



Salt Spring Island Local Trust Committee

Regular Meeting Revised Agenda

Date: Thursday, February 15, 2024
Time: 9:30 a.m.
Location: Meaden Hall
120 Blain Road, Salt Spring Island, BC

	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 - 10:05 AM
4.1 Salt Spring Island Water Preservation Society - Chris Drake	7
Regarding business operations at 130 Blackburn Road	
4.2 Cusheon Lake Stewardship Committee - Doreen Hewitt	10
Regarding preservation of the Cusheon Watershed and other fresh watersheds on Salt Spring Island	
4.2.1 <u>Presenter Notes</u>	27
5. TRUSTEE REPORTS	10:05 AM - 10:15 AM
Verbal Report	
6. CHAIR'S REPORT	10:15 AM - 10:20 AM
Verbal Report	
7. CRD DIRECTOR'S REPORT	10:20 AM - 10:25 AM
Verbal Report	
8. PREVIOUS MEETINGS	10:25 AM - 10:30 AM
8.1 Draft Minutes of the Salt Spring Island Local Trust Committee	
8.1.1 <u>Draft Minutes of the November 15, 2023 SSI LTC Special Meeting</u>	29
For Adoption	

8.1.2	<u>Draft Minutes of the December 14, 2023 SSI LTC Regular Meeting</u>	37
	For Adoption	
8.1.3	<u>Draft Minutes of the January 22, 2024 SSI LTC Special Meeting</u>	53
	For Adoption	
8.2	Resolutions Without Meeting Report - NONE	
8.3	Draft Minutes of the Advisory Planning Commissions - NONE	
8.4	Local Trust Committee Public Hearing Record - NONE	
9.	CORRESPONDENCE	10:30 AM - 10:35 AM
	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	S. Meyers to LTC - Dated 8 Dec 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd	57
	For Information	
9.2	U. Meyers to LTC - Dated 8 Dec 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd	58
	For Information	
9.3	S. Mahoney to LTC - Dated 10 Dec 2023 - Regarding the Complete Communities Grant	60
	For Information	
9.4	R. Ferguson to LTC - Dated 11 Dec 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd	61
	For Information	
9.5	R. Percy to LTC - Dated 11 Dec 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd	63
	For Information	
9.6	G. Stevens to LTC - Dated 12 Dec 2023 - Regarding review of Clean And Safe Harbour Initiative	66
	For Information	
9.7	Ministry of Finance to Chair LTC - Dated 21 Dec 2023 - Regarding Speculation and Vacancy Tax	70
	For Information	

9.8	N. Smith to LTC - Dated 24 Dec 2023 - Regarding Ganges Creek pollution For Information	74
9.9	G. Stevens to LTC - Dated 1 Jan 2024 - Regarding review of Clean And Safe Harbour Initiative For Information	75
9.10	D. Magnusson to LTC - Dated 2 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd For Information	84
9.11	Minister of Housing to Chair LTC - Dated 8 Jan 2024 - Regarding Housing Statues (Residential Development) Amendment Act, 2023 (Bill 44) For Information	87
9.12	A. Meyers to LTC - Dated 16 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd For Information	90
9.13	J. Rosen to LTC - Dated 16 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd For Information	96
9.14	C. Marshall to LTC - Dated 25 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd For Information	98
9.15	D. Hewitt to LTC - Dated 25 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd For Information	100
9.16	M. Moore to LTC - Dated 25 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd For Information	103
9.17	J. Wright to LTC - Dated 26 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd For Information	106
9.18	M. Leichter to LTC - Dated 26 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd For Information	112
9.19	R. Dinneny to LTC - Dated 26 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd For Information	113

9.20	N. Wigen to LTC - Dated 29 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd	115
	For Information	
9.21	W. Ortlepp to LTC - Dated 30 Jan 2024 - Regarding potential rezoning of 130 Blackburn Rd	116
	For Information	
9.22	P. Mineau to LTC - Dated 1 Feb 2024 - Regarding potential rezoning of 130 Blackburn Rd	118
	For Information	
9.23	R. Waldick to LTC - Dated 1 Feb 2024 - Regarding potential rezoning of 130 Blackburn Rd	122
	For Information	
9.24	Minister of Housing to Chair LTC - Dated 1 Feb 2024 - Regarding Secondary Suite Incentive Program	124
	For Information	
9.25	L. Milne to LTC - Dated 5 Feb 2024 - Regarding potential rezoning of 130 Blackburn Rd	126
	For Information	
9.26	W. Hewitt to LTC - Dated 7 Feb 2024 - Regarding potential rezoning of 130 Blackburn Rd	128
	For Information	
9.27	M. Chandler to LTC - Dated 7 Feb 2024 - Regarding Secondary Suite Incentive Program	140
	For Information	
10.	BUSINESS ARISING FROM MINUTES	10:35 AM - 11:00 AM
10.1	Follow-Up Action List	141
	Report dated February 2024	
10.2	Salt Spring Island Local Trust Committee Special Meeting Schedule	152
	For Decision	
11.	COMMUNITY INFORMATION MEETING - NONE	
12.	PUBLIC HEARING - NONE	

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

13.	APPLICATIONS AND REFERRALS	12:00 PM - 12:30 PM	
13.1	SS-DVP-2023.5 - B. Taylor - 250 Collins Road, SSI Staff Report		153
13.2	SS-DVP-2023.19 - D. Fox - 118 Peregrine Way, SSI Staff Report		188
14.	LOCAL TRUST COMMITTEE PROJECTS	12:30 PM - 1:00 PM	
14.1	Official Community Plan - Land Use Bylaw - Project Terms of Reference Staff Update		
15.	NEW BUSINESS	1:00 PM - 1:30 PM	
15.1	Thetis Island Local Trust Committee Draft Bylaw Nos. 113 & 114 Referral For Response		204
15.2	Housing Statute Changes to British Columbia Legislation For Response		224
15.3	<i>Island Pathways PacifiCan Tourism Growth Program Submission</i> Letter of Support Request		239
16.	REPORTS		
16.1	Policy and Standing Resolutions List For Information		243
16.2	Future Projects Report Report dated February 2024		254
16.3	Active Projects List Report dated February 2024		257
16.4	Applications with Status Report Report dated February 2024		261
16.5	Expense Report Reports dated November 2023 & December 2023		279
16.6	Islands Trust Conservancy Board Report - NONE		
17.	CLOSED MEETING - NONE		

18. UPCOMING MEETINGS

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on March 7, 2024 at the Legion Meaden Hall, 120 Blain Road, Salt Spring Island.

19. ADJOURNMENT



Salt Spring Island Water Preservation Society

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Salt Spring Island, BC
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ssiwps@gmail.com
www.ssiwaterpreservationsociety.ca
January 31, 2024

Delegation to the February 15 Salt Spring Island Local Trust Committee Meeting

Thank you for the opportunity to speak to you today. My name is Chris Drake, and I am the vice-president of the Salt Spring Island Water Preservation Society, also known as WPS. I am also an ecologist and a local business owner. The Water Preservation Society is a non-partisan volunteer organization established over 40 years ago to protect and preserve the sources of potable water on Salt Spring Island for all the residents. Protecting drinking water is only achieved when watersheds are kept healthy and intact.

We are very concerned that the Salty Dog Kennel and Campground poses a threat to the Cusheon Lake watershed. We have two main concerns. The first is the potential for contamination of surface and groundwater from both dog and human feces, and other invisibles (eg pharmaceuticals) resulting from run-off during high rainfall events. The second is the precedence an OCP amendment or rezoning would create, potentially weakening regulations around watershed protection. We are not here to comment on the legality or suitability of this business, something that is best left to the Islands Trust staff, lawyers and trustees. We also recognize that there is a lack of affordable housing on this island, that solutions are complex, and that we are all trying to balance this issue with strong protection for watersheds and the environment.

Speaking to our first concern, due to its location 130 Blackburn Road site has the potential for surface and subsurface water flow directly into the wetlands at the west end of Cusheon Lake, particularly during higher rainfall events. The lot is only 30 metres from these drainage areas, as shown on the attached relevant portion of Map 28 DPA Riparian Area Regulations. We understand there could be an average of 20 dogs daily and 40 dogs on this property during the peak season. The operators say they plan to compost the dog feces on site and use it on their raised beds or gardens, and allow the urine to just go onto the ground. With run-off, research shows these contaminants may eventually reach Cusheon Lake via the nearby wetlands and streams. Research also shows we face heavier winter rainfalls in future due to climate change, so the run-off will become increasingly significant.

There are also numerous trailers and temporary living accommodations on-site at 130 Blackburn Rd. Of prime concern is that these RVs and other accommodations have no septic field, only pump out tanks. The Island Health Drinking Water Protection Officer required the tanks to have alarms, but no alarms were installed as the owner stated they were too expensive. It appears porta-potties are also being used, but no mention has been made of how often they're emptied.

Feces and urine contain high levels of phosphorus, which was found to be the factor causing previous algal blooms in Cusheon Lake. Algal blooms can produce toxins that are lethal to humans and wildlife. Obviously this is alarming to all who depend on this community water supply and those who take their water directly from the lake.

(Relevant research articles are listed below)

We want to recognize that the owner of Salty Dog, Jaime Halan Harris, has taken some measures to address our concern over contamination. She hired Brad Fossen, an engineer with the Aurora Professional Group, to assess the site and write a report with recommendations. However, his Operational Assessment report dealt only with waste management for the dog kennel, not the campground. It referenced the distance from the site to Blackburn lake, but made no mention of the much closer wetlands draining into Cusheon Lake. While his recommendations might be effective if fully and completely implemented, we don't believe these recommendations are realistic in this situation, nor do they take the precautionary principle into account. For instance, the recommended piezometres that would be used for monitoring are not sensitive to many pollutants and contaminants such as pharmaceuticals. It must be remembered that damage to a watershed is very hard to undo, which is the reason for acting with an extra amount of precaution.

Speaking to our second concern, the owner's request for a Temporary Use Permit was justifiably denied at the October LTC meeting, based on a very thorough Staff Report and letters from neighbours and WPS. At the following LTC meeting a number of speakers and letters supported the owner's wish to operate at this location. In response to this pressure, the trustees suggested the owner apply for an Official Community Plan amendment or a rezoning of the lot.

Since this meeting we've been contacted by our members and many other residents, asking us to speak against this business as it presently stands in this location, and the potential contamination of the drinking water source for at least 500 people. We believe that an OCP amendment in this situation would set a dangerous precedent, potentially weakening safeguards currently in place that are designed to protect drinking water for all residents of Salt Spring. An amendment or rezoning would allow other developments to proceed in contravention of existing riparian bylaws and other watershed protection regulations. These options are simply not acceptable.

We call on you, our elected trustees, to uphold and enforce the existing bylaws that protect all of our watersheds. In particular we urge you to maintain the current zoning on 130 Blackburn Rd and not allow a kennel, pound, campground or anything more than 1 single family dwelling to be located there. In addition, we remind you that amendments to the Official Community Plan should only be made after thorough community involvement and discussion. Clean drinking water is vital to human health and wellbeing, and our watersheds must be carefully protected now and into the future. You have the opportunity and the responsibility to see that is done now to avoid future challenges and problems.

Relevant Research Articles

A simple (Canadian) why-there-might-be-an-issue science-lite article "Fecal Contamination Fact Sheet for Recreational Waters" https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/cwt/guidance/340.pdf

A BC oriented paper on potential issues with fecal material "The influence of land-use composition on fecal contamination of riverine source water in southern British Columbia" <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2012WR012455>

A paper from Ireland with background on potential pathways for contaminants to flow and the scope of groundwater quality work that might be required [Groundwater Quality Impacts from a Full-Scale Integrated Constructed Wetland](#)



The Importance of our FRESH WATER

The Cusheon Lake Stewardship Committee strives to protect and improve the drinking watersheds on this Island as it is the only remaining active Lake Stewardship group.

The Cusheon Watershed starts up high in the Toynbee and Cranberry Road area above Roberts Lake.

Fresh water flows down the creek to Blackburn Lake .

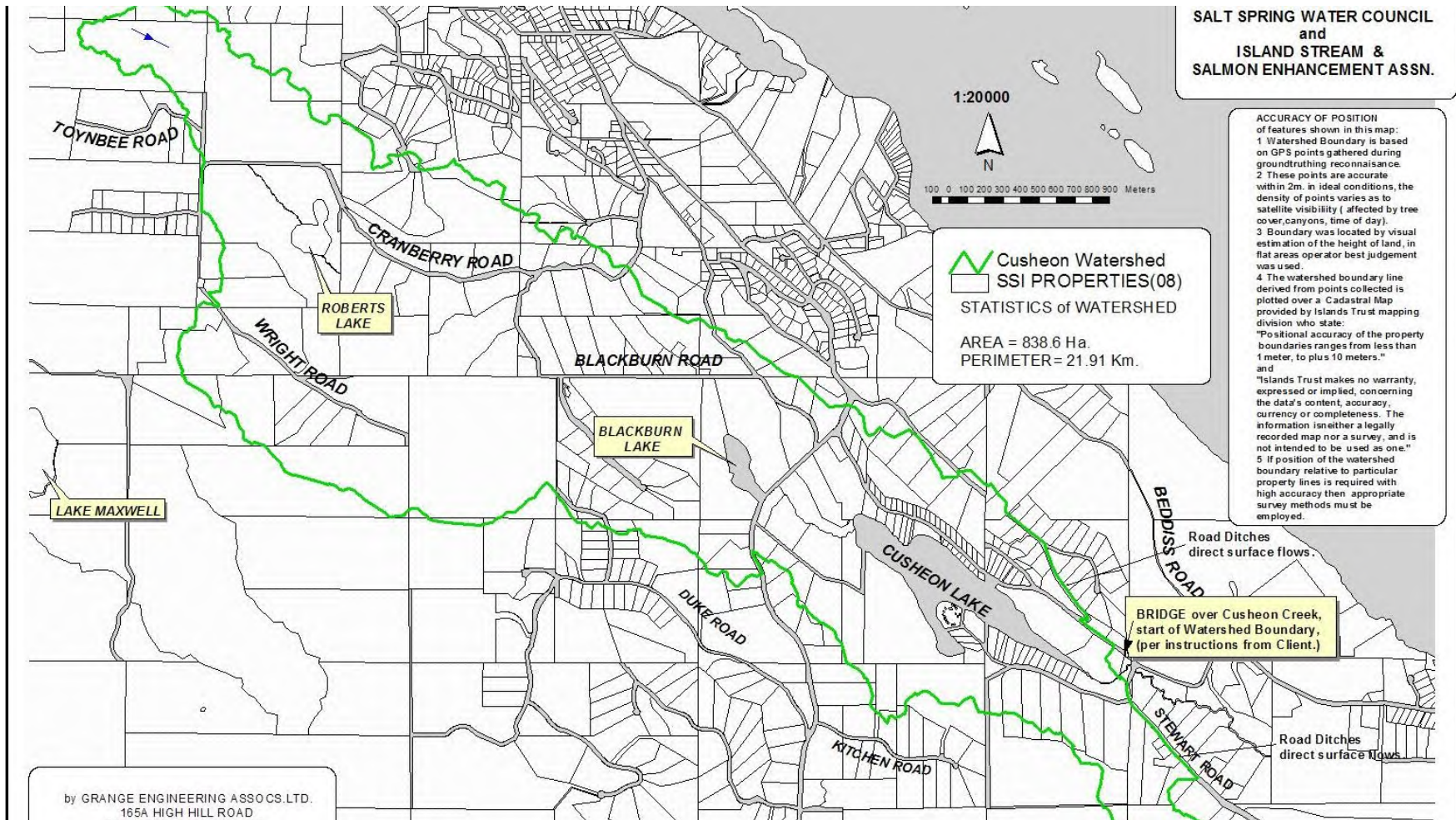
Then from Blackburn Lake it flows to Cusheon Lake and then eventually to the ocean.

75% of the water flowing into Cusheon Lake comes from the upper watershed. 130 Blackburn Road is in the upper watershed.

Only 25% comes from the properties in close proximity to the lake



Cusheon Watershed



Cusheon Lake Watershed 2005



Changes from 2005 to present

Increased tree cutting in the watershed

Increased bylaw infractions that put the fresh water at risk

More lots developed with an increase of impervious surfaces

Population increase from 2005 to 2024.

More people are using the Cusheon Lake water as a drinking source
approx. 500 people

More people are using the water for recreational purposes – crowded dock area, busy Cusheon Lake Road making it a dangerous place for children

Increase effects of climate change cause algal blooms to occur earlier

There was an extremely low level of water in the lake in August 2023

Why protect water? - to prevent cyanobacterial blooms and protect our health

- Algal and cyanobacterial blooms have been observed nearly every fall since 1992 in Cusheon Lake.
- In 1994 there was a large fish kill.
- An extensive algal bloom in occurred 1999. Dr. Richard Stanwick issued an order that water must not be used for drinking, brushing teeth, washing dishes, washing clothes or bathing. The water could not be used for any purpose for 17 days. The Cusheon Lake was closed to all recreational uses.
- In 2002 the blue-green algal bloom turned bright blue in 15 days. This is our drinking water. This is why we work hard to protect the lake.



Photos by Wayne Hewitt

Sept 10, 1999 CRD Health Region Precautionary Health Notice

Due to an overgrowth of algae, Dr. Richard Stanwick, issued an order that water must not be used for drinking, brushing teeth, washing dishes, washing clothes or bathing.

An attached information bulletin from the B.C. Ministry of Health described the risks of blue-green algae, the "species which is of greatest health concern."

The attachment states, "**blue-green algae are not true algae, they are really bacteria, called cyanobacteria.** They usually occur only in small numbers and are so small they are invisible to the casual observer."

When numbers increase (a "bloom") they became visible.

Strains of blue-green algae produce two types of toxins: 1. neurotoxins (affecting the nervous and respiratory systems—after ingestion death may occur in 30 minutes) --**2.hepato-toxins** (affecting the liver —after ingestion, death may occur slowly, in approx 36 hours.) The attachment goes on to state, "Some blue-green algae blooms are more toxic than others, so **all blooms should be treated with caution.**"

Sept 14, 1999 CRD Health Region Precautionary Notice continues—Blue-green algae species identified.

Due to the need for further testing, the ban on water use was continued and people were warned that "**toxins produced by blue-green algae are NOT eliminated by boiling the water.**"

Sept 27, 1999-Cusheon Lake Precautionary Notice lifted.

Samples were negative for toxicity although the algae bloom may cause taste and odour problems.

What is CYANOBACTERIA?

- **Commonly known as blue-green algae or pond scum - it is really a bacteria.**
- **Cyanobacteria form in shallow, warm, slow-moving or still water. They are made up of cells, which can house poisons called cyanobacterial toxins. It is believed that most people would not drink “POND SCUM” because it smells like rotten garbage.**
- **But Cusheon Lake is the only fresh drinking water source for a huge number of people**

Prevention of toxic algal blooms

- Prevention is the only answer but how? It is impossible to determine if or when an algal bloom will turn toxic.
- The amount of phosphorous needs to be reduce.
- Healthy forests and natural vegetation prevent the need for filtration plants that cost millions of dollars.
- Health Canada has an legal limit of 1.5 micrograms per litre for microcystin LR. World health organization allows only 1 microgram per litre
- An effective multi-barrier approach
- RW1 zoning requires fewer land uses not more.

OCP Bylaw 434. 2008

The following is from OCP Bylaw 434. 2008

“B.8.1.2. 2 - Zones within the Watershed and Islet Residential Designation will continue to allow the uses allowed under current zoning. Existing commercial and institutional zones will remain **but zoning changes should not be made to locate additional new or higher impact developments on lands in this Designation.**”

Land Use Bylaws

Even before the islands Trust was formed the Cusheon Watershed was zoned Water A (WA) in CRD By-Law No. 66.

This was changed to Watershed 1 (W1) in BY-LAW No. 14, (the first Salt Spring Island Trust Land Use Bylaw).

It remained Watershed 1 (W1) in BY-LAW No. 123.

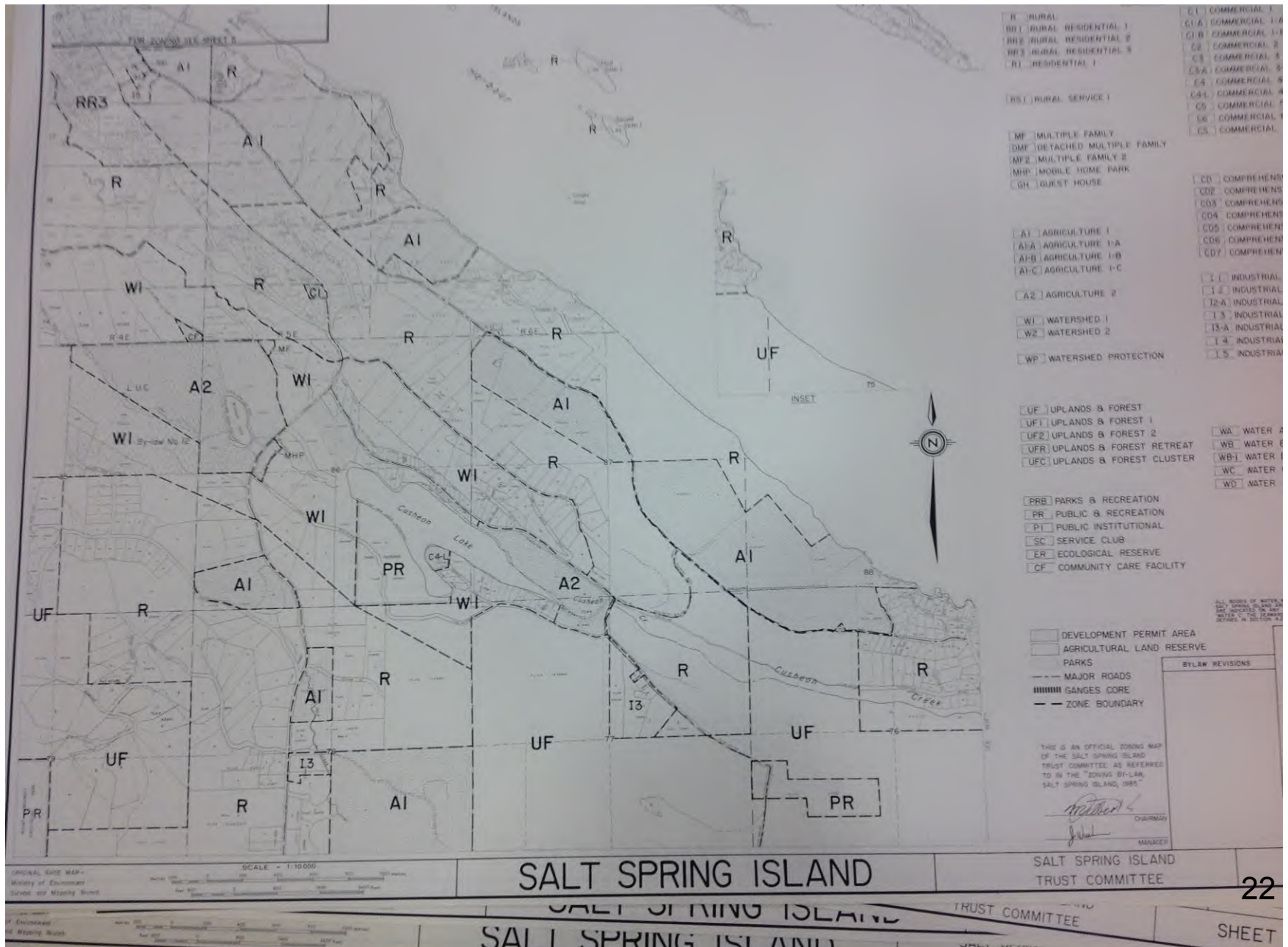
In Land Use Bylaw No. 355 it was changed to Rural Watershed One (RW1).

The zoning to protect water was always kept separate as (W1) in earlier bylaws because it was the highest priority of the Island's Trust.

The 2008 OCP Bylaw 434 labels this watershed as Watershed Islet Residential.

It should be kept separate from other Rural zones to prevent confusion on which the land uses are allowed if a chart is used.

Bylaw Map #123



9.10.1 Permitted Uses of Land, Buildings and Structures

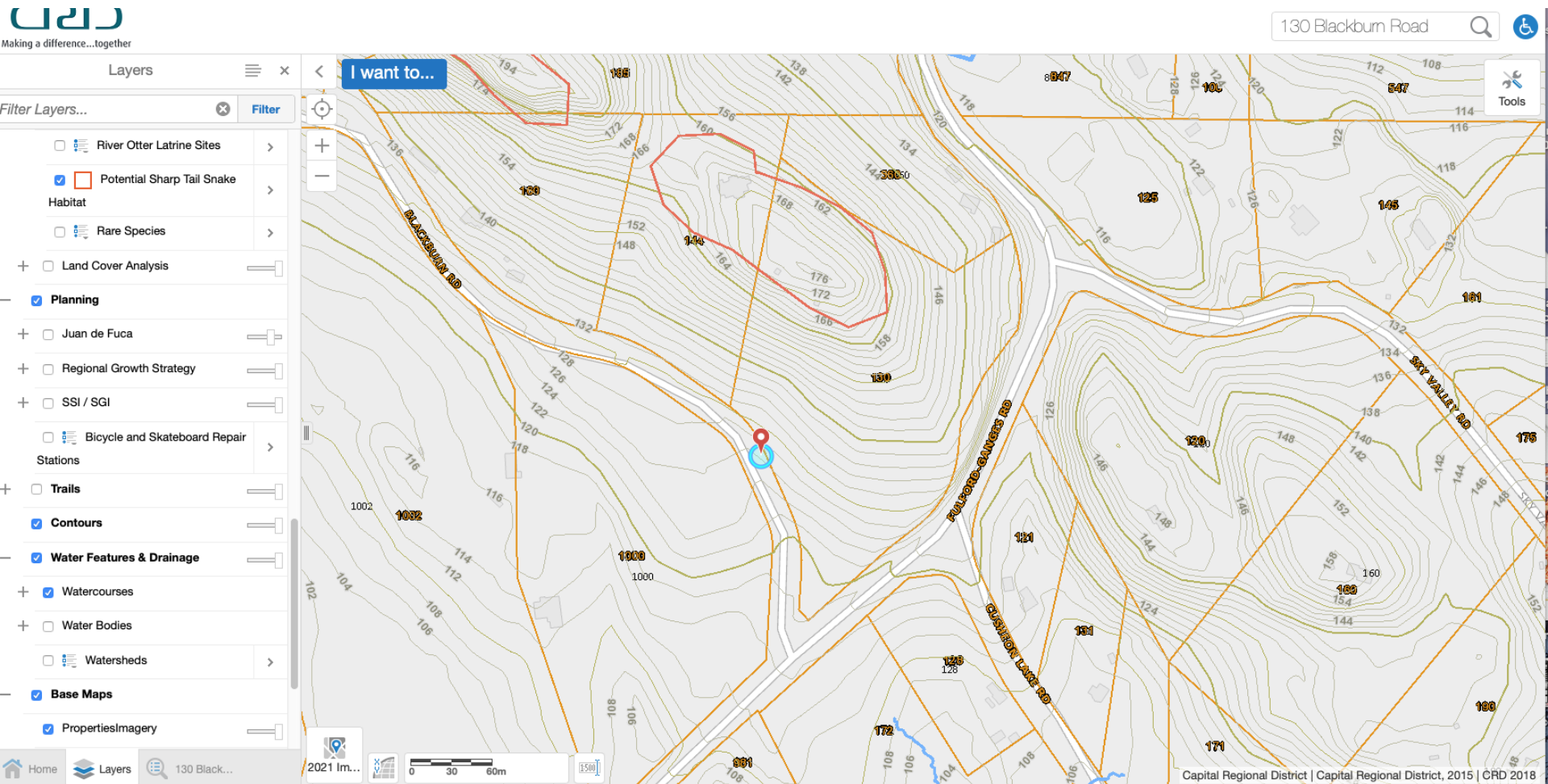
- (1) In addition to the *uses* permitted in Subsection 3.1.1 of this Bylaw, the following *principal* and *accessory uses, buildings and structures* and no others are permitted in the Rural Zones indicated:

	R	RU1	RU2	RU3	RW1	RW2	Ri
Principal Uses, Buildings and Structures							
<i>Single-family dwellings</i>	♦	♦	♦	♦	♦	♦	♦
<i>Two family dwellings</i> constructed before July 31, 1990	♦	♦					
Dental and medical offices for a maximum of two medical practitioners	♦						
Elementary schools, pre-schools and <i>child day care</i>	♦	♦					
<i>Public</i> health care facilities	♦	♦					
<i>Community halls</i>	♦	♦					
<i>Churches</i> and cemeteries	♦	♦					
Veterinarian clinics and animal hospitals	♦	♦					
Pet boarding <i>services</i> and <i>kennels</i>	♦	♦					
<i>Pounds</i>	♦	♦					
Active outdoor non-commercial recreation, excluding <i>golf courses</i> and activities primarily involving the use of power-driven means of conveyance	♦	♦					
Lighthouse stations							♦
<i>Agriculture</i>	♦	♦	♦	♦			♦
<i>Agriculture</i> , excluding <i>intensive agriculture</i>					♦	♦	
<i>Public service uses</i>	♦	♦	♦	♦			♦
Accessory Uses							
<i>Seasonal cottages</i> subject to Section 3.14	♦	♦		♦			♦
<i>Home-based business use</i> , subject to Section 3.13	♦	♦	♦	♦	♦	♦	♦

Information Note: See Section 3.3.1, which indicates that where land is in the Agricultural Land Reserve, agriculture, farm buildings and farm structures are permitted in a manner similar to the Agriculture 1 zone.

Information Note: All activities in the Rural Watershed 1 (RW1) and Rural Watershed 2 (RW2) zones must be carried out in accordance with the applicable regulations of Salt Spring Island Land Use Bylaw No. 355, Salt Spring Island Official Community Plan Bylaw No. 434, the Agricultural Waste Control Regulation (Environmental Management Act), the Drinking Water Protection Act, the Water Sustainability Act, the Groundwater Protection Regulation and the Fisheries Act.

Sharp Tailed snake habitat





25

When are you going to enforce the items below?

2021-06-29	SS-2021-109	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, <u>except in the following circumstances:</u> 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.
Amended 2021-11-09	SS-2021-214		
Amended 2022-02-15	SS-2022-017		

CARRIED

Presenter Notes

1. I am Doreen Hewitt a retired high school science teacher and currently chair of the Cusheon Lake Stewardship Committee a committee of over 50 people. I would like to congratulate the trustees in that you made the correct choice back at Nov 2023. LTC meeting to not issue as TUP in RW1 zoning and you gave instructions to close the file. This was the right thing to do.

2 CLSC is committed to the preservation and restoration of both Cusheon Lake and it's watershed. We also hope to serve as an example of useful practices that all Canadian lakes can adopt.

3 The watershed of Cusheon Lake encompasses three lakes: Roberts, Blackburn and Cusheon. The health of these lakes, and all those who reside in the watershed confines, are threatened by over development. Cusheon Lake itself is the potable water source for over 500 people including the water district of Beddis.

Map of watershed in green

4 This watershed has the highest volume of water flowing through as well as being the largest watershed in area.

5 The land has changed a great deal since 2005 in this map from CRD natural areas atlas.

6 Read slide changes from 2005

Why protect water

7 The biggest issues concerning the pollution of our drinking water are mismanaged property development, soil disturbance, poorly maintained septic fields or collection tanks, carelessness and or ignorance. Increased phosphorous leads to cyanobacterial blooms. Many developers do not seek a permit first, they want forgiveness rather than asking permission. This is dangerous for the protection of fresh water on SSI.

8 These were the **Health notices** that were issued 1999.

9 I hope you have heard of **cyanobacteria**. But if not

Prevention of toxic algal blooms

10. A multi –barrier approach to safe drinking water is one that applies a "best practices approach method to each aspect of drinking water.

Clearly, land use decisions in community watershed that minimize the potential for pathogen contamination of the water supply are at the core of source water protection.

OCP Bylaw 434 2008

11. Notice the underlined section

Please do not amend the OCP or change the zone of RW1 to allow a kennel, pound, campground, or more than one single family dwelling unit. You would be



setting a precedent for the entire RW1 zone on this island. Increased density and increased land uses for a commercial facility will put the Cusheon Watershed at increased health risk to both humans and fish and other endangered species that depend on the water quality of Cusheon Lake.

12. Zoning for watershed protection is not new. Let me explain how we got here. Land use bylaws history since 1972.

13. **Map 123 W11985**

14. Chart of allowed land uses. Very few uses are allowed to protect the water in RW1 and RW2. But since it is in a chart with Rural zone. People get confused.

15. Sharp tailed snake – this is an endangered species that need protecting as well.

16 Lake streams and wetlands RAR- It is our collective responsibility to be the stewards of our environment and prevent unlawful activities before they occur. Notice the lot at the corner of Fulford-Ganges Road and Blackburn Road is only 30 metres away from wetlands and streams that flow into Cusheon Lake.

It makes one question why The Aurora Professional Group Inc, and Mechanical Engineer Brad Fossen who did the Operational Assessment for Dog Boarding at 130 Blackburn Road did not look at the entire watershed. He chose to just use distances from Blackburn Lake.

Since activities on Blackburn Road are in violation of Bylaw #355 have not been curtailed at this lot, more properties nearby are now allowing land uses that are not permitted by Bylaw #355. These are easily viewed from Blackburn Road. When are you going to help reduce the contamination risks to this watershed?

17. When are you going to enforce the items listed I would like to bring to your attention the following resolution about using unlawful dwelling for residential purposes. You wanted safe secure housing. You have listed 7 items that were to be followed. Notice B,D,F. But in order to protect the Cusheon Lake watershed all of these should be enforced.

As residents we should not have to appeal to you the trustees to uphold our bylaws. We elected you to follow the Islands Trust preserve and protect mandate. You should be enforcing all bylaws and not instructing bylaw enforcement department to withhold enforcement. Why do we have bylaws if they are not going to be enforced ?

Thank you for giving me the opportunity to speak to you today.



Salt Spring Island Local Trust Committee Minutes of Special Meeting

Date: Wednesday, November 15, 2023

Location: Salt Spring Island Golf Club
805 Lower Ganges 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)
Rob Pingle, Legislative Clerk
Sarah Shugar, Recorder

Others Present: Approximately 11 members of the public

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed and recorded.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 5:00 p.m. He welcomed everyone to a Special 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 territory.

2. APPROVAL OF AGENDA

By general consent, the agenda was adopted.

3. TOWN HALL AND QUESTIONS

Chair Peterson opened the town hall at 5:00 p.m.

A member of the public spoke to the Clean and Safe Harbours Initiative (CASHI) presentation at the June 22, 2023 LTC meeting and asked when a staff report regarding the CASHI recommendations is expected to be presented to the LTC. The member of the public requested the LTC to seriously consider the CASHI proposal and asked whether there are legal reviews in process regarding the CASHI proposal. The member of the public advised he spoke with Bylaw Compliance and Enforcement Manager (BCEM) Dingman regarding a legal opinion received on the authority of the Islands Trust right to legalize dwellings in the harbours and asked whether the LTC has received the legal opinion.

RPM Hutton reported staff is reviewing the CASHI proposal and there are some outstanding questions that are in process, a staff report will be presented to the LTC at a future meeting and there are no current legal reviews regarding the CASHI proposal.

Chair Peterson reported bylaw enforcement is authorized to seek legal opinions that are relevant to jurisdictions within the Local Trust Area. A legal opinion has been received regarding Islands Trust authority to regulate dwellings in harbours and bylaw enforcement will provide a briefing regarding the legal opinion to Trust Council.

A member of the public spoke to the SSILTC standing resolution regarding deferral of Bylaw Enforcement on unlawful dwellings and the exceptions such as health and safety concerns and asked whether enforcement of unlawful dwellings is occurring in some circumstances.

Chair Peterson advised the LTC is notified when a bylaw enforcement file is open, requests for legal action are referred to the LTC and bylaw enforcement files are considered in closed meetings.

A former member of the Housing Action Program Task Force advised there is community opinion that the scope of Bylaw 530 – Accessory Dwelling Units was reduced due to legal issues, and asked whether the LTC would support the original version of draft Bylaw 530 with a limit to the number of dwellings that would be allowed.

Trustee Patrick spoke to the challenge to cast a wide net to legalize additional housing units and limit the numbers of Accessory Dwelling Units (ADU's). Staff presented a map as the only option to limit the numbers of ADU's in Bylaw 530. There are other methods to limit the numbers of ADU's such as the lottery system used in the San Juan Islands. Trustees have asked for a limit to the number of ADU's based on a first come first serve basis and staff has not been able to provide a legal mechanism for that.

The member of the public advised Salt Spring Island is not doing what it should be doing in terms of housing and that the Province has indicated communities of more than 10,000 residents will allow ADU's although the Islands Trust has been exempted from the proposed legislation. The member of the public asked if the LTC could request Salt Spring Island to be included in Bill 44.

Trustee Patrick reported she sent an email to the Minister of Housing regarding including Salt Spring in Bill 44 – Housing Statutes Amendment Act, 2023.

A member of the public asked who requested the Province to exempt the Islands Trust Area from Bill 44.

Chair Peterson advised that he asked BC Premier Honourable David Eby at the 2023 Union of BC Municipalities (UBCM) Conference, why Islands Trust was excluded from the Homes for People Action Plan Secondary Suite Incentive Program. Chair Peterson reported Islands Trust did not request to be exempted from Bill 44.

Trustee Patrick advised the LTC has written a letter to request for Salt Spring Island to be included in the Homes for People Action Plan Secondary Suite Incentive Program.

A member of the public asked who is the best contact to advocate for including Salt Spring Island in the housing action programs.

Chair Peterson suggested the Ministry of Housing and Islands Trust Chief Administrative Officer (CAO) Hotsenpiller as contacts regarding advocating for Salt Spring Island to be included in housing action programs.

Trustee Patrick suggested writing to the Minister of Housing, the Minister of Municipal Affairs and a petition to the legislature to request Salt Spring Island to be included in housing action programs.

A member of the public advised Bill 44 includes communities with population over 10,000 and noted Salt Spring Island is the only community with a population over 10,000 within the Islands Trust Area. The member of the public asked who is lobbying the Province for Salt Spring Island to be excluded from Bill 44. Bylaw 530 is sitting on the table and the Province is saying this type of Bylaw needs to be approved Province-wide. The member of the public expressed concern that someone is lobbying for Salt Spring Island to be excluded when there is a housing crisis on Salt Spring Island. The member of the public asked whether CAO Hotsenpiller listens to public opinion or only takes direction from Trust Council.

Chair Peterson advised staff would not lobby the Province without direction from Trust Council and encouraged the public to write to the Province. Chair Peterson noted all types of public input are important and encouraged members of the public to engage local Trustees.

A member of the public asked why the LTC would not approve Bylaw 530 and let Executive Committee make their decision.

Chair Peterson advised Executive Committee must follow the Official Community Plan.

A former member of the Housing Action Program Task Force asked the LTC to be specific on which items in the Salt Spring Island Official Community Plan (OCP) do not support Bylaw 530 and advised the OCP is a living document that has the potential to be updated. The Housing Action Program Task Force recommended Bylaw 530 include provisions for alternative water sources.

Trustee Harris advised he suggested amending the OCP where necessary to support Bylaw 530 in January 2023 and added that he supports approving Bylaw 530 in the original form and forwarding it to Executive Committee.

RPM Hutton advised the concerns are primarily for properties within the Uplands land designation and OCP policy B.8.2.2.2; and application of the precautionary principle to ensure that land use is not increased in areas that are known to have concerns with supply of potable water OCP policy C.3.1.1.1; and policy specific to secondary suites. Bylaw 530 addresses a comprehensive set of criteria to be met in consideration allowing secondary suites is required, policy B.2.2.1.5. The most considerable element is the question of additional density. The OCP specifies that any increase to density must be few and minor. The SSILTC adopted the current OCP in 2008 and the LTC has a project to amend the OCP. OCP's must be approved by Executive Committee, and the Ministry of Municipal Affairs and there is an obligation to consult with 13 First Nations with interest in the area.

A member of the public asked why Trustee Patrick has only sent emails to the Province and has not asked the public for a petition. The member of the public asked if the plan is to send more emails and advised that their family has sent letters with hundreds of signatures to the Islands Trust that have been ignored and maybe things have changed.

Trustee Patrick reported Bill 44 was read in the legislature last week and advised she is doing what she can as an elected official to communicate with those that can debate on our behalf and she expects there will be a petition soon.

A member of the public advised it is not the elected officials' position to request the public to start a petition.

Trustee Harris advised he started a petition to oppose the Coastal Douglas Fir (CDF) and Associated Ecosystems project and it went a long way. Trustee Harris advised housing issues are not hot off the press and expressed concern regarding the Islands Trust mandate and the CDF project that attacked our community.

Chair Peterson advised that a petition with hundreds of signatures to the Province could go a long way to advocate for Salt Spring Island to be included in Bill 44.

Trustee Harris expressed concern that nothing has happened regarding housing in the past year.

Chair Peterson advised Bylaw 530 was not going to be a complete solution to housing issues, and there was a possibility that Bylaw 530 would not be approved by Executive Committee. Chair Peterson expressed support for an OCP review to address the housing issues.

A member of the public expressed concerns regarding the lack of workforce housing, employees living in sub standard housing conditions and having issues showing up to work. The member of the public expressed support for Trustees to do the hard work and make it happen and added that the community elected Trustees to do find solutions for housing.

Trustee Harris advised a review of the housing section of the OCP should take four hours and adoption of Bylaw 530 should take two-months, that this is a stall tactic and a long-term view is that Salt Spring Island will become a park. Trustee Harris expressed concern that there are people that want less people living on Salt Spring Island. Trustee Harris expressed support to address the housing section of the OCP and fast track it to address housing.

A member of the public asked whether Bylaw 530 could include a limit of 500 additional units.

Chair Peterson advised if the Province had not excluded the Islands Trust from Bill 44 – Housing Statutes (Residential Development) Amendment Act, 2023, housing would not be limited by the OCP. Chair Peterson advised it is within LTC authority to pass a resolution to request that Salt Spring Island be included in Bill 44.

Trustee Patrick expressed support for setting a limit to ADU's and staff have advised that there was no mechanism to set a limit.

RPM Hutton advised the challenge in limiting the number of ADU's is that it needs to be codified in a bylaw and the Islands Trust does not have infrastructure to track ADU's at this time. The challenge with a lottery system is that it would require a program that would have to review all of the applications and make recommendations to the LTC. Bill 44 would waive the requirement for public hearings.

A member of the public asked if setting a limit on ADU's is an administrative challenge or a legal challenge.

RMP Hutton reported a system for tracking ADU's would be an operational challenge.

A member of the public noted Bill 44 is in process and asked who requested Salt Spring Island to be excluded. The member of the public advised the Province did not decide to exclude the Islands Trust randomly and whoever has the concern, should be listened to. The member of the public suggested the LTC amend the OCP specific to housing, and not undertake an entire OCP review.

Chair Peterson advised Trust Council did not ask the Province to exclude the Islands Trust from Bill 44.

RPM Hutton reported engagement process for amending the OCP must be scoped to the amendments and engagement must be thorough or it could be challenged. The LTC must engage with 13 First Nations with interests in the area.

Trustee Harris expressed support for taking consideration of the community into account and then taking action for what is best for our community.

Chair Peterson advised if Executive Committee did not approve a bylaw that the LTC approved, the LTC could appeal the decision.

Trustee Patrick advised the Province has raised the bar in terms of consultation for OCP amendments. The Province turned down an LTC making minor amendments to their community's OCP on the grounds that they did not do sufficient consultation. The LTC has received a Complete Communities Grant to fund the OCP review project.

A former member of the Housing Action Program Task Force advised that putting process over people makes them nauseous, expressed support that it is worth a try to see if Bylaw 530 would be rejected. The member added that if the LTC does not do something substantial to improve housing, Trustees would hear the same message at every meeting.

A former member of the Housing Action Program Task Force noted that all three trustees care about housing. The Province is supporting housing and Bylaw 530 should be approved while the Province is moving forward on housing. The member asked the LTC to approve Bylaw 530 as written and address the opposition at that time. The LTC is losing the confidence of the people of Salt Spring Island. Bylaw 530 would support intergenerational living, aging in place, and young families. The member of the task force expressed concern that teachers, health care workers, and ferry workers cannot find housing.

Trustee Harris asked where Bylaw 530 stands now and whether the LTC could waive the public hearing and proceed to third reading.

RPM Hutton advised the LTC rescinded second reading of Bylaw 530 and it would need second reading and a request for staff to schedule a public hearing. RPM Hutton advised staff would not recommend waiving the public hearing. A public hearing for Bylaw 530 was held in August 2022 although changes have been made to Bylaw 530 since that time.

A member of the public asked Trustees what they are prepared to do to advance Bylaw 530.

Trustee Harris expressed support to vote for second reading and waive public hearing at the November 16, 2023 LTC regular meeting.

Trustee Patrick advised she has supported the process from the beginning and there has to be a way to limit the numbers. Trustee Patrick expressed support to change the current version of Bylaw 530 to increase the success rate.

A member of the public asked who would legally challenge Bylaw 530.

Trustee Patrick advised there is a group that has said they would legally challenge Bylaw 530.

Chair Peterson advised his approach is to listen, consider staff advice, compatibility with the OCP and the object of the Islands Trust. If Salt Spring could be included in Bill 44 this would be an easier solution. Bylaw 530 is not the solution, it is a starting point to address housing and a more impactful solution will be a targeted review of the OCP.

A member of the public spoke to the SSILTC standing resolution regarding deferral of Bylaw Enforcement on unlawful dwellings and asked if are we in a perpetual cycle of doing nothing to increase housing units while there is no bylaw enforcement.

Trustee Harris advised people are dealing with bylaw enforcement. There is an estimate that SSI needs 3500 units and Bylaw 530 is a drop in the bucket to address the housing needs. It is up to Trustees to figure out what is best for our community.

Trustee Patrick reported SSILTC standing resolution regarding deferral of Bylaw Enforcement on unlawful dwelling provides was approved by Trustee Grams and Trustee Grove. The Standing Resolution was expanded in 2022 to include other forms of housing to give some relief although some people are dealing with bylaw enforcement due to complaints.

A member of the public asked whether the LTC needs help getting a meeting with First Nations and offered to set up the meeting.

A member of the public spoke to the two-year timeline for Bylaw 530 to get to this point and expressed support to approve Bylaw 530 and take a chance on it failing.

Trustee Patrick spoke to the accumulated costs to build housing beyond Bylaw 530 including the high costs of construction that makes it cost prohibitive for property owners to build a rental unit. If a property owner adds a water connection to their well, a community drinking water permit is

required at an approximate cost of \$60,000. The uptake is expected to be low due to it being cost-prohibitive to property owners. The CRD identified adding a secondary suite is the most feasible option although a lot of houses do not have basements that can be converted to a suite. The second most feasible option is a suite above a garage. One objective is that Bylaw 530 would provide a path for homeowners to make their existing illegal ADU to be legal.

There was a question regarding whether a well is necessary to be permitted to have a legal ADU in Bylaw 530.

Trustee Patrick reported the Province requires secondary well connections to have a permit under the BC Drinking Water Act. The State of Washington allows three well connections before the higher requirements are triggered. Islands Trust is lobbying the Province to increase the number of well connections and the Province is considering raising the limit to five.

There was a question regarding whether Trustees could ask MLA Olsen to lobby for housing on behalf of Salt Spring Island and ask him to look into why Salt Spring Island was excluded from Bill 44. The member of the public advised MLA Olsen is very supportive of housing initiatives and the CASHI proposal.

Trustee Harris expressed concern that someone asked for Salt Spring Island to be excluded from Bill 44 and Salt Spring Island is the only community that has 10,000 people within the Islands Trust Area.

Chair Peterson advised if Bill 44 did not exclude the Islands Trust, the new Provincial regulations to support housing initiatives would apply to Salt Spring Island.

A member of the public asked who specifically is the best contact regarding Bill 44.

Chair Peterson advised the Minister of Municipal Affairs, the Minister of Housing and the Premier would be the best contacts for Bill 44.

A member of the public asked whether Trustees could set up those meetings and members of the public could attend.

Chair Peterson advised the LTC could add a new business item to consider Bill 44 at the November 16, 2023 LTC meeting.

Trustee Harris expressed support to pass Bylaw 530 in its original form, waive the public hearing and proceed to third reading, lobby the Province to be included in Bill 44, and amend the housing section of the OCP.

A member of the public advised they would take the day off work to attend a meeting with the Minister of Housing. The member of the public expressed concern that the LTC asked the Province to review whether including Salt Spring Island in the Speculation and Vacancy Tax is a good idea. The member of the public expressed support for the LTC to ask the Province to include Salt Spring Island in the Speculation and Vacancy Tax immediately.

Trustee Patrick reported the Province is considering expanding the Speculation and Vacancy Tax area and the Minister of Housing requested the LTC to provide a request regarding inclusion in the Speculation and Vacancy Tax area.

Trustee Harris expressed concerns regarding a blanket approach to including Salt Spring Island in the Speculation and Vacancy Tax.

A member of the public advised in their experience as a realtor on Salt Spring Island, the Speculation and Vacancy Tax will not solve any housing problems. The member of the public advised most property owners with vacant homes would not do a long-term rental due to the BC Residential Tenancy Act.

Chair Peterson thanked everyone for attending the meeting.

4. ADJOURNMENT

By general consent the meeting adjourned at 6:42 p.m.

Timothy Peterson, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder



Salt Spring Island Local Trust Committee Minutes of Regular Meeting

Date: Thursday, December 14, 2023

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

Members Present: Timothy Peterson, Chair
Jamie Harris, Local Trustee (Zoom)
Laura Patrick, Local Trustee

Staff Present: Chris Hutton, Regional Planning Manager (RPM)
Warren Dingman, Bylaw Compliance and Enforcement Manager (Zoom)
William Shulba, Senior Freshwater Specialist
Louisa Garbo, Island Planner (Zoom)
Jason Youmans, Auxiliary Planner
Charly Caproff, Planner 1 (Zoom)
Rob Pingle, Legislative Clerk
Sarah Shugar, Recorder

Others Present: Gary Holman, Capital Regional District (CRD) Salt Spring Island Electoral Area Director
Earl Rook, Capital Regional District (CRD) Salt Spring Island Local Community Commission (LCC) Chair
Approximately 15 members of the public

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed and recorded.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 9:32 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 territory.

2. APPROVAL OF AGENDA

The following items were presented for inclusion in the agenda:

10.3 SS-TUP-2023.1 - 130 Blackburn Road, SSI

14.1 Proposed Bylaw 530 - Accessory Dwelling Units Staff Report

By general consent, the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Chair Peterson opened the town hall at 9:34 a.m.

A member of the public expressed support for application SS-TUP-2023.1 - 130 Blackburn Road (Salty Dog Retreat), suggested the Local Trust Committee (LTC) seek a legal opinion and requested the LTC to reconsider the temporary use permit application.

A member of the public expressed support for application SS-TUP-2023.1 - 130 Blackburn Road (Salty Dog Retreat), spoke to the kindness of the owner in helping people and dogs in need and requested the LTC to make it easier for the public to access information.

A member of the public expressed support for application SS-TUP-2023.1 - 130 Blackburn Road (Salty Dog Retreat) including the services the business contributes to the community.

A member of the public advised he prepared a preliminary waste management plan for application SS-TUP-2023.1 - 130 Blackburn Road (Salty Dog Retreat) and that he is available to answer any technical questions regarding the application.

Ian Peace spoke on behalf of the Salt Spring Island Water Preservation Society and expressed support to harmonize proof of water at time of subdivision regulations and requested the LTC to support the staff recommendations in the staff report.

A member of the public expressed support for application SS-TUP-2023.1 - 130 Blackburn Road (Salty Dog Retreat) and reported impacts to the watershed are significantly less than the farming use that is already permitted on the property.

Two members of the public expressed support for application SS-TUP-2023.1 - 130 Blackburn Road (Salty Dog Retreat) including that the business is a community need and requested the LTC to work towards a creative solution.

A member of the public expressed support for application SS-TUP-2023.1 - 130 Blackburn Road (Salty Dog Retreat), spoke to the community need for the dog kennel business and requested the Trustees to follow their hearts and be objective in decision-making.

A member of the public expressed support for application SS-TUP-2023.1 - 130 Blackburn Road (Salty Dog Retreat) including the essential service of the kennel business.

A member of the public expressed support for the recommendations in the proof of water at time of subdivision staff report. The member of the public noted the Salty Dog Retreat (SS-TUP-2023.1 - 130 Blackburn Road) provides an important service to the community and there should be adequate discussion regarding the protection of the environment and the community and requested the LTC to assist the Salty Dog Retreat to find a new location that is suitable for a kennel operation.

4. DELEGATIONS

4.1 Jaime Halan-Harris - Regarding the closure of SS-TUP-2023.1 - 130 Blackburn Road, SSI

Jaime Halan-Harris spoke to SS-TUP-2023.1 - 130 Blackburn Road and requested the Local Trust Committee to allow her to reapply for a Temporary Use Permit (TUP) as an essential service.

Director Holman asked if the Salty Dog Retreat has an agreement with the CRD for the dog kennel operation. J. Halan Harris advised the CRD will not approve an agreement for the dog kennel business without a TUP to permit the kennel use on the property.

4.2 Mielle Chandler - Regarding the closure of SS-TUP-2023.1 - 130 Blackburn Road, SSI

Mielle Chandler presented a delegation regarding the closure of SS-TUP-2023.1 - 130 Blackburn Road, SSI and requested the LTC to reconsider the TUP application.

Trustee Harris asked for clarification regarding letters of opposition to the application. M. Chandler advised many of the letters of opposition were written by the same family.

5. TRUSTEE REPORTS

Trustee Harris expressed concerns regarding boats breaking free from moorage during recent windstorms in Ganges Harbour including a vessel that was loaded with garbage that ran ashore. Trustee Harris also expressed concerns regarding activities in Centennial Park including people using the park as a washroom since the CRD public washroom has been closed and the negative impacts to Gasoline Alley businesses.

Trustee Patrick presented the following report:

- Spoke to the Islands Trust and CRD protocol agreements regarding inter-agency collaboration that include Recognition of and respect of each others jurisdictions and capabilities with a commitment to promoting a spirit of partnership through joint legislative policy, program and communications initiatives; and Coordination of planning, servicing and road management activities that is responsive to the needs of the Local Trust Areas and the remainder of the CRD;
- The CRD and Islands Trust sent letters to the Province regarding the Speculation and Vacancy Tax and we were criticized for not working together;
- Expressed support for Islands Trust and CRD to use the protocol agreements to work together;
- Expressed support that local government inter-agency staff are meeting on a quarterly basis to discuss areas of mutual interest;
- Attended the Salt Spring Island Agricultural Alliance Food Summit regarding food security;
- Attended a Salt Spring Solutions Rural Housing event regarding housing options that better serve a diverse and healthy community;
- Attended Trust Council in Victoria and highlighted that Trust Council approved a new Islands Trust Housing Options Tool Kit, endorsed a Trust Council Housing Strategic Action Plan that will be modified and updated as Provincial Legislation regarding housing policy is enacted; and passed a resolution to identify opportunities and challenges of the BC Short-Term Rental Accommodations Act throughout the Islands Trust Area.

6. CHAIR'S REPORT

Chair Peterson expressed support for Islands Trust to be consulted before new legislation such as Bill 35 - the BC Short-Term Rental Accommodations Act is introduced and spoke to the impacts the BC Short-Term Rental Accommodations Act will have on Hornby Island. Chair Peterson also expressed support for Islands Trust to be included in the BC Housing Secondary Suite Incentive Program that includes \$40,000 grants for accessory dwelling units. Chair Peterson presented the following highlights from Trust Council held December 5 to 7, 2023: Discussions regarding the draft 2024-2025 budget; Approval of the Trust Council 2024 meeting schedule; Representatives of San Juan County attended Trust Council regarding the Islands Trust/ San Juan County Council Trans Border Island Agreement for cooperation and advocacy; and a recommendation for policy that will include annual performance reviews of the Islands Trust Chief Administrative Officer.

7. CRD DIRECTOR'S REPORT

CRD Director Holman presented the following report:

- The CRD will initiate an alternate approval process for an 85 million dollar Regional Housing First Borrowing Bylaw for affordable housing. The CRD has met with the Province requesting BC Housing to match the 85 million on a 2:1 basis and the annual cost would be approximately \$2.00 per household per month;
- The Southern Gulf Island Tourism Partnership receives a 2% "hotel tax" that generates \$600,000 to \$700,000 per year and a portion supports a Housing Now Program that matches available housing with people seeking housing;
- The CRD Local Community Commission met with the Salt Spring Island Accommodations Group and identified employee housing as the number one housing priority;
- The Municipal Regional District Tax (MRDT) renewal deadline is March 2024 and the LCC will consider a motion regarding priorities for MRDT funding;
- The CRD will develop a Rural Housing Strategy;
- The Province has introduced mandatory Province-wide registry for STVR's as part of Bill 35 – Short-Term Rental Accommodations Act. At the last meeting Director Holman advised the CRD was going to advocate for Salt Spring Island to be included in the owner occupation provision of Bill 35. Director Holman reported the motion was withdrawn as it is LTC jurisdiction to advocate for inclusion in Bill 35;
- Director Holman spoke to the Salt Spring Island Watershed Protection Alliance (SSIWPA) Terms of Reference, expressed support for an inter-agency coordination body for water management, reported SSIWPA has not met to approve the Econics Watershed Protection Plan 2023-2032. Director Holman expressed concern that the LTC decided to transfer coordination of SSIWPA to the CRD;
- The Hartland landfill will have significant changes to extend the life of the landfill that will include a ban of specific construction materials and changes to the fee structure;
- The CRD Board approved a motion to request a staff report on the merits of joining a class action suit against 5 major oil companies to address the economic impacts of climate change.

Chair Peterson noted items of mutual interest such as the Municipal Regional District Tax (MRDT) and owner occupation provision of Bill 35 - Short-Term Rental Accommodations Act, and improved communication regarding SSIWPA. Chair Peterson requested Director Holman to

forward the CRD staff report on the merits of joining a class action suit against 5 major oil companies when available. Director Holman reported the CRD requested the Province to include Salt Spring Island in the Speculation and Vacancy Tax, Islands Trust asked the Province for more information regarding the Speculation and Vacancy Tax and the Province considered the requests to be contradictory. The Province has included approximately 19 additional municipalities in the Speculation and Vacancy Tax. Director Holman expressed support for a structured approach for collaboration on issues of mutual interest.

CRD Local Community Commission (LCC) Chair Rook presented the following report:

- Essential for the CRD and Islands Trust to cooperate and requested the LTC to meet with LCC on a regular basis to discuss areas of mutual interest;
- The CRD draft 2024 budget increase is approximately 13%. The LCC will consider the draft 2024 budget January 18, 2024 and encouraged members of the public to attend. The CRD will host a town hall on the draft 2024 budget, date to be determined;
- The LCC discussed housing issues and received a presentation from the Chuan Society regarding solutions for the Drake Road encampment;
- The LCC approved the 2024 meeting schedule. Regular meetings will be held on the third Thursday of each month at 9:00 am, and the LCC is planning to schedule evening meetings on the second Thursday each month;
- LCC Commissioners hold office hours on Wednesdays 8:30 a.m. to 4:30 p.m. at the CRD office at 108 – 121 McPhillips Avenue and encouraged members of the public to contact the LCC in person or by email.

The meeting recessed at 11:12 a.m. for a break and reconvened at 11:20 a.m.

8. PREVIOUS MEETINGS

8.1 Draft Minutes of the Salt Spring Island Local Trust Committee

8.1.1 Draft Minutes of the November 16, 2023 Regular Meeting

By general consent, the minutes of November 16, 2023 Salt Spring Island Local Trust Committee Regular meeting were adopted.

8.2 Resolutions Without Meeting Report – None

8.3 Draft Minutes of the Advisory Planning Commissions

8.3.1 Draft Minutes of the November 30, 2023 Agriculture APC meeting

The minutes were received.

9. CORRESPONDENCE

9.1 J. Lebowitz to LTC - Dated 16 Nov 2023 - Regarding Crown Land Staking Notice File: 1415439

- 9.2 S. Douglas to LTC - Dated 16 Nov 2023 - Regarding Crown Land Staking Notice File: 1415439
- 9.3 M. Chandler to LTC - Dated 23 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.4 J. Cameron to LTC - Dated 23 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.5 B. Gillespie to LTC - Dated 28 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.6 S. Worrall to LTC - Dated 28 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.7 B. Belanger to LTC - Dated 28 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.8 C. Skelcher to LTC - Dated 29 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.9 J. Christian to LTC - Dated 29 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.10 J. Harrison to LTC - Dated 29 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.11 O. McGill to LTC - Dated 29 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.12 S. Tremblay to LTC - Dated 29 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.13 T. Harrison to LTC - Dated 29 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.14 T. Schulz to LTC - Dated 29 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.15 A. Korchynski to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.16 A. Sikich to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.17 A. Stewart to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.18 B. Milne to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.19 B. Travelbea to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.20 C. Rowthorn to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.21 D. Madsen to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.22 J. Alexander to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.23 J. Davies to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.24 J. Smith to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.25 J. Watterson to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd

- 9.26 L. Gallagher to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.27 M. Goldberg to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.28 N. Slavik to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.29 P. Koby to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.30 S. Butler to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.31 S. Houston to LTC - Dated 30 Nov 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.32 C. Dodd to LTC - Dated 01 Dec 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.33 D. King to LTC - Dated 01 Dec 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.34 D. Zwick to LTC - Dated 01 Dec 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.35 G. Bywater to LTC - Dated 01 Dec 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.36 S. Close to LTC - Dated 01 Dec 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.37 J. Porciuncula to LTC - Dated 02 Dec 2023 - Regarding SS-TUP-2023.1 – 130 Blackburn Rd
- 9.38 K. Fleerackers to LTC - Dated 02 Dec 2023 - Regarding Recouping climate change costs from the oil industry
- 9.39 J. LeBlanc to LTC - Dated 03 Dec 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.40 J. Morris to LTC - Dated 03 Dec 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.41 R. Irving to LTC - Dated 04 Dec 2023 -Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.42 L. Sliwowska to LTC - Dated 04 Dec 2023 -Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.43 M. Chandler to LTC - Dated 04 Dec 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd
- 9.44 A. Woods to LTC - Dated 05 Dec 2023 - Regarding SS-TUP-2023.1 - 130 Blackburn Rd

The correspondence items were received.

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-Up Action List dated December 2023

A Trustee asked staff to provide an update regarding the Clean and Safe Harbours Initiative (CASHI). Staff reported the CASHI proposal is not a Local Trust Committee project and staff resources have not been allocated to CASHI.

The report was received.

10.2 Bylaw Compliance and Enforcement on Salt Spring Island

BECM Dingman presented a staff report dated December 14, 2023 regarding a summary of current open compliance and enforcement files for Salt Spring Island.

In discussion the following items were noted:

- A Trustee asked what funds would be needed to enforce unlawful dwellings in Ganges Harbour. Staff reported estimated costs to enforce unlawful dwellings in Ganges Harbour could be up to \$100,000. Islands Trust does not have a boat and water taxi service is used to investigate unlawful uses in Ganges Harbour;
- A Trustee advised more information is needed regarding a review of the geographic region and funding options.

SS-2023-148

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee received this report for information only.

CARRIED

10.3 SS-TUP-2023.1 - 130 Blackburn Road, SSI

Trustee Patrick thanked the applicant for the delegation presentation.

In discussion the following items were noted:

- A Trustee expressed support for a business licence program that would be coordinated with zoning bylaws;
- There was a question regarding preliminary requirements for a Temporary Use Permit (TUP) in this location. RPM Hutton reported the Official Community Plan (OCP) is specific to areas where TUP's can be applied and the property is not within those areas. Next steps could include an application to amend the OCP to allow a TUP on the property or a rezoning application to allow the proposed uses. A number of tools can be included in a TUP and staff would not support a TUP that is in an area that does not allow TUP's.
- There was a question regarding whether a TUP would include kennel as a use on the property. RPM Hutton advised kennel setbacks can be determined and can be included in a TUP;
- There was discussion regarding application fees and potential fee reductions of application fees. Staff advised there are grants available for not-for profit applicants although the grants are considered at the end of an application process;
- BCEM Dingman advised there is a standing resolution regarding bylaw enforcement when there is a community need and it was noted a resolution to not enforce would only be considered with an active application;

- A Trustee recommended that staff should meet with the applicant to determine the best way forward;
- A Trustee requested staff to advise the CRD that the LTC is working with the applicant to find solutions. BCEM Dingman advised he would contact the CRD regarding Salty Dog Retreat.

11. COMMUNITY INFORMATION MEETING - None

12. PUBLIC HEARING – None

13. APPLICATIONS AND REFERRALS

13.1 13.1 SS-ALR-2023.2 - J. Litke - 710 Cranberry Road, SSI

Planner Caproff presented a staff report dated December 14, 2023 regarding an Agricultural Land Reserve (ALR) Application for Non-Farm Use and Subdivision.

Applicant J. Litke spoke to the application.

A Trustee asked why a covenant to restrict further subdivision is not being recommended. Planner Caproff reported there are mechanisms to prevent properties being removed from the ALR and the Agricultural 2 zone uses are specific.

SS-2023-149

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee support application SS-ALR-2023.2 (710 Cranberry Road) and request staff to forward the application to the Agricultural Land Commission (ALC) for further consideration with the following consideration: That the Salt Spring Island Agricultural Advisory Planning Commission notes concerns future exclusion and further subdivision of Proposed Lot A.

CARRIED

The meeting was recessed for a lunch break at 12:19 p.m. and reconvened at 1:00 p.m.

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Proposed Bylaw 530 - Accessory Dwelling Units - Staff Report

RPM Hutton presented a staff report dated December 14, 2023 regarding land use policy change and programmatic actions related to the regulation and allowance of accessory dwelling units (ADUs) in the Salt Spring Islands Land Use Bylaw No. 355, 1999 (SS LUB) area.

In discussion the following items were noted:

- A Trustee expressed support to not schedule a public hearing as the changes are few and minor;
- A Trustee expressed support for a spot zoning pilot program that has reduced costs to provide a mechanism for property owners to apply to be added to the accessory dwelling unit map that is more simple than a land use application;

- A Trustee expressed support to leave Bylaw 530 as “pending” while the LTC works on the OCP update project;
- Trustee Harris asked for the following comment to be recorded: concern regarding staff recommendations regarding item 14.3 and a lack of trust in the process for existing ADU’s to be included in the proposed spot zoning pilot program and that the result will not significantly impact affordable housing.

The meeting moved to an in camera meeting at 1:20 p.m. (Item 17 – Closed Meeting) and the meeting reconvened at 1:29 p.m.

SS-2023-150

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee not require a Public Hearing for Salt Spring Island Local Trust Committee Bylaw No. 537, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 2, 2023” as presented in Attachment 5 of the Regional Planning Manager’s December 14, 2023 report as the Bylaw is consistent with the “Salt Spring Island Official Community Plan No. 434, 2008, and request staff to proceed with public notification as per Section 464 of the Local Government Act.

CARRIED

Trustee Harris OPPOSED

SS-2023-151

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee proceed no further with Salt Spring Island Local Trust Committee Bylaw No. 530, cited as “Salt Spring Islands Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022”.

CARRIED

Trustee Harris OPPOSED

SS-2023-152

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to schedule a special meeting prior to January 23, 2024 to present Bylaw No. 537 for first reading.

CARRIED

Trustee Harris OPPOSED

14.2 Watershed Protection Plan Coordination - Staff Report

Planner Youmans presented a staff report dated December 14, 2023 regarding coordinating the implementation of the Salt Spring Island Watershed Protection Plan 2023-2032.

In discussion the following items were noted:

- A Trustee expressed support for a coordinated plan for watersheds on Salt Spring Island;
- A Trustee expressed concerns regarding the funds spent on the Salt Spring Island Watershed Protection Alliance (SSIWPA), the lack of results, and the negative impacts to housing;

- A Trustee expressed concerns that watershed protection plan coordination is in opposition to the Islands Trust policy statement and that this work is a step in the direction of Salt Spring Island becoming a park;
- A Trustee acknowledged former Trustee Grams for his work in establishing SSIWPA to provide an inter-agency coordinated approach for watershed management.

SS-2023-153

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee amend the Water Sustainability Project Charter v1 presented in Appendix 1 of the December 14, 2023 staff report as follows:

- Replace the third purpose statement with “to develop consensus on longer term governance reforms to improve watershed protection and support reform.”; and
- Remove the remainder of the second paragraph that begins with the sentence “However, SS LTC has signaled” and replace with “SSI LTC has identified an opportunity to renew the governance and coordination of watershed protection activities by commissioning a Situation Analysis and Options Identification Report (Econics April 2022) and a multi-agency Watershed Protection Plan 2023-2032 (Econics March 2023). Until such time that another body steps into the coordinating role, the SSI LTC will retain the role. However, the priority action for a new staff lead agency working group will be watershed protection governance and coordination.”

CARRIED

Trustee Harris OPPOSED

SS-2023-154

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee endorse Watershed Protection Plan 2023-2032 Coordination Project Charter v1 attached as Appendix 1 to the staff report of December 14, 2023 as amended.

CARRIED

Trustee Harris OPPOSED

SS-2023-155

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee forward the Watershed Protection Plan 2023-2032 Business Case attached as Appendix 2 to the staff report of December 14, 2023 to Financial Planning Committee for inclusion in the 2024/25 Trust Council budget.

CARRIED

Trustee Harris OPPOSED

SS-2023-156

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee designate Trustee Patrick to represent SSI LTC at meetings to coordinate implementation of Salt Spring Island Watershed Protection Plan 2023-2032.

CARRIED

Trustee Harris OPPOSED

14.3 Water Sustainability – Proof of Water at Time of Subdivision - Staff Report

Planner Youmans presented a staff report dated December 14, 2023 regarding amending the Salt Spring Island Land Use Bylaw (LUB) subdivision application proof of water requirements. Senior Freshwater Specialist Shulba spoke to the proposed Proof of Water – Subdivision Project Charter.

In discussion the following items were noted:

- A Trustee expressed concern that the LTC is mixing into Provincial jurisdiction and this will not help the affordable housing issue;
- A Trustee expressed support for a proof of water bylaw to support applicants through the subdivision process;
- A Trustee advised in the past there was concern regarding unintended consequences for drilling deeper wells and whether that could cause more harm;
- Chair Peterson asked what the Provincial requirement would be for salinization or rainwater catchment for subdivision. Staff advised they will report back;
- Staff support rainwater catchment have been working with the Regional District of Nanaimo on rainwater catchment initiatives;
- Rainwater catchment for subdivision can be considered by a variance application;
- A Trustee asked if delaying the decision regarding the Proof of Water – Subdivision Project Charter would impact funding. RPM Hutton advised January 9, 2024 is the deadline for submitting business case funding requests;
- A Trustee suggested to defer the Proof of Water – Subdivision Project Charter to the February 15, 2024 LTC meeting;
- There was a suggestion for surplus funding to be allocated to workforce ownership housing.

SS-2023-157

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee endorse Proof of Water – Subdivision Project Charter version 2 attached as Appendix 1 to the staff report dated December 14, 2023 and proceed in accordance with the LTC's resolutions of the meeting of May 17, 2022.

CARRIED

The meeting recessed at 2:43 p.m. and moved to an in camera meeting at 2:54 p.m. (Item 17. - Closed Meeting). The regular meeting reconvened at 3:07 p.m.

SS-2023-158

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee forward the Proof of Water - Subdivision Business Case attached as Appendix 3 to the staff report dated December 15, 2023 to Financial Planning Committee for consideration of inclusion in the fiscal 2024/25 Trust Council budget.

CARRIED

Trustee Harris OPPOSED

14.4 Groundwater and Surface Water Monitoring Pilot Project - Staff Report

Planner Youmans presented a staff report dated December 14, 2023 regarding Salt Spring Island LTC's Groundwater and Surface Water Monitoring Pilot Program.

In discussion the following comments were noted:

- Senior Freshwater Specialist Shulba reported the data loggers continue to collect data;
- A Trustee asked if the data would be shared with the Province. Senior Freshwater Specialist Shulba reported the agreements protect the privacy of well owners and the data can be provided to the Province upon request;
- A Trustee expressed concern that the Groundwater and Surface Water Monitoring Pilot Project is a waste of resources.

SS-2023-159

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee endorse Groundwater Sustainability Strategy Project Charter v10 attached as Appendix 1 to the staff report dated December 14, 2023.

CARRIED

Trustee Harris OPPOSED

SS-2023-160

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee forward the Groundwater Sustainability Strategy Business Case attached as Appendix 3 to the staff report dated December 14, 2023 to Financial Planning Committee for consideration of inclusion in the 2024/25 Trust Council budget.

CARRIED

Trustee Harris OPPOSED

14.5 Official Community Plan - Land Use Bylaw - Project Terms of Reference - Staff Report

Planner Garbo presented a staff report dated December 14, 2023 regarding the Terms of Reference for the Salt Spring Island Official Community Plan (OCP) and the Salt Spring Island Land Use Bylaw (LUB) update project.

In discussion the following comments were noted:

- A Trustee expressed gratitude to staff for the Terms of Reference as a guiding document;
- A Trustee expressed support for a phased approach;
- A Trustee expressed support to expedite the process and that we need an OCP that facilitates zoning changes to support workforce housing;
- A Trustee made the following suggestions to amend the draft OCP/LUB Project Terms of Reference:
 - Include a statement regarding the LUB update implementation;
 - Add food security;
 - Add all housing must be developed in appropriate places;

- Ensure adequate monitoring;
- Remove the questions from phase one and phase two;
- Add context for being a complete “island” community;
- Include consultation with First Nations with interests in the area, not specific to only those First Nations living “on island”;
- Remove Potential Engagement Toolkit and Methods table;
- Include a variety of Technical Working Groups in the Summary of the Engagement Strategies table and develop terms of reference for those, and that staff need to have clarity on who to engage with;
- Remove preliminary contact table;
- Remove formal referral table;
- Remove target timelines table and focus on phases;
- Separate public hearing costs in the budget table;
- Identify who generates change in the project change management section; and
- Add inter agency protocol agreements.

SS-2023-161

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to update the OCP/LUB Terms of Reference based on the discussion on December 14, 2023 and report back.

CARRIED

15. NEW BUSINESS

15.1 North Pender Island Local Trust Committee Draft Bylaw No. 234 Referral - For Response

North Pender Island Local Trust Committee Draft Bylaw No. 234 referral was presented.

SS-2023-164

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee respond to the North Pender Island Local Trust Committee to indicate interests are unaffected by draft Bylaw No. 234.

CARRIED

15.2 Salt Spring Local Trust Committee 2024 Regular Business Meeting Schedule - Staff Memorandum

A staff memorandum dated December 14, 2023 regarding the Salt Spring Local Trust Committee 2024 regular business meeting schedule was presented. A Trustee noted future consideration of evening town hall meetings and a meeting with the Salt Spring Island Agricultural Alliance.

SS-2023-165

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee approve the proposed 2024 Regular Meeting schedule as presented in Appendix 1 to establish a meeting schedule as required by Salt Spring Island Meeting Procedures Bylaw No. 529.

CARRIED

16. REPORTS

16.1 Policy and Standing Resolutions List

The report was received.

16.2 Future Projects Report dated December 2023

The report was received.

16.3 Active Projects Report dated December 2023

The report was received.

16.4 Applications with Status Report dated December 2023

The report was received.

16.5 Expense Report

16.5.1 Report dated September 2023

The report was received.

16.5.2 Report dated October 2023

The report was received.

16.6 Islands Trust Conservancy Board Report – None

17. CLOSED MEETING

17.1 Motion to Close the Meeting

SS-2023-166

At 1:20 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): (c) labour relations or other employee relations; and that the minute taker be invited to remain.

CARRIED

SS-2023-167

At 2:54 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): (c) labour relations or other employee relations; and that staff be excluded.

CARRIED

17.3 Rise and Report – None

18. UPCOMING MEETINGS

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled on February 15, 2024 at 9:30 a.m. at the Salt Spring Legion, Meaden Hall, 120 Blain Road. Please see the meeting calendar on the Islands Trust website at www.islandstrust.bc.ca for current meeting information and location.

19. ADJOURNMENT

By general consent the meeting adjourned at 4:38 p.m.

Timothy Peterson, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder



Salt Spring Island Local Trust Committee Minutes of Special Meeting

Date: Monday, January 22, 2024

Location: Electronic Meeting (Zoom)

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

Staff Present: Chris Hutton, Regional Planning Manager (RPM)
Rob Pingle, Legislative Clerk
Sarah Shugar, Recorder

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed and recorded.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 1:34 p.m. He welcomed everyone to a Special 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 territory.

2. APPROVAL OF AGENDA

By general consent, the agenda was adopted.

3. PUBLIC COMMENTS

RPM Hutton reported additional correspondence items regarding Draft Bylaw 537 – Accessory Dwelling Units were received and would be added to the Islands Trust website. RPM Hutton reported a letter from legal counsel regarding Draft Bylaw 537 has been received and circulated to Trustees.

4. BUSINESS ITEMS

4.1 Draft Bylaw 537 - Accessory Dwelling Units

RPM Hutton presented a staff report dated January 22, 2024 regarding a proposed Land Use Amendment Bylaw to allow Accessory Dwelling Units.

SS-2024-001

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee proceed no further with draft Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Islands Land Use Bylaw No. 355, 1999, Amendment No. 2, 2023".

DEFEATED

SS-2024-002

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Local Trust Committee Land Use Bylaw No. 355, 1999, Amendment Bylaw No. 2, 2023 be read a first time.

CARRIED

Trustee Harris OPPOSED

SS-2024-003

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Local Trust Committee Land Use Bylaw No. 355, 1999, Amendment Bylaw No. 2, 2023 be read a second time.

CARRIED

Trustee Harris OPPOSED

SS-2024-004

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Local Trust Committee Land Use Bylaw No. 355, 1999, Amendment Bylaw No. 2, 2023 be read a third time.

CARRIED

Trustee Harris OPPOSED

SS-2024-005

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee refer Bylaw No. 537, cited as "Salt Spring Island Local Trust Committee Land Use Bylaw No. 355, 1999, Amendment No. 2, 2023" to the Islands Trust Executive Committee for approval.

CARRIED

Trustee Harris OPPOSED

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee amend the “Islands Trust Policy Statement Directives Only Checklist” in attachment 2 by making the following changes:

- Section 4.1 change from “maybe” to “N/A”;
- Section 5.2.4 change from “maybe” to “yes”;
- Section 5.2.5 change from “maybe” to “yes”;
- Section 5.8.6 change from “yes” to “no”; and
- Add the following reason within the “Policy Statement Compliance” section: “The current official community plan and regulatory bylaws do not address Salt Spring Island’s projected housing needs to sustain a healthy community. There is an opportunity to address this deficiency within the funded official community plan and land use bylaw review project.”

Trustee Harris expressed concerns regarding determining whether Draft Bylaw 537 is in compliance with the Islands Trust Policy Statement Directives Only Checklist, requested that the item be deferred to provide more time to consider the proposed amendments and requested that his comments be recorded.

SS-2024-006

It was MOVED and SECONDED,

To amend the motion as follows:

- Remove “Section 5.8.6 change from “yes” to “no””; and
- Remove “Add the following reason within the “Policy Statement Compliance” section: “The current official community plan and regulatory bylaws do not address Salt Spring Island’s projected housing needs to sustain a healthy community. There is an opportunity to address this deficiency within the funded official community plan and land use bylaw review project.”

CARRIED

Trustee Harris OPPOSED

Chair Peterson called the question on the amended motion:

SS-2024-007

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee amend the “Islands Trust Policy Statement Directives Only Checklist” in Attachment 2 by making the following changes:

- Section 4.1 change from “maybe” to “N/A”;
- Section 5.2.4 change from “maybe” to “yes”;
- Section 5.2.5 change from “maybe” to “yes”.

CARRIED

Trustee Harris OPPOSED

SS-2024-008

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee has reviewed the Islands Trust Policy Statement Checklist attached to the January 22, 2024 report as Attachment 2 as amended, and determined that draft Bylaw No. 537, as amended cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 2, 2023," is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

Trustee Harris OPPOSED

5. ADJOURNMENT

By general consent the meeting adjourned at 2:33 p.m.

Timothy Peterson, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder

From: susheela meyers <[REDACTED]>
Sent: Friday, December 8, 2023 3:47 PM
To: Laura Patrick; Jamie Harris; Tpetersen@islandstrust.bc.ca; SSInfo
Subject: A Neighbor's concerns about Salty Dog Kennel

Dear Trustees,

I live on & own the property at [REDACTED] adjacent to the new Salty Dog Kennel. We have lived in this peaceful valley for [REDACTED] years. The incessant noise from the traumatized dogs has taken over the landscape. We used to enjoy the quiet of the forested slope behind us & the birdsong that filled the air. No more. The barking of multiple distressed dogs reverberates over the valley & into the Conservancy all day long, for extended stretches, from early morning into the evening. Sitting on the decks, working in the yard, or indoors with the windows open throughout the summer. It's all dogs, all the time. Annoying, startling & upsetting.

After the first month of this, we dropped over to meet Ms. Halan-Harris & see what the situation was firsthand. We also confided our experience of the noise. We were informed by the son that he intended to make the operation even larger, more dogs, more people & more trailers. Yesterday I counted eight visible RV's of various sizes.

Blackburn Road neighbours have lived quietly together in harmony the whole time we have lived here. The Salty Dog Kennel in this location is surely a major & unnecessary negative impact on protected land, to sensitive watershed & wetlands. I am sorry for Ms. Halen-Harris, I wish her & her enterprise to thrive, but in an appropriate location.

I hope that the TUP will not be granted. Given Ms. Halan-Harris' demonstrated failure to research & follow the requirements & guidelines accruing to the land she purchased, I am concerned that there is neither the ability nor intention to conform the operation to any subsequent provisions, rulings & restrictions if a TUP was granted.

Thank you for considering my point of view. Please regard my remarks as confidential since I live nearby & do not want to invite retaliation over this emotionally charged Issue.

Thank you,
Susheela Meyers

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Chris Hutton
Sent: Friday, December 8, 2023 5:08 PM
To: SSInfo
Subject: RE: Salty Dog Kennel neighbor

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

From: Uma Meyers <[REDACTED]>
Sent: Friday, December 8, 2023 4:03 PM
To: Chris Buchan <cbuchan@islandstrust.bc.ca>; Chris Hutton <chutton@islandstrust.bc.ca>; Jamie Harris <jharris@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Subject: Re: Salty Dog Kennel neighbor

I originally sent this last week but failed to enter one email address correctly so I'm just making sure this reaches you all in time. Apologies for the otherwise duplicate message:

To whom it may concern,

I am writing as one of the residents of [REDACTED], a stones throw from the kennel.

The kennels activities have been extremely disruptive since they moved in. The loud, agitated, relentless barking from the dogs has on many occasions extended into the late night (12:00 am) and early mornings (6:00am). When Jamie first moved in she told my father that this particular barking was due to “trauma dogs from the Ukraine”, and that it was only going to be on Tuesdays and Thursdays. Not only was this unacceptable two days a week, it quickly became a daily experience, at all hours, with the traumatized dogs initiating a chorus of all the others, that no one on that property seemed to be able to control.

On more than one occasion this was accompanied by multiple humans screaming, and one dog being separated from the rest, run down the road in front of our home where it continued its loud disruptive barking.

None of us are able to enjoy our outside space at all since the kennel moved in. When I've had a visitor or someone here working at our place, everyone notices and comments on how awful it is. There has been no attempts to integrate into the neighborhood, no improvement in the amount of barking, no communication with us in any manner as to steps being taken to make it more harmonious for us who existed here prior to their arrival. It has been very stressful and so loud that through the summer I was forced to have my windows shut throughout the day.

[REDACTED]

Thank you for your time,

Uma Meyers

From: Laura Patrick
Sent: Sunday, December 10, 2023 3:32 PM
To: shelley mahoney
Cc: Jamie Harris; SSInfo
Subject: Re: Can we just do instead of talk

Shelley,

Please see page 3 in the document found on this link for eligible expenditures for the complete community grant: https://www.ubcm.ca/sites/default/files/2023-10/LGPS-2024-CompleteCommunities-ProgGuide-2023_10.pdf

I look forward to learning more about this eco village idea and helping to identify appropriate funding opportunities.

Laura

On Dec 10, 2023, at 12:29 PM, shelley mahoney <[REDACTED]> wrote:

Within the Trust spuddle there is a grant for capacity building....150 thousand, you guessed it, for a consultant to tell us what we already know.

In the South end where the water flows freely and abundantly year round, the Forsyth family would like to create an eco village that complies with alr zoning.

Let us email our trustees and support this wonderful idea, use the money here, locally.

It ticks all the boxes, bus route, water stable, farming, families, learning, orchards, gardens, small business, sustainable, affordable, equity building.

The money could be used for a planner to get this project and actual housing done.

Shelley Mahoney

From: Ren Ferguson <[REDACTED]>
Sent: Monday, December 11, 2023 2:32 PM
To: SSInfo
Subject: Attention: Local Trust Committee - Salty Dog Retreat
Attachments: Salty Dog Letter.docx

To the Local Trust Committee Members:

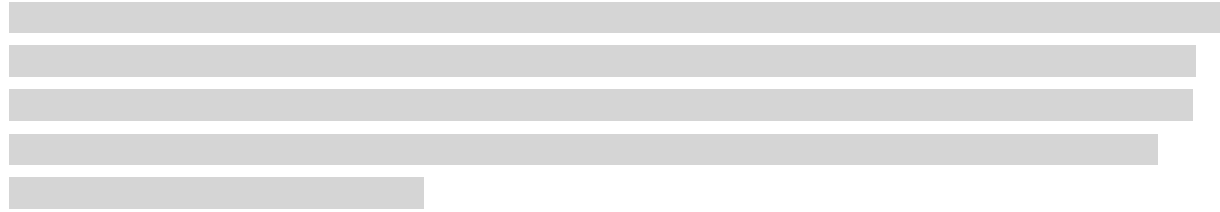
I am writing to offer support of the LTC's decision to rescind the TUP for 130 Blackburn Road, also referred to as the Salty Dog Retreat. I have also attached my letter to this email.

Back when the property in question was first being cleared, I was concerned but didn't enquire as I imagined a home was being built. I was surprised later to see that the property was being run as a dog kennel/rescue service. My alarm increased when I saw many trailers, and other temporary living structures were being added over time and wondered how ITC approved this land use and a high level of living density on this property.

I empathize with the need for more housing and a kennel service on Salt Spring. However, this property is not a place for a dog kennel, trailer park and campground as it falls into an important watershed supplying water for many on the island. Under the zoning for this property there is not to be development further than a dwelling unit and agriculture.

I now understand that this property use was under a TUP. Halan-Harris has gone ahead and made significant land alterations in contravention of the TUP and bylaws. She did not have permission to do so and is showing a disregard for the necessary steps for such a venture.

There is much talk about how this service is not only a good one for the dog owners who board their animals but also for the many homeless individuals and families living there. I have empathy for the homeless people and dog owners on our island, but these pleas are not relevant to the main concern that this land use is not permitted under the zoning and for a very important reason, that it falls within a sensitive rural watershed zone. I am appalled that the Salty Dog Retreat has been allowed to expand in this way and am relieved that the Trust Committee has stood by our OCP zoning and rescinded the TUP, which shouldn't have been granted in the first place.



I live nearby and cannot imagine what it is like for property owners who live in ear shot. When I am walking over at the Blackburn Nature Reserve, I always hear a cacophony of dogs barking for long periods of time.

Thank you for taking my concerns and support for this establishment to be closed on this property.

Sincerely,

Ren Ferguson

From: Rowan J.Percy <[REDACTED]>
Sent: Monday, December 11, 2023 2:52 PM
To: SSInfo
Subject: re TUP for 130 Blackburn

To the Local Trust Committee:

I am writing in support of the LTC's recent decision to rescind the TUP for 130 Blackburn Road, also referred to as the Salty Dog retreat.

It is clear that many people are grateful for the services of the Salty Dog retreat. I empathize with the relief at receiving service for both care for dogs and for housing. While offering dog care, dog rescue and housing for homeless are all issues of vital concern to our community, they are not valid criteria for issuing a land use permit. These are practical and emotional issues that should be considered separately from the fundamental question of land use, which seem to me to be as follows:

Is this business appropriate to the zoning? If not, clearly the TUP must be withdrawn.

Do the number of people living on the property exceed the allowable in terms of water usage?

Does the risk of effluent affect the watershed and/or come within relevant bylaws?

What other considerations are there for the environment, that should be considered and properly investigated.

Has a Bylaw officer actually seen and investigated how the property is being used?

While I do not live on Blackburn Road, I am frequently in the area and am often aware of the noise pollution from the dog population. The property has become a significant eyesore due to the appearance of a homeless encampment and the clearcutting of the forest and installation of many small structures for living purposes.

Clearly the owner has gone ahead and transformed the property for her business, prior to proper authority to do so.

[REDACTED]

Sincerely,
Rowan Percy

[REDACTED]

Ren Ferguson
130 Isle View Drive
Salt Spring Island, BC
V8K 2G4

Local Trust Committee

December 11, 2023

Re: Salty Dog Retreat Issue

To the Local Trust Committee Members:

I am writing to offer support of the LTC's decision to rescind the TUP for 130 Blackburn Road, also referred to as the Salty Dog Retreat.

Back when the property in question was first being cleared, I was concerned but didn't enquire as I imagined a home was being built. I was surprised later to see that the property was being run as a dog kennel/rescue service. My alarm increased when I saw many trailers, and other temporary living structures were being added over time and wondered how ITC approved this land use and a high level of living density on this property.

I empathize with the need for more housing and a kennel service on Salt Spring. However, this property is not a place for a dog kennel, trailer park and campground as it falls into an important watershed supplying water for many on the island. Under the zoning for this property there is not to be development further than a dwelling unit and agriculture.

I now understand that this property use was under a TUP. Halan-Harris has gone ahead and made significant land alterations in contravention of the TUP and bylaws. She did not have permission to do so and is showing a disregard for the necessary steps for such a venture.

There is much talk about how this service is not only a good one for the dog owners who board their animals but also for the many homeless individuals and families living there. I have empathy for the homeless people and dog owners on our island, but these pleas are not relevant to the main concern that this land use is not permitted under the zoning and for a very important reason, that it falls within a sensitive rural watershed zone. I am appalled that the Salty Dog Retreat has been allowed to expand in this way and am relieved that the Trust Committee has stood by our OCP zoning and rescinded the TUP, which shouldn't have been granted in the first place.

I have spoken to sources who previously worked at Salty Dog and heard allegations of a puppy mill being run there as well as abuses of the homeless people working there. These allegations are serious and while I don't fully know the facts there is more to the story than this organization being a vocational rehab program and therapy for homeless youth.

I live nearby and cannot imagine what it is like for property owners who live in ear shot. When I am walking over at the Blackburn Nature Reserve, I always hear a cacophony of dogs barking for long periods of time.

Thank you for taking my concerns and support for this establishment to be closed on this property.

Sincerely,

Ren Ferguson

From: Laura Patrick
Sent: Tuesday, December 12, 2023 4:00 PM
To: SSInfo
Subject: Fwd: Review of CASHI

Begin forwarded message:

From: Glenn Stevens <[REDACTED]>
Subject: Fwd: Review of CASHI
Date: December 12, 2023 at 3:56:00 PM PST
To: jamie harris <jamiessi@hotmail.com>, Laura Patrick
<lpattick@islandstrust.bc.ca>
Cc: John Speirs <[REDACTED]>, Matthew Kerrigan
<[REDACTED]>

Trustees, you no doubt recall that on June 22, 2023, following my presentation of the CASHI proposal, you instructed your staff to conduct a review of CASHI and present it publicly to the Trust Committee at a regularly scheduled meeting.

Following that meeting, and on multiple occasions, I was informed by the staff that the review would be presented at the Novembre 2023 regular meeting. Unfortunately, and despite being told by the staff just 2 weeks prior to the meeting that such review would in fact take place at the November meeting, the presentation did not occur due to other priorities.

Following the November meeting, and confirmed at the recent public forum at the Golf Course, I was told that the presentation would now occur at the December meeting. **Today, Chris Hutton told me that it would not occur due to other priorities.**

This is unacceptable. I question whether a review has even taken place, as I was contacted by the staff for the **first** time shortly before the November meeting asking for the proposed CASHI bylaw in WORD so that the staff could review it and use it in the review.

I point out to you that over 300 persons have joined the CASHI facebook page and while not all of them may support the Initiative, a material number are full supporters. The CASHI group itself has over 40 people. We spent time, money and effort to develop the presentation for you, including a public survey that showed strong support for clean and safe harbours.

Do you control the staff or do they control you? You directed them to do the review in June - - did they ignore you?

To us, this second "postponement" after 6 months following our delegation's presentation in June 2023 is just one more example of this Trust Committee doing nothing to protect and make clean our harbours. Did you, as Trustee's order the postponement - - were you even consulted.

Enough. **Please tell us when the CASHI review presentation will occur.**

We note, positively, that your enforcement officers have finally conducted a tour of the harbour and identified illegal buoys, as well as structures and vessels in prohibited environmental Ganges harbour zones. This said, what will the enforcement officers now do to enforce applicable laws based on their findings and the multiple filed complaints they have received about issues in our harbours.

Thank you for your prompt attention to this important and urgent matter, despite the obviously low priority your staff has determined it deserves. We demand a prompt response.

Thank you,

GHS

----- Forwarded message -----

From: **Chris Hutton** <chutton@islandstrust.bc.ca>

Date: Tue, Dec 12, 2023 at 4:28 PM

Subject: RE: Review of CASHI

To: Glenn Stevens <[REDACTED]>

Cc: John Speirs <[REDACTED]>, Matthew Kerrigan

<[REDACTED]>

Sorry Glenn,

This report has been deferred due to other priority items.

Chris Hutton, RPP, MCIP (he/him)

Regional Planning Manager

Islands Trust | 250-538-5608

From: Glenn Stevens <[REDACTED]>
Sent: Tuesday, December 12, 2023 3:21 PM
To: Chris Hutton <chutton@islandstrust.bc.ca>
Cc: John Speirs <[REDACTED]>; Matthew Kerrigan <[REDACTED]>
Subject: Re: Review of CASHI

Chris, please respond to my earlier email re confirmation that the staff review of the CASHI proposal will be presented at the upcoming December regular Trust Committee meeting.

Thanks,

GHS

On Fri, Dec 8, 2023 at 3:55 PM Glenn Stevens <[REDACTED]> wrote:

Chris, on behalf of CSSHI members, we were very disappointed when the Staff's review of the CASHI proposal was not on the November 2023 regular meeting Agenda, despite statements by the staff to me just a week earlier that it would be included.

You recall that I raised this at the last SSI Trust Committee public forum and was told the review was planned for the December regular meeting.

Please confirm that such review will take place as planned on December 14, 2023, so that we plan accordingly to attend the meeting. Frankly, I looked at the just published meeting Agenda and I don't see it. If it's on it, please identify it for us.

Thank you,

GHS

From: Timothy Peterson
Sent: Thursday, December 21, 2023 10:51 AM
To: Salt Spring Island Local Trust Committee
Subject: Fw: Letter from Ministry of Finance
Attachments: Speculation and Vacancy Tax

From: Minister, FIN FIN:EX <FIN.Minister@gov.bc.ca>
Sent: December 21, 2023 10:46 AM
To: Timothy Peterson
Subject: Letter from Ministry of Finance

Ref: 504543

Timothy Peterson, Chair
Salt Spring Island Local Trust Committee
tpeterson@islandtrust.bc.ca

Dear Timothy Peterson:

Thank you for your letter dated October 30, 2023, regarding BC's Speculation and Vacancy Tax (SVT) and Salt Spring Island. We appreciate your feedback on behalf of the Salt Spring Island Local Trust Committee.

Making life more affordable is one of the key commitments this government has made to British Columbians. Our 30-point housing plan, *Homes for B.C.*, and our refreshed housing strategy, *Homes for People*, lay out the many actions being taken to meet that commitment. We hope you will take a moment to review the plans and learn more about the steps we are taking to help tackle BC's housing crisis:

http://bcbudget.gov.bc.ca/2018/homesbc/2018_Homes_For_BC.pdf;
https://news.gov.bc.ca/files/Homes_For_People.pdf.

The SVT was introduced as part of Government's 30-point housing plan in February 2018. The SVT is designed to prevent housing speculation and help turn vacant and underutilized properties into homes for people who live and work in BC. When choosing where to apply the SVT originally, the government focused on urban centres with low vacancy rates and affordability challenges in which house prices and rents exceeded local incomes.

An independent review report of the SVT released in 2022 shows the tax is working as intended. As part of the *Homes for People* plan, the Province is committed to expanding the SVT in a phased and measured way to help more people find homes they can afford. The expansion of the SVT into communities facing low vacancy rates and disproportionately high housing prices, including those near existing taxable areas, will help reduce the risk of speculators taking advantage of these exempt communities.

For 2023, the tax was expanded to six additional municipalities, including North Cowichan, Duncan, Ladysmith, Lake Cowichan, Lions Bay and Squamish. People in these communities will declare for the first time in 2024 based on how they used their properties in 2023.

Starting in 2024, 13 additional communities will be included in the SVT specified areas. Property owners in these 13 communities will declare for the first time in 2025 based on how they used their properties in 2024: Vernon, Coldstream, Penticton, Summerland, Lake Country, Peachland, Courtenay, Comox, Cumberland, Parksville, Qualicum Beach, Salmon Arm; and Kamloops.

As you mention in your letter, we have received requests to apply the SVT to Salt Spring Island. There are a number of factors that are taken into consideration in determining the SVT expansion, including assessed values of residential property, population, requests for inclusion, proximity to other SVT specified areas, and whether the community is primarily a vacation area. We are aware that Salt Spring Island's unique characteristics, including its desirability as a vacation area, require special consideration and a measured approach with regard to the application of the SVT.

Each year, government reviews provincial taxes and considers changes in preparation of the provincial budget. Government then implements tax changes that it determines to be appropriate within the context of the Province's fiscal situation and other priorities. The Salt Spring Island Local Trust Committee's position regarding the SVT has been noted and will be considered as part of these discussions.

Thank you again for taking the time to write. We appreciate your support and input on how we can build a better BC.

Sincerely,

Office of the Minister



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

October 30, 2023

File No: 11-5770-30-10

Via e-mail: FIN.minister@gov.bc.ca

The Honourable Katrine Conroy
Minister of Housing
Room 153 Parliament Buildings
Victoria, BC, V8V 1X4

Dear Minister Conroy,

Re: Speculation and Vacancy Tax

The Salt Spring Island Local Trust Committee passed the following resolution on October 12, 2023:

“That the Salt Spring Island Local Trust Committee request staff to send a letter from the LTC Chair to Honourable Katrine Conroy Minister of Finance and copy Honourable Ravi Kahlon Minister of Housing which references the September 7, 2023 letter from Colin Plant, CRD Board Chair to Minister Conroy, and requests the province to examine the projected effect of the Speculation and Vacancy Tax on the housing conditions on Salt Spring Island, before considering including the Salt Spring Island Electoral Area in the Speculation and Vacancy Tax taxable area.”

We generally agree with the rationale provided in [Colin Plant, Capital Regional District Chair’s September 7, 2023 letter](#) to you. However, we would like to request that the Province examine the projected effect of the Speculation and Vacancy Tax on the housing conditions on Salt Spring Island. Salt Spring Island is the most populated Gulf Island and deserves to be considered separately from the other islands in the Islands Trust Area. It would be useful to review if the tax would assist in resolving the lack of available housing options which is causing severe impacts for Salt Spring Island employers.

Yours sincerely,

Timothy Peterson
Chair, Salt Spring Island Local Trust Committee
Islands Trust

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

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

Cc: The Honourable Ravi Kahlon, MLA, Minister of Housing
Adam Olsen, MLA, Saanich North and the Islands
Salt Spring Island Local Trust Committee
Islands Trust Executive Committee
Islands Trust website

From: Laura Patrick
Sent: Sunday, December 24, 2023 5:32 AM
To: SSInfo
Subject: Fwd: Ganges creek pollution

Begin forwarded message:

From: "Neale's Tricks and Tips" <[REDACTED]>
Subject: Ganges creek pollution
Date: December 22, 2023 at 1:35:50 PM EST
To: Laura Patrick <lpatrick@islandstrust.bc.ca>, Jamie Harris
<jharris@islandstrust.bc.ca>, tpeterson@islandstrust.bc.ca

Dear Laura, Jamie, & Timothy, The squatters hanging out and living on the shores of Ganges creek need to be removed. In this fish bearing creek they use it as their private bathroom and also routinely throw garbage into the water. Being drunk and stoned most of the time they routinely hassle folks doing business and shopping in the area. They also have a big fire going there every day which is near the propane filling station. Having them removed anywhere away from this body of water would be progress. I've spoken to the police and they tell me they routinely visit them but can't do too much. Maybe widening the creek by removing part of the bank would work. Something needs to happen soon we hope. Thanks for all the good work you do. Happy Holidays. Cheers, Neale & Niki Smith

From: Glenn Stevens [REDACTED]
Sent: Monday, January 1, 2024 5:44 PM
To: Laura Patrick
Cc: John Speirs; Matthew Kerrigan; SSInfo; Jamie Harris
Subject: Re: Review of CASHI
Attachments: Respns to L. Patrick 1.1.24.1.docx

Laura, please see my attached response to your December 13, 2023 email to me.

Thank you,

GHS

On Wed, Dec 13, 2023 at 7:42 AM Laura Patrick <lpattick@islandstrust.bc.ca> wrote:

I understand your interest is seeing action. Our staff are responding to several priority planning initiatives. I am confident that they are making enquiries and collecting information that will inform their reporting on the subject.

Laura Patrick

On Dec 12, 2023, at 6:34 PM, Glenn Stevens [REDACTED] wrote:

Last email: we recognize the Trust and community priority for affordable housing. Truly a pressing priority that has significant and negative consequences if not appropriately addressed.

We respectfully remind you, that the CASHI proposal also addresses the housing issue. We want to make legal residing on vessels so that the residents can receive much needed services from the CRD and other government agencies. But just like all land dwellers, reasonable rules must be followed to protect our environment and the safety of our residents.

Thanks for your consideration. We look forward to your responses.

GHS

On Tuesday, December 12, 2023, Glenn Stevens [REDACTED] wrote:

FYI. "The review is in progress," Chris says. This, as we suspected, the review is not complete and our being told a presentation would occur first in November then December was, at best, misleading.

Please respond to my earlier email.

Due to the recent storm there is now significant debris/trash on the Ganges Harbour shoreline. We plan to organize a community clean up that situation like we did in August when we removed over 2000 lbs of trash.

Work with us, please, as our harbours and adjacent shoreline are valuable assets that belong and should be used by our entire community. Again, as we have said countless times, we are NOT trying to kick out liveaboards from our harbours, but it is fair, reasonable and just to require all users of our harbours to comply with legally sound requirements so that our harbours are clean and safe.

Please take some strong positive action. The CASHI proposal is a measured response to accomplishing these goals. The staff review will at least get a discussion going as to next steps.

GHS

----- Forwarded message -----

From: **Chris Hutton** <chutton@islandstrust.bc.ca>

Date: Tue, Dec 12, 2023 at 5:21 PM

Subject: RE: Review of CASHI

To: Jack Speirs [REDACTED]

CC: Glenn Stevens [REDACTED], Matthew Kerrigan [REDACTED]

Jack,

The review is in progress. We have a substantial project load and staffing changes. This proposal is not a part of any work plan and is not a development application, therefore its prioritization is not easy to get to. We had anticipated that other project business would be cleared by now, but that is not the case. As I can get to it, I will be working to advance it, but this is the reality of how work is prioritized.

Chris Hutton, RPP, MCIP (he/him)

Regional Planning Manager

From: Jack Speirs [REDACTED]
Sent: Tuesday, December 12, 2023 3:56 PM
To: Chris Hutton <chutton@islandstrust.bc.ca>
Cc: Glenn Stevens [REDACTED]; Matthew Kerrigan
[REDACTED]
Subject: Re: Review of CASHI

Hi Chris. Is it in progress? What is the eta?

Regards,

Jack Speirs

On Dec 12, 2023, at 3:28 PM, Chris Hutton
<chutton@islandstrust.bc.ca> wrote:

Sorry Glenn,

This report has been deferred due to other priority items.

Chris Hutton, RPP, MCIP (he/him)

Regional Planning Manager

Islands Trust | 250-538-5608

From: Glenn Stevens [REDACTED]
Sent: Tuesday, December 12, 2023 3:21 PM
To: Chris Hutton <chutton@islandstrust.bc.ca>
Cc: John Speirs [REDACTED]; Matthew Kerrigan
[REDACTED]
Subject: Re: Review of CASHI

Chris, please respond to my earlier email re confirmation that the staff review of the CASHI proposal will be presented at the upcoming December regular Trust Committee meeting.

Thanks,

GHS

On Fri, Dec 8, 2023 at 3:55 PM Glenn Stevens
[REDACTED] wrote:

Chris, on behalf of CSSHI members, we were very disappointed when the Staff's review of the CASHI proposal was not on the November 2023 regular meeting Agenda, despite statements by the staff to me just a week earlier that it would be included.

You recall that I raised this at the last SSI Trust Committee public forum and was told the review was planned for the December regular meeting.

Please confirm that such review will take place as planned on December 14, 2023, so that we plan accordingly to attend the meeting. Frankly, I looked at the just published meeting Agenda and I don't see it. If it's on it, please identify it for us.

Thank you,

GHS

Laura, I took time to consider your December 13, 2023, response to me before I responded to it.

At the "All Candidates" forum prior to your election, you said that if you were elected you would "hit the ground running" and that housing on SSI would be the highest priority.

Sadly, I do not see any evidence of the foregoing. Indeed, nothing has been done about the serious need for affordable housing and, if you are running, you are running the wrong way from your constituents' needs.

First, proposed bylaw 530 should have been enacted as originally proposed. Instead, you proposed a more limited allowance for Accessory Dwelling Units ("ADUs") that has not only **not** been enacted but such limited proposal is now cluttered with many proposed stricter build requirements that have to be met before any additional housing will be allowed. Such requisite build criteria will no doubt cause further inaction on 530 and, if it is ever put in place, will certainly materially limit any new affordable housing for years to come.

Second, CASHI is a housing proposal. The proposed bylaw will **legalize** dwelling in our harbours and balance that right with the requirement to comply with existing laws, such as having required waste holding tanks, not impede navigation, and that the vessel be registered. These requirements are similar to what is required of homeowners on land. Additionally, please note that the proposed bylaw sets forth a code of conduct so that **all** users of our harbours and adjacent shoreline are respected and safe from inappropriate behavior.

By legalizing such vessel dwelling, the harbour residents will be entitled to more and better services from CRD - - like more pump out stations; better access to dinghy docking; and fresh and clean water. But, instead of having the staff do the requested CASHI review that you asked for last June so that the community may properly review and consider this important proposal, you say the staff have other priorities but are "no doubt taking appropriate steps to inform their reporting on the subject."

Frankly, I don't think you know what the staff is actually doing on the CASHI matter or, probably, on many other matters. Staff seem to control the Trustees when the reverse should be the rule. I had been told by the staff that the CASHI review would be presented in November during the Committee's regular meeting, but that did not occur, and then told it would occur in December, which it did not. It is clear the staff had not started any meaningful work on the review prior to October, at the earliest, and that I and the CASHI membership have consequently been misled and the Trustee's review directive ignored.

I think your response to me excusing the staff's delay of CASHI is just one more excuse about doing nothing.

Third, it is my observation that you clearly recognize the legitimate and pressing concern for affordable housing, but instead of enacting timely, reasonable and effective regulations, you worry about worst case scenarios or put in place unrealistic resolutions that cause you to take no action and, instead, make the situation worse.

For example, you have said that you worry that if 530 is enacted as originally proposed that all or a large percentage of SSI homeowners will build ADUs (new suites in their homes or new cottages) that will house both current and many new SSI residents, thereby taxing the water supply, harming the environment, requiring additional services with concomitant additional taxes, etc. The result, of course, based on such unrealistic fear, is that nothing gets done. The same result will occur for your limited 530 proposal due to the more stringent building criteria - - the housing crisis will not be adequately addressed in any timely manner.

Another example: While it is admirable that you want secure affordable housing options “for all demographics and household types in perpetuity” the enactment of resolution SS-2021-213 is, tragically risible, as it takes a lofty goal and turns it into a meaningless, glittering façade that you are actually doing something for those who cannot obtain affordable when you are really doing nothing. It doesn’t solve any housing issues. Instead, by “deferring” enforcement activities “for all unlawful dwellings,” the resolution allows those who are illegally dwelling to continue to break the law or continue to live in unsafe housing or violate the rights of legal property owners or cause harm to the environment. Simply put, you have made matters worse in the name of purportedly doing something good.

Oh, yes, the referenced resolution does say that enforcement activities “may” occur under certain conditions,¹ but no one is fooled that any enforcement will actually occur. Indeed, I have spoken to your enforcement officers on multiple occasions, and it is crystal clear that even if laws are being broken or the below “circumstances” occur, **there has not been and will not be any enforcement activities against illegal dwellings due to the resolution.**

A further example, your enforcement officers have recently surveyed Ganges harbour by using the water taxi. Although they found many vessels tied to illegal buoys or to unsafe docks and vessels that are unsafe or in environmentally sensitive areas, your officers state that they will **not** take any enforcement action in such circumstances **based on SS-2021-213**. Not surprisingly, the minutes of the last SSI Trust meeting

¹ Enforcement **may** occur If “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.”

confirm this “no enforcement of illegal dwelling no matter what” situation, as Chief Enforcement Officer report cries that enforcement is simply overwhelmed by 11 recent Ganges harbour complaints and that it would take hundreds of thousands of dollars to do anything about the harbours. So, of course, nothing has been or will be done in this regard. I strongly suggest you get your priorities straight, make some of the huge taxpayer funded Trust budget money available for clean and make safe harbours and the adjoining shorelines, and allow Enforcement to do its job.

Frankly, I am embarrassed for you that you enacted SS-2021-213. What meaningless dribble, as such a lofty goal will never occur, ever! What other organization would enact such an unrealistic directive except for this SSI Trust.

Fourth, this leads me to my final point. Your fellow third trustee on the SSI Trust Committee, Timothy Peterson, should not have any say on any item solely affecting Salt Spring Island. I know the law as to why he is on the Committee and what it allows him to do as a designated SSI Trustee, but he was elected by less than 200 folks on Lasqueti Island, having a population of less than 500 people, and not by anyone on SSI.

I suggest that you ask Mr. Peterson to either recuse himself on all matters before the SSI Committee or abstain from voting in order to allow you and Trustee Harris to work out solutions to proposed items. Governing is a compromise, and you and Trustee Harris should work together to move things forward, instead of Mr. Peterson siding with you and against Trustee Harris thereby causing nothing to get done.

May I remind you, Laura, that at a public Q/A with the Committee earlier this year, I asked you to please tell me what, if anything, the Committee has done to make our harbours clean and safe **during your tenure as a Trustee**. You could **not** name one meaningful accomplishment in these regards.

Bottom line, unless you can honestly commit to: (i) working solely with Trustee Harris to reach meaningful compromises or agreements on the important and urgent issues facing this Island; and (ii) changing your approach from “the sky may fall, so we cannot do anything”² to “let’s get something meaningful done by the enactment of fair and reasonable laws that are timely, efficiently and effectively enforced,” I respectfully suggest that you seriously consider immediately resigning your position and letting someone else take the reins. Three more years of the “do nothing” approach is **not** acceptable.

² This fear that “the sky may fall” also informs how you address potential lawsuits that might challenge a Trust Committee decision. Case in point: Your fear that the original 530 might violate the OCP caused you to propose your limited 530 version as an allegedly safer way to proceed even though your staff acknowledged that that violation of the OCP was **not** a foregone conclusion. Thus, instead of putting a place the more comprehensive original 530 and **be willing to defend that position IF anyone challenged it**, you choose to go the very limited 530 route and add additional qualifying building criteria that will make it very difficult to add ADUs, thereby essentially doing nothing, once again, for the housing crisis in the name of avoiding a possible lawsuit.

Thank you, in advance, for your prompt and serious consideration of this email.

Glenn H. Stevens

From: Debbie Magnusson [REDACTED]
Sent: Tuesday, January 2, 2024 8:58 AM
To: SSInfo
Subject: Letter for Trustees
Attachments: Salty Dog Retreat.docx

Good morning, Jees,

Please forward the attached letter to our LTC trustees (Patrick, Harris and Peterson) and also to Warren Dingman.

Thanks for your help,
Debbie and Richard Magnusson



December 30, 2023

Dear Trustees Patrick, Harris and Peterson,

We are writing to express our total lack of support for the Salty Dog Retreat.

There are three key reasons why we urge the Trust to uphold the OCP and not grant a Temporary Use Permit.

1. No Spot Zoning or TUP should be granted after the fact.

The Salty Dog Retreat follows the pattern of “If I do it, let them try to stop me”. This is not the intention of granting temporary use to a business. Let the people request the TUP before they do damage to watershed, strip the land and think they’ll be fine if enough people show up at a meeting.

2. The OCP should be upheld until it changes.

No doubt, the OCP needs to be updated. However, there should be strict adherence to the procedures, consultations and processes; timelines are not arbitrary. We disagree that an OCP amendment is warranted for this operation. The Watershed & Islet Residential zoning must be protected. Please remember that islanders voted for the Trust over a municipal government. Protecting this type of property is a perfect example of what islanders were hoping to ensure.

3. Impact on some neighbours is extreme.

As in any neighbourhood, not everyone agrees on everything. However, we do know that friends of ours have been suffering from unmitigated and sustained dogs’ barking; not happy barks, or excited barks, but distraught and sometimes savage-sounding barks that indicate an abnormal level of distress in the dogs. How are the dogs being helped? What are the owner’s interventions in this regard?

In addition, there is concern about the lack of cleanliness on the premises. And, because of additional unauthorized housing, how much water is being used daily? What then is the impact on watersheds and on neighbours' wells? None of this is to be taken lightly.

We feel very strongly that you and staff do not need to "reach out" to CRD colleagues and try to help the Salty Dog Retreat sustain its present operation. We believe the owners should be told to stop work, find a new location and begin again as a legal, law-abiding business.

The Trust has had the courage (and obligation) to do this before. We urge you to do it again. Your position going forward will signal to people whether they should 'do whatever they want' or to 'follow the rules'.

Yours truly,

Debbie and Richard Magnusson

A rectangular gray box used to redact a signature or name.

cc. Gray Holman, CRD Director

Warren Dingman, Bylaw Compliance and Enforcement Manager



VIA EMAIL

Ref. 63779

January 8, 2024

Timothy Peterson, Chair
Salt Spring Island Local Trust Committee
Islands Trust
1-500 Lower Ganges Road
Salt Spring Island BC V8K 2N8
Email: rpingle@islandstrust.bc.ca; ssiinfo@islandstrust.bc.ca

Dear Timothy Peterson:

Thank you for your November 21, 2023, letter regarding the Salt Spring Island Local Trust Committee's (SS LTC) resolution requesting to be included within the *Housing Statutes (Residential Development) Amendment Act, 2023* (Bill 44) as if it were a municipality. My sincere apologies for the delay in response.

I appreciate learning that the SS LTC is interested in being included under the requirements of Bill 44 to help address the housing crisis on Salt Spring Island. The Province acknowledges that Salt Spring Island, like other Gulf Islands, faces unique housing challenges, including a lack of workforce housing and rental accommodation. I recognize that the SS LTC has proposed and advanced many actions over the past few years through the Housing Action Program to address Salt Spring Island's housing challenges, and I commend the SS LTC for all their work in this area.

.../2

Timothy Peterson, Chair
Page 2

As you know, the Province recently passed Bill 44 in the fall of 2023. The *Islands Trust Act* has since been amended to exempt the Islands Trust from all small-scale multi-unit housing requirements (SSMUH), including those for secondary suites and accessory dwelling units (ADUs). The decision was made to exempt the Islands Trust from SSMUH requirements because of the Trust's special mandate to "preserve and protect the Trust area and its unique amenities and environment" and pre-existing limitations to critical resources like drinking water and waste disposal. If the SS LTC believes it is in the best interest of their community to enable SSMUH, the SS LTC can update its zoning bylaw accordingly and follow the Province's policy manual. It is my understanding that the SS LTC is already exploring potential amendments to their zoning bylaw to allow for ADUs in certain areas through the proposed Bylaw 530.

The Ministry of Housing has focused on ensuring that the Islands Trust has the information they need to inform their decisions around development without requiring that additional densities be allowed, which could negatively affect sensitive Island ecosystems. This is why the legislation requires the Islands Trust, in addition to all municipalities and regional districts, to update their Housing Needs Report using a robust, standard method to calculate the total number of homes needed over 20 years. The information from the Housing Needs Report will give the Islands Trust important information about where and what type of housing they should be prioritizing in their community. The Islands Trust is, however, exempt from the requirement to update official community plans and zoning bylaws by December 31, 2025.

Applying SSMUH requirements specifically to the SS LTC Area would require additional consultation and policy work to better understand how to balance Salt Spring Island's need for additional housing with the Trust's "preserve and protect" mandate, the Island's existing infrastructure capacity issues, and the interests of local First Nations and other affected parties.

Thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ravi Kahlon', with a stylized, flowing script.

Ravi Kahlon
Minister of Housing

pc: The Honourable David Eby, KC
Adam Olsen, MLA

From: Laura Patrick
Sent: Monday, January 15, 2024 8:17 PM
To: SSInfo
Subject: Fwd: 130 Blackburn Rd.

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: January 15, 2024 at 15:55:15 PST
To: Jamie Harris <jharris@islandtrust.bc.ca>, Laura Patrick
<lpattick@islandtrust.bc.ca>, Timothy Peterson <tpeterson@islandtrust.bc.ca>
Subject: 130 Blackburn Rd.

(I took 10 hours to write the following, and editing out 25% to make it as readable as possible. Here are some current concerns/questions that have raised while I let this sit over the weekend:

I fear that Jaimie has, essentially played all of us. It sounds like she is currently outside of the reach of bylaw inspectors and fines? (Please confirm and clarify this-- ie... does that include noise bylaws? Density?) until her application is received? And processed?

Considering how long it took her to prep for the TUP hearing, and considering she didn't actually prep much of what was needed for the TUP hearing, isn't it likely that she will just let this situation linger indefinitely? It's not as if at any stage she has been acting with a coherent, grounded, step by step plan to legally establish a dog kennel and an ever -growing community. She has pointedly operated with an ignoring of laws and bylaws. She seems most comfortable in the dis-comfort of just barely keeping authorities at bay. What is in place to force her hand to apply by a certain date, or, following my argument below, force her to move?)

(Note, I am also looking for email addresses to send this to Chris Buchan and the other planner (also Chris!)

Happy New Year to you all!!

I watched the proceedings of your mid December meeting.

I understand that you needed to let Jaimie and Jackson (and Raffi) know their rights--they can apply to amend the OCP and the zoning.

You were in a bit of a delicate situation. The room filled with 1/4 of 1% of Saltspring's population, speaking emotionally and often not pertinently.

However, I was troubled by your saying that you would help her work it out, work it out between her and her neighbours. I was also concerned with how the Driftwood amplified this sentiment.

Here is a neighbour's point of view. I have no belief that Jaimie and Jackson have the intent or skills to work things out in a way that works for their neighbours.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

What is the current reality on Blackburn?

A few days ago, my wife and I were driving home, behind a pickup truck towing a 5th Wheel trailer. The pickup turned into Blackburn and deposited the trailer... one more unit of illegal density on her property.

Here is a link to an hour long video of dogs barking, recorded on my property ([REDACTED]).

<https://www.youtube.com/watch?v=0x5fT1AdraU>

It is not that we hear the odd outbreak of loud barking... it is very often barking for hours on end. Dogs have been barking all afternoon as I write this. (And throughout the three or four days since.) There happens to be 30 seconds of silence at the beginning of this video... please stick with it. I have another 80 videos, at an average length of 25 minutes, going back to early summer. I would be happy to link you to as many as you would like.

Attached is a photo of a firepit that has been set up *in the setback* right beside the main driveway. An area of 600 square feet, right by the road, was denuded, down to the mud, during the rainy season. Half chopped down trees were left standing, along with some folding chairs and a stained tarp.

How does this fit in with “working with neighbours?” One would have to be totally unaware of your impact on others, or deliberately trying to provoke them, to make this choice. Why not set the firepit up somewhere in the long, closed driveway to the main road? No-one else on Blackburn would dream of doing something like this on the very edge of their property. Never seen it in my [REDACTED] years living here.

I am old school. I am used to people being supported when they are capable of acting professionally and show themselves to be a good bet in challenging situations. When they obey the laws and follow rules. [REDACTED]

You said you would meet to discuss these possible amendments with her. If in your opinion either of those applications would face questionable success I hope you will **strongly** dissuade her from proceeding. She says that she can't afford to move. I don't underestimate how difficult that would be. But better now than in a year, several thousand dollars poorer. Is this not a situation like the metal recycler who swore there was nowhere he could move-- but once he was forced to, he quickly found a new location. Raffi, with his experience maneuvering in the real world, would be able to help make it happen, to protect his investment.

If she does apply, that means the Blackburn Valley (including Fraser Road and the Conservancy) are consigned to six to 18 months (or more!) of uncertainty and noise like you're hearing on this video. For some reason she has been assured bylaw inspectors will not fine her. Does this mean she can do whatever she likes? Noise, mess, density, cutting trees, etc?

If an amendment is approved, we expect we will sell our property where we have lived for [REDACTED] years providing five units of stable, long term, affordable housing. [REDACTED]

[Redacted text block]

[Redacted text block]

Thank you.

Andy Meyers

[Redacted text block]



From: Jack Rosen <[REDACTED]>
Sent: Tuesday, January 16, 2024 7:50 AM
To: Laura Patrick; jharris@islandstrust.bc.ca; Timothy Peterson; Chris Hutton; Chris Buchan; SSInfo
Subject: Dog Kennel in the Cusheon Lake Watershed

Attention: Islands Trust and Planners

I have lived on Cusheon Lake for [REDACTED] years and have always been a supporter of keeping our watershed clean. The best way to do so is through education. Several like minded individuals helped form the Cusheon Lake Stewardship Committee about 30 years ago. I work as an outdoor educator and have done so for over 40 years. My main focus in any work is to reduce risk both for the environment and to humans. I am going to state this very succinctly and directly. You as the Trust have a responsibility to ensure clean water for the residents of Salt Spring island and to maintain the health of the watershed. Zoning was created for that purpose and you are not doing your job by allowing the owners of 130 Blackburn to apply for a temporary use permit.

We all as residents of Salt Spring have a duty to keep our water clean, not cut vegetation in the watershed, ensure willows, bullrushes, lilly pads and natural vegetation can purify water prior to getting into the lake by reducing too much nutrient flow. Nutrient loading, particularly Nitrogen and Phosphorus will create algae blooms and possibly cyanobacteria which is deadly.

The property in question, 130 Blackburn Road is zoned

RW1 and only a very small part of it, 1.7 acres of 9.88 acres is zoned R. You have a responsibility to shut this business down as the zoning is not correct for pet boarding. I drive by this property regularly and the amount of cars and trailers residing there is not right or healthy for the Cusheon Lake watershed. I teach students how to keep a healthy watershed and what you are allowing to grow and operate is totally not healthy for the watershed that hundreds of people rely on for clean water and recreation.

History has shown you have not allowed many people such as Salt Spring Roasting Co, Aloha farms and many others to change zoning or allow zoning to be altered within our watersheds. Why are you not taking a firm stance and shutting this Kennel down. We have areas they can operate but this is definitely not one of them!

I am very upset about this issue and will stand up for what I know is right. Please do the correct thing and do not allow any variances to the zoning- Protect the Cusheon Lake watershed; it is vital to the survival of too many people. You were elected to protect these types of ecosystems and uphold zoning which was created for good reasons.

Sincerely,

Jack Rosen and Candace Snow

[Redacted signature line]

[Redacted signature line]

From: Christina Marshall [REDACTED]
Sent: Thursday, January 25, 2024 7:34 PM
To: SSInfo; Laura Patrick; Jamie Harris; Timothy Peterson
Cc: Chris Hutton; Chris Buchan
Subject: Concerns re: 130 Blackburn and the Water Quality of the Cusheon Lake Watershed
Attachments: Water Concerns re 130 BLACKBURN.pdf

Please see attached letter regarding concerns about the Salty Dog operation currently operating at 130 Blackburn and the long term health of the Cusheon Lake Watershed.

Christina Marshall
[REDACTED]

January 25, 2024

Hello,

We're writing as a long-time residents on Cusheon Lake. Our family has had the same property here on the lake for [REDACTED] years and we have noticed considerable differences in water levels in recent years, much of this likely attributable to climate change: hotter summers and less yearly precipitation.

Most of us do our small parts to try to offset the impacts of climate change. Additionally, those of us fortunate enough to occupy lakeside properties do our best to protect riparian zones. As individuals we expect our government entities, at all levels, to do their utmost to enact and uphold rulings that affect our water sources. The Cusheon Lake watershed supplies drinking water not only to the original Cusheon Lake properties, but also serves an additional 130 properties in the Beddis area; altogether, some estimated 500 people according to the Cusheon Lake Stewardship Committee.

We are writing because there appears to be a further threat to the future water quality of Cusheon Lake that seems entirely avoidable. As we understand it, the property at 130 Blackburn is not zoned for the purpose it is currently being used for, a commercial kennel and something of a trailer park. This land is mostly zoned RW1 (rural watershed) and only a portion - 1.7 hectares - is zoned R1. Data from the CRD's LUB 355 implies that a dog kennel or pound is allowed on land zoned R but that a large area of land is required. 2 hectares for dog pound and 4 hectares for a dog kennel. The sectioned zoned R is only about 1.7 hectares. Of most importance, the lower portion of 130 Blackburn property - which appears to be the hub of this business - is located approximately 30 m uphill from the wetlands and streams draining into Cusheon Lake. Please see the attached map.

We ask that the Island Trust thoroughly investigate potential water pollutants from this current enterprise and hopefully uphold their own zoning rules by not amending the OCP or rezoning 130 Blackburn Road in order to allow for a kennel or pound to operate on this property.

Thank you for your attention to this important matter.

Christina Marshall, David Toynbee



From: Doreen Hewitt [REDACTED]
Sent: Thursday, January 25, 2024 12:44 PM
To: SSIInfo; Chris Hutton; Chris Buchan
Subject: CLSC letter to Local Trust Committee
Attachments: CLSC letter to LTC.pdf

Dear Local Trust Committee and Planning Staff,

I am wrote this attached letter on the instructions and input from over 50 people who are on the Cusheon Lake Stewardship Committee. See below. The committee is extremely concerned about the industrial and commercial activities and development that are occurring and have increased since the owners moved to 130 Blackburn Road on April 6 2023. This lot is incredibly close to Cusheon Lake streams and wetlands as you can see from the attached map. The committee was surprised that Brad Fossen (who is a professional mechanical engineer) for Aurora Professional Group made no mention in Figure 1 map of his report assessment of the close proximity of the wetlands and streams flowing into Cusheon Lake. He was only showed the distance from Blackburn Lake.



Sincerely
Doreen Hewitt
Chair Cusheon Lake Stewardship Committee

Dear Salt Spring Island Local Trust Committee,

As a long time resident of Salt Spring Island, BC, I am deeply concerned about the safety of our drinking water. Our freshwater including the precious Cusheon Watershed are under threat due to potential changes or amendments to the Official Community Plan (OCP) and rezoning applications to allow development and activities at 130 Blackburn Road. These changes could put all Salt Spring Island fresh water at greater risk.

Our trustees have a duty to uphold bylaws that protect these vital resources. However, they seem poised to allow modifications that could jeopardize them. This is not just about preserving natural beauty; it's about safeguarding public health. According to Health Link BC, contaminated drinking water can lead to serious health issues. This past summer Cusheon Lake was at historic lows. Sunlight, hot, dry weather and nutrient loading can cause toxic cyanobacteria blooms.

We cannot stand by while decisions are made that could harm our community's access to safe drinking water. Approximately 500 individuals depend on the fresh water from Cusheon Lake as their domestic water supply. We must insist on transparency and adherence to regulations designed for watershed protection. Even before the islands Trust was formed the Cusheon Watershed was zoned Water A (WA) in CRD By-Law No. 66. This was changed to Watershed 1 (W1) in BY-LAW No. 14, (the first Salt Spring Island Trust Land Use Bylaw). It remained Watershed 1 (W1) in BY-LAW No. 123. However the name was changed in Land Use Bylaw No. 355 to Rural Watershed One (RW1). It was also now listed in chart form that created confusion. The zoning to protect water was always kept separate as (W1) in earlier bylaws because it was the highest priority of the Island's Trust. The 2008 OCP Bylaw 434 labels this watershed as Watershed Islet Residential.

Please read the following from OCP Bylaw 434.

"B.8.1.2. 2 - Zones within the Watershed and Islet Residential Designation will continue to allow the uses allowed under current zoning. Existing commercial and institutional zones will remain but zoning changes should not be made to locate additional new or higher impact developments on lands in this Designation."

You spent mega taxpayer dollars on SSIWPA over 10 years to protect and investigate the quality and quantity of surface and groundwater on this island. Down zoning properties and the reduction of land uses was considered by trustees in the past. The Islands Trust hired a Freshwater Specialist, as the protection of freshwater was very important.

This letter calls upon our trustees on Salt Spring Island in their elected office to act responsibly and prudently. We urge you to not only uphold but also enforce the existing bylaws aimed at protecting all watersheds from detrimental changes brought on by changing The Official Community Plan - OCP amendments or rezoning initiatives without widespread community involvement. This property is located approximately 30 m from the wetlands and streams draining into Cusheon Lake. Please refer to attached map 28 DPA 7 Riparian Areas.

Please do not amend the OCP or rezone 130 Blackburn Road to allow a kennel, pound, campground, or more than one single family dwelling unit. Increased density and increased land uses for a commercial facility will put the Cusheon Watershed at increased health risk to both humans and the Cut throat Trout and Coho salmon that live in the lake. We are obligated to acknowledge the acute and chronic risks to the fish populations in the lake including those that reach the ocean. It is our collective responsibility to be the stewards of our environment and preventing unlawful activities before they occur. Fisheries and Oceans Canada has established federal laws and policies that would be applicable to this situation. They have a priority water license that requires a 10 % mean annual discharge flow to Cusheon Creek from the lake. 500 Coastal Cut throat trout are stocked as yearlings because the fish naturally spawn in the creeks that flow into and out of Cusheon Lake. Coho Salmon also spawn in the Cusheon Creek. Fish don't have the ability to filter their own water. They rely on you and us to protect the water quality.

Salmonids are important, as they are a food source for many Indigenous First Nation People, and others. To the First Nation cultures of the coast, the salmon is a symbol of perseverance, self-sacrifice, regeneration and prosperity.

Even if you were to change the zoning, the land still remains in the Cusheon Watershed.

Sincerely
Doreen Hewitt B.A.Sc,
High School Teacher for over 25 years
Chair Cusheon Lake Stewardship Committee



From: Maureen Moore [REDACTED]
Sent: Thursday, January 25, 2024 6:11 PM
To: Laura Patrick; Timothy Peterson; Jamie Harris; Chris Hutton; Chris Buchan; SSInfo
Cc: directorssi
Subject: Please protect the Cusheon Watershed and Watershed Zoning

January 26th, 2024

Dear Salt Spring Island Local Trustees and planners,

I've lived here for [REDACTED] years, and my water supply (Beddis Water) comes from Cusheon Lake. We voted to turn over responsibility and legal liability for our drinking water to the CRD because the raw lake water was so polluted that it required processing/cleaning in a new, upgraded, expensive physical plant, to be potable. The main reason for the dangerous pollution in our drinking water lake is the condition of the Cusheon watershed in which winter rains flow over and through the watershed, carrying many pollutants, some of which, particularly phosphorus, act as a nutrient to cyanobacterial algal blooms that can produce, and have produced, toxins in our drinking water. These toxins found in the lake could cause Cusheon Lake to be closed to all uses including washing dishes (this happened in the past!) The Cusheon watershed includes most of the lot at 130 Blackburn Road, drains into the lake through surface (see streams) and subsurface water (drainage is not impeded by Fulford-Ganges Road.) Note the map of the Cusheon Watershed and the realtor's description of the zoning at 130 Blackburn Road (attached.)

PhD scientists and others, including myself, worked for 4 years to create a Management Plan for the Cusheon watershed to protect the lake's health. We need existing Watershed Zoning that limits development and forbids certain uses that are destructive. There is land elsewhere on this island where a dog kennel business can legally operate. Land with appropriate zoning may cost more but it is suited to the uses needed by a kennel and RV campsite.

Maureen Moore

Instructor, Continuing Studies, University of Victoria

	Public	Mortgage Calc
Address	130 Blackburn Rd	
Area	Gulf Islands	
Sub Area	Salt Spring	
State/Province	British Columbia	
Country	Canada	
Price	\$675,000	
Property Type	Lots/Acreage	
Bedrooms	0	
Bathrooms	0	
Lot Size	437778.00 Square Feet	
Waterfront	No	
Year Built	0	
Taxes	\$2,526	
Tax Year	2020	
MLS® #	910674	

OCEAN VIEW and ALL the expensive, time consuming hard work is done on this one so just bring your plans-I PRICED UNDER Assessed Value. Drilled well, power poles and road right up to the ocean view building site on this private 10 acre parcel to save you the money, time and hassle of infrastructure. There is also a secure shed on a concrete pad to store your equipment so you can start building your dream home right away. No building schematic means you can build any style home you'd like. Garage, studio, barn and outbuildings permitted but no guest cottage due to watershed zoning. Only minutes from town, lake swimming and hiking this one is on a corner lot, quiet and peaceful. It's rare to find acreage of this size so close to town. Book a viewing and check it out. Purchase price plus GST.

From: John Wright [REDACTED]
Sent: Friday, January 26, 2024 2:03 PM
To: SSInfo; Laura Patrick; Jamie Harris; Timothy Peterson; Chris Hutton; Chris Buchan; Freshwater Specialist
Subject: 130 Blackburn Rd
Attachments: letter to island trust.docx; water flows.pdf; IMG_0126.pdf; 130 listing.pdf

Dear All

Please find attached a letter and attachments supporting our request to keep 130 Blackburn zoned as it is now in the OCP.

Fresh water is critical to all of us as we deal with climate change. Increasing any risk to a freshwater lake that serves 500 people (Cusheon Lake) doesn't make sense and doesn't agree with the trusts policy of dishwater sustainability. A lot of resources were used to create the OCP and allow the preserve and protect mandate to be developed.

Thanks you for your kind attention.

John

To the Trustees and Planners

Re: 130 Blackburn Road

The most precious resource on Saltspring Island is fresh water. Years of work by unbiased scientist financed by the Islands Trust developed a zoning program to protect and preserve these resources.

As a trustee you are obligated to protect our drinking water resources.

In the spring of 2023, the lot at 130 Blackburn Road was purchased. I have attached the real estate listing to show that the zoning was clearly stated as watershed. The owners commenced immediately to cut banks, take down trees, drive roads and create a large pad of compacted earth. They then proceeded to bring equipment from their former kennel location to the site. All of this was done without any permits.

Eventually due to outside pressure they were convinced to apply for a temporary use permit. They applied for the TUP for a kennel. No mention was made of bringing puppies from off island for resale and of greater concern no mention was made of the numerous trailers parked and occupied on the property.

The TUP application was discussed at a November meeting and was unanimously voted against granting the TUP. The planners work indicated there was lots of land zoned for a kennel on the island and the kennel was not approved on watershed (RW1) zone land. The applicant didn't show up to the meeting.

Two weeks later a delegation made several presentations to the trustees and the trustees recommended they apply for a change of zoning.

During the presentations, the lack of knowledge about zoning and the fact that the property doesn't impact Blackburn Lake was emphasised. I have attached the map showing the drainage into Cusheon Lake from this property (I agree it doesn't affect Blackburn Lake).

No one gets their drinking water from Blackburn Lake, but I am one of the approximately 500 people who gets their water from Cusheon Lake, and the reason it was zoned RW1 is because of the drainage from the property goes to Cusheon Lake.

I am very concerned about the dog urine and feces but also about all the people and trailers with no septic. Driving by you can see the portable toilets placed beside some trailers (I am unsure about the trailers that don't have a portable toilet). All these trailers are also against the zoning. After the hearing in December another trailer was brought onto the property(see attached picture of trailer 6and 7).

I have listened to the dogs barking for 8 months but am most concerned about the lake. The owners have demonstrated a total disregard of any rules and any responsibilities.

Setting a precedent of changing the zoning on RW1 to allow a commercial operation that creates risk to drinking water does not make sense.

Climate change is already causing serious concerns, the lake was at it lowest level ever this summer which resulted in early algae bloom and the predictions only forecast worst conditions. Please don't allow this to happen to Cusheon Lake or any other property zone RW1 which tries to protect and preserve the quality of drinking water.

Cusheon Lake is also a tourist attraction, and the quality of the lake is important for this as well.

Please take a drive by and see all the trailers for yourself. Please do not be intimidated as there are a lot of families who need Cusheon Lake to stay as pristine as possible and there is no shortage of properly zoned land.

Thanking you in advance as we the neighbours and users of Cusheon Lake water request you preserve and protect our water source and our quiet surroundings.

Regards

John Wright

Seb Evans

Dorothy Copeland and Alf Morgan

Bob and Jo Twaites

Rick and Juliette Laing

Nomi Davis

Cheri Thomas

Jenny Wood

Ceilidh Diver and Hugh Finer



C. (250) 537-8568

P. (250) 537-5553

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Comments

Pemberton Holmes - Salt Spring

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Address	130 Blackburn Rd
Area	Gulf Islands
Sub Area	Salt Spring
State/Province	British Columbia
Country	Canada
Price	\$675,000
Property Type	Lots/Acreage
Bedrooms	0
Bathrooms	0
Lot Size	437778.00 Square Feet
Waterfront	No
Year Built	0
Taxes	\$2,526
Tax Year	2020
MLS® #	910674

OCEAN VIEW and ALL the expensive, time consuming hard work is done on this one so just bring your plans~! PRICED UNDER Assessed Value. Drilled well, power poles and road right up to the ocean view building site on this private 10 acre parcel to save you the money, time and hassle of infrastructure. There is also a secure shed on a concrete pad to store your equipment so you can start building your dream home right away. No building schematic means you can build any style home you'd like. Garage, studio, barn and outbuildings permitted but no guest cottage due to watershed zoning. Only minutes from town, lake swimming and hiking this one is on a corner lot, quiet and peaceful. It's rare to find acreage of this size so close to town. Book a viewing and check it out. Purchase price plus GST.



From: Maxine Leichter <[REDACTED]>
Sent: Friday, January 26, 2024 8:15 AM
To: SSInfo
Subject: Salt Dog Kennel Rezoning

Date: January 25, 2024

To: Salt. Spring Island Trustees

From: Maxine Leichter

Regarding: Salty Dog Kennel

The Salty Dog Kennel is located on a lot, the majority of which is in the Watershed zone which was created specifically to protect our drinking water lakes and the hundreds of people who depend on them for drinking water. Many years ago, the local community worked hard to get this zone established. Dog kennels were not included because of the likelihood of the risk of contamination to the lakes. This zoning should be respected with exceptions not allowed. The owner's claims that her operation will not harm water quality are spurious at best.

Please consider that the location of this kennel is across the street from two streams that flow directly into Cusheon Lake, a water source for approximately 500 people. For the past few years, blooms of algae have occurred in the fall when rain brings nutrients into the lake. Cusheon lake is relatively shallow, meaning a relatively small amount of nutrients can cause a bloom. Once there is a bloom, there is a danger of the bloom turning toxic. Cyanobacteria toxins are very dangerous to humans and animals. It can take days or longer for toxins to be confirmed and water users to be warned of the danger. But the danger to wildlife continues. People come to Cusheon Lake who may not be aware of the danger. In Cowichan, pets have died from drinking water contaminated with such toxins.

The owner claims that feces will be composted on site. Under the best of circumstances, piles of feces composting can become exposed to rain that will carry phosphorus and other nutrients into Cusheon Lake. The owner admits that urine will be deposited on the ground. This could be a huge source of phosphorus and other nutrients going into Cusheon lake during rainstorms.

To allow such a use in a zone where it is prohibited, where streams are so close and where the owner has already demonstrated lack of respect for our bylaws, would be a grave miscarriage of justice for the community that depends on Cusheon Lake for water and for the natural environment.

The Islands Trust was created to protect the natural environment. I hope you will not make this circumstance an example of the trust putting people first, and worse, putting some people before other people. The best thing is to stick with the law as it is.

From: R D [REDACTED]
Sent: Friday, January 26, 2024 1:46 PM
To: Laura Patrick; Jamie Harris; Timothy Peterson; SSIInfo
Subject: 130 Blackburn Road (Salty Dog Retreat) - Unauthorized Kennel Facility and Sleeping Units
Attachments: 130 Blackburn Road Development (Salty Dog Retreat).pdf

Trustees and Planners,

Please see my letter (per attached and below). Thank you.

January 26, 2024

Re: 130 Blackburn Road (Salty Dog Retreat)

I would like to hereby express my concerns regarding the land use violations occurring at 130 Blackburn Road ('Salty Dog Retreat' – Kennel Facility and Unauthorized Sleeping Units), and any contemplated amendments to current zoning.

The parcel (130 Blackburn Road) is mapped as 'Watershed' (RW1), and the landowner should comply with the requirements for that designation, including septic requirements.

Many people in the Cusheon Lake watershed, including the Beddis Water System, rely on water from Cusheon Lake for drinking water or gray water. In my case, I also have a shallow well for non-domestic water uses that is vulnerable to contamination. It is critical that such a key source of water be protected from unauthorized uses and potential contamination.

In addition to unapproved kennel operations, there are a number of units of unauthorized accommodation. All other landowners on Salt Spring are expected to comply with land use regulations, including those set out regarding Accessory Dwelling Units. Why should this landowner be exempt from these regulations?

The land owner should not be allowed to knowingly undertake and establish a non-confirming land use and then seek to strong-arm a zoning change to accommodate the illegal use. This is a recipe for legal and planning chaos, opening the doors to lawsuits.

Richard 

Neighbours and Users of Cusheon Lake Water

From: Nancy Wigen <[REDACTED]>
Sent: Monday, January 29, 2024 2:41 AM
To: Timothy Peterson; Jamie Harris; Chris Hutton; Chris Buchan; SSInfo
Cc: directorssi@crd.bc.ca
Subject: Cusheon Watershed;

Dear Salt Spring Island Local Trustees and Planner;

I'm a member of Salt Spring Island Stream and Salmon Enhancement and I'm writing to you with deep concern regarding the Cusheon Watershed. The water from this watershed is essential for our Salmon Hatchery, and for the fish bearing and spawning stream of Cusheon Creek. Protection of this watershed is of utmost importance. Every piece of land and every tree matters and affects water quality

A lot at 130 Blackburn Rd. is in Cusheon Watershed. The planned use is a dog kennel business with residences for workers. Rezoning for this lot has been requested but the runoff of water from this property flows into Cusheon lake. Water quality in this lake is at risk. It is the source of domestic drinking water for several hundred families, as well as our need for clean water for the Salmon Hatchery and Spawning stream. We absolutely need Watershed Zoning that limits harmful land uses.

Please don't rezone lot 130 Blackburn Rd. or take it out of Cusheon Watershed. We count on you to maintain the strongest possible protection for Cusheon Watershed.

Thank you,
Nancy Wigen

From: W. Ortlepp <[REDACTED]>
Sent: Tuesday, January 30, 2024 10:13 AM
To: Laura Patrick; Timothy Peterson; Jamie Harris; Chris Hutton; Chris Buchan; SSInfo
Cc: directorssi; Wolfgang & Stephanie Lück
Subject: Watershed zoning of 130 Blackburn road

Attn: Salt Spring Island Local Trust Committee

We are long time Salt Spring Island residents, living directly on and taking our drinking water from Cusheon Lake. Being a commercial farm directly on the lake, we are well aware of how fragile our water supply is and have made many changes to our farm operation over the years to safe-guard the health of the lake so that we can continue to have a clean supply of drinking water. We have made substantial sacrifices to protect this water supply, including limiting the type/quantity/location of our livestock, our farming practices in general (i.e. fertilizer type/amount/timing, no-tilling practices, crop types, etc.), and the area/location of land we actively farm. To hear that you are planning to allow a kennel operation, and what is essentially a campground without proper facilities to handle grey water/sewage/other contaminants, to operate within an area that is part of our watershed and drains directly into our (and ~500 other people's) domestic water supply is incomprehensible to us and undermines so much of the work and the sacrifices we, and other lake residents, have put in to improving and protecting our domestic water supply. The operation of a kennel or campground is clearly prohibited on the property in question (130 Blackburn Road) for good reason, and we are very much opposed to amending the OCP or to rezone this property to allow such uses.

The current owner of this property was made aware of the zoning and restrictions when she purchased this property, and it was her decision to purchase it anyway. Despite being made aware of the restrictions to the land use of the property that she purchased, why did she then go ahead and set up her kennel/campground operations before requesting the amendments? Perhaps she felt it would be easier to ask you for permission after presenting you with a "fait-accomplis". Does this not set a dangerous precedent for the Island Trust Committee?

The number of tiny homes/RVs that she has allowed to move onto the property seem to indicate that she is operating either a campground or using these as permanent accommodations for people. The zoning allows neither a campground, nor more than one residence. Does she even have the infrastructure to safely dispose of wastewater (grey water), feces and urine from not just the dogs she is housing there, but the people as well? A bunch of port-a-potties is not enough to handle the regular use from the residents as well as the grey-water from all the campers, the collected feces from the dogs, and the water used to hose out the kennels (urine contaminated) – where is all of this going? Is there a pump out station for the RVs/tiny homes? Is anything being done at all to prevent urine contaminated water from cleaning kennels, grey water, and other biological hazards, from entering the Cusheon Lake water supply which is used by ~500 people? We feel that it would set a dangerous precedent to change the zoning or amending the OCP of any property that is watershed zoned. In this case it is ultimately not you, but the users of Cusheon Lake that will pay the price for allowing these activities, which will bring contaminants into our domestic water supply.

Finally, I want to address the type of kennel operation that seems to be operating on this property. By visiting the website for Salty Dog rescue, I have noted only a single dog that was labelled a "rescue", but it does not appear to have originated from Salt Spring Island. Rather, there is a long list of wolf-dog hybrid puppies (kennel bred) that are available for sale. How is this considered an "essential service"?

These dogs were clearly moved to Salt Spring Island from elsewhere. In other words, she is importing dogs to Salt Spring Island, and not just any dogs, but wolf-dog hybrids that require special handling as their behaviour can be very unpredictable. We suggest you inform yourself on the nature of these hybrids by reading the article from the International Wolf Center: <https://wolf.org/wolf-info/basic-wolf-info/wolves-and-humans/wolf-dog-hybrids/>. The following is a quote that sums up the issues around owning a wolf-dog hybrid.

“A few people are successful in keeping hybrids, but most people for a variety of reasons are not prepared to understand or provide for the physical or psychological needs of the animal. The higher the content wolf the less likely they can be kept as a house pet and will require special housing, socialization, and care.”

The question we are asking you is whether selling kennel bred puppies that are wolf-dog hybrids is a service that is needed or desired on Salt Spring Island, and whether this location (130 Blackburn Road) is a suitable site for this activity, when the zoning clearly doesn't allow it. As parents of two small children, and farmers with livestock less than 1.5km away, we are extremely concerned that these wolf hybrids are on the island at all. Farmers here already suffer from livestock losses due to domestic dogs running loose, the last thing we need are wolf hybrids escaping from their owners.

In summary, we are very strongly opposed to amending the OCP and/or zoning of the property at 130 Blackburn road.

Sincerely,

Wiebke Ortlepp, Stephanie and Wolfgang Lueck

Cusheon Lake Farm

From: Pierre Mineau [REDACTED]
Sent: Thursday, February 1, 2024 1:37 AM
To: SSInfo; ssidirector@crd.bc.ca
Subject: 130 Blackburn Commercial Activities in RW1 zoning
Attachments: RW1 Zone - CRD map highlighting area of concern.jpg

I write as a Beddis Water District subscriber who will be directly impacted by the activities already taking place at 130 Blackburn.

This letter is to highlight the concerns I believe have not been considered by the CRD nor the Island Trust regarding the violation of land use regulations by the commercial operation at 130 Blackburn Road under the RW1 zoning.

Reinforcing our concerns are the two (and soon to be third) atmospheric river events and significant inundations we have seen in the last two weeks. These events are clear evidence of the importance of fierce enforcement of watershed protection, as our lake continues to receive huge sediment and nutrient flows from the Fulford-Ganges and Blackburn Roads.

As a biologist and scientist who has studied contaminants in our environment for over 45 years, I do not raise these concerns lightly. The loss of cover and introduction of drainage (roads etc) over the past months has already increased sedimentation into the lake. More concerning is the introduction of animal and human fecal waste materials, oil and other materials from engines etc, all of which are being flushed directly into a drainage zone that runs into Cusheon Lake. You will see in the attached Island Trust map the area, which I have highlighted for your information. The road is not a dam; CRD and Island Trust staff should realize that contaminated water from this location will flow along the Fulford-Gange ditch to the culvert, and also that water will flow with gravity through rocks and shallow soils. The attached IT map clearly shows that this is a well established feed into Cusheon Lake. Hence the RW1 zoning over the bulk of the site (i.e., 3.379 ha of their area is zoned RW1 and only 0.688 ha is zoned Rural, for a reason).

I do not wish to debate whether there is a need for a dog kennel, pound or place to house 'rescue' dogs on island. What I would like to point out is that it is not appropriate on a 0.688 ha site within a water supply watershed. Island Trust zoning under Rural would permit it, but only if the area was at least 2 ha in size. There is also the issue of setbacks, which in this case would remove another 45 metres from the small, legally zoned section of

their land. These regulations have been established for good reason, and need to be upheld.

I am concerned about the disregard by the owner in establishing, and running a dog kennel in an area that is zoned to protect our Beddis District Water Supply (i.e., Cusheon Lake and supporting drainage basins). I know my neighbours and I are also concerned about the apparent lack of representation (or enforcement) to prevent the introduction of contaminants into our water supply.

As seen on the attached map (Map 23 DPA 6 - Portion) the lot is only 30 metres from high soil erosion drainage areas. The engineering report stated there could be an average of 20 dogs daily and 40 dogs on this property during the peak season and that dog feces would be composted and used on site. Urine would be allowed to infiltrate into the ground.

With run-off exacerbated by bouts of heavy rainfall, these contaminants will eventually reach Cusheon Lake through the adjacent (downstream) wetlands and streams. Feces and urine contain high levels of phosphorus, which was found to be the factor causing previous algal blooms in Cusheon Lake, with implications for human health and the cost of water treatment. Obviously this is alarming to all who depend on this community water supply and those who take their water directly from the lake.

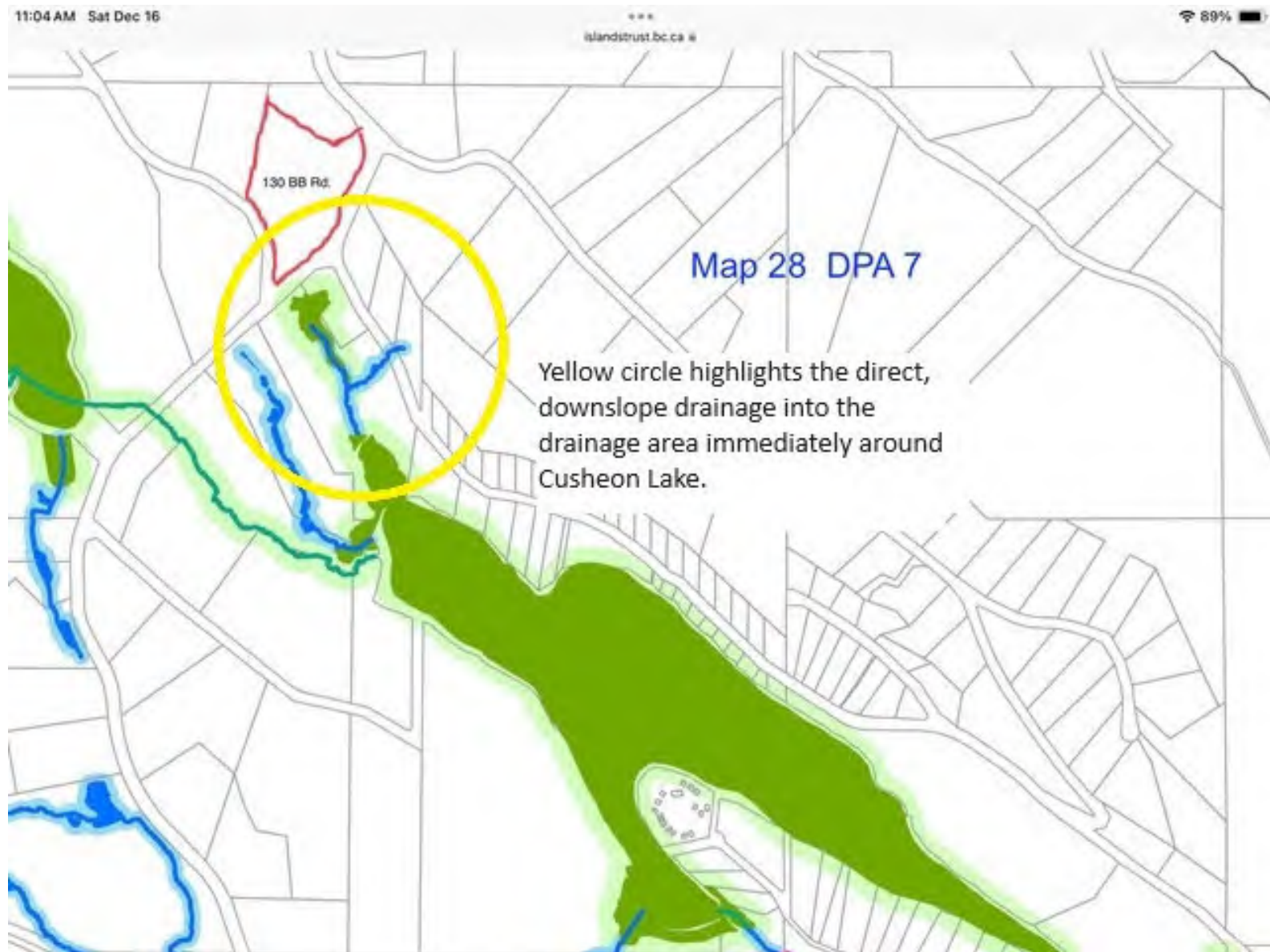
My last question is regarding the apparent housing on site. Neither RW1 nor R zoned properties allow camping, yet there are numerous trailers and temporary built structures at 130 Blackburn Rd. My understanding is that this would be a violation of Land Use Bylaw 355, which limits accomodation to 1 trailer on land zoned RW1 and even then, only for a period of 2 years during construction of a permanent dwelling. This raises additional questions for our Beddis Water subscribers as to whether this encampment has installed a water supply or, given the presence of 'port-a-potties', if they can have an approved sewage disposal facilities (eg., septic field/tank) given that the commercial operation is in violation of the zoning?

All told, I am very concerned that the focus of the discussion to date on these activities has revolved around the issue of whether or not a dog kennel is needed on our island. I, like my fellow Beddis Water Subscribers, are concerned with the more pressing human health issues associated with the lack of understanding, or perhaps disregard, by the owners in establishing their kennel in an area zoned explicitly to protect our Beddis District Water Supply. This raises the fundamental concern about the lack of representation (or enforcement) for our rights to protect our already vulnerable water supply.

Pierre Mineau, PhD

Environmental toxicologist

Beddis water subscriber



From: Ruth Waldick <[REDACTED]>
Sent: Thursday, February 1, 2024 11:32 PM
To: SSInfo
Subject: Correction: 130 Blackburn zoning

I have corrected two grammatical issues from the submission I sent Thursday morning regarding 130 Blackburn Road zoning. I would appreciate if you could replace it with the following:

RE: 130 Blackburn Commerical Activities in RW1 zoning

I write as a former Beddis Water Commissioner and a current Beddis water subscriber who stands to be directly impacted by the activities already taking place at 130 Blackburn. This letter is to highlight the concerns that I feel have not, as yet, been clearly represented by the CRD nor the Island Trust regarding the violation of land use regulations (the commercial operation) at 130 Blackburn Road under the RW1 zoning.

Reinforcing this concern is the concrete evidence of why this particular parcel needs to be managed differently (carefully) - our Beddis/Cusheon lake water supply. In the last two weeks we have seen precisely the sort of Atmospheric River events with significant rainfall that is the cause of contaminants entering our lake, with direct effects on our Beddis Water supply. Three years of flow and hydrologic study in the Maxwell Creek Watershed provide direct evidence that sediment and nutrient flows from roads and areas of clearing and development are major sources of contaminant loadings into creeks and lakes following these types of heavy rainfall events.

The idea of introducing a kennel and high traffic/use area is not appropriate; the release of animal waste materials, oil and other materials from engines and human waste into a drinking water watershed is the issue at hand. Particularly as the site is a protected zone immediately next to the lake sub-drainage. The attached Island Trust map shows why the zoning had been put in place originally; 130 Blackburn is located immediately upslope of a 'finger' extension of wetland (northwest edge of the Cusheon Lake). Nutrification, cyanobacteria, water treatment costs, and limits to recreational use need to be considered in light of protecting our water supply.

My impression is that the community discussion has been very much focused on the issue of the dog kennel itself, when the issue really is about water and watershed protection.

The challenge for the CRD and LTC appears to be the lack of corporate memory as to why the zoning was established. In the face of more extreme weather and the significant and sudden increase in Atmospheric Rivers, local government must start recognizing that zoning is about the 'good' for the community and neighbourhoods, not a 'notional' idea. My biggest concern, shared by others in my Beddis Water District, is that it seems that neither of the local governments are providing the context and information to the Property/Business Owners of 130 Blackburn, nor the community writ large.

My concern around the discussion to date, is that as islanders, we need to have confidence that our LTC and CRD representatives are working in all of our best interests - to protect our watersheds and water supply. Planning and zoning are there to protect members of the community.

This is an important moment. If our Beddis and Cusheon Lake community cannot count on local governments to protect the water supply, what hope do we have as an island to withstand the growing environmental pressures and extreme weather?

Ruth



VIA EMAIL

Ref. 61830

February 1, 2024

Timothy Peterson, Chair
Salt Spring Island Local Trust Committee
Islands Trust
1-500 Lower Ganges Road
Salt Spring Island BC V8K 2N8
Email: rpingle@islandstrust.bc.ca

Dear Timothy Peterson:

Thank you for your October 3, 2023 letter, regarding the Secondary Suite Incentive Program (SSIP). I apologize for the delay in responding.

First, I would like to thank you, the Salt Spring Island Local Trust Committee, and the Salt Spring Island community as whole, for your interest in this innovative new program. The Province recognizes that one of the biggest challenges for people in BC is finding an affordable home to live in. To address this need, we have developed an action plan to meet those challenges and to deliver more homes for people, faster. The *Homes for People* action plan will speed up delivery of new homes, increase the supply of middle-income housing, fight speculation, and help those who need it the most, and the SSIP program is just one of multiple initiatives coming out of the plan. Complete information on the action plan is available here: https://news.gov.bc.ca/files/Homes_For_People.pdf

SSIP is a three-year pilot program, which we expect to expand over time. This program supports the creation of new, affordable rental housing while ensuring the units are safe for tenants and owners living in those homes. SSIP requires participating homeowners to provide building and occupancy permits issued by the local authority to verify that publicly-funded units are legal and meet building safety standards.

.../2

**Office of the
Minister of Housing**

Website:
www.gov.bc.ca/housing

Mailing Address:
PO Box 9074 Stn Prov Govt
Victoria BC V8W 9E9
Phone: 236 478-3970

Location:
Parliament Buildings
Victoria BC V8V 1X4
Email: HOUS.Minister@gov.bc.ca

Timothy Peterson, Chair
Page 2

As a result of recent discussions with individuals and local representatives in unincorporated areas, we have expanded program eligibility to include 16 Regional Districts for the April 2024 launch. These are Regional Districts with building bylaws that provide building permits and inspections to all parts of the electoral areas within their boundaries, and the Salt Spring Island Trust area is among them.

Updates to program eligibility on BC Housing's website are forthcoming and will be shared on the BC Housing website when they become available at <https://www.bchousing.org/housing-assistance/secondary-suite>

Program adaptations will be explored in future years to enable expansion to properties in the remaining Regional Districts.

Thank you again for writing. I hope this information is helpful to you and your committee.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ravi Kahlon', written in a cursive style.

Ravi Kahlon
Minister of Housing

pc: The Honourable Anne Kang

I also have to complain about an abuse of process that these owners committed and that seems to have been allowed at the meeting whereby multiple owners of the property (the kennel manager as well as share holders in the property) were allowed to comment which artificially came across as multiple voices of support. In fact, they should have been only counted as one voice.

I would rather not see this type of business on Salt Spring Island at all, ever. At the very least, it should be required to relocate to an area zoned for this type of business and forced to follow all requirements necessary to run a kennel and to be a responsible business and resident of SSI.

Leigh A. Milne

[REDACTED]
[REDACTED]

Leigh Anne Milne,
RMT, LMT, E-RYT 500, C-IAYT, YACEP, C-KFIY
Death Doula with Doorway into Light
Death Midwife with Final Passages

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

"Enlightenment is intimacy with all things" Jack Kornfield

Dear Local Trust Committee,

The development and establishment of an illegal Kennel and Campground on the lot at 130 Blackburn Road was occurring actively on Good Friday Apr.7, 2023. Unfortunately, there was no Bylaw Enforcement Staff available to investigate.

It is now Feb. 6th, 2024 and this activity/development continues on land that is zoned Rural Watershed One (RW1) and only a tiny portion of the lot is zoned Rural (R).

Rural Watershed One (RW1) and Rural Watershed Two (RW2) land were zoned in order to provide the highest protection of surface water. Agricultural Two (A2) in the Agricultural Land Reserve land was zoned to allow farming but still protect the water quality of the Salt Spring Island Lakes. A2 zoned land in the ALR does not even allow a campground.

Please allow me to explain why a Official Community Plan amendment and or a zoning change for 130 Blackburn Road should not proceed or be approved.

The chart in Land Use Bylaw No. 355 on page 115 has the following:

Pet boarding services and kennels minimum lot area required for pet boarding facilities including kennels is 4 Hectares (9.8842 acres)

Minimum lot area required for a pound is 2 Ha. (4.9421 acres)

The 4.067 Ha (10.05 acre) property at 130 Blackburn Road is split zoned Rural Watershed One (RW1) and Rural(R) Only a very small estimated area of 0.6880 Hectares (1.7 acres) of this lot is zoned as Rural.

Please note that the area of the lot zoned Rural is not big enough for pet boarding services, kennels or a pound.

4.38 Pg. 44 of LUB No. 355 states, "The minimum setback from a lot line for pet boarding facilities, kennels and pounds is 45 metres."

This means that the actual area that can be used for pet boarding facilities including kennels on the area of lot zoned Rural is even further reduced by the required 45 metre setback.

The following definitions are found in Land Use Bylaw No.355.

"campground" "means the use of land for the temporary accommodation of paying guests who bring and sleep in a camping unit on a campsite."

-Not zoned for a campground.

" camping Unit" "means a tent, trailer, recreational vehicle or similar transportable forms of accommodation customarily used by travellers or vacationers who maintain a residence elsewhere and excludes mobile or manufactured homes."

-Not an allowed use as a residence is not maintained elsewhere.

"campsite" " means an area in a campground for and used for temporary accommodation of one camping unit."

- More than one camping unit that is not being used for temporary accommodation according to the definition of temporary.

“commercial” “means occupied with or engaged in work for the purposes of earning an income.”

- Development occurring on this lot is defined as commercial.

compost” “means a product of the biological degradation or breakdown of organic matter, ready for agricultural use as a soil amendment, artificial top soil or growing medium. “

“composting facility” means a structure used to process and store compost.”

Pg.42 3.2.3 COMPOSTING REGULATIONS

3.23.4” Commercial Composting and all other composting, is subject to regulation by the Capital Regional District per Composting Facilities Regulation Bylaw.”

This is a commercial business and the composting would be commercial composting.

The owner has stated publically that the plan is to compost all of the dog feces and using them on raised gardens. It is not recommended to use composted animal waste in growing any product for human consumption due to pathogens

Tea Situm the Regional Drinking Water Officer for Island Health has explained“ that non – human excreta is not covered under the Sewerage System Regulation”

Dog feces and urine contain both nutrients of Phosphorus and Nitrogen; it can also be a source for human diseases to water from bacteria and parasites“ Human Diseases Transmitted by Dog Poop” <https://www.cpha.ca/human-diseases-transmitted-dog-poop> Canadian Public Health website.

The primary goal of the Cusheon Watershed Management Plan is to protect and restore the quality of surface waters in the Cusheon Watershed. In order for this to occur it was scientifically determined that the amount of phosphorus needed to be reduced by 17 kilograms of yearly loading. Since the key-limiting nutrient is Phosphorus, it needs to be reduced to help prevent the occurrence of Cyanobacterial blooms with the related toxins.

Since completion of the 2007 Cusheon Watershed Management Plan many studies have now deciphered the effects of Nitrogen also on cyanobacteria bloom intensification, diversity and toxicity. The Cusheon Watershed could be detrimentally impacted with an increase in Phosphorus and Nitrogen nutrient loading. This could increase cyanobacterial blooms in Cusheon Lake.

According to the Centers for Disease Control and Prevention “ Causes and Ecosystem Impacts”

“ Climate change can increase the growth of harmful algae and cyanobacterial blooms will occur more often and be more severe.”

“kennel” “ means any building or structure, compound, group of pens or cages or lot in which three or more dogs are or are intended to be trained, cared for, bred, boarded or kept as part of a commercial enterprise”

More than 3 dogs are on this site according to adoption page on website salty-dog.org.

“pound” “means a public facility used for the temporary impoundment of domestic animals caught on the Southern Gulf Islands.”

“temporary” “ means in relation to a period of occupancy or use by any particular individual: not exceeding 45 days in any calendar year, not more than 30 which can be consecutive.

It has been stated numerous times that everything on this lot is temporary. They have far exceeded the number of days of occupancy according to the definition for temporary.

“Pg.40 3.18 USE OF TRAVEL TRAILERS AND RECREATIONAL VEHICLES

3.18.1 In zones where dwelling units are permitted, one travel trailer or one recreational vehicle may be occupied as a camping unit on a lot for a maximum of 90 days in any year provided approved sewage disposal facilities are provided.

-Note only one travel trailer or recreational vehicle may be occupied as a camping unit for a maximum 90 days’

- Numerous trailers and recreational vehicles are occupied on this lot.

- July 6, 2023 was 90 days in a year.

- As of Dec.31, 2023 it has been an additional 178 days in the year 2023 and yet the use is still on going on Feb.6th, 2024

- Are porta potties an approved sewage disposal facility?

Pg. 40 3.18.2 In zones where dwelling units are permitted, one travel trailer or one recreational vehicle may be occupied as a camping unit on a lot for two years during construction of a dwelling unit on the same lot provided that

(1) A valid building permit exists for the dwelling unit on the lot, and

No valid building permit notice is posted on the property.

(2) The water supply and approved sewage disposal facilities for the dwelling unit have been installed and temporarily connected to the travel trailer or recreational vehicle.”

What is occurring on this lot does not meet the requirements of 3.18.1 or 3.18.2.above.

-

-Non-domestic use of the ground water well would require a permit under the BC Water Sustainability Act and no permit has been issued for this registered well .

- No approved sewage disposal facilities installed..

-rented porta potties are being used.

-No approved sewage facilities being used for the grey water.

Grey water falls under the Sewerage Disposal Regulation. Grey water can contain more bacteria and nutrients of phosphorus and nitrogen than from an approved sewerage disposal facility.
How is grey water being dealt with on this lot?

The owner stated in her Dec.14, 2023 delegation that the high level alarms for the sewerage disposal tanks required by Regional Drinking Water Officer Tea Situm for Island Health have not been installed due to cost.

The owner stated she has installed porta-potties instead.

Public services uses are also not permitted on lots zoned RW1 see chart of land uses below.

9.10 RURAL, UPLAND, WATERSHED AND SMALLER ISLAND ZONES

9.10.1 Permitted Uses of Land, Buildings and Structures

L487 (02/19)

- (1) In addition to the uses permitted in Subsection 3.1.1 of this Bylaw, the following *principal and accessory uses, buildings and structures* and no others are permitted in the Rural Zones indicated:

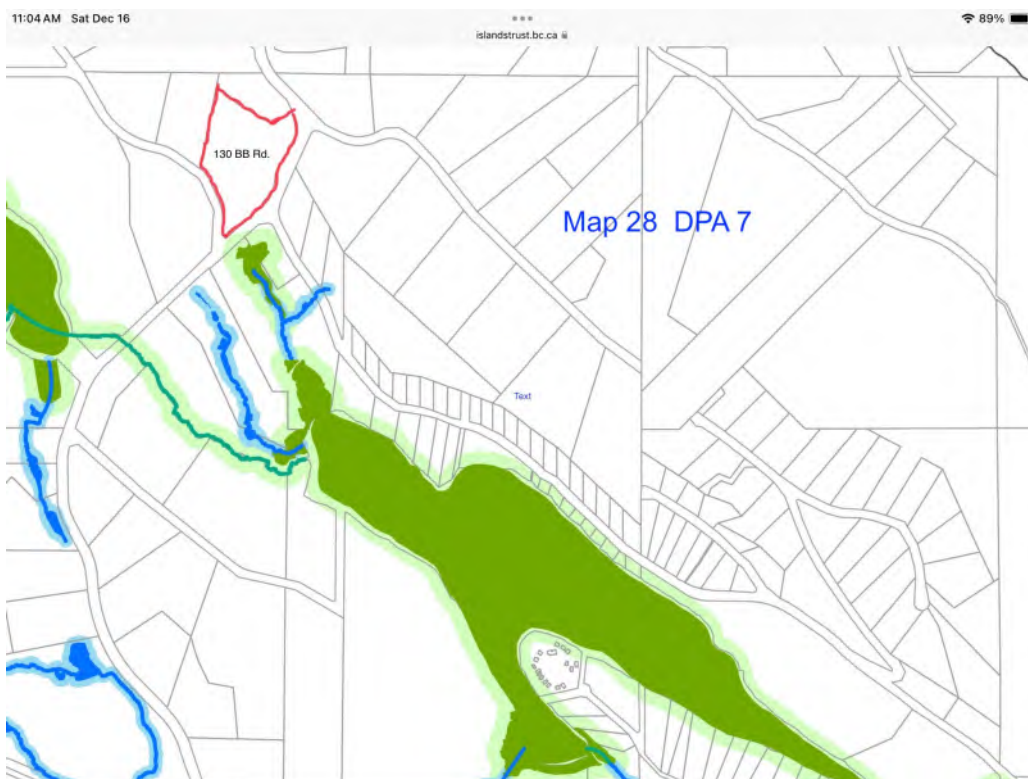
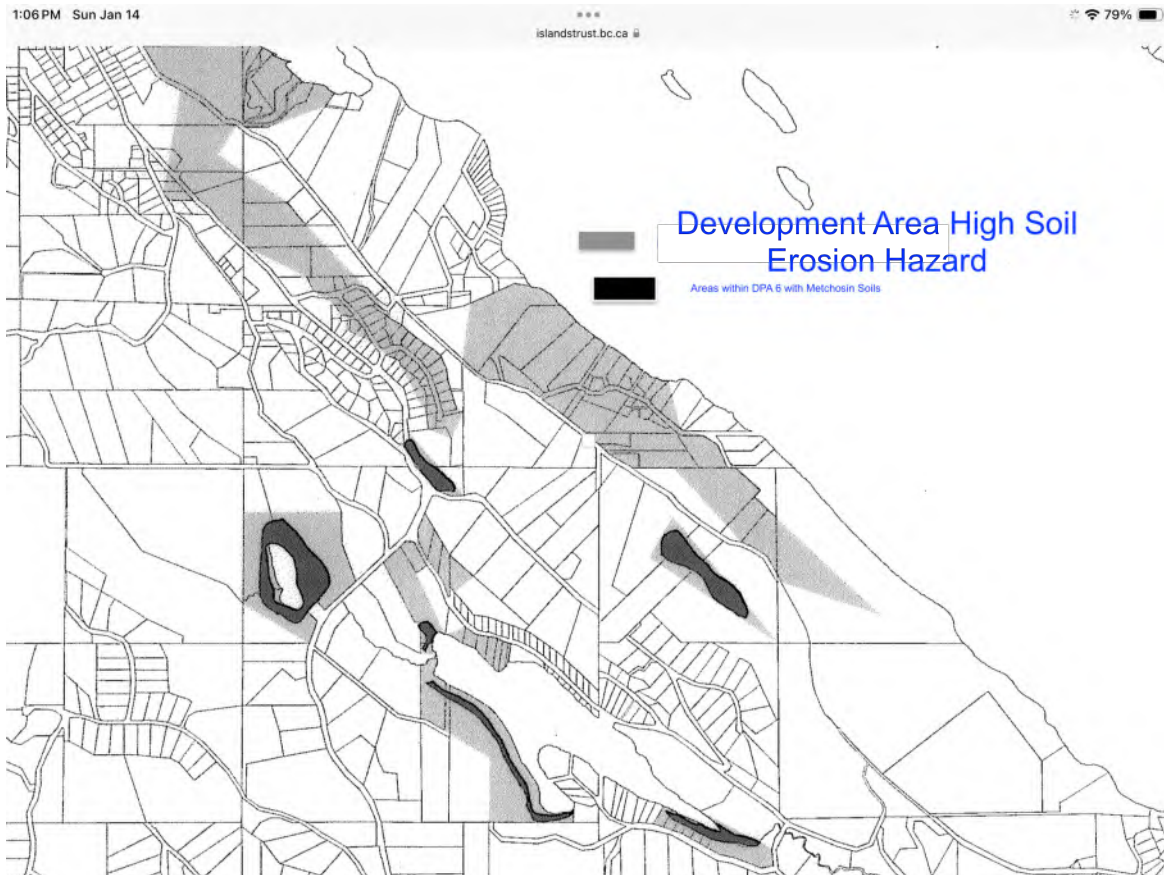
	R	RU1	RU2	RU3	RW1	RW2	RI
Principal Uses, Buildings and Structures							
<i>Single-family dwellings</i>	♦	♦	♦	♦	♦	♦	♦
<i>Two family dwellings</i> constructed before July 31, 1990	♦	♦					
Dental and medical offices for a maximum of two medical practitioners	♦						
Elementary schools, pre-schools and <i>child day care</i>	♦	♦					
Public health care facilities	♦	♦					
<i>Community halls</i>	♦	♦					
<i>Churches and cemeteries</i>	♦	♦					
Veterinarian clinics and animal hospitals	♦	♦					
Pet boarding services and kennels	♦	♦					
<i>Pounds</i>	♦	♦					
Active outdoor non-commercial recreation, excluding golf courses and activities primarily involving the use of power-driven means of conveyance	♦	♦					
Lighthouse stations							♦
<i>Agriculture</i>	♦	♦	♦	♦			♦
<i>Agriculture, excluding intensive agriculture</i>					♦	♦	
<i>Public service uses</i>	♦	♦	♦	♦			♦
Accessory Uses							
<i>Seasonal cottages</i> subject to Section 3.14	♦	♦		♦			♦
<i>Home-based business use</i> , subject to Section 3.13	♦	♦	♦	♦	♦	♦	♦

Information Note: See Section 3.3.1, which indicates that where land is in the Agricultural Land Reserve, agriculture, farm buildings and farm structures are permitted in a manner similar to the Agriculture 1 zone.

Information Note: All activities in the Rural Watershed 1 (RW1) and Rural Watershed 2 (RW2) zones must be carried out in accordance with the applicable regulations of Salt Spring Island Land Use Bylaw No. 355, Salt Spring Island Official Community Plan Bylaw No. 434, the Agricultural Waste Control Regulation (Environmental Management Act), the Drinking Water Protection Act, the Water Sustainability Act, the Groundwater Protection Regulation and the Fisheries Act.

Salt Spring Island Official Community Plan Bylaw 434, 2008 Volume 2
Map 23 DEVELOPMENT PERMIT AREA 6 (PORTION) High EROSION
HAZARD indicated by grey colour on map

Map 23 shows that the drainage area directly across Fulford Ganges Road from 130 Blackburn Road is mapped as DPA 6 High Soil Erosion Hazard. The drainage from this lot could cause soil erosion and nutrient loading.



Please note the close proximity to 130 Blackburn Road of the wetlands and streams draining into Cusheon Lake. On Map 28 DPA 7 Riparian Areas According to local residents who live in this area, there are one or more old buried culverts under Fulford Ganges Road that have their entrance located on 130

Blackburn Road side. Storm water is often seen collecting in this area creating a wetland.



Figure 6: Aquifer Intrinsic Vulnerability Mapping

The Nov.16 staff report states the following: "This parcel is especially subject to groundwater contamination as seen on the Aquifer Intrinsic Vulnerability Mapping Figure 6"

"water body" means the sea or any natural depression with visible banks, or a wetland with or without visible banks; and includes any lake, river, stream, creek, spring, swamp, gulch or surface source of water, whether containing fish or not; and includes seasonal streams; and includes any surface drainage work or catchment pond that is a man-made replacement or diversion of a natural water body.

Pg. 45 " 4.5 SET BACK FROM WATER BODIES–WATER QUALITY"

"4.5.1 (2) No sewage disposal field or seepage pit maybe located within 60 m of the natural boundary of Blackburn Lake, Bullock Lake Cusheon Lake, Ford Lake, Maxwell Lake, Roberts Lake, Rose Murgy Lake, St Mary Lake, Stowel Lake or Weston Lake;"

Pg.46 "(3) 60 m of the natural boundary of a water body that leads into the lakes named in Article4.5.1 (2), or "

"(4) 30 m of the natural boundary of any other water body.

Pg.46 "4.5.3 Commercial, institutional, or agricultural production, storage or manufacture of the following products is to be set back 30 metres from the natural boundary of any water body, example petroleum products including but not limited to oil, gasoline, grease, fuel oil heating oil, trash and debris, pet or domestic

animal wastes, excluding incidental production from pets, Soaps, Bark and other fibrous materials,
Antifreeze, batteries, tires scrap metal or other automotive products, deposited soil, vehicle wastes, Construction Materials.

Products listed above are being used and the number of people living on this lot so close to Cusheon Lake puts Cusheon Lake at further risk of contamination.

The Aurora Professional Group Inc. "Operational Assessment for Dog Boarding @ 130 Blackburn Road" does not show the distance from the water bodies or wetlands draining into Cusheon Lake. They are much closer than what is shown on the map with the Site Location of Blackburn Lake pg.1 Figure1. The distance from Blackburn Lake is the only distance measured and shown in this report. Why was Cusheon Lake not shown? It also states "The subject parcel is designated RW1" Why is the subject property not described correctly? It is zoned RW1 and R.

Is Brad Fossen who is Professional Mechanical Engineer with a background is building construction qualified to do an Operational Assessment for Dog Boarding for 20-40 dogs on 130 Blackburn Road? As a registered Qualified Environmental Professional (QEP) why would he not look at the drainage into Cusheon Lake? Was this an oversight or requested by the owner(s) to look only at the distance from Blackburn Lake, as it was much further away. I was recently informed that all QEP reports must be able to stand up in court. Should the public have faith in this Professional Engineer's Operational Assessment Report when it appears that there are errors and omissions?

SS-2022-017 Unlawful Dwellings It was moved and seconded and carried that the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Forces recommendation to amend standing resolutions -2021-109 to state that enforcement activities will be deferred for all existing dwellings except in the following circumstances:

- a. there are concerns regarding health and safety;
-trailers and recreational vehicles were not designed to be lived in full time. There has been too many documented explosions and fires even on Salt Spring Island for them to be considered safe.
- b. there are concerns that the sewage is not being disposed of in an approved septic or sewage disposal system;
-no high level alarms on the septic storage tanks even though required by Island Health.
They are not being used for this reason. Porta potties are being used instead.
How grey water is being dealt with is unknown.
- c. there are concerns that the septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;
it is difficult to determine as the number of Trailers and Recreational Vehicles and number of people living on this lot varies.

d. there are concerns of possible contamination of wells or other drinking water sources;

pathogens from dog feces, urine and increased nutrient loading of phosphorus and nitrogen travelling into Cusheon Lake.

e. unlawful dwellings are in environmental sensitive areas;

wetland disturbed by depositing soil and gravel in this area.

f. non permitted campgrounds;

non permitted campground on this lot with trailers, recreational vehicles and camping huts.

g. that the Salt Spring Island Local Trust Committee may give direction to resume enforcement activities on any property that poses a risk to health and safety of the neighbouring residents and residents on the property in question.

Why has this not been done when there are concerns regarding health and safety?

Comments

Done



Erin Williams

Thank you [Mielle](#) for this post and for the assistance to Jaime in her endeavors to provide a valuable community service. But, in order to keep facts straight; the listing clearly and publicly stated that the property was in a watershed riparian area and I did not tell her what was allowed or not but that she needed to do her own due diligence and my written advice was for her to go directly to the Islands Trust. She then told me that she had booked a meeting with them. Furthermore, for the purchase of the property Jaime chose to be unrepresented and the Seller was my client. "Hi Jamie,

The best way for you to get the most accurate information regarding this would be to go directly to the Islands Trust. They are at the building where BC Hydro is just past Foxglove. They can actually trace the area on the map of the property where any building is permitted and then you have paperwork directly from them in case of any issues further down the road. This is my most highly recommended advice to any clients, selling or buying, for situations where there may be some grey areas on a property."

2h Like Reply

8

Real Estate Agent Erin Williams clearly states above in her comment on Facebook that the lot is clearly in a watershed riparian area. In the Real Estate listing below

Public

Mortgage Calc

Address	130 Blackburn Rd
Area	Gulf Islands
Sub Area	Salt Spring
State/Province	British Columbia
Country	Canada
Price	\$675,000
Property Type	Lots/Acreage
Bedrooms	0
Bathrooms	0
Lot Size	437778.00 Square Feet
Waterfront	No
Year Built	0
Taxes	\$2,526
Tax Year	2020
MLS® #	910674

OCEAN VIEW and ALL the expensive, time consuming hard work is done on this one so just bring your plans~! PRICED UNDER Assessed Value. Drilled well, power poles and road right up to the ocean view building site on this private 10 acre parcel to save you the money, time and hassle of infrastructure. There is also a secure shed on a concrete pad to store your equipment so you can start building your dream home right away. No building schematic means you can build any style home you'd like. Garage, studio, barn and outbuildings permitted but no guest cottage due to watershed zoning. Only minutes from town, lake swimming and hiking this one is on a corner lot, quiet and peaceful. It's rare to find acreage of this size so close to town. Book a viewing and check it out. Purchase price plus GST.

BC Assessment has date of purchase as March 22, 2023. The Nov.16, 2023 Staff Report shows that the application was submitted for a Temporary Use Permit and signed by one owner on March 20, 2023 and the other owner on March 21, 2023. The owners prior to the date of purchase were "applying for a TUP while applying for a rezoning to RU."

In my opinion this is an illegal establishment of a commercial enterprise of a kennel, campground, and or a RV Park for the purposes of earning an income. Camping or a campground is not an allowed land use in RW1 or in Rural. The campground, trailers, recreational vehicles and other sleeping units need to be removed from 130 Blackburn Road as these violations have gone on too long. Ad from on the SSI Exchange in Apr./May 2023 for 130 Blackburn Road with the same email address as for former kennel at 879 Rainbow Road. Please note "Must have full time work and references. This is not accommodation for employees of the kennel. It is rentals of RV pads to any one who qualifies.

RV pads available

 nper Rentals Can Exp

Full Name Jaime

Location Ganges

RV pads available, beautiful view, some fully serviced and some off grid

Email to apply

Must have full time work and references

 29 days, 7 hours  598644451ffb08

Jaimehh3
Listing Owner
Member Since: May 23, 2011

CONTACT OWNER

Why has the Salt Spring Islands Trust budgeted to spend \$96,000 to update the OCP by review if they are not willing to uphold the current 2008 OCP Bylaw no. 434.

Why is Salt Spring Island Trust carrying out Salt Spring Island Watershed Protection Plan 2022-2032 (WPP) if the Trustees do not use all the tools currently available to protect the Watersheds? Actions speak louder than words. Please use the precautionary principle and follow the Islands Trust Policy Statement for Freshwater Resources as this directly applies to protection of the Cusheon Watershed and Cusheon Lake.

"4.4 Freshwater Resources

Commitment of Trust Council

4.4.1 It is Trust Council's policy that the islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.

Directive Policies

4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws address measures that ensure:

- . neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater.
- . water quality is maintained, and
- . existing, anticipated and seasonal demands for water are considered and allowed for.

Too often on Salt Spring Island people purchase land that is zoned RWI which has a significantly lower cost of land because of the more restricted land uses. The purchaser then applies expecting to rezone the property. The LTC showed they cared about the protection of Freshwater at the Nov.16, 2023 meeting when they voted unanimously to not issue a Temporary Use Permit and close the file.

Please protect the watersheds on Salt Spring Island by not allowing the current uses to be continued on 130 Blackburn Road. The owner knew from the Real Estate listing that the lot was zoned watershed with no guest cottage (RW1) and only a small portion zoned R. Please do not perpetuate the adage "Ask forgiveness not permission" and the idea that bylaw enforcement is not carried out on SSI so people can do whatever they want because it is their land.

Please do not make any amendments to the Official Community Plan Bylaw No. 434 or allow more land uses than currently zoned for on 130 Blackburn Road. Cusheon Lake needs to be protected not only as a potable water source but also for environmental, recreational, community, economic and aesthetic values.

The links below are for Canadian Drinking Water Quality and Recreational Water Quality and explain in detail why it is necessary to prevent cyanobacterial blooms from occurring.

Volunteers can and have worked diligently on this prevention but without the support of the Trustees all this work will be in vain.

<https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidelines-canadian-drinking-water-quality-guideline-technical-document-cyanobacterial-toxins-document.html#:~:text=Based%20on%20this%20review%2C%20the,on%20these%20toxins%20are%20limited.>

<https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidance-canadian-recreational-water-quality-cyanobacteria-toxins.html#a1>
Thanks

Sincerely,
Wayne Hewitt



From: Mielle Chandler <[REDACTED]>
Sent: Wednesday, February 7, 2024 1:38 PM
To: Laura Patrick; Jamie Harris; Timothy Peterson; SSInfo; Charly Caproff
Subject: Secondary Suite Incentive Program

Dear Laura, Jamie, and Tim,

My property is ideal for a secondary suite to provide affordable housing, and I would like to take advantage of the provincial Secondary Suite Incentive Program to do so.

This 9 acre property has great water (a well producing 40 gallons a minute), a huge new septic system sufficient to service a secondary suite, two additional 200 amp unused electrical services, and, due to the tree cutting covenant and portions of riparian flanking the seasonal streams, is better suited to residence than intensive agriculture.

Unfortunately my property does not fall into the small area you have rezoned for secondary suites.

I had understood that the LTC was going to facilitate 'spot zoning' for properties outside the small 'secondary suite' zones, however when I called the Trust Office this afternoon to inquire, the Planner I spoke to had no knowledge of this. The Planner simply informed me that my property was not in the area zoned for secondary suites and ended the conversation there.

How do I go about requesting 'spot zoning' in order to provide a secondary suite for affordable housing? And are you able to 'streamline' this process to meet the provincial timeline?

Thank you,
Mielle

Follow Up Action Report

Salt Spring Island

14-Sep-2023

Activity	Responsibility	Dates	Status
1 Coastal Douglas Fir Project That the Salt Spring Island Local Trust Committee request staff to review the status of the integrated geographical data base tool created by the former Coastal Douglas Fir Project Science Working Group and report back to the LTC.	Anthony Fotino Chris Hutton	Target: 14-Dec-2023	In Progress

Follow Up Action Report

Salt Spring Island

14-Sep-2023

Activity	Responsibility	Dates	Status
2 SS-DVP-2022.13 - J. Litke - 536 Beaver Point Road, SSI That the Salt Spring Island Local Trust Committee approve Development Variance Permit SS-DVP-2022.13 and direct that the staff do not issue the permit until a covenant consistent with the draft covenant in Attachment 5 of the report from Planner Buchan, dated September 14, 2023 is registered on the property title addressing the installation of a storm water drainage system and water treatment system for proposed lots 1 - 3 prior to the construction of a dwelling unit (536 Beaver Point Road). That the Salt Spring Island Local Trust Committee, with reference to Section 512(2) of the Local Government Act, approve the frontage relief from the required 10 percent to 2.5 percent for proposed Lot 3 as shown on the plan of subdivision in Attachment 4 of the report from Planner Buchan dated September 14, 2023 (536 Beaver Point Road). Waiting on the applicant to get back with the covenant.	Chris Buchan Rob Pingle		In Progress

12-Oct-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Salt Spring Island

12-Oct-2023

Activity	Responsibility	Dates	Status
1 That the Salt Spring Island Local Trust Committee request staff to work in cooperation with relevant agencies to complete the Proof of Water Decision Tree and any relevant mapping for accessory dwelling units as part of the OCP/LUB review project.	Chris Hutton Louisa Garbo		Completed
2 OCP/LUB Project Notice of Motion That the Salt Spring Island Local Trust Committee take immediate action to move beyond the now out dated practice of simple 'inclusion' in public processes and begin a practice of 'equity in participation' for all its public engagement processes and this will be accomplished by: 1. Directing staff to prepare a Terms of Reference and Request for Proposals for LTC approval to source qualified professionals to develop an equity-based public engagement strategy for the organization that adheres to the IAP2 Core Values for the Practice of Public Participation, and subsequently developing and implementing aligned public engagement work plans for the Official Community Plan/Land Use Bylaw Review and Ganges Village Planning projects, and 2. Allocating appropriate public engagement funding for projects currently underway. cite "Beyond Inclusion - Equity in Public Engagement, A Guide for Practitioners", Morris J. Wosk Centre for Dialogue	Chris Hutton Jason Youmans	Target: 16-Nov-2023	In Progress

Follow Up Action Report

Salt Spring Island

16-Nov-2023

Activity	Responsibility	Dates	Status
1 SS-TUP-2023.1 - J. Halan-Harris - 130 Blackburn Road, SSI That the Salt Spring Island Local Trust Committee deny issuance of Temporary Use Permit SS-TUP-2023.1 (130 Blackburn Road) and direct staff to close application SS-TUP-2023.1 for the following reasons: a. The Salt Spring Island Official Community Plan Bylaw No. 434 does not list the Watershed and Islet Residential designation as eligible for Temporary Use Permit Issuance; b. The Watershed policy under Section B.8 Salt Spring Island Official Community Plan Bylaw No. 434 restricts any further development than what is permitted by current zoning; and c. There are a number of appropriately zoned properties located on Salt Spring Island that are suitable for the proposed kennel use.	Chris Hutton Chris Buchan Kalyaan Selvakumar Rob Pingle		Completed
2 Proposed Bylaw 530 - Accessory Dwelling Units That the Salt Spring Island Local Trust Committee request staff to prepare a new bylaw number replicating Bylaw 530 as presented in the staff report dated November 16, 2023. That the Salt Spring Island Local Trust Committee request staff to look into whether Bylaw readings could be held at a Special Meeting or by Resolution Without Meeting.	Chris Hutton		Completed

Follow Up Action Report

Salt Spring Island

16-Nov-2023

Activity	Responsibility	Dates	Status
3 Housing Agreement Bylaw No. 447 That the Salt Spring Island Local Trust Committee discharge the notice of housing agreement from the property at 584 Rainbow Road, (PID 015-854-698) with legal description as Lot A, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990. 06-Dec-2023 Email sent to the Legal council inviting to submit a discharge request	Anthony Fotino Chris Hutton Rob Pingle		In Progress
4 Proposed Bylaw 530 - Accessory Dwelling Units That the Salt Spring Island Local Trust Committee direct staff to develop a spot zoning pilot program for Accessory Dwelling Units considering criteria, fees and potential to waive Public Hearings.	Chris Hutton		In Progress

14-Dec-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Salt Spring Island

14-Dec-2023

Activity	Responsibility	Dates	Status
1 SS-ALR-2023.2 - J. Litke - 710 Cranberry Road, SSI That the Salt Spring Island Local Trust Committee support application SS-ALR-2023.2 (710 Cranberry Road) and request staff to forward the application to the Agricultural Land Commission (ALC) for further consideration with the following consideration: That the Salt Spring Island Agricultural Advisory Planning Commission notes concerns future exclusion and further subdivision of Proposed Lot A.	Charly Caproff Rob Pingle		Completed
2 SS-TUP-2023.1 - 130 Blackburn Road, SSI In discussion the following items were noted: - A Trustee recommended that staff should meet with the applicant to determine the best way forward;	Anthony Fotino		Completed

Follow Up Action Report

Salt Spring Island

14-Dec-2023

Activity	Responsibility	Dates	Status
3 Proposed Bylaw 530 - Accessory Dwelling Units - Staff Report That the Salt Spring Island Local Trust Committee not require a Public Hearing for Salt Spring Island Local Trust Committee Bylaw No. 537, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 2, 2023" as presented in Attachment 5 of the Regional Planning Manager's December 14, 2023 report as the Bylaw is consistent with the "Salt Spring Island Official Community Plan No. 434, 2008, and request staff to proceed with public notification as per Section 464 of the Local Government Act. That the Salt Spring Island Local Trust Committee proceed no further with Salt Spring Island Local Trust Committee Bylaw No. 530, cited as "Salt Spring Islands Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022". That the Salt Spring Island Local Trust Committee request staff to schedule a special meeting prior to January 23, 2024 to present Bylaw No. 537 for first reading.	Chris Hutton Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

14-Dec-2023

Activity	Responsibility	Dates	Status
4 Watershed Protection Plan Coordination - Staff Report That the Salt Spring Island Local Trust Committee amend the Water Sustainability Project Charter v1 presented in Appendix 1 of the December 14, 2023 staff report as follows: - Replace the third purpose statement with "to develop consensus on longer term governance reforms to improve watershed protection and support reform."; and - Remove the remainder of the second paragraph that begins with the sentence "However, SS LTC has signaled" and replace with "SSI LTC has identified an opportunity to renew the governance and coordination of watershed protection activities by commissioning a Situation Analysis and Options Identification Report (Econics April 2022) and a multi-agency Watershed Protection Plan 2023-2032 (Econics March 2023). Until such time that another body steps into the coordinating role, the SSI LTC will retain the role. However, the priority action for a new staff lead agency working group will be watershed protection governance and coordination." That the Salt Spring Island Local Trust Committee endorse Watershed Protection Plan 2023-2032 Coordination Project Charter v1 attached as Appendix 1 to the staff report of December 14, 2023 as amended. That the Salt Spring Island Local Trust Committee forward the Watershed Protection Plan 2023-2032 Business Case attached as Appendix 2 to the	Jason Youmans		In Progress

Follow Up Action Report

Salt Spring Island

14-Dec-2023

Activity	Responsibility	Dates	Status
staff report of December 14, 2023 to Financial Planning Committee for inclusion in the 2024/25 Trust Council budget. That the Salt Spring Island Local Trust Committee designate Trustee Patrick to represent SSI LTC at meetings to coordinate implementation of Salt Spring Island Watershed Protection Plan 2023-2032.			
5 Water Sustainability - Proof of Water at Time of Subdivision - Staff Report That the Salt Spring Island Local Trust Committee endorse Proof of Water - Subdivision Project Charter version 2 attached as Appendix 1 to the staff report dated December 14, 2023 and proceed in accordance with the LTC's resolutions of the meeting of May 17, 2022. That the Salt Spring Island Local Trust Committee forward the Proof of Water - Subdivision Business Case attached as Appendix 3 to the staff report dated December 15, 2023 to Financial Planning Committee for consideration of inclusion in the fiscal 2024/25 Trust Council budget.	Jason Youmans		In Progress

Follow Up Action Report

Salt Spring Island

14-Dec-2023

Activity	Responsibility	Dates	Status
6 Groundwater and Surface Water Monitoring Pilot Project - Staff Report That the Salt Spring Island Local Trust Committee endorse Groundwater Sustainability Strategy Project Charter v10 attached as Appendix 1 to the staff report dated December 14, 2023. That the Salt Spring Island Local Trust Committee forward the Groundwater Sustainability Strategy Business Case attached as Appendix 3 to the staff report dated December 14, 2023 to Financial Planning Committee for consideration of inclusion in the 2024/25 Trust Council budget.	Jason Youmans		In Progress
7 Official Community Plan - Land Use Bylaw - Project Terms of Reference That the Salt Spring Island Local Trust Committee request staff to update the OCP/LUB Terms of Reference based on the discussion on December 14, 2023 and report back.	Chris Hutton Chris Buchan Jason Youmans		In Progress
8 North Pender Island Local Trust Committee Draft Bylaw No. 234 Referral - For Response That the Salt Spring Island Local Trust Committee respond to the North Pender Island Local Trust Committee to indicate interests are unaffected by draft Bylaw No. 234.	Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

14-Dec-2023

Activity	Responsibility	Dates	Status
9 Salt Spring Local Trust Committee 2024 Regular Business Meeting Schedule - Staff Memorandum That the Salt Spring Island Local Trust Committee approve the proposed 2024 Regular Meeting schedule as presented in Appendix 1 to establish a meeting schedule as required by Salt Spring Island Meeting Procedures Bylaw No. 529.	Rob Pingle		Completed

STAFF MEMORANDUM

DATE OF MEETING: February 15, 2024

TO: Salt Spring Island Local Trust Committee

FROM: Rob Pingle, Legislative Clerk
Salt Spring Island Team

SUBJECT: Salt Spring Island Local Trust Committee Special Meeting Schedule

PURPOSE

- This memorandum proposes the Salt Spring Island Local Trust Committee schedule Special Meetings for town hall sessions.
- Salt Spring Island Meeting Procedures Bylaw No. 529 stipulates that the Local Trust Committee shall set the date, time and place of Local Trust Committee meetings by resolution.
- The Salt Spring Island Local Trust Committee has requested staff to coordinate a special meeting with the Agricultural Advisory Planning Commission and the Salt Spring Island Agriculture Alliance
- The Salt Spring Island Local Trust Committee requested staff to hold four evening in-person town halls with the general community in 2023. Staff require guidance if this is to continue for the 2024 year.

RECOMMENDATION:

THAT the Salt Spring Island Local Trust Committee request staff to schedule an electronic Special Meeting at 5pm on Tuesday February 27, 2024.

THAT the Salt Spring Island Local Trust Committee request staff to schedule four in-person town hall meetings on Wednesday evenings before regular Local Trust Committee meetings and bring the date, time and place of the meetings back to the Local Trust Committee for approval.

ALTERNATIVES:

No resolution is required if no meetings are being considered.

Recommended motions can be altered to suit the desires of the trustees.

Submitted By:	Rob Pingle, Legislative Clerk	January 31, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	January 31, 2024



File No.: SS-DVP-2023.5
X-Ref File No.: SS-DP-2022.7
SS-SUB-2022.1

DATE OF MEETING: January 30, 2024
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: Applicant: Brent Taylor, Polaris Land Surveying
Location: 250 Collins Road (PID: 001-384-309)

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2023.5.

REPORT SUMMARY

This report brings forward a variance request to vary section 9.11.2 (1) of the Salt Spring Island Land Use Bylaw (LUB) No.355, which restricts the maximum area of a dock in the S6 zone to 35 square metres. Specifically, the LUB states that:

	S1	S2	S3	S4	S5	S6	S7	S8
Lot coverage and maximum areas								
Maximum area of a float used for non-commercial boat moorage (square metres)	N/A	N/A	N/A	N/A	N/A	35	35	N/A
Maximum area of individual floats and the maximum combined area of floats that form part of a dock used for individual private moorage or wharfage accessory to a permitted use on the adjacent upland (square metres)	N/A	N/A	N/A	N/A	N/A	35	N/A	N/A

The applicant is seeking a variance to allow for the existing dock to be 73 square metres.

BACKGROUND

This application was actually initiated in 2015 as application SS-DP-2015.1. The application sought to permit the construction of a dock, float and ramp adjacent to the waterfront. The development permit application was approved and the dock was built, however, the permit lapsed because the applicant did not complete the associated subdivision application (SS-SUB-2014.4) which was a condition to build the dock. The development permit application and subdivision file were officially closed. New subdivision (SS-SUB-2022.1) and development permit (SS-DP-2023.7) files were opened to satisfy the policy requirements and complete the proposed subdivision.

During staff's review of the development permit (DP), it was concluded that a development variance permit (DVP) was required to allow for the oversized dock. The applicant was notified and a DVP application file was opened.

RATIONALE FOR VARIANCE

The applicant submitted a letter of rationale (Attachment 3) alongside the application which provided the reason for the variance request. The applicant has indicated that Covenant CA3559915 was registered against the upland property and restricts the number of docks to one. That restriction will continue after the filing of a bare land strata plan such that the 3 strata lots will be restricted to the single dock.

Additionally, the applicant has cited section E.3.4.20 of the Salt Spring Island Official Community Plan Bylaw No. 434, 2008 (OCP) which states *Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not accommodate boats with a draft greater than 2.2 m or have floats more than 35 m² total surface area unless more than two parcels have legal access to the dock.* Given that the existing dock will provide access to 3 strata lots, the proposed increase in dock area would be consistent with OCP policies.

ANALYSIS

Given that the dock is already existing, we can determine if there any negative impacts associated with the increased floor area. Material provided with the associated DP application (SS-DP-2022.7) included a 2014 report and survey analysis from SeaChange Marine Consulting (Attachment 6).

In the 2014 report, the Qualified Environmental Professional (QEP) concluded that there was clearly no problem with the proposed location for the float installation in terms of damage to eelgrass, as none was observed in the proposed area of impact. It was also noted that there was one horse clam, but "it would be a stretch to call the area a clam bed". The QEP indicated that "clams might be located under where the anchor blocks would be dropped, but the number sacrificed would likely be small since the rocky shore habitat is less hospitable to clams". The QEP also indicated that "of the two transect swims, the shallowest depth 16 meters from shore adjusted for tidal level was 2.6 meters. The deeper depth 16 meters from shore was 4.9 meters. It was concluded that there should be adequate water to keep the float off the bottom even with a negative tide".

Furthermore, the QEP indicates that "While the rocky bottom is inhospitable to clams and potentially more hospitable to rock scallops, it is quite hospitable to brown algae" which are commonly found on floating docks. It was recommended by the QEP that, because the dock will shift, use of deck material that allows passage of light would be beneficial if Islands Trusts' use of the term kelp is meant in the broader sense. New kelp habitat would be provided by the float itself. Decking that allows light to pass would reduce die off of bottom dwelling kelps. Between the two kelp growth would remain close to the 86 m² of unshaded bottom existing before development occurred. This will be further investigated and addressed during the Development Permit review for the dock.

Because the original report is approximately 10 years old, staff requested that the applicant provide up to date materials in support of the application. SeaChange Marine Conservation provided a memo (Attachment 7) to communicate the findings of the re-survey of the area of the existing dock structure at 250 Collins Rd. SeaChange completed the re-survey of the area, following the same methodology outlined in the original report, on July 23, 2023. The field report (Attachment 8) confirmed the findings from the original 2014 report and it was concluded that the findings from the 2014 report are still valid and the dock location is still appropriate and would not have any negative implications. In the memo, the QEP indicates that "After reviewing the field report and comparing to the 2014 survey, it is my opinion (and the opinion of the diver) that the finding from the original 2014 report are still valid".

Based on the original 2014 report and the subsequent memo from the QEP, staff accept that the report satisfies reporting requirements and that increasing the maximum floor area of the dock will not create negative impacts. Moreover, the fact that the variance is supported by OCP policy strengthens the case that the variance should be approved

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 February 1, 2024.

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 fall in an area of archaeological potential. No First Nations referral is required.

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 to approve this DVP is based on the following factors:

- The requested variance is not anticipated to pose a negative impact to the surrounding area.
- Materials from the QEP indicate the dock is appropriate and shows no negative impacts; and
- OCP policy supports larger docks when two or more parcels share legal access to the dock.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust

2. Deny the application

The LTC may deny the application. If the application is refused the owner may apply to the Board of Variance. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee deny application SS-DVP-2023.5.

Submitted By:	Anthony Fotino, Island Planner	January 30, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	-January 30, 2024

ATTACHMENTS

1. Site Context
2. Site Plan
3. Applicant Letter
4. Notice
5. Draft Development Variance Permit
6. Subtidal Survey at 250 Collins Road, Salt Spring Island” from SeaChange Marine Conservation, Dated 2014.
7. Memo from SeaChange Marine Conservation, Dated August 14, 2023.
8. 2023 Field Report from SeaChange Environmental Consulting

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1 SECTION 2 RANGE 2 WEST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN 29481
PID	001-384-309
Civic Address	250 Collins Road

LAND USE

Current Land Use	Residential, Forested
Surrounding Land Use	Residential, Forested, Ocean coverage

HISTORICAL ACTIVITY

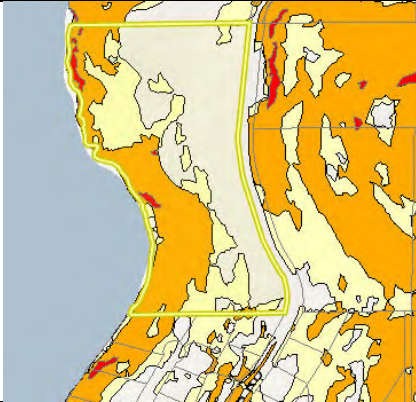
File No.	Purpose
SS-DP-2013.1	For a patio and stairs
SS-DP-2015.1	DP for Dock
SS-DVP-2013.5	DVP for setback
SS-RZ-2013.2	Rezoning foreshore to permit private moorage
SS-SUB-2014.2	3 lot strata subdivision
SS-SUB-2022.1	3 lot strata subdivision
SS-DP-2022.7	DP for dock
SS-DVP-2023.5	Variance for larger dock

POLICY/REGULATORY

Official Community Plan Designations	Rural Neighbourhoods (RL) and Shoreline Recreational (SR)
Land Use Bylaw	Rural (R) and Shoreline 7 (S7)
Covenants	CA3559915 (not applicable to application)
Bylaw Enforcement	SS-BE-2022.17 – Currently being resolved

SITE INFLUENCES

Islands Trust Conservancy	N/A
Regional Conservation Strategy	Rated medium/high relative value in the “Regional Conservation Plan: 2018-2027”
Species at Risk	N/A
Sensitive Ecosystems	N/A

Hazard Areas	 ■ High Risk ■ Moderate Risk ■ Low Risk
Archaeological Sites	Mapping indicates areas of archaeological potential within 100m of the subject properties. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Application does not propose changes to the current use of the land and no additional climate change induced hazards are anticipated.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble

SITE PLAN OF DOCK FRONTING PROPOSED BARE LAND STRATA OVER LOT 1, SECTION 2, RANGE 2 WEST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 29481.

BCGS MAP SHEET 92B.083



The intended plot size of this plan is 432mm in width by 279mm in height (B-size) when plotted at a scale of 1:200.

All distances are in metres and decimals thereof, unless otherwise noted.

Civic address: 250 Collins Road, Salt Spring Island, British Columbia.

STUART CHANNEL

LEGEND

- denotes Top of Bank
- - - denotes Hand Railing
- denotes 0.28 Diameter Steel Piles

This document shows the relative location of the surveyed features with respect to the boundaries of the parcel described hereon. This document shall not be used to define the property lines or property corners.

©Polaris Land Surveying Inc. 2022. Polaris accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.



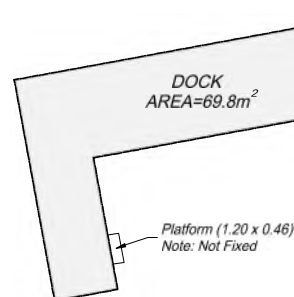
Land Surveying Inc.

Mailing & delivery address:
204-149 Fulford-Ganges Road,
Salt Spring Island, BC, V8K 2K7

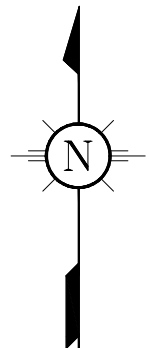
Toll Free: (877) 603 7398
Telephone: (250) 537 5502
SSI@plsi.ca
www.plsi.ca

SPECIFIC PERMISSION
DOCUMENT NO. 1414268

Note: Rub Boards Present at Exterior
of all Float Boundaries (Width: 0.04m)
Area of float inclusive of Rub Boards=71.8m²



SPECIFIC PERMISSION
DOCUMENT NO. 1414268



Date:2022-08-08
File: 0394-05
Drawing: 0394-05-DOCK.2022.07.04.dwg
Layout: B-Landscape
Reviewed by Brent Taylor, BCLS, CLS



Polaris Land Surveying Inc.
204-149 Fulford-Ganges Road
Salt Spring Island, BC, V8K 2T9
Salt Spring: 250-537-5502
Toll free: 877-603-7398
ssi@plsi.ca

ATTACHMENT 3

Polaris Reference: 0394-05

April 4, 2023

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

Attention: Anthony Fotino, M.PI

Re: 250 Collins Road - Benedek

We currently have an application with the Islands Trust for a Development Permit and a Bare Land Strata related to this property. It has been brought to my attention that in addition to the Development Permit a Development Variance Permit is also required.

Section 9.11.2 (1) of Bylaw 355 sets out that in the S6 zone the maximum area of individual floats and the maximum combined area of floats that form part of a dock used for individual private moorage of wharfage accessory to a permitted use on the adjacent upland is 35 square metres.

Section E.3.4.20 of Bylaw 354 reads:

Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not accommodate boats with a draft greater than 2.2 m or have floats more than 35 m² total surface area unless more than two parcels have legal access to the dock.

Covenant CA3559915 was registered against the upland property and restricts the number of docks to one. That restriction will continue after the filing of a bare land strata plan such that the 3 strata lots will be restricted to the single dock. The design of the strata plan provides a common property access to the dock ensuring that the one dock will be able to be used by all three strata lots.



By way of this application, we request a variance to allow a float not to exceed 73 square metres. The reason for a variance to 73 square metres rather than 70, which was previously support by the Local Trust Committee, is that the float that has been designed is under 70 square metres however we have been advised that Islands Trust Bylaw Enforcement may feel that the 'rub boards' should be included in the area of the float and those rub boards increase the area to slightly over 70 square metres. We wish to ensure the variance is adequate to satisfy Bylaw Enforcement.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,
Polaris Land Surveying Inc.

Brent Taylor, BCLS, CLS



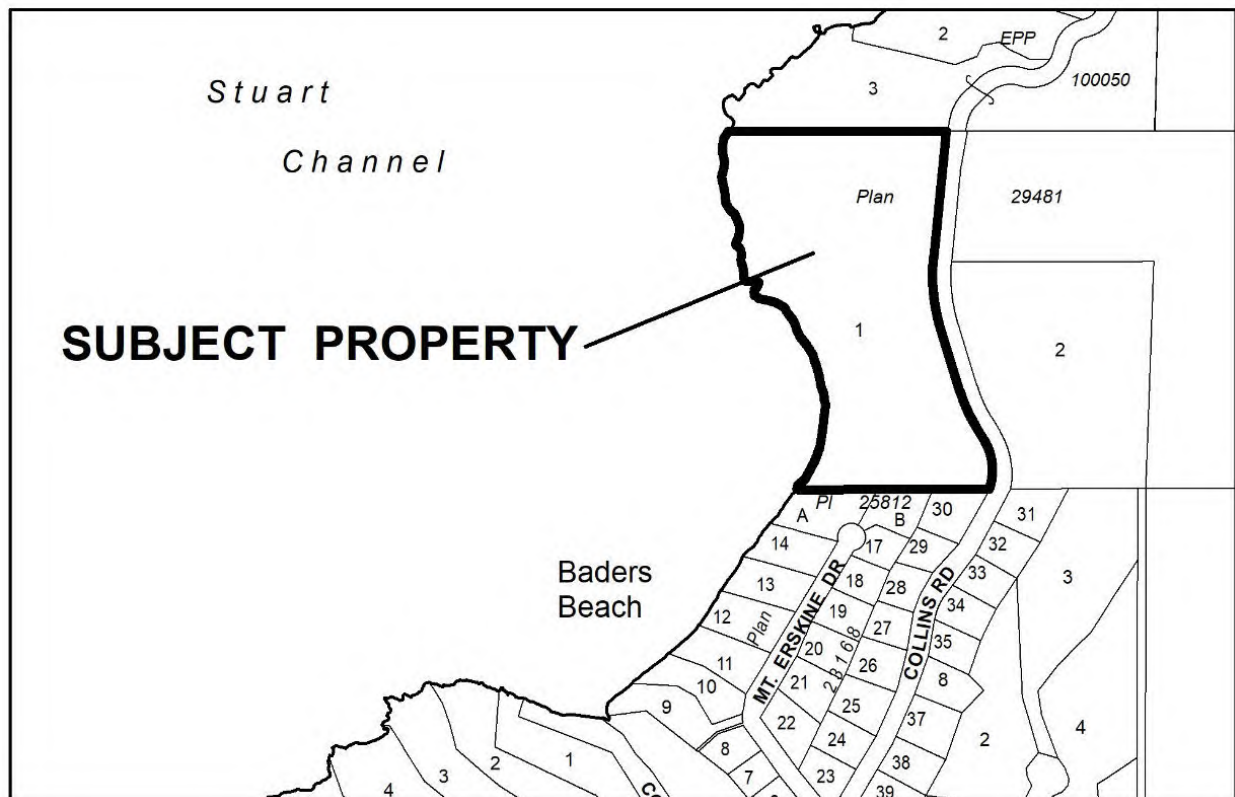
NOTICE
SS-DVP-2023.5
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

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:

- Section 9.11.2 (1) – to increase the maximum area of individual floats and the maximum combined area of floats that form part of a dock used for individual private moorage or wharfage accessory to a permitted use on the adjacent upland from

The property is located at **250 Collins Road, Salt Spring Island** and is legally described LOT 1 SECTION 2 RANGE 2 WEST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN 29481 (PID: 001-384-309).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 1 – 500 Lower Ganges Rd, Salt Spring Island, B.C. V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 5, 2024** and continuing up to and including **February 14, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Salt Spring Island.

Enquiries or comments should be directed to Anthony Fotino, Island Planner at (250) 538-5609, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **February 14, 2024**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **February 15, 2024** starting at 9:30 am at the Salt Spring Legion, Meaden Hall, 120 Blain 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.

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.

Rob Pingle, Deputy Secretary



**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2023.5**

To: Andrew Benedek & Diana Benedek

1. This Development Variance Permit applies to the land described below:

LOT 1 SECTION 2 RANGE 2 WEST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN 29481 (PID: 001-384-309)

2. Salt Spring Island Land Use Bylaw No. 355, 1999 is varied as follows:

- a) Subsection 9.11.2(1) which states that "Maximum area of 35 square metres of individual floats and the maximum combined area of floats that form part of a dock used for individual private moorage or wharfage accessory to a permitted use on the adjacent upland." is varied to make lawful an existing dock of 73 square metres as depicted in Plan No. 1.

The development shall be consistent with Plan No. 1 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.

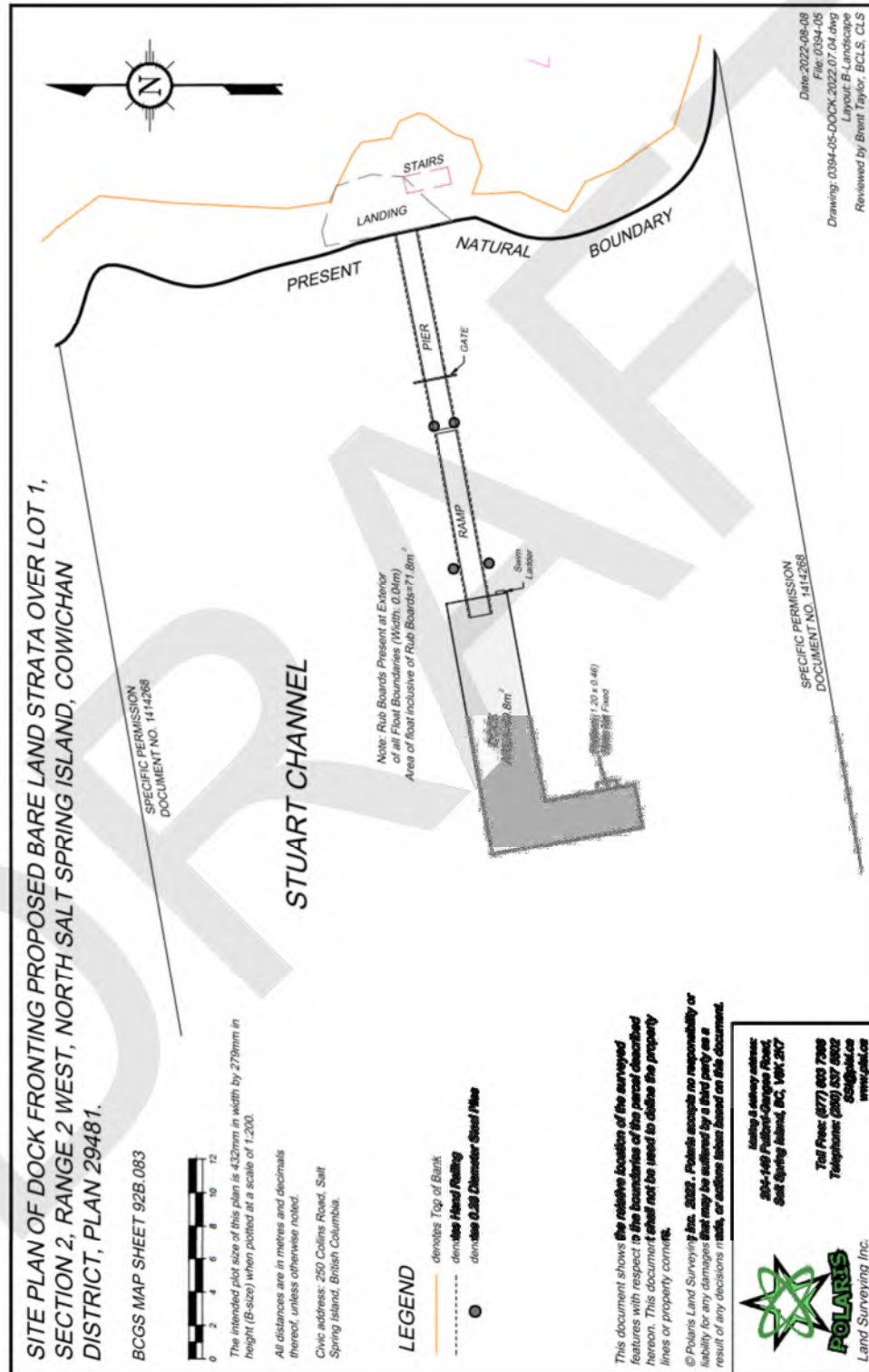
AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

PLAN NO. 1: Site Plan



Subtidal Survey at 250 Collins Road, Salt Spring Island

Report for Polaris
Land Surveying, Inc.

SeaChange Marine Conservation
Society, Tel: 250-652-1662

Introduction

SeaChange Marine Conservation Society (SeaChange) was contacted by Polaris Land Surveying regarding a proposal to construct a dock at 250 Collins Road. Subtidal survey of the area the dock would impact was needed. Polaris Land Surveying forwarded guidance from Islands Trust with regard to 2 particular concerns.

- SeaChange would consider the guidelines of DP Area 3 to develop a methodology for subtidal environmental inventory.
- SeaChange would be conform to the methodology contained in to “Methods for Mapping and Monitoring Eelgrass Habitat in British Columbia” authored by Precision Identification Biological Consultants with regard to surveying for eelgrass, *Zostera Marina*.

Since SeaChange has been monitoring, mapping and restoring *Zostera marina* since 2000 and has worked with Precision Identification Biological consultants over the decade that included the writing of “Methods for Mapping and Monitoring Eelgrass Habitat in British Columbia,” we were confident we could conform to the methodology expected for eelgrass. Since the Regional Planning Manager provided a link to the DP Area 3 guidelines, SeaChange was able to consider that in development of methodology as well.

Background

The overall objectives for DP Area 3 set a context of protection of water quality as well as fish and wildlife habitat, prevention of erosion and hazardous conditions, protection of development as well as the natural beauty of the shoreline. Review of DP Area 3 Guidelines related to docks that would inform the methodology of Subtidal survey work included sections E.3.4.13 and E.3.4.18.

Polaris Surveying provided a sketch plan of the intended location of the dock. The sketch plan is included at the end of this report. The sketch plan did not indicate use of pilings, footings or bulkheads. Coordinates for the blocks that would anchor the float were provided and indicate the area of subtidal impact.

E.3.4.13 Docks should not be located over shellfish beds or lead to the removal of any kelp or eelgrass beds. Our methodology needed to include eelgrass, kelp and shell fish in the dock area.

E.3.4.18 All docks should be constructed so that they do not rest on the bottom of the foreshore at low water levels. Our field time needed to include an awareness of tidal level in the area of impact.

Survey Methodology

The dive team arrived on site by boat on March 3, 2014. Marker floats were dropped at the coordinates indicated on the sketch plan where float anchor blocks would be dropped. A handheld GPS were used to get a fix on the coordinates. Position format was UTM UPS with NAD83 Datum. This provided a visual indication of the area at the surface where the dock would be floating within its crossed anchor cables. This area of impact includes the float, anchor cables or chains with the anchor blocks marking the corners of the rectangular area.



Figure 1 View of propose dock site with floats at coordinates of proposed anchor blocks.

A drop camera was lowered in the water with visual image of the view on a monitor aboard the boat. Four passes were made through the area of potential impact towing the camera. Observations of habitat and species viewed on the monitor were noted.

The first 3 camera tow passes followed the length of the impact area to view the middle and edges. These three were parallel to shore. Each pass followed a depth contour. The fourth pass provided a deep to shallow view in the middle of the area of proposed impact.

When the initial camera tows within the area bordered by the planned float anchor coordinates were complete, we investigated where the border with eelgrass habitat was relative to the impact area.

Finally, two transect lines were laid through the area of potential impact from deeper water nearly to shore. The lines were swum by divers. One diver filmed and a second diver took notes with regard to depth, time, species and substrate.

Results

Drop camera tows are described in order. Species are referred to by their common names as written during the tow with the taxonomic names in parenthesis. When the species alone is listed, it is when exact identification is not possible under the circumstances. “Kelp” refers to *Laminaria sp.* rather than the *Macrocystis* or *Nereocystis* species. The depth adjusted for tide height follows the depth sounder reading. Tide heights are based on predictions listed in Canadian Hydrographic Service tables for Crofton on March 3.

Pass 1 from north to south at a depth of 7.3 meters (5.9 m adjusted) at 1210 hours. The camera revealed a rocky bottom. Species observed included kelp (*Laminaria sp.*), tunicates (Class *Ascidacea*), clam siphons, 2 tanner crab (*Chionoecetes bairdi*). Shellfish hash including burrowing cucumbers (*Leptosynapta sp.*) was evident at the south end.

Pass 2 from north to south at a depth of 7.6 meters (6.2 m adjusted) at 1214 hours. Bottom was rock with shell hash. Species observed included sunstar (*Solaster Stimpsoni*), 3 tanner crab (*Chionoecetes bairdi*), rocky reef tunicates (Class *Ascidacea*), kelp (*Laminaria sp.*), ochre stars (*Pisaster ochraceus*), clam siphon, sea cucumber (*Parastichopus californicus* or *Cucumaria miniata* not noted).

Pass 3 from south to north at a depth of 5.5 meters (4.1 m adjusted) at 1221 hours. This pass was done to look at shallower depth habitat in the area. We observed rocky reef habitat with kelp (*Laminaria sp.*), a 5 rayed sea star, and *Sargassum muticum*.

Pass 4 from deep to shallow in the mid section of the intended dock site. Previous species seen were not recorded. Shell hash with tube worms and a Dungeness crab (*Cancer magister*) were the only variants.

Search for border of *Zostera marina* habitat. We then kept the camera in the water and headed toward the sandier end of the bay to establish where eelgrass was relative to the proposed development. We found *Zostera* mixed with *Laminaria* at a depth of 2.1 m (.7m adjusted) about 15 meters from the southwest anchor block coordinates. At 4.3 meters depth (2.9m adjusted) the *Zostera marina* bed was approximately 30 meters from the proposed impact area and no *Laminaria* was present.

During the transect swims, one diver swam the perimeters at eelgrass depth for a better overview than the drop camera could provide. No eelgrass was visible on the south end and the north end was too deep.

We were confident that the area of proposed impact did not contain eelgrass.

Closer view with transects. Two transect lines were placed by boat to take advantage of view from the surface for placement. They were then adjusted by divers before filming or noting for species and conditions.

The more northerly transect was laid out to be close to the north end of the proposed float with ramp and span. The more southern transect was through the float area to end close to the span.

Coordinates were taken when each end was placed at the surface. The shore end placement of the more southerly transect was in shallow rocky water where it was expedient to toss the transect anchor a short distance. Those coordinates are determined from use of CRD Atlas based on the proximity of the more northern shallow transect point and the boat location near the cut in the shoreline. Given that gps accuracy was ± 14 meters at that point in the day, the coordinates are likely more accurate than a gps mark would have been.



Northerly transect.

Shallow end: 0458747; 541156

Deep end: 0458712; 5411564

A diver swam along the tape measure from deep to shallow. The tape at the deeper end was 30 meters from the shallow end. Sightings are recorded in the order seen. Species at the end of the list will be shallower and farther from the starting mark on the tape measure.

Meter tape mark	Depth M (Adj depth)	Species in order of sighting.	Substrate
30 m	10.1 m (8.5 m)	Kelp (<i>Agarum fimbriatum</i>) Kelp (<i>Laminaria sp</i>) Ochre Star (<i>Pisaster ochraceus</i>) Sun star, (<i>Solaster Stimpsoni</i>) Burrowing Cucumber (<i>Leptosynapta sp</i>) Red Cucumber (<i>Cucumaria miniata</i>) Brittle Star presumed to be <i>Ophiopholus aculeate</i> Tanner Crab (<i>Chionoecetes bairdi</i>) Tube worms Jingle shell (<i>Pododesmus macrochisma</i>)	Shell/sand 40% Rock 60%
16 m	4.3 m (2.6 m)	Tanner crab (<i>Chionoecetes bairdi</i>) Sea cucumber (<i>Parastichopus californicus</i>) Burrowing cucumber (<i>Leptosynapta sp</i>) Kelp (<i>Laminaria sp</i>) Ochre star (<i>Pisaster ochraceus</i>) Decorator crab (<i>Oregonia gracilis</i>) Jingle shell (<i>Pododesmus macrochisma</i>) Rock scallop (<i>Crassadoma gigantea</i>) Shrimp Nudibranch <i>Sargassum muticum</i> Red algae Chitons Bat star (<i>Asterina miniata</i>) Sea lettuce (<i>Ulva Fenestrata</i>) Barnacles	80% bedrock 15% boulder 5% cobble
0	(Above 0 tide line)		

The coordinates for the more southern transect were as follows.

Shallow end: 0458752; 5411558

Deep end: 0458716; 5411535 (Accuracy at the time of the mark was +/- 14 meters.)

The diver swam from near shore out to the deeper end noting species while he swam. Species are listed in the order they were seen with distance from shore and depth increasing. The transect tape ended at 28 meters where the depth was 10.4 m (8.6 m adjusted).

Meter tape mark	Depth M (Adj depth)	Species in order of sighting.	Substrate
0 m	1.5 m (-.3 m or .3 m above the 0 tide line)	<i>Sargassum muticum</i> Bat star (<i>Asterina miniata</i>) Burrowing cucumber (<i>Leptosynapta sp</i>) Red algae Green leafy algae Red rock crab (<i>Cancer productus</i>) Tube worms Kelp crab (<i>Pugettia gracilis</i>) or Decorator crab (<i>Oregonia gracilis</i>) Kelp (<i>Laminaria sp</i>) Jingle shell (<i>Pododesmus macrochisma</i>) Scallop (<i>Chlamys sp</i> or young <i>Crassodoma</i> ?) Octopus den Sculpin Red/purple sea cucumber (likely <i>Parastichopus californicus</i>)	10% boulder 90% cobble
16 m	6.7 m (4.9 m)	Sun star, (<i>Solaster Stimpsoni</i>) Kelp (<i>Laminaria sp</i>) Purple sea cucumber (likely <i>Parastichopus californicus</i>) Horse clam (<i>Tresus nuttallii</i>) Red rock crab (<i>Cancer productus</i>) Juvenile dungeness crab (<i>Cancer magister</i>)	

At this point in the report, the reader would normally be referred to video images of each transect. Video was taken and downloaded. Unfortunately, the download only transferred the photographs taken at the surface. The under water video images did not transfer from the camera at the time of download. The camera was cleared of images for other work before the incomplete download was discovered. One item that was observed by the diver shooting video and the dive tender was a river otter (*Lutra Canadensis*) that entered from shore just as the diver shooting video arrived.

Analysis

E.3.4.13 states that docks should not be located over shellfish beds or lead to the removal of any kelp or eelgrass beds.

There is clearly not a problem in the proposed location for float installation with damage to eelgrass. None was observed within the proposed area of impact.

While there were some clam siphons viewed and one horse clam noted on 1 transect swim, it would be a stretch to call the area a clam bed. Clams might be located under where the anchor blocks would be dropped, but the number sacrificed would likely be small since the rocky shore habitat is less hospitable to clams.

There were two scallops noted in the transect swim and one observed in the drop camera passes. Again, it would be a stretch to term the population level a bed. Young rock scallops swim until they are about 2.5 cm in diameter. Swimming scallops also swim. Much like clams there could be a few scallops attached to the bottom at the location where the anchor blocks settle.

While the rocky bottom is inhospitable to clams and potentially more hospitable to rock scallops, it is quite hospitable to brown algae collectively termed *laminarians* from the genus *Laminaria* along with some close relatives such as *Costaria costata* and *Agarum fimbriatum*. Both *Laminaria saccharina* and *Costaria costata* are commonly found on floating docks. These and other brown algae are also called kelp. There was no sign of some of the other kelps such as *Macrocystus* or Bull kelp (*Nereocystis*) which spread their leaves at the surface in the summer.

Laminaria kelps are located throughout the proposed area of impact at all depths. Brown algae do depend on sunlight and could be expected to suffer when shaded by either a float or any vessel secured to the float. The float itself will shift somewhat with tidal elevation and is 4.3 m in width along a north south axis which minimizes shading in the summer. Use of deck material that allows passage of light would be beneficial if Islands Trusts' use of the term kelp is meant in the broader sense.

New kelp habitat would be provided by the float itself. Decking that allows light to pass would reduce die off of bottom dwelling kelps. Between the two kelp growth would remain close to the 86 m² of unshaded bottom existing before development occurred.

With regard to section E.3.4.18 *All docks should be constructed so that they do not rest on the bottom of the foreshore at low water levels*, the closest distance to shore from the float based

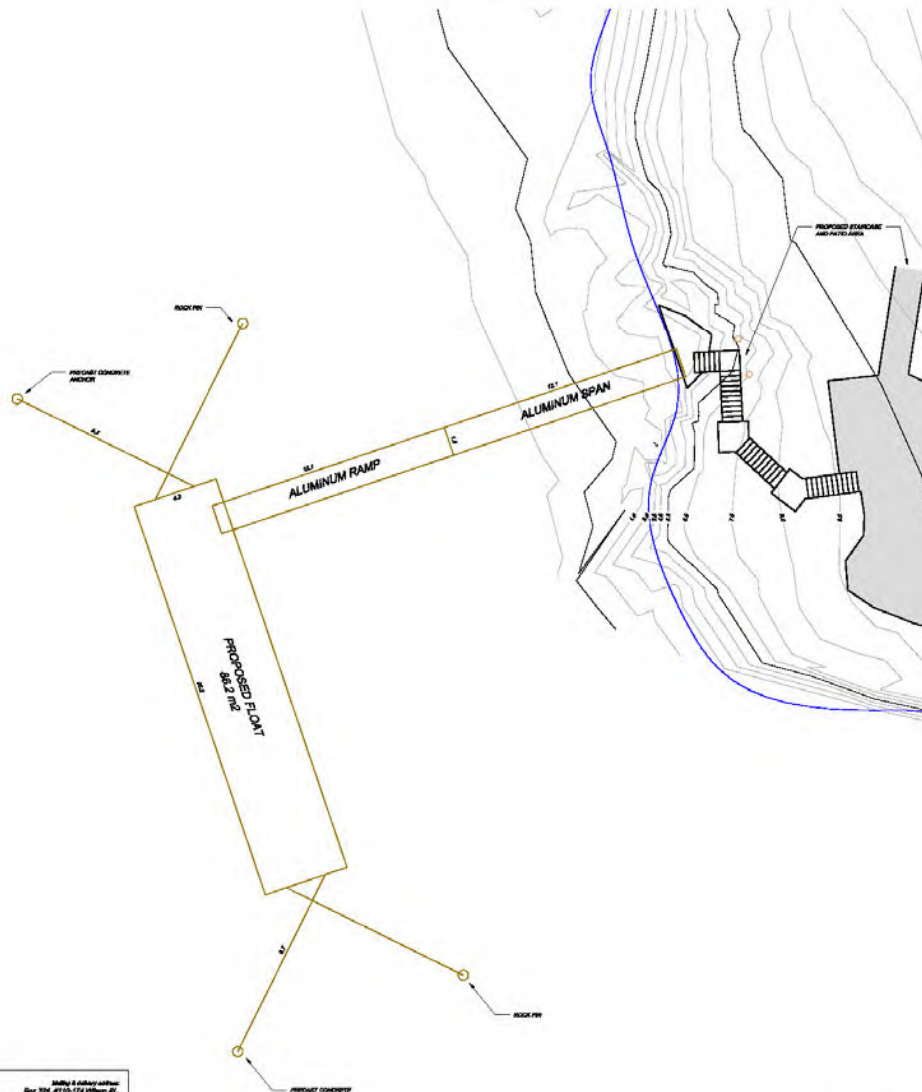
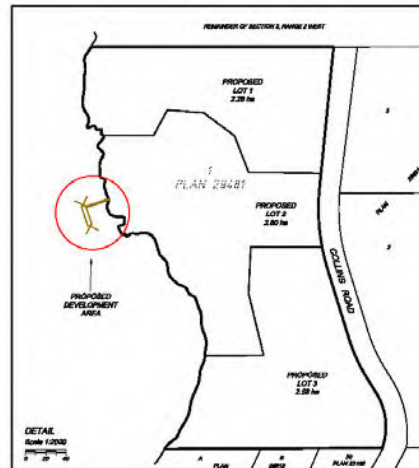
on the sketch map is about 15.5 meters. Of the two transect swims, the shallowest depth 16 meters from shore adjusted for tidal level was 2.6 meters. The deeper depth 16 meters from shore was 4.9 meters. There should be adequate water to keep the float off the bottom even with a negative tide.

SKETCH PLAN OF PROPOSED DOCK TO BE INSTALLED AT 250 COLLINS ROAD.

All distances are in metres and decimals thereof, unless otherwise noted.
The intended use of this plan is for the purpose of 304 in height (10.5m) when plotted at a scale of 1:100.

LEGEND
— denotes present natural boundary
— denotes proposed shoreline
— denotes major contour
— denotes minor contour
— denotes survey data
— denotes survey data

Contours are in metres and are derived from measurements to Canadian Active Control Point (CACP).
Contour interval is 1.0 metres.



PELARS
Land Surveying Inc.
Survey & survey services
Box 204, #10-174 Wilson St.
Victoria, BC V8N 1T7
Tel/Fax: (250) 621-1288
Duncan Telephone: (250) 748-0775
Tel/Fax: (250) 644-1560
info@pelars.ca
www.pelars.ca

Date: 2013/07/26
File: 1004-001
Drawing: 1004-01 Site Plan, M001
Layout: Draft



PO Box 75
Brentwood Bay, BC
V8M 1R3
250-652-1662
connect@seachangesociety.com
www.seachangesociety.com

Date: 14 August 2023

To: Brent Taylor
Polaris Land Surveying Inc

From: Sarah Cook
SeaChange Marine Conservation Society
PO Box 75, Brentwood Bay, V8M 1R3

RE: Update to underwater survey completed in 2014 to support proposal to construct a dock at 250 Collins Rd, Salt Spring Island

This memo is to convey the findings of the re-survey of the area proposed for the construction of a dock structure at 250 Collins Rd, Salt Spring Island. SeaChange completed the original survey on March 3, 2014 (original report attached) and determined that the proposed location for the dock, and specifically the installation of the floats, conformed to the relevant provision of the Islands Trust Official Community Plan for Development Permit Area 3, which is where the proposed dock would be located. The specific provision that SeaChange was asked to assess was:

E.3.4.13 Docks should not be located over shellfish beds or lead to the removal of any kelp or eel grass beds.

SeaChange reviewed the current version of the bylaw document (<https://islandstrust.bc.ca/wp-content/uploads/2021/02/ss-ltc-bl434-ocp-con-vol-2-oct2020.pdf>) and confirmed that this bylaw has not been amended since the original survey, so the regulatory framework for this assessment remains the same. SeaChange was contacted by Polaris in May 2023 with a request for a professional opinion as to whether the findings of the 2014 report were still valid. SeaChange staff determined that opinion could not be rendered without re-surveying the area as significant changes could have occurred during that time interval due to the ever-changing conditions of the ocean and the foreshore.

SeaChange completed the re-survey of the area, following the same methodology outlined in the original report, on July 23, 2023. The field report from that survey is attached to this memo. After reviewing that field report and comparing to the 2014 survey, it is my opinion (and the opinion of the diver) that the findings from the original 2014 report are still valid and that the proposed dock location still conforms to provision E.3.4.13 of the Official Community Plan.

Regards,

A handwritten signature in cursive script that reads "Sarah Cook".

Sarah Cook, R.P.Bio
Executive Director
SeaChange Marine Conservation Society

Attachments:

Subtidal Survey at 250 Collins Road, Salt Spring Island, March 3, 2014, a report prepared for Polaris Land Surveying by SeaChange Marine Conservation Society

Subtidal Survey at 250 Collins Road, Salt Spring Island, July 23, 2023, a field report prepared by SeaChange Marine Conservation Society

Subtidal Survey at 250 Collins Road, Salt Spring Island

Follow up Survey
Completed July 23, 2023

SeaChange Marine Conservation
Society, Tel: 250-652-1662



250 Collins
Road,
Salt Spring
Island
July 23, 2023

as seen at 1:00pm



— North and South transects, anchor block to shore
 - - - 4.6 meter contour swim with video
 - - - 6.1 meter contour swim with video

- - - 7.6 meter depth contour swim with video
 - - - swim with video, deep to shallows under center of dock

Substrate changes from 40% shell hash/sand with 60% rock to 100% bedrock, cobble and boulder when the water depth changes from over 10 Meters depth to under 7 Meters depth.

Transect from anchor block on South side of dock

This transect went from 11.58 meters depth to 1 meter depth

Species seen in video and reported by diver

Sargassum (*Sargassum muticum*)

Kelp (*Laminaria sp*)

Sea lettuce (*Ulva spp.*)

Red Algae

Red Rock Crab (*Cancer productus*)

Northern Kelp Crab (*Pugettia producta*)

Lingcod (*Ophiodon elongatus*)

Sailfin Sculpin (*Nautichthys osulofasciatus*)

Shiner Perch (*Cymatogaster aggregata*)

Blackeye Goby (*Rhinogobiops nicholsii*)

White Spotted Greenling (*Hexagrammos stelleri*)

Speckled Sanddab (*Citharichthys stigmaeus*)

Leather Star (*Dermasterias imbricata*)

Ochre Star (*Pisasterochraceus*)

White Sea Cucumber (*Eupentacta quinquesemita*)

Slime Tubeworm (*Myxicola sp.*)

Jingle shell (*Pododesmus macrochisma*)

Shiny Orange Sea Squirt (*Cnemidocarpa finmarkiensis*)



Transect from anchor block on North side of dock

This transect went from 13.71 meters depth to 1 meter depth

Species seen in video and reported by diver

Sargassum (*Sargassum muticum*)

Kelp (*Laminaria sp*)

Sea lettuce (*Ulva spp.*)

Red Algae

Red Rock Crab (*Cancer productus*)

Northern Kelp Crab (*Pugettia producta*)

Shrimp (*Pandalus spp.*)

Buffalo Sculpin (*Enophrys bison*)

Sailfin Sculpin (*Nautichthys osulofasciatus*)

Pacific Staghorn Sculpin (*Leptocottus armatus*)

Shiner Perch (*Cymatogaster aggregata*)

Blackeye Goby (*Rhinogobiops nicholsii*)

White Spotted Greenling (*Hexagrammos stelleri*)

Speckled Sanddab (*Citharichthys stigmaeus*)

Leather Star (*Dermasterias imbricata*)

Ochre Star (*Pisasterochraceus*)

Mottled Star (*Evasterias troschelii*)

White Sea Cucumber (*Eupentacta quinquesemita*)

Jingle shell (*Pododesmus macrochisma*)

Acorn Barnacle (*Balanus glandula*)

Giant Plumose Anenome *Metridium farcimen*



Species noted in 4.6 meter, 6.1 meter, 7.6 meter or deep to shallow videos that were not noted in the transects.

Rock Scallop (*Crassadoma gigantea*)

Red Urchin (*Mesocentrotus franciscanus*)

Spiny Pink Star (*Pisaster brevispinus*)

Scalyhead Sculpin (*Artedius harringtoni*)

Longhorn Decorator Crab (*Chorilia longipes*)

Hermit Crab

River Otter

The river otter was seen by the diver in between the contour dives and not captured on the video.

4.6 meter contour video



6.1 meter contour video



7.6 meter contour video



Deep to shallow, video
under center of dock



Analysis

Findings from the original survey in 2014 are still valid and are consistent with the observations of July 2023.

Analysis

E.3.4.13 states that docks should not be located over shellfish beds or lead to the removal of any kelp or eelgrass beds.

There is clearly not a problem in the proposed location for float installation with damage to eelgrass. None was observed within the proposed area of impact.

While there were some clam siphons viewed and one horse clam noted on 1 transect swim, it would be a stretch to call the area a clam bed. Clams might be located under where the anchor blocks would be dropped, but the number sacrificed would likely be small since the rocky shore habitat is less hospitable to clams.

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New kelp habitat would be provided by the float itself. Decking that allows light to pass would reduce die off of bottom dwelling kelps. Between the two kelp growth would remain close to the 86 m² of unshaded bottom existing before development occurred.

With regard to section E.3.4.18 All docks should be constructed so that they do not rest on the bottom of the foreshore at low water levels, the closest distance to shore from the float based 8 on the sketch map is about 15.5 meters. Of the two transect swims, the shallowest depth 16 meters from shore adjusted for tidal level was 2.6 meters. The deeper depth 16 meters from shore was 4.9 meters. There should be adequate water to keep the float off the bottom even with a negative tide.

It should be noted that there was an absence of garbage and manmade materials on this dive, other than anchor chain and blocks. Sadly this is not the norm around docks in use, or at least not the norm in what observed by those that conducted the survey. This reflects well on the owners.

DATE OF MEETING: February 15, 2024
TO: Salt Spring Island Local Trust Committee
FROM: Charly Caproff, Planner 1
Salt Spring Island Team
COPY: Chris Hutton, Regional Planning Manager
SUBJECT: SS-DVP-2023.19
Applicant: Duane Fox
Location: 118 Peregrine Way

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2023.19.

REPORT SUMMARY

The purpose of this application is for the Salt Spring Local Trust Committee (LTC) to consider development variance application SS-DVP-2023.19 which seeks to vary the 7.5 metre (24.6 feet) rear lot setback minimum to permit a building within 5.0 metres (16.4 feet) of the rear lot line.

The application is supported as the variance sought is minor, potentially reduces the applicant's construction costs and overall land disturbance by building off of an existing structure ("Carport"), and is unlikely to obstruct or impact neighbouring views.

BACKGROUND

The property is split-zoned Residential 7 (R7) and Rural (R) and is 0.45 ha (1.12 ac) in area. Additional property information can be found as Attachments 1 and 2. The application is proceeding following the applicant visiting the Islands Trust office to clarify which was the rear lot line as the lot is irregularly shaped. Following staff recommendation to either a) construct the building so that it does not encroach within any setbacks or b) seek a variance, the applicant submitted a development variance application. The applicant intends to construct a dwelling addition onto an existing carport structure as shown in the proposed floor plan:

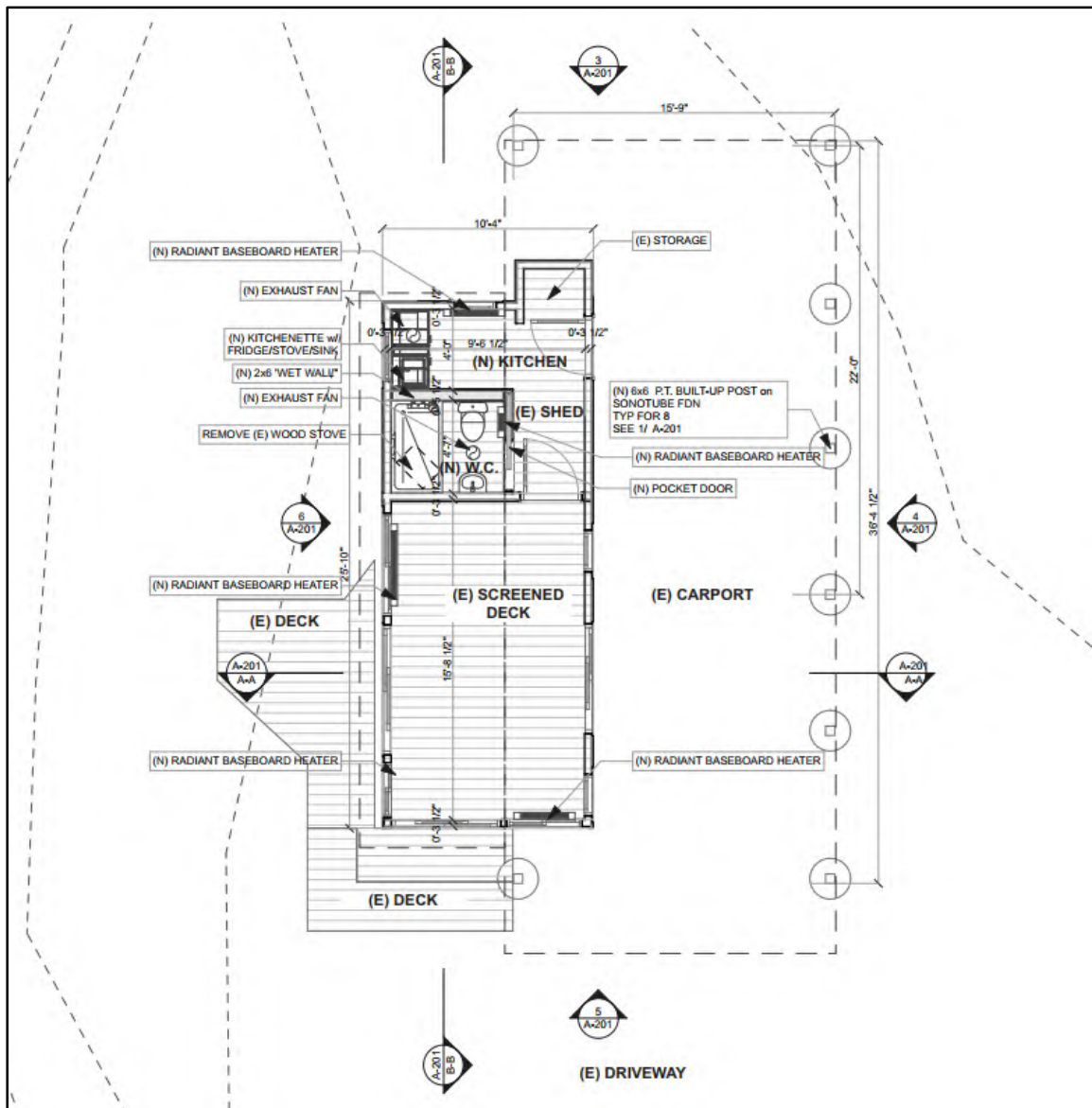


Figure 1. Submitted floor plans for proposed dwelling addition onto existing carport

The applicant is seeking the variance to allow for a small portion of the building to encroach within the rear lot line setback. They intend to utilize, repurpose, and bring up to code an existing structure. Compliance with the building code would be determined by the Capital Regional District (CRD) – this has been communicated to the applicant via email. According to the applicant the proposed development will not impact adjacent neighbours. The applicant's rationale letter can be found as Attachment 3.

ANALYSIS

Policy/Regulatory

Section 498 of the *Local Government Act* enables the LTC to issue (approve) a development variance permit (DVP) in order to vary siting, size, and dimensions of buildings and structures. A DVP may not be used to vary density or land use. In this case, a variance to a siting regulation is being sought.

Official Community Plan

The property is designated both Rural Neighbourhoods (RL) and Residential Neighbourhoods (RN) in the Salt Spring Official Community Plan No. 434, 2008 (OCP). There are no specific OCP policies in conflict with this variance request. There are no development permit areas on the property.

Land Use Bylaw

The property is zoned both R7 and R in the Salt Spring Island Land Use Bylaw No. 355, 1999 (LUB). Subsection 4.3.1(2) of the LUB states that the minimum setback from the rear lot line for a structure or building is 7.5 m (24.6 ft). The building is proposed to be sited within 5.0 m (16.4 ft) of the rear lot line.

Intent of regulations being varied

Property line setbacks are established for various reasons such as ensuring access for emergency and utilities services and to contribute towards consistent neighbourhood form and character.

Potential impacts of granting to variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits. In this case, the variance as requested is considered minor and to have minimal impact on surrounding properties.

Consultation

Statutory Requirements

DVP notices were circulated to surrounding property owners and residents on February 5, 2024. The notification period ends on February 14, 2024. At the time of writing the report, no submissions have been received from neighbours regarding the application. Any submissions received after the agenda is published will be sent to the LTC prior to the February 15th meeting and will be raised by the planner at that meeting. The notice and draft permit can be found as Attachment 4 and 5, respectively.

First Nations

Mapping indicates that there are no areas of archaeological potential or archaeological sites on the property or within 100 m (328 ft). Notwithstanding the foregoing, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. Should this application proceed to building permit review, the applicant would be provided with provincial and Islands Trust documents regarding cultural protocol and protected archaeological sites.

Rationale for Recommendation

The recommendation on page one (1) is supported as:

- The proposed variance is considered minor;
- By utilizing the existing developed area would likely reduce overall land disturbance and reduce development costs; and
- The proposed development is unlikely to negatively impact surrounding neighbours.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust

2. Deny the application

The LTC may deny the application. If the application is refused the owner may apply to the Board of Variance. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee deny application SS-DVP-2023.19.

Submitted By:	Charly Caproff, Planner 1	January 23, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	January 30, 2024

ATTACHMENTS

- 1. Site Context
- 2. Maps, Plans, Photographs
- 3. Rationale Letter
- 4. Notice
- 5. Draft Development Variance Permit (SS-DVP-2023.19)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT B, SECTION 2 AND 3, RANGE 5 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT PLAN VIP55570
PID	018-016-855
Civic Address	118 Peregrine Way
Lot Size	0.45 ha (1.12 ac)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
N/A	

POLICY/REGULATORY

Official Community Plan Designations	The property is designated Rural Neighbourhoods (RL) and Residential Neighbourhoods (RN) in the Salt Spring Official Community Plan No. 434, 2008 (OCP). There are no development permit areas on the property.
Land Use Bylaw	The property is zoned R7 and R in the Salt Spring Island Land Use Bylaw No. 355, 1999 (LUB).
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	File closed

SITE INFLUENCES

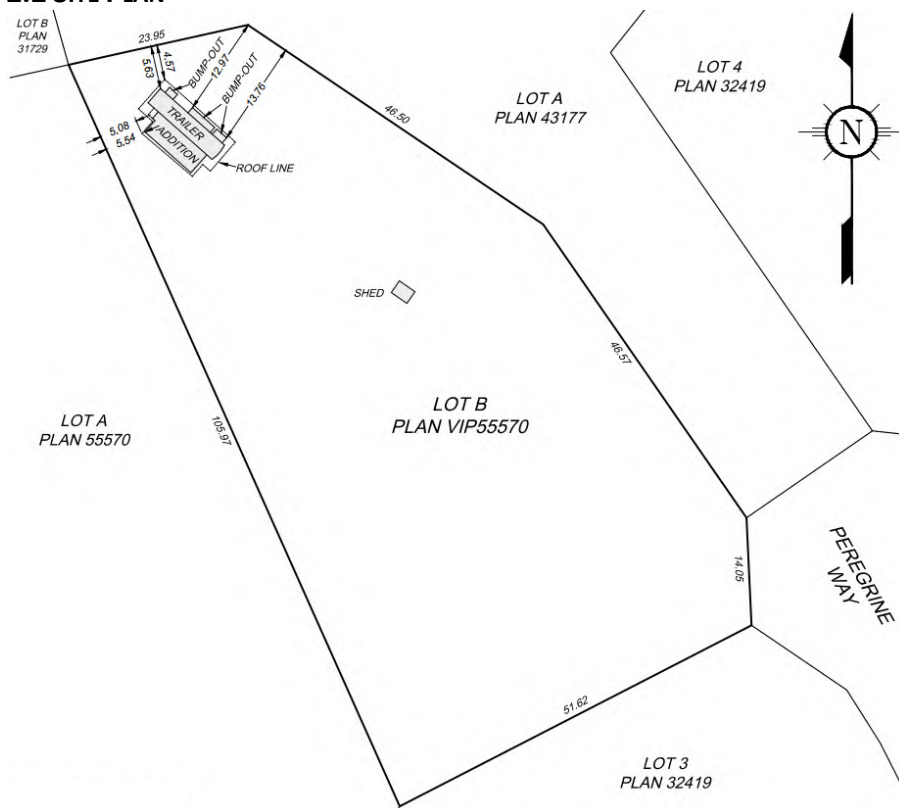
Islands Trust Conservancy	N/A
Regional Conservation Strategy	Application does not impact the RCS.
Species at Risk	Western Painted Turtle SAR habitat
Sensitive Ecosystems	N/A
Hazard Areas	Low and moderate risk steep slope
Archaeological Sites	Mapping indicates no archaeological sites or archaeological potential on the property or within 100 m.
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 AERIAL VIEW



2.2 SITE PLAN



2.3 SITE VISIT FEBRUARY 1, 2024







Purpose of Application

November 3 2023

118 Peregrine Way
Salt Spring Island, BC, V8K 2M1
LOT B, SECTION 2 AND 3, RANGE 5 EAST, NORTH SALT SPRING ISLAND,
COWICHAN DISTRICT PLAN VIP55570

Prior to applying for a building permit to create a legal cottage, using a structure that was on the property and occupied when we purchased, we are asking for a Variance to allow a small portion of the cottage to have a 5 meter setback from the rear property line. The reason for requesting a Variance is that we intend to utilize, repurpose, and bring up to code an existing structure that is using a 5 meter setback. This will not affect or be visible by any of the neighbors.

Duane Fox



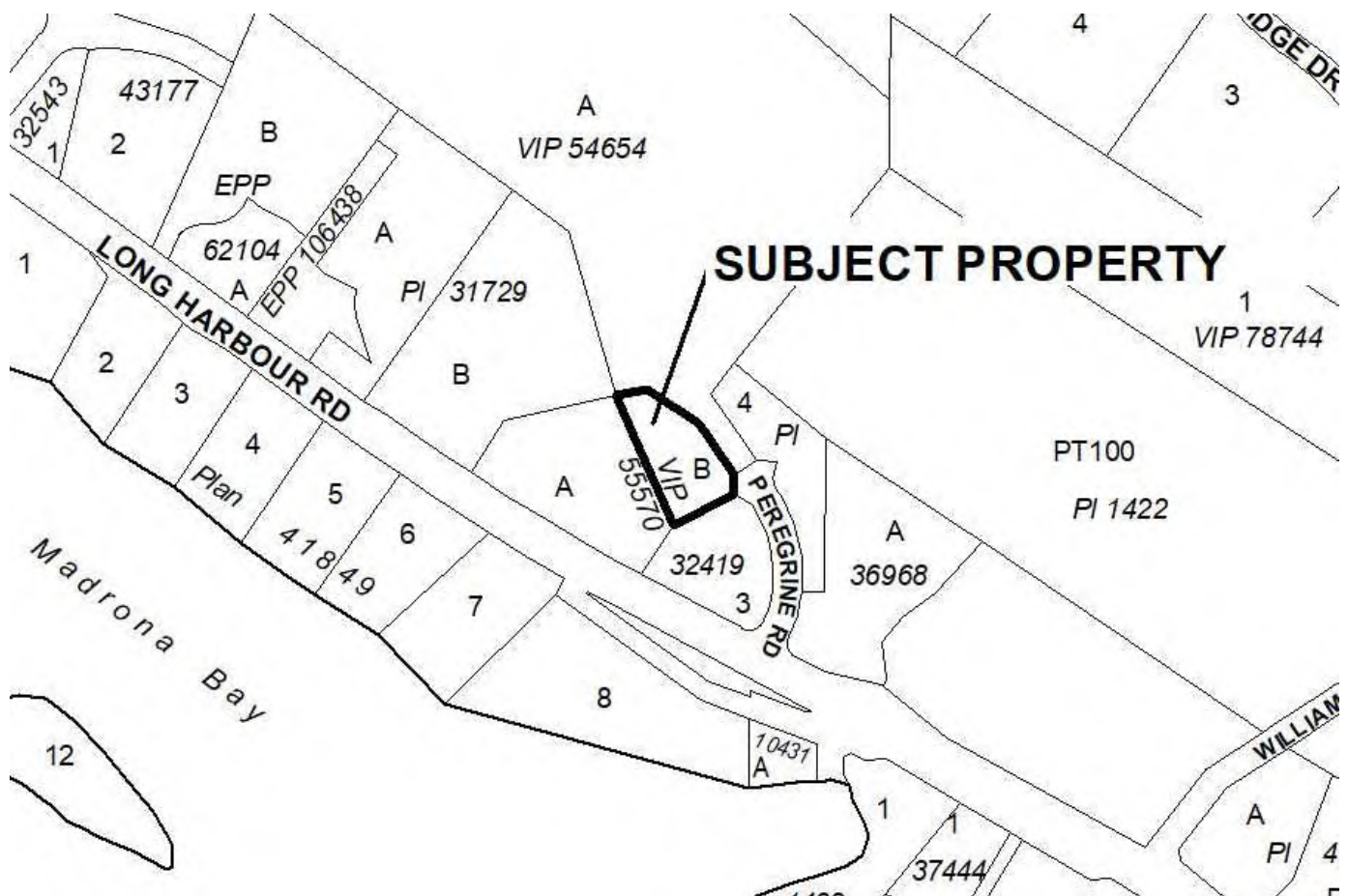
NOTICE
SS-DVP-2023.19
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Salt Spring Island Land Use Bylaw No. 355, 1999 by:

- Varying subsection 4.3.1(2), reducing the 7.5 m (24.6 ft) setback for a building to permit construction of a building within 5.0 m (16.4 ft) of the rear lot line.

The property is located at **118 Peregrine Way** and is legally described as LOT B, SECTION 2 AND 3, RANGE 5 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT PLAN VIP55570 (PID: 018-016-855).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 1 – 500 Lower Ganges Rd, Salt Spring Island, B.C. V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 5, 2024** and continuing up to and including **February 14, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Salt Spring Island.



NOTICE
SS-DVP-2023.19
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

Enquiries or comments should be directed to Charly Caproff, Planner 1 at (250) 538-5602, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **February 14, 2024**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **February 15, 2024** starting at 9:30 am at the Salt Spring Legion, Meaden Hall, 120 Blain 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.

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.

Rob Pingle, Deputy Secretary



Islands Trust

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2023.19**

ATTACHMENT 5

To: Duane Fox

1. This Development Variance Permit applies to the land described below:

LOT B, SECTION 2 AND 3, RANGE 5 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT PLAN VIP55570 (PID: 018-016-855)

2. Salt Spring Island Land Use Bylaw No. 355, 1999 is varied as follows:

- a) Subsection 4.3.1(2) which states that no building or structure except a fence, pumphouse, public utility structure or underground utility may be constructed within 7.5 metres (24.6 feet) of the rear lot line is varied to permit the construction of a building within 5.0 metres (16.4 feet) of the rear lot line.

The development shall be substantively consistent with Schedules 'A' and 'B' which are 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 ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

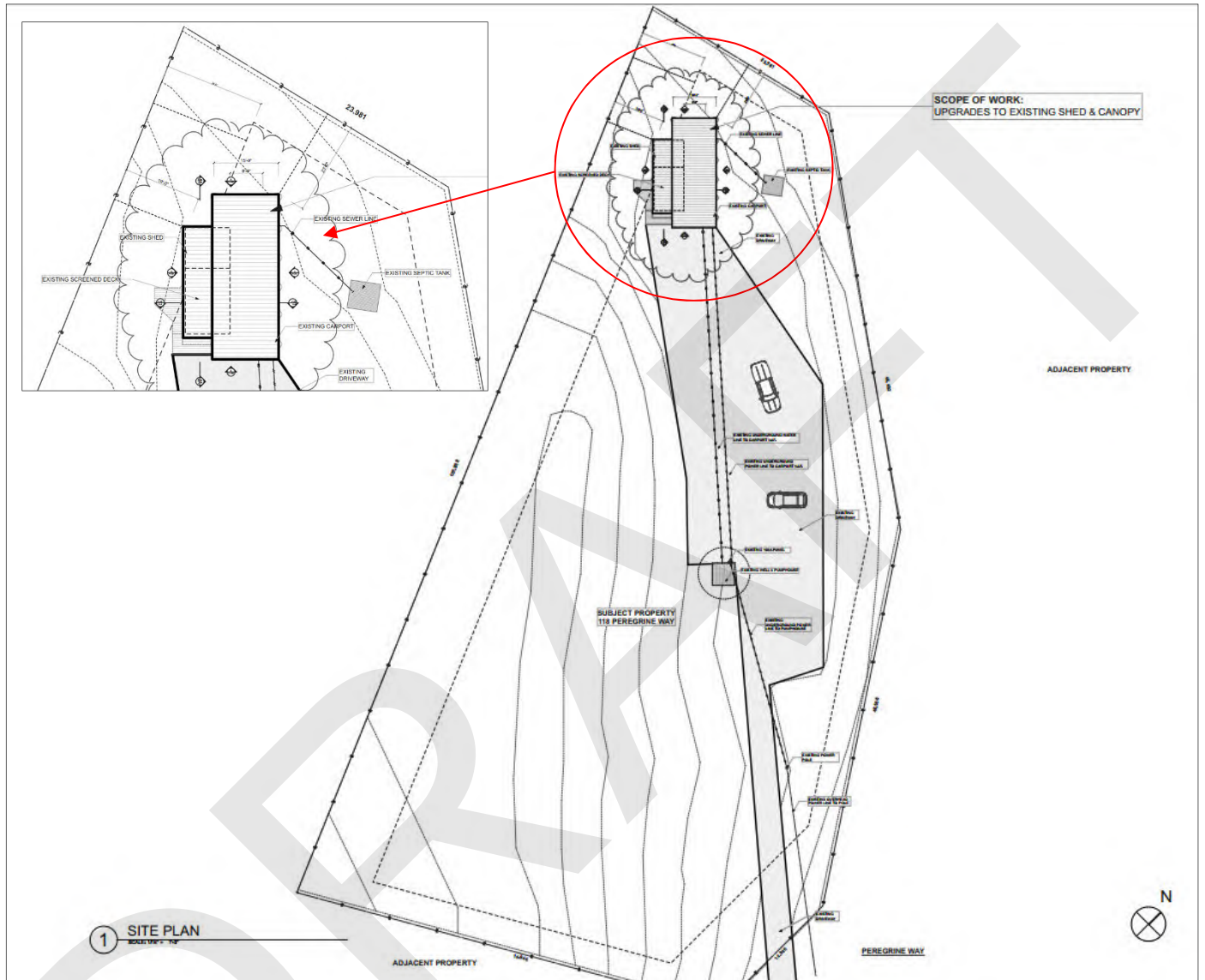
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

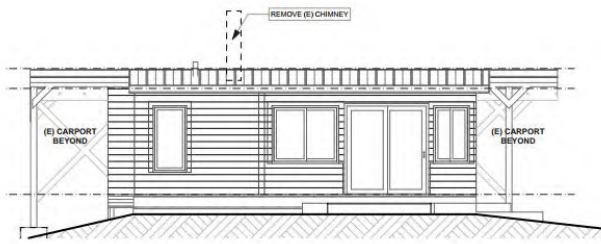
SALT SPRING ISLAND LOCAL TRUST COMMITTEE
SS-DVP-2023.19

SCHEDULE 'A'

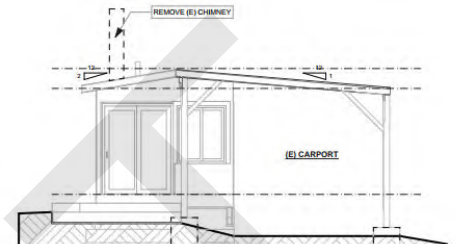


SALT SPRING ISLAND LOCAL TRUST COMMITTEE
SS-DVP-2023.19

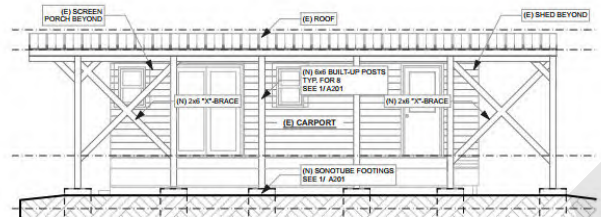
SCHEDULE 'B'



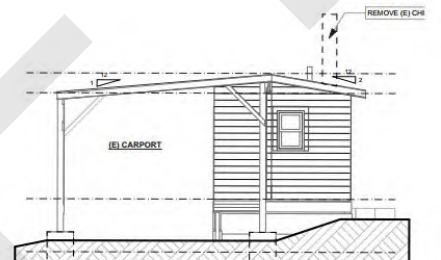
6 SOUTH ELEVATION
SCALE 1/8" = 1'-0"



5 EAST ELEVATION
SCALE 1/8" = 1'-0"



4 NORTH ELEVATION
SCALE 1/8" = 1'-0"



3 WEST ELEVATION
SCALE 1/8" = 1'-0"



Islands Trust

BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Thetis Island Local Trust Area Bylaw No.: 113 and 114 Date: December 5, 2023

You are requested to comment on the attached Bylaw for potential effect on your agency's/organization's interests. We would appreciate your response by **January 26, 2024**. If no response is received within that time, it will be assumed that your agency's/organization's interests are unaffected.

APPLICANTS NAME / ADDRESS:

THETIS ISLAND LOCAL TRUST COMMITTEE

PURPOSE OF BYLAW:

Amendments to the Thetis Associated Islands Official Community Plan (OCP) and Land Use Bylaw (LUB) are part of the Thetis Island OCP/LUB Marine Areas Review Project to ensure the marine area surrounding Scott, Dayman and Hudson Island permits uses that are consistent with the object of the Islands Trust.

The intent of **Bylaw No. 113**, if adopted, would be to amend both Schedule Maps B and C in the Thetis Associated Islands Official Community Plan No. 93, 2014 (OCP) to include undesignated area in the area of application. The proposed subject area is a sensitive ecosystem and inclusion in the OCP bylaw application area offers greater protection and regulation.

The intent of **Bylaw No. 114**, if adopted, would be to amend Thetis Associated Islands Land Use Bylaw No. 94, 2014 to include the unzoned area surrounding Scott, Dayman and Hudson Island in the Marine General (W1) zone. The following uses and structures are permitted in the W1 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

- a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot;
- b) Docks accessory to the residential use of an adjacent upland lot;
- c) Community docks;
- d) Floats and swimfloats; and,
- e) Marine navigational aids.

GENERAL LOCATION:

Marine area surrounding Scott, Dayman and Hudson Island

SIZE OF PROPERTY AFFECTED:

Approximately 1.32 sq km of marine area

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

The Thetis Island Local Trust Committee gave First and Second Reading to proposed Bylaw Nos. 113 and 114 on November 7, 2023. A copy of the staff report and the proposed bylaw is included in this referral for background information. All relevant background information, including staff reports and public correspondence received is posted to the Thetis Projects webpage:

<https://islandstrust.bc.ca/island-planning/thetis/projects/>

Please direct any communications regarding this referral to Nadine Mourao at 250-247-2206, or by email to nmourao@islandstrust.bc.ca.

Please fill out the Response Summary on the back of this form. If your Nation or 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:

Margot Thomaidis

Title:

Planner 2

This referral has been sent to the following agencies:

Federal Agencies

Fisheries & Oceans, Canada - Pacific Region

First Nations

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

Regional Agencies

Islands Trust – Islands Trust Conservancy
Cowichan Valley Regional District
School District 79

Adjacent Local Trust Committees and Municipalities

Salt Spring Island Local Trust Committee
Gabriola Local Trust Committee

Provincial Agencies

Ministry of Agriculture and Food
Ministry of Transportation & Infrastructure
Ministry of Forests

**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

Thetis Island Local Trust Area
(Island)

(Signature)

(Date)

113 (OCP)
(Bylaw Number)

(Name and Title)

(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

Thetis Island Local Trust Area
(Island)

(Signature)

(Date)

114 (LUB)
(Bylaw Number)

(Name and Title)

(Agency)

DRAFT

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 113

A BYLAW TO AMEND THETIS ASSOCIATED ISLANDS OFFICIAL COMMUNITY PLAN BYLAW, 2014

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

1. Citation

This Bylaw may be cited for all purposes as “Thetis Associated Islands Official Community Plan Bylaw, 2014, Amendment No. 1, 2023”.

2.

Thetis Associated Islands Official Community Plan Bylaw No. 93, 2014, cited as “Thetis Associated Islands Official Community Plan Bylaw, 2014, Amendment No. 1, 2023” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.

READ A FIRST TIME THIS	7 th	DAY OF	NOVEMBER	, 2023
READ A SECOND TIME THIS	7 th	DAY OF	NOVEMBER	, 2023
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 113**

SCHEDULE 1

1. Schedule “A” of “Thetis Associated Islands Official Community Plan No. 93, 2014” is amended as follows:

PART E – ADMINISTRATION AND INTERPRETATION, is amended by deleting Section 16.7.2(e) in its entirety.

2. **Schedule “B” Plan Area – Area of Application** of the Thetis Associated Islands Official Community Plan No. 93, 2014 is amended as follows:

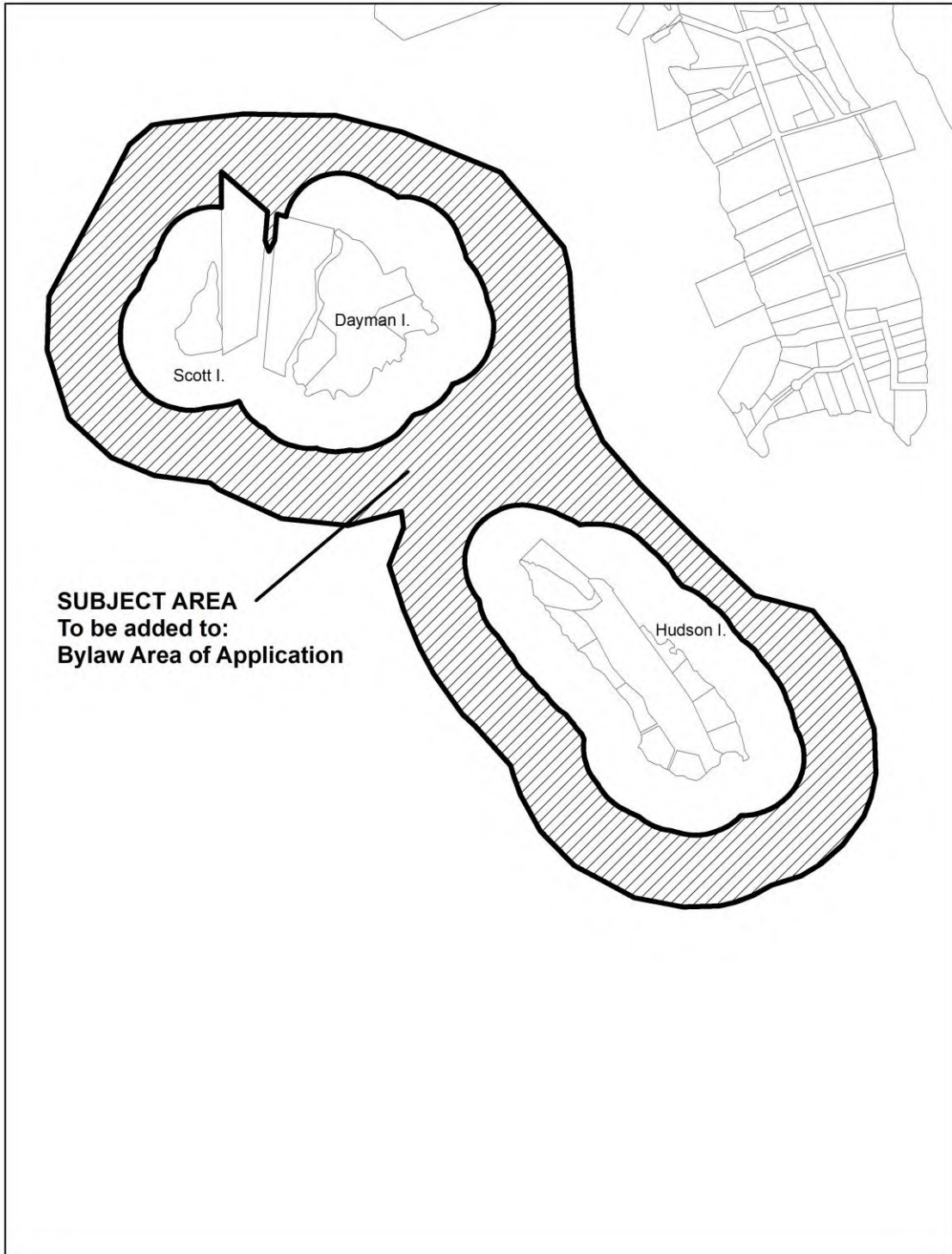
The area of application map is replaced with a new map as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 93 as are required to effect this change.

3. **Schedule “C” – Land Use Designation Map C** of the Thetis Associated Islands Official Community Plan No. 93, 2014 is amended as follows:

The land use designation is changed from “Undesignated” to “Marine” as shown on Plan No. 2 attached to and forming part of this bylaw and by making such alterations to Schedule “C” of Bylaw No. 93 as are required to effect this change.

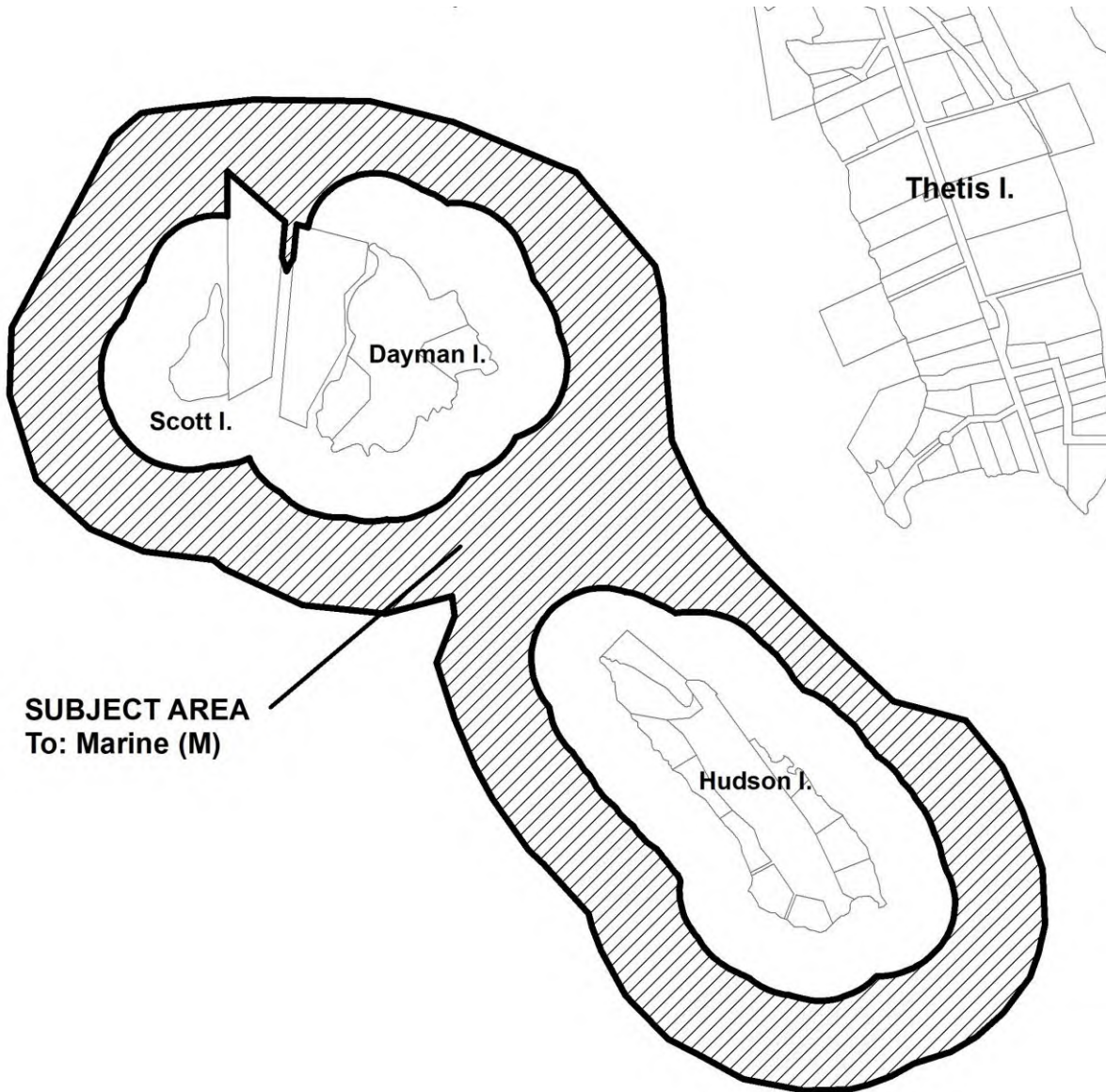
THETIS ASSOCIATED ISLANDS LOCAL TRUST COMMITTEE
BYLAW NO. 113

Plan No. 1



THETIS ASSOCIATED ISLANDS LOCAL TRUST COMMITTEE
BYLAW NO. 113

Plan No. 2



DRAFT

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 114

A BYLAW TO AMEND THETIS ASSOCIATED ISLANDS LAND USE BYLAW, 2014

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

1. This bylaw may be cited for all purposes as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023”.
2. Thetis Associated Islands Local Trust Committee Bylaw No. 94, cited as “Thetis Associated Islands Land Use Bylaw, 2014,” is amended as follows:
 - 2.1 Schedule “B” – Area of Application, is amended as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 94 as are required to effect this change.
 - 2.2 Schedule “C” – Zoning Map C, on those marine areas on Plan No. 2 the zoning is changed from unzoned to “Water 1 (W1)” as shown on Plan No. 2 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 94 as are required to effect this change.

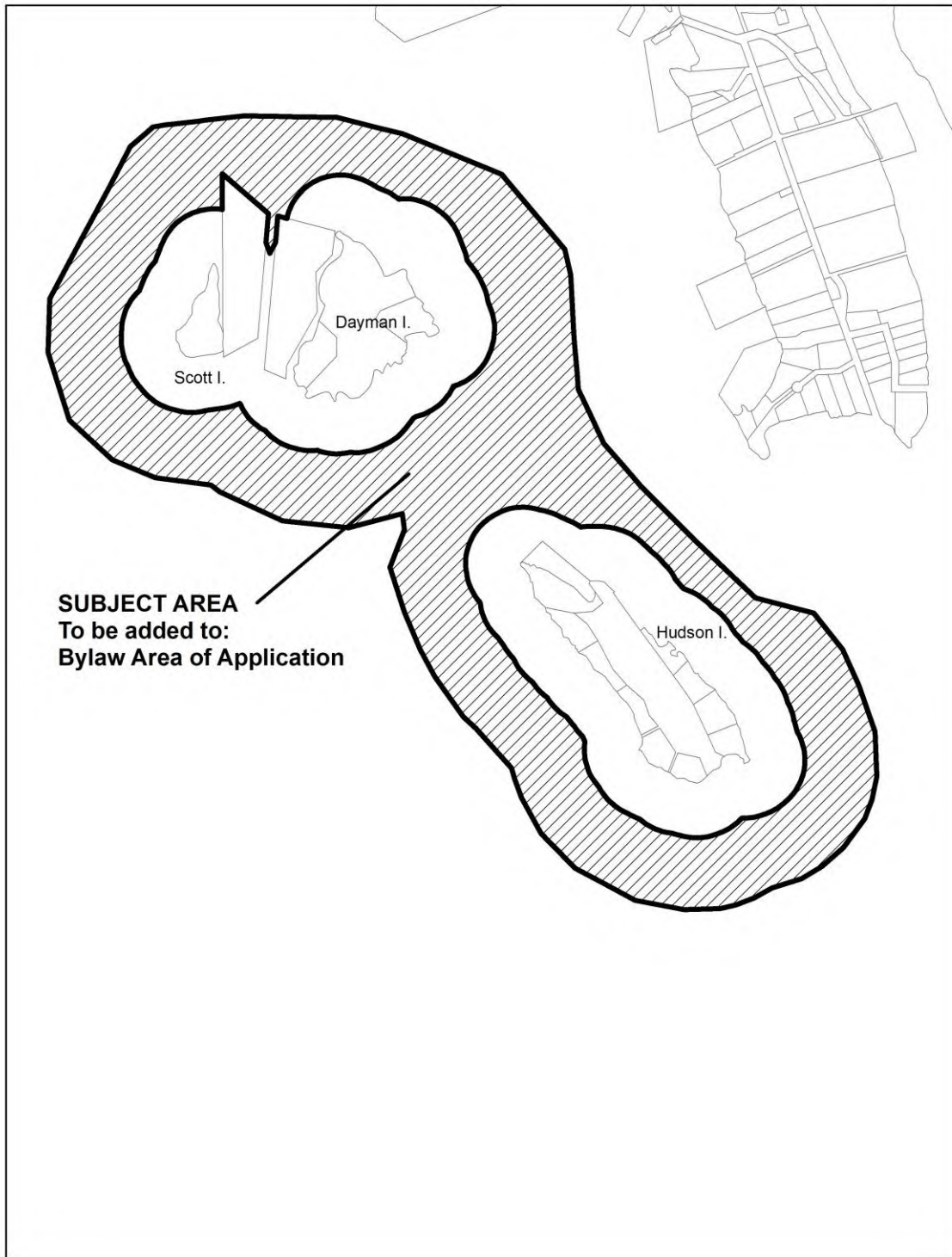
READ A FIRST TIME THIS	7 th	DAY OF	NOVEMBER	, 2023
PUBLIC HEARING HELD THIS	7 TH	DAY OF	NOVEMBER	, 2023
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

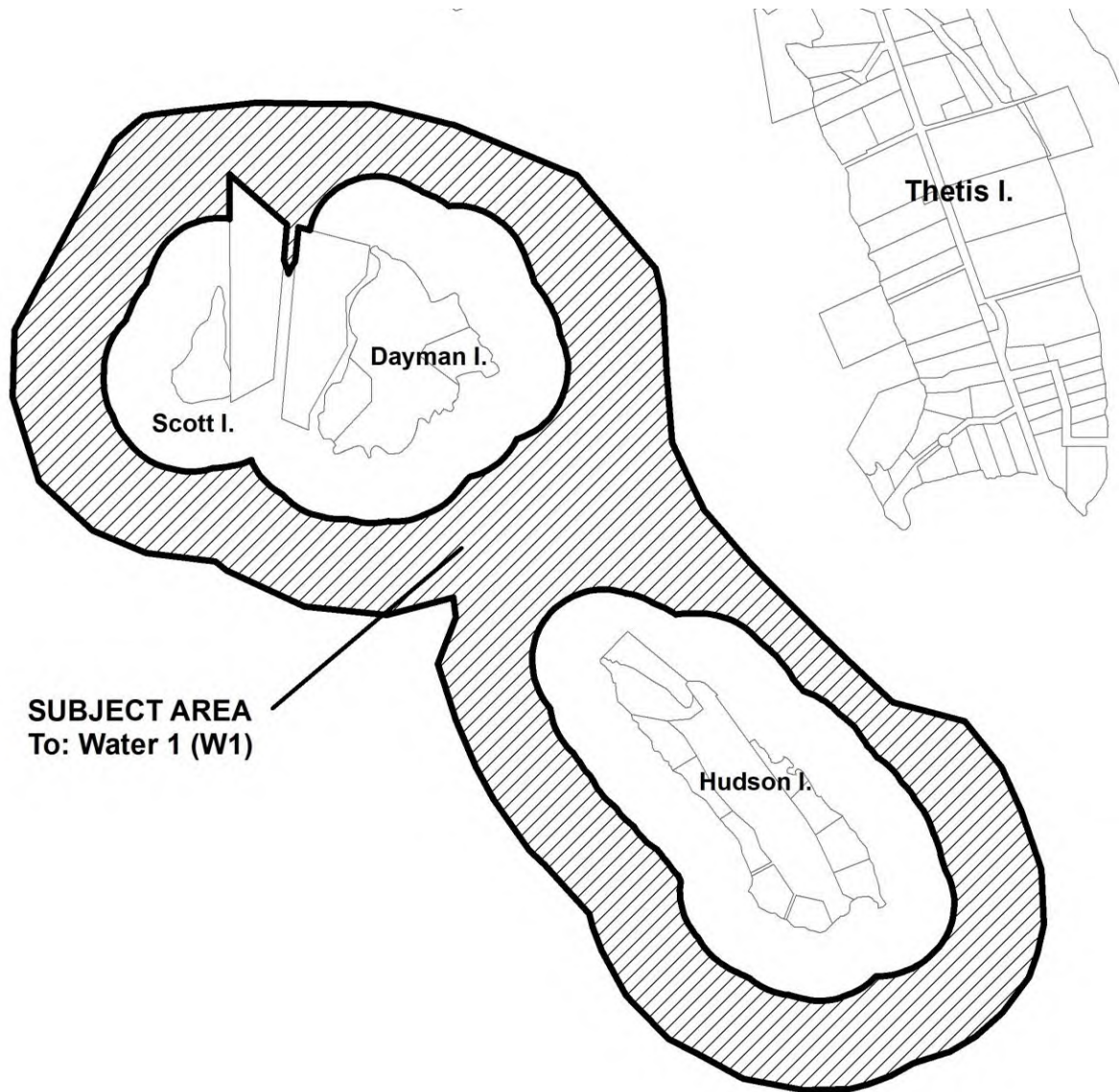
THETIS ASSOCIATED ISLANDS LOCAL TRUST COMMITTEE
BYLAW NO. 114

Plan No. 1



THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 114

Plan No. 2



DATE OF MEETING: November 7, 2023

TO: Thetis Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

SUBJECT: OCP/LUB Marine Areas Review Project – Map Amendment, Proposed Bylaw Nos. 113 and 114

RECOMMENDATION

1. That the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023", is not contrary to or at variance with the Islands Trust Policy Statement.
2. That the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 114, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023", is not contrary to or at variance with the Islands Trust Policy Statement.
3. That the Thetis Island Local Trust Committee Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023", be read a first time.
4. That the Thetis Island Local Trust Committee Bylaw No. 114, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023", be read a first time.
5. That the Thetis Island Local Trust Committee Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023", be read a second time.
6. That the Thetis Island Local Trust Committee Bylaw No. 114, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023", be read a second time.
7. That the Thetis Island Local Trust Committee Proposed Bylaw Nos. 113 (OCP) and 114 (LUB) be referred to the following for comment:

First Nations:

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

Local Governments and Agencies:

Islands Trust Conservancy, Salt Spring Island Local Trust Committee; Gabriola Local Trust Committee; Cowichan Valley Regional District; School District 79; Ministry of Forests, Ministry of Agriculture and Food, Ministry of Transportation and Infrastructure and Fisheries and Oceans Canada.

- 8. That the Thetis Island Local Trust Committee request staff to schedule an electronic Community Information Meeting and Public Hearing for Proposed Bylaws Nos. 113 (OCP) and 114 (LUB).**

REPORT SUMMARY

The Thetis Island Local Trust Committee (LTC) is asked to consider First and Second readings and referral of Proposed Bylaw Nos. 113 and 114 (Attachment 2 and 3) to amend both Schedule Maps B and C of the Thetis Associated Islands Official Community Plan (OCP) and the Thetis Associated Islands Land Use Bylaw (LUB). Amendments are needed to add zoning and land use designations to an unzoned/undesignated marine area.

BACKGROUND

The purpose of the project is to explore zoning the un-zoned area of water between the Thetis Associated Islands Planning Area and the Thetis Islands Planning Area (see Attachment 1).

The Thetis Island LTC resolution dated April 18, 2023 set the Marine Areas Review project as a top priority for 2023/2024.

The following resolution was passed by the LTC on April 18, 2023:

TH-LTC-2023-010

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff to prepare a draft Project Charter for the 2023/2024 fiscal year minor project titled "Unzoned Marine Area Review Project".

CARRIED

The LTC endorsed the Project Charter on July 4, 2023.

TH-2023-016

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee endorse the Project Charter, dated July 4, 2023 for the Official Community Plan (OCP) and Land Use Bylaw (LUB) Marine Areas Review project.

CARRIED

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The Islands Trust Policy Statement (ITPS) expresses the commitments of Trust Council and directives to local trust committees. The directive policies have been reviewed to confirm consistency with the ITPS (Attachment 4 and 5).

Official Community Plan (OCP):

The purpose of the OCP is to further the object of the Islands Trust Act through long-range land use policy for the portion of the Thetis Island Local Trust Area subject to this bylaw. The OCP provides a statement of the goals, objectives and policies. It is intended to provide policy guidance for the Thetis Island Local Trust Committee, government agencies, organizations and the public regarding the existing and proposed land use and development in the portion of the Local Trust Area subject to this bylaw.

The LTC requested that staff review the area between the Thetis Island Official Community Plan and the Thetis Associated Islands Official Community Plan Bylaw Area of Application that remains undesignated (see Figure 1). The green in Figure 1 outlines the current boundaries and designation. The orange indicates the proposed expansion.

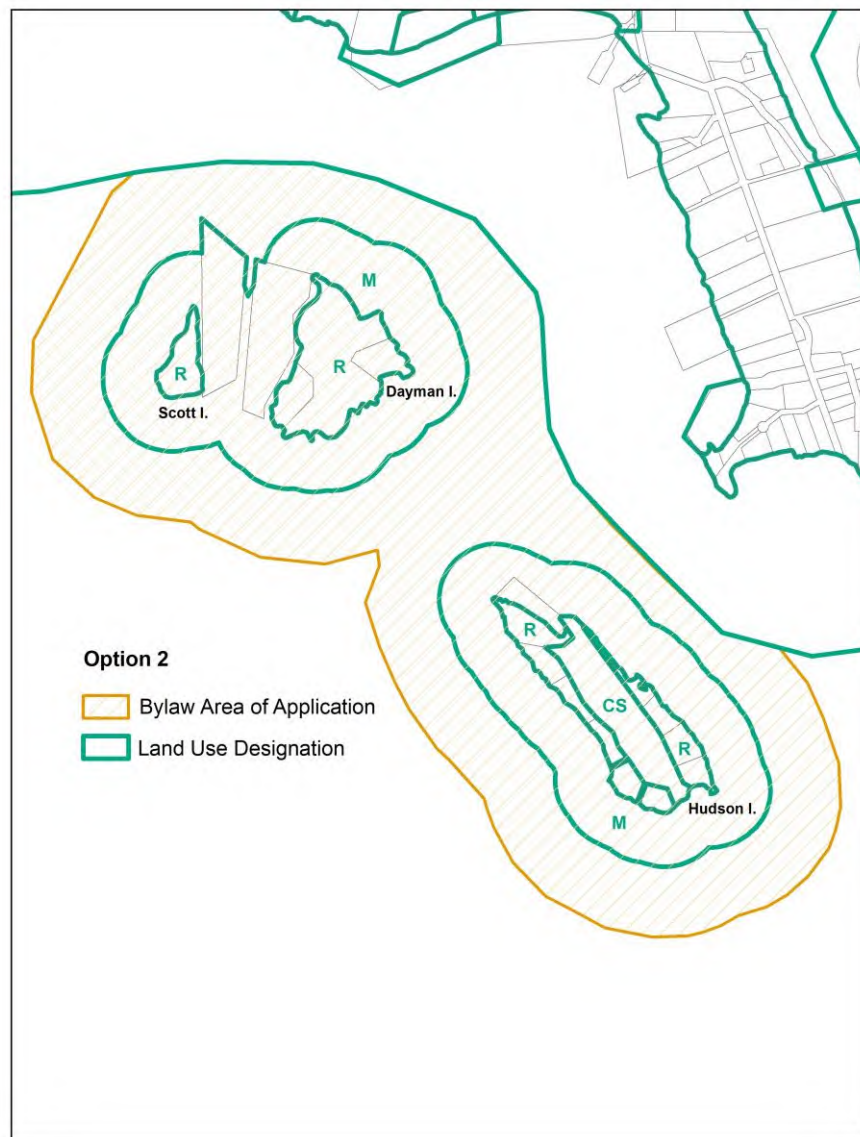


Figure 1: Current Boundaries and Land Use Designation Map.

Staff have determined that the undesignated area would be well suited to the Marine designation in the Thetis Associated Islands OCP. The Marine designation applies to all the waters in the Plan Area. Expanding the Plan Area to include the waters up to the Thetis Island OCP Plan Area allows the LTC greater control in the future uses for the area. If adopted, the following OCP policies would apply to undesignated area shown in Figure 1:

5.2.1	The Local Trust Committee should identify and protect ecologically sensitive marine areas.
5.2.2	The Local Trust Committee should recognize and support the marine dependent nature of land uses in the Plan Area.
5.2.3	The Local Trust Committee should use bylaw provisions to protect public access to, from, and along the marine shoreline.
5.2.4	The Local Trust Committee may permit individual private docks accessory to residential uses. These docks should be regulated by zoning.
5.2.5	Regarding Ruxton Island, the Local Trust Committee should support rezoning applications for community docks that are small-scale and not intended for overnight moorage, and which address the cumulative impacts of community docks on Ruxton Island.
5.2.6	In order to limit the need for private dock development along the shoreline, community or communal docks should be encouraged where feasible
5.2.7	The Local Trust Committee should use bylaw provisions to locate docks in locations with minimum environmental impact, and should encourage dock design that is sensitive to marine ecosystems and habitat.
5.2.8	The Local Trust Committee should not permit commercial marinas intended for use by non-residents.
5.2.9	The Local Trust Committee may consider rezoning applications for leases for aquaculture, other than finfish farms.
5.2.10	The Local Trust Committee should, through zoning, the use of building setbacks, and the use of development permit area designations and guidelines: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes, without endangering structures; (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities.
5.2.11	The Local Trust Committee should only give consideration to permitting structural modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect an existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilize banks, reduce erosion and provide habitat should be retained or enhanced.

5.2.12	The Local Trust Committee may require zoning amendment applicants to provide development approval information.
5.2.13	The Local Trust Committee should encourage and facilitate education around shoreline stewardship.

The islands in the Associated Islands OCP Area are remote areas that are predominantly accessible by private boat only. The proposed subject area is a sensitive ecosystem and inclusion in the OCP bylaw application area offers greater protection and regulation. It is in the Rock Fish Conservation Area, as determined by Fisheries and Oceans Canada. A sea bird colony is mapped nearby at Preedy Rocks. Additionally, archaeological sites are noted nearby to the subject marine area.

Staff recommend removing Section 167.2(e) which states: *“The outer boundaries of the Marine designation on Schedule C are located 150 metres seaward of the natural boundary.”* The proposed extension of the Plan Area will be approximately 210 to 300 metres seaward from the natural boundary of the sea, as shown in Figure 1.

Figure 2 shows the entire Thetis Associated Islands Plan Area highlighted in orange. The Plan Area expansion increases the Marine designation area by 1.32 square kilometres (Figure 2).

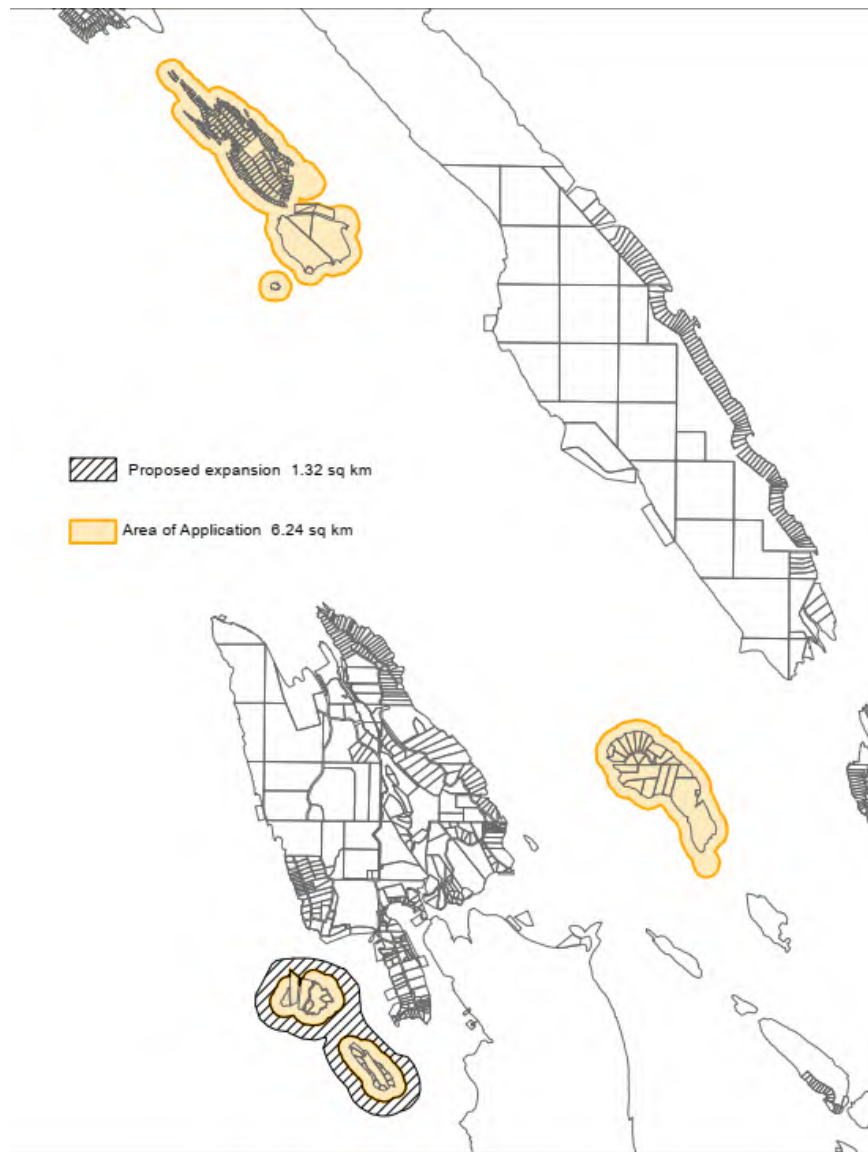


Figure 2: Plan Area and Proposed Expansion

Land Use Bylaw (LUB):

A portion of the water between the Thetis Island Land Use Bylaw and the Thetis Associated Islands Land Use Bylaw Area of Application is unzoned (see Figure 1). As such, no Thetis regulatory bylaws apply, and therefore the Thetis Local Trust Committee cannot regulate this area. Staff are recommending that the unzoned area surrounding Scott, Dayman and Hudson Island are zoned Marine General (W1) (see Figure 3).

The following uses and structures are permitted in the W1 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

- a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot;
- b) Docks accessory to the residential use of an adjacent upland lot;
- c) Community docks;
- d) Floats and swimfloats; and,

e) Marine navigational aids.

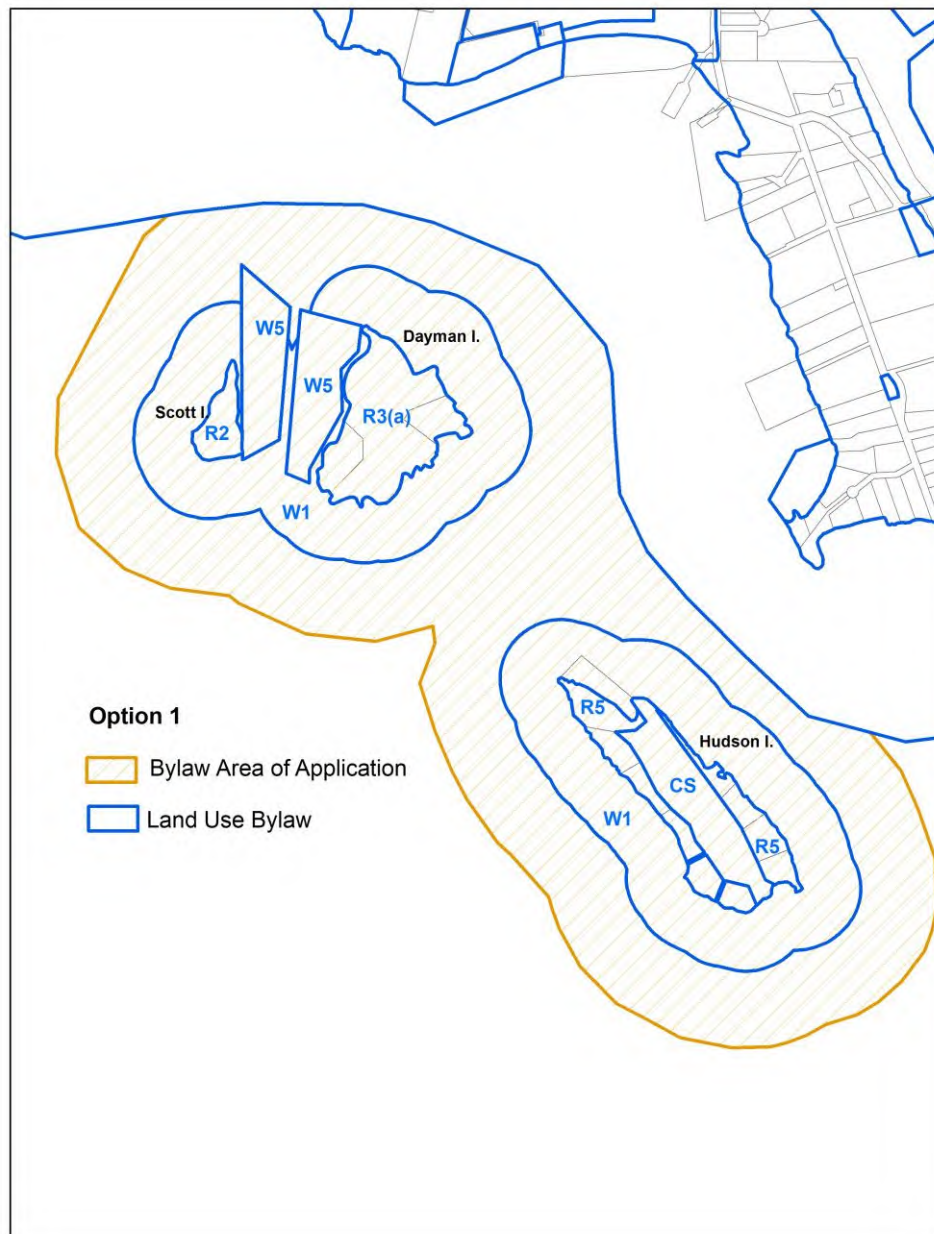


Figure 3: Current Zoning and Proposed Expansion of Bylaw Area of Application

Project Charter

Introduction of Bylaw Nos. 113 and 114 for first reading is consistent with the project charter endorsed July 4, 2023 (Attachment 1). These are proposed map amendments to the OCP and LUB bylaws.

Additional Option

The LTC may choose to limit the Plan Area of expansion to only those waters around Scott and Dayman Islands (see Figure 4). This option offers a smaller area of expansion and still leaves the outer waters surrounding

Hudson Island without zoning or a designation. As noted, an unzoned marine area means no regulatory bylaws apply and may leave the area vulnerable to uses that are incompatible with the intent of the OCP and permitted in the LUB.

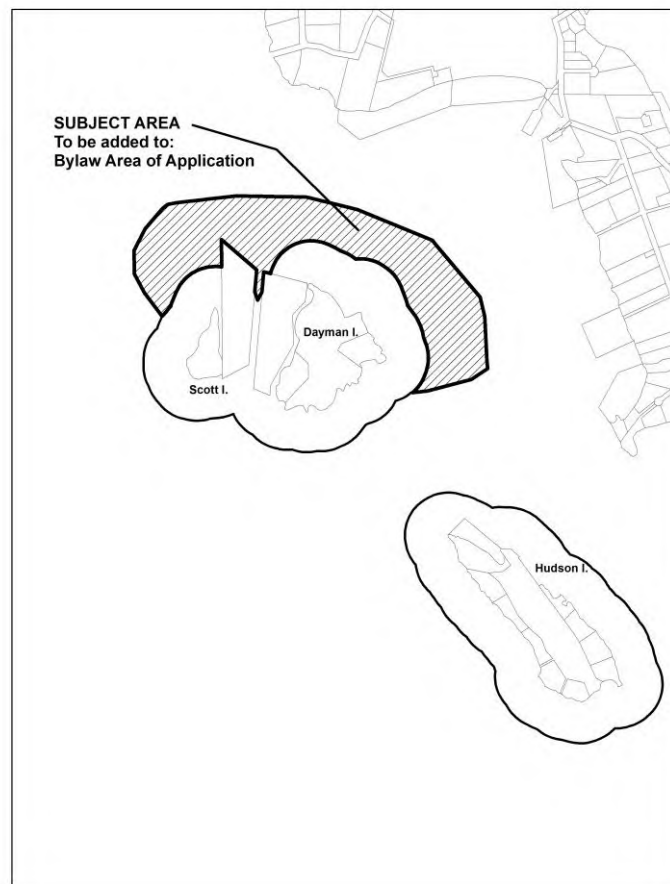


Figure 4: Alternative Expansion of the Plan Area

Consultation

Statutory Requirements:

As the application involves OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with First Nations and persons, organizations and authorities it considers will be affected. The statutory process for bylaw amendments is prescribed by the *Local Government Act* and *Island Trust Act*.

Rationale for Recommendation

Staff have presented Proposed Bylaws 113 and 114 that would establish an expanded bylaw area of application for the OCP and LUB in the marine area surrounding Scott, Dayman and Hudson Island to ensure the marine uses are consistent with the object of the Islands Trust and to ensure the Thetis Island Bylaws are applicable. Staff are recommending the LTC give first and second reading to the proposed bylaws and send off referrals.

Refer to the formal recommendations, included on Page 1 of the report.

ALTERNATIVES

1. Amend draft Bylaw Nos. 113 and 114, prior to first reading

The LTC may amend the draft bylaws prior to consideration of first reading. If this alternative is selected, then the following resolution is recommended:

That the Thetis Island Local Trust Committee amend Draft Bylaw No. XXX, cited as “...” with the following: [list amendments].

2. Request Further Information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are budget, time and staff resources. 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 Thetis Island Local Trust Committee request [insert requested information here].

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Subject to concurrence with the staff recommendations, the bylaw will be referred to agencies and First Nations and the Thetis Island LTC website will be updated accordingly.

Submitted By:	Marlis McCargar, Island Planner	October 25, 2023
Concurrence:	Renee Jamurat, RPP MCIP, Regional Planning Manager	October 26, 2023

MEMORANDUM

File No.: 400-30
12-RPT-HSNG

DATE OF MEETING: January or February 2024
TO: All Local Trust Committees
FROM: Stefan Cermak, Director
Planning Service
SUBJECT: **Housing Statute Changes to British Columbia Legislation**

PURPOSE

The purpose of this memorandum is for Local Trust Committee's to receive a copy of the Housing Statutes and Regulation Changes to BC Legislation briefings received at Trust Council December 7, 2023 and subsequently updated at Executive Committee December 20, 2023. The Executive Committee recommends that Local Trust Committees consider requesting to opt-in to the provincial's principal residence requirement for short term rental accommodations.

BACKGROUND

On December 7, 2023, Trust Council received a briefing: Housing Statute Changes to British Columbia (Attachment 1). The briefing provided an update and speaking notes on:

- The Short Term Rental Accommodation Act (Bill 35)
- The Housing Statutes (Residential Development) Amendment Act (Bill 44)
- Housing Statutes (Development Financing) Amendment Act (Bill 46)
- Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)
- Speculation and Vacancy Tax Act

On December 20, 2023, the Executive Committee received an update (Attachment 2) to the above briefing as provincial regulations were adopted the same day Trust Council considered the original briefing. After consideration, the Executive Committee carried the following resolution:

"That Executive Committee request staff to forward the housing statutes and regulation changes of BC legislation to local trust committees with a recommended consideration of request for opting in to the short term accommodation regulation for the 2025 intake."

CARRIED

As per the attached briefing:

A sample Local Trust Committee resolution to opt-in to the provincial principle residence requirement may read:

That the [] Local Trust Committee request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [] Local Trust Area and that the [] Local Trust Area be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.

Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024. If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

NEXT STEPS

All Local Trust Committees, to the exception of Ballenas-Winchelsea, meet before the 2024 March Trust Council meeting. Staff will respond to the ministry in one letter that contains all opt-in resolutions immediately following Trust Council in March 2024. Staff will provide the appropriate background information that describes the area and jurisdiction.

Submitted By:	Stefan Cermak Director, Planning Services	January 18, 2024
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ATTACHMENTS

1. Attachment 1 - Trust Council Housing Statue Changes to British Columbia Briefing for the meeting December 7, 2023
2. Attachment 2 – Executive Committee Housing Statue Changes to British Columbia Briefing Update for the meeting December 20, 2023

To:	Trust Council	For the Meeting of:	December 5, 2023
From:	Stefan Cermak, Director, Planning Services	Date Prepared:	November 15, 2023
SUBJECT:	Housing Statute Changes to British Columbia Legislation		

PURPOSE: To provide Trust Council with an update on recent and upcoming legislative changes regarding provision of housing in British Columbia, and how the legislation may affect the Islands Trust Area and local trust committees.

BACKGROUND:

The British Columbia Government has so far enacted, or is in the process of enacting, five pieces of legislation to increase housing supply throughout BC. They are:

1. ***Speculation and Vacancy Tax Act*** – came into force in on November 27, 2018. The Speculation and Vacancy Tax Regulation was last amended April 3, 2023.
2. ***The Short Term Rental Accommodation Act (Bill 35)*** – received Royal Assent on October 26, 2023 and will be brought into force by Ministerial regulations expected in December 2023.
3. ***The Housing Statutes (Residential Development) Amendment Act (Bill 44)*** - received First Reading on November 6, 2023, and is expected to receive Royal Assent before the end of 2023. This Act will also be brought into force by Ministerial regulations, which are expected in early 2024.
4. ***Housing Statutes (Development Financing) Amendment Act (Bill 46)*** – received First Reading on November 7, 2023, and is expected to receive Royal Assent before the end of 2023.
5. ***Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)*** received First reading on November 8, 2023 and is expected to receive Royal Assent before the end of 2023.

Speculation and Vacancy Tax Act

The *Speculation and Vacancy Tax Act* requires owners in prescribed areas to declare their primary home, and with certain exceptions, would be taxed on homes that they do not occupy as a primary residence. The Act applies to areas specified in the Act (municipalities in the Capital Regional District and Metro Vancouver, as well as seven other municipalities (Abbotsford, Chilliwack, Kelowna, Nanaimo, West Kelowna, Lantzville and Mission)). The Act also includes one unincorporated area, the University Endowment Lands. In April 2023, the list was expanded by Ministerial regulation to include six more municipalities (Duncan, North Cowichan, Squamish, Ladysmith, Lake Cowichan and Lions Bay).

Islands Trust Area and the rest of the Province is excluded from the *Speculation and Vacancy Tax Act* requirements. The Act allows the Minister, by regulation, to add areas to the list of areas to which the *Speculation and Vacancy Tax Act* applies.

The Short-Term Rental Accommodation Act.

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area. Staff understands that the regulations that bring the Act into force will include the ability for any municipality, regional district electoral area or local trust committee area, that are currently not included in the principal residence requirement for a short-term vacation rental, to opt-in. The regulation should address whether opting-out (once in) is something that could be considered, and if so, what the mechanism would be. Staff will know more about this once the regulations are released in December 2023.

The Act requires that platforms that advertise short-term rental accommodations to be registered with the Province. This may help with bylaw enforcement if the Province shares that information with local governments (the Act authorizes disclosure of personal information collected by the province under the authority of the legislation to be disclosed to local governments to support bylaw enforcement).

The Act also allows regional districts to issue business licenses for short-term rental accommodations, and where a business license scheme is in place, that a business license be required for advertising on platforms. The option for business licenses is not open to local trust committees, only regional districts.

The Act also removes legal non-conforming protection for short-term rental accommodation uses.

Action for the Islands Trust is for each local trust committee to consider whether or not it wants to opt-in. Opting-in would mean the Provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).

The Housing Statutes (Residential Development) Amendment Act

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area.

Residential Density Requirements

The Islands Trust Area is excluded by an amendment to the *Islands Trust Act* from the provincially mandated minimum density requirements. Ministerial regulation will establish to which municipalities the minimum density requirements will apply (staff understands that this will be all municipalities over 5,000 population).

The Act also allows the Minister by regulation to add an electoral area to the list on request of a regional district board. It is important to note that local trust committee areas could never be included in the density requirement without an amendment to the *Islands Trust Act*. However, Bowen Island Municipality could be included by Ministerial regulation either by virtue of its population (if the population goes over 5,000 Bowen may be automatically included), or on request of Bowen Island Municipal Council. The Act excludes land that is not on a municipal water or sewer system, is protected or are lots over a certain size.

There is no action required on this for local trust committees.

Housing Needs Reports Amendments

Housing Needs Reports now must include housing needs for 20 years (previously it was 5 years), and the first report is due by December 2028. Transitional provisions in the Act require that an interim report be received before a date to be prescribed by Ministerial regulation, or existing reports be updated by the

prescribed date to reflect the new 20 year horizon and a few other changes to housing needs content requirements.

These reports must then be published as soon as possible to the Islands Trust website, and the requirement to consider them in official community plans is continued. It appears that the mandatory requirement to adopt an official community plan and land use bylaw to reflect the housing needs report does not apply to local trust committees (this appears to apply only to municipal councils). This is a point that needs clarification with Ministry staff.

Action for Islands Trust is to ensure resources and funding is in place to update existing housing needs reports to meet the new requirements so they qualify as transitional, and then plan budget and resources to commission updates to the housing needs reports starting in 2028 and then every five years after that. While it is not mandatory for local trust committees, there should also be a program to ensure that all 20 official community plans are kept up to date reflecting the housing needs reports findings.

Public Hearing Changes

The Act now prohibits public hearings being held for land use bylaw amendments that are consistent with the official community plan and exclusively, or at least 50 per cent, residential. The intent is to allow public comment at the policy level (amendments to official community plans still require public hearings) and to streamline the approval process. There is nothing in the legislation that would prohibit less formal discussions between the local trust committees and Bowen Municipal Council and the community, such as open houses, surveys and community information meetings.

Action for Islands Trust is a change in process for local trust committees when considering land use bylaw amendments that are consistent with the Official Community Plan for residential rezonings, or land use bylaw amendments that contains at least a 50 per cent component of residential. Note that if there is a Official Community Plan amendment as part of the land use bylaw amendment, then a public hearing is required for the amendment to the Official Community Plan.

Housing Statutes (Development Financing) Amendment Act

Amenity Cost Charges

The Act adds a new section to the *Local Government Act* regulating how local governments develop and levy amenity cost charges (ACC), and makes changes to development cost charges and development cost levies (in the Vancouver Charter). The new system provides a framework and regulation on what may be considered as an amenity, who may be required to pay them and who may be exempted, the process to develop an amenity cost charges bylaw, and a reporting requirement. Amenity cost charges are charged at time of subdivision or issuance of a building permit.

Local trust committees are excluded by an amendment to the *Islands Trust Act* from the new ability of local government to levy amenity cost charges. Local trust committees are already exempt from the ability to levy development cost charges. The reason for the exemption is that both of these tools are intended to fund infrastructure improvements related to development, and local trust committee are not responsible for infrastructure.

The new legislation appears to apply to regional districts, and regional districts could, by bylaw, determine to collect amenity cost charges for new construction in the Islands Trust Area.

Housing Statutes (Transit Oriented Areas) Amendment Act

The Act adds a new section to the *Local Government Act* establishing minimum density and height requirements around prescribed transit stations and major bus stops. Regulations will establish which transit stops are included (likely in larger cities) and establish the distance around the stop and the minimum height requirements.

While local trust committees are excluded by an amendment to the *Islands Trust Act*, this is included here to complete the currently known legislative updates to the local government planning legislation.

ATTACHMENT(S):

Speaking Notes – Bill 35 (Short-term Vacation Accommodation) and Bill 44 (Housing Statutes).

FOLLOW-UP:

As requested by the Regional Planning Committee.

As this is new information, staff will update as more information on regulations becomes available. This should be forwarded to Trust Council and all trustees for information and to assist with answering public questions.

Prepared By: David Marlor, Director, Legislative Services

Reviewed By/Date: Robert Kojima, Regional Planning Manager
Stefan Cermak, Director, Planning Services/ November 8, 2023

Backgrounder/Speaking Notes

Bill 44 - Housing Statutes (Residential Development) Amendment Act, 2023 (First Reading version)

Bill 35 - 2023 Short-Term Rental Accommodations Act (Royal Assent)

November 9, 2023

[Bill 44 Housing Statutes \(Residential Development\) Amendment Act, 2023](#)

- The first reading of Bill 44 – 2023 Housing Statutes (Residential Development) Amendment Act, 2023 was on November 1.
- In this Act, "housing unit" means a self-contained dwelling unit
- "local government" includes a local trust committee as defined in section 1 of the *Islands Trust Act*

Minimum Density Requirements

The new provincially mandated minimum residential density requirements added to the planning section (Part 14) of the Local Government Act do not apply to local trust committees by a consequential amendment to the Islands Trust Act. Staff understanding is that this section will also not apply to municipalities under a certain population. The BC Government news release suggests most municipalities with a population under 5,000 people will be exempt; however this will be implemented by regulation. Likely this section will not apply to Bowen Island Municipality based on population. And if it does, would only apply where lots are connected to municipal water and sewage and the legislation excludes specified protected lots or large lots. Staff will need to wait for the regulation to know for sure.

Housing Needs Reports

Changes to the Housing Needs Reports requirements apply to local trust committees and Bowen Island Municipality as follows:

- Housing needs report must be received by December 31, 2028, and then by December 31st every five years after that. A transitional provision in the legislation requires that existing housing needs reports are updated to reflect the new requirements by a prescribed date – that date will be in the forthcoming regulations and will likely be by the end of 2024 or early 2025.
- Housing needs reports must consider five-year and 20-year timelines for expected housing requirements (previously only five years required).
- When developing or amending an Official Community Plan (OCP), the governing body must consider the most recent housing needs report and the OCP must include statements and map designations. The housing needs report should include approximate location, amount, type, and density of residential development that is required to meet anticipated housing needs over a period of 20 years.
- An OCP must now include provisions for 20 years of housing as determined in the housing needs report
- OCPs must be updated within a time period to be prescribed by regulation following receipt of an updated housing report (which will be required once every five years).
- The minimum requirements for housing must be permitted outright in the OCP, not conditional (i.e. cannot require conditions (such as provision of amenities) for the housing to be provided).

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

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

Public Hearing for Housing Rezoning

The following changes to the public hearing requirements for housing rezoning apply to local trust committees and Bowen Island Municipality:

- Public hearings on proposed zoning bylaws must **not** be held if:
 - an official community plan is in place for that area
 - the bylaw is consistent with the official community plan
 - the purpose of the bylaw is to permit a residential development
 - the residential component of the development accounts for at least half of the floor area of all proposed structures in the development
- Note that notice must be given if a public hearing is not held.

Official Community Plan Adoption

Previously, the decision to adopt an official community plan was discretionary. **Now it is mandatory.** This appears to not apply to the Islands Trust as it states municipal council and a prescribed class of regional districts. This needs to be clarified with Ministry staff but will be obvious once the regulation has been released.

- All municipal councils, board of a regional district, or a board in a prescribed class of regional districts must adopt one or more OCPs.

Bill 35: 2023 Short-Term Rental Accommodations Act

- **Royal Ascent October 26, 2023**– will be brought into force by regulation, which is expected in December 2023.

Registration of Short Term Rental Platforms

- Requires that all platforms advertising short-term rentals must be registered with the Province

Restrictions on Homes that can be used for Short Term Rentals

- For those lands not exempted, legislation requires that the short term rental occurs in the host's residence, or in not more than one accessory dwelling unit.
- Local trust committees are exempted; municipalities under a certain size will be exempted, unless adjacent to a major municipality that is not exempted. Staff not sure if Bowen Municipality will be included or exempted given its proximity to Metro Vancouver.
- Provincial staff have advised that local trust committees will be able to opt-in so that the residence restriction applies. How this happens will be determined by regulation; however, it is likely a resolution of the local trust committee requesting to be removed from the exempted list. The regulation will also indicate how a local trust committees that chooses to opt-in can opt-out in the future.

No Legal Non-Conforming Status

- The legislation removes legal non-conforming status for short-term rentals. This means that if there are any short-term rentals operating and the bylaws change to prohibit them, those short-term rentals cannot continue to operate. Non-conforming use protection will continue to exist for other land uses.

Business Licenses

- The legislation now allows regional districts to require business licenses for short term rentals. This option is not available to local trust committees.

Focus of the Legislation

- The legislation focuses on three key areas:
 - Increasing fines for Municipal Ticket Information (MTI), and strengthening tools for local governments. This is not applicable in all local trust areas, since only three LTCs have MTI bylaws (though those that don't can adopt an MTI bylaw). Bylaw Enforcement Notification ticketing can continue to be used to enforce.
 - Returning more short-term rentals to long-term homes
 - Establishing provincial rules and enforcement
- This proposed legislation will not apply to:
 - Hotels and motels
 - Additional types of properties, for example, timeshares and fishing lodges
 - Communities on First Nations reserve land
 - Modern Treaty Nations will also be exempt but will be able to opt into the legislation, if desired
 - Resort municipalities and mountain resort areas
 - Regional district electoral areas
 - Municipalities of less than 10,000 population, unless adjacent to a larger municipality that is under the regulation (but not an electoral area close to one)

Islands Trust Background:

- Islands Trust is a special-purpose government mandated to preserve and protect over 450 Islands and surrounding waters in the Salish Sea in cooperation with other levels of government
 - Poorly managed growth could threaten the preservation and protection of the Trust Area
- The Islands Trust Council has declared that a housing equity and workforce shortage crisis exists on many of the islands within the Islands Trust Area
 - Strengthening housing affordability is an Islands Trust Council priority
 - Lack of available workforce housing impacts the viability of island businesses, the ability to deliver services, and other aspects of community life such as volunteerism
- Short Term Vacation Rentals (STVR) have been a long standing concern for Islands Trust
 - In 2012, the Salt Spring Island Local Trust Committee was unsuccessful at seeking an injunction via the Supreme Court of British Columbia to restrain a company from using or offering residentially-zoned properties for commercial guest accommodation rather than on individual property owners
- It is recognized that STVRs likely have a positive economic impact on the islands
- While some STVRs are operated legally and responsibly, many are completely unlawful

- The funds generated through the rental of STVRs are also, in many cases, vital to the financial well-being and solvency of the property owner
- Primary concerns with STVRs are around impacts on availability of long-term rental housing, as well as the effect on limited groundwater resources
- Other negative impacts which are frequently mentioned are:
 - Increased noise, traffic and parking concerns
 - Increased fire risk
 - Increased consumption of disposable goods, production of solid waste, and sewage
 - Impacts to community character and cohesiveness
 - Lack of a fair playing field between legal and non-legal STVR operators, as well as regular commercial accommodation such as hotels and motels

Existing Islands Trust Regulations

- Local trust committees have taken a variety of approaches consistent with its each island's individual culture, history, and intensity of tourist use
- The main tools available to LTAs under the *Islands Trust Act* are modifications to the official community plans (OCP) and associated land use bylaws (LUB) to include STVR-specific provisions
 - Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.
- The OCP allows Temporary Use Permits to be issued for limited periods of time, and several islands have created specific guidelines
 - Bowen Island Municipality issues business licenses to operate a Residential Guest Accommodation, as it is incorporated as an island municipality and has more powers than local trust areas
 - There is interest from some islands in advocating to regional districts to institute business licenses for STVRs

Current Islands Trust Enforcement

- Since the 2012 Islands Trust loss in the Supreme Court of BC of a case that would have restrained a rental agent from using or facilitating the use of residential homes for STVRs on Salt Spring Island, Islands Trust has continuously found that accommodation platforms are not cooperative or assistive to bylaw enforcement efforts. In the 2012 case the judge found that the activities of the rental agent did not, on their own, constitute a breach of the land use bylaw.
- Currently, 204 open bylaw enforcement files, with the majority on Salt Spring Island
- There may be 500+ advertisements at any given time for all local trust areas, which must be continually vetted to ensure compliance
- Bylaw staff regularly review and update a database for the known operators
 - Co-op planning students have, at times, reviewed the listings
 - Since 2005, 532 STVR enforcement files have been closed

- During the peak summer season, the majority of bylaw staff resources are for STVRs
- Seven local trust areas have directed proactive bylaw enforcement on STVRs because of concerns about diminishing housing supply
- Bylaw notices (tickets) are issued when contraventions are confirmed. There is a mixed response to ticketing:
 - Some are disputed and there is a good response to negotiating compliance agreements to ensure a cease of unlawful operations
 - For those that have proceeded to adjudication, 90 percent of the tickets are upheld by an adjudicator
 - However, with a \$500.00 limit on bylaw notices penalties, the upscale operations charging \$500-700 per night can treat the penalties as the cost of doing business and makes court action, the next step in enforcement, an expensive choice.
- Enforcement staff note that the clear bylaw language in the Gabriola Island Land Use Bylaw has resulted in less complications and conflicts than have occurred in other local trust areas.
 - The Gabriola Island Land Use Bylaw also explicitly states that you cannot operate without that permit:
 - *B.6.3 Commercial Vacation Rentals*
 - B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee*
- There is currently a trend towards “glamping” operations on larger lots in an effort to maximize the number of rentals:
 - These operations are considered non-permitted campgrounds and it appears to be the next trend for STVRs, as it offers a lower cost for guests
 - These non-permitted campgrounds create a unique challenge because of the risks of improper sewage disposal for a large number of customers, and the threat to neighboring wells

Provincial Statistics

- In British Columbia in June 2023, there was an average of 28,510 short-term rental listings active each day (a year-over-year increase of 17.8%)*
- While the province’s STVR market is dominated by commercial operators*, this may not be the case for the Islands Trust Area
- The top 10% of hosts earned 48.8% of revenue*
- Listings operated by hosts with multiple listings were 48.4% of active listings and 51.7% of total host revenue in June 2023*
- In June 2023, 16,810 housing units were taken off BC’s long-term and shifting to the STVR market*

**Data from The Housing Impacts of Short-Term Rentals in British Columbia’s Regions. A report prepared by researchers from the Urban Politics and Governance research group, School of Urban Planning, McGill University*

BRIEFING

To:	Executive Committee	For the Meeting of:	December 20, 2023
From:	Stefan Cermak, Director, Planning Services	Date Prepared:	December 14, 2023
SUBJECT:	Housing Statute and Regulation Changes to British Columbia Legislation		

PURPOSE:

To provide the Executive Committee with an update on recent and upcoming legislative and regulatory changes regarding provision of housing in British Columbia, and how the changes may affect the Islands Trust area and local trust committees.

Key Takeaways:

- A draft resolution is provided for local trust committees to opt-in to the principal residence requirement for Short Term Rental. Such a resolution needs to be made by March 31, 2024 to take effect by November 1, 2024.
- Local Trust Committees with MTI Bylaws (Gabriola, North Pender, Salt Spring, and Thetis) may amend the penalty fees to \$3,000 per infraction per day. Other LTCs would require MTI bylaws if seeking the extra short term rental disincentive.
- Housing Need Reports Regulations have not been adopted at time of drafting this briefing.

BACKGROUND:

On December 7, 2023, the Islands Trust Council was briefed on five recent and upcoming provincial legislative changes designed to increase housing supply throughout BC. On the same day, the province adopted Orders-In-Council (Regulations) for Bills 35 and 44 (Short Term Rental Accommodation and Housing Statutes (Residential Development) respectively) and released policy documents to assist local governments implement the changes.

1. **The Short Term Rental Accommodation Act (Bill 35)**
 - Received Royal Assent on October 26, 2023
 - NEW regulations (Order in Council) adopted December 7, 2023
2. **The Housing Statutes (Residential Development) Amendment Act (Bill 44)**
 - Received Royal Assent on November 30, 2023
 - NEW regulations (Order in Council) adopted December 7, 2023
3. **Housing Statutes (Development Financing) Amendment Act (Bill 46)**
 - Received Royal Assent on November 30, 2023
 - Does not apply to Local Trust Committees; applies to Bowen Island Municipality
4. **Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)**
 - Received Royal Assent on November 30, 2023

- Does not apply to Local Trust Committees; applies to Bowen Island Municipality
5. **Speculation and Vacancy Tax Act**
- Came into force in on November 27, 2018
 - The *Speculation and Vacancy Tax Regulation* was last amended November 16, 2023
 - Does not apply to properties in the Islands Trust area

The Short-Term Rental Accommodation Act and Regulations.

Materials pertaining to [Bill 35](#) - *Short-Term Rental Accommodation Act* include:

- Order in Council [679](#) – bringing into force specific provisions of the *Short-Term Rental Accommodation Act*, and making a regulation that addresses various details including interpretation, changes to exempt land, and general and specific exemptions.
- A policy guidance [document](#) for local governments detailing the new short-term rental framework including key considerations relating to principal residence requirements, time period regulations, legal non-conforming use, business licensing updates and enforcement responsibilities.
- Properties in the Islands Trust Area are exempt from the principal residence requirement. A local trust committee or Bowen Island Municipality needs a resolution requesting to be removed from the list of exempt land in order to “opt-into” the principal residence requirement. Opting-in would mean the provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).
- A sample LTC resolution to opt-in may read:
 - That the [XX Local Trust Committee] request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [XX Local Trust Area] and that the [XX Local Trust Area] be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.
 - Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024.
 - If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.
- Order in Council [680](#) - increases possible maximum bylaw ticketing fine from \$1,000 to \$3,000 (amends BC Reg 425/2003).
 - The maximum fine that a local trust committee may set for a bylaw ticket has been increased to \$3,000 per infraction per day in accordance with the Community Charter Bylaw Enforcement Ticket Regulation. Note that this has been implemented via “Municipal Ticket Information System Bylaws” (MTI Bylaw) within the Islands Trust Area. The following local trust committees have MTI Bylaws: Gabriola, North Pender, Salt Spring, and Thetis (Table 1).
 - MTI Bylaws have been generally replaced in favour of Bylaw Enforcement Notification (BEN) Bylaws. The maximum Local Trust Committee bylaw notices penalty of \$500 under the Local Government Bylaw Notice Enforcement Act (Bylaw Enforcement Notification (BEN) Bylaws) is overseen by the Ministry of Attorney General and remains unchanged (Table 1).

Table 1 LTCs Enforcement Bylaws and Associated Maximum Permitted Penalty

Local Trust Committee	MTI Bylaw (max: \$3,000 penalty)	BEN Bylaw (max: \$500 penalty)
Ballenas-Winchelsea	N/A	✓
Denman	N/A	✓
Gabriola	✓	✓
Galiano	N/A	✓
Gambier	N/A	✓
Hornby	N/A	✓
Lasqueti	N/A	N/A
Mayne	N/A	✓
North Pender	✓	✓
Salt Spring	✓	✓
Saturna	N/A	N/A
South Pender	N/A	✓
Thetis	✓	✓

- Effective May 1, 2024, the *Short-Term Rental Accommodation Act* removes legal non-conforming protection for short-term rental accommodation uses.

Bill 35, Order in Council 679, and the policy guidance document for local governments will be forwarded to the Regional Planning Committee as per the December 7, 2023 [draft] Islands Trust Council resolution:

“THAT Trust Council request the Regional Planning Committee to evaluate the Short Term Rental Accommodation Act to identify opportunities and challenges for implementation of the act on the management of short term rentals in the Trust Area.”

The Housing Statutes (Residential Development) Amendment Act

Materials pertaining to [Bill 44](#) – *Housing Statutes (Residential Development) Amendment Act* include:

- A Policy [Manual](#) & Site Standards document to guide updates to zoning bylaws, other regulatory bylaws, and policies undertaken to comply with Small Scale Multi-Unit Housing (SSMUH) legislation. In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the SSMUH legislation, a local government must consider any applicable guidelines for SSMUH, including this Policy Manual.
- Order in Council [673](#) – bringing into force specific provisions of the *Housing Statutes (Residential Development) Amendment Act* and making a Local Government Zoning Bylaw Regulation that among other things, prescribes: minimum densities, distances and parcel sizes. The regulation also provides additional details on what constitutes a bus stop, and details exemptions from small-scale multi-family housing requirements. Does not apply to local trust committees.

ATTACHMENT(S):

- Hyperlinks provided to Orders In Council and Policy Manuals

FOLLOW-UP:

Staff will update as more information on regulations becomes available (ex: Housing Needs Reports).
Staff may forward to Local Trust Committees for consideration of opting to the principal residence regulations.

Prepared By: Stefan Cermak, Director, Planning Services

Reviewed By/Date:

From: Robin Jenkinson <[REDACTED]>
Subject: Late request - Letter of Support for PacifiCan grant for Salish Sea TRail?
Date: February 14, 2024 at 4:27:44 PM PST
To: Laura Patrick <lpatrik@islandstrust.bc.ca>

Hi Laura -- I'm not sure there's time now, or what process occurs at Islands Trust for a letter of support. But, Island Pathways is submitting a grant proposal on Tuesday, Feb 20 to PacifiCan's Tourism Growth Program for design of a segment of the Salish Sea Trail across Salt Spring.

Would you be able to get a letter of support similar to this one attached from a couple years ago from the LTC or yourself?

If so, I could provide some more specific language and description of what we're asking for...

Thanks! - _ Robin

--

Outreach Director, Island Pathways
www.islandpathways.ca
[REDACTED]



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

Telephone **250.537.9144**

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

March 23, 2022

File: 3070 - Government-to-Government/Salish Sea Trail Network

Infrastructure Canada
Active Transportation Fund
ATF-FTA@infcc.gc.ca

Dear Active Transportation Fund Project Team,

Re: Active Transportation Fund, Island Pathways, Salt Spring Island

The Salt Spring Island Local Trust Committee (SS LTC) wishes to express its support for Island Pathways' application to the Infrastructure Canada Active Transportation Fund Planning and Design Stream. Award of this grant to Island Pathways will enable the completion of critical planning and design work to advance the longstanding goal of safe, accessible active transportation infrastructure on Salt Spring Island.

At its meeting of March 22, 2022, SS LTC passed the following resolution:

SS-2022-046

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee supports community efforts to complete the Salt Spring Island segment of the Salish Sea Trail, endorses Island Pathway's proposed Federal Active Transportation Network Planning Grant application, and will serve as an eligible recipient for the grant if and as necessary.

CARRIED

This resolution followed one made October 5, 2021 that enabled Islands Trust staff to participate in the Salt Spring Island Salish Sea Trail Network Working Group, a committee chaired by Saanich North and the Islands MLA Adam Olsen and comprised of elected officials and staff from agencies of jurisdiction, as well as members of the local cycling and walking community who are now leading this Active Transportation Fund grant application:

SS-2021-200

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee endorse in principle the completion of the Salt Spring Island segment of the Salish Sea Trail Network.

CARRIED

While it predates the Salish Sea Trail name, Salt Spring Island Official Community Plan (OCP) Bylaw No. 434 emphasizes the community's desire for enhanced pedestrian and cycling infrastructure along Fulford-Ganges Road, as in the following policies:

C.2.2.2.5 The Ministry of Transportation and Infrastructure and the Salt Spring Island Transportation Commission should be encouraged to develop a bicycle and pedestrian network to be developed as part of the Ganges Public Pathway System, the island's public trail system and as part of the CRD's Regional Trail Network. This network should consist of off-road trails as well as on-road bicycle lanes. Roads that should be given priority for the development of bicycle routes are included on Map 4. All other roads on the island should also be considered bicycle routes, although lower traffic speeds mean that separate paths may not be required. The construction of those bicycle lanes that provide a safe route to public schools is identified as a priority in development of island bicycle paths. Bicycle lanes should be developed in consultation with the Salt Spring Island Transportation Commission, in coordination with Salt Spring's overall transportation strategy.

C.2.2.2.18 The Ministry of Transportation and Infrastructure, the Salt Spring Island Parks and Recreation Commission, Salt Spring Island Transportation Commission, and the local bicycling community are encouraged to cooperate with the Local Trust Committee to develop the roadside bicycle lanes shown on Map 4.

OCP Map 4, referenced in the foregoing policies, is appended to this letter and includes the proposed route of the Salt Spring Island segment of the Salish Sea Trail Network stretching from the Fulford to Vesuvius Bay ferry terminals, which is described in detail in the Island Pathways grant application.

For the health and safety not only of Island residents, but also the considerable number of tourists that visit Salt Spring Island year-round, as well as helping reduce our community's contribution to climate change, the SS LTC hope that you will support this grant application to advance development of the Salt Spring Island segment of the Salish Sea Trail Network.

Yours truly,



Peter Luckham
Chair, Salt Spring Island Local Trust Committee
Islands Trust

cc: Salt Spring Island Local Trust Committee
Gary Holman, Director, Electoral Area F
Adam Olsen, MLA, Saanich North and the Islands
Island Pathways, Salt Spring Island

Attachments:

- 1) Map 4, Salt Spring Island Official Community Plan Bylaw No. 434

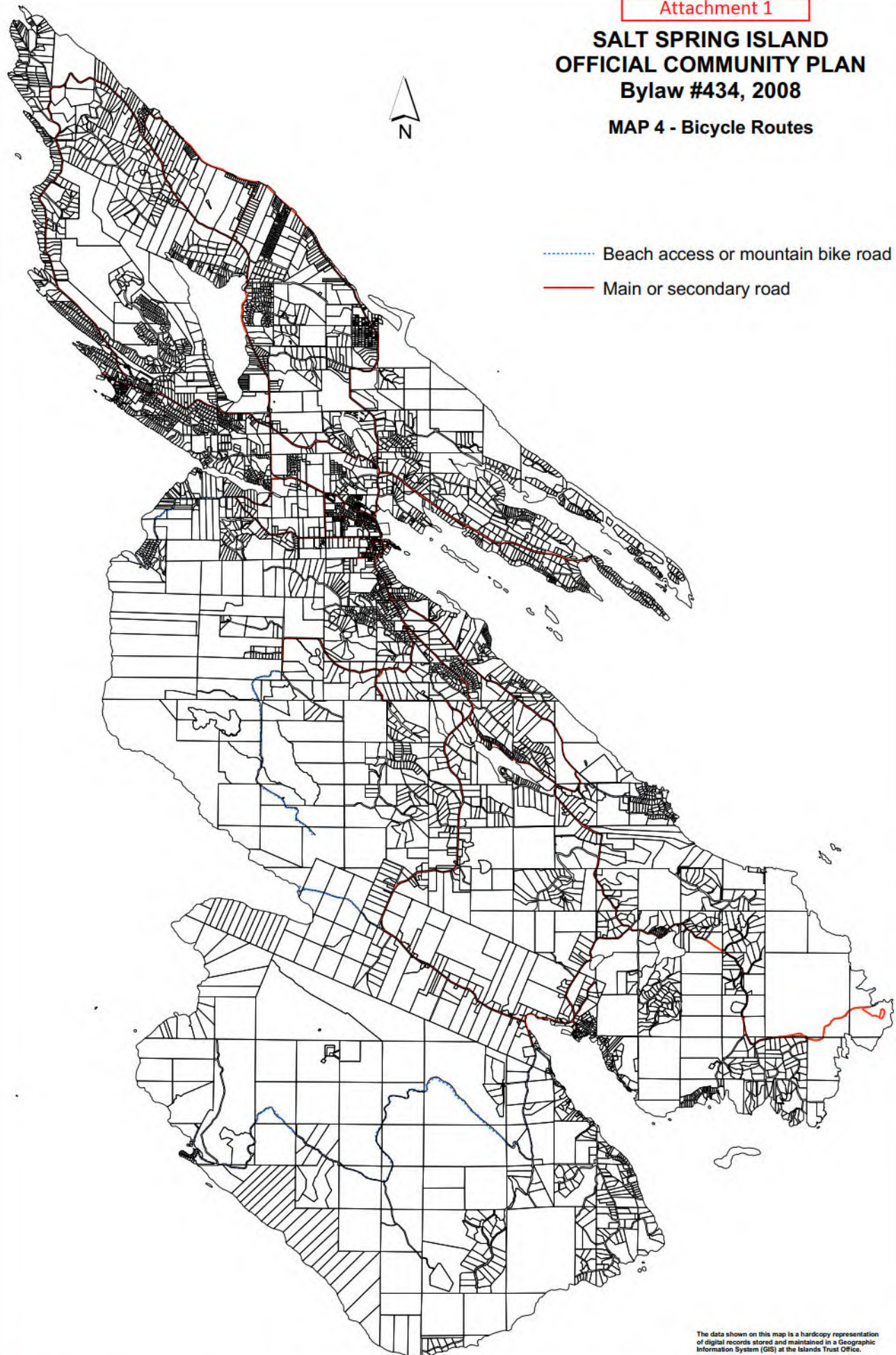
**SALT SPRING ISLAND
OFFICIAL COMMUNITY PLAN**

Bylaw #434, 2008

MAP 4 - Bicycle Routes



- Beach access or mountain bike road
- Main or secondary road



The data shown on this map is a hardcopy representation of digital records stored and maintained in a Geographic Information System (GIS) at the Islands Trust Office.



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. <u>CARRIED</u>
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. <u>CARRIED</u> *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. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

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



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2018-08-16	SS-2018-177	Cannabis Regulation	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. <u>CARRIED</u>



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. <u>CARRIED</u>
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. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

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 Vacation 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. <u>CARRIED</u>



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. <u>CARRIED</u>



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. <u>CARRIED</u>



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. <u>CARRIED</u>



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. <u>CARRIED</u>
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. <u>CARRIED</u>



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. <u>CARRIED</u>
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 <u>CARRIED</u>

Future Projects Report

Salt Spring Island

1. *OCP Amendments*

Responsible

Date Received

06-Oct-2020

- 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)

2. *Land Use Bylaw Amendments*

Responsible

Date Received

Future Projects Report

Salt Spring Island

06-Oct-2020

- Outer Islands (Feb. 2015)
- 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)
- Short Term Vacation Rentals (STVRs) (May 2017)

06-Oct-2020

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)

·Improving Communications (Mine permits for aggregate pits and quarries.) (Jan. 2020)

·Adding requirement for signs in the Development Procedures Bylaw (Sep 2020)

·including discriminatory remarks and inclusion and respectful conduct language to Sec 29 Order and Decorum of Bylaw 529 (Dec 2021)

5. *Advocate*

Responsible

Date Received

·none listed

06-Oct-2020

Active Projects Report

Salt Spring Island

1. OCP-LUB Update

Next Steps:

2023-12:

- Issue RFP for Complete Communities Grant (project dependency)
- Report Project Plans for OCP-LUB Project to LTC for approval

Responsible

Dates

Chris Hutton

Rec'd: 01-Apr-2023

Chris Buchan

Target: 12-Dec-2025

Jason Youmans

Most Recent:

2023-11: Ongoing First Nations Engagement, Terms of Reference approved by

Description:

There has been no comprehensive review of the SS OCP since its adoption in 2008, nor any review of the Land Use Bylaw since 1999. The need to update these bylaws is a priority in response to policy, social, and technological change and to address contemporary community challenges the current document no longer serves. Those challenges include a lack of affordable housing and housing options, growth pressures, climate resiliency planning, infrastructure issues (such as the water moratorium), workforce stability challenges, transportation networks, and First Nations Reconciliation. The SS OCP update is intended to provide a framework to guide the development of a complete community by diversifying and increasing housing options at appropriate locations, advancing First Nations Reconciliation, reducing infrastructure costs, reducing greenhouse gas (GHG) emissions, and improving walkability. The Land Use Bylaw update will improve land use planning regulation to ensure that regulations match the needs and expectations of land use in the community, in consideration of the OCP.

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.

Chris Hutton
Jason Youmans

Rec'd: 08-Jun-2020
Target: 31-Mar-2022

March 26 & 27, 2022-AHNE facilitates a workshop with GVTF. Final Report of all engagement activities anticipated for April or May LTC meeting.

Nov. 9, 2021 - Ahne Studio finalizes engagement plan with SS LTC and task force. Ahne and staff begin numerous engagement activities including: survey, ideas fair, walk shops, stakeholder virtual events, school engagement, pop-up 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.

Active Projects Report

Salt Spring Island

4. *Water Sustainability - coordinate multiple jurisdictions in planning for water sustainability and watershed protection.*

Responsible

Dates

Chris Hutton
William Shulba

Rec'd: 07-Jun-2012
Target: 30-Dec-2022

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



Print Date: February 7, 2024

Follow Up Action List

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: Charly Caproff

Planning Status

Status Date: 17-Oct-2023

LTC approved following recommendation:\nThat the Salt Spring Island Local Trust Committee supports application SS-ALR-2023.1 and requests staff to forward the application to the Agricultural Land Commission for further consideration.\nStaff have forwarded to ALC for further consideration.

Status Date: 03-Oct-2023

Application for Oct 12 LTC

Status Date: 03-Oct-2023

Uploaded to Escribe

File Number	Applicant Name	Date Received	Purpose
SS-ALR-2023.2	Polaris Land Surveying	14-Sep-2023	Subdivision Proposal - 710 Cranberry Rd, SSI

Planner: Charly Caproff

Planning Status

Status Date: 15-Dec-2023

Application submitted to ALC by staff.

Status Date: 16-Nov-2023

Approved for referral to AAPC at Nov 16 2023 meeting. Will go to Nov 30 meeting AAPC. referral sent to SSI conservancy and The land conservancy of BC for adjacent property.

Status Date: 09-Nov-2023

Uploaded to escribe for Nov 16 LTC

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.10	Nagel, Uta	14-Sep-2021	Delegated DPA 4, 6 & 7 - Carport and Shed - 770 Beaver Point Road

Planner: Charly Caproff

Planning Status

Status Date: 23-Oct-2023

File reassigned to Planner Caproff

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

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.4	UCG Universal Consulting Group LTD	15-Mar-2021	DPA2 - 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

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2022.7	Polaris Land Surveying INC	10-Aug-2022	Delegated DPA3 Dock - 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-2023.10	Polaris Land Surveying Inc	30-Oct-2023	DPA7 - To create a 10 acre lot for the owner's daughter. This application is pursuant to Section 514 of the Local Government Act (formally Section 996 of the Municipal Act).

Planner: Louisa Garbo

Planning Status

Status Date: 06-Dec-2023

Planner Garbo assigned 12/05/2023

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.11	Rolland, David	21-Nov-2023	Delegated - DPA6 - Retaining Wall construction, drainage and landscaping works

Planner: Charly Caproff

Planning Status

Status Date: 23-Jan-2024

Contacted owner to reach out to Ryzuk regarding initiating a new contract. Then Ryzuk can complete a final inspection memo.

Status Date: 09-Jan-2024

Ryzuk informed IT that a final field review will be conducted on January 11.

Status Date: 18-Dec-2023

Site visit to be conducted today and follow-up with the geotech regarding slope stability risk assessment in accordance with EGBC standards and that the report addresses all work conducted on the site.

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.12	AURORA PROFESSIONAL GROUP INC	05-Dec-2023	Delegated DP - SEPTIC FIELD (DISPERSAL SYSTEM) REPLACEMENT IN A DPA-05 AREA

Planner: Bruce Belcher

Planning Status

Status Date: 07-Feb-2024

Applicant contacted regarding siting of the proposed septic field, confirmed through correspondence

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.13	Etheridge Home Renovation	11-Dec-2023	Delegated DP - To build an accessibility ramp from the road down to the mail floor level of unit 28 and down to the lower grade level - 28- 315 ROBINSON RD, SSI - SS-DP-2023.13

Planner: Bruce Belcher

Planning Status

Status Date: 14-Dec-2023

Planner Belcher assigned 14-Dec-2023

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.7	Kerr, Holly	22-Aug-2023	Delegated DPA 7 Driveway Extension - 687 Beaver Point RD, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 22-Aug-2023

File assigned to Planner Fotino

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.8	Black, Stuart	24-Aug-2023	Delegated DPA3 - 365 Isabella Point RD, SSI

Planner: Chris Buchan

Planning Status

Status Date: 24-Aug-2023

File assigned 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: Charly Caproff

Planning Status

Status Date: 22-Dec-2023

Staff contacted applicant regarding outstanding reports and to confirm that the site plans provided are still accurate.

Requirement for a professional report for DPA 6 and DPA 7. Contacted CRD to receive updated permit history information.

Correspondence in folder.

Status Date: 23-Oct-2023

File reassigned to Planner Caproff

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.

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-2021.7	Craig, Brian	26-Feb-2021	Variance for Gate House and Beach Stairs - 344 Reginald Hill Road

Planner: Chris Buchan

Planning Status

Status Date: 10-Aug-2023

File reassigned to Planner Buchan

Status Date: 02-Feb-2023

Planner waiting for information from applicant.

Status Date: 25-Apr-2022

File reassigned to Planner Stephen Baugh.

Applications

Development Variance Permit

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: Charly Caproff

Planning Status

Status Date: 19-Dec-2023

Still awaiting covenant from applicant.

Status Date: 15-Sep-2023

Correspondence sent to MOTI SUB approving officer

Status Date: 14-Sep-2023

Emailed applicant regarding restrictive covenant on title

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.13	Polaris Land Surveying	28-Jun-2023	Seasonal Cottage size variance - 200 Collins Rd, SSI

Planner: Chris Buchan

Planning Status

Status Date: 14-Nov-2023

Email sent to applicant regarding inability to vary use. Refund offered per fee's bylaw. Tentatively scheduled for December unless withdrawn by applicant.

Status Date: 29-Jun-2023

File assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.14	871344 AB Ltd	14-Aug-2023	Variance to allow subdivision with on-site water source - 361 Sunset Drive, SSI

Planner: Anthony Fotino

Planning Status

Status Date:

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.16	Maten, Alan	28-Aug-2023	Lot line setback variance - 131 Northern Way, SSI

Planner: Bruce Belcher

Planning Status

Status Date: 06-Jan-2024

Contacted applicant for clarity on interior side lot line relaxation being sought.

Status Date: 03-Jan-2024

Re-assigned to Planner Caproff

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.18	REEVE, BRYAN/SYLVA	27-Sep-2023	DVP - Variance for Turn-around/parking spot - SS-DVP-2023.18 - 103 Tantramar Dr

Planner: Charly Caproff

Planning Status

Status Date: 16-Nov-2023

Contacted applicant on Thursday Nov 16 to update site plan. No response.

Status Date: 20-Oct-2023

Site visit finds that what has been developed does not match site plan submitted. Retaining wall in MOTI ROW.

Status Date: 17-Oct-2023

Contacted applicant for greater information re: variances. In correspondence folder.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.19	Fox, Duane	07-Dec-2023	Variance for a cottage to have a 5 meter setback from the property line. To bring up to code.

Planner: Charly Caproff

Planning Status

Status Date: 02-Feb-2024

Uploaded SR to escribe.

Status Date: 31-Jan-2024

Contacted owner to arrange site visit. Staff report, draft permit, notice approved.

Status Date: 23-Jan-2024

Draft staff report, permit, and notice sent to RPM and leg clerk for review.

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-2023.7	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

Applications

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			
<u>Status Date:</u> 31-Aug-2022 File reassigned to Planner Fotino			
<u>Status Date:</u> 19-Jul-2022 File transferred to Planner Youmans			
<u>Status Date:</u> 29-Apr-2022 Meeting with applicant and W. Shulba. Applicant indicates water system management/ownership work is on-going.			
File Number	Applicant Name	Date Received	Purpose
SS-RZ-2022.1	Pilot Yellow Adventures Inc Planner: Anthony Fotino	26-Oct-2022	Rezoning property to allow for four SFD - Sec 50 Musgrave Road, SSI
Planning Status			
<u>Status Date:</u> 12-Oct-2023 Bylaw given first and second reading			
<u>Status Date:</u> 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 Planner: Anthony Fotino	29-Nov-2022	To address issues arising from the Temporary Use Permit - 151 Lower Ganges Road, SSI
Planning Status			
<u>Status Date:</u> 10-Jan-2023 File assigned to Planner Fotino			

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2023.1	GIVERNY GARDENS LTD Planner: Anthony Fotino	27-Sep-2023	Rezoning to retire Land use contract - 104 Atkins Road
Planning Status			
<u>Status Date:</u> 28-Sep-2023 File assigned to Planner Fotino			

Soil Deposit and Removal

File Number	Applicant Name	Date Received	Purpose
SS-SDP-2022.2	Kerrigan, Neil Planner: Chris Buchan	27-Jun-2022	Pond construction - 155 Alexander BLVD, SSI
Planning Status			
<u>Status Date:</u> 14-Nov-2023 Applicant contacted regarding next steps			
<u>Status Date:</u> 27-Mar-2023 Chris B to contact applicant in May regarding next steps / application options			
<u>Status Date:</u> 27-Jan-2023 Planner contacted applicant, site visit conducted.			

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: Charly Caproff

Planning Status

Status Date: 10-Aug-2023

File re-assigned to Planner Caproff

Status Date: 03-Oct-2022

Applicant working on PLR conditions.

Status Date: 24-Jun-2022

File re-assigned to Planner Baugh

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2021.3	Shalbaf, Sina	31-Mar-2021	2 lot subdivision 150 Margolin Drive

Planner: Charly Caproff

Planning Status

Status Date: 10-Jan-2024

Contacted applicant again to see if any progress made.

Status Date: 18-Dec-2023

Sent applicant outstanding conditions as requested. Contacted RAPR team to see if a RAPR report was submitted. They confirmed still outstanding. Contacted D.Gooding to see whether he would submit a RAPR report for the subdivision layout.

Status Date: 20-Sep-2023

File reassigned to Planner Caproff

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2022.1	Polaris Land Surveying INC	10-Jun-2022	3 lot subdivision - 250 Collins Road

Planner: Chris Buchan

Planning Status

Status Date: 31-Jan-2023

PLR referral response prepared for review

Status Date: 27-Jan-2023

PLR referral response under preparation

Status Date: 12-Jan-2023

File transferred to Planner Buchan

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2022.2	Polaris Land Surveying	13-Jun-2022	Boundary Line Adjustment - 271 Beddis Road, SSI

Planner: Charly Caproff

Planning Status

Status Date: 11-Dec-2023

ALC intends to review application in Jan or February 2024.

Status Date: 01-Aug-2023

Planner Caproff assigned to file

Status Date: 31-Jul-2023

MOTI PLR letter received

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

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2022.4	Polaris Land Surveying Inc	14-Nov-2022	Proposed 2 lot conventional Subdivision, 373 Wright Road, Salt Spring Island
Planner: Charly Caproff			
Planning Status			
<u>Status Date:</u> 19-Dec-2023			
Applicant working on sub conditions			
<u>Status Date:</u> 25-Jul-2023			
PLR letter received from MOTI			
<u>Status Date:</u> 25-Jul-2023			
File assigned to Planner Caproff			
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			
<u>Status Date:</u> 19-Jun-2023			
Received PLR			
<u>Status Date:</u> 19-Apr-2023			
Referral Response sent to MoTI			
<u>Status Date:</u> 23-Feb-2023			
File re-assigned to Planner Belcher			

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2023.3	Frisch, Pierre	28-Jul-2023	Boundary Adjustment - 778 & 784 Vesuvius Bay Road, SSI

Planner: Bruce Belcher

Planning Status

Status Date: 18-Jan-2024

PLR received

Status Date: 26-Sep-2023

Referral Response sent to MOTI

Status Date: 31-Jul-2023

Planner Belcher assigned to the file

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2023.4	Polaris Land Surveying Inc	06-Sep-2023	Proposed 4 Lot Conventional Subdivision - 291 Long Harbour Road, SSI

Planner: Charly Caproff

Planning Status

Status Date: 10-Jan-2024

SUB conditions sent to RPM for review. Confirmed with WD that SUB doesn't conflict with BE (other than no nonconformities on property)

Status Date: 03-Jan-2024

Spoke with RPM Hutton - Planner to put together conditions and have reviewed prior to send off to MOTI. May require legal review prior to sending.

Status Date: 18-Sep-2023

File assigned to Planner Caproff

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2023.5	Ahmadi, Padra	07-Nov-2023	Proposed 2 lot boundary adjustment - Lot 14 & 15 Trustees Trail, SSI

Planner: Charly Caproff

Planning Status

Status Date: 02-Feb-2024

Will need a variance for minimum lot size for Proposed Lot A. MOTI and applicant notified.

Status Date: 15-Dec-2023

SUB conditions sent to MOTI.

Status Date: 12-Dec-2023

SUB conditions review completed. Sent to RPM for review prior to sending to MOTI

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2024.1	Cassady & Company	03-Jan-2024	Road Dedication - 1001 Fulford-Ganges Road

Planner: Charly Caproff

Planning Status

Status Date: 03-Jan-2024

File assigned to Planner Caproff

Temporary and Industrial Use Permit

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-Dec-2023

Parking plan requested early December, 3 separate emails sent out further requesting. Will not be scheduled until received after return from Pat leave. Unable to schedule for Feb LTC

Status Date: 27-Apr-2023

Planner Buchan assigned to SS-TUP-2023.2

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SS-TUP-2024.1	Ogilvie, Martin	08-Jan-2024	TUP to provide a space for a food truck - Lot 2 Jackson Ave, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 09-Jan-2024

Planner Fotino assigned to file

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending November 2023

655 Salt Spring	Invoices posted to Month ending November 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-655	LTC "Trustee Expenses"	<u>1,727.00</u>	<u>1,685.18</u>	<u>41.82</u>
		<u>1,727.00</u>	<u>1,685.18</u>	<u>41.82</u>
LTC Local				
65200-655	LTC - Local Exp - LTC Meeting Expenses	2,193.00	7,110.63	-4,917.63
65210-655	LTC - Local Exp - APC Meeting Expenses	999.00	444.45	554.55
65220-655	LTC - Local Exp - Communications	1,500.00	0.00	1,500.00
65230-655	LTC - Local Exp - Special Projects	<u>1,391.00</u>	<u>0.00</u>	<u>1,391.00</u>
TOTAL LTC Local Expense		<u>6,083.00</u>	<u>7,555.08</u>	<u>-1,472.08</u>
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
73001-655-4035	SSIWPA Events & Communications Expense	0.00	800.00	-800.00
73001-655-4131	Salt Spring Housing Action Program	<u>5,000.00</u>	<u>201.19</u>	<u>4,798.81</u>
TOTAL Project Expenses		<u>231,000.00</u>	<u>1,001.19</u>	<u>229,998.81</u>

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending December 2023

655 Salt Spring	Invoices posted to Month ending December 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-655	LTC "Trustee Expenses"	<u>1,727.00</u>	<u>1,685.18</u>	<u>41.82</u>
		<u>1,727.00</u>	<u>1,685.18</u>	<u>41.82</u>
LTC Local				
65200-655	LTC - Local Exp - LTC Meeting Expenses	2,193.00	9,000.61	-6,807.61
65210-655	LTC - Local Exp - APC Meeting Expenses	999.00	444.45	554.55
65220-655	LTC - Local Exp - Communications	1,500.00	0.00	1,500.00
65230-655	LTC - Local Exp - Special Projects	<u>1,391.00</u>	<u>0.00</u>	<u>1,391.00</u>
TOTAL LTC Local Expense		<u>6,083.00</u>	<u>9,445.06</u>	<u>-3,362.06</u>
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
73001-655-4035	SSIWPA Events & Communications Expense	0.00	800.00	-800.00
73001-655-4131	Salt Spring Housing Action Program	<u>5,000.00</u>	<u>201.19</u>	<u>4,798.81</u>
TOTAL Project Expenses		<u>231,000.00</u>	<u>1,001.19</u>	<u>229,998.81</u>