (Attachment 5) will mitigate impacts from development to neighbouring properties while maintaining a level of design regulation which preserves the viability of small commercial and industrial businesses.

Consultation

There is no public or agency consultation regularly associated with a DP application. In addition, there is no statutory notification required.

Agencies

This application does not require agency referrals. However, staff will work with the CRD Building Inspection office in respect to the future Building Permit review.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to SS LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

As the proposal is in compliance with the majority of development permit guidelines, and because staff view the non-compliance as necessary, it is recommended that LTC approve the Development Permit subject to the conditions established in the Draft Permit which can be found in Attachment 4.

ALTERNATIVES

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

1. **Refer the Application to the Advisory Planning Committee for comment**

   The LTC may determine that the application requires consideration from the Advisory Planning Committee (APC). If this is the case, the LTC may resolve to refer the development permit application to the next APC meeting.

   The APC comprises of a panel of community members, which are generalists or experts in the fields of environment, design, or planning. Referring the application to the APC for their comment on the DPA-2 guidelines would provide the SS LTC and staff with their invaluable insights into the nuances of the application prior to final consideration.

   Recommended wording for the resolution is as follows:

   That the Salt Spring Island Local Trust Committee direct staff to refer application SS-DP-2023.1 (166 Rainbow Road) to the Advisory Planning Commission for comment.

2. **Determine that the DPA guidelines are not being met**

   The LTC may determine that the application as presented does not meet one or more guidelines of DPA-2. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee has determined that application SS-DP-2023.1 as presented on June 22, 2023 does not meet guideline(s) _____ for the following reasons: _____.

3. Request further information

The LTC may request further information prior to making a decision. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust: _____

Next Steps

If the recommended resolution is adopted, the application will be concluded with the issuance of the proposed permit with conditions.

Submitted By:	Chris Buchan, Planner 2	June 15, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	June 15, 2023

APPENDICES

1. DPA2 Guidelines
2. Site Context & Photographs
3. Vegetation Planting Plan & Estimate
4. Proposed Development Permit
5. Site Plans
6. Servicing Report

ATTACHMENT 1

APPENDIX 1 –DEVELOPMENT PERMIT AREA GUIDELINES

DEVELOPMENT PERMIT AREA 2 - NON-VILLAGE COMMERCIAL AND GENERAL EMPLOYMENT

E.2.3 Objectives of this Development Permit Area

E.2.3.1 To ensure that the commercial and general employment businesses allowed in rural and residential neighbourhoods can develop with the least impact on neighbouring properties.

E.2.3.2 To avoid a level of design regulation that could affect the viability of small commercial and industrial businesses.

E.2.3.3 To protect nearby agricultural lands (including their water supplies) and to reduce the potential for conflicts between agricultural activities and higher density settlement areas.

	Guideline	Complies	Comments
E.2.4.1	Property line setbacks should not be varied from those allowed by local bylaws.	Yes	**Staff Comments**: the retaining walls (structures) in the rear of the property are sited within the rear and interior lot line setbacks in contravention of subsection 9.7.2 which requires a rear and interior side lot line setback of 3 metres and an exterior side lot line setback of 6 metres.
E.2.4.2	Site access to commercial and general employment properties should maintain the character of the surrounding neighbourhood as much as possible; there should ideally be only one access to a commercial or general employment property from the public street.	Partial	**Staff Comments:** The site is access is within the neighbourhood character; however, there are two proposed access points. Due to the quantity of anticipated traffic throughout the site and the apparent fire risk of the sales materials, Staff support a multi-access layout.
E.2.4.3	Sites should be designed to minimize impacts on neighbouring properties and public areas, including water surfaces. Particular attention should be paid to locating and screening loading docks, garbage and recycling containers and other service areas so that visual and noise impacts are minimal.	Yes	**Staff Comments:** Mixed use neighbourhood, between general employment lands and open fields. All Garbage, recycling, and service areas are screened from adjacent properties reducing potential impacts.
E.2.4.4	An effective vegetation screen, providing a visual barrier, noise abatement, and dust barrier, as required, should be maintained along any boundary with a non-commercial or non-general employment property.	Yes	**Staff Comments:** Landscape Plan establishes a vegetative screen around the property exterior.
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 edge planning guidelines developed 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 vegetated buffer, as outlined in Guideline E.2.8.7.	Yes	**Staff Comments:** Adjacent agricultural land is currently used as an educational facility (with a recreational field). Although agriculture isn't a current use, significant vegetation separates the two properties.

E.2.4.6	Where the subject property adjoins agricultural land, building setbacks for general employment and commercial uses should be at least 15 m from the property line, to be consistent with the Guide to Edge Planning (2015), developed by the BC Ministry of Agriculture.	N/A	**Staff Comments:** 6 metre setback is met from the ALR property; however, the adjacent ALR property is used as an educational facility (school district). No agricultural use is present.
E.2.5.1	Commercial and general employment 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.	Yes	**Staff Comments:** Parking is sufficiently screened from the adjacent street (Rainbow Road).
E.2.5.2	Areas should be provided for the loading and unloading of delivery trucks. The site should allow delivery trucks to manoeuvre without having to block or back onto adjacent streets.	Yes	**Staff Comments**: driveway, parking, and onsite loading area provided.
E.2.5.3	Emergency vehicles should be able to readily reach all parts of the development	Yes	**Staff Comments**: multi access, two lane, parking provides area for hammerhead turn-around.
E.2.6.1	E.2.6.1 Building height should not exceed that permitted by local bylaws and should minimize the obstruction of views from neighbouring structures.		**Staff Comments:** 10.7 metre height allowance permitted. Proposed building height measured at 9 metres.
E.2.6.2	On sloping land, horizontal modulation (stepped buildings) should be used so buildings and structures conform to the site.	Yes	**Staff Comments**: building slightly increases in roofline height with the slope of land
E.2.6.3	Existing site topography and landscape should not be altered and should be complemented by proposed structures.	Yes	**Staff Comments**: Massing of proposed building is reduced from the northern elevation view (single storey).
E.2.6.4	Where development is allowed along shorelines, it should be designed to conform to, rather than conceal the natural contours of the land that borders the shoreline.	N/A	**Staff Comments:** Not applicable
E.2.6.5	Large new structures should avoid long, homogenous facades. They should have a scale, size, massing, shape, roof line and exterior finish varied and articulated to reduce apparent mass.	Maybe	**Staff Comments:** the building has a long and homogenous façade; however, minor articulation in siding. Minor articulation in roofline heights. First and Second building storeys separated by grey/blue colour scheme.
E.2.6.6	Where practical, building roofs should be similar in design to those on neighbouring structures.	Yes	**Staff Comments:** Complies
E.2.6.7	Roof-top mechanical equipment (satellite dishes, air-conditioning) should be screened from view.	Yes	**Staff Comments:** No roof-top mechanical equipment proposed on elevations. Pitched Roof concept.
E.2.6.8	Large areas of curtain-wall glazing should not be used.	Yes	**Staff Comments:** Complies
E.2.6.9	All portions of a building should be authentic, functional space - artificial or contrived architectural features should not be included in building designs.	Yes	**Staff Comments:** Complies
E.2.7.1	Where a large new commercial service or general employment building is visible from public streets, an effort should be made to make it unobtrusive.	Yes	**Staff Comments:** Building located towards the middle of the property, effectively screened by vegetation.

E.2.8.1	Where large new commercial or *general employment* 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.	Yes	**Staff Comments**: Landscape plan provided, security to be deposited as a subject to DP issuance.
E.2.8.2	Where landscaping of large new commercial and *general employment* areas is visible from public areas, informal, natural landscaping with native species is encouraged as opposed to formal, decorative plantings.	Yes	**Staff Comments**: Landscape plan indicates native species in a mixed variety of trees, shrubs, and perennials/Annuals/Ferns.
E.2.8.3	New plant materials should be chosen with a view to conserve water.	Maybe	**Staff Comments**: Irrigation required for plantings. Trees will require less water maintenance when matured.
E.2.8.4	Landscaping next to creeks and lakes should remain natural and wild to protect fish habitat. Plant species with a high water demand or that may require the use of pesticides or fertilizers should not be located in this area. Bark mulches and impermeable landscape fabric should not be used.	N/A	**Staff Comments:** Not Applicable
E.2.8.5	Where practical, special care should be taken to retain existing vegetation and incorporate it into new development.	Yes	**Staff Comments:** Existing vegetation around the property is proposed to be preserved.
E.2.8.6	Fencing should be natural in appearance and coordinated with the design of the main building	Yes	**Staff Comments**: Existing fencing, fits the site design with proposed landscaped screening.
E.2.8.7	Where the property being subdivided or developed adjoins a property zoned for residential or commercial guest accommodation uses, a vegetated buffer of at least 3 m is to be planted or retained. The buffer width should increase to at least 7.5 m where general employment or commercial uses (with the exception of a farm business) are not contained within a building.	N/A	**Staff Comments:** Not applicable
E.2.9.1	Lighting should be kept to the minimum necessary for safety and visibility, to maintain a low level of light in the island's night time atmosphere.	Yes	**Staff Comments:** Complies
E.2.9.2	Light fixtures should be carefully chosen to focus light on the area to be illuminated.	Yes	**Staff Comments:** Complies
E.2.9.3	Incandescent fixtures are preferred.	Yes	**Staff Comments:** Complies
E.2.9.4	Flashing or strobe lights should not be used to attract attention to commercial uses. Neon lighting should not be used outside buildings.	Yes	**Staff Comments:** Complies
E.2.10.1	Total sign area should not exceed that permitted by local bylaws.	N/A	**Staff Comments:** Not Applicable
E.2.10.2	Signs should not be placed more than 5 m above the ground.	N/A	**Staff Comments:** Not Applicable
E.2.10.3	Plastic, back lit signs should not to be used.	N/A	**Staff Comments:** Not Applicable
E.2.10.4	Signs should not move or be audible. They should not incorporate lighting that moves or flashes or gives the impression of doing so.	N/A	**Staff Comments:** Not Applicable

E.2.11.1	Land in this Development Permit Area should not be subdivided so that parking becomes visible from public streets and neighbouring properties, if it had been screened to meet the guidelines of this Area.	N/A	**Staff Comments:** Not Applicable
E.2.11.2	When land that is zoned for general employment or commercial service use is subdivided, lot configuration should encourage the development of a single entrance from the public street. An internal circulation system should be developed that does not require vehicles to manoeuvre outside the property. New lot sizes and shapes should ensure that a vegetation buffer can be maintained along the border with neighbouring properties.	N/A	**Staff Comments:** Not Applicable
E.2.12.1	New commercial or general employment developments that will create more than 280 m2 of new impervious surfacing should include a report prepared by a Professional Engineer that determines the extent of changes to the natural drainage. It should identify any conditions that should be incorporated into the development permit to protect property from flooding, erosion or from other undesirable impacts as a result of changes to stormwater runoff. Particular attention should be paid to ensuring that drainage changes will not result in detrimental impacts such as flooding or reduced groundwater availability on agricultural lands or watercourses that either adjoin the development or are located in the same watershed.	Yes	**Staff Comments:** Complies, detailed in Engineer Report dated Feb 9, 2023.
E.2.12.2	Developments that would create less than 280 m2 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.	N/A	**Staff Comments:** 280 + square metre coverage.
E.2.12.3	Development should not result in the pollution of surface or groundwater supplies. Particular care should be taken to ensure that there are no detrimental impacts on *agricultural land* or fishbearing watercourses because of water pollution.	Complies	**Staff Comments**: two existing storm services to the site, proposal to upgrade existing storm sewer systems to tie into existing pipe locations as detailed in the associated servicing report (Herold Engineering).
E.2.13.1	New commercial composting facilities, subject to the Capital Regional District Composting Facilities Regulation Bylaws, should be buffered from neighbouring uses in a manner consistent with the Compost Facility Requirements Guideline: How to Comply with Part 5 of the Organic Matter Recycling Regulation (Ministry of Water, Land and Air Protection, 2004).	N/A	**Staff Comments:** No composting facility proposed.

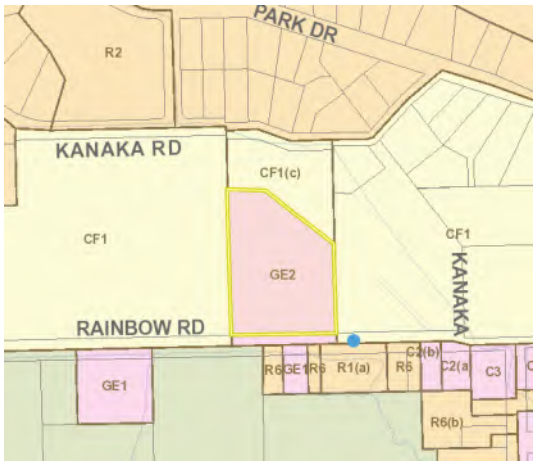
ATTACHMENT 2

APPENDIX 2– SITE CONTEXT

LOCATION

Legal Description	District Lot 12, North Salt Spring Island, Cowichan District, Except The South 2.50 Chains Of The North 34.30 Chains Of The West 2 Chains Of Said Lot As Shown Outlined In Red On Plan Deposited Under Dd 24760, Except Part In Plan 41193
PID	000-490-377
Civic Address	166 Rainbow Road, Salt Spring Island

LAND USE

Current Land Use	**General Employment 2**
Surrounding Land Use	Community Facility / General Employment 1 / Residential 6 *Islands Trust Zoning Map (subject property indicated in yellow)*  *CRD 2021 Orthophoto (subject property indicated in Yellow)* 

HISTORICAL ACTIVITY

File No.	Purpose
SS-DP-2003.16	*DPA 2 Application for proposed buildings / application closed*

POLICY/REGULATORY

Official Community Plan Designations	General Employment and Commercial Services

Land Use Bylaw	General Employment 2 (GE 2)
Other Regulations	None
Water Service Area	North Salt Spring Waterworks
Title Charges	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The Islands Trust Conservancy does not have an interest in any properties within 100 metres of the property subject of this application.
Regional Conservation Strategy	The subject property is primarily within the LOW relative value area for important natural areas in the Salt Spring Island Local Trust Area. 
Species at Risk	**SAR (Public) Species:** None Currently Mapped **SAR (Public) Ecological Community:** None Currently Mapped
Sensitive Ecosystems	**SEI:** None Currently Mapped within proposal area, mapped along West portion of property. **Heron Rookery/Raptor Nest/Sea Bird Colony:** None Currently Mapped **RAR Watercourse:** Currently Mapped: Blackburn Creek Islands Trust Protected Areas mapping indicates the subject property is not within 500-metres of a protected area.
Hazard Areas	Steep Slopes mapping indicates minor areas of medium hazard on the middle of the property property.
Archaeological Sites/Potential	Archeological Potential is located on subject property.
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

PHOTO (CAPTURED ONSITE)

STREET VIEW



EXISTING CANOPY





EXISTING STORAGE SHED (TO BE PARTIALLY REMOVED AND REBUILT)







PROPOSED RETAIL BUILDINGS SITE:



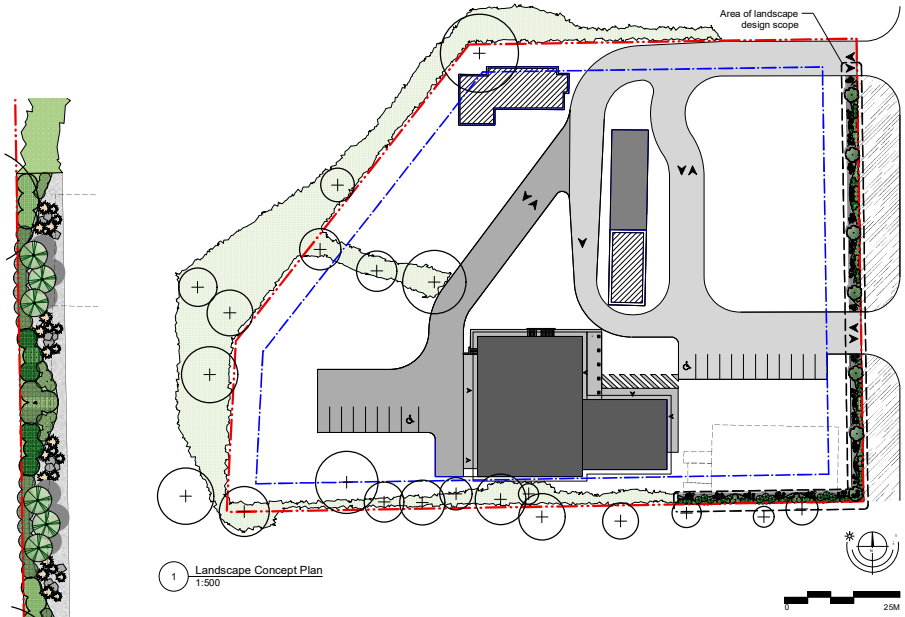








ATTACHMENT 3



1 Landscape Concept Plan
1:500

Recommended Nursery Stock

Trees
Total: 16

Botanical Name	Common Name	Size
Acer rubrum 'Karpick'	Karpick Maple	6cm cal.
Picea omorika	Serbian Spruce	2.0m ht.

Large Shrubs
Total: 113

Botanical Name	Common Name	Size
Mahonia aquifolium	Tall Oregon Grape	#1 pot
Ribes sanguineum 'King Edward VII'	King Edward VII Flowering Currant	#7 pot

Medium Shrubs
Total: 36

Botanical Name	Common Name	Size
Vaccinium ovatum	Evergreen Huckleberry	#2 pot

Small Shrubs
Total: 96

Botanical Name	Common Name	Size
Gaultheria shallon	Salal	#1 pot

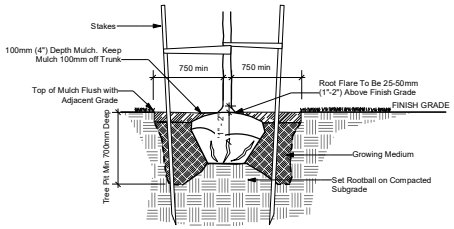
Perennials, Annuals and Ferns
Total: 121

Botanical Name	Common Name	Size
Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	#1 pot
Helictotrichon sempervirens	Blue Oat Grass	#1 pot
Polystichum munitum	Sword Fern	#1 pot

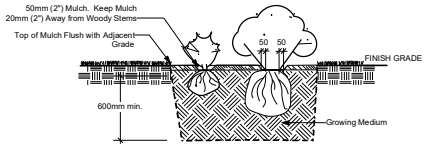
Notes:
1. All work to be completed to current BCSLA Landscape Standards
2. All soft landscape to be irrigated with an automatic irrigation system


KARPICK MAPLE

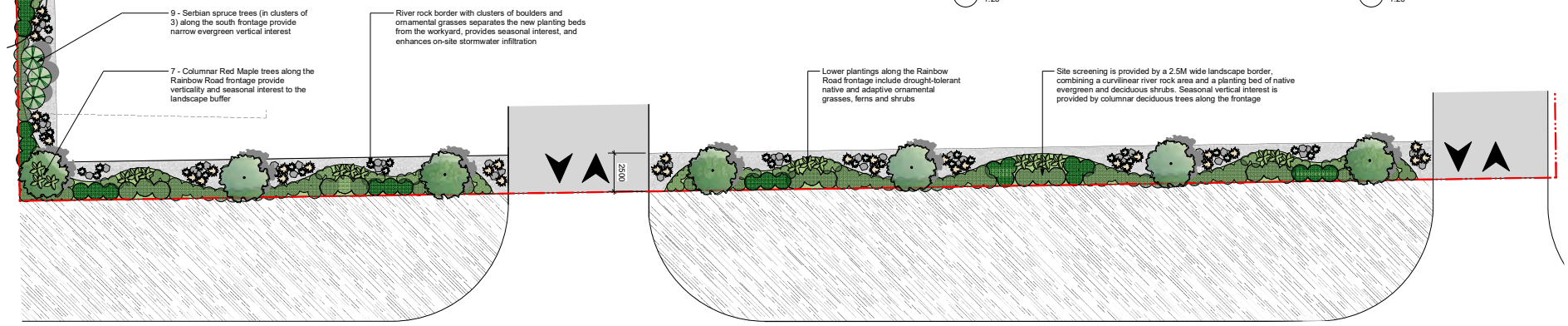

SERBIAN SPRUCE



3 Tree Planting + Staking - Typical Detail
1:25



4 Shrub Planting - Typical Detail
1:25



2 Rainbow Road Frontage - Planting Plan
1:125

166 Rainbow Road | Landscape Concept Plan

DEC 13-22

LADR LANDSCAPE ARCHITECTS
#3-864 Queens Ave. Victoria B.C. V8T 1M5
Phone: (250) 598-0105

Project No: 2239 Dec 02-22

LADR LANDSCAPE ARCHITECTS
#3-864 QUEENS AVE
VICTORIA, BC
V8T 1M5
P. 250.598.0105
ADMIN@LADRLA.CA
WWW.LADRLA.CA

166 Rainbow Road Landscape Budget Estimate

A. SOFT LANDSCAPE	Quantity	Units	Price	Extension
1. PLANTS				
Trees (6 cm caliper)	7	each	$525.00	$3,675.00
Trees (2m ht)	9	each	$255.00	$2,295.00
Shrubs (#7 pot)	21	each	$135.00	$2,835.00
Shrubs and Perennials (#2 pot)	36	each	$36.00	$1,296.00
Shrubs, Groundcovers and Perennials (#1 pot)	309	each	$16.50	$5,098.50
SUB-TOTAL PLANTS				**$15,199.50**
2. SOIL				
Soil	160	m.cu.	$32.00	$5,120.00
Mulch (100mm depth)	15	m.cu.	$40.00	$600.00
SUBTOTAL SOFT LANDSCAPE				**$20,919.50**
B. HARD LANDSCAPE				
1. IRRIGATION ALLOWANCE				$2,600.00
2. STONE AND ROCK				
River Rock (155mm depth)	24	m.cu.	$98.00	$2,352.00
Boulder Allowance				$500.00
SUBTOTAL HARD LANDSCAPE				**$5,452.00**
TOTAL LANDSCAPE BUDGET ESTIMATE				**$26,371.50**
				Exclusive of GST

Prices include labour and materials. For bonding purposes only; this is not a construction estimate.
Prepared by LADR Landscape Architects **1-Mar-23**

PROPOSED

ATTACHMENT 4

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT SS-DP-2022.8

TO: Lakeshaw Holdings Limited

1. This Development Permit (the "Permit") applies to the land described below:
   PID: 006-301-924
   LEGAL DESCRIPTION: LOT 2, SECTION 2, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 2580, EXCEPT PART IN PLAN 17428

2. This Permit is authorized in accordance with the following schedules attached to and forming part of this permit as signed and dated by the Deputy Secretary of Islands Trust:

Plan No. 1	Site/Elevation Plans (Lighting Scheme, Survey)
Plan No. 2	Landscape Plan + Estimate
Plan No. 3	Site Servicing Report, Herold Engineering Limited, February 9, 2023

3. Development within Development Permit Area 2 (DPA2), as described and illustrated in Plan No. 1 is permitted in accordance with the following conditions:

3.1 Site Plan

Development of general employment space greater than 185 square metres in gross floor area that is visible from public areas or other public areas on the subject property shall be in substantial accordance with Plan Numbers 1, 2 and 3.

3.2 Landscaping

Landscaping on the subject property shall be in substantial accordance with Plan No. 3.

3.3 Stormwater Management

Stormwater management design on the subject property shall be in substantial accordance with Plan No. 2.

3.4 Security

1. A Security deposit of 150% of the total estimated restorative works (Plan No. 3) in the amount of $39,557.25.

5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Salt Spring Island Land Use Bylaw No. 355, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval from the Capital Regional District, Ministry of Transportation and Infrastructure, Ministry of Environment and Climate Change Strategy, and Ministry of Forests, Lands, Natural Resource Operations and Rural Development (Archaeology Branch).

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT SS-DP-2022.8

6. Any further development, redevelopment or changes to this permit including the siting of buildings, structures, and landscaping on this property may require a new Development Permit or a Development Permit Amendment.

APPROVED AS DELEGATED BY THE ISLANDS TRUST DIRECTOR OF PLANNING
THIS ___ DAY OF _____.

_____

DEPUTY SECRETARY, ISLANDS TRUST

_____

DATE OF ISSUANCE

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

PROPOSED

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT SS-DP-2022.8

Plan No. 1:

(Attached)

PROPOSED

SS-DP-2023.1 Plan No. 1

WINDSOR PLYWOOD - SALT SPRING ISLAND

PRE-ENGINEERED STEEL BUILDING



1 dp render

TABLE OF CONTENTS

A000 .....COVER
A100 .....SITE PLAN
A104 .....ROOF PLAN
A105 .....ELEVATION 1
A106 .....ELEVATION 2
A107 .....SHED ADDITION

ISSUED FOR DEVELOPMENT PERMIT

PROPOSED

WHEELER CRAWFORD + SONS
ARCHITECTURE + DESIGN + PLANNING
E. info@wcsons.com
P. 604.538.9688
3202 - 115
Fulford-Ganges Rd
Salt Spring Island BC,
V8K 2T9

NOTES:

NO.	DATE:	REVISION:
1	12.24.2022	ISSUED FOR CLIENT REVIEW
2	11.4.2022	ISSUED FOR CLIENT REVIEW
3	02.08.2023	ISSUED FOR DEV. PERMIT

PROJECT:
WINDSOR PLY.
RAINBOW RD., SALT SPRING ISLAND

TITLE:
COVER

A000

BUILDING, SITE & ZONING DATA:

EXISTING ZONING:
GE_2

PROPOSED ZONING:
GE_2

CIVIC ADDRESS:
166 RAINBOW ROAD,
SALT SPRING ISLAND, BC

LEGAL ADDRESS:
LOT 2 SECTION 4, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 2580, EXCEPT PART IN PLAN 17482.

SITE AREA:
12,070 SM (129,923 SF OR 2.98 ACRES)

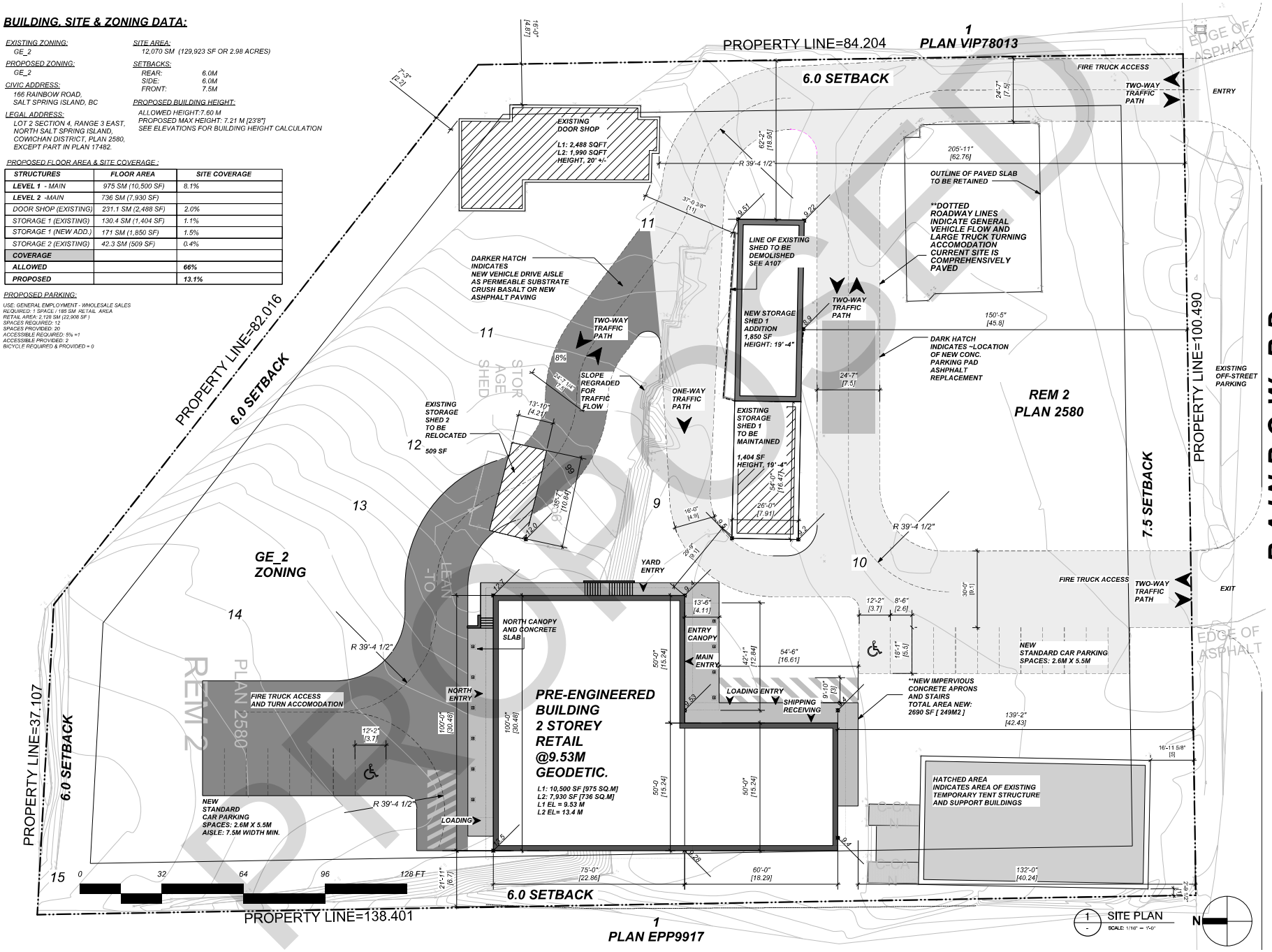
SETBACKS:
REAR: 6.0M
SIDE: 6.0M
FRONT: 7.5M

PROPOSED BUILDING HEIGHT:
ALLOWED HEIGHT:7.60 M
PROPOSED MAX HEIGHT: 7.21 M [23'8"]
SEE ELEVATIONS FOR BUILDING HEIGHT CALCULATION

PROPOSED FLOOR AREA & SITE COVERAGE :

STRUCTURES	FLOOR AREA	SITE COVERAGE
LEVEL 1 - MAIN	975 SM (10,500 SF)	8.1%
LEVEL 2 -MAIN	736 SM (7,930 SF)	
DOOR SHOP (EXISTING)	231.1 SM (2,488 SF)	2.0%
STORAGE 1 (EXISTING)	130.4 SM (1,404 SF)	1.1%
STORAGE 1 (NEW ADD.)	171 SM (1,850 SF)	1.5%
STORAGE 2 (EXISTING)	42.3 SM (509 SF)	0.4%
COVERAGE		
ALLOWED		66%
PROPOSED		13.1%

PROPOSED PARKING:
USE: GENERAL EMPLOYMENT - WHOLESALE SALES
REQUIRED: 1 SPACE / 185 SM RETAIL AREA
RETAIL AREA: 2,128 SM (22,908 SF)
SPACES REQUIRED: 12
SPACES PROVIDED: 20
ACCESSIBLE REQUIRED: 5% =1
ACCESSIBLE PROVIDED: 2
BICYCLE REQUIRED & PROVIDED = 0



RAINBOW RD.

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P 250 537 5889
3202 - 115
Fulford-Ganges Rd
Salt Spring Island BC,
V8K 2T9
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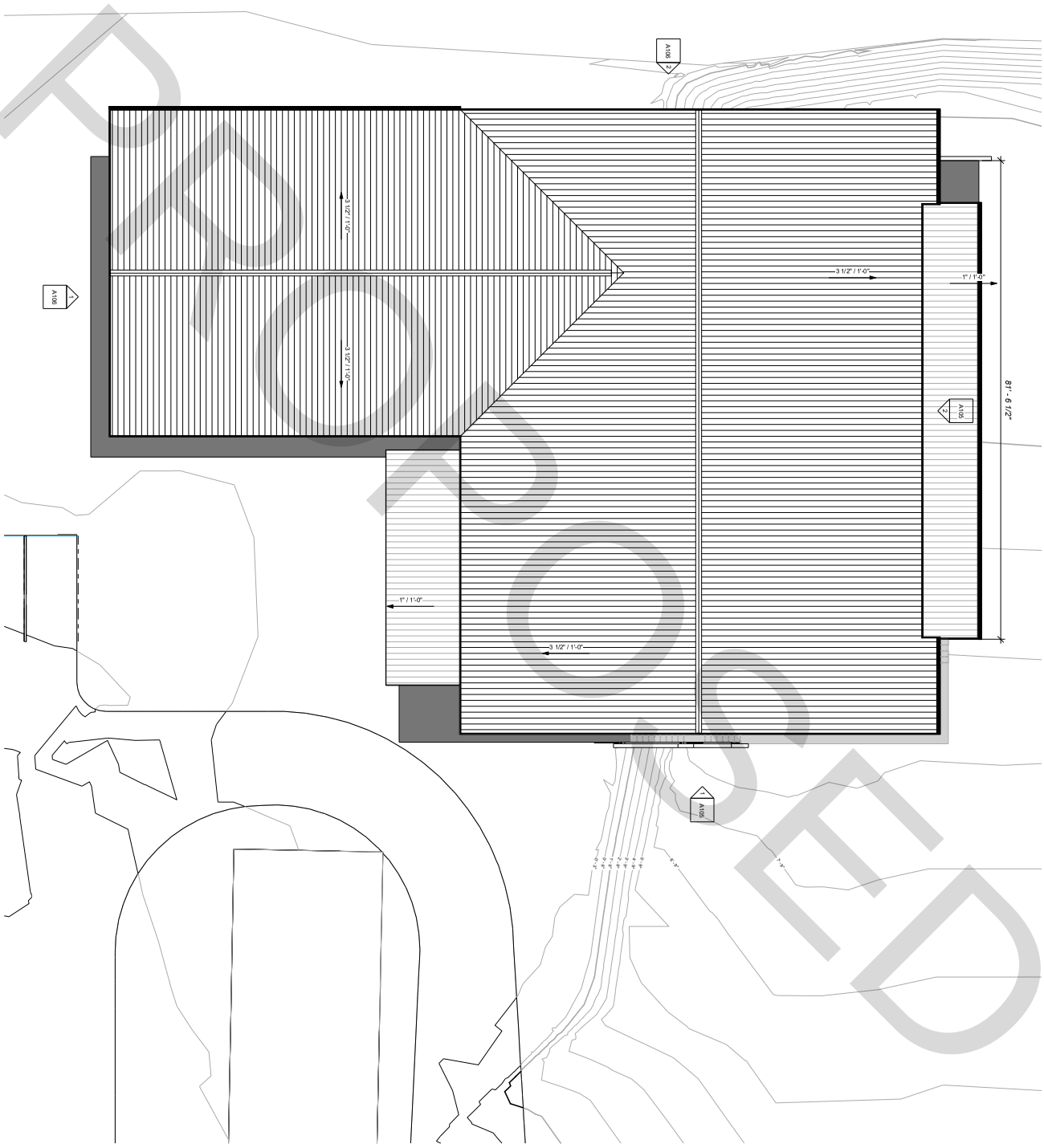
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CLIENT REVIEW	12.5.2022	1
ISSUED FOR DEV. PERMIT	02.08.2023	2

PROJECT:
WINDSOR PLYWOOD
166 RAINBOW ROAD, SALT SPRING ISLAND, BC

TITLE:
SITE PLAN & ZONING INFO
Scale: 1/16" = 1'-0"

A100

PROOF



PROPOSED

A104

TITLE: ROOF PLAN

PROJECT: **WINDSOR PLY.**
RAINBOW RD., SALT SPRING ISLAND

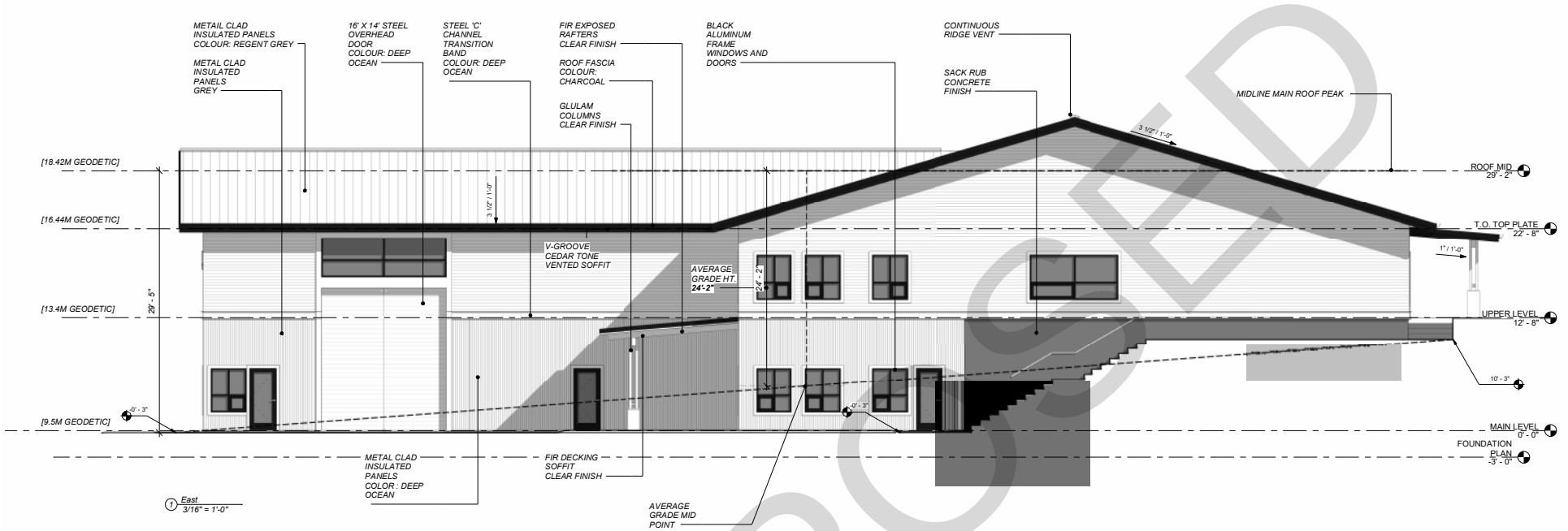
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ISSUED FOR CLIENT REVIEW	11.4.2022	2
ISSUED FOR DEV. PERMIT	02.08.2023	3

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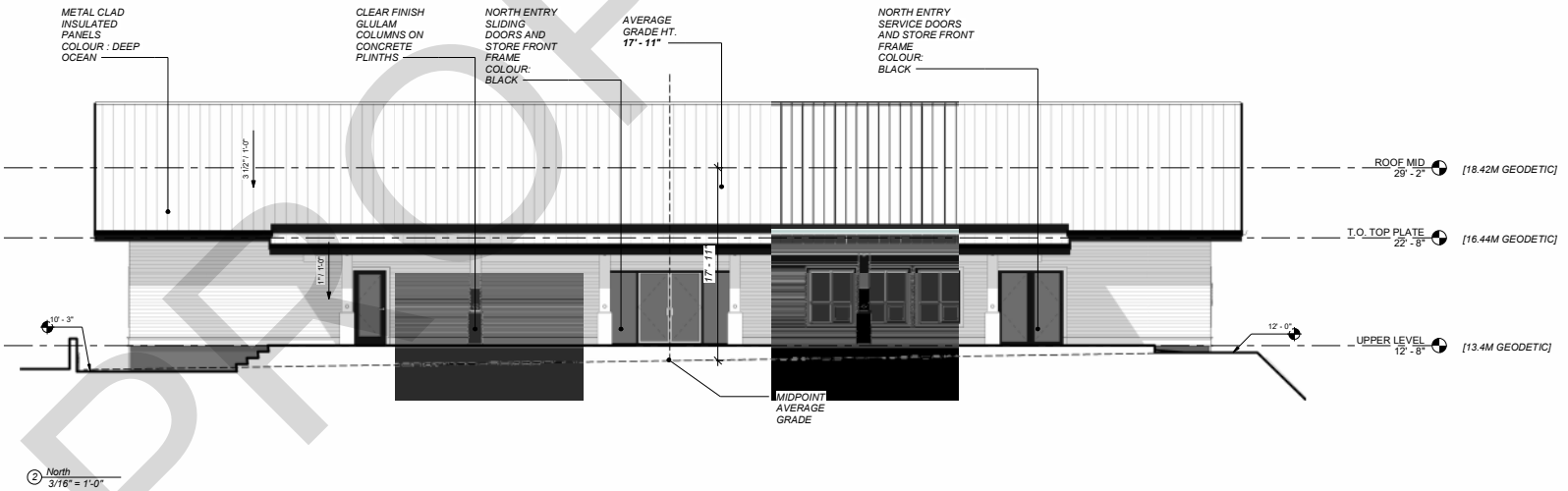
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HEIGHT CALCULATION:

EAST [24'2"] + WEST [23'11"] + SOUTH [29'6"] + NORTH [17'11"]

=23'-8" [7.21m] TO MIDLINE SLOPED ROOF
(SEE ELEVATIONS)



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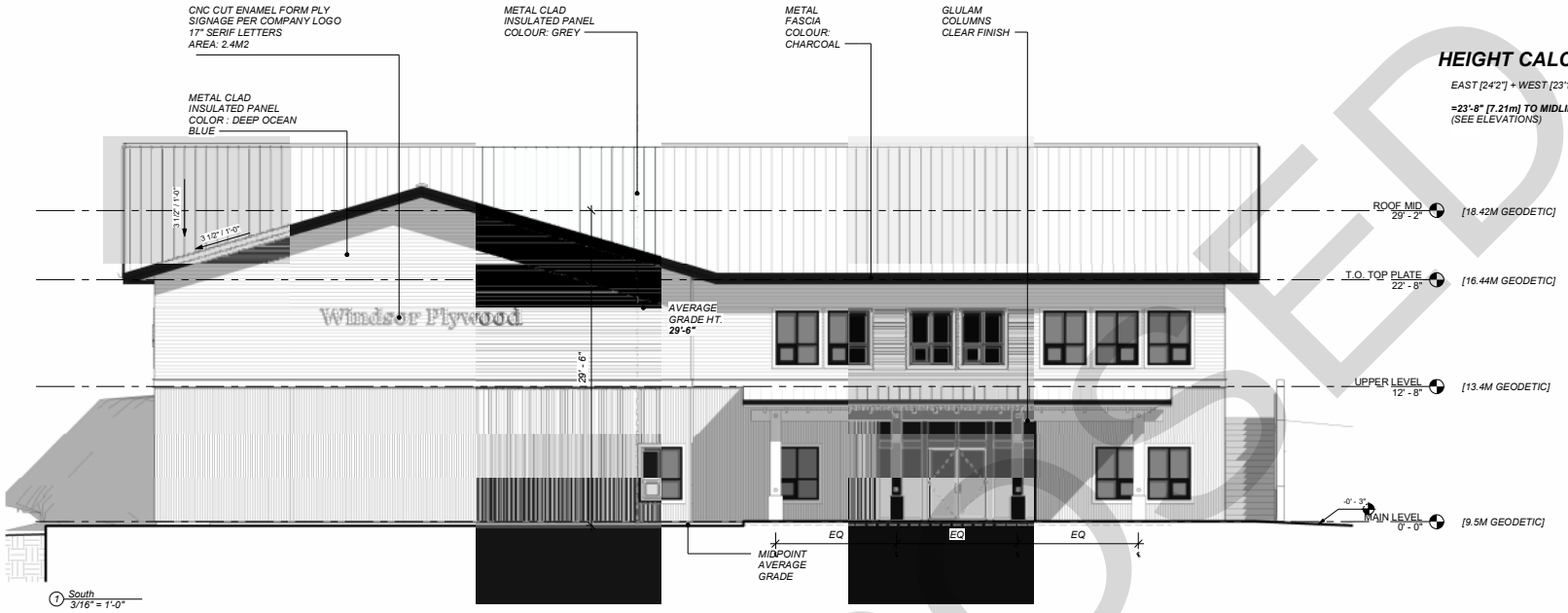
E. info@wcsons.com
P. 604.209.5089
3302 - 115
Fulford-Ganges Rd
Salt Spring Island BC,
V8K 2T9

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PROJECT:
WINDSOR PL Y.
RAINBOW RD., SALT SPRING ISLAND

TITLE:
E & N ELEVATIONS

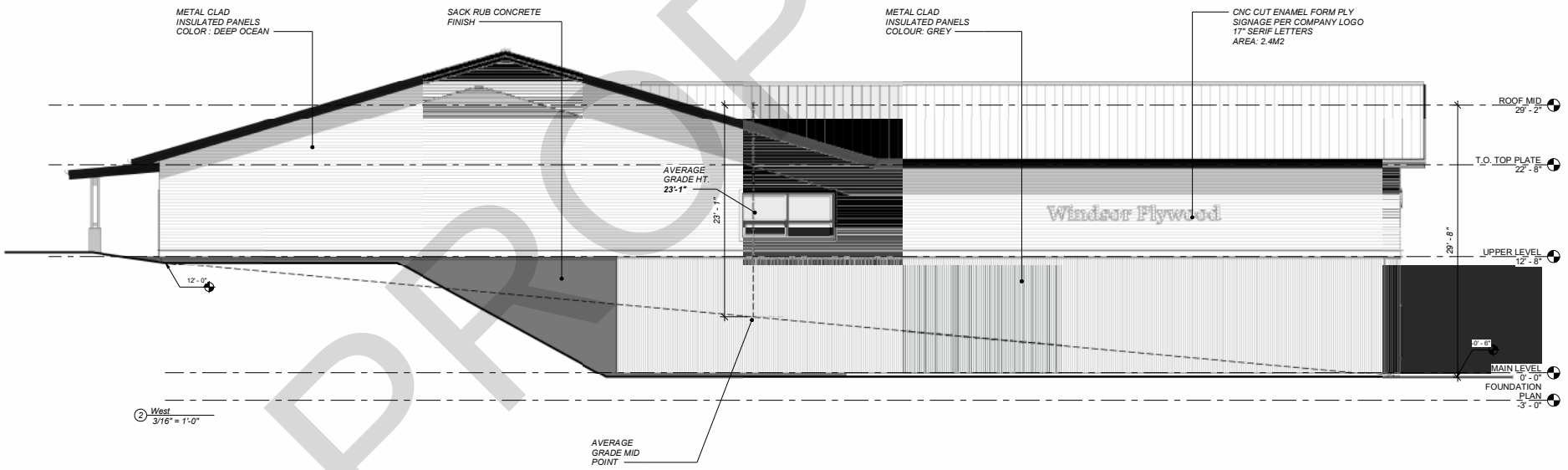
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HEIGHT CALCULATION:

EAST [24'2"] + WEST [23'11"] + SOUTH [29'6"] + NORTH [17'11"]

=23'-8" [7.21m] TO MIDLINE SLOPED ROOF
(SEE ELEVATIONS)



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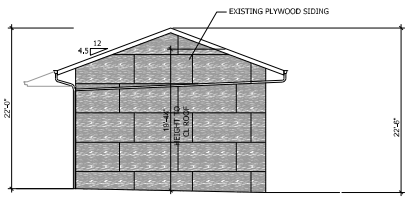
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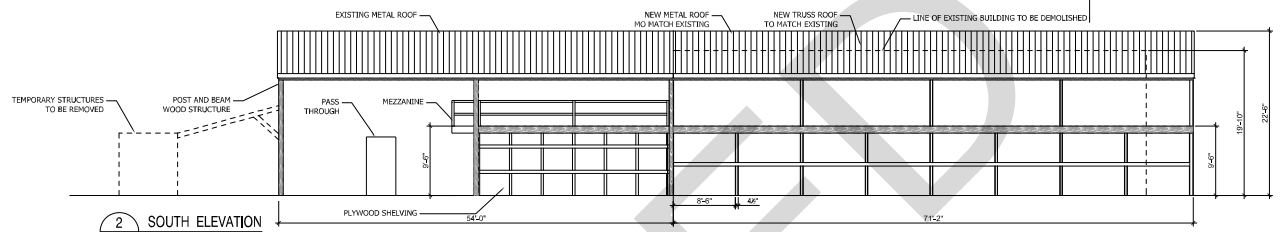
PROJECT:
WINDSOR PLY.
RAINBOW RD., SALT SPRING ISLAND

TITLE:
S & E ELEVATIONS

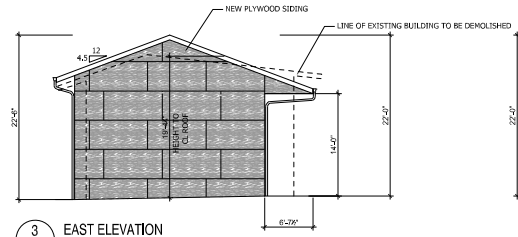
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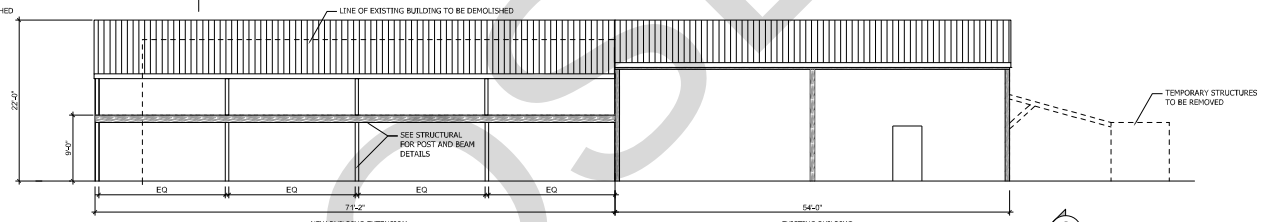
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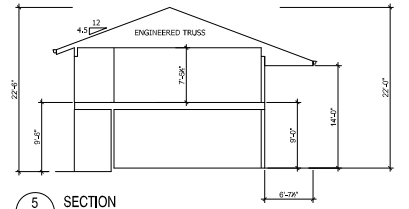
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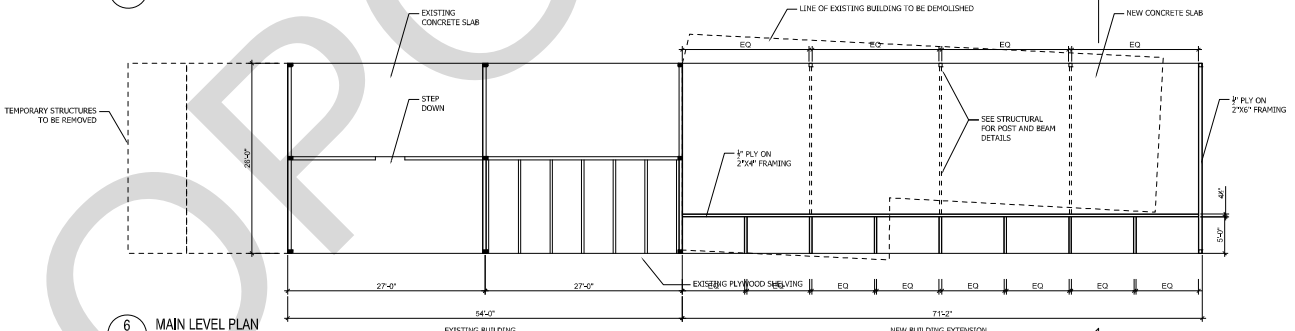
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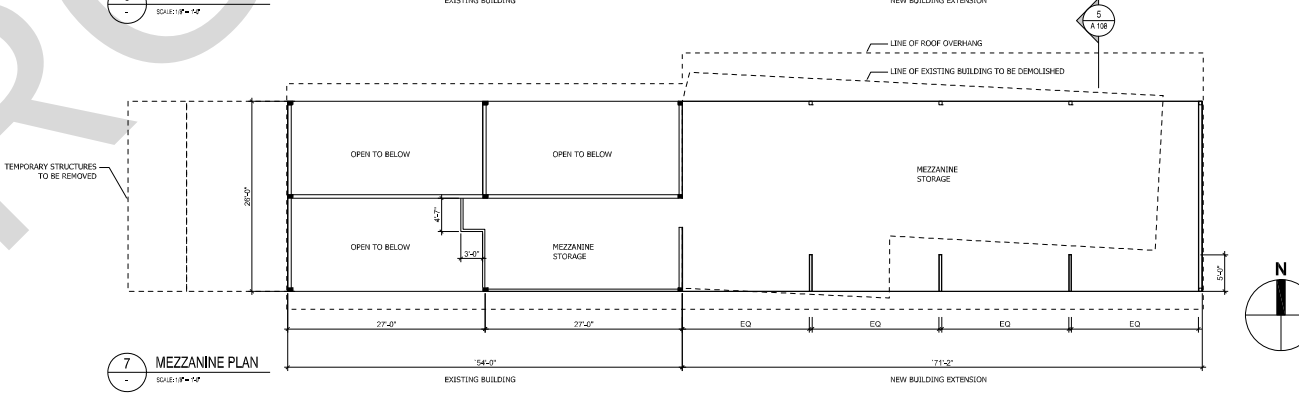
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5 SECTION
SCALE: 1/8" = 1'-0"



6 MAIN LEVEL PLAN
SCALE: 1/8" = 1'-0"



7 MEZZANINE PLAN
SCALE: 1/8" = 1'-0"

N

PROPOSED

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E info@wcsons.com
P 604 299 9889
3202 - 115
Fulford-Ganges Rd
Salt Spring Island BC,
V8K 2T9
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REVISION:	DATE.	NO.
CLIENT REVIEW	11.04.2022	1
ISSUED FOR DP.	02.08.2023	2

PROJECT: WINDSOR PLYWOOD
186 RAINBOW ROAD, SALT SPRING ISLAND, BC

TITLE: STORAGE SHED
Scale: 1/8" = 1'-0"

A107

WINDOSOR PLYWOOD
SALT SPRING ISLAND

SITE & EXTERIOR LIGHTING SUPPLEMENTAL
FOR DEVELOPMENT PERMIT
3.22.2023



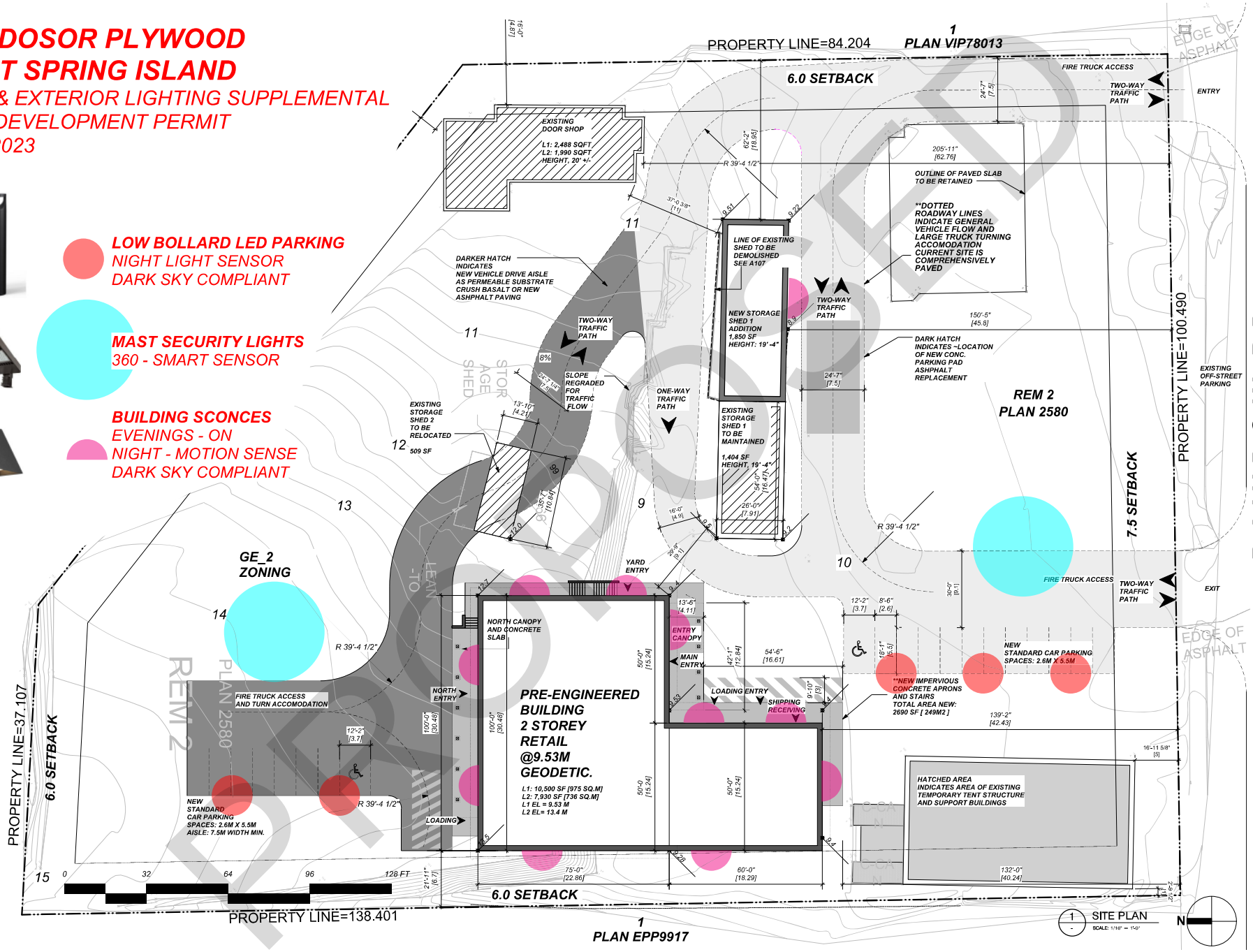
LOW BOLLARD LED PARKING
NIGHT LIGHT SENSOR
DARK SKY COMPLIANT



MAST SECURITY LIGHTS
360 - SMART SENSOR



BUILDING SCONCES
EVENINGS - ON
NIGHT - MOTION SENSE
DARK SKY COMPLIANT



PROPOSED

RAINBOW RD.

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ARCHITECTURE + DESIGN + PLANNING
E info@wcsons.com
P 250 537 5889
3202 - 115
Fulford-Ganges Rd
Salt Spring Island BC,
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REVISION.	DATE.	NO.
CLIENT REVIEW	12.5.2022	1
ISSUED FOR DEV. PERMIT	02.08.2023	2

PROJECT:
WINDSOR PLYWOOD
166 RAINBOW ROAD, SALT SPRING ISLAND, BC

PROPOSED

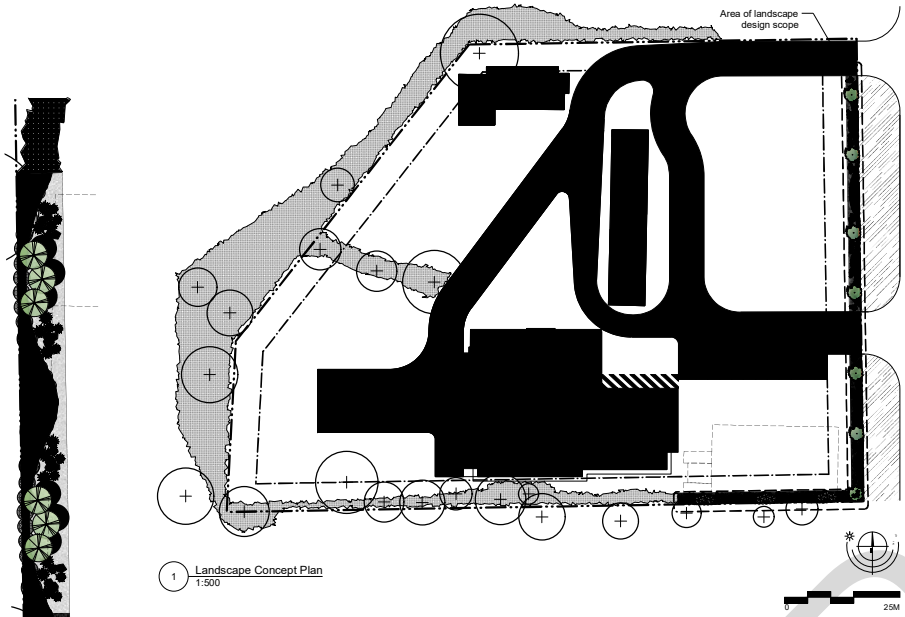
SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT SS-DP-2022.8

Plan No. 2

(Attached)

PROPOSED

SS-DP-2023.1 Plan No. 2



1 Landscape Concept Plan
1:500

[redacted]

Trees

	Botanical Name	Common Name	Size
[redacted]	Acer rubrum 'Karpick'	Karpick Maple	6cm cal.
	Picea omorika	Serbian Spruce	2.0m ht.

Large Shrubs

	Botanical Name	Common Name	Size
[redacted]	Mahonia aquifolium	Tall Oregon Grape	#1 pot
	Ribes sanguineum 'King Edward VII'	King Edward VII Flowering Currant	#7 pot

Medium Shrubs

	Botanical Name	Common Name	Size
[redacted]	Vaccinium ovatum	Evergreen Huckleberry	#2 pot

Small Shrubs

	Botanical Name	Common Name	Size
[redacted]	Gaultheria shallon	Salal	#1 pot

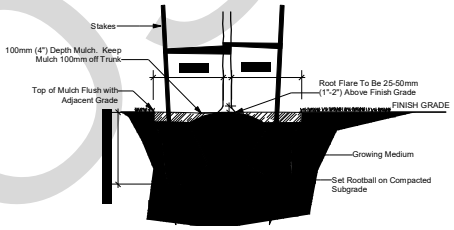
Perennials, Annuals and Ferns

	Botanical Name	Common Name	Size
[redacted]	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	#1 pot
	Helictotrichon sempervirens	Blue Oat Grass	#1 pot
	Polystichum munitum	Sword Fern	#1 pot

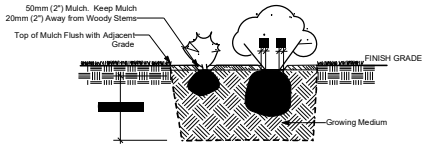
Notes:
1. All work to be completed to current BCSLA Landscape Standards
2. All soft landscape to be irrigated with an automatic irrigation system


KARPICK MAPLE


SERBIAN SPRUCE



3 Tree Planting + Staking - Typical Detail
1:25



4 Shrub Planting - Typical Detail
1:25

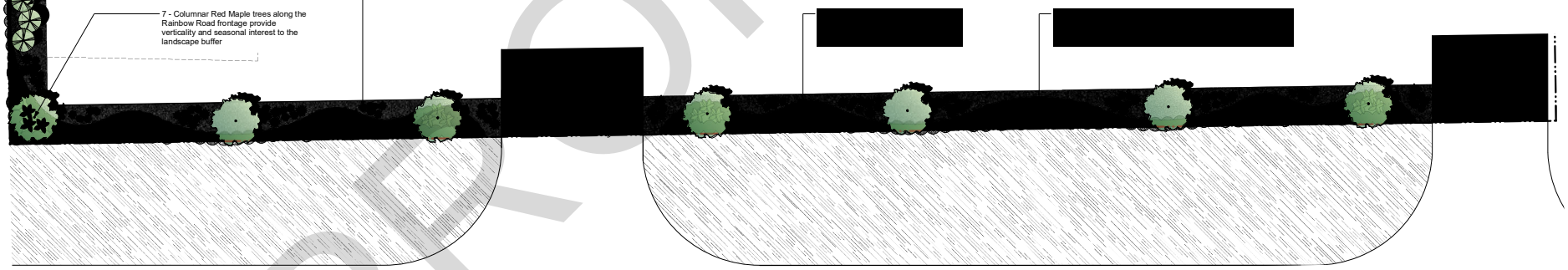
[redacted]

River rock border with clusters of boulders and ornamental grasses separates the new planting beds from the workyard, provides seasonal interest, and enhances on-site stormwater infiltration

7 - Columnar Red Maple trees along the Rainbow Road frontage provide verticality and seasonal interest to the landscape buffer

[redacted]

[redacted]



2 Rainbow Road Frontage - Planting Plan
1:125

0 10M

PROPOSED

166 Rainbow Road | Landscape Concept Plan

DEC 13-22

LADR LANDSCAPE ARCHITECTS

Project No: 2239 Dec 02-22

#3-864 Queens Ave. Victoria B.C. V8T 1M5
Phone: (250) 598-0105

LADR LANDSCAPE ARCHITECTS
#3-864 QUEENS AVE
VICTORIA, BC
V8T 1M5
P. 250.598.0105
ADMIN@LADRLA.CA
WWW.LADRLA.CA

1. PLANTS			
Trees (6 cm caliper)	7 each	$525.00	$3,675.00
Trees (2m ht)	9 each	$255.00	$2,295.00
Shrubs (#7 pot)	21 each	$135.00	$2,835.00
Shrubs and Perennials (#2 pot)	36 each	$36.00	$1,296.00
Shrubs, Groundcovers and Perennials (#1 pot)	309 each	$16.50	$5,098.50
SUB-TOTAL PLANTS			**$15,199.50**
2. SOIL			
Soil	160 m.cu.	$32.00	$5,120.00
Mulch (100mm depth)	15 m.cu.	$40.00	$600.00
1. IRRIGATION ALLOWANCE			$2,600.00
2. STONE AND ROCK			
River Rock (155mm depth)	24 m.cu.	$98.00	$2,352.00
Boulder Allowance			$500.00

Prices include labour and materials. For bonding purposes only; this is not a construction estimate.
Prepared by LADR Landscape Architects **1-Mar-23**

PROPOSED

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT SS-DP-2022.8

Plan No. 3

(ATTACHED)

PROPOSED

5169-026/02
February 9, 2023

166 RAINBOW ROAD
CIVIL ENGINEERING SITE WORKS & SERVICING REPORT

1.0 INTRODUCTION

The intent of this Site Works & Servicing Report is to identify possible issues related to servicing this site and to suggest appropriate approaches for the civil engineering design of this development. The project is located at 166 Rainbow Road on Salt Spring Island and is within the Capital Regional District. The site is currently a Windsor Plywood office & storage yard. The proposed development consists of 1 new commercial building & 1 storage shed.

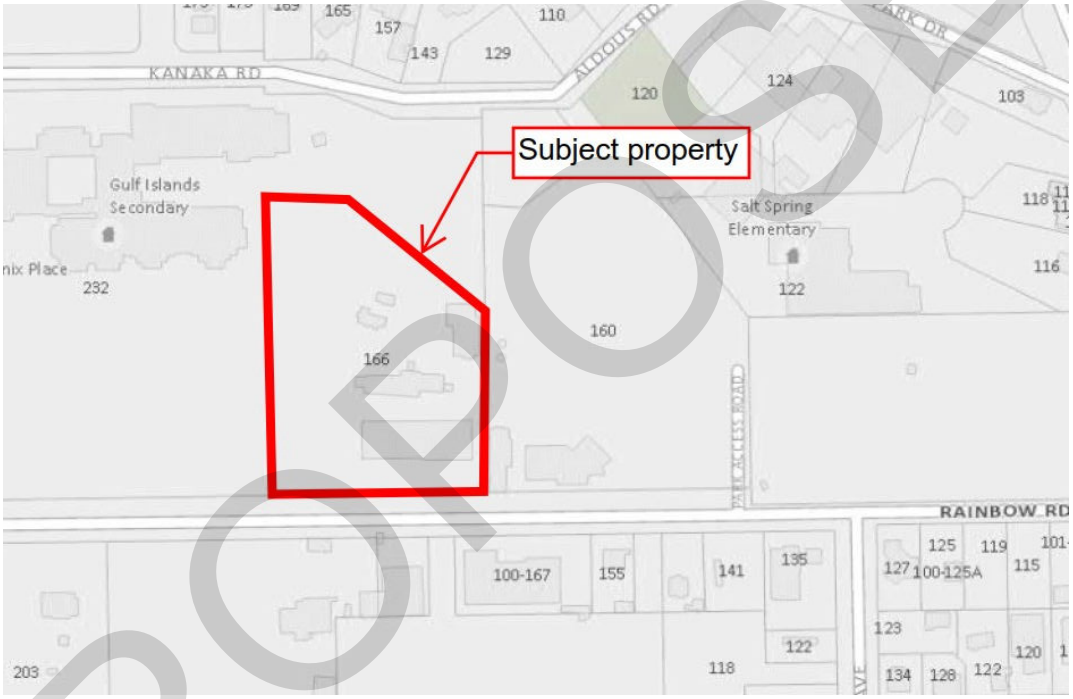


Figure 1: Site – 166 Rainbow Road
Credit: CRD Map

2.0 ROADS AND ACCESS

Access to the site will be from Rainbow Road via 2 existing 7.3m wide asphalt driveways which are proposed to remain in place.

Rainbow Road is located within a 20.0m wide right-of-way. The existing pavement is approximately 12.2m wide, with pocket parking, extruded asphalt curb and asphalt sidewalk on the south side. There are no existing streetlights on Rainbow Road.

PROPOSED

HEROLD ENGINEERING
3701 Shenton Road
Nanaimo, BC V9T 2H1
Ph: 250-751-8558 Fax: 250-751-8559

No offsite frontage works are anticipated at this time.

3.0 WATERMAINS

3.1 Fire Flows

There is an existing hydrant located in the south west corner of the site on the Rainbow Road frontage. The proposed building is within 90m of the hydrant.

Fire protection for the building is to be provided via a dry sprinkler system (not included on civil drawings).

3.2 Water Servicing

There is an existing 19Ø water service located in the south east corner of the site which connects to an 150Ø PVC watermain along Rainbow Road. This service will be utilized for the proposed development in addition to the existing buildings.

The final size and arrangement of the service will be determined through detailed design and coordination with the mechanical consultant.

4.0 SANITARY SEWER

There is an existing 150Ø sanitary service located in the south east corner of the site which connects to a 200Ø sanitary sewer in Rainbow Road. It is proposed to connect the new building and an additional existing building to this existing service via an onsite sanitary sewer system.

Preliminary design suggests that a 150Ø sanitary service is adequate for the entire proposed development. The final servicing option will be determined through detailed design and coordination with mechanical consultant.

5.0 STORM DRAINAGE AND STORMWATER MANAGEMENT

The following stormwater management rationale was created based on Islands Trust - Salt Spring Island - Local Trust Committee - Official Community Plan (Bylaw No. 434, 2008) requirements. Additionally, the “Stormwater Source Control Design Guidelines 2012” (SSCDG) were consulted for stormwater management best practices. See drawing SK-1 for details.

1. The overall site is approximately 1.21 ha in size, and slopes approximately 7m from north to south.

2. There are two existing 300Ø storm services to the site (located in the middle and the south east corner of the site) which connect to the existing storm sewer system along Rainbow Road. During previous work to the onsite storm sewer system, 150Ø & 200Ø storm piping was installed inside the 300Ø services. It is proposed to upgrade the existing onsite storm sewer system and tie into the existing storm sewer piping locations.

3. Per the preliminary Geotechnical Report 21-120 prepared by Coast Geotechnical, the subsurface soil conditions consist mainly of fill material & a layer of organic soils over the

PROPOSED

native silty clay, which is not anticipated to be conducive to the installation of stormwater infiltration measures. Additionally, the report notes the presence of ground water at approx. 1.0m depth.

4. Due to the ground conditions noted in point #3, a below-ground infiltration system is not expected to be feasible for this site. The proposed stormwater management system is as follows:

    a. The new building is proposed to be serviced via a new piped storm sewer connection to one of the new onsite services noted in point #2 (see drawing SK-1 for details).

    b. There are no proposed changes to the drainage system of the existing hard-surfaced building and works-yard areas. These areas will continue to drain overland towards the ditch on the north side of Rainbow Road how they currently do, although overland flows will flow through the proposed landscape planting area before leaving the site, allowing for water quality improvement and attenuation.

    c. Where possible, runoff from hardscaping is proposed to be directed into adjacent landscaping at a maximum 2:1 impervious: pervious ratio per SSCDG.

5. There will also be a piped storm system on the north & northeast side of the site to intercept stormwater runoff from the upstream portion of the site before it reaches the proposed building & lower yard area. Stormwater intercepted by this system during smaller events will connect to the existing storm sewer on Rainbow Road, while water from larger events will be directed overland towards Rainbow Road as the site currently does.

6. Where possible the overland flow from the hard-surface areas will flow through the proposed planted areas. According to SSCDG, *"Infiltration of stormwater through healthy soil is generally agreed to be one of the most effective practices to improve water quality and remove urban pollutants."*

7. Currently, overland flow from a 100-year rainfall event would travel south towards Rainbow Road as it currently does. The proposed development would not significantly alter this path. The development will include side grading to direct overland flow away from the existing and proposed onsite buildings as well as the neighbouring properties.

The final layout and details will be determined through detailed design and coordination with the architect and landscape architect.

6.0 EROSION AND SEDIMENT CONTROL

An Erosion and Sediment Control plan meeting current District and Environment requirements will be prepared and submitted with the application for Building Permit. Where possible, existing plants and trees will be kept on site for as long as possible to serve as natural erosion & sediment control measures.

PROPOSED

7.0 CONCLUSION

The design of the civil works associated with this project will be consistent with Capital Regional District Engineering Specifications And Standard drawings (2009) requirements and aligned with the overall project goals of sustainability functionality and practicality.

Submitted by:

HEROLD ENGINEERING LIMITED

Prepared by:



Ian Bower, CTech

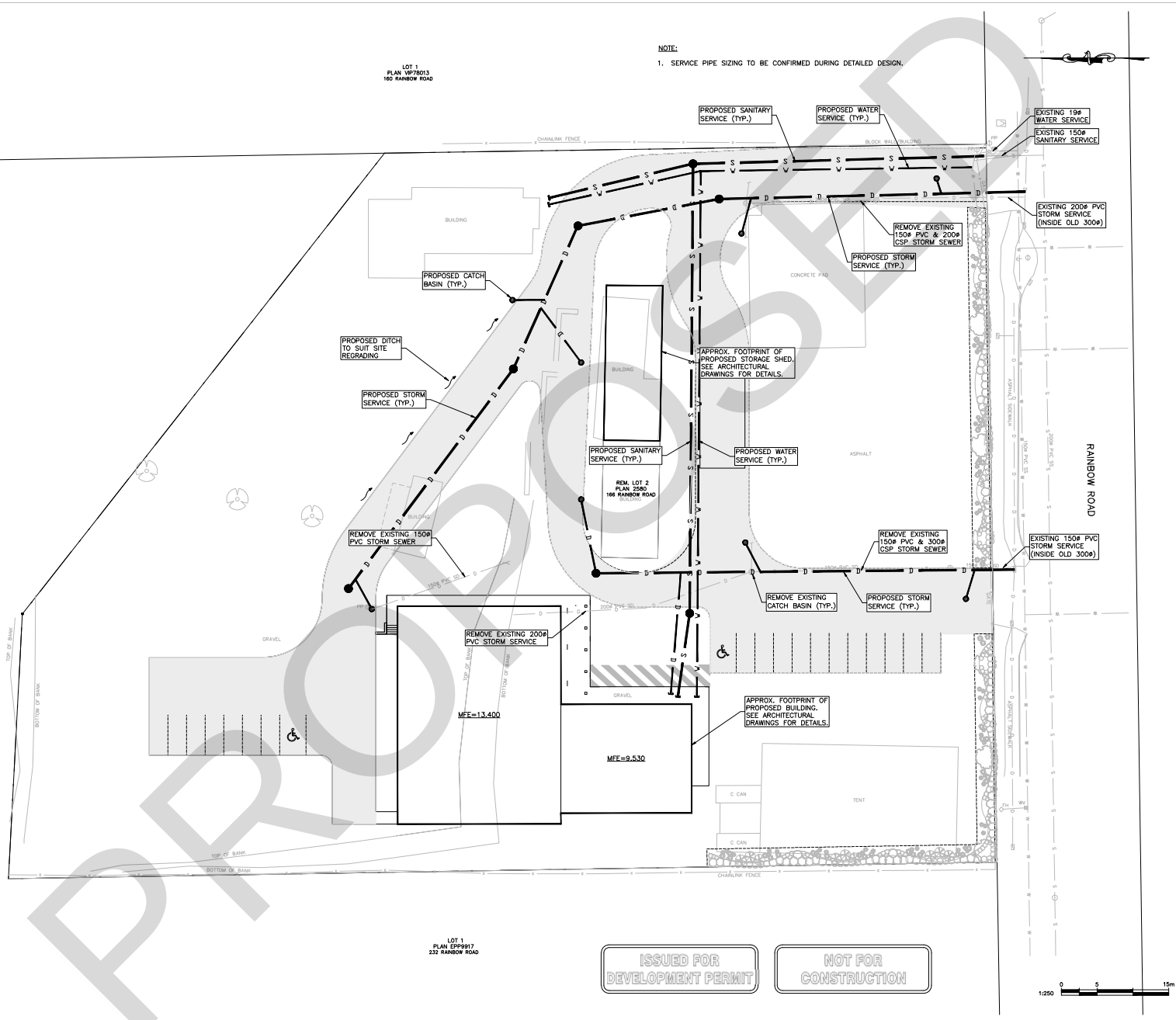
Reviewed by:



Patrick Ryan, P. Eng



PROPOSED



PROPOSED

ISSUES		
No.	DATE (YYYY.MM.DD)	ISSUED FOR
A	2023.02.09	DEVELOPMENT PERMIT

CLIENT

166 RAINBOW ROAD
WINDSOR PLYWOOD

SALT SPRING ISLAND, BC

MOMENTUM DESIGN BUILD

HEROLD ENGINEERING
3701 Shenton Rd, Nanaimo, BC V9T 2H1
Tel: 250-751-8558 Fax: 250-751-8559
Email: mail@heroldengineering.com

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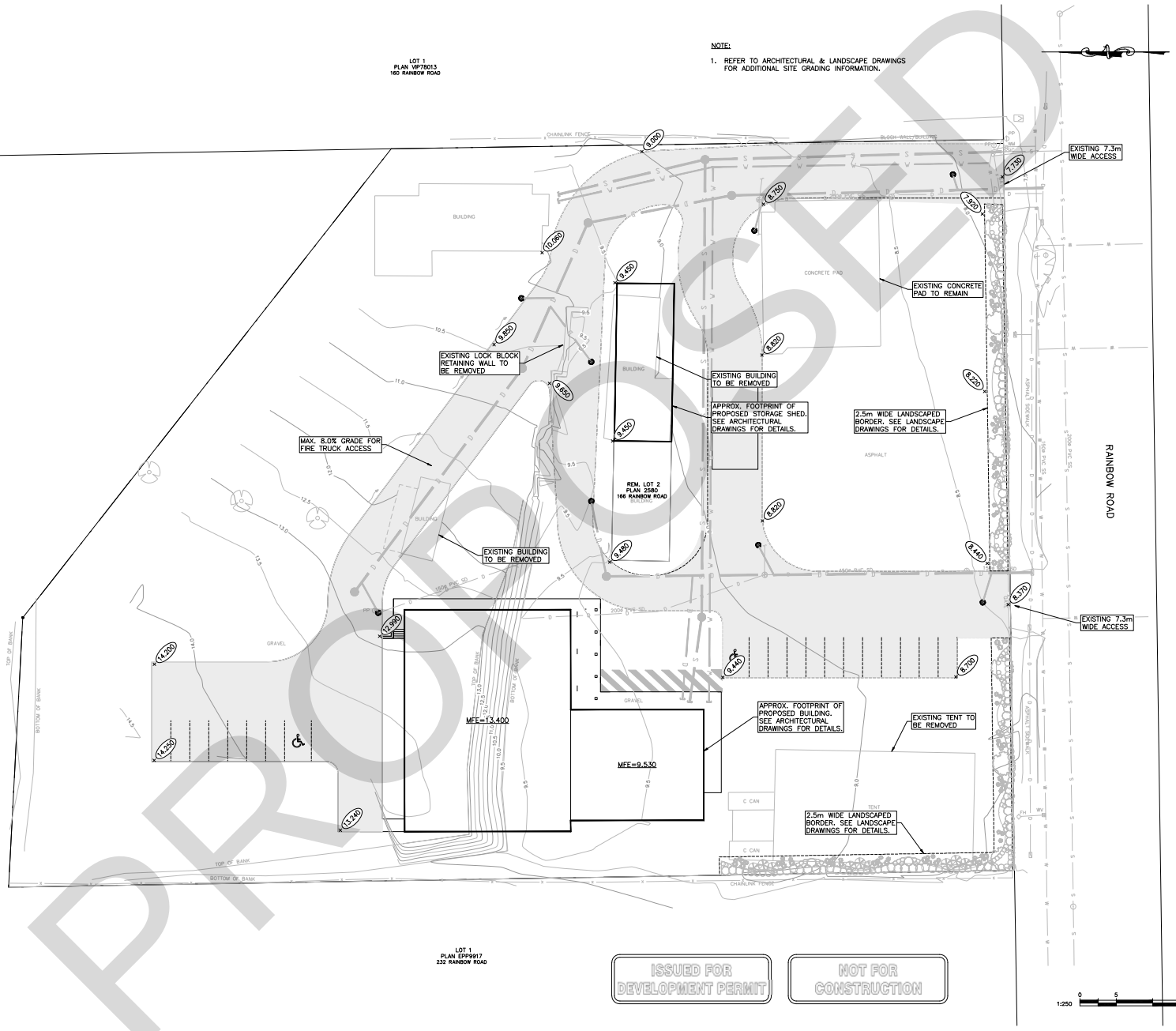
SITE SERVICING

DESIGNED: IEB	ENGINEER'S SEAL
DESIGN REVIEW: PGR	
DRAFTED: IEB	
DRAFTING REVIEW: PGR	
PROJECT No.: 5169-026	CLIENT DRAWING No.:
SCALE: H: 1:250 V: N/A	PERMIT No.:
HEL DRAWING No.: SK1	REVISION: A

1 OF 2

DESTROY ALL DRAWINGS SHOWING PREVIOUS REVISION

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ISSUES		
No.	DATE	ISSUED FOR
A	2023.02.09	DEVELOPMENT PERMIT

CLIENT

166 RAINBOW ROAD
WINDSOR PLYWOOD

SALT SPRING ISLAND, BC

MOMENTUM DESIGN BUILD

HEROLD ENGINEERING
3701 Shenton Rd, Nanaimo, BC V9T 2H1
Tel: 250-751-8558 Fax: 250-751-8559
Email: mail@heroldengineering.com

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SITE GRADING

DESIGNED IEB	ENGINEER'S SEAL
DESIGN REVIEW PGR	
DRAFTED IEB	
DRAFTING REVIEW PGR	
PROJECT No. 5169-026	CLIENT DRAWING No.
SCALE H: 1:250 V: N/A	PERMIT No.
HEI DRAWING No. SK2 2 OF 2	REVISION A

DESTROY ALL DRAWINGS SHOWING PREVIOUS REVISION

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ATTACHMENT 5

WINDSOR PLYWOOD - SALT SPRING ISLAND

PRE-ENGINEERED STEEL BUILDING



1 dp render

TABLE OF CONTENTS

A000 .....COVER
A100 .....SITE PLAN
A104 .....ROOF PLAN
A105 .....ELEVATION 1
A106 .....ELEVATION 2
A107 .....SHED ADDITION

ISSUED FOR DEVELOPMENT PERMIT

NOTES:

WHEELER CRAWFORD + SONS
ARCHITECTURE + DESIGN + PLANNING
E. info@wcsons.com
P. 604.538.9689
3202 - 115
Fulford-Ganges Rd
Salt Spring Island BC,
V8K 2T9

NO.	DATE:	REVISION:
1	2.24.2022	ISSUED FOR CLIENT REVIEW
2	11.4.2022	ISSUED FOR CLIENT REVIEW
3	02.08.2023	ISSUED FOR DEV. PERMIT

PROJECT:
WINDSOR PLY.
RAINBOW RD., SALT SPRING ISLAND

TITLE:
COVER

A000

BUILDING, SITE & ZONING DATA:

EXISTING ZONING:
GE_2

PROPOSED ZONING:
GE_2

CIVIC ADDRESS:
166 RAINBOW ROAD,
SALT SPRING ISLAND, BC

LEGAL ADDRESS:
LOT 2 SECTION 4, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 2580, EXCEPT PART IN PLAN 17482.

SITE AREA:
12,070 SM (129,923 SF OR 2.98 ACRES)

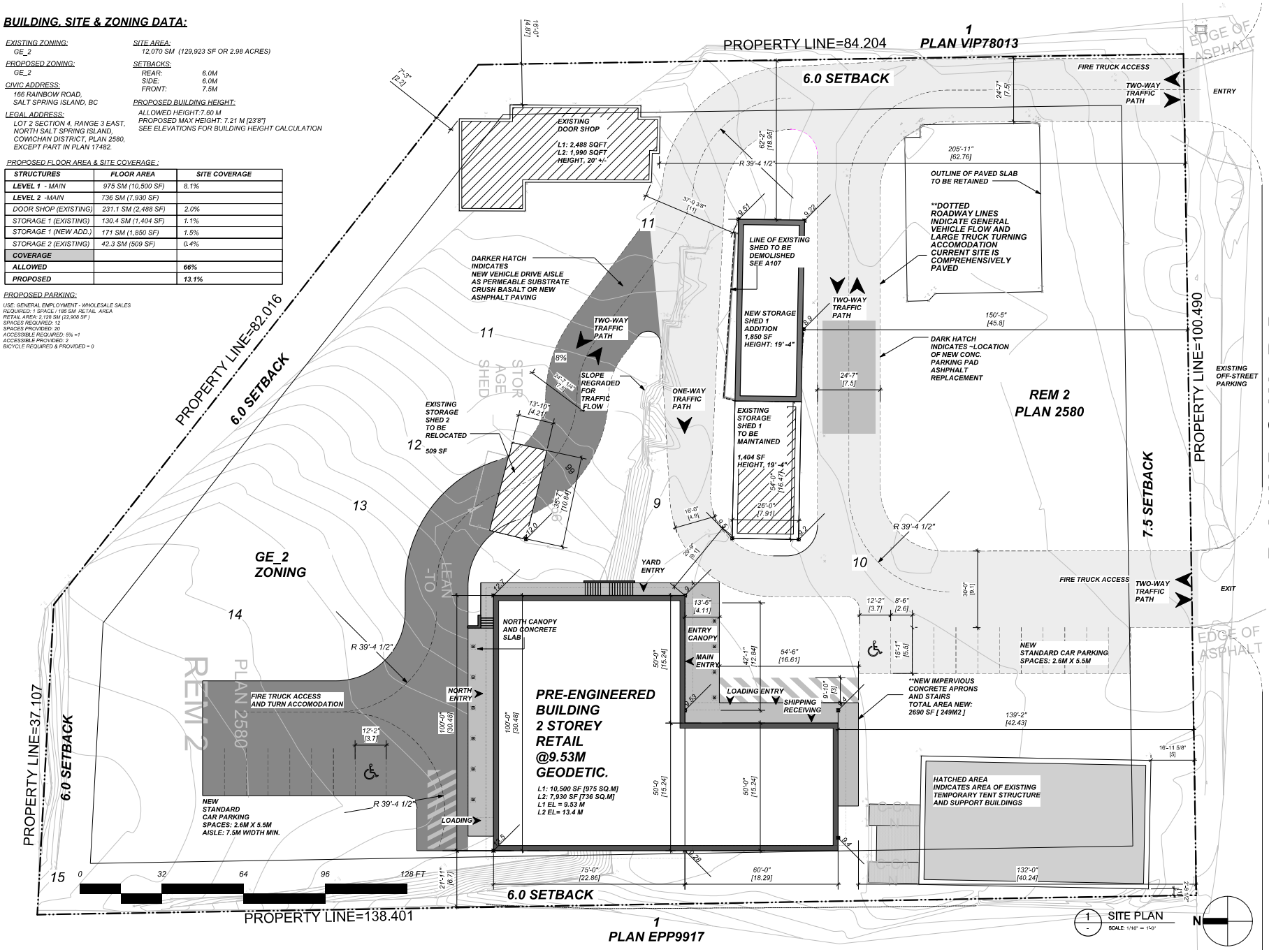
SETBACKS:
REAR: 6.0M
SIDE: 6.0M
FRONT: 7.5M

PROPOSED BUILDING HEIGHT:
ALLOWED HEIGHT:7.60 M
PROPOSED MAX HEIGHT: 7.21 M [23'8"]
SEE ELEVATIONS FOR BUILDING HEIGHT CALCULATION

PROPOSED FLOOR AREA & SITE COVERAGE :

STRUCTURES	FLOOR AREA	SITE COVERAGE
LEVEL 1 - MAIN	975 SM (10,500 SF)	8.1%
LEVEL 2 -MAIN	736 SM (7,930 SF)	
DOOR SHOP (EXISTING)	231.1 SM (2,488 SF)	2.0%
STORAGE 1 (EXISTING)	130.4 SM (1,404 SF)	1.1%
STORAGE 1 (NEW ADD.)	171 SM (1,850 SF)	1.5%
STORAGE 2 (EXISTING)	42.3 SM (509 SF)	0.4%
COVERAGE		
ALLOWED		66%
PROPOSED		13.1%

PROPOSED PARKING:
USE: GENERAL EMPLOYMENT - WHOLESALE SALES
REQUIRED: 1 SPACE / 185 SM RETAIL AREA
RETAIL AREA: 2,128 SM (22,908 SF)
SPACES REQUIRED: 12
SPACES PROVIDED: 20
ACCESSIBLE REQUIRED: 5% =1
ACCESSIBLE PROVIDED: 2
BICYCLE REQUIRED & PROVIDED = 0



RAINBOW RD.

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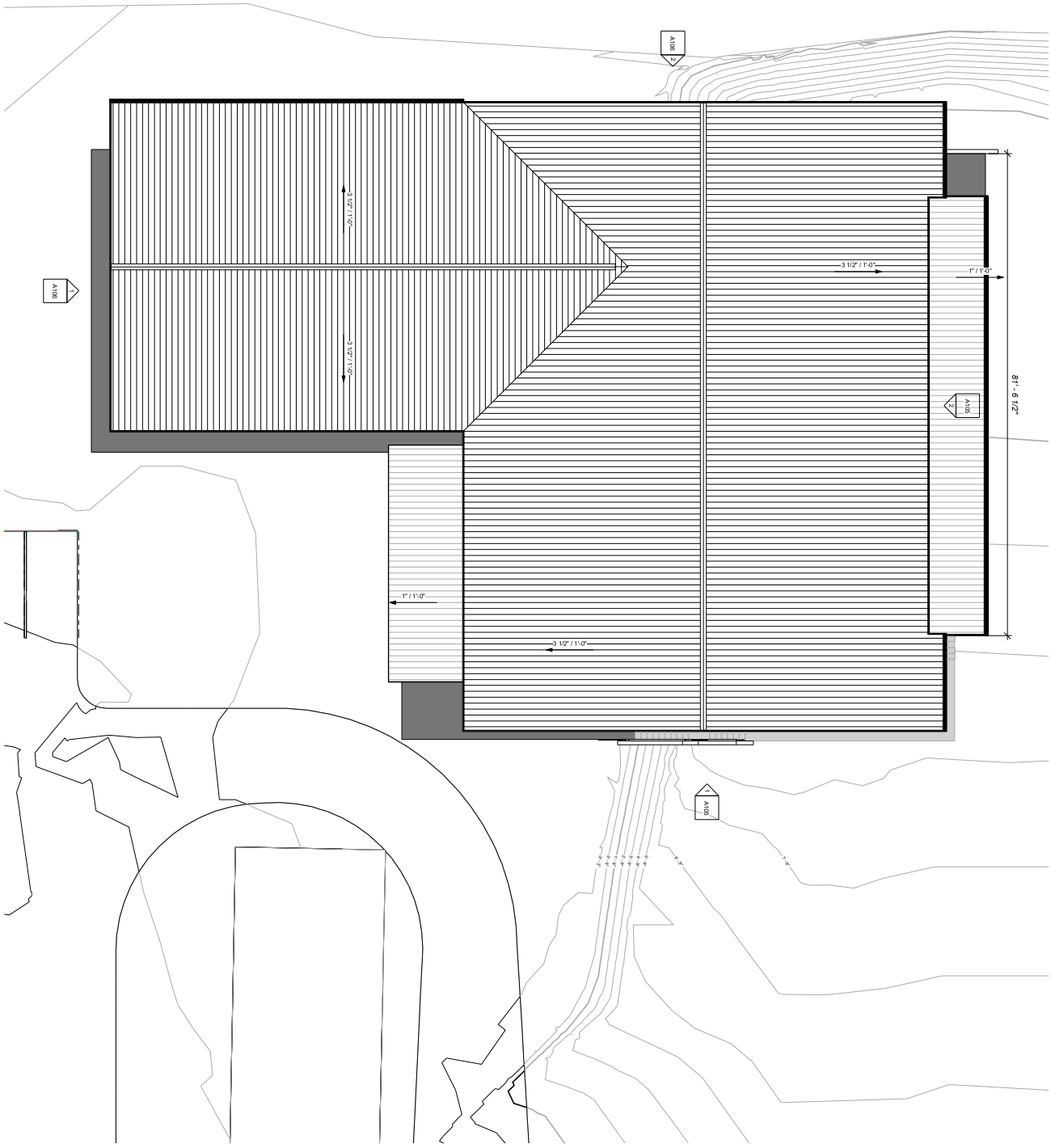
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3202 - 115
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REVISION.	DATE.	NO.
CLIENT REVIEW	12.5.2022	1
ISSUED FOR DEV. PERMIT	02.08.2023	2

PROJECT:
WINDSOR PLYWOOD
166 RAINBOW ROAD, SALT SPRING ISLAND, BC

TITLE:
SITE PLAN & ZONING INFO
Scale: 1/16" = 1'-0"

A100



242

A104	TITLE: ROOF PLAN	PROJECT: **WINDSOR PLY.** RAINBOW RD., SALT SPRING ISLAND

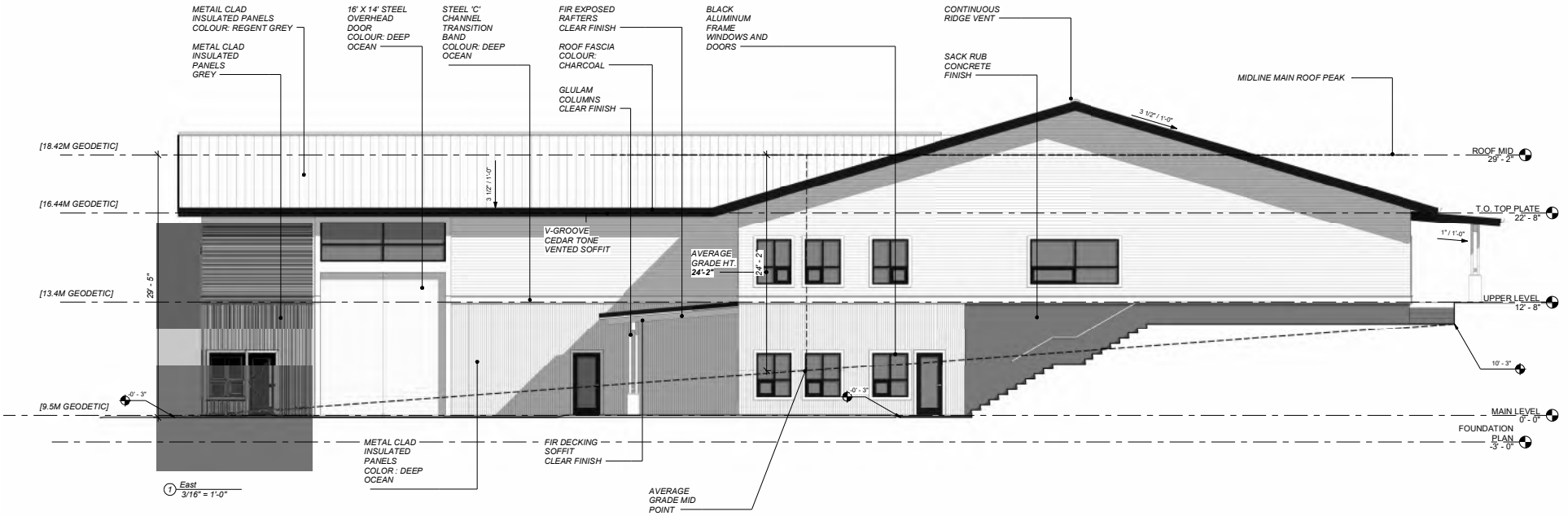
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3202 - 115
Fulford-Ganges Rd
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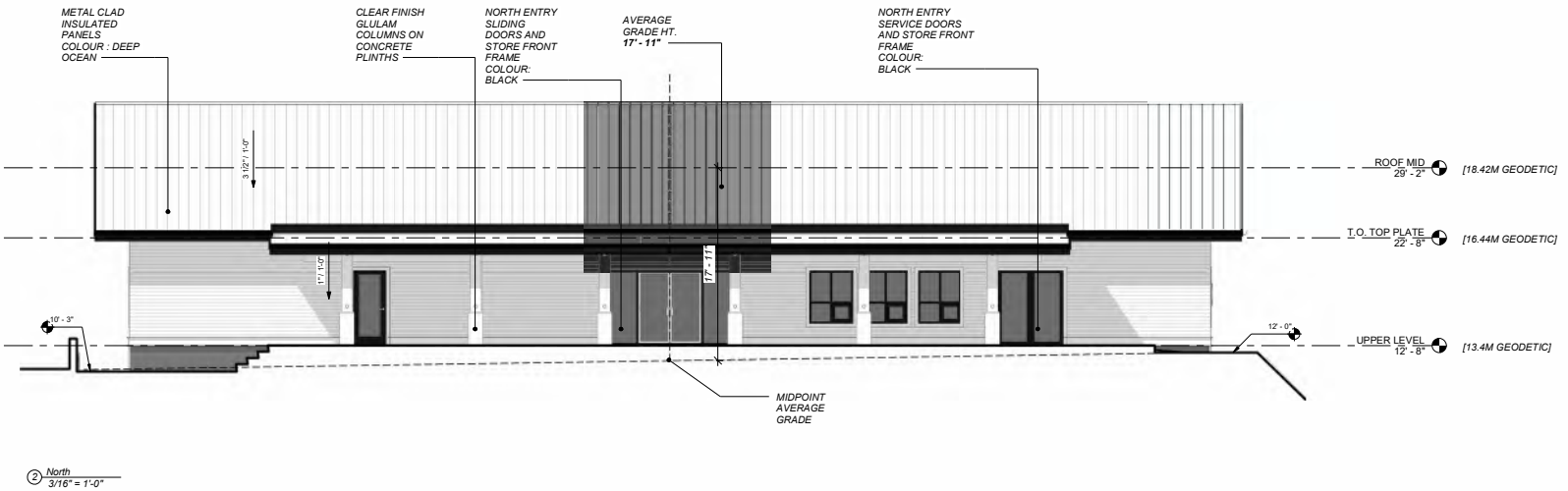
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HEIGHT CALCULATION:

EAST [24'2"] + WEST [23'11"] + SOUTH [29'6"] + NORTH [17'11"]

=23'-8" [7.21m] TO MIDLINE SLOPED ROOF
(SEE ELEVATIONS)



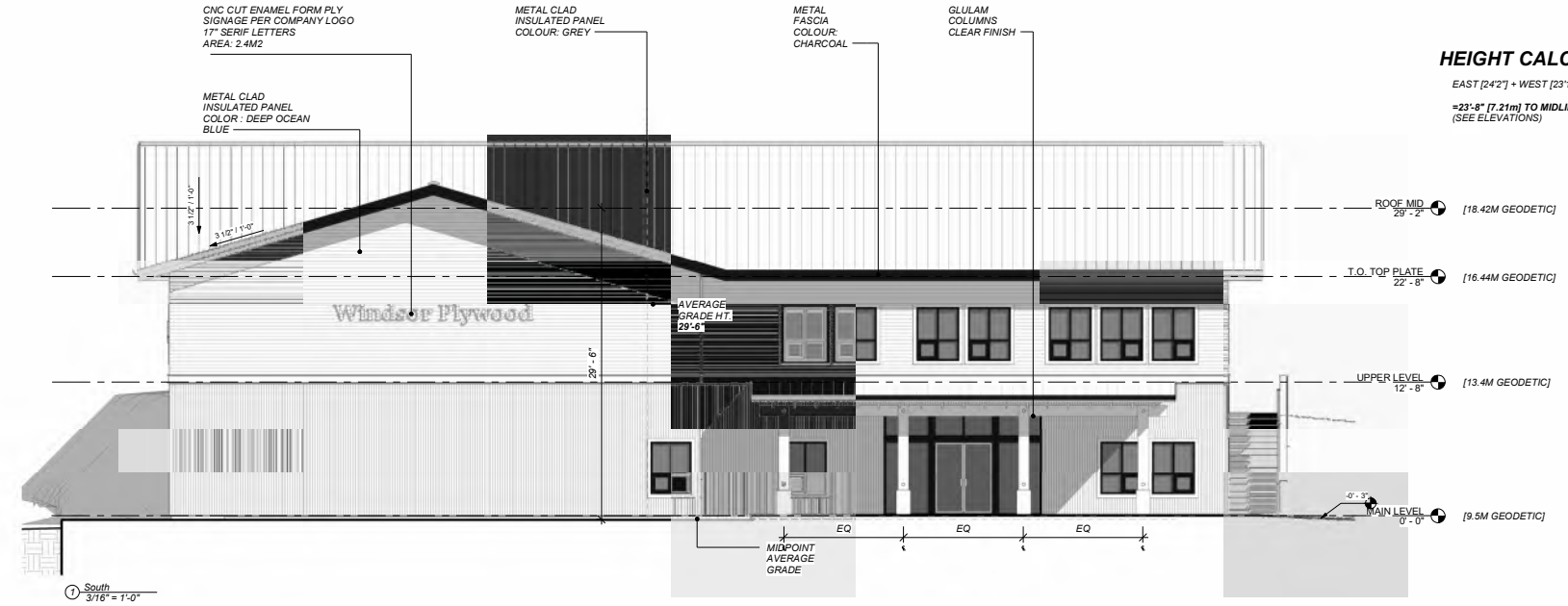
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PROJECT:
WINDSOR PL Y.
RAINBOW RD., SALT SPRING ISLAND

TITLE:
E & N ELEVATIONS

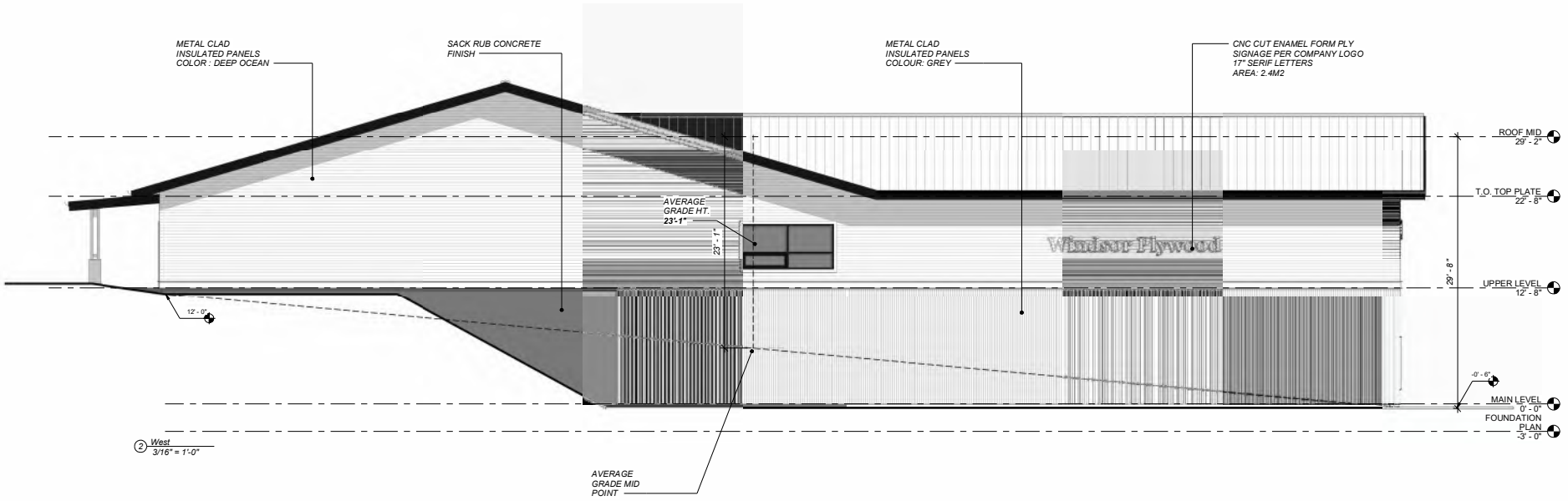
A105



HEIGHT CALCULATION:

EAST [24'2"] + WEST [23'11"] + SOUTH [29'6"] + NORTH [17'11"]

=23'-8" [7.21m] TO MIDLINE SLOPED ROOF
(SEE ELEVATIONS)



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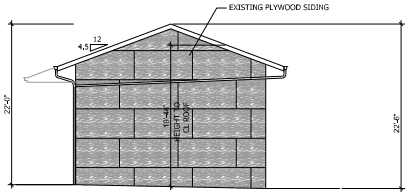
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NO.	DATE:	REVISION:
1	2.24.2022	ISSUED FOR CLIENT REVIEW
2	11.4.2022	ISSUED FOR CLIENT REVIEW
3	02.08.2023	ISSUED FOR DEV. PERMIT

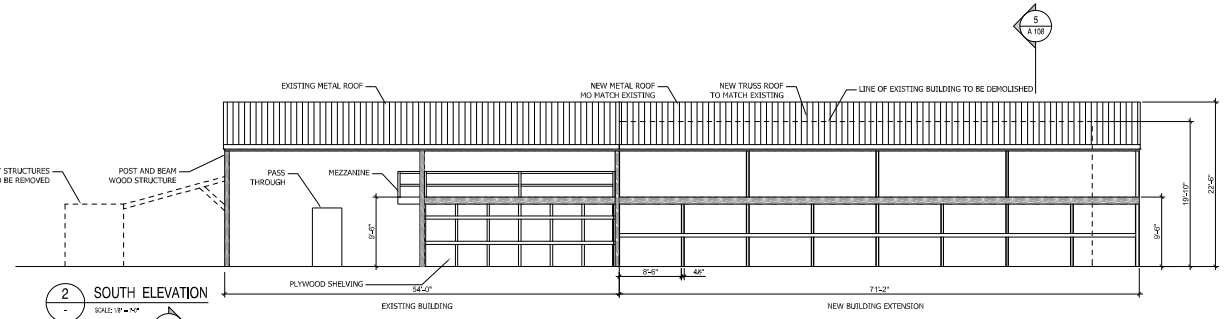
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WINDSOR PLY.
RAINBOW RD., SALT SPRING ISLAND

TITLE:
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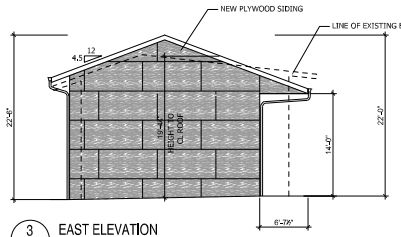
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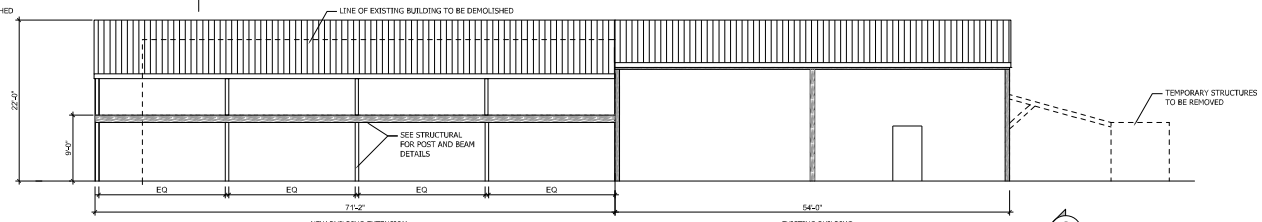
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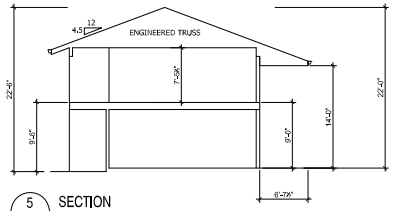
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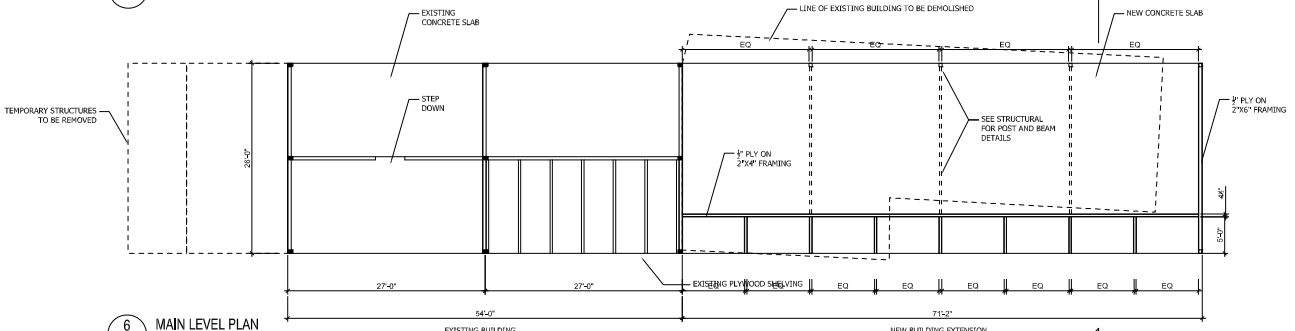
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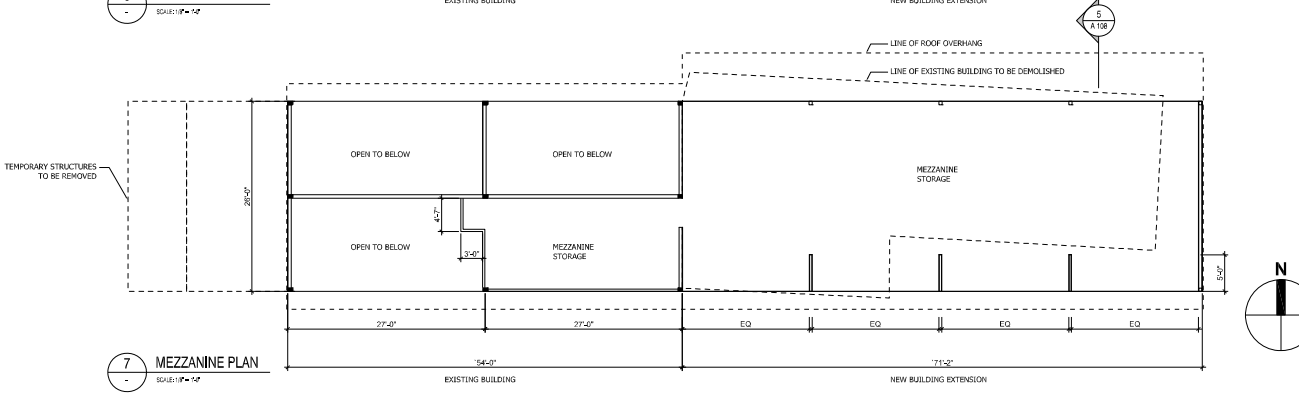
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5 SECTION
SCALE: 1/8" = 1'-0"



6 MAIN LEVEL PLAN
SCALE: 1/8" = 1'-0"



7 MEZZANINE PLAN
SCALE: 1/8" = 1'-0"

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E Info@wcsons.com
P 604 259 5889
3202 - 115
Fulford-Ganges Rd
Salt Spring Island BC,
V8K 2T9

REVISION:	DATE.	NO.
CLIENT REVIEW	11.04.2022	1
ISSUED FOR DP.	02.08.2023	2

PROJECT:
WINDSOR PLYWOOD
184 RAINBOW ROAD, SALT SPRING ISLAND, BC

TITLE:
STORAGE SHED
Scale: 1/8" = 1'-0"

A107

WINDOSOR PLYWOOD
SALT SPRING ISLAND

SITE & EXTERIOR LIGHTING SUPPLEMENTAL
FOR DEVELOPMENT PERMIT
3.22.2023



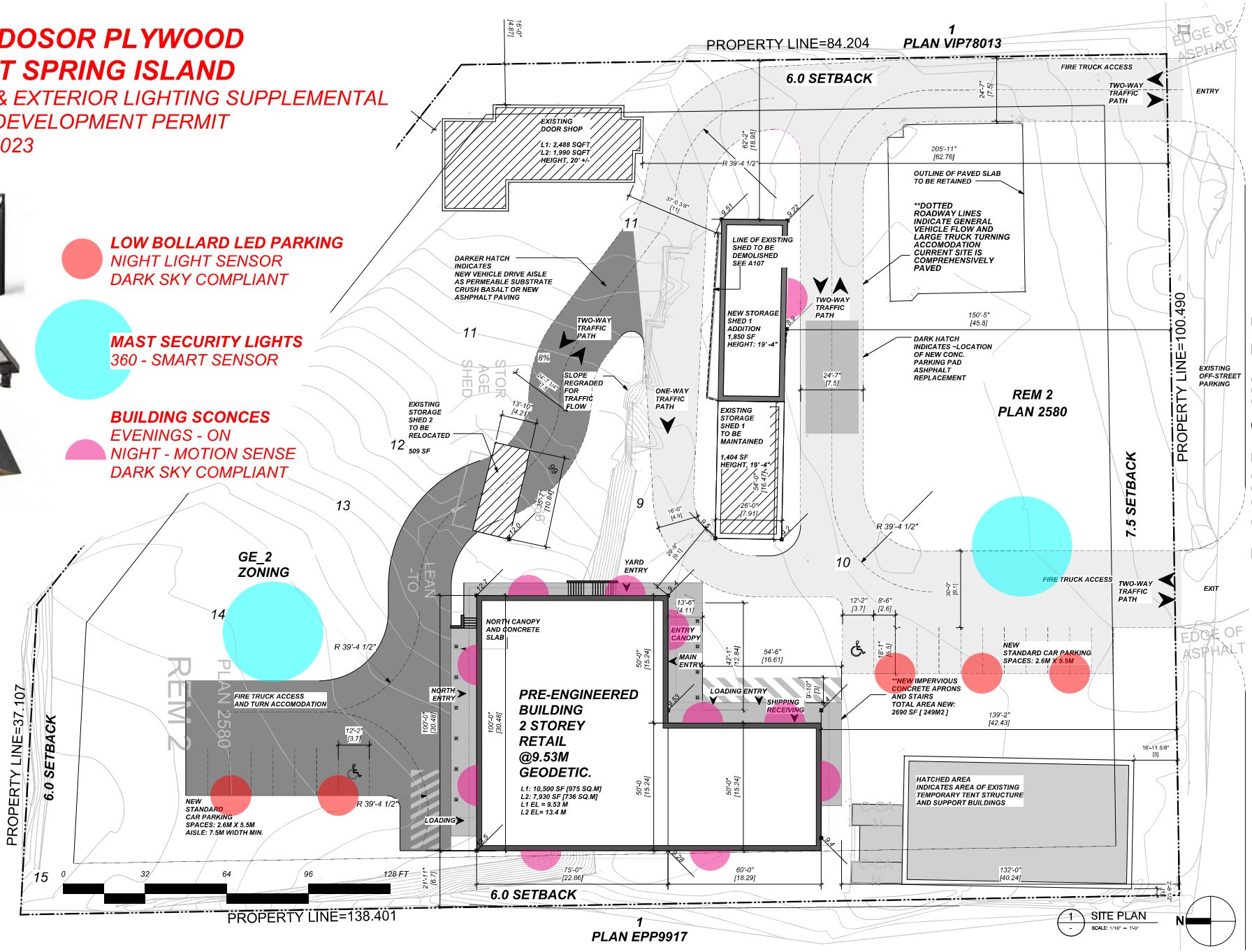
LOW BOLLARD LED PARKING
NIGHT LIGHT SENSOR
DARK SKY COMPLIANT



MAST SECURITY LIGHTS
360 - SMART SENSOR



BUILDING SCONCES
EVENINGS - ON
NIGHT - MOTION SENSE
DARK SKY COMPLIANT



RAINBOW RD.

NOTES:

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Fulford-Ganges Rd
Salt Spring Island BC,
V8K 2T9

REVISION.	DATE.	NO.
CLIENT REVIEW	12.5.2022	1
ISSUED FOR DEV. PERMIT	02.08.2023	2

PROJECT:
WINDSOR PLYWOOD
166 RAINBOW ROAD, SALT SPRING ISLAND, BC

166 RAINBOW ROAD
CIVIL ENGINEERING SITE WORKS & SERVICING REPORT

1.0 INTRODUCTION

The intent of this Site Works & Servicing Report is to identify possible issues related to servicing this site and to suggest appropriate approaches for the civil engineering design of this development. The project is located at 166 Rainbow Road on Salt Spring Island and is within the Capital Regional District. The site is currently a Windsor Plywood office & storage yard. The proposed development consists of 1 new commercial building & 1 storage shed.

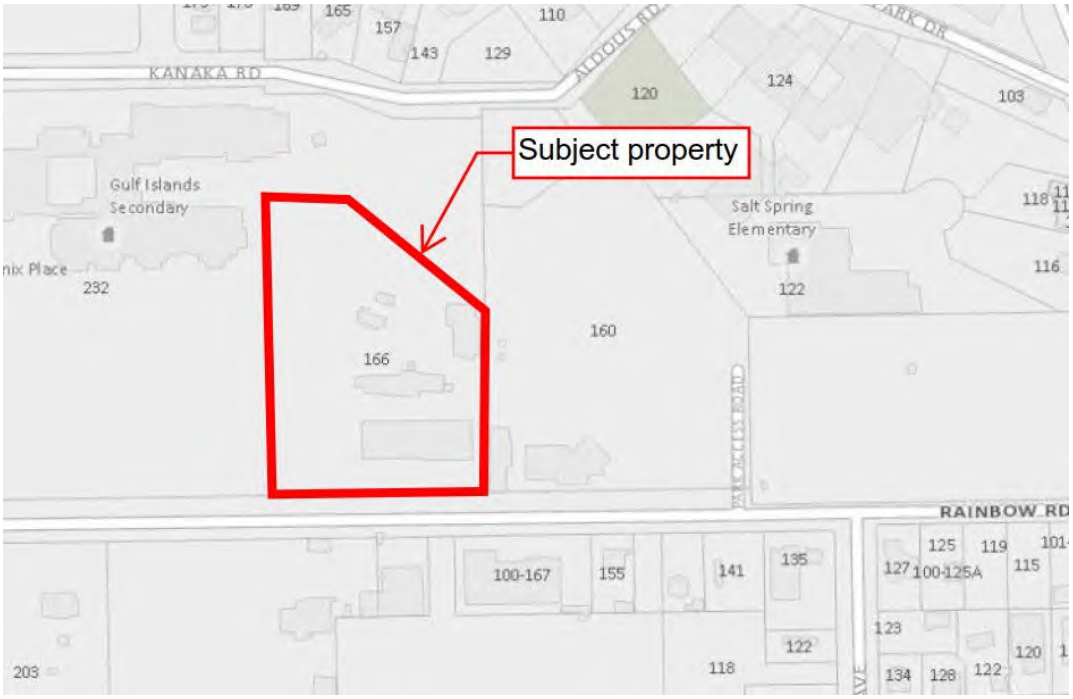


Figure 1: Site – 166 Rainbow Road
Credit: CRD Map

2.0 ROADS AND ACCESS

Access to the site will be from Rainbow Road via 2 existing 7.3m wide asphalt driveways which are proposed to remain in place.

Rainbow Road is located within a 20.0m wide right-of-way. The existing pavement is approximately 12.2m wide, with pocket parking, extruded asphalt curb and asphalt sidewalk on the south side. There are no existing streetlights on Rainbow Road.

No offsite frontage works are anticipated at this time.

3.0 WATERMAINS

3.1 Fire Flows

There is an existing hydrant located in the south west corner of the site on the Rainbow Road frontage. The proposed building is within 90m of the hydrant.

Fire protection for the building is to be provided via a dry sprinkler system (not included on civil drawings).

3.2 Water Servicing

There is an existing 19Ø water service located in the south east corner of the site which connects to an 150Ø PVC watermain along Rainbow Road. This service will be utilized for the proposed development in addition to the existing buildings.

The final size and arrangement of the service will be determined through detailed design and coordination with the mechanical consultant.

4.0 SANITARY SEWER

There is an existing 150Ø sanitary service located in the south east corner of the site which connects to a 200Ø sanitary sewer in Rainbow Road. It is proposed to connect the new building and an additional existing building to this existing service via an onsite sanitary sewer system.

Preliminary design suggests that a 150Ø sanitary service is adequate for the entire proposed development. The final servicing option will be determined through detailed design and coordination with mechanical consultant.

5.0 STORM DRAINAGE AND STORMWATER MANAGEMENT

The following stormwater management rationale was created based on Islands Trust - Salt Spring Island - Local Trust Committee - Official Community Plan (Bylaw No. 434, 2008) requirements. Additionally, the “Stormwater Source Control Design Guidelines 2012” (SSCDG) were consulted for stormwater management best practices. See drawing SK-1 for details.

1. The overall site is approximately 1.21 ha in size, and slopes approximately 7m from north to south.

2. There are two existing 300Ø storm services to the site (located in the middle and the south east corner of the site) which connect to the existing storm sewer system along Rainbow Road. During previous work to the onsite storm sewer system, 150Ø & 200Ø storm piping was installed inside the 300Ø services. It is proposed to upgrade the existing onsite storm sewer system and tie into the existing storm sewer piping locations.

3. Per the preliminary Geotechnical Report 21-120 prepared by Coast Geotechnical, the subsurface soil conditions consist mainly of fill material & a layer of organic soils over the

native silty clay, which is not anticipated to be conducive to the installation of stormwater infiltration measures. Additionally, the report notes the presence of ground water at approx. 1.0m depth.

4. Due to the ground conditions noted in point #3, a below-ground infiltration system is not expected to be feasible for this site. The proposed stormwater management system is as follows:

    a. The new building is proposed to be serviced via a new piped storm sewer connection to one of the new onsite services noted in point #2 (see drawing SK-1 for details).

    b. There are no proposed changes to the drainage system of the existing hard-surfaced building and works-yard areas. These areas will continue to drain overland towards the ditch on the north side of Rainbow Road how they currently do, although overland flows will flow through the proposed landscape planting area before leaving the site, allowing for water quality improvement and attenuation.

    c. Where possible, runoff from hardscaping is proposed to be directed into adjacent landscaping at a maximum 2:1 impervious: pervious ratio per SSCDG.

5. There will also be a piped storm system on the north & northeast side of the site to intercept stormwater runoff from the upstream portion of the site before it reaches the proposed building & lower yard area. Stormwater intercepted by this system during smaller events will connect to the existing storm sewer on Rainbow Road, while water from larger events will be directed overland towards Rainbow Road as the site currently does.

6. Where possible the overland flow from the hard-surface areas will flow through the proposed planted areas. According to SSCDG, *"Infiltration of stormwater through healthy soil is generally agreed to be one of the most effective practices to improve water quality and remove urban pollutants."*

7. Currently, overland flow from a 100-year rainfall event would travel south towards Rainbow Road as it currently does. The proposed development would not significantly alter this path. The development will include side grading to direct overland flow away from the existing and proposed onsite buildings as well as the neighbouring properties.

The final layout and details will be determined through detailed design and coordination with the architect and landscape architect.

6.0 EROSION AND SEDIMENT CONTROL

An Erosion and Sediment Control plan meeting current District and Environment requirements will be prepared and submitted with the application for Building Permit. Where possible, existing plants and trees will be kept on site for as long as possible to serve as natural erosion & sediment control measures.

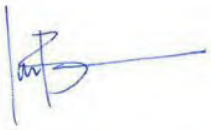
7.0 CONCLUSION

The design of the civil works associated with this project will be consistent with Capital Regional District Engineering Specifications And Standard drawings (2009) requirements and aligned with the overall project goals of sustainability functionality and practicality.

Submitted by:

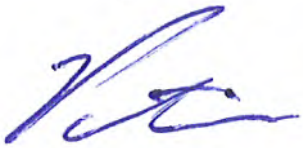
HEROLD ENGINEERING LIMITED

Prepared by:



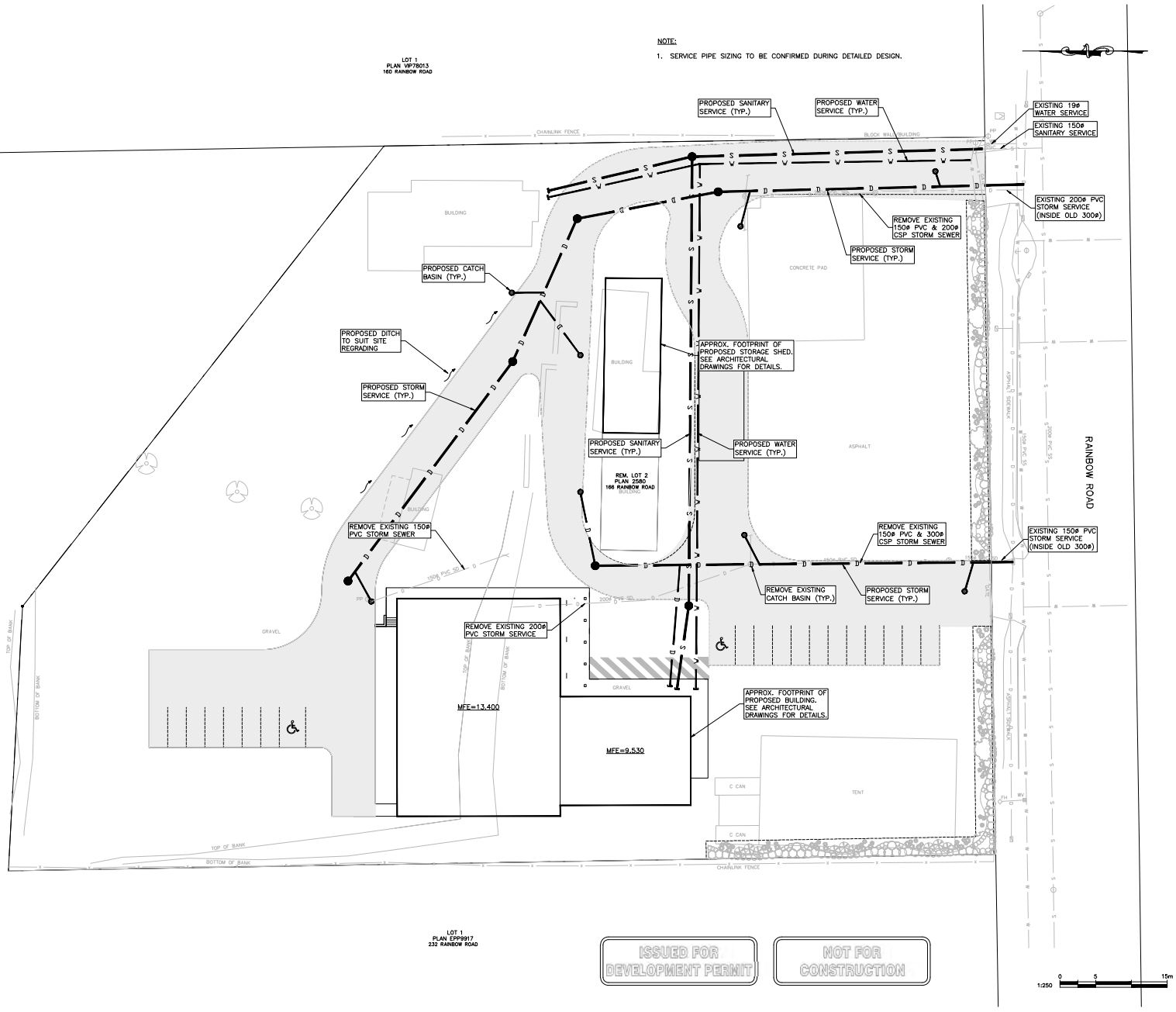
Ian Bower, CTech

Reviewed by:





Patrick Ryan, P. Eng



ISSUES		
No.	DATE mmm	ISSUED FOR
A	2023.02.09	DEVELOPMENT PERMIT

CLIENT

166 RAINBOW ROAD
WINDSOR PLYWOOD

SALT SPRING ISLAND, BC

MOMENTUM DESIGN BUILD

HEROLD ENGINEERING
3701 Shenton Rd, Nanaimo, BC V9T 2H1
Tel: 250-751-8558 Fax: 250-751-8559
Email: mail@heroldengineering.com

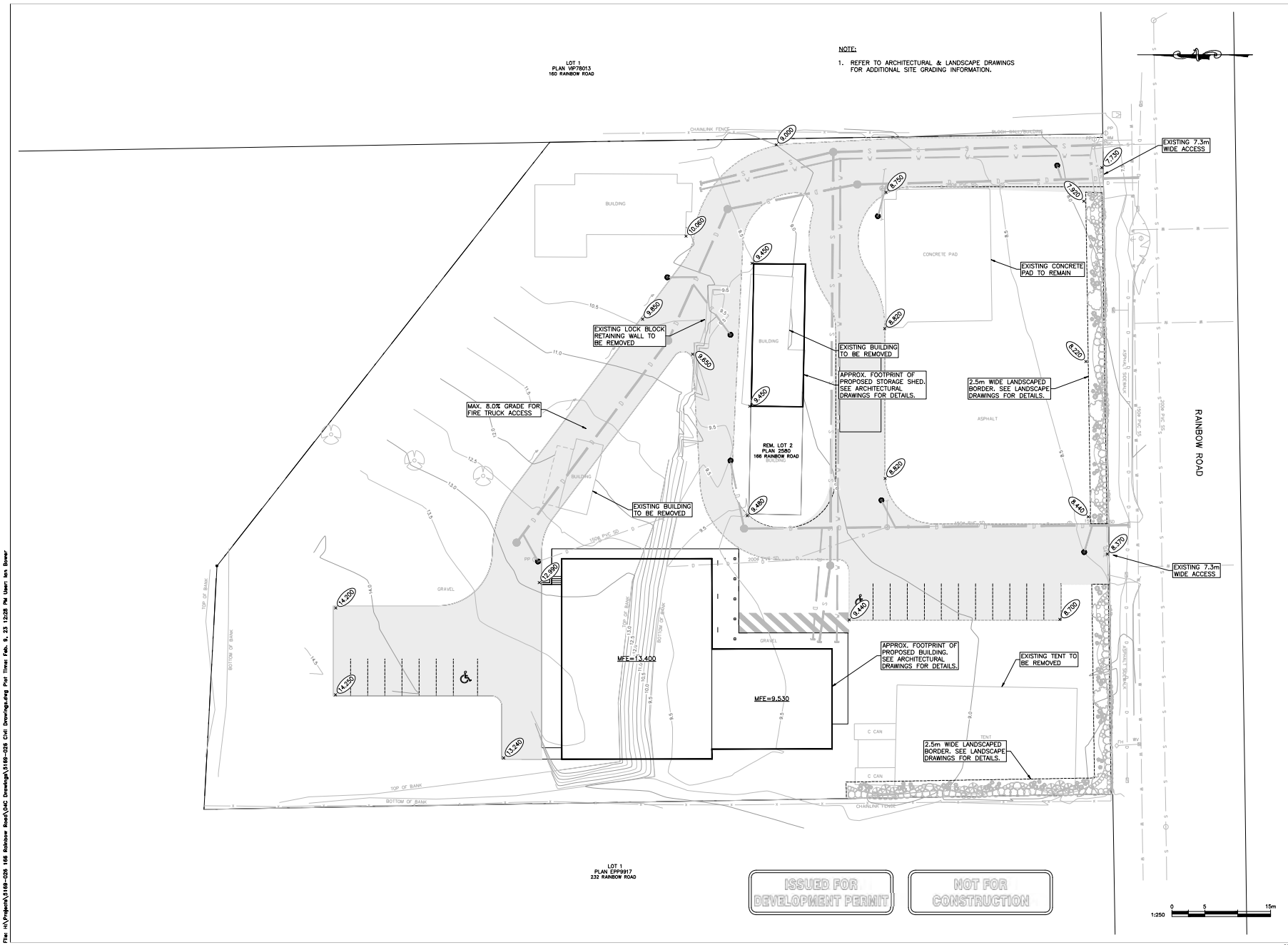
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SITE SERVICING

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DRAFTED IEB	
DRAFTING REVIEW PGR	
PROJECT No. 5169-026	CLIENT DRAWING No.
SCALE H: 1:250 V: N/A	PERMIT No.
HEL DRAWING No. SK1 1 OF 2	REVISION A

DESTROY ALL DRAWINGS SHOWING PREVIOUS REVISION

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ISSUES		
No.	DATE	ISSUED FOR
A	2023.02.09	DEVELOPMENT PERMIT

CLIENT

166 RAINBOW ROAD
WINDSOR PLYWOOD

SALT SPRING ISLAND, BC

MOMENTUM DESIGN BUILD

HEROLD ENGINEERING
3701 Shenton Rd, Nanaimo, BC V9T 2H1
Tel: 250-751-8558 Fax: 250-751-8559
Email: mail@heroldengineering.com

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SITE GRADING

DESIGNED: IEB	ENGINEER'S SEAL
DESIGN REVIEW: PGR	
DRAFTED: IEB	
DRAFTING REVIEW: PGR	
PROJECT No.: 5169-026	CLIENT DRAWING No.:
SCALE: H: 1:250 V: N/A	PERMIT No.:
HEL DRAWING No.: SK2 2 OF 2	REVISION: A

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STAFF REPORT

File No.: SS-DVP-2022.17

DATE OF MEETING:	June 22, 2023
TO:	Salt Spring Island Local Trust Committee
FROM:	Anthony Fotino, Island Planner Salt Spring Island Team
COPY:	Chris Hutton, Regional Planning Manager Salt Spring Island Team
SUBJECT:	Development Variance Permit to reduce septic field setbacks. Applicant: Jesse Wiebe Location: Lot A North End Road – PID: 001-118-391 LOT A, SECTION 14, RANGE 1 SOUTH, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 31856

RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee approves issuance of SS-DVP-2022.17.**

REPORT SUMMARY

This report brings forward a development variance permit (DVP) request to reduce the septic field setback requirements from a Riparian Area from 30m to 16m. Based on the justification provided and a site visit with the applicant, staff recommend that the permit be issued.

BACKGROUND

The subject property current has no development or utility servicing. The applicant is proposing to use this land to construct a single family dwelling and accessory buildings. Prior to proceeding with a single family dwelling, a potable water well and septic system will be installed and hydro will be connected to the adjacent BC Hydro power line. Application SS-DVP-2022.17 is in regards to the proposed septic system. Due to the site's geographical constraints, it cannot conform to the setback requirements of Salt Spring Island Land Use Bylaw (LUB) No. 355. Therefore, the applicant is seeking relief from the LUB's setback requirements.



Figure 1: Location of subject property



Figure 2: Air photo of subject property

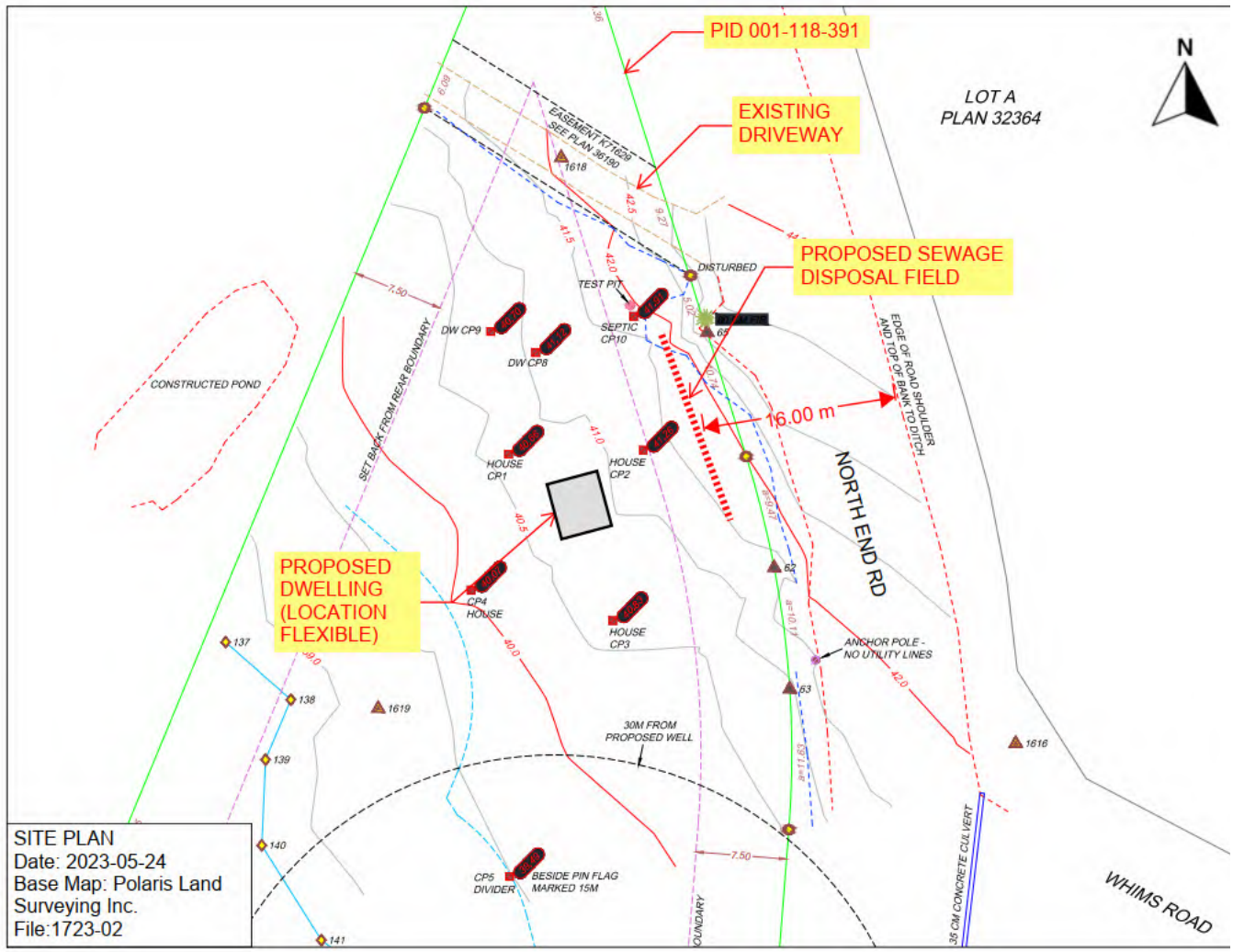


Figure 3: Proposed Septic Field

ANALYSIS

Policy/Regulatory

Official Community Plan:

The subject property is designated as Rural Neighbourhoods (RL) in the Salt Spring Island Official Community Plan Bylaw No. 434. The OCP does not contain policies or objectives to guide decision making on setback reduction in this instance.

Land Use Bylaw:

The subject property is zoned Rural (R) under Salt Spring Island Land Use Bylaw No. 355. For the purpose of this application, it is subject to zoning requirements in section 4.5.1(4) of Salt Spring LUB No. 355. This section stipulates that:

> *4.5.1 No sewage disposal field or septage pit may be located within:*
>
> *(4) 30 m of the natural boundary of any other water body*

Issues and Opportunities

Setbacks

Septic disposal field or septic system setbacks are intended to provide buffer areas from the natural boundaries of Salt Spring Island. In this case, when considering the geographic context (constraints of the site and the nature of the slope on site) of the site, the justification provided by the applicant's retained professionals and the site visit, the reduction of the 30 m setback will be of limited impact

Consultation

Section 499(3) the Local Government Act requires that notice must be mailed or otherwise delivered to owners and any tenants in occupation of all parcels within a distance specified by bylaw at least 10 days before adoption of the resolution to issue the permit. Salt Spring Island Development Procedures Bylaw No. 304 establishes that all owners and tenants of all properties within 100 metres of the property boundaries of the land that is subject to the application shall be notified. These requirements were fulfilled, as statutory notice was mailed to all owners of properties within 100 metres of the subject property's boundaries on June 24, 2022 and notice was delivered or mailed to all tenants of properties within 100 metres of the subject property's boundaries on June 24, 2022.

No correspondence has been received at the time of preparing this report, but may be received before or during the SS LTC meeting. Correspondence may be sent to ssiinfo@islandstrust.bc.ca.

Protocols

No relevant protocols identified.

Agencies

No agency referrals required.

First Nations

First Nations referral/consultation is not undertaken for DVP's, except at the SS LTC's direction. No First Nation consultation has been undertaken.

Rationale for Recommendation

The applicant's property is geographically constrained. A great amount of thought has been put into the siting of the proposed septic field. The applicant retained a Professional Engineer and Registered Professional Biologist to undertake a Riparian Assessment (Attachment 5) of the site. The subject lot was assessed, Streamside Protection and Enhancement Areas (SPEAs) determined, and staked by Dave Gooding P.Eng and Kathy Reimer RP. Bio. to guide development. The report concludes that "it would be extremely unlikely that any effluent contamination of the ephemeral flow in this upslope ditch could occur from a septic field which is over 15 m down slope and cross a compacted road bed. There would be no health hazard created in granting a variance for the septic field to be within 30 m of this upslope ephemeral ditch". Therefore, given the accompanying materials, the proposed variance is minor and of limited impact.

Once septic system siting is confirmed, the septic system application & design will adhere to Vancouver Island Health Authority (VIHA) regulations and be submitted to VIHA for permitting and approval. Additionally, as per figure 3 in the document submitted by Gooding Hydrology (Attachment 5), silt fences (set four inches into the ground at their bottom edge) will need to be installed prior to soil disturbance at the sites.

For the reasons above, given the justification and materials provided by the applicant, it is staff's opinion that the proposed DVP will have no adverse effects on the natural environment and should be approved.

ALTERNATIVES

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

1. **Request further information**

   The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are increased processing time and potentially increased cost to the applicant. Recommended wording for the resolution is as follows:

   That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust [specify information requested].

2. **Deny the application**

   The LTC may deny the application. Staff advise that the implications of this alternative are that the application will be closed. The applicant may seek other options to pursue a variance, such as the BOV. If this alternative is selected, the SS LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

   That the Salt Spring Island Local Trust Committee deny issuance of SS-DVP-2022.17.

NEXT STEPS

If the SS LTC accepts the recommended resolution, the permit will be issued.

Submitted By:	Anthony Fotino, Island Planner	June 15, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	June 15, 2023

ATTACHMENTS

1. Site Context
2. Applicant Rationale
3. Site Survey
4. Site Plan
5. Riparian Assessment
6. Draft Development Variance Permit
7. Notice

Attachment 1

SITE CONTEXT

LOCATION

Legal Description	LOT A, SECTION 14, RANGE 1 SOUTH, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 31856
PID	001-118-391
Civic Address	Lot A North End Road, SSI

LAND USE

Current Land Use	Forested – Tree Canopy
Surrounding Land Use	Forested, Single Family Dwellings

HISTORICAL ACTIVITY

File No.	**Purpose**
SS-RZ-1993.15	No Information Listed

POLICY/REGULATORY

Official Community Plan Designations	RL – Rural Neighbourhoods
Land Use Bylaw	R – Rural
Other Regulations	N/A
Covenants	Restrictive Covenant EG72279
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	No identified ITC Reserves/Covenants.
Regional Conservation Plan	No identified conflict with the Regional Conservation Plan.
Species at Risk	No identified Species at Risk.
Sensitive Ecosystems	No identified Sensitive Ecosystems.
Hazard Areas	No identified Steep Slope Hazards
Archaeological Sites	No Archaeological Sites within 100m, Archaeological Potential located on subject property.
Climate Change Adaptation and Mitigation	Not Applicable
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

MacFadden Creek Land Use Planning
Jesse Wiebe

Gooding Hydrology
dgooding@saltspring.com

June 2, 2023

Re: DVP 2022.17

This document package is submitted in support of a Development Variance Permit Application ("the Application") on behalf of Jesse Wiebe ("the Applicant") regarding their property at Lot A North End Road ("the subject property").

1. Application

Regarding the Salt Spring Island Land Use Bylaw No. 355 ("LUB"), the Applicant seeks to vary:

A. The setback distance between a sewage disposal field and the natural boundary of a water body as described in LUB 4.5.1(4), reducing the setback distance from the LUB defined 30m, to the proposed 16m.

This Application is supported with the following attachments.

i) Land Survey, Polaris Land Surveying, 2023-04-25. (SURVEY)
ii) Site Plan, by Applicant, 2023-05-10. (PLAN)
iii) Riparian Assessment, Gooding Hydrology, 2023-05-10 (RIPARIAN ASSESSMENT)

2. Background

The Applicant purchased the subject property in 2021. During their planning of a single-family dwelling construction project (as noted on SURVEY and PLAN), it was brought to their attention that:

1) The only suitable area for sewerage effluent dispersal, encroaches upon a 30m setback denoted by LUB 4.5.1(4).

3. Consideration

The subject property is highly constrained for placement of a single family dwelling, sewerage disposal field, and dinking water well. These challenges are largely due to the lot's size & shape, combined with general setback regulations that make it impossible to site a sewerage disposal field without requiring LUB variance.

In the attached RIPARIAN ASSESSMENT, Gooding Hydrology and associate Kathy Reimer RPBio were retained to assess and make recommendations

regarding given riparian constraints of the subject property and the proposed dispersal area. The subject lot was assessed, Streamside Protection and Enhancement Areas (SPEAs) determined, and staked by Dave Gooding PEng and Kathy Reimer to guide development.

The only locations for the septic field are less than the 30 m setback from a water body which bylaws require, and as such the upslope ditch will need a variance. The proposed location for the septic field is over 30 m from the proposed well, and is over 30 m from the stream, wetland, and neighbor's excavated pond.

The RIPARIAN ASSESSMENT concludes that while this site is within 30 m of the upslope ditch across North End Rd, it would be extremely unlikely that any effluent contamination of the ephemeral flow in this upslope ditch could occur from a septic field which is over 15 m down slope and across a compacted road bed. There would be no health hazard created in granting a variance for the septic field to be within 30 m of this upslope ephemeral ditch.

Once septic system siting is confirmed, the septic system application & design will adhere to Vancouver Island Health Authority (VIHA) regulations and be submitted to VIHA for permitting & approval.

4. Discussion

By this submission, and in response to Islands Trust application preliminary review, the Applicant has attempted to provide all relevant information to the Committee so that they can make their determinations.

In addition, the Applicant has held a site visit with the Islands Trust Senior Planner on October 20th, 2022, to discuss and help establish the information contained herein as an acceptable LUB variance approach, given the nature of the subject property.

Please contact the undersigned or the Applicants directly if you have any questions or concerns. In addition, we are available to participate in any meetings in support of this Application.

Respectfully,

Applicant:

Owner

Name: Jesse Wiebe

Gooding Hydrology
dgooding@saltspring.com

Signature: Jesse Wiebe

Date: 2023-05-25

Prepared by: Dave Gooding, P.Eng

D. Gooding

PROFESSIONAL ENGINEER
PROVINCE OF BRITISH COLUMBIA
D. D. GOODING

TOPOGRAPHIC SITE PLAN OF PART OF LOT A, SECTION 14, RANGE 1 SOUTH, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 31856

PID 001-118-391

Attachment 3

0 3 6 9 12 15 18

The intended plot size of this plan is 559mm in width by 864mm in height (D-Size) when plotted at a scale of 1:300.

All distances and elevations are in metres and decimals thereof, unless otherwise noted.

Elevations are referred approximately to the CGVD28 Datum

Contours are at a 0.5 metre interval

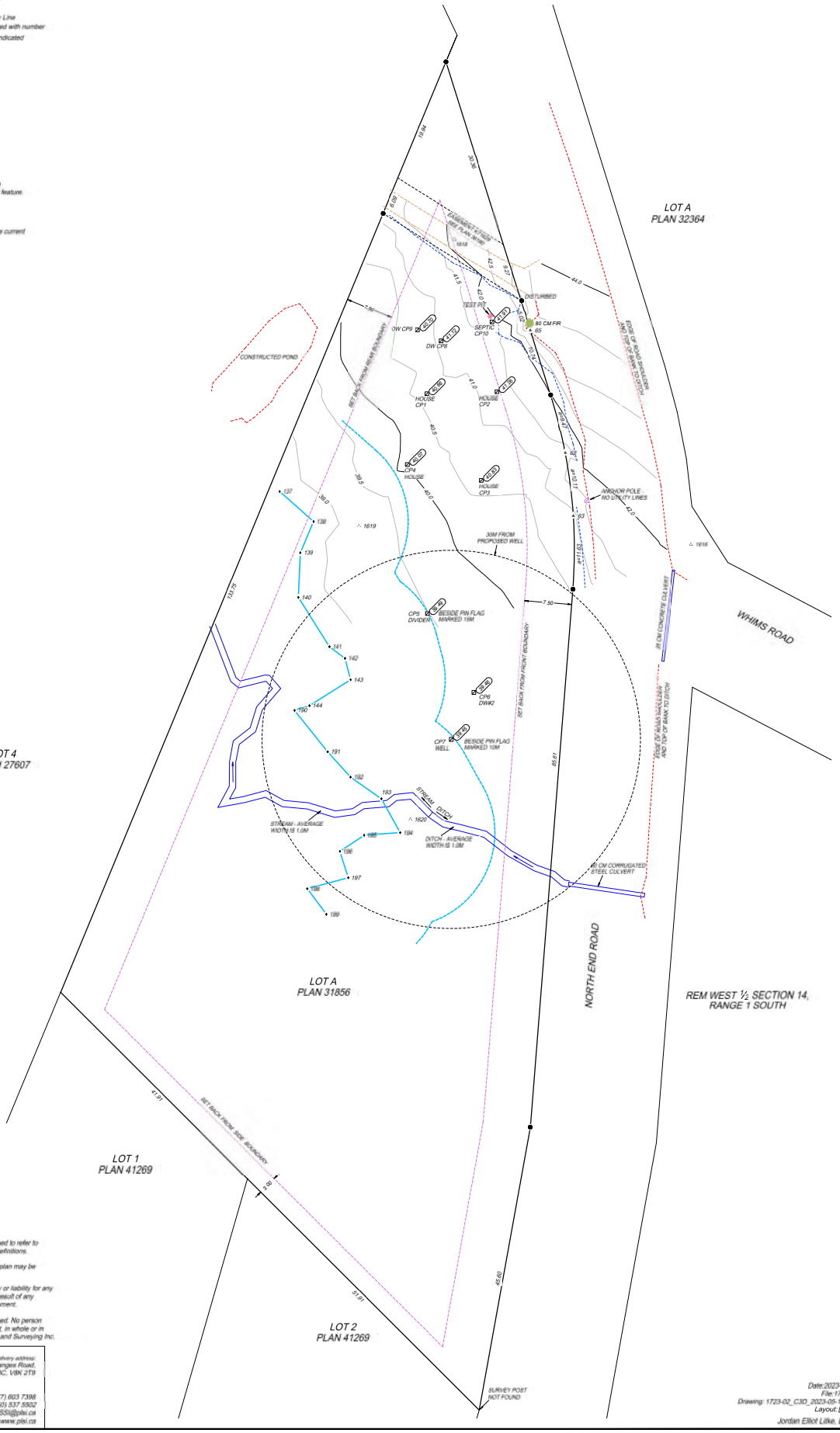
LEGEND

- denotes Standard Iron Post found
- denotes Traverse Hub placed
- denotes Spike placed on Property Line
- 138 denotes Pin Flag found and marked with number
- denotes Stake found Marked as indicated
- denotes Percolation Test Pit
- denotes Tree - Conferous
- denotes Utility Pole
- denotes Elevation of Feature
- denotes Top of Bank
- denotes Bottom of Bank
- denotes Driveway
- denotes Edge of Wetlands
- denotes 15m SPEA

Setbacks are derived from field survey completed on April 21, 2023, and are measured from the indicated feature.

The civic address of the building is: To be Determined

The following non-financial charges are shown on the current Certificate of Title and may affect the property:
164782G - Easement
279849G - Undersurface Rights
K71629 - Easement
EG72279 - Restrictive Covenant



Feature labels are descriptive. The user is encouraged to refer to the appropriate land use bylaw for specific feature definitions.

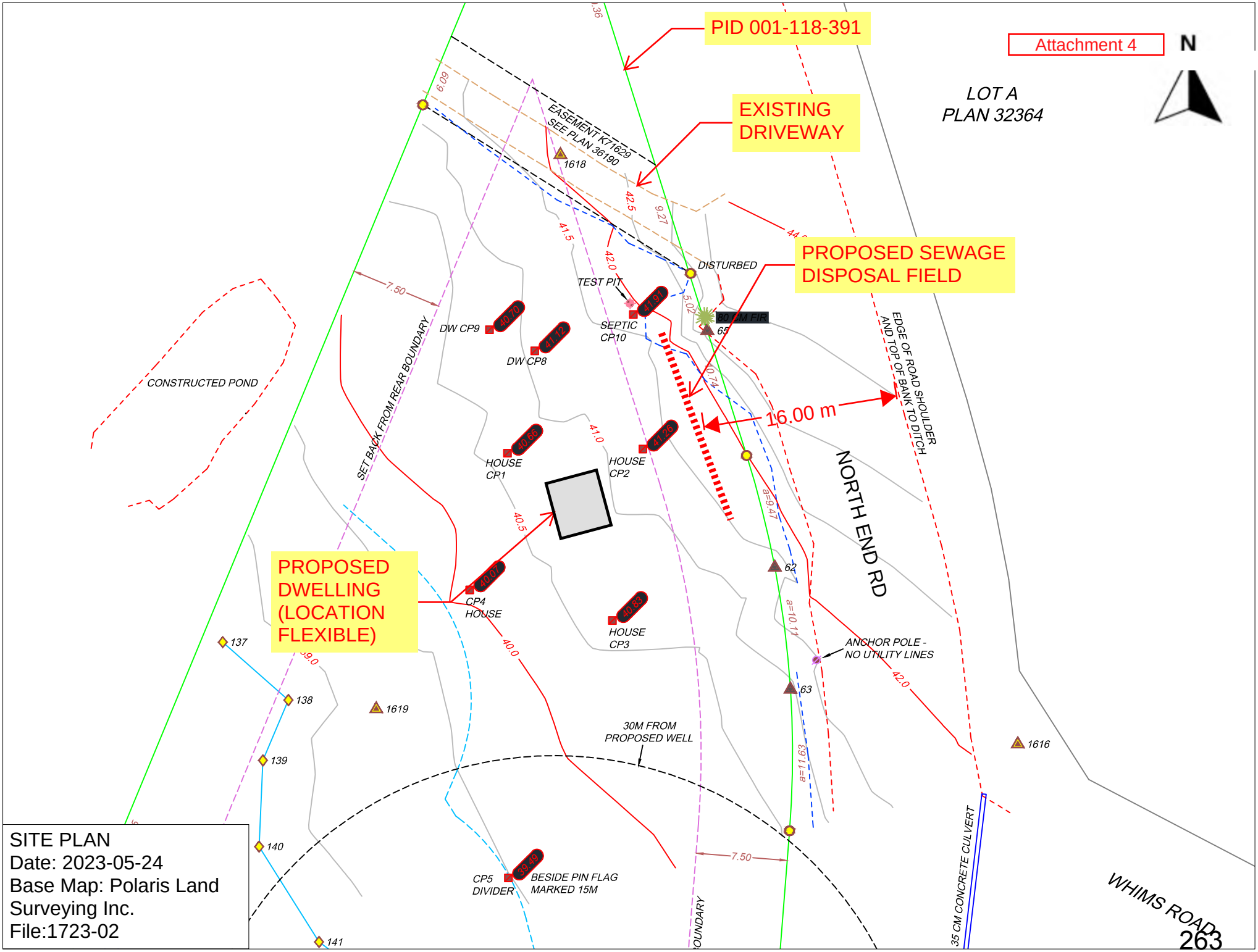
Additional buildings or structures not shown on this plan may be located on the property.

Polaris Land Surveying Inc. accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

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POLARIS Land Surveying Inc.
Mailing & delivery address:
204 - 149 Fulford-Ganges Road,
Salt Spring Island, BC, V8K 2T9
Toll Free: (877) 603 7388
Telephone: (250) 537 5502
SSI@plsi.ca
www.plsi.ca

Date:2023-05-24
File:1723-02
Drawing: 1723-02_C3D_2023-05-17.dwg
Layout: D-Size
Jordan Elliot Lilke, BCLS


Attachment 4
N
PID 001-118-391
EXISTING DRIVEWAY
PROPOSED SEWAGE DISPOSAL FIELD
PROPOSED DWELLING (LOCATION FLEXIBLE)
LOT A
PLAN 32364
EASEMENT K71629
SEE PLAN 36190
1618
DISTURBED
TEST PIT
SEPTIC CP10
DW CP9
DW CP8
CONSTRUCTED POND
SET BACK FROM REAR BOUNDARY
HOUSE CP1
HOUSE CP2
HOUSE CP3
CP4 HOUSE
CP5 DIVIDER
BESIDE PIN FLAG MARKED 15M
30M FROM PROPOSED WELL
16.00 m
EDGE OF ROAD SHOULDER AND TOP OF BANK TO DITCH
NORTH END RD
ANCHOR POLE - NO UTILITY LINES
35 CM CONCRETE CULVERT
WHIMS ROAD
263
1616
1619
137
138
139
140
141
62
63
65
SITE PLAN
Date: 2023-05-24
Base Map: Polaris Land Surveying Inc.
File:1723-02

MacFadden Creek Riparian
Jesse Wiebe

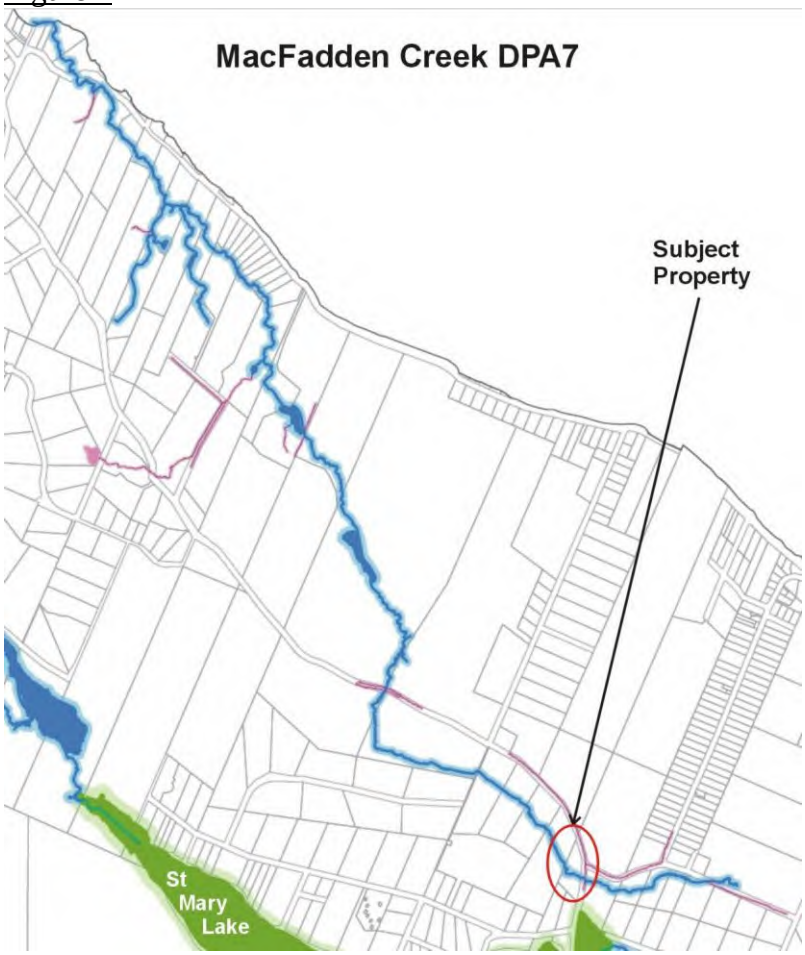
Gooding Hydrology
dgooding@saltspring.com

May 10, 2023

Re: Wetlands, Streams and Riparian Areas at Lot A, Section 14, Range 1 S, N Saltspring Island, Cowichan District, Plan 31856 (PID 001-118-391)

Gooding Hydrology and associate Kathy Reimer RPBio were retained to assess and make recommendations regarding riparian treatment during development of the above named lot.

Figure 1



The subject lot is located on the west side of North End Rd, just north of St Mary Lake and across the road from the junction of Whims Rd.

As shown to the left, upper MacFadden Creek crosses North End Rd onto the subject property from its headwaters south of Whims Rd. The stream crosses the lot down a gentle slope until it meets the steep hillside on the west side of the lot and turns to run down the valley to the north.

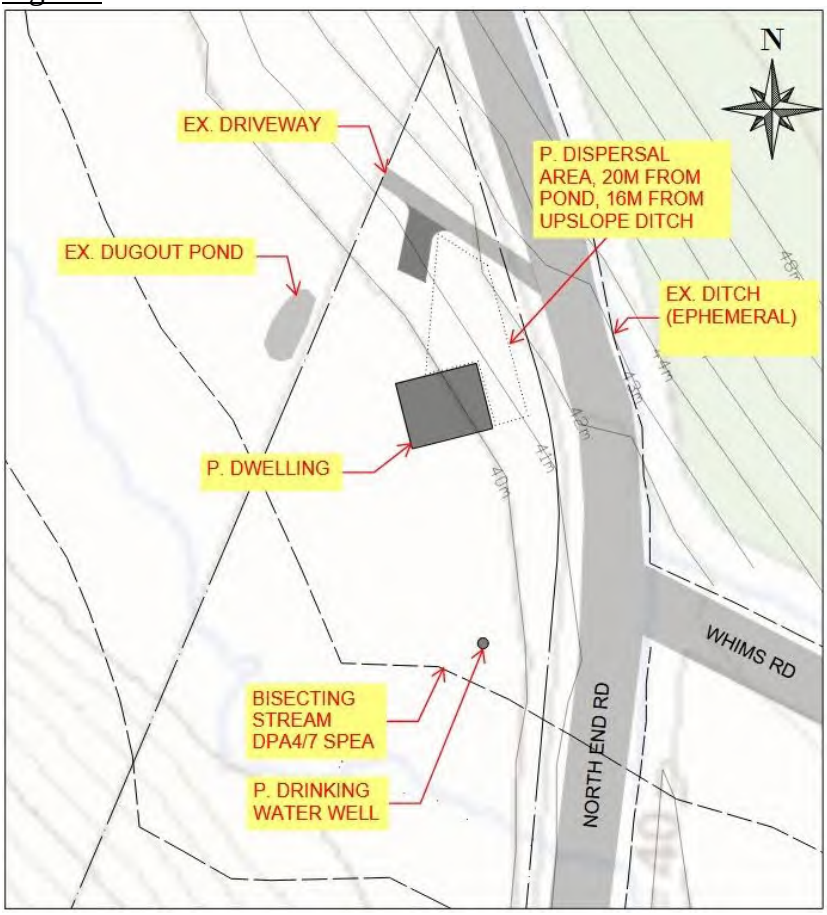
Included in pink on the DPA7 mapping to the left is the ditch uphill and across North End Rd.

The subject lot was assessed, Streamside Protection and Enhancement Areas (SPEAs) determined, and staked by Dave Gooding PEng and Kathy Reimer RPBio to guide development. Results and comments are given below.

Gooding Hydrology
dgooding@saltspring.com

Proposed Development

Figure2



Proposed development is shown to the left. It consists of a parking area adjacent to the existing driveway to the neighbors, a small dwelling, well, septic tank and field, and associated water and septic lines.

All of the proposed activities are outside of the 15 meter DPA 4/7 along each side of the stream, and so bylaws do not require a full RAPR assessment. The proposed well location close to the boundary of the DPA but outside of the SPEAs which were determined.

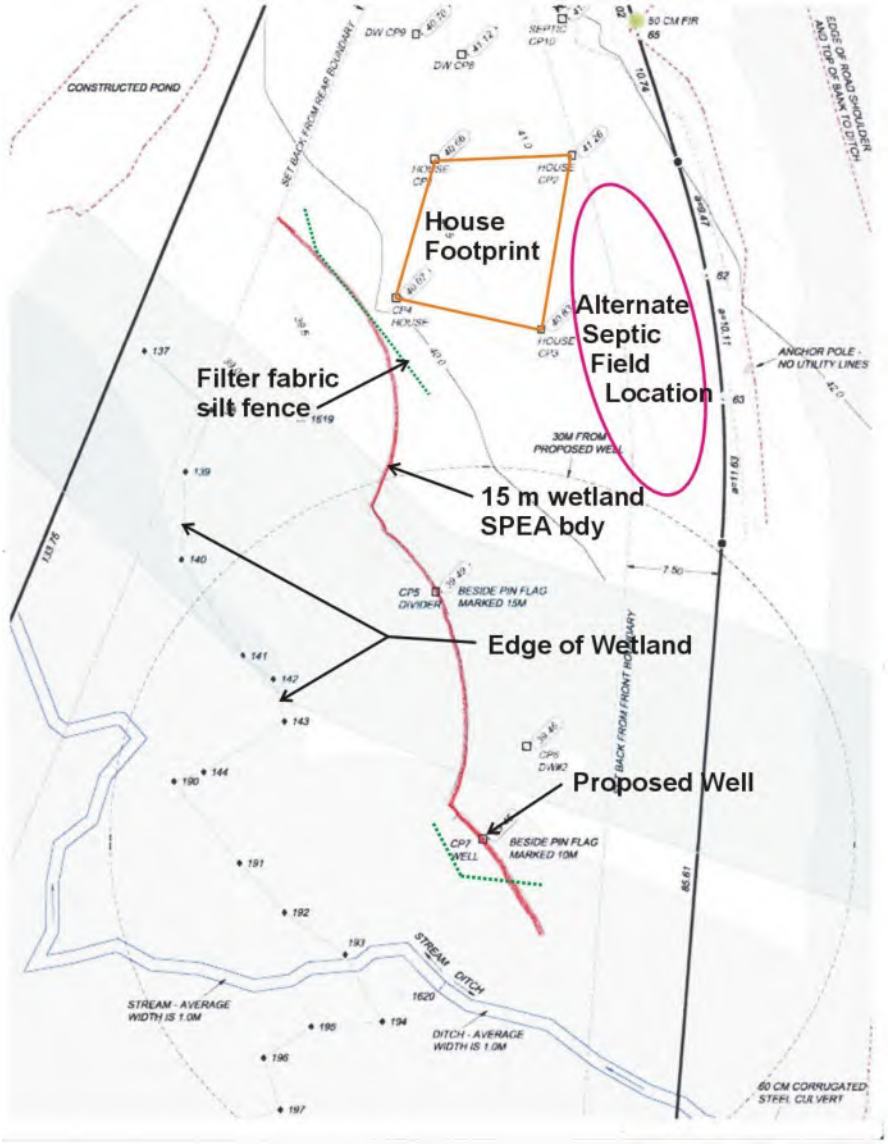
Riparian Assessment

MacFadden Creek at the lot is approximately 1 meter in width and was assigned a 10 m SPEA, as shown in Figure 2 above. Any development planned is well outside the 10 m SPEA for the mapped stream.

The low gradient stream winds through wetlands which are not shown on the DPA7 mapping. The wetland boundary on the east side of the creek, where development is planned, was staked for the surveyor. The wetland needs a 15 meter SPEA, which was staked. The full survey showing the stream and wetland boundary is attached as Appendix 1, with a portion used as a base for Figure 3 below. Photos of the wetland are attached as Appendix 2.

The survey with the 15 meter wetland SPEA added below shows that the proposed development is located outside of the wetland SPEA boundary. Note the addition of two sections of filter fabric silt fences (green dashed lines) below the dwelling construction site and the well drilling site. These silt fences, set four inches into the ground at their bottom edge, need to be installed prior to soil disturbance at the sites.

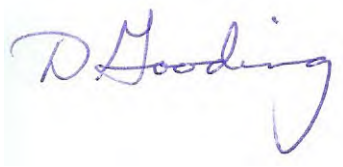
Figure 3



Septic Field

The only locations for the septic field are less than the 30 m setback from a water body which bylaws require, and will need a variance. The proposed location for the septic field is within 30 m of the neighbor's excavated pond and the ditch upslope and across North End Rd. An alternate placement of the septic field is shown in Figure 3. This location is still over 30 m from the well, and is over 30 m from the stream, wetland, and excavated pond.

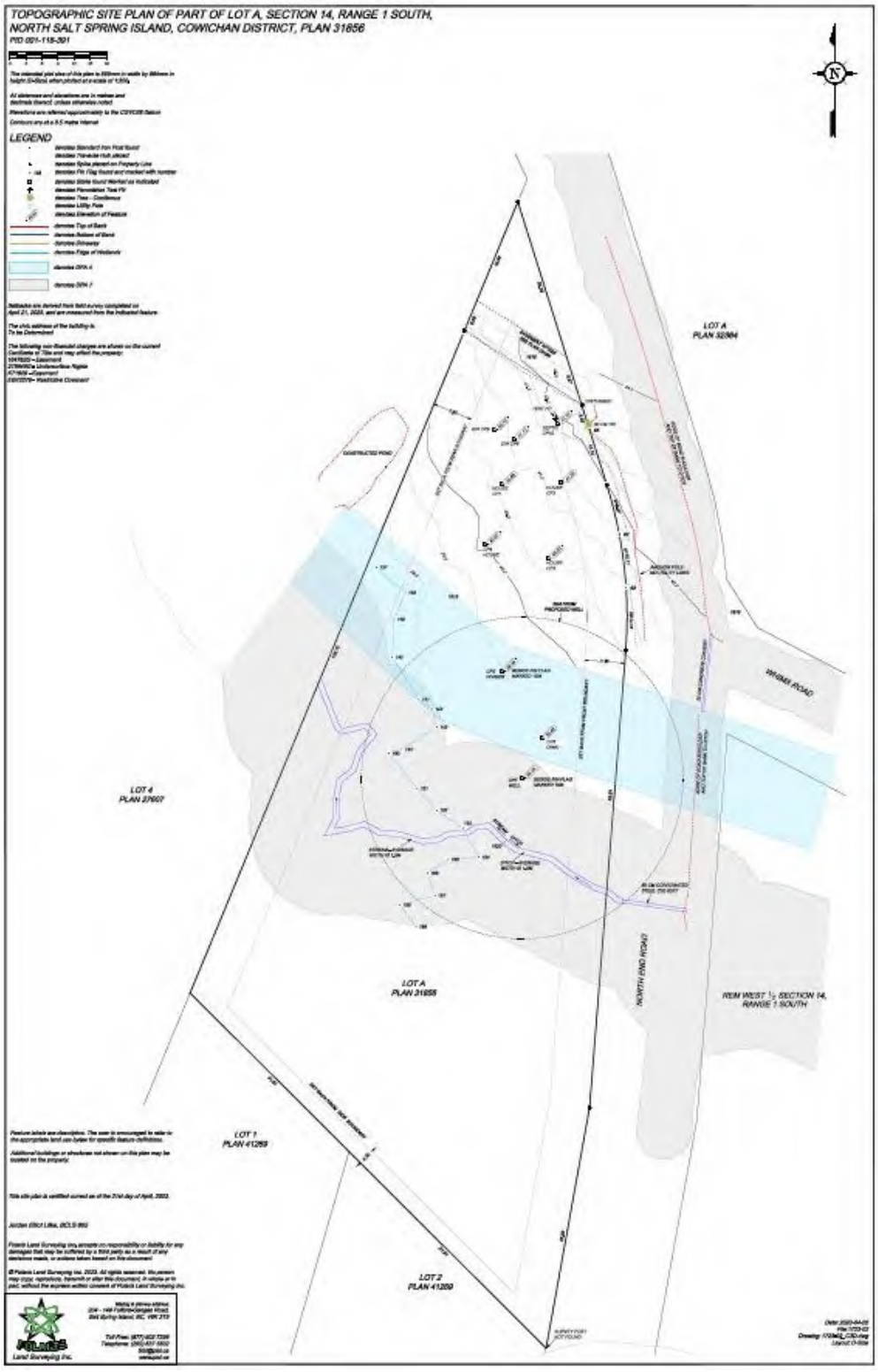
This location also moves the field away from being directly upslope of the excavated pond. While this alternative site is still within 30 m of the upslope ditch across North End Rd, it would be extremely unlikely that any effluent contamination of the ephemeral flow in this upslope ditch could occur from a septic field which is over 15 m down slope and across a compacted road bed. There would be no health hazard created in granting a variance for the septic field to be within 30 m of this upslope ephemeral ditch.





Dave Gooding, P.Eng.

Appendix 1: 2023 Survey of Lot, Stream and Wetlands



Appendix 2: Photos

Photo1: Skunk cabbage wetland by downstream lot boundary



Photo 2: Narrower skunk cabbage wetland by mid-lot bend in stream



Attachment 6

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2022.17

To: J. Wiebe

1. This Development Variance Permit applies to the land described below:

   LOT A, SECTION 14, RANGE 1 SOUTH, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 31856
   PID: 001-118-391

2. Salt Spring Island Land Use Bylaw No. 355, 1999 is varied as follows:

   a) Subsection 4.5.1 (6) which states that "*No sewage disposal field or septage pit may be located within 30 m of the natural boundary of any other water body."* is varied to permit the construction of a septic field within 16.0 metres of the natural boundary of any other water body (those being the existing pond and road ditch).

   The variances shall be consistent with Schedule 'A' which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Salt Spring Island Land Use Bylaw No. 355, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING LOCAL TRUST COMMITTEE THIS ____ DAY OF [MONTH], [YEAR].

_____
Deputy Secretary, Islands Trust

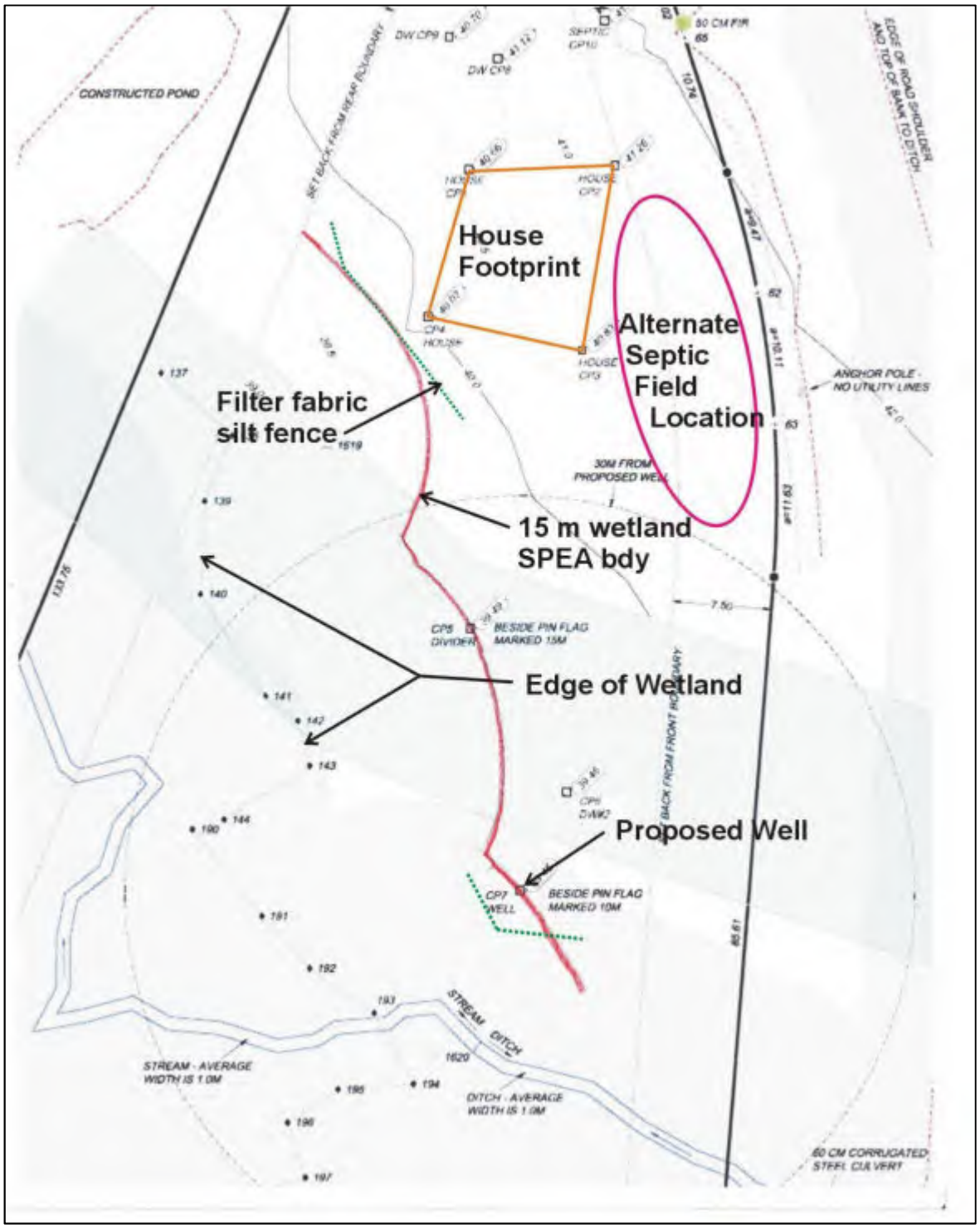
_____
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE _____ DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2022.17

SCHEDULE 'A'



Attachment 7

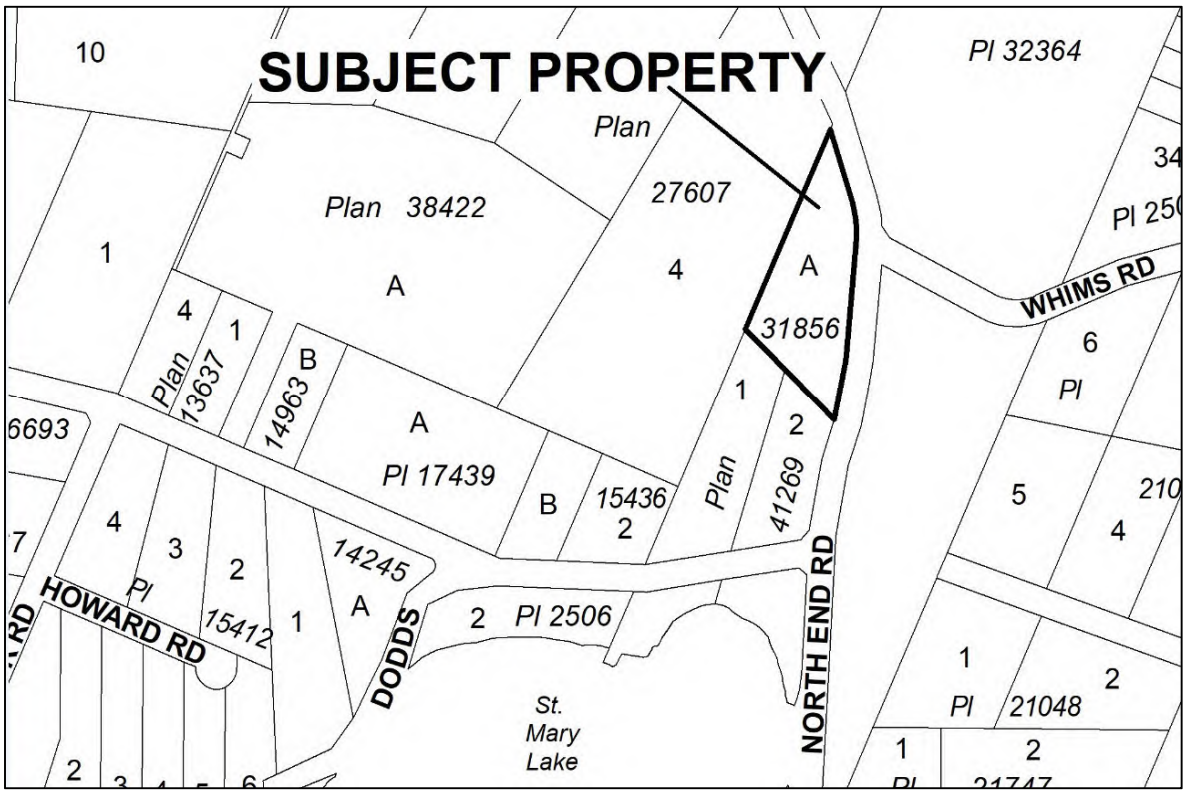
NOTICE
SS-DVP-2022.17
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

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

- Permitting a septic field with relaxed setback requirements.

The property is located at Lot A North End Road and is legally described as [redacted] (PID: 001-118-391).

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



A copy of the proposed permit is attached. The permit may be inspected at the Islands Trust Office, 1-500 Lower Ganges Road, Salt Spring Island between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **Thursday, June 8, 2023** and continuing up to and including **Wednesday, June 21, 2023.** It is also on the Islands Trust website on the Current Applications page: http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/

Enquiries or comments should be directed to Anthony Fotino, Island Planner at (250) 537-9144, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by email to: ssiinfo@islandstrust.bc.ca before 4:30 pm, **Wednesday, June 21, 2023**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **9:30 a.m.** on **Thursday, June 22, 2023.** Typically applications are considered after 12 noon. Please refer to the agenda on the Salt Spring Island Meeting Calendar webpage published December 2, 2022 or later. **Go to:** https://islandstrust.bc.ca/whats-happening/meetings-and-events/?_sft_jurisdiction=salt-spring

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



Jas Chonk,
Legislative Clerk/Deputy Secretary

STAFF REPORT

File No.: SS-LCB-2022.1

DATE OF MEETING:	June 22, 2023
TO:	Salt Spring Island Local Trust Committee
FROM:	Anthony Fotino, Island Planner Salt Spring Island Team
SUBJECT:	Gulf Islands Brewing Ltd (300112) (LCRB Referral – 048277) - MFR New Outdoor Patio Applicant: Rebecca Hardin Location: 270 Furness Road (Salt Spring Island Brewing)

RECOMMENDATION

LCRB

1. **That the Salt Spring Island Local Trust Committee directs staff to send a response to the Liquor and Cannabis Regulation Branch regarding the application for 270 Furness Road (Salt Spring Island Brewing) that states:**

    a. **The potential impact of noise on the community in the immediate vicinity of the establishment would be minimal;**
    b. **The impact on the community if the application is approved would be negligible;**
    c. **The use is permitted by zoning;**
    d. **The Local Trust Committee recommends the application be approved.**

2. **That the Salt Spring Island Local Trust Committee directs staff to include a record of community consultation, contained within the staff report dated June 22, 2023, with the response to the Liquor and Cannabis Regulation Branch regarding the 270 Furness Road application.**

REPORT SUMMARY

This staff report brings forward a referral form the Liquor and Cannabis Regulation Branch (LCRB) to permit a permanent outdoor patio space with lounge area and to alter the operating hours (10 am – 8 pm Sunday through Thursday; 10 am – 9pm Fridays and Saturdays). Staff recommend that the SS LTC recommend approval of the application.

BACKGROUND

The brewery initially applied to the Liquor and Cannabis Regulation Branch (LCRB) to add a lounge area with a patio to their facility and add seating capacity for an additional fifty (50) people. This capacity would be shared between the interior lounge and the patio area. If approved the total capacity would be 85 people. The proposed hours of operation in that proposal were unchanged from current operations: 9:00 am – 9:00 pm Sunday through Thursday; 9:00 am – 10:00 pm Fridays and Saturdays. Following input gathered at an open house, the applicant

amended the proposed operating hours to 10am – 8pm Sunday through Thursday and 10 am – 9pm Fridays and Saturdays.

LCRB policy requires local government to respond by way of resolution that includes:

- Comments on potential for noise if the application is approved,
- The impact on the community if the application is approved,
- Recommendations as to whether the application should be approved
- Indication that views of residents were gathered,
- The views of residents,
- The method used to gather the views of residents,
- Comments and recommendations with respect to the views of residents,
- The reasons for its recommendations.

The recommended resolution has been drafted to address these details; however, the SS LTC may wish to revise details pending information and comments from the community received at the town hall portion of the SS LTC meeting.



Figure 1: Location of subject property.

ANALYSIS

Policy/Regulatory

Official Community Plan:

The subject property is designated Residential Neighbourhoods (RL) under the Salt Spring Island Official Community Plan Bylaw No. 434 (OCP). The following OCP policy has been deemed relevant to this proposal:

B.2.5.2.2 Zones within the Rural Neighbourhoods Designation will continue to allow medium density residential development and the other rural uses allowed by existing zoning. *Existing commercial and general employment zones will remain, but exceptionally large new commercial or general employment developments should not be allowed in this Designation*. Existing zones that allow higher densities, smaller lots and multifamily use will also remain.

The OCP provides little other guidance on the location or form of patio areas or liquor consumption, other than to say that these uses should not occur outside the village designations.

The property is also located within Development Permit Areas 2 for "Non-Village Commercial and Industrial" areas, and Development Permit Area 6 for "Unstable Slopes and Soil Erosion Hazards" areas. Development in those areas are subject to a Development Permit (DP) approval in accordance with the Islands Trust Development Approval Information (DAI) Bylaw No. 175. The applicant has also submitted the DP (SS-DP-2021.4) for review and approval.

Land Use Bylaw:

The property is zoned as Rural R(n) in the Salt Spring Island Land Use Bylaw No. 355 (SS LUB). The zone variation of R(n) for this property specifically permits the following uses, buildings and structures:

(a) One single family dwelling;
(b) Four dwelling units not exceeding 50 square metres each;
(c) A tasting room not exceeding 90 square meters;
(d) Beer and liquor production, sales and storage;
(e) Accessory retail sales in a floor area not exceeding 10 square metres; and
(f) Accessory buildings to a maximum floor area of 20 square metres.

The existing building and the rock retaining wall are located within the required setbacks, the applicant also submitted a Development Variance Permit (SS-DVP-2021.22) to seek two variances to the setback requirements for the building and retaining wall

Liquor and Cannabis Regulation Branch

The provincial Liquor Control and Licensing Act requires that applicants for a new or changed liquor licence give notice to the local government. As the local land use authority, the SS LTC is required to provide resolutions and comments on the application through a referral process. The LCRB will approve or refuse the licence but will take into consideration community input, including potential adverse impacts such as noise, traffic, and concerns provided by the local residents.

Patios are permitted as an area of alcohol service under a Liquor Primary licence, subject to the following restriction: Licensed areas that are not located indoors (e.g., patios) must have boundaries that are marked to ensure they can be easily identified as the licensed service area.

Consultation – Issues and Opportunities

Staff scheduled and conducted an open house for April 11th, 2023. Notices were mailed to the occupants and owners of properties within 100 metres of the subject property and a notice was posted on the SS LTC webpage. Notification was also sent via Salt Spring Island Islands Trust email subscriber list during the week of the open house. A copy of the notice is attached to this report as Attachment 4.

Members of the public can also address the SS LTC during the town hall portion of its regular meeting on Thursday, June 22, 2023 or submit written comments to the Islands Trust office up to close of business on Wednesday, June 21, 2023. Correspondence may be sent to ssiinfo@islandstrust.bc.ca.

If any further comments are received they will be brought to the SS LTC's attention at the June 22, 2023 SS LTC meeting and also published to the application page.

The open house was conducted electronically via Zoom from 5:00 – 7:00 pm on April 11, 2023 to inform residents of the application and answer any questions that they may have. The open house drew between 15 and 20 attendees at various points during the open house. In general, comments were not supportive of the proposed licence application, with participants in attendance expressing concerns in regards to a number of issues including:

the hours of operation, increased traffic and traffic safety, noise, the sewage system, and increase of alcohol consumption.

Hours of Operation

Given the feedback provided by the open house participants in regards to the proposed operating hours, the applicant revised their letter of intent to shorten the hours of operation from the initial request of 9:00 a.m. to 9:00 p.m. Sunday through Thursday and 9:00 a.m. to 10:00 p.m. Fridays and Saturdays to 10am to 8pm Sunday through Thursday and 10 am – 9pm Fridays and Saturdays.

Increased Traffic and Traffic Safety

A common point of concern brought up by the participants during the open house was the potential increase in traffic if the proposal is approved. In addition, the potential of intoxicated motorists that could endanger families that live in the neighbourhood. The brewery has an agreement with "Salt Spring Hop On" which would provide an alternative way to get to the brewery and reduce the chance of impaired drivers on the road. This service would pick up/drop off people at designated locations and transport them to the brewery and back. The service would run from Friday to Sunday. In addition to this, the brewery has installed traffic calming signage, which reads "Kids and Dogs at Play. Drive Slow", along Furness road. Images of the traffic calming measures can be found in Attachment 3.

Noise

Of primary concern for LCRB applications is often the noise that is likely to be generated, and is of even greater concern for outdoor areas. The proposed application includes some outdoor amplified entertainment. At the Open House conducted as part of this application, a number of the attendees expressed concern about the potential of excess noise that could accompany an increase of capacity and also the intent to have live bands perform on site.

Staff does not anticipate that the increase in capacity will have an adverse effect on the surrounding area, given that the patio is located on the west side of the property (facing the forest). Additionally, the development permit application attached to this site is proposing natural landscaping across the south east property line and would mitigate this concern.

Live music would be an infrequent occurrence and there would be no amplified sound. The applicant has also indicated that the brewery imagines the performances to be by guitarists or local artists.

Wastewater Disposal System

Concerns were raised about wastewater disposal issues that the brewery had been dealing with. After a complaint from a community member and an inspection undertaken by VIHA found that the brewery was in contravention of the Sewerage System Regulation, the brewery corrected the issue. MSR Solutions visited the site on two occasions: March 2022 and September 2022 and provided recommendations. The brewery implemented the recommendations in MSR's report.

Protocols

No applicable protocols have been identified.

Agencies

This application is a referral from the LCRB. Islands Trust does not typically refer a referral.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to SS LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

The subject property is in close proximity to areas with Archaeological Potential.

Rationale for Recommendation

The subject property is zoned for the proposed use. Through engagement with the community there were concerns raised pertaining to hours of operation, traffic, noise, and wastewater disposal. The applicant received the community feedback and addressed the issues, including amending proposed hours of operation and introduced traffic calming measures. Additionally, the applicant had previously addressed issues with the waste water disposal on site. Despite the fact that solicitation of community opinion found that there is a perceived impact of the application on the surrounding area, staff believe that given the materials provided, the location of the patio, and the changes made to address concerns, the application can be supported.

ALTERNATIVES

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

1. **Request further information**

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

   That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust [identify report type and impact, e.g. a parking plan and study]. OR

2. **Deny the LCRB application**

   The SS LTC may deny the application. Staff advise that the implications of this alternative are that the outdoor patio, increased capacity, and a change to the hours of operation will not be permitted. If this alternative is selected, the SS LTC must state the reasons for denial of the LCRB application. Recommended wording for the resolution is as follows:

   That the Salt Spring Island Local Trust Committee deny application SS-LCB-2022.1 for the follows reasons [insert reasons, e.g. the application would have a negative impact on surrounding properties].

NEXT STEPS

If the SS LTC accepts staff's recommendation, the response will be forwarded to the LCRB with support.

Submitted By:	Anthony Fotino, Island Planner	June 15, 2023

Concurrence:	Chris Hutton, Regional Planning Manager	June 15, 2023

ATTACHMENTS

1. Site Context
2. Site Plan
3. Traffic Calming Photos
4. Open House Notice
5. Revised Letter of Intent

ATTACHMENT 1

SITE CONTEXT

LOCATION

Legal Description	LOT 8, SECTION 5, RANGE 1, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 25293
PID	002-903-091
Civic Address	270 Furness Road, SSI

LAND USE

Current Land Use	Commercial - Brewery
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
SS-RZ-2016.4	Zone variation to allow dwelling units (among other uses)
SS-DP-2021.4	Allow a tasting room
SS-DVP-2021.22	Variance to the setback

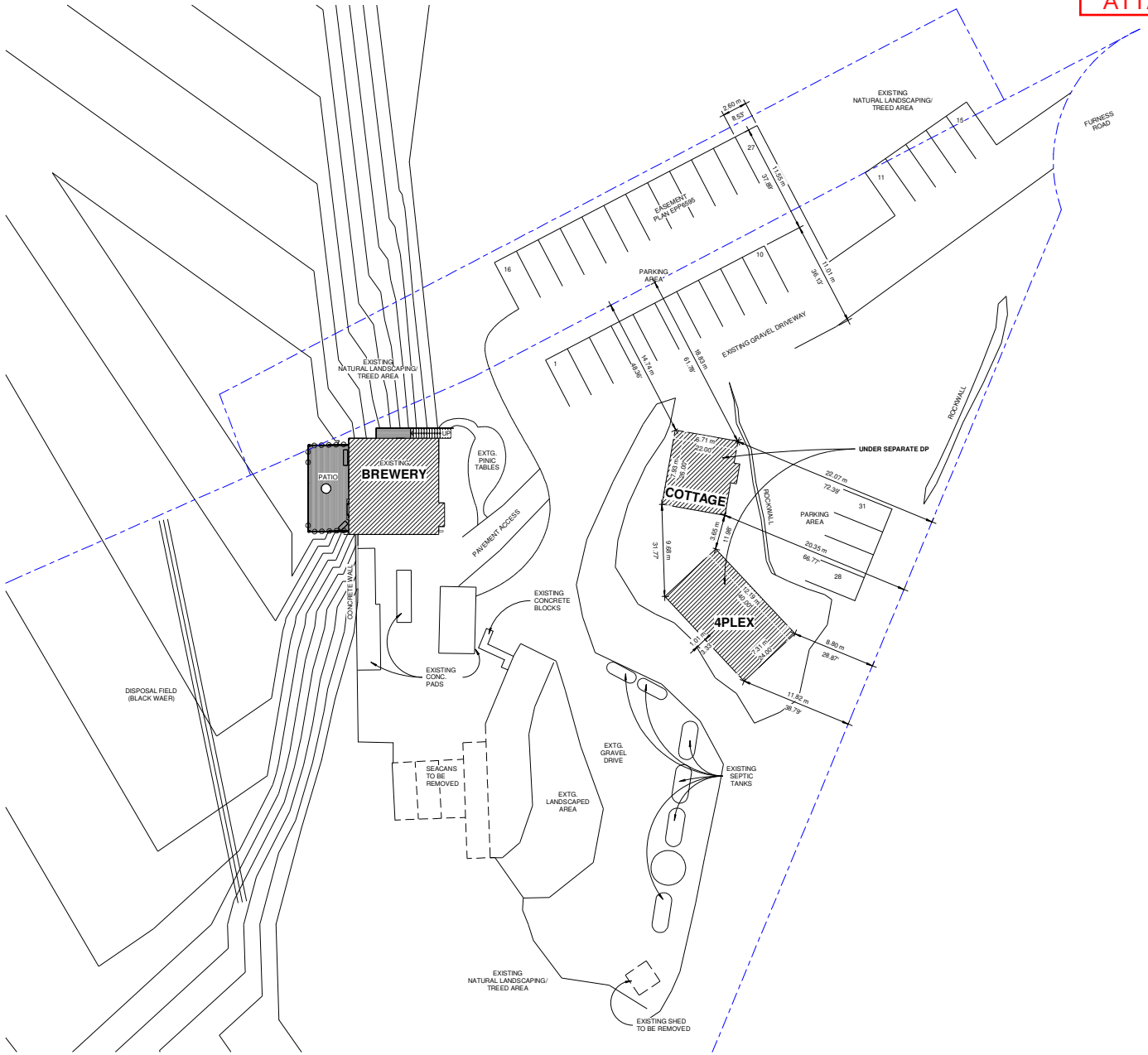
POLICY/REGULATORY

Official Community Plan Designations	RL – Rural Neighbourhoods
Land Use Bylaw	R(n) – Rural
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	SS-BE-2015.13 , SS-BE-2020.63

SITE INFLUENCES

Islands Trust Conservancy	No identified ITC Reserves/Covenants.
Regional Conservation Plan	No identified conflict with the Regional Conservation Plan.
Species at Risk	No identified Species at Risk.
Sensitive Ecosystems	No identified Sensitive Ecosystems.
Hazard Areas	High Slope Stability Hazard Area runs through the property, but at propose location.
Archaeological Sites	No Archaeological Sites within 100m, Archaeological Potential located on subject property.
Climate Change Adaptation and Mitigation	Not Applicable
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 2



1 Site Plan
A-A101 1 : 200

ATTACHMENT 3




SALT SPRING
KIDS AND DOGS AT PLAY
DRIVE SLOW


EST 1998
SALT SPRING
BREWING CO.
NO PARKING
PLEASE RESPECT OUR
NEIGHBOURS

Islands Trust

Liquor & Cannabis Regulation Branch
Lounge Area Endorsement

ATTACHMENT 4

Subject Property Address: 270 Furness Road, SSI
Parcel Identifier Number: 002-903-091
Application: SS-LCB-2022.1

HAVE YOUR SAY

When:
Tuesday
April 11, 2023
5:00 pm to
7:00 pm

Where:
Online via Zoom
https://islandstrust.zoom.us/j/65494529075

Who should attend?
Anyone affected by the proposed bylaw.

Enquiries?
Anthony Fotino
Island Planner
Islands Trust
ssiinfo@islandstrust.bc.ca
250-537-9144

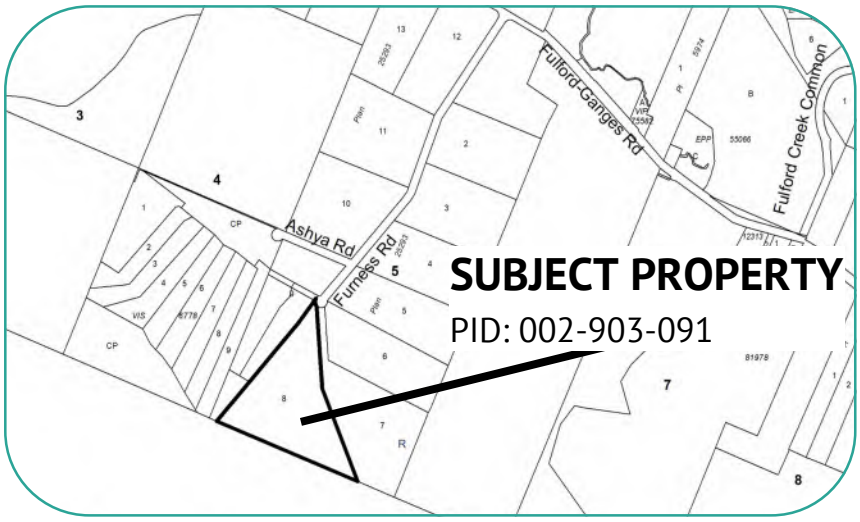
OPEN HOUSE
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

What is being proposed?

Salt Spring Brewing has applied to the Liquor and Cannabis Regulation Branch (LCRB) for an Expanded Tasting Room and New Outdoor Patio.
The application is for:

1) 50 additional patrons on a new outdoor patio.
2) Hours of operation will change to Sundays - Thursday 9:00 am to 9:00 pm and Fridays - Saturdays 9:00 am to 10:00 pm

As the local government, the Salt Spring Island Local Trust Committee (SS LTC) is requested to consider the application for this endorsement. Public input on this application is being sought. The SS LTC may consider a decision on this application at their meeting May 18, 2023, to be held at the 64 Learning Hub (122 Rainbow Road) or via Zoom (see Islands Trust Meetings and Minutes webpage for details).



How do I get more information?

Copies of the application are available for review at the Islands Trust office at #1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8 from the hours of 8:30 am to 4:30 pm Monday to Friday, excluding statutory holidays.

Submissions

Written submissions are welcome up until the conclusion of the Public Hearing and can be emailed to ssiinfo@islandstrust.bc.ca, mailed or dropped off at the Islands Trust office by May 17, 2023. Written comments made in response to this notice will be available for public review.

ATTACHMENT 5

April 4 2019 **Via Email**

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

Re: LCRB REVISED Letter of Intent – Salt Spring Brewing Lounge / Patio Endorsement
Address: 270 Furness Road, Salt Spring Island BC V8J 1Z7

Background
Since its July 1998 inception, Salt Spring Island Brewing has been focused on locally sourced ingredients that are fresh and unpasteurized. They do not add preservatives or chemicals and focus on creating small batch handcrafted products for locals and tourists.

Hours of Operation
The applicant is seeking hours of operation from 10am to 8pm Sunday through Thursday and 10am – 9pm Fridays and Saturdays. These hours have been adjusted based upon community feedback from the April 2023 community meeting.

Site Layout & Proposed Service Area
The proposed manufacturing facility is located at 270 Furness Road, Salt Spring Island BC. The applicant wishes to add a lounge endorsement area with a patio to their facility. The proposed interior liquor service area is situated on the main level and will overlap the tasting and retail area already in approved by the province. The adjoining patio is located direct off the interior tasting space.

Entertainment
The applicant is proposing to have background music to enhance the interior lounge area, however no amplified music. Live bands may be booked from to time to time. The intent is to create a family friendly location that allows locals and tourists to have a fun family experience.

Proposed Capacity
The applicant is seeking a capacity of 50 person's total. This capacity would be shared between the interior lounge and patio area.

Food Services
The brewery intends to make use of its onsite kitchen and outdoor BBQ space, located on the lower level. They will offer a mixture of hot and cold entrees and desserts and a detailed menu is underway being developed. Locally sourced ingredients are the focus, and the menu proposed will be BBQ burgers, entre salads, charcuterie boards and homemade ice cream.

Composition of Neighbourhood / Current Use
The brewery is located in rural Salt Spring Island. As one of the gulf Islands in the Straight of Georgia, halfway between Nanaimo and Victoria. Just off Furness Road on agricultural land, the brewery is comprised of 5.6 Hectares of land and has a total of 3 buildings on the property, the brewery, the cottage and the 4-plex buildings. There is a designated parking area.

Noise Disturbance Mitigation
The property is located at the end of Furness Road, which is within a rural community of Salt Spring Island with its main access and parking situated at the entrance. The Brewhouse is set back on the property and the patio is proposed to be located on the backside of the brewhouse to lower any impact of potential visitor noise to the community.

There are residential homes along the north property line at the entrance/ access driveway. The property owner will be installing a live vegetation fence and further landscaping to the front of the property that will act as an additional sound buffer. The licensee is generally visited by tourists and locals during the day hours and does not foresee noise as being an issue. Based upon community feedback with respect to noise concerns, the licensee has amended the proposed hours of operations to ensure no disruptions to the surrounding population. Additionally, the licensee is not proposing amplified music within its patio area, to allow for further noise mitigation measures.

Yours truly,

Rebecca Hardin

Rebecca Hardin
Liquor and Cannabis Advisor

STAFF REPORT

File No.:	Bylaw 530 Accessory Dwelling Units
Cross Ref. No.:	6500-20 Housing Action Program

DATE OF MEETING:	June 22, 2023
TO:	Salt Spring Island Local Trust Committee
FROM:	Louisa Garbo, Island Planner Salt Spring Island Team
COPY:	Chris Hutton, Regional Planning Manager Salt Spring Island Team
SUBJECT:	Proposed Bylaw No. 530 "Accessory Dwelling Units" Open House Summary

RECOMMENDATION

None.

REPORT SUMMARY

This report summarizes the two open house meetings held on June 6, 2023, and June 10, 2023, (see Attachment 1) and the comments from the formal referral process to agencies and First Nations. The next step is to schedule a public hearing, to be followed by the third reading and the Executive Committee approval before the final fourth reading by Salt Spring Island Local Trust Committee (SS LTC). Staff is seeking direction from the SS LTC on the preferred timeline to host the public hearing.

BACKGROUND

At a regular LTC meeting on April 13, 2023, the SS LTC passed a resolution to give the Proposed Bylaw No. 530 second reading, as follows.

> **SS-2023-35**
> **It was MOVED and SECONDED**,
> That the Salt Spring Island Local Trust Committee read Proposed Bylaw No. 530, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022," as amended a second time.
>
> CARRIED

DISCUSSION

Following second reading, staff referred the proposed bylaw to agencies and First Nations and undertook community engagement planning and execution. This included preparation of backgrounders and FAQs and an update to the project webpage, two open house meetings, and the "Conversation with a Planner" program where community members could schedule a one-on-one virtual meeting with the project planner. The first open house was held on June 6, 2023, at the Salt Spring Island Public Library, and another on June 10, 2023, at the Salt Spring Island Legion.

The written comments from the open houses are provided in Attachment 1. Verbal comments are summarized below:

- Proposed bylaw offers a good start in addressing the housing crisis
- ADUs provide needed housing options

- ADUs provide housing for family members
- The allowable maximum square footage for lots less than 1.2 hector is too small
- The bylaw is inconsistent with the OCP
- The bylaw as proposed contradicts the Islands Trust's mandate to protect and preserve
- More dwellings will bring more people to the island
- Negatively impacting the existing water resources
- No data on existing cottages
- Concerns with more dwellings develop in areas lack good access for emergency
- Concerns with carrying capacity and the inconsistency with the SS OCP policies, and over using water resources
- Yellow boundaries on map hard to read
- Concerns with impact on existing covenants that disallow ADUs
- Concerns with how the bylaw will impact more illegal ADUs, already have a lot in the neighbourhood
- Bylaw only allows 600 square feet which is too small
- Should wait until the SS OCP amendment is done
- Should not ignore First Nations' comments

Summary of the "Conversation with a Planner" program online include the following Comments:

- Too many units are allowed, especially at build-out over the 50-year period. This is against the Islands Trust mandate to protect and preserve
- The units would not go the right people
- Concerns with the build-out projected in the OCP and settlement pattern, along with impacts on water and infrastructure
- How would rain-water system be reviewed
- How to prevent the units turning into short-term vacation rental
- Deforestation to build those units

Responses from the formal referral to agencies and First Nations are shown in Attachment 2. The comments are highlighted below:

- Fire and Rescue is concerned with access and address identification
- Island Health pointed to the need for appropriate potable water and sewage system
- Agricultural Lands Commission requested that the bylaw add a clause requiring all ADUs within the Provincial Agricultural Land Reserve to be consistent with the Agricultural Land Commission Act and its regulations.
- Tsawout First Nation has concluded that the proposed bylaw infringes on their Aboriginal Rights and Title to protect their traditional territory and therefore they oppose the bylaw until there are adequate assessments to address future impacts of Bylaw 530 on surrounding environments and Tsawout First Nation interests.

Rationale for Recommendation

Staff has also provided alternative resolutions below for SS LTC to consider.

ALTERNATIVES

1. Schedule a public hearing

Under this option, staff will provide an update on any new referral responses in a report at the public hearing, as well as any recommendations for possible amendments to address responses. This recommendation s drafted so that the public hearing would be held at the scheduled July 12th Special

meeting, to avoid adding a special meeting. The July 12th special meeting is scheduled to be held at the Meaden Hall, which has the capacity to accommodate a public hearing.

That the Salt Spring Island Local Trust Committee accepts the staff report on the open houses summary and requests staff to schedule a public hearing for Proposed Bylaw No. 530, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022" in on July 12th.

2. Defeat Proposed Bylaw

The SS LTC may request defeat of Proposed Bylaw No. 530 based on the comments received. If selecting this alternative, the proposed bylaw will not be move forward. A possible similar future amendment could be considered at a later date as a stand-alone option, or as part of a broader amendment to the LUB. Recommended wording for the resolution:

That the Salt Spring Island Local Trust Committee defeats the Proposed Bylaw No. 530.

NEXT STEPS

Prepare for the public hearing should SS LTC pass the resolution to move forward.

Submitted By:	Louisa Garbo, Island Planner	June 12, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	June 15, 2023

ATTACHMENTS

1 Public Comments from the Open Houses
2 Comments from Agencies and First Nations

Attachment 1

Written sticky notes comments from the Open Houses held on June 6 and June 10, 2023:

- 90 square metres is a 2 bedroom house – a small family house. 56 square metres is a compromised 1 bedroom space. The cost to build 90 vs. 56 is perhaps 15% more but offers real housing potential.
- Make them all 90 square metres.
- We need housing for singles, small families. Let's get it done.
- Approach should be map-based (as with Bylaw 461) so that ADUs would be located in or near villages (e.g. Fulford) or near existing transit. Bylaw 530's zoning approach means ADUs will be more car-dependent, which reduces affordability and makes residents more vulnerable in extreme weather events or forest fires.
- They will just become vacation rentals.
- Construction costs to code are too high for people to build ADU for workforce.
- I'm concerned about tree clearing on rural uplands – water infiltration.
- LTC should not require that property owner live on the property as well.
- New bylaw is a great idea.
- LTC should quantify the additional residences these changes produce (i.e. 5,100 – previous secondary suites – previous cottages).
- I well remember in the 1990's, people being kicked out of little rentals because of 'snitching'. Well the problems that created have come back to bite you in the bum! Get real – create new housing!
- LTC should keep engagement notes from verbal consultation – keeping only written contributions is insufficient.
- All we need is love and to share resources and water catchment.
- Thank you for young people, business, diverse community.
- The Nimbys can learn to care about others.
- Water is artificially restricted.
- The full long-term build out potential must be considered (5215 new densities), not just short term based on current market conditions as things change! 5215 is a lot!
- This bylaw is an abomination! We are an island with limited water, doctors, ferry service. Affordable housing will only come by subsidized construction.
- Bylaw must have requirement for units to go to those who need them. Workers, low income persons.
- Perhaps size and number of ADUs might be related to a % of an existing house. Like <50% to allow either a larger suite and/or more than one in a larger house.
- Housing is a life and death problem. We are loosing too many young people that feel they can't where they grew up. If we need accommodation for young people/families, would it not make sense to allow an ADU larger than 1,000 square feet – within an existing footprint?
- Why is this Bylaw 530 proceeding when Tsawout First Nation has informed the LTC that it is in opposition?
- Our island community needs this a first step towards low impact, sustainable development.
- In the long run, adding thousands of residents will create more problems than it solves.
- Shouldn't an OCP amendment happen, before the public hearing, since this violates our OCP?
- It is a lie that there isn't enough water.

- If we are short of accommodation for people who are here, I see no increase in use of water, right?
- How can you even consider such an expansion of zoning with our limited water supply?
- Bylaw 530 is inconsistent with our OCP as this is a zoning change that results in increased island population.

Islands Trust

Salt Spring Island Local Trust Committee

Proposed Bylaw No. 530: Accessory Dwelling Units

Open House Comment Sheet

1. I know 530 is only about bylaws, but given its importance, and I think urgency, could it go to a referendum?

2. Will the CRD in Victoria get involved in this decision?

3. So this will be resolved by Fall of '23, if all goes well! But as the main stumbling block in this proposal (not to mention even the on going problem of the permiting & construction of NEW Housing!) is density & its effect on WATER, shouldn't the passing of bylaw 530 be connected to the coming water crisis?

Name: Rob Brownridge

Address [redacted]

Personal Information is collected for the purposes of public feedback regarding land use decisions. The Islands Trust Salt Spring Island is collecting this information under s.26(c) of the Freedom of Information and Protection of Privacy Act. For questions regarding the collection of personal information, please contact the Legislative Clerk/Deputy Secretary, 1 – 500 Lower Ganges Road Salt Spring Island, BC V8K 2N8 Canada TEL: 250-537-9144.

Islands Trust

Salt Spring Island Local Trust Committee

Proposed Bylaw No. 530:
Accessory Dwelling Units

Open House Comment Sheet

Very clear and concise information session!
Looking forward to the public hearing. As a long ~~ter~~ time renter [redacted] here and newly partial owner, this is a very important topic in our lives.
May I suggest;
Having a time/date that is convenient for workers to join? Just a tought !!

Name: GABRIELLE DUCHARME

Address

Personal Information is collected for the purposes of public feedback regarding land use decisions. The Islands Trust Salt Spring Island is collecting this information under s.26(c) of the Freedom of Information and Protection of Privacy Act. For questions regarding the collection of personal information, please contact the Legislative Clerk/Deputy Secretary, 1 – 500 Lower Ganges Road Salt Spring Island, BC V8K 2N8 Canada TEL: 250-537-9144.

June 6, 2023

Islands Trust

Salt Spring Island Local Trust Committee

Proposed Bylaw No. 530:
Accessory Dwelling Unit

Public Hearing Comment Sheet

Our community deserves to have homes for all our people! Our elders, families, hard workers and our most marginalized. Bylaw 530, while not a panacea, does serve an immediate purpose, and with these new ammendments, seems to be in harmony with our current OCP + LUB.

This is but a FIRST step though, and I hope that our LTC and staff will now direct attention towards ECO-VILLAGE Zoning. Clustered housing, inclusive communities on bus and active-transport routes.

Please! We need to create homes for those of us who have not that privilege!

Name: Nejmah Guermoudi

Address [redacted]

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Islands Trust

Salt Spring Island Local Trust Committee

Proposed Bylaw No. 530:
Accessory Dwelling Unit

Public Hearing Comment Sheet

The proposed bylaw 530 will be changing the characteristics of neighborhoods like mine. [redacted] IMO: a negative change.

My primary concern is about water usage. - More people, more kitchens/baths etc implys more ~~water~~ well water usage. How the community aquifer is very likely affects water quality & quantity.

The Bylaw changes the Island Trust Mandate to preserve & protect the trust area ... ~~by permitting this~~ This Bylaw permits more people & greater density & in my opinion the bylaw does not preserve & protect. What we already have.

Name: JEN BELL

Address [redacted]

I am not in favor of the proposed Bylaw 530

Personal Information is collected for the purposes of public feedback regarding land use decisions. The Islands Trust Salt Spring Island is collecting this information under s.26(c) of the Freedom of Information and Protection of Privacy Act. For questions regarding the collection of personal information, please contact the Legislative Clerk/Deputy Secretary, 1 – 500 Lower Ganges Road Salt Spring Island, BC V8K 2N8 Canada TEL: 250-537-9144.

ATTACHMENT 2

From: Mitchell Sherrin <msherrin@saltspringfire.com>
Sent: Tuesday, May 2, 2023 1:40 PM
To: SSIInfo <ssiinfo@islandstrust.bc.ca>
Subject: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units

Hello,
From a fire-department perspective, we are concerned about identification and access regarding Acessory Dwelling Units (ADUs). Other considerations should be captured within the B.C. Building Code.

We recommend the following measures:

Addressing: ADUs must be assigned individual civic addresses, which must be posted, as per CRD Civic Addressing Bylaw No. 4076.

Driveways: driveways for ADUs must also comply with Schedule D Driveway Guidelines of Islands Trust Land Use Bylaw No. 355.

Thank you for your consideration.
Regards,
Mitchell

Mitchell Sherrin | Assistant Chief

Salt Spring Island Fire Rescue | 105 Lower Ganges Road
Salt Spring Island, B.C., V8K 2T1
msherrin@saltspringfire.com | www.saltspringfire.com
+1 (250) 537-2531

From: Mike Tippett <Mike.Tippett@cvrd.bc.ca>
Sent: Wednesday, May 17, 2023 4:24 PM
To: Rob Pingle
Subject: RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units

Hi Rob,

With FCM coming up next week our Board meeting will be disrupted and so I will tell you now that our Electoral Area Services Committee is advising the Board (which will not meet again until after your June 1st deadline for referral comments) to tell the Islands Trust that the Cowichan Valley Regional District's interests are unaffected by Bylaw 530.

Once the EASC resolution is published I will aim to send it over to you.

Best regards,

Mike Tippett, MRM, RPP, MCIP

Division Manager
Community Planning
Land Use Services Department
Cowichan Valley Regional District
175 Ingram Street, Duncan BC V9L 1N8
Telephone: 250.710.2928

From: Rob Pingle <rpingle@islandstrust.bc.ca>
Sent: May 1, 2023 3:31 PM
To: 'kcampbell@crd.bc.ca' <kcampbell@crd.bc.ca>; achan@crd.bc.ca; gateway_office@islandhealth.ca; Bylaw Enforcement <bylawenforcement@islandstrust.bc.ca>; cathie.mcintyre@bcassessment.ca; amanda.vanderkloof@bcas.ca; info@nsswaterworks.ca; saltspring@rcmp-grc.gc.ca; dlundy@saltspringfire.com; Mike Tippett <Mike.Tippett@cvrd.bc.ca>; Nadine Mourao <nmourao@islandstrust.bc.ca>; Jas Chonk <jchonk@islandstrust.bc.ca>; Martin.Collins@gov.bc.ca; vss@bcassessment.ca; Forests.SouthIslandDistrictOffice@gov.bc.ca; Kris.Nichols@gov.bc.ca; Ron.Burleson@gov.bc.ca; Michael.Pearson@gov.bc.ca; Cimarron.Corpe@gov.bc.ca
Cc: jarnet@crd.bc.ca; Jennifer Baddeley <jbaddeley@islandstrust.bc.ca>; Louisa Garbo <lgarbo@islandstrust.bc.ca>
Subject: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units

Dear Referral Coordinator,
Please find attached to this email referral information concerning Proposed Land Use Bylaw Amendment No. 530 regarding Accessory Dwelling Units from the Salt Spring Island Local Trust Committee (SS LTC).

Proposed Bylaw No. 530 seeks to amend the Salt Spring Island Land Use Bylaw No. 355 by allowing all types of Accessory Dwelling Units (ADUs) to be established on Salt Spring Island in order to address the housing crisis. You received the referral for comments to back in November, 2021, but the draft bylaw has gone through many revisions to address comments from the community and First Nations. The SS LTC subsequently passed resolutions to re-hear the proposed bylaw a second time with their amendments at their meeting on April 13, 2023 and requested staff to refer the proposed bylaw to agencies and First Nations for further comment.

The staff reports and the Proposed Bylaw No. 530 can be found at: https://islandstrust.bc.ca/island-planning/salt-spring/projects/, simply click on links under "Housing Action Program – Accessory Dwelling Units (ADUs)."

We understand that there are numerous demands on your time, however, we genuinely welcome any comments you may have, whether they are site-specific or more strategic and high level. A reply is respectfully requested by **Thursday, June 1, 2023**. Should you have any questions, don't hesitate to contact the project planner, Louisa Garbo, at ssiinfo@islandstrust.bc.ca or 250-537-9144.

Referral responses should be addressed to ssiinfo@islandstrust.bc.ca or by mail to:
Islands Trust 1 – 500 Lower Ganges Road SSI, BC V8K 2N8
Thank you for your time and attention to this referral.

Respectfully,
Rob Pingle

Rob Pingle
Acting Legislative Clerk
Islands Trust
1-500 Lower Ganges Road | Salt Spring Island, BC V8K 2N8
Phone: 250-538-5600 | www.islandstrust.bc.ca
You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea
I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOḰEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəẃaθən, səlilwətaɬ, SEMYOME, shíshálh, Sḵwx̱wú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SȾÁUTW̱, Stz'uminus, ɬaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W̱JOŁEŁP, W̱SIḴEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

Minutes of the Regular meeting of the Electoral Area Services Committee of the Cowichan Valley Regional District, transmitted electronically, via 175 Ingram Street, Duncan, BC, on Wednesday, May 17, 2023, at 1:31 PM.

PRESENT: Director A. Nicholson, Chair
Director M. Wilson
Director H. Abbott
Director S. Acton
Director K. Deck
Director B. Maartman
Director J. McClinton
Director I. Morrison
Director K. Segall

ALSO PRESENT: A. Stone, Board Chair
D. Myles Wilson, Chief Administrative Officer
N. Wehner, Corporate Financial Officer
B. Mohan, General Manager, Corporate Services Department
A. Kjerulf, General Manager, Land Use Services Department
C. Postings, General Manager, Strategic Services Department
T. Bowen, Manager, Financial Planning Division
M. Tippett, Manager, Community Planning Division
I. MacDonald, Manager, Inspections & Enforcement Division
M. Pressman, Manager, Development Services Division
C. Breen, Manager, Planning-Strategic Initiatives Division*
B. Farquhar, Manager, Parks & Trails Division
T. Soroka, Manager, Parks Planning & Stewardship, Parks & Trails Division
I. Sarady, Manager, Recycling & Waste Management Division
V. Thomson, Manager, Utilities Water Management Division
L. Knodel-Joy, Senior Engineering Technologist
M. Walker, Parks & Trails Planner
S. Butterfield, Parks Volunteer Coordinator
R. Buchan, Planner III
C. Boyle, Planner II
J. Dubyna, Planner II*
A. Ferguson, Executive Coordinator*
C. Convery, Support Technician
J. Hughes, Recording Secretary

* participated remotely

APPROVAL OF AGENDA

It was moved and seconded that the agenda be amended with the deletion of Item R10 (Report from the Parks & Trails Division Re: Shawnigan Lake Waterfront Parks Schematic Design Brief and Boat Launch Feasibility Study) and the addition of five New Business items:

NB1 Supplemental Information Received from Andy Stewart Re: Item R1 - Application No. ALR23B1 (4045 Hillbank Road, PID: 009-470-557);

NB2 Supplemental Information Received from Mark Chornopsky and Irene Predikant Re: Item R2 - Application No. DVP23D01 (4598 Sparwood Road/PID: 029-043-107);

NB3 Supplemental Information Received from Mike Martin Re: Item R2 - Application No. DVP23D01 (4598 Sparwood Road/PID: 029-043-107);

NB4 Verbal Report from Director Morrison Re: Little Beach Grand Opening;

NB5 Director Nicholson Re: Roundtable Discussion; and

that the agenda, as amended, be approved.

MOTION CARRIED

ADOPTION OF MINUTES

M1 Special Electoral Area Services Committee Meeting of May 3, 2023

It was moved and seconded that the minutes of the Special Electoral Area Services Committee meeting of May 3, 2023, be adopted.

MOTION CARRIED

INFORMATION

IN1 Electoral Area C – Cobble Hill Advisory Planning Commission Minutes – May 4, 2023, was received for information.

REPORTS

R1 Report from the Development Services Division Re: Application No. ALR23B01 (4045 Hillbank Road, PID: 009-470-557)

Item NB1 was brought forward at this time Re: Supplemental Information Received from Andy Stewart Re: Item R1 - Application No. ALR23B1 (4045 Hillbank Road, PID: 009-470-557), was received for information.

It was a moved and seconded that it be recommended to the Board:

1. **That Application No. ALR23B01 (4045 Hillbank Road, PID: 009-470-557) be referred to external agencies, as outlined in the May 1, 2023, Staff Report to the May 17, 2023, Electoral Area Services Committee, and to the Ministry of Energy, Mines and Low Carbon Innovation, the Electoral Area B – Shawnigan Lake and Electoral Area E – Cowichan Station/Sahtlam/Glenora Advisory Planning Commissions, with all of the pertinent file information.**
2. **That the applicant for Application No. AL23B01 (4045 Hillbank Road, PID: 009-470-557) provide a preliminary assessment from a qualified professional Agrologist to establish the baseline soil conditions (to verify existing soil characteristics and agricultural capability/suitability of the land) with recommendations to conserve or enhance existing soil conditions, and options to mitigate possible impacts to the aquifer.**

MOTION CARRIED

R2 Report from the Development Services Division Re: Application No. DVP23D01 (4598 Sparwood Road/PID: 029-043-107)

Items NB2 and NB3 were brought forward at this time Re: Supplemental Information Received from Mark Chornopsky and Irene Predikant and Supplemental Information Received from Mike Martin Re: Item R2 - Application No. DVP23D01 (4598 Sparwood Road/PID: 029-043-107), was received for information.

It was moved and seconded that it be recommended to the Board that Development Variance Permit No. DVP23D01 (4598 Sparwood Road, PID: 029-043-107), be referred to the Electoral Area D – Cowichan Bay Advisory Planning Commission to gather input on concerns raised regarding buildings and structures built on site since 2017.

MOTION CARRIED

R3 Report from the Development Services Division Re: Application No. RZ23G01 (11224 Chemainus Road/PID: 003-067-327)

It was moved and seconded that it be recommended to the Board:

1. **That the draft Zoning Amendment Bylaw for Application No. RZ23G01 (11224 Chemainus Road, PID: 003-067-327), be prepared by staff and forwarded to the Board for consideration of 1st and 2nd reading; and**
2. **That a public hearing not be held for Application No. RZ22A02 (11224 Chemainus Road, PID: 003-067-327), and that notice be undertaken in accordance with the *Local Government Act*.**

MOTION CARRIED

2:25 PM The Committee agreed by consensus to recess at 2:25 PM.

2:36 PM The Committee meeting resumed at 2:36 PM.

R4 Report from the Development Services Division Re: Community Water System Definition in CVRD Works and Servicing Bylaw No. 4331 and Electoral Area "H" - North Oyster/Diamond Zoning Bylaw No. 1020

It was moved and seconded that it be recommended to the Board:

1. **That CVRD Bylaw No. 4331 – Electoral Area Works and Servicing Bylaw, 2022, be amended by:**
   a. **Removing Clause "c" from the definition of 'community water system', and renumbering the subsequent clause; and**
   b. **Removing Schedule A – Water Utilities in its entirety.**
2. **That Electoral Area "H" Zoning Bylaw No. 1020, 1986, be amended by removing the definition of 'community water system' and replacing it with a new definition.**
3. **That amendment bylaws be prepared and forwarded to the Board for consideration of 1st and 2nd reading.**
4. **That a public hearing not be held and notice be given in accordance with Sections 464 and 467 of the *Local Government Act*.**

MOTION CARRIED

R5 Report from the General Manager, Land Use Services Department Re: Development Services Modernization – Development Procedures & Referrals *(Referred from the May 10, 2023, Board Meeting)*

It was moved and seconded that it be recommended to the Board that revisions to the Development Application Referrals Policy, in accordance with the Electoral Area Services Committee Report dated April 19, 2023, be accepted.

MOTION CARRIED

It was moved and seconded that it be recommended to the Board that a workshop be arranged for the Electoral Area Services Committee in order to have a more fulsome discussion on public information meetings and the format of public hearings.

MOTION CARRIED

It was moved and seconded that CVRD Bylaw No. 4483 – Development Application Procedures Bylaw, 2023, be amended by deleting 13.b and 13.d and that Section 13 be re-numbered accordingly.

MOTION CARRIED

It was moved and seconded that it be recommended to the Board that CVRD Bylaw No. 4483 – Development Application Procedures Bylaw, 2023, as amended, be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

3:47 PM The Committee agreed by consensus to recess at 3:47 PM.

4:00 PM The Committee meeting resumed at 4:00 PM.

R6 Report from the Community Planning Division Re: Referral of Bylaw No. 530 from Islands Trust

It was moved and seconded that it be recommended to the Board that the Islands Trust be informed that the interests of the Cowichan Valley Regional District are unaffected by the Islands Trust draft Bylaw No. 530.

MOTION CARRIED

R7 Report from the Utilities Division Re: Amend Bylaw No. 2790 Sentinel Ridge Sewer System Establishment

It was moved and seconded that it be recommended to the Board:

1. **That the Certificate of Sufficiency confirming a sufficient petition for inclusion into the Sentinel Ridge Sewer System Service Area for the**

property described as 2530 Mill Bay Road, PID: 023-004-193, Lot 3, Plan VIP60384, District Lot 18 & 47, Malahat Land District, be received;
2. **That CVRD Bylaw No. 2790 – Sentinel Ridge Sewer System Service Establishment Bylaw, 2006, be amended to include the property described as 2530 Mill Bay Road, PID: 023-004-193, Lot 3, Plan VIP60384, District Lot 18 & 47, Malahat Land District; and**
3. **That the amendment to Bylaw 2790 be forwarded to the Board for consideration of three readings and upon payment of capacity connection fees, for adoption.**

MOTION CARRIED

R8 Report from the Utilities Division Re: Electoral Area D - Streetlighting Service Requests and Requisition Increase

It was moved and seconded that it be recommended to the Board:
1. **That CVRD Bylaw No. 2140 – Electoral Area D – Cowichan Bay Critical Location Streetlighting Service Establishment Bylaw, 2000, be amended to increase the maximum annual requisition limit from $3,000 to the greater of $6,000, or an amount that equals the amount raised by applying a property value tax rate of $0.0018 per $1,000 to the net taxable value of land and improvements in the service area;**
2. **That two additional streetlights be installed in the area of 5199 Francis Street and 5198 Eleanor Street.**

MOTION CARRIED

R9 Report from the Utilities Division Re: Budget Amendment Honeymoon Bay Water

It was moved and seconded that it be recommended to the Board that the 2023 budget for Function 660 – Honeymoon Bay Water, be amended to:
1. **Increase Transfer from Gas Tax Reserve, Phase 3 by $220,000; and**
2. **Increase Capital – Engineering Structures by $220,000.**

MOTION CARRIED

R10 Deleted during Approval of the Agenda.

R11 Report from the Parks & Trails Division Re: Licence of Use Agreement with the Tube Shack – Little Beach Park, Electoral Area F - Cowichan Lake South/Skutz Falls

It was moved and seconded that it be recommended to the Board:
1. **That the CVRD enter into a Licence of Use Agreement with Lake Cowichan Adventure Company Ltd. (operating as the Tube Shack) beginning June 17, 2023 to September 17, 2023, for the purpose of tubing egress at Little Beach Park in Electoral Area F (legally described as PID: 031-893-571, Lot 5, Block 29, Cowichan Lake District, Plan EPP118057); and**
2. **That the Licence of Use Agreement between the CVRD and Lake Cowichan Adventure Company Ltd. (operating as the Tube Shack) be**

renewed annually, for a maximum of four additional one-year terms, under the same terms and conditions outlined in the attached agreement.

MOTION CARRIED

R12 Report from the Parks & Trails Division Re: Park Reservations, Community Special Events and Park Volunteer Program Highlights 2019-2022 *(Referred from the February 22, 2023 Committee of the Whole Meeting),* was received for information.

R13 Report from the Parks & Trails Division Re: 2022 CVRD Parks and Trails Visitation Summary *(Referred from the February 22, 2023, Committee of the Whole Meeting)*, was received for information.

R14 Report from the Parks & Trails Division Re: Bright Angel Park Visitation Review and Capacity Assessment

It was moved and seconded that it be recommended to the Board that implementation of the Bright Angel Park Visitation Review and Capacity Assessment, be approved.

MOTION CARRIED

NEW BUSINESS

NB1 Dealt with earlier in the agenda.

NB2 and NB3 Dealt with earlier in the agenda.

NB4 Verbal Report from Director Morrison Re: Little Beach Grand Opening

It was moved and seconded that it be recommended to the Board that the Parks & Trails Division staff organize, by invitation only, a Little Beach Grand Opening Event in July 2023.

MOTION CARRIED

NB5 Director Nicholson Re: Roundtable Discussion, was received for information.

CLOSED SESSION

5:06 PM **It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter,* Part 4, Division 3, {90 (1)(f)} Law Enforcement; {90 (1)(k)} Negotiations; and adoption of the Closed Session Electoral Area Services Committee Meeting Minutes of May 3, 2023.**

MOTION CARRIED

RISE FROM CLOSED SESSION

5:55 PM **It was moved and seconded that the Committee rise, without report, and return to the Open portion of the meeting.**

MOTION CARRIED

ADJOURNMENT

5:55 PM **It was moved and seconded that the meeting be adjourned.**

MOTION CARRIED

The meeting adjourned at 5:55 PM.

_____ _____

Chair Recording Secretary

Dated: _____

From: SSIInfo
Sent: Thursday, May 25, 2023 4:37 PM
To: Rob Pingle
Subject: FW: Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units
Attachments: SS-LTC_2023-05-01_SS-BL-530_ReferralFRM LM.pdf

From: McKelvey, Laura <Laura.McKelvey@islandhealth.ca>
Sent: Thursday, May 25, 2023 3:46 PM
To: SSIInfo <ssiinfo@islandstrust.bc.ca>
Subject: Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units

Good afternoon,

Please find comments regarding the Proposed Bylaw No. 530 attached.

Kind regards,

Laura McKelvey, BSc, BTech, CPHI(C)
Environmental Health Officer | Island Health
Gateway Village Health Unit #201-771 Vernon Avenue Victoria, BC V8X 5A7

Phone: 250.519.3401 ext: 32287
Fax: 250.519.3402
Email: laura.mckelvey@islandhealth.ca

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BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area **Bylaw No.:** 530 **Date:** May 1, 2023

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

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee (SS LTC)

PURPOSE OF BYLAW:

Accessory Dwelling Units (ADUs) to be permitted in most residential zones, with conditions.

GENERAL LOCATION:

Salt Spring Island

LEGAL DESCRIPTION:

Multiple

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
Multiple	Multiple	Multiple

OTHER INFORMATION:

- We sent out a referral for comments to your office back in November, 2021, on a draft bylaw to expand secondary suites to be permitted in more zones on Salt Spring Island. The Salt Spring Island Local Trust Committee (SS LTC) subsequently recommended expanding secondary suites to allow more housing types to be permitted on the island.
- Proposed Bylaw No. 530 on Accessory Dwelling Units (ADUs) to provide additional housing options was created and draft Bylaw 526 on secondary suites became part of Proposed Bylaw No. 530 on accessory dwelling units. The SS LTC gave Proposed Bylaw No. 530 the second reading followed by a public hearing in August, 2022. Upon comments from the community and First Nations the SS LTC requested staff to revise the bylaw to address the concerns raised in the comments.
- The SS LTC subsequently passed resolutions to re-hear the proposed bylaw a second time with amendments at their meeting on April 13, 2023 and requested staff to refer the proposed bylaw to agencies and First Nations for comment.
- The amended proposed bylaw included the following development standards (please see attached Proposed Bylaw No. 530 for details):
  - Limits to building size and height
  - Distance between buildings and interior lot line setbacks
  - Driveway restrictions to reduce impermeable surface
- Based on the data in the BC Housing study on ADUs, and the lack of uptake since the adoption of ADUs in Gabriola Island and North Pender Island, the SS LTC is anticipating the uptake of available lots resulting from the adoption of the proposed bylaw to be less than 10%. However, the SS LTC, passed a resolution and requested staff to monitor the outcome and report back in two years following adoption of the proposed bylaw.
- Please provide comments/concerns on the revised Proposed Bylaw No. 530 on ADUs.

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: Louisa Garbo

Title: Island Planner

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Ts'uubaa-asatx First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation
Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Provincial Agencies

Agricultural Land Commission
BC Assessment Authority
Ministry of Municipal Affairs
Ministry of Housing
Ministry of Transportation & Infrastructure
Ministry of Forest Lands, Natural Resource Operations and Rural Development (water authorization)
FrontCounter BC

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Building Inspection
CRD – SSI Director
Vancouver Island Health Authority
Islands Trust Bylaw Enforcement and Compliance
SSI Advisory Planning Commission
SSI Agricultural Advisory Planning Commission

Non-Agency Referrals

BC Ambulance Service
North Salt Spring Waterworks District
RCMP
SSI Chamber of Commerce
SSI Fire-Rescue

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

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**

1. All water systems serving more than one single-family residence(s) require the appropriate approvals/permits from Island Health under the Drinking Water Protection Act (DWPA) and Drinking Water Protection Regulation (DWPR), including accessory dwelling units (ADU) on the same lot sharing a water source. Where an ADU is unable to connect to an existing community water system or drinking water system approved by the Health Authority, the owner is subject to the requiremetns of the DWPA/DWPR.
2. All structures generating domestic sewage are required to be discharged into a holding tank, sewerage system, or sewer system as per the Sewerage System Regulation.

Salt Spring Island Trust Area	530
(Island)	(Bylaw Number)
	Environmental Health Officer
(Signature)	(Title)
25/May/2023	Island Health
(Date)	(Agency)

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☒ **Interests Unaffected by Bylaw**

X

☐ **Approval Not Recommended Due to Reason Outlined Below**

Salt Spring Island Trust Area	530
(Island)	(Bylaw Number)
J. Chonk	
(Signature)	Jas Chonk, Legislative Clerk (Title)
May 26, 2023 (Date)	North Pender Island Local Trust Committee (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**

Salt Spring Island Trust Area	530
(Island)	(Bylaw Number)
J. Chonk	Jas Chonk, Legislative Clerk
(Signature)	(Title)
May 29, 2023	Mayne Island Local Trust Committee
(Date)	(Agency)

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent: Thursday, June 1, 2023 12:44 PM
To: SSIInfo <ssiinfo@islandstrust.bc.ca>
Subject: RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units

Hello Louisa,

Thank you for the referral. If the accessory dwelling unit provisions would apply to any of the Island's Agricultural Land Reserve lands, ALC staff suggest including a line under section 3.14 such as the following:

> "An *accessory dwelling unit* located within the Provincial Agricultural Land Reserve must also be consistent with the provisions of the Agricultural Land Commission Act and its regulations."

Regards,

Mike Bandy | Regional Planner
Agricultural Land Commission
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6
T: 236.468.3276
ALC.Referrals@gov.bc.ca | www.alc.gov.bc.ca

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From: Rob Pingle <rpingle@islandstrust.bc.ca>
Sent: Monday, May 1, 2023 3:31 PM
To: 'kcampbell@crd.bc.ca' <kcampbell@crd.bc.ca>; achan@crd.bc.ca; gateway_office@islandhealth.ca; Bylaw Enforcement <bylawenforcement@islandstrust.bc.ca>; McIntyre, Cathie BCA:EX <cathie.mcintyre@bcassessment.ca>; Vanderkloof, Amanda C EHS:EX <Amanda.Vanderkloof@bcehs.ca>; info@nsswaterworks.ca; saltspring@rcmp-grc.gc.ca; dlundy@saltspringfire.com; mtippett@cvrd.bc.ca; Nadine Mourao <nmourao@islandstrust.bc.ca>; Chonk, Jas ISLT:IN <jchonk@islandstrust.bc.ca>; Collins, Martin ALC:EX <Martin.Collins@gov.bc.ca>; BCA Greater Vancouver Assessment Region BCA:EX <greater.vancouver@bcassessment.ca>; South Island District Office, Forests FOR:EX <Forests.SouthIslandDistrictOffice@gov.bc.ca>; Nichols, Kris MUNI:EX <Kris.Nichols@gov.bc.ca>; Burleson, Ron MUNI:EX <Ron.Burleson@gov.bc.ca>; Pearson, Michael TRAN:EX <Michael.Pearson@gov.bc.ca>; Corpe, Cimarron HOUS:EX <Cimarron.Corpe@gov.bc.ca>
Cc: jarnet@crd.bc.ca; Jennifer Baddeley <jbaddeley@islandstrust.bc.ca>; Louisa Garbo <lgarbo@islandstrust.bc.ca>
Subject: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units

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

Dear Referral Coordinator,
Please find attached to this email referral information concerning Proposed Land Use Bylaw Amendment No. 530 regarding Accessory Dwelling Units from the Salt Spring Island Local Trust Committee (SS LTC).

Proposed Bylaw No. 530 seeks to amend the Salt Spring Island Land Use Bylaw No. 355 by allowing all types of Accessory Dwelling Units (ADUs) to be established on Salt Spring Island in order to address the housing crisis. You received the referral for comments to back in November, 2021, but the draft bylaw has gone through many revisions to address comments from the community and First Nations. The SS LTC subsequently passed resolutions to re-hear the proposed bylaw a second time with their amendments at their meeting on April 13, 2023 and requested staff to refer the proposed bylaw to agencies and First Nations for further comment.

The staff reports and the Proposed Bylaw No. 530 can be found at: https://islandstrust.bc.ca/island-planning/salt-spring/projects/, simply click on links under "Housing Action Program – Accessory Dwelling Units (ADUs)."

We understand that there are numerous demands on your time, however, we genuinely welcome any comments you may have, whether they are site-specific or more strategic and high level. A reply is respectfully requested by **Thursday, June 1, 2023**. Should you have any questions, don't hesitate to contact the project planner, Louisa Garbo, at ssiinfo@islandstrust.bc.ca or 250-537-9144.

Referral responses should be addressed to ssiinfo@islandstrust.bc.ca or by mail to:
Islands Trust 1 – 500 Lower Ganges Road SSI, BC V8K 2N8
Thank you for your time and attention to this referral.

Respectfully,
Rob Pingle

Rob Pingle
Acting Legislative Clerk
Islands Trust
1-500 Lower Ganges Road | Salt Spring Island, BC V8K 2N8
Phone: 250-538-5600 | www.islandstrust.bc.ca
You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea
I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOḰEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəẃaθən, səlilwətaɬ, SEMYOME, shíshálh, Sḵwx̱wú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SȾÁUTW̱, Stz'uminus, ɬaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W̱JOŁEŁP, W̱SIḴEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: Aggie Chan <AChan@crd.bc.ca>
Sent: Thursday, June 1, 2023 3:50 PM
To: SSIInfo <ssiinfo@islandstrust.bc.ca>
Subject: CRD comment - Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units

Good afternoon,

Here are the comments collected within CRD on the above mentioned referral:

Regional Strategic Planning – no comment
Environmental Services – no comment

Regards,

Aggie Chan
Senior Administrative Secretary | Real Estate Services
T: 250.360.3176
Facebook | Twitter | Instagram | LinkedIn | www.crd.bc.ca

Making a difference...together

Capital Regional District
625 Fisgard Street
Victoria, BC V8W 1R7

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Commissioner Gunn was nominated and accepted the nomination.

Staff Pingle called three times for further nominations.

Hearing none, he declared the nominations closed. Commissioner Gunn was elected Vice-Chair by acclamation.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted.

3. MINUTES OF PREVIOUS MEETING

3.1 Draft Minutes of the July 28, 2022 APC Meeting

By general consent, the minutes of the July 28, 2022 Salt Spring Island Advisory Planning Commission meeting were adopted.

4. BUSINESS ITEMS

4.1 Proposed Bylaw No. 530 – Accessory Dwelling Units - Staff Report

Planner Garbo presented the staff report on Proposed Bylaw No. 530.

There was discussion regarding the following
- consultation with First Nations and their concerns being raised.
- Option 3 in the staff report, dated April 13, 2023, to scale back the ADUs to be within only Schedule I.

It was MOVED and SECONDED,
That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that Proposed Bylaw No. 530 proceed as proposed.

It was MOVED and SECONDED,
That the Salt Spring Island Advisory Planning Commission amended the motion to include the following,
"subject to the following recommendations:
- That the ADUs would be in alignment with the Secondary Suites as in Schedule I of the Land Use Bylaw."

DEFEATED

Returning to the original motion the Chair called a vote.

It was MOVED and SECONDED,
That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that Proposed Bylaw No. 530 proceed as proposed.

CARRIED

Hearing none, he declared the nominations closed. Commissioner Brochu-Ingram was elected Vice-Chair by acclamation.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted.

3. MINUTES OF PREVIOUS MEETING

3.1. Draft Minutes of the February 3, 2022 AAPC Meeting – For Adoption

By general consent, the minutes of the February 3, 2022 Salt Spring Island Agricultural Advisory Planning Commission meeting were adopted.

4. BUSINESS ITEMS

4.1 Draft Bylaw No. 530 – Accessory Dwelling Units – Staff Report

Planner Garbo presented a memorandum dated June 1, 2023 regarding Draft Bylaw No. 530.

It was MOVED and SECONDED,
That the Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw No. 530 proceed as proposed.

CARRIED

5. OTHER BUSINESS

6. ADJOURNMENT

By general consent the meeting adjourned at 4:38 p.m.

_____
Bree Eagle, Chair

CERTIFIED CORRECT:

_____
Rob Pingle, Recorder

DRAFT

From: Tracy Fleming <Tracy.Fleming@cowichantribes.com>
Sent: Wednesday, May 3, 2023 9:30 AM
To: Rob Pingle; SSIInfo
Cc: Eduardo Sousa; Louisa Garbo
Subject: Re: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units

Hello Rob,

At this time, Cowichan Tribes does not oppose an amendment to this Salt Spring Land Use Bylaw allowing accessory dwellings.

Please ensure all Islands Trust related referrals are also copied to Eduardo Sousa, copied above.

Huy ch q'u (Thank you)

Tracy Fleming, M.Sc.
Lead Referrals Coordinator
Lands and Self-Governance ~ Lulumexun
Cowichan Tribes
5762 Allenby Road
Duncan, BC V9L 5J1
P: 250-800-4023 (reception)

Mukuw' stem 'i' utunu tumuhw, 'o' hulüitun tst, mukw' stem 'i' utunu tumuhw 'o' slhüilhukw 'ul
Everything on this Earth is what sustains us, everything on this Earth is connected together.
(*Quw'utsun* Teaching)

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>>> Rob Pingle <rpingle@islandstrust.bc.ca> 5/1/2023 2:00 PM >>>
For:
Tracy Fleming, M.Sc.
Lead Referrals Coordinator

Lands and Self-Governance ~ Lulumexun
Cowichan Tribes

Dear Tracy,

Please find attached to this email referral information concerning Proposed Land Use Bylaw Amendment No. 530 regarding Accessory Dwelling Units from the Salt Spring Island Local Trust Committee (SS LTC).

Proposed Bylaw No. 530 seeks to amend the Salt Spring Island Land Use Bylaw No. 355 by allowing all types of Accessory Dwelling Units (ADUs) to be established on Salt Spring Island in order to address the housing crisis. You received the referral for comments to back in November, 2021, but the draft bylaw has gone through many revisions to address comments from the community and First Nations. The SS LTC subsequently passed resolutions to re-hear the proposed bylaw a second time with their amendments at their meeting on April 13, 2023 and requested staff to refer the proposed bylaw to agencies and First Nations for further comment.

The staff reports and the Proposed Bylaw No. 530 can be found at: https://islandstrust.bc.ca/island-planning/salt-spring/projects/, simply click on links under "Housing Action Program – Accessory Dwelling Units (ADUs)."

We understand that there are numerous demands on your time, however, we genuinely welcome any comments you may have, whether they are site-specific or more strategic and high level. A reply is respectfully requested by **Thursday, June 1, 2023**. Should you require additional time, or should you have any questions, don't hesitate to contact the project planner, Louisa Garbo, at ssiinfo@islandstrust.bc.ca or 250-537-9144.

Referral responses should be addressed to ssiinfo@islandstrust.bc.ca or by mail to:
Islands Trust 1 – 500 Lower Ganges Road SSI, BC V8K 2N8

Thank you for your time and attention to this referral.

Respectfully,
Rob Pingle

Rob Pingle
Acting Legislative Clerk
Islands Trust
1-500 Lower Ganges Road | Salt Spring Island, BC V8K 2N8
Phone: 250-538-5600 | www.islandstrust.bc.ca
You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea
I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOḰEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəẃaθən, səlilwətaɬ, SEMYOME, shíshálh, Sḵwx̱wú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SŦÁUTW̱, Stz'uminus, ɬaʔamen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W̱JOŁEŁP, W̱SIḴEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

Malahat Nation
110 Thunder Road | Mill Bay, BC | V0R 2P4
Tel: (250) 743-3231 | Fax: (250) 743-3251
info@malahatnation.com | www.malahatnation.com

June 1st 2023

Islands Trust 1 – 500 Lower Ganges Road SSI, BC

Malahat Referral No: R23057

Via email: ssiinfo@islandstrust.bc.ca

RE: Malahat Nation Response to Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units

Dear Salt Spring Island Trust,

Thank you for your consultation request for Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units dated May 1st 2023, located in Malahat Nation's traditional territory.

Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this referral.

Thank you for your time and consideration.

Sincerely,

Kate Richey

Kate Richey
Referrals Coordinator
Malahat Nation

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2010-02-04	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. **CARRIED**
2013-01-10	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. **CARRIED** *Bylaw 461 was adopted May 2, 2013

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2016-06-02	SS-2016-114	Grantville Neighbourhood lawful non-conforming sewage disposal field repair or replacement	**It was MOVED and SECONDED,** that the Salt Spring Island Local Trust Committee adopt "Standing Resolution 2" as specified in Appendix 2 of the staff report dated May 25, 2016. (shown below): 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. **CARRIED**

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
POLICY & STANDING RESOLUTIONS LIST

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

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2018-08-16	SS-2018-177	Cannabis Regulation	**It was MOVED and SECONDED,** that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms; ○ The location of the proposed establishment and the subject site; ○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; ○ How public comments may be submitted to the Local Trust Committee. **CARRIED**

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
POLICY & STANDING RESOLUTIONS LIST

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

Date	Resolution Number	Topic	Resolution
2019-08-27	SS-2019-153	STVR	**It was MOVED and SECONDED,** that the Salt Spring Island Local Trust Committee rescind Resolution SS-2017-120 and adopt the following new short-term vacation rental enforcement policy: that given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short-Term Vacation Rentals (STVRs) that have one or more of the following characteristics will be subject to proactive enforcement: 1. They are advertised on the Internet, newspapers or other media; 2. More that one dwelling on the lot is simultaneously made available for STVRs; 3. While the property is rented persons are staying in tents, trailers, or Recreational Vehicles; 4. There are issues related to health and safety; 5. There is a written complaint by owners or residents on nearby lots about bona fide nuisance issues such as noise or parking congestion related to the STVR; 6. The owner of the property uses more than one property on Salt Spring Island as an STVR; that a Short-Term Vaction Rental (STVR) is defined as rental of a dwelling, suite, or cottage in a residential zone for less that 30-day periods; that a Short-Term Vacation Rental (STVR) is defined as the rental of a dwelling, suite, cottage, camping unit, accessory building or structure for a commercial guest accommodation use in a non commercial or commercial guest accommodation zone for less than a 30-day period; 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. **CARRIED**

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-11-26	SS-2019-253	Reconciliation	**It was MOVED and SECONDED,** that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re) introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area. **CARRIED**

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-12-17	SS-2019-275	Referral of Items to the Agricultural Advisory Planning Commission	**It was MOVED and SECONDED,** that the Salt Spring Island Local Trust Committee refer Agricultural Land Commission applications directly to the Agricultural Advisory Planning Commission, prior to consideration by the Salt Spring Island Local Trust Committee when: a) Applications demonstrate either that local farming or the greater community would benefit and conditions of Official Community Plan policy B.6.2.2.16 apply, or b) Applications are for public recreation use and are consistent with the Official Community Plan. **CARRIED**

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2020-04-28	SS-2020-045	Policy Options for Bylaw Enforcement Compliance on Unlawful Uses	**It was MOVED and SECONDED,** that the Salt Spring Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, temporarily cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue. d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application. **CARRIED**

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2021-06-29 Amended 2021-11-09 Amended 2022-02-15	SS-2021-109 SS-2021-214 SS-2022-017	Unlawful Dwellings	**It was MOVED and SECONDED,** that the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation to amend standing resolution SS-2021-109 to state that enforcement activities will be deferred for all existing unlawful dwellings being used for residential purposes until there are safe, secure appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances: a. there are concerns regarding health and safety; b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings; d. there are concerns of possible contamination of wells or other drinking water sources; e. unlawful dwellings are in environmentally sensitive areas; f. there are non-permitted campgrounds; and, g. that the Salt Spring Island Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question. **CARRIED**
2021-06-29	SS-2021-111	Bylaw Enforcement Policy on Portable Sawmills	**It was MOVED and SECONDED,** that the Salt Spring Island Local Trust Committee adopt the following enforcement policy: Enforcement on portable sawmills will be deferred while the Local Trust Committee considers amendments to the Land Use Bylaw. **CARRIED**

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2021-11-09	SS-2021-213	Residential Use in Commercial Accommodations	**It was MOVED and SECONDED,** That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation to defer enforcement of residential use in commercial accommodations, such as cabins, hotels, guest houses, and motels that provide long-term (more than 30 days) residency in order to offer an interim solution to the housing needs on Salt Spring Island. **CARRIED**
2021-12-14	SS-2021-237	First Nations Consultation for Proposed Antenna Systems	**It was MOVED and SECONDED,** That the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations consultation in accordance with the "Strategy for Antenna Systems" in the Local Trust Area: a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders; b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites; c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the Heritage Conservation Act; d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site or cultural/sacred site identified by a First Nations cultural knowledge holder; and e. The proponent will provide written notice – including, if applicable, the Archeological Impact Assessment – sent by regular mail or hand delivered to all First Nations rights and title holders identified during the pre-consultation phase **CARRIED**

Print Date: June 15, 2023

Follow Up Action List

Future Projects Report

Salt Spring Island

1. *OCP Amendments*	Responsible	Date Received
·First Nations Heritage and Cultural Site Protection (Jan. 2015) ·Piers Island Bill 27 OCP Update (Dec. 2015) ·Marine Environment Protection (Foreshore Audit) (June 2016) ·Official Community Plan Review (Nov. 2017) ·Development of a Music Strategy (June 2020) ·Waste Transfer Stations (Waste Management Plan) (July 2020) ·Add a map of the Salish Sea Trail (Oct. 2021) ·Add public access to lake and marine shorelines as an eligible community amenity in Section H.3.2 of the Salt Spring Island Official Community Plan (Feb. 2022)		06-Oct-2020

2. *Land Use Bylaw Amendments*	Responsible	Date Received

Salt Spring Island

·Outer Islands (Feb. 2015)	06-Oct-2020
·LUB Update: Affordable Housing (June 2015)	
·Accessory Buildings Without a Principle Use (Dec. 2016)	
·Technical and Minor Amendments (Mar. 2017)	
·Limit fence height to 2.4m; increase dock width from 1.2m to 1.5m; culverts as structures in waterbody setbacks	
·Reduce Permitted Lot Coverage in Rural Upland Zones (Aug. 2018)	
·Ganges Village Planning - Harbourwalk (Oct. 2019)	
·Commercial Truck Parking and Storage (July 2020)	
·Regulate Cannabis Production (Sept. 2020)	
·Portable Sawmills (Nov. 2020)	
·Review of the residential zoning of islets (Jul. 2022)	
·Impacts of future lake levels of St. Mary Lake (Aug. 2022)	

3. *Direct Bylaw Enforcement*	Responsible	Date Received
·Bylaw Enforcement Policies (Feb. 2015)		06-Oct-2020
·Short Term Vacation Rentals (STVRs) (May 2017)		

4. *Administrative Processes and Procedures*	Responsible	Date Received

Future Projects Report

Salt Spring Island

·Land Use Contracts (Feb. 2015)	06-Oct-2020
·Soil Removal Bylaw update (Feb. 2015)	
·Adding requirement for signs in the Development Procedures Bylaw (Jan 2020)	
·Improving Communications (Mine permits for aggregate pits and quarries.) (Jan. 2020)	

5. *Advocate*	Responsible	Date Received
·none listed		06-Oct-2020

Active Projects Report

Salt Spring Island

2. *Ganges (Shiya'hwt/Syowt) Village Planning*	Responsible	Dates
May 18, 2023 - Project abeyed during additional work related to the LTC Work Program relating to grant applications and OCP-LUB Project Scoping. March 26 & 27, 2022-AHNE facilitates a workshop with GVTF. Final Report of all engagement activities anticipated for April or May LTC meeting. Nov. 9, 2021 - Ahne Studio finalizes engagement plan with SS LTC and task force. Ahne and staff begin numerous engagement activities including: survey, ideas fair, walk shops, stakeholder virtual events, school engagement, pop-up engage3ment and community design charrette. Task Force Meetings are ongoing. March 11, 2021-TC approved $97,000 project budget Nov. 10 2020 - Project Charter, Public Engagement Framework, and Task Force Terms of Reference adopted. Endorsed applying for C2C funding. Dec 14, 2022 - SS LTC endorsed funding for the Task Force to have a two-day workshop facilitated by Ahne Studio. April 19, 2022 - Ahne Studio presented the engagement summary to SS LTC.	Louisa Garbo	Rec'd: 08-Jun-2020 Target: 31-Mar-2022

Active Projects Report

Salt Spring Island

4. *Water Sustainability - coordinate multiple jurisdictions in planning for water sustainability and watershed protection.*	Responsible	Dates
Currently includes: 1. Coordination of SSIWPA; 2. Development of Proof of Water Bylaw; 3. Weston Lake Water Availability Study; 4. Watershed Strategic Plan; 5. Ongoing well-monitoring. Sept. 6, 2022: Draft Lake Weston Study recieved, referred to various agencies and organizations; and to coordinate a discussion with POLIS and other groups for Water Sustainability Act consideratons. April 2022: Draft Weston Lake Study being reviewed by staff; Contract issued for phase 2 of Watershed Strategic Plan; staff seeking LTC direction on reduced SSIWPA budget. Nov. 19, 2021: kick off meeting with Econics for phase 1 of Watershed Strategic Plan: a Situational Analysis July 15, 2021: Signed MOU submitted to CRD for Weston Lake Study. RFP posted (Nov. 2021) May 25, 2021: LTC approves project charter of Watershed Protection Plan April 27, 2021: MOU approved for Weston Lake Assessment March 11, 2021 - TC budget approve: $75,500 special tax requisition for 2021/22 SSIWPA; up to $80,000 from surplus funds to spend on a watershed strategic plan and Weston Lake Watershed Assessment	Anthony Fotino Chris Hutton William Shulba	Rec'd: 07-Jun-2012 Target: 30-Dec-2022

Active Projects Report

Salt Spring Island

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SS-ALR-2023.1	Polaris Land Surveying	19-May-2023	ALR - Subdivision boundary adjustment - 271 Beddis Road

Planner: Chris Buchan

Planning Status

Status Date: 05-Jun-2023

Files have been forwarded to Planner Buchan

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.10	Nagel, Uta	14-Sep-2021	Carport and Shed within DPA 4, 6 & 7 - 770 Beaver Point Road

Planner: Rob Pingle

Planning Status

Status Date: 14-Oct-2022

Applicant hiring Dave Gooding to undertake Geotechnical and RAPR reporting in early 2023.

Status Date: 31-Aug-2022

File reassigned to Planner Testemale

Status Date: 25-Apr-2022

File reassigned to Jason Youmans.

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.4	UCG Universal Consulting Group LTD	15-Mar-2021	NEW TASTING ROOM, WASHROOM/ACCESSORY BUILDING, CARETAKER'S COTTAGE, 4-PLEX - 270 Furness Road

Planner: Anthony Fotino

Planning Status

Status Date: 01-Feb-2023
Planner received updated materials

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

Status Date: 01-Feb-2022
Follow-up email to applicant re. application status

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

Planner: Chris Buchan

Planning Status

Status Date: 09-Mar-2023
Applicant to submit required reports

Status Date: 03-Feb-2023
Meeting booked with applicant - w/ Buchan

Status Date: 31-Jan-2023
In applicants court - to submit revised RAPR report

Applications

Development Permit

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

Planner: Anthony Fotino

Planning Status

Status Date: 30-Jan-2023

DP requires qualified professional updates / separate variance application required

Status Date: 30-Jan-2023

File transferred to Planner Fotino

Status Date: 12-Jan-2023

File transferred to Planner Buchan

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

Planner: Chris Buchan

Planning Status

Status Date: 05-Apr-2023

Site visit conducted, report being finalized

Status Date: 09-Mar-2023

Applicant submitted required documentation, draft report in progress

Status Date: 27-Jan-2023

File assigned to Planner Buchan

Applications

Development Permit

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

Planner: Chris Buchan

Planning Status

Status Date: 27-Mar-2023

Chris B additional check in with applicant.

Status Date: 03-Feb-2023

Applicant to submit updated reports - after which a delegated dp memo to be drafted

Status Date: 31-Jan-2023

Buchan meeting with applicant Feb 2 regarding scope and next steps

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.1	Momentum Design Build	28-Mar-2023	DP amendment to rebuild commercial space after fire - 166 Rainbow Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 18-Apr-2023

File assigned to Planner Buchan

Status Date: 28-Mar-2023

File created to allow for issuance of invoice to applicant

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.2	Hewing Haus	27-Apr-2023	For siting residential dwelling within DPA 6 - Sec 50 Musgrave Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 09-May-2023

File assigned to Planner Buchan

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.3	Archeus Architecture & Design INC	25-May-2023	Building renovation in DPA 7 - 1525 Beddis Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 30-May-2023

File assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.4	Spencer Purdy Architecture	31-May-2023	DP Amendment - new structure - 319 Upper Ganges Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 02-Jun-2023

Files forwarded to Planner Buchan

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.17	Nagel, Uta	13-Sep-2021	Carport and Shed within the setback - 770 Beaver Point Road

Planner: Rob Pingle

Planning Status

Status Date: 23-Nov-2022

Request for professional credentials for D Gooding to undertake a geotechnical analysis (30 days) Both outstanding req. reports 90 days or to BE.

Status Date: 14-Oct-2022

Applicant hiring Dave Gooding to undertake Geotechnical and RAPR reporting in early 2023

Status Date: 07-Oct-2022

E-mail(s) to applicant requesting further professional reporting as per DAI Letter.

Applications

Development Variance Permit

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

Planner: Anthony Fotino

Planning Status

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

Status Date: 25-Apr-2022
File reassigned to Jason Youmans.

Status Date: 13-Dec-2021
File forwarded to planner for review - SS-DVP-2021.22

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

Planner: Rob Pingle

Planning Status

Status Date: 18-May-2022
E-mail communication with applicant - QEP report submission for September.

Status Date: 25-Apr-2022
File reassigned to Planner Phil Testemale.

Status Date: 21-Mar-2022
Awaiting QEP report in support of variance application

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.7	Craig, Brian	26-Feb-2021	Variance for Gate House and Beach Stairs - 344 Reginald Hill Road

Planner: Stephen Baugh

Planning Status

Status Date: 02-Feb-2023

Planner waiting for information from applicant.

Status Date: 25-Apr-2022

File reassigned to Planner Stephen Baugh.

Status Date: 01-Sep-2021

Revised site plan required

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

Planner: Stephen Baugh

Planning Status

Status Date: 18-May-2023

LTC Approves permit conditional on a covenant being registered on Title.

Status Date: 02-Feb-2023

Applicant to provide additional information.

Status Date: 15-Aug-2022

File re-assigned to Planner Baugh

Applications

Development Variance Permit

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

Planner: Chris Buchan

Planning Status

Status Date: 27-Mar-2023

On Chris B's workplan for May

Status Date: 31-Jan-2023

Buchan completed background analysis - requested meeting with applicant in the first week of Feb

Status Date: 12-Jan-2023

Planner Buchan assigned to file

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

Planner: Anthony Fotino

Planning Status

Status Date: 26-Jan-2023

Applicant going to provide signed and stamped engineering material. All other materials have been provided. Once engineering materials have been obtained, application can be put onto LTC agenda

Status Date: 25-Aug-2022

Planner Fotino assigned to file

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.10	Polaris Land Surveying	05-May-2023	DVP - Vary subdivision requirements (storm water drainage) - 133 Hillgrove Road

Planner: Chris Buchan

Planning Status

Status Date: 16-May-2023

Planner Buchan assigned to SS-DVP-2023.10

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.11	Spencer Purdy Architecture	31-May-2023	DVP - Vary height of building and setback of water catchment system - 319 Upper Ganges Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 02-Jun-2023

Files forwarded to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.3	Noble, Jordan	28-Feb-2023	Variance to allow for a larger and combined accessory building and auxiliary cottage - 38 McKenzie Cres, PI

Planner: Chris Buchan

Planning Status

Status Date: 05-Apr-2023

site visit booked for April 14, 2023

Status Date: 27-Mar-2023

Chris B to complete April site visit

Status Date: 06-Mar-2023

Planner Buchan assigned to the file

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.4	Shatford, Jeff	06-Apr-2023	Variance to allow a building in the setback - 246 Bridgman Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 17-Apr-2023

File assigned to Planner Buchan

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.5	Taylor, Brent	17-Apr-2023	To allow a larger dock size that will serve all 3 proposed lots - 250 Collins Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 18-Apr-2023

File assigned to Planner Fotino

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.6	McGuire, Will	17-Apr-2023	Variance to setback between house and accessory building - 177 Thomas Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 02-May-2023

File assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.7	Kanoena Holding LTD	20-Apr-2023	Variance to allow for increased size of seasonal cottage and increased floor area of accessory buildings - 120 Mansell Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 25-May-2023

File Assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.8	Kerr, Holly	25-Apr-2023	Variance for Septic Field siting near a water body - 687 Beaver Point Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 01-May-2023

File assigned to Planner Buchan

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.9	Miller, Dennis	03-May-2023	DVP - Divide ALR lot into two sections via common property roadway - 2101 Fulford-Ganges Road

Planner: Chris Buchan

Planning Status

Status Date: 04-May-2023

Planner Buchan assigned to SS-DVP-2023.9

Liquor Control Branch

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

Planner: Anthony Fotino

Planning Status

Status Date: 31-Aug-2022

File reassigned to Planner Fotino

Status Date: 11-Jul-2022

File assigned to Planner Youmans

File Number	Applicant Name	Date Received	Purpose
SS-LCB-2023.1	CANNA NORTHWEST ENTERPRISES INC	06-Jan-2023	Cannabis Retail Store Licence - 109 McPhillips Ave, SSI

Planner: Chris Buchan

Planning Status

Status Date: 05-Apr-2023

RPT prepared for April 13 Meeting

Status Date: 27-Mar-2023

Report in Progress - required parking undergoing repainting

Status Date: 31-Jan-2023

Applicant sent parking plan to planner Buchan - response indicated variance is required or amendment to parking plan.

Applications

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
SS-LCB-2023.2	Marlow Properties (B.C.) Inc. **Planner:** Bruce Belcher	16-May-2023	To expand alcohol service hours - 121 Upper Ganges RD, SSI

Planning Status

Status Date: 16-May-2023
File assigned to Planner Belcher

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2017.2	Fernando & Tammy Dos Santos **Planner:** Anthony Fotino	15-Feb-2017	Proposal to permit 30 affordable housing dwelling units and common building - 221 Drake Road, SSI.

Planning Status

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

Status Date: 19-Jul-2022
File transferred to Planner Youmans

Status Date: 29-Apr-2022
Meeting with applicant and W. Shulba. Applicant indicates water system management/ownership work is on-going.

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2021.1	Sea Isle Development Group	28-Jan-2021	Rezoning from existing R6 to R2 to permit the construction of a 6 unit Strata Development - 114 Swanson Rd

Planner: Anthony Fotino

Planning Status

Status Date: 06-Jan-2023
Planner Fotino assigned to file

Status Date: 19-Jul-2022
Application in abeyance due to staff resources\n

Status Date: 30-May-2022
Applicant indicates a desire to move forward with application. Staff to report to SS LTC at an upcoming meeting.

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2021.3	Chapman, Bryce	14-Jun-2021	To amend OCP land use designation from Channel Ridge Residential (CRR) on the East side of the property to Residential Designation (RN) and to amend Land Use Bylaw zoning from R6(a) to R8 on same portion - 361 Sunset Drive

Planner: Anthony Fotino

Planning Status

Status Date: 14-Mar-2023
Review for policy adherence in process. Need for further application materials may be required. LTC agenda TBD

Status Date: 06-Jan-2023
File assigned to Planner Fotino

Status Date: 01-Dec-2022
Application to be deferred to first meeting in 2023 to provide time for additional review.

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2022.1	Pilot Yellow Adventures Inc	26-Oct-2022	Rezoning property to allow for four SFD - Sec 50 Musgrave Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 02-Nov-2022

File assigned to Planner Fotino

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

Planner: Anthony Fotino

Planning Status

Status Date: 10-Jan-2023

File assigned to Planner Fotino

Soil Deposit and Removal

File Number	Applicant Name	Date Received	Purpose
SS-SDP-2022.2	Kerrigan, Neil	27-Jun-2022	Pond construction - 155 Alexander BLVD, SSI

Planner: Chris Buchan

Planning Status

Status Date: 27-Mar-2023

Chris B to contact applicant in May regarding next steps / application options

Status Date: 27-Jan-2023

Planner contacted applicant, site visit cconducted.

Status Date: 27-Jan-2023

File on hold until confirmation is received from I.T. Conservancy regarding land covenant option.

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2011.2	Spencer's Excavating	29-Apr-2011	Proposed 4 Lot Subdivision - 159 Collins Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 12-Oct-2022
File assigned to Planner Fotino

Status Date: 20-Jul-2022
File assigned to Planner Zupanec

Status Date: 04-Jul-2022
Follow up to request approved storm water management plan copy.

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2021.2	Polaris Land Surveying Inc	25-Jan-2021	Proposed 2 lot boundary adjustment and acquisition of road dedication to ensure all remains are within the cemetery boundary - 744 LOWER GANGES RD

Planner: Stephen Baugh

Planning Status

Status Date: 03-Oct-2022
Applicant working on PLR conditions.

Status Date: 24-Jun-2022
File re-assigned to Stephen

Status Date: 25-Apr-2022
File reassigned to Geordie Gordon

Applications

Subdivision

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

Planner: Chris Buchan

Planning Status

Status Date: 27-Mar-2023

Chris B to assess and inquire on CSR applicability.

Status Date: 16-Mar-2023

PLRS letter received from MOTI

Status Date: 24-Aug-2022

Referral response sent to MOTI

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2023.2	Miller, Denis	15-Feb-2023	Proposed 3 Lot Bare Land Strata, 2101 Fulford-Ganges Road, SSI

Planner: Bruce Belcher

Planning Status

Status Date: 19-Apr-2023

Referral Response sent to MoTI

Status Date: 23-Feb-2023

File re-assigned to Planner Belcher

Status Date: 15-Feb-2023

File assigned to Planner Buchan

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SS-TUP-2023.1	SaltyDog Retreat Kennel and Dog Rescue	20-Apr-2023	Temporary Use Permit for a dog kennel - 130 Blackburn Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 21-Apr-2023

File assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-TUP-2023.2	Robert Blaney Design	24-Apr-2023	Temporary Use Permit for a Geodesic Dome and STVR - 805 Vesuvius Bay Road

Planner: Chris Buchan

Planning Status

Status Date: 27-Apr-2023

Planner Buchan assigned to SS-TUP-2023.2

Islands Trust

LTC EXP SUMMARY REPORT F2024

Invoices posted to Month ending April 2023

655 Salt Spring	Invoices posted to Month ending April 2023	Budget	Spent	Balance
65000-655	LTC "Trustee Expenses"	1,727.00	1,003.18	723.82
		1,727.00	1,003.18	723.82
LTC Local				
65200-655	LTC - Local Exp - LTC Meeting Expenses	2,193.00	1,632.60	560.40
65210-655	LTC - Local Exp - APC Meeting Expenses	999.00	344.50	654.50
65220-655	LTC - Local Exp - Communications	1,500.00	0.00	1,500.00
65230-655	LTC - Local Exp - Special Projects	1,391.00	0.00	1,391.00
TOTAL LTC Local Expense		6,083.00	1,977.10	4,105.90
Projects				
73001-655-2007	Salt Spring Bylaw Review - Procedural Updates	96,000.00	0.00	96,000.00
73001-655-4020	Salt Spring Ganges Village Area Planning	86,500.00	0.00	86,500.00
73001-655-4034	SSIWPA Coordinator Expense	43,500.00	0.00	43,500.00
TOTAL Project Expenses		226,000.00	0.00	226,000.00